

hereditaments and appurtenances thereunto
 belonging or in any wise appertaining both in law
 and equity. This grant is intended as a mortgage to
 secure the payment of the sum of Four hundred
 and Thirty five and $\frac{4}{10}$ ths Dollars being the sum
 expressed in two several promissory notes made
 by the said Otis Wilmarth to the said firm
 of John Breed & Co: the one for the sum of \$217.
 50 due four months from date; the other for
 the sum of \$217.91 due six months from date;
 and both notes bearing date March 1. 1860,
 in two years from the date of these presents; and
 these presents are given on the express condition
 that the mortgagee shall extend the time of pay-
 ment of said notes for the term of two years and
 shall not before such term of two years proceed to
 collect the amount thereof out of the property hereby
 conveyed; and this conveyance shall be void if such pay-
 ment be made as herein specified in the above condition.
 But if default be made in payment or any part thereof
 as above provided, then it shall be lawful for the said
 parties of the second part their executors administrators
 and assigns at any time thereafter to sell the premises
 hereby granted or any part thereof in the manner pre-
 scribed by law; and out of all moneys arising from such
 sale to retain the amount then due for principal
 and interest together with the costs and charges
 of making such sale and the attorneys fees for
 foreclosure; and the surplus if any there be, shall
 be paid by the parties making such sale on demand
 to the said Otis Wilmarth or his heirs or assigns.
 Signed, sealed & delivered in presence of John M. Coe } Otis Wilmarth

County of Kansas Douglas County }
 On this 10th day of July A.D. 1860 before me a Notary Public in and
 for said County, came Otis Wilmarth to me well known to be the identical
 person described in and who executed the above conveyance as grantor and
 acknowledged the same to be his own free act and deed.
 Read for record July 10 A.D. 1860 at 5 1/4 P.M. John M. Coe
 Notary Public