

BOOK 155 19087

WAIVER OF PRIORITY OF MORTGAGE

For and in consideration of the sum of One Dollar to it paid, the receipt of which is hereby acknowledged, and other valuable considerations, The Barteldes Seed Company, a corporation organized and existing under the laws of the State of Colorado, herein called Barteldes, the holder of a mortgage given by T-N-T Food Products, Inc., a corporation duly organized and existing under the laws of the State of Kansas, herein called T-N-T, to Barteldes, dated December 13, 1966, recorded October 3, 1969, in Book 155, page 15, in the office of the Register of Deeds of Douglas County, Kansas, does hereby waive the priority of said mortgage in favor of a real estate mortgage granted to Lawrence National Bank and Trust Co., by T-N-T, dated October 22, 1969, given to secure payment of the sum of \$21,500.00, covering the following-described real estate:

Lots 24, 26, and 28 on Pennsylvania Street;  
Lots 11, 13, and 15 on Delaware Street; and  
Beginning 117 feet East of the Northwest  
corner of said Lot 11, thence South 150  
feet, thence West 75 feet to the Southeast  
corner of said Lot 15, thence North 150 feet,  
thence East 75 feet to the place of beginning,  
all in the City of Lawrence, Douglas County,  
Kansas.

recorded on October 22, 1969, in Book 155, page 99, in the office of the Register of Deeds of Douglas County, Kansas, and agrees that said real estate mortgage from T-N-T dated October 22, 1969, shall be and is superior to the said mortgage to Barteldes dated December 13, 1966, the same as though said mortgage from T-N-T had been granted and recorded prior to the making of said mortgage to Barteldes; provided, however, and this waiver is given on the express terms and condition that it shall in no manner affect the lien of the above-mentioned real estate mortgage to Barteldes other than with respect to the priority of the real estate mortgage given to Lawrence National Bank and Trust Co.

IN WITNESS WHEREOF, The Barteldes Seed Company has caused this instrument to be executed on its behalf by its president and to be attested by its secretary this 22nd day of October, 1969.

The Barteldes Seed Company

Attest:

By H. Dale Moody  
H. Dale Moody  
President

Wayne S. Rice  
Wayne S. Rice  
Secretary

STATE OF COLORADO )  
COUNTY OF DENVER ) ss:

BE IT REMEMBERED, that on this 22nd day of October, 1969, before me, a notary public in the aforesaid county and state, came H. Dale Moody, President, and Wayne S. Rice, Secretary of The Barteldes Seed Company, who are personally known to me to be such officers, and to me personally known to be the same persons who executed as such officers the foregoing instrument and duly acknowledged the execution of the same to be the act and deed of such corporation.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.  
My commission expires

December 6, 1969

Eloise Johnson  
Notary Public

Recorded October 28, 1969 at 8:47 A.M.

Genee Boem Register of Deeds