

19534

## MORTGAGE

BOOK 155

THIS MORTGAGE made this 1st day of December, 1969,  
by and between Carl Hird, Jr. and Irene M. Hird, 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 and Seven Hundred and No/100-----Dollars (\$ 22,700.00 )

to them in hand paid by said Mortgagee, the receipt whereof is hereby acknow-  
ledged, 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. 2-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 subdivi-  
sion 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 Foun-  
tains", 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 Docu-  
ment No. 19506 to said Declaration;

This mortgage is subject to all rights, easements, restrictions,  
conditions, covenants and reservations contained in said Declara-  
tion 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 Agree-  
ment 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 Docu-  
ment 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 Mof. Copy See Book 156 Page 271  
For Declaration See Book 155 Page 379*