

assigns, as aforesaid, the full one half of the value of the said parti-wall, which value shall be the cost price at the time of constructing said wall, said sum to be paid shall be paid on or before the said party of the second part shall use said partition wall by the party of the second part or his heirs or assigns, and shall be fixed and assessed by one party to be selected by the party of the first part, her heirs or assigns, and by one party to be selected by the party of the second part, his heirs or assigns; the said parties so selected as aforesaid shall select a third and disinterested party, and they three shall determine said cost price of constructing said partition wall, the plans and specifications used in construction of said building to be used in estimating said construction price.

And it is further agreed and covenanted by the said parties that if it shall hereafter become necessary to repair or rebuild the whole or any part of said parti-wall or walls, the expense of such repairing or rebuilding shall be borne equally by them, their respective heirs and assigns, to the same extent and under the same terms as the original or first construction of said wall.

WITNESS our hands the day and year first above written.

E. L. Weitzel

Herman L. Ray

STATE OF OKLAHOMA, )  
T U L S A COUNTY. ) SS.

BEFORE ME, Walter Allen, a Notary Public in and for said County and State, on this 17th day of September 1909, personally appeared E. L. Witzel and Herman L. Ray, to me personally known to be the same 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.

Walter Allen, Notary Public.

(SEAL) My commission expires June 13, 1913.

Filed for record at Tulsa, Okla., Sep. 29, 1909, at 4.20 o'clock P. M.

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

A F F I D A V I T.

STATE OF OKLAHOMA, )  
COUNTY OF TULSA. ) SS.

L. D. Lewis, of Tulsa, Oklahoma, being on oath and first duly sworn, states that he is the owner and in possession of the following described real estate in the City of Tulsa, Lot Four, and the North Ten feet of Lot Five in Block Six, in the Lindsey Addition to the City of Tulsa, that the Oklahoma Land and Loan Company of Holdenville have not paid any consideration for the deed that they now hold to said property, that there has been a failure of consideration, and that the entire consideration for the execution of said deed is yet due and unpaid by the Oklahoma Land and Loan Company of Holdenville Oklahoma. And further affiant sayeth Not.

L. D. Lewis.

Be it remembered that on this 29th, day of September personally appeared before me, L. D. Lewis, to me personally well known, who states that the facts set forth in the