

19531

BOOK 155

MORTGAGE

THIS MORTGAGE made this 1st day of December, 1969, by and between Fredrick A. Johnson and Sally Jo Johnson, his wife

of the County of Douglas and State of Kansas hereinafter called the Mortgagors, and THE FIDELITY INVESTMENT COMPANY, a corporation organized and existing under the laws of the State of Kansas, hereinafter called the Mortgagee,

WITNESSETH:

That said Mortgagors, for and in consideration of the sum of Twenty Two Thousand Seven Hundred and No/100----- Dollars (\$22,700.00)

to them in hand paid by said Mortgagee, the receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey unto said Mortgagee all that parcel, piece or lot of land with the buildings and improvements now thereon or that may hereafter be erected thereon and all rents, issues and profits arising therefrom situate, lying and being in the County of Douglas, State of Kansas, to-wit:

"APARTMENT NO. 1-C of 'The Fountains', as delineated on the survey of a portion of Lot 28, HOLIDAY HILLS ADDITION NO. 7, an addition to the City of Lawrence, Douglas County, Kansas, being a subdivision located in the Northwest one-quarter of Section 35, Township 12 South, Range 19 East, in Douglas County, Kansas, which survey is attached as Document No. 19502 to Declaration made by Hird Incorporated, a corporation, recorded in the Office of the Register of Deeds of Douglas County, Kansas on the 9th day of December 1969, in Book 266 at Page 525 as Document No. 19503 ; together with an undivided 4.6971% interest in said portion of Lot 28 (taken as a tract) in Holiday Hills Addition No. 7, a subdivision as aforesaid (excepting from said portion of Lot 28, Holiday Hills Addition No. 7, all the land, property and space known as Apartments No. 1-A to 8-A of 'The Fountains', both inclusive, Apartments 1-B to 6-B of 'The Fountains', both inclusive, and Apartments 1-C to 8-C of 'The Fountains', both inclusive, as said apartments are delineated in said survey), said undivided interest being in and to the common areas and facilities as set forth in said declaration;

Together with the rights and easements for the benefit of said property set forth in said Declaration made by Hird Incorporated, a corporation, recorded in the Office of the Register of Deeds of Douglas County, Kansas, as Document No. 19503, and the rights and easements set forth in Party Wall Agreement attached as Document No. 19506 to said Declaration;

This mortgage is subject to all rights, easements, restrictions, conditions, covenants and reservations contained in said Declaration recorded as Document No. 19503, the By-Laws governing the administration of said property annexed to said Declaration and recorded as Document No. 19507, the Declaration establishing the association of apartment owners annexed to said Declaration and recorded as Document No. 19504, and said Party Wall Agreement annexed to said Declaration and recorded as Document No. 19506,

the same as though the provisions of said Declaration recorded as Document No. 19503, said By-Laws recorded as Document No. 19507, said Declaration recorded as Document No. 19503, and said Party Wall Agreement recorded as Document No. 19506, were recited and stipulated at length herein, and subject to the conditions and provisions of the Kansas Apartment Ownership Act, Sections 58-3101 through 58-3129, K.S.A."

for Medley Ogden. See Book 156 Page 270
for Apartment No. Book 155 Page 374