

MORTGAGE OF REAL ESTATE

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THIS INDENTURE Made this 6th day of April A.D. 1909, between E. W. Rackliff and Katie Rackliff <sup>his wife</sup> of Cherokee County, in the State of Oklahoma, of the first part, and Sam P. Nicholson party of Cherokee County, in the State of Oklahoma, of the second part:

WITNESSETH, That said parties of the first part, in consideration of the sum of Two Hundred fifty and no/100 Dollars (\$250.00) the receipt of which is hereby acknowledged, do hereby by these presents Grant, Bargain, Sell and Convey unto said party of the second part his heirs and assigns, the following described Real Estate, situated in Tulsa County, and State of Oklahoma, to-wit:

The N. 1/2 Sec. 3, Twp. 22 N. R. 13 E. containing 20 acres of land more or less by U.S. government survey, together with all the improvements thereon. DOLLARS

TO HAVE AND TO HOLD The same unto the said party of the second part his heirs and assigns, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, forever.

PROVIDED ALWAYS, And these presents are upon this express condition, that whereas said parties of first part, have this day executed and delivered to certain promissory note in writing to said party of the second part, described as follows:

To \$500.00 dated Apr. 6th. 1909. Due Mar 28th. 1910. interest 10 per cent from date.

Now, if said party of the first part shall pay or cause to be paid to said party of the second part his heirs or assigns, said sum of money in the above described note mentioned, together with the interest thereon, according to the terms and tenor of the same, then this Mortgage 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, and if the taxes and assessments of every nature which are or may be assessed and levied against said premises or any part thereof, are not paid when the same are by law made due and payable, the whole of said sum or sums, and interest thereon, shall then become due and payable, and said party of the second part shall be entitled to possession of said premises. And the said party of the first part for said consideration do hereby expressly waive an appraisalment of said Real Estate and all benefit of the homestead exemption and stay laws of the State of Oklahoma.

IN WITNESS WHEREOF, The said party of the first part have hereunto set their hand and seal the day and year first above written.

E. W. Rackliff  
Katie Rackliff

State of Oklahoma,

Cherokee County } ss. BEFORE ME Michael O. Ghormley, Justice of the Peace in and for said County and State on this 6 day of April 1909, personally appeared E. W. Rackliff and Katie Rackliff to me known to be the identical persons who executed the within and foregoing instrument, and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein set forth.

My commission expires 1909

Michael O. Ghormley, Justice of the Peace

#### ASSIGNMENT

Know All Men by These Presents:

THAT E. W. Rackliff of Cherokee County, in the State of Oklahoma, the within named Mortgagee in consideration of the sum of 250.00 and DOLLARS to Sam P. Nicholson in hand paid, the receipt whereof is hereby acknowledged, do hereby Sell, Assign, Transfer, Set Over and Convey unto Sam P. Nicholson heirs and assigns, the within Mortgage Deed, the real estate conveyed, and the promissory note, debts and claims thereby secured, and covenants therein contained.

TO HAVE AND TO HOLD The same, forever, subject, nevertheless, to the conditions therein contained.

IN WITNESS WHEREOF, The said Mortgagee has hereunto set his hand this 6 day of April 1909

EXECUTED IN PRESENCE OF

State of Oklahoma,

Cherokee County } ss. This Assignment was filed for record on the 6 day of April A.D. 1909 at 8 o'clock A.M., and duly recorded in Book 16 on page 10 Fee, \$1.00 Register of Deeds: 1909

#### RECEIPT.

RECEIVED OF Sam P. Nicholson the within named Mortgagor the sum of 250.00 and DOLLARS in full satisfaction of the within Mortgage.

FILED FOR RECORD On the 16 day of April A.D. 1909 at 8 o'clock A.M.

(Real)

Register of Deeds.