

TO HAVE AND TO HOLD, all and singular, the property above described unto the said W. D. Berry, Trustee, his successors, or assigns, forever. And I, do by these presents bind myself, my heirs, executors and administrators, to WARRANT AND FOREVER DEFEND, all and singular, the said property unto the said W. D. Berry, Trustee, and his successors or assigns, against the claim or claims of any and all persons whomsoever, claiming or to claim the same or any part thereof.

THIS CONVEYANCE, HOWEVER, IS INTENDED AS A TRUST, for the better securing of J. H. Kincheloe, of the County of Wilbarger and aforesaid, in the payment of one certain promisory note made by me the said R. D. Scott, _____ dated the 8th day of January 1910, payable to J. H. Kincheloe, in the sum of Two Hundred and No/100 ----- and bearing interest at the rate of 8 per cent from _____ date. Upon the payment of which said Promisory Note according to its face and tenor, being well and truly made, then in such case this conveyance is to become null and of no further force or effect. But in case of the failure or default of the payment of said Promisory Note, which is due and payable on or before one year after date, together with the interest thereon accrued, according to its terms and face, at the maturity of the same _____ then and in such an event, the said trustee is made his special duty, at the request of the said J. H. Kincheloe _____ or the legal holder of said Promisory Note _____ at any time made after the maturity of said promisory note or at any one of them, to sell the said above described premises to the highest bidder for cash in hand at the Courthouse door of said Tulsa County, Oklahoma after giving notice of said sale, as required in Judicial sales; and such sales shall be made between Tuesday in any month, and after said sale as aforesaid, to make the purchaser or purchasers thereof a good and sufficient conveyance in Law to the property so sold, with the usual covenants and warranties and to receipt to the purchaser for the proceeds of said sale, and the same to apply to the payment of said note, the interest thereon accrued, and the expenses of executing said Trust, holding the remainder thereof subject to the order of me the said R. D. Scott, and it is hereby specially provided that should the said W. D. Berry, Trustee, from any cause whatever, fail or refuse to act, or become disqualified from acting as such Trustee, then the said J. H. Kincheloe _____ or the legal holder of said Promisory Note, shall have full power to appoint a substitute in writing, who shall have the same powers as are hereby delegated to the said W. D. Berry, and, by these presents fully and absolutely ratify and confirm any and all acts which the said W. D. Berry, or his substitute, as herein provided, may do in the premises by virtue thereof.

WITNESS my hand at Vernon, Texas, this 8th day of January, A. D. 1910

Witnesses:

R. D. Scott

THE State of Texas,

County of Wilbarger.

Before me W. N. Stokes, a Notary Public in and for Wilbarger County, Texas, on this day personally appeared R. D. Scott, known to me _____ to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the uses and purposes and consideration therein expressed and set forth.

(Seal) Given under my hand and seal of office, this 8th day of January, A. D. 1910.