

signed, sealed and delivered the said instrument of writing, as their free and voluntary act and deed, for the uses and purposes therein set forth.

Given under my hand and Notarial Seal, this 10th, day of September A. D. 1909.

Algernon S. Long, Notary Public.

(SEAL) My commission expires April 21, A. D. 1913.

Filed for record at Tulsa, Okla., Sep. 29, 1909, at 9.50 o'clock P. M.

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

IN THE DISTRICT COURT OF TULSA COUNTY.

DARE LARSON, PLAINTIFF.

VS.

CHARLES W. KERN, DEFENDANT.

D E C R E E.

NOW, on this 14th, day of September 1909, being one of the regular judicial days of the September Term of said Court, this cause came on to be heard, and the plaintiff appearing by J. J. Henderson, his attorney, and the defendant Charles W. Kern, having been three times called in open court to appear, except, demur, answer or plead to the petition of the plaintiff herein, came not, but makes default: And the Court having ordered the said Defendant is in default, and having ordered that the alterations contained in Plaintiff's petition be taken as confessed; and it appearing to the Court that the said defendant have been duly served with summons in this cause more than twenty days prior to this date of the pendency of this action as required by law, the court did on the said 14th, day of September make and order declaring the said defendant to be in default.

September 27th, 1909 it being one of the regular judicial days of the September Term 1909 of said Court, comes the plaintiff herein and makes proof of the issue set forth in his petition herein; and the court having heard all of the evidence in support of said issue in open court, and being fully advised in the premises/ and on consideration thereof finds that all the averments of plaintiff's petition are true as therein set forth; that the plaintiff was on the 24th, day of April 1908, the owner of Lot numbered Seven in Block Six, in Hodge Addition to the City of Tulsa and State of Oklahoma, that on said 24th day of April 1908, he together with his wife, by their warranty deed conveyed said lots to Charles W. Kern, that said deed was duly executed and delivered by the said Lars Larson and his wife, to the said Charles W. Kern, that the said deed was duly filed for record in the office aforesaid of recorder of Deeds, within and for Tulsa County, Oklahoma, on the 25th, day of April 1908, and recorded in Book 35, Page 401, of said Deed record.

That as the consideration to be paid plaintiff by defendant, for said property, defendant did on the 20th, day of April 1908, make, execute and deliver to this plaintiff a deed, conveying to plaintiff the North East Quarter of the South West Quarter and Lot Three in Section Eighteen, Township Sixteen North, range Seven East, in Creek County, Oklahoma, The Court finds that the defendant Charles W. Kern, had no title to the said lands conveyed to plaintiff; that the defendant has wholly failed of payment of the consideration to plaintiff for his said lot numbered seven in Block Numbered Six in Hodge Addition to the City of Tulsa Oklahoma.