

TO HAVE AND TO HOLD THE SAME with all and singular the tenements, hereditaments and appurtenances, thereunto belonging or in any wise appertaining and all rights of homestead exemption unto the said party of the second part, and to his heirs and assigns forever. And the said party of the first part does hereby covenant and agree that at the delivery hereof he is the lawful owner of the premises above granted and seized of a good and indefeasible estate of inheritance therein free and clear of all incumbrances and that he will WARRANT AND DEFEND the same in the quiet and peaceable possession of said party of the second part his heirs and assigns forever against the lawful claims of all persons whomsoever.

PROVIDED ALWAYS, And these presents are upon the express condition that if the said party of the first part his heirs and assigns, shall well and truly pay or cause to be paid to the said party of the second part his heirs and assigns, the sum of Seven Hundred thirty & no/100 dollars with interest thereon at the time and manner specified in one certain promissory note bearing date Nov. 15, 1909, executed by the party of the first part, payable to the order of The Kiefer State Bank Kiefer, Okla. as follows: \$750.00 payable May 15, 1910 with 10 per cent interest from date until maturity, then and in that case these presents and everything herein expressed shall be void, but upon default in the payment of any part of the principal, or interest when the same is due, or any end of said notes as maturity, or upon the failure to pay any of and all lawful assessments and taxes upon said premises when the same shall become due and payable, each and all of the several amounts herein secured shall immediately become due and payable, and if foreclosure proceedings be instituted hereon, then, the holder shall be entitled to recover \$75.00 Attorney's fee, all costs of suit, which sum shall be and become an additional lien and be secured by lien of this mortgage, and said party of the first part hereby expressly waive an appraisalment of said real estate and all benefits of the homestead exemption stay laws of the State of Oklahoma.

IN TESTIMONY WHEREOF, The said party of the first part has hereunto set his hand and seal the day and year above written.

Signed and delivered in presence of. ^{His} Robert E. Barber
C.F. Robertson. ^{Mark}
Witness to mark
Ben A. Whitney)
Dr. E. Jones) Kiefer, Okla.

State of Oklahoma, County of Creek: S.S.

Before me a Notary Public in and for said County and State on this 15th day of Nov. 1909 personally appeared Robert E. Barber 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.

Witness my hand and official seal the day and year above set forth.

(SEAL)

C. F. Robertson, Notary Public.

My commission expires Jan. 9, 1913.

Filed for record at Tulsa Nov. 18 1909 at 8 o'clock A.M.

H.C. Walkley, Register of Deeds (SEAL)