

MORTGAGE RECORD

359

MORTGAGE OF REAL ESTATE

THIS INDENTURE, Made this 23rd day of May, A. D. 1911, between Virginia Duncan, formerly Virginia Light and Frank E. Duncan, her husband, of Tulsa County, in the State of Oklahoma, of the first part, and J. P. McBurnin of Polk County, Iowa County, in the State of Iowa

WITNESSETH, That said party of the first part, in consideration of fourteen hundred Dollars (\$ 1400.00), the receipt of which is hereby acknowledged, do hereby by these presents grant, bargain, sell and convey unto said party of the second part, his heirs and assigns, the following-described Real Estate, situated in Tulsa County, and State of Oklahoma, to-wit:

The east one half of the southeast one quarter of section twenty seven (27) township eighteen (18) north, range twelve (12) east of the Indian base and meridian, according to the United States government survey, thereof all being in Tulsa County, state of Oklahoma

TO HAVE AND TO HOLD THE SAME unto the said party of the second part, his heirs and assigns, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, forever.

PROVIDED, ALWAYS And these presents are upon this express condition, that whereas, said Virginia Duncan and Frank E. Duncan have this day executed and delivered one certain promissory note in writing to said party of the second part, described as follows:

One note dated May 23, 1911 for \$1400.00 due one or before May 23, 1913, bearing interest at the rate of eight per cent per annum.

Now, if said party of the first part shall pay or cause to be paid to said party of the second part, his heirs or assigns, said sum of money in the above-described note mentioned, together with the interest thereon, according to the terms and tenor of the same, then this mortgage shall be wholly discharged and void; and otherwise shall remain in full force and effect. But if said sum or sums of money or any part thereof, or any interest thereon, is not paid when the same is due, and if the taxes and assessments of every nature which are or may be assessed and levied against said premises or any part thereof are not paid when the same are by law made due and payable, the whole of said sum or sums, and interest thereon, shall then become due and payable, and said party of the second part shall be entitled to the possession of said premises. And the said party of the first part for said consideration do hereby expressly waive an appraisal of said real estate and all benefit of the homestead exemption and stay laws of the State of Oklahoma.

IN WITNESS WHEREOF, The said party of the first part have hereunto set their hands, the day and year first above written.

Virginia Duncan
Frank E. Duncan

STATE OF OKLAHOMA, TULSA COUNTY, ss.

Before me, Notary Public in and for said County and State, on this 23rd day of May, 1911, personally appeared Virginia Duncan and Frank E. Duncan, her husband to me known to be the identical 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.

My commission expires Feb 10 1914 (seal) James Bowen, Notary Public

ASSIGNMENT

KNOW ALL MEN BY THESE PRESENTS: That of County, in the State of Oklahoma, the within-named mortgagor in consideration of the sum of and DOLLARS, to in hand paid, the receipt whereof is hereby acknowledged, do hereby SELL, ASSIGN, TRANSFER, SET OVER and CONVEY unto heirs and assigns, the within mortgage deed, the real estate conveyed, and the promissory note debts and claims thereby secured, and covenants therein contained.

To have and to hold the same, forever; subject, nevertheless, to the conditions therein contained.

IN WITNESS WHEREOF, The said mortgagee have hereunto set hand this day of May 1911.

EXECUTED IN PRESENCE OF

This assignment was filed for record on the day of May, A. D. 1911, at o'clock M. Fee, \$ Register of Deeds.

RECEIPT

Received of the within-named mortgagor the sum of and DOLLARS, in full satisfaction of the within mortgage.

STATE OF OKLAHOMA, TULSA COUNTY, ss.

This instrument was filed for record on the 23 day of May, A. D. 1911, at 3 35 o'clock P. M. Fees, \$ (seal) H. B. Walkley Register of Deeds.

By 8 Deputy.