

COMPARED

## REAL ESTATE MORTGAGE RECORD No. 424

BLACK PRINTING CO. TULSA

230659 C.M.J.

Third

May

A.D. 1923

between

THIS INDENTURE, Made this

day of

May

A.D. 1923

between

J. W. Whitney and Mary E. Whitney, his wife

of Tulsa

County, in the State of Oklahoma, of the first part, and

Oliver Conn

of the second part.

WITNESSETH, That the said part 1st of the first part in consideration of the sum of

Sixteen Hundred and No/100

DOLLARS

the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey unto said part 2nd of the second part his heirs and

assigns, all of the following described REAL ESTATE, situate in the County of Tulsa State of Oklahoma, to-wit:

Lot Fifteen (15) in Block Seventeen (17) of Cherokee Heights Addition to the city of Tulsa, Okla. according to the recorded plat thereof.

This mortgage is given subject and is inferior to a certain mortgage for \$3750.00 and interest given by said parties to Central Savings and Loan Association, Marshall, Mo. in February 1923. Payable \$60.00 per month. Four payments on which are paid.

#1. STATE OF OKLAHOMA, County of Rogers.) ss.

Before me, the undersigned, a Notary Public, in and for said County and State on this 5th day of May 1923, personally appeared Mary E. Whitney, wife of J. W. Whitney to me known to be the identical person who executed the within and foregoing instrument and acknowledged to me that she executed the same as her free and voluntary act and deed for the uses and purposes therein set forth.

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

My commission expires Jan. 20, 1927. (Seal)

Guy O. Bayless, Notary Public.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever.

PROVIDED, ALWAYS, And these presents are upon the express condition, that whereas the said

J. W. Whitney and Mary E. Whitney, his wife

grantor 1st ha ve executed and delivered Twelve certain promissory note 2nd dated May 3rd, 1923.

to said part 2nd of the second part for \$1400.00 consideration. Eleven notes of even date each in the sum of \$40.00, One of which is due June 3rd, 1923 and one due on the 3rd of each following month until all are paid. Also one note in the sum of \$960.00 due May 3rd, 1924.

with interest at the rate of Eight per centum per annum, payable semi-annually.

And the first part 1st agree to keep the buildings insured for \$5000.00

In case that the papers for foreclosure are filed, the first part 1st agree to pay a reasonable attorney fee of \$140.00

Now, if said part 1st of the first part shall pay or cause to be paid to said part 2nd of the second part his heirs or assigns, said sum of money in the above described note 2nd together with the interest thereon, according to the terms and tenor of the same, then these presents shall be wholly discharged and void, and otherwise shall remain in full force and effect. But if said sum or sums of money, or any part thereof or any interest thereon, is not paid when the same is due, or if the taxes or assessments levied against said premises or any part thereof, or the taxes assessed against the said second party or any assignee of said note or the debt secured thereby, or, if the insurance is not paid, the second party may pay the same, and the amount so paid shall become a part of this indebtedness and the whole of said sum or sums and interest thereon, shall, and by these presents does become due and payable, and shall bear 10 per centum interest per annum, and said part 2nd of the second part shall be entitled to the possession of said premises. And the said part 1st of the first part for said consideration do hereby waive or not waive appraisal, at the option of said second part 2nd his heirs and assigns.

IN WITNESS WHEREOF, The said part 1st of the first part ha ve hereunto set their hand the day and year first above written.

WITNESSES:

J. W. Whitney

Mary E. Whitney

## ACKNOWLEDGEMENT

STATE OF Oklahoma COUNTY OF Tulsa ss.

Before me, the undersigned, a Notary Public, in and for said County and State on this Seventh

day of May 1923, personally appeared

J. W. Whitney

and

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 the day and year last above written.

My Commission expires Feb. 10th, 1927. (Seal)

Loran Chester Truelove,

Notary Public

STATE OF OKLAHOMA, Tulsa County, ss.

Filed for record this 16 day of May

23

11:30

A.

M.

Book 424, Page 216

Brady Brown,

Deputy.

(Seal)

O. G. Weaver,

County Clerk.