

1178

MORTGAGE
BOOK 149

THIS MORTGAGE, Made this 20th day of December, 1967, by and between THE DILLON DEVELOPMENT CO., INC., a corporation organized and existing under the laws of the State of Kansas, (owner of the fee, described in Parcel A, and leasehold estate, described in Parcel B), having its principal place of business at 2700 East Fourth Street, Hutchinson, Kansas, hereinafter called "Mortgagor", which term shall include the legal successors and assigns of the said Mortgagor whenever the contract so requires or admits; and THE LINCOLN NATIONAL LIFE INSURANCE COMPANY, a corporation organized and existing under the laws of the State of Indiana, hereinafter called "Mortgagee", which term shall include the legal successors and assigns of said Mortgagee whenever the contract so requires or admits:

WITNESSETH:

That for divers good and valuable considerations, and also in consideration of the aggregate sum named in the promissory note of even date herewith, hereinafter described, the said Mortgagor does hereby mortgage, and warrant unto the said Mortgagee, its successors and assigns, all the said piece, parcel or tract of land which the Mortgagor is now seized, possessed or in actual possession situated in the City of Lawrence, County of Douglas, State of Kansas, described as follows, to-wit:

PARCEL A:

The fee simple title of the following described real estate situated in the aforesaid County and State, to-wit: West 1/2 of Lot 97, all of Lots 99, 131, 132, 133, 134 and West 50 feet of Lot 135, all of Lot 136 and West 50 feet of Lot 137, all in Block 44, in that part of the City of Lawrence known as West Lawrence, Douglas County, Kansas, according to the duly recorded plat thereof.

PARCEL B:

That certain leasehold estate and term of years in and to the below described real estate, which leasehold and term of years was created by that certain ground lease dated December 30, 1963, which is for a term of 25 years commencing January 1, 1964, wherein Byron E. Bircher, Elmer Bircher and Clara L. Bircher, husband and wife, are lessors and The J. S. Dillon & Sons Stores Co., Inc., a Kansas corporation, is lessee, recorded February 28, 1964 in Book 234, page 398-404 of the Lease Records of Douglas County, Kansas: said lease subsequently assigned by The J. S. Dillon & Sons Stores Co., Inc., a Kansas corporation, to The Dillon Development Co., Inc. by Assignment dated July 1, 1966, recorded in Book 254, pages 276, in Douglas County, Kansas.

Leasehold title described as follows:

West 1/2 of Lot 93, all of Lot 95, the East 1/2 of Lot 97 and all of Lot 138, all in Block 44, in that part of the City of Lawrence known as West Lawrence, Douglas County, Kansas, according to the duly recorded plat thereof.

together with all and singular the structures and improvements now and hereafter on said land the fixtures attached thereto, and the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all the estate, right, title, interest possession, claim and demand whatsoever as well in law as in equity of the said Mortgagor in and to the same and every part thereof, with the appurtenances of the said Mortgagor in and to the same and every part and parcel thereof unto the said Mortgagee.

And together with all furniture, fixtures and equipment now or hereafter place in or upon said real estate or in or upon the improvements now or hereafter situated thereon, including but not limited to all gas and electric fixtures, engines and machinery, radiators, heaters, shelves, counters, partitions, air-conditioning equipment, oil burners, boilers, ranges, stokers, gas and electric stoves, gas and electric heaters, elevators and motors, bathtubs, sinks, basins and other plumbing and heating fixtures, rugs, carpets, refrigerators and refrigerating equipment, and all other goods, chattels and personal property now or hereafter situated in or upon or furnished or used in or upon the premises or in operating the improvements thereon or therein.