

COMPARED

535

# MORTGAGE RECORD

# 33865

STATE DODSWORTH BOOK CO., LEAVENWORTH, KAN. No. 21054

## MORTGAGE OF REAL ESTATE

THIS INDENTURE, Made this 25 day of August, A. D. 1911, between H. A. Earns and Myrtle A. Earns of Tulsa County, in the State of Oklahoma, of the first part, and Colonial Trust Company of Tulsa Okla County, in the State of Oklahoma, of the second part:

WITNESSETH, That said part 1 of the first part, in consideration of Twenty-five hundred and no/100 Dollars (\$ 2500.00), the receipt of which is hereby acknowledged, do... by these presents grant, bargain, sell and convey unto said part 2 of the second part, its successors and assigns, the following-described Real Estate, situated in Tulsa County, and State of Oklahoma, to-wit: lots one to six (1 to 6) inclusive in block one (1) and lots four and five (4-5) in Block three (3) Earns Addition to Tulsa Okla according to recorded plat thereof with all improvements thereon Subject to a mortgage of 500.00

TO HAVE AND TO HOLD THE SAME unto the said part 2 of the second part, its successors 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 H. A. Earns & Myrtle A. Earns have this day executed and delivered a certain promissory note in writing to said part 2 of the second part, described as follows:

Dated Aug 25-1911 due Oct 25-1911 for twenty five hundred dollars with interest thereon at 10% from maturity payable to Colonial Trust Co, Tulsa Okla, Signed H. A. Earns and Myrtle A. Earns.

Now, if said part 1 of the first part shall pay or cause to be paid to said part 2 of the second part, its successors 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 part 2 of the second part shall be entitled to the possession of said premises. And the said part 1 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 part 1 of the first part have hereunto set their hand... the day and year first above written.  
H. A. Earns,  
Myrtle A. Earns,

STATE OF OKLAHOMA, TULSA COUNTY, ss.  
Before me, Anne H. Marr a Notary Public in and for said County and State, on this 25 day of August, 1911, personally appeared H. A. Earns and Myrtle A. Earns 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 Apr. 27th 1915 Anne H. Marr,

(Seal) KNOW ALL MEN BY THESE PRESENTS: ASSIGNMENT  
That... of... County, in the State of Oklahoma, the within-named mortgagor... in consideration of the sum of... 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 mortgage... hereunto set... hand... this... day of... 19...

EXECUTED IN PRESENCE OF  
This assignment was filed for record on the... day of... A. D. 19... at... o'clock... M. Fee, \$... Register of Deeds.

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

STATE OF OKLAHOMA, TULSA COUNTY, ss.  
This instrument was filed for record on the 28 day of Aug, A. D. 1911, at 8 o'clock a M. Fees, \$...  
By H. C. Walsley Register of Deeds.  
(Seal) Deputy.