

COMPARED

## MORTGAGE RECORD

# 34457

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

## MORTGAGE OF REAL ESTATE

THIS INDENTURE, Made this 21st day of September A. D. 1911, between John S. Koester & John A. Whalen of Tulsa County, in the State of Oklahoma, of the first part, and Joe Kostachek of Tulsa County, in the State of Oklahoma, of the second part:

WITNESSETH, That said part 1st of the first part, in consideration of One Thousand no/ Dollars (\$ 1,000.00 ),

the receipt of which is hereby acknowledged, do... by these presents grant, bargain, sell and convey unto said part 2d of the second part, his heirs and assigns, the following-described Real Estate, situated in Tulsa County, and State of Oklahoma, to-wit:

All of Block One (1) in the Hackathorn Addition to Tulsa, Oklahoma according to the recorded plat thereof, except the following plot in said Block to-wit: Beginning at the Southeast corner of said Block at its intersection with the M.K.T. RR right of way, thence north 100 feet; thence west 10 feet; thence South to said M.K.T. RR right of way; thence in a southeasterly direction along the intersection line between said Block One (1) and said M.K.T. RR right of way to the place of beginning and all buildings, machinery, appliances appurtenant to the property.

TO HAVE AND TO HOLD THE SAME unto the said part 2d 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 John S. Koester & John A. Whalen have this day executed and delivered one certain promissory note... in writing to said part 2d of the second part, described as follows:

\$1,000.00 Copy Tulsa, Oklahoma, September 21, 1911,  
One year after date, we, or either of us, promise to pay to the order of Joe Kostachek, One thousand and no/100 Dollars for value received negotiable and payable at the office of The National Bank of Commerce, Tulsa, Oklahoma, without defalcation or discount with interest from date at the rate of 10 per cent semi-annually until paid, and if interest be not paid annually to become as principal and bear same rate of interest. \*

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

John S. Koester  
Edna M. Koester  
John A. Whalen

STATE OF OKLAHOMA, TULSA COUNTY, ss.

Before me, Notary Public in and for said County and State, on this 21st day of September, 1911, personally appeared John S. Koester and John A. Whalen 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 June 21 1915 John K. Cleary

KNOW ALL MEN BY THESE PRESENTS:

## ASSIGNMENT

That Joe Kostachek of Tulsa County, in the State of Oklahoma, the within-named mortgage... in consideration of the sum of One Thousand and no/100 DOLLARS, to Joe Kostachek in hand paid, the receipt whereof is hereby acknowledged, do... hereby SELL, ASSIGN, TRANSFER, SET OVER and CONVEY unto his 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 their hand this 21st day of September, 1911.

EXECUTED IN PRESENCE OF

This assignment was filed for record on the 23rd day of Sept, A. D. 1911, at 10 o'clock M. Fee, \$1.00 Register of Deeds.

## RECEIPT

Received of Joe Kostachek the within-named mortgagor... the sum of One Thousand and no/100 DOLLARS, in full satisfaction of the within mortgage.

STATE OF OKLAHOMA, TULSA COUNTY, ss.

This instrument was filed for record on the 23rd day of Sept, A. D. 1911, at 3 o'clock P. M. Fees, \$1.00

By H. C. Walkley Deputy. (Seal) Register of Deeds.

\* The drawer and endorsers severally waive presentation for payment, protest and notice of protest, and agree that this note may be extended from time to time without notice to pay attorneys fees, court costs, and all other expenses incurred in collecting this note and interest or any part thereof.