

page 559, Brady Brown, Deputy.

(SEAL) O.G. Wesver, County Clerk.

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WAIVER OF PRIORITY OF MORTGAGE.

Know all men by these presents:

That, whereas, under date of April 15, 1924, a certain mortgage was executed by J. M. Burckhardt, and Virginia Burckhardt husband and wife, to Charles B. Elliott, which said mortgage was given as security for the payment of the sum of \$6000.00 and which covered the following described lands situated in Tulsa County, Oklahoma;

The southeast quarter (SE $\frac{1}{4}$ ) of section one (1) township  
seventeen (17) north range fourteen (14) east.

said mortgage having been thereafter filed of record on April 19, 1924, in the office of the County Clerk and Ex-Officio Register of Deeds of Tulsa County, Oklahoma and recorded in book        at page        of the records of said office; and,

Whereas, under date of February 28, 1924, a certain oil and gas lease was executed by said J. M. Burckhardt and Virginia Burckhardt, his wife (being erroneously referred to therein, however, as "J.M.Barkhart" and "Virginia Burkhart") to J.R.Hall, as lessee, covering the West Half ( $W\frac{1}{2}$ ) of the southeast quarter ( $SE\frac{1}{4}$ ) and the northeast quarter ( $NE\frac{1}{4}$ ) of the southeast quarter ( $SE\frac{1}{4}$ ) of said section one (1), township seventeen (17) north, range fourteen (14) east, which oil and gas lease was thereafter filed of record on April 30, 1924, in the office of the County Clerk and Ex-Officio Register of Deeds of Tulsa County, Oklahoma, and recorded in book 271, at page 487 of the records of said office; and,

Whereas, the undersigned, Charles L. Elliott, mortgagee in said mortgage above referred to desires to waive the possible priority of said mortgage for and in favor of said oil and gas lease above referred to:

Now, therefor, for and in consideration of the sum of One dollar (\$1.00) and other valuable consideration, receipt of which is hereby expressly acknowledged, the undersigned Charles L. Elliott, hereby waives the priority of the mortgage held by him and referred to above for and in favor of said oil and gas mining lease hereinbefore set out; it being the intention of said Charles L. Elliott, by this instrument that said oil and gas mining lease in the hands of said lessee or his assigns shall in all things and in all respects be prior to and paramount to his said mortgage and that said mortgage shall be subject and inferior in all things and in all respects to said oil and gas lease.

In witness whereof, the undersigned, Charles L. Elliott, has executed this instrument this 4 day of August, 1924.

Chas. L. Elliott.

State of Missouri )  
County of Howard ) SS  
Before me, a Notary Public in and for said County and State, on  
this 4 day of August, 1924, personally appeared Charles L. Elliott, 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.

(SEAD) Charlie T. Harris, Notary Public.

My commission expires July 20, 1926.

Filed for record in Tulsa Co. Okla. on Dec. 4, 1924, at 4:35 P.M. recorded in book 497, page 560. Brady Brown. Deputy.

(SEAL) O.G. Weaver, County Clerk.