

420

Reg. No. 4,381
Fee Paid \$56.75

19561

BOOK 155

MORTGAGE

THIS MORTGAGE made this 1st day of December, 19 69 ,
by and between George D. Smith and Jeanne A. Smith, 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 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. 1-B 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."

*See Medley Ogden. See Book 156 Page 280
for Assignment of Mortgages in Book 155 Page 424*