

the perpetual and irrevocable right, privilege and easement of entering upon said lands and searching for, drilling wells, sinking shafts, mining, digging, extracting, taking and carrying away all of the oil, gas, coal and other minerals in or under said lands, or that may be found therein or thereunder, and also the right to possession and use of so much of said premises at all times as may be necessary to the practical carrying out of the purposes and provisions of this grant.

TO HAVE AND TO HOLD, all the aforegranted estate, property and easement, together with all and singular the rights, privileges and hereditaments thereunder belonging or appertaining, unto the said M. S. Horn Trustee his heirs, successors and assigns, in fee simple forever.

And the said B. E. Capps, for himself his heirs, successors and personal representatives, does hereby covenant and agree to and with said E. S. Horn Trustee his heirs, successors and assigns, that at the delivery of these presents, he is lawfully seized in his own right of an absolute and indefeasible estate of inheritance in fee simple of, in and to all and singular the aforesaid premises and property, that he has good right to sell and convey the same, and warrants the same to be free, clear, discharged and unencumbered of and from all former grants, titles, charges, judgments, taxes, assessments and encumbrances of whatsoever kind and nature, except an oil and gas leasehold estate, hereinafter referred to which is recorded in the office of the County Clerk of Tulsa County, Oklahoma

It is hereby expressly declared that whereas the land, particularly described in this conveyance is understood to be subject to an oil and gas mining lease in favor of Cates Brothers et al it is intended that said outstanding lease is fully embraced in the general terms of this conveyance, so as to pass to, and vest in said E. S. Horn Trustee 1/64 RI interest not only in the oil and gas, but also all rents and royalties therein reserved to the lessor, precisely as if said M. S. Horn Trustee had been at the date of making of said lease, the owner in fee of a 1/64 RI interest in and to the lands described, and himself one of the lessors therein.

And it is hereby further expressly declared that it is the true intent and purpose of this conveyance to pass to and vest in the said E. S. Horn Trustee an undivided 1/64 RI. interest in all the mineral rights in the land first described herein, or that at any time may be found therein or thereunder, and all grantor's rights, to operate for said minerals, and deal and contract with regard thereto, including the leasing thereof, as fully to all intent and purposes as if the said B. E. Capps, was the absolute owner of the entire title and estate in said lands.

IN WITNESS WHEREOF, I have set my hand this 30th day of June 1922.

B. E. Capps

OKLAHOMA FORM OF ACKNOWLEDGMENT

STATE OF OKLAHOMA,)
County of Tulsa) SS.

On this 30 day of June A. D. 1922, before me, the undersigned, a Notary Public in and for said County and State aforesaid, personally appeared B. E. Capps to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal of office the day and year last above written.

My Commission expires 3-17-1923

(SEAL) Addie McCulloch, Notary Public

Filed for record in Tulsa County, Tulsa Oklahoma, July 7, 1922 at 1:00 o'clock P. M. in Book 406, page 551

By F. Delman, Deputy

(SEAL)

O. D. Lawson, County Clerk