

This Indenture, Made this Ninth day of October in the year of our Lord one thousand eight hundred and eighty Eight between James Talley & Martha E. Talley husband and wife of the Township of Marion in the County of Douglas and State of Kansas of the first part, and S. W. Todd of the second part,

Witnesseth, That the said part of the first part in consideration of the sum of Two hundred and fifty DOLLARS, to them duly paid, the receipt of which is hereby acknowledged, ha ve sold and by these presents do grant, bargain, sell and mortgage to the said part y of the second part his heirs and assigns forever, all that tract or parcel of land situated in the County of Douglas and State of Kansas, described as follows, to-wit:

The North East quarter of section number twenty two (22) in Township number fourteenth (14) of Range number eighteen (18) East of the 6th Principal Meridian in said County and State containing 160 acres. More or less

with all the appurtenances, and all the estate, title and interest of the said part of the first part therein. And the said Parties of the first part do hereby, covenant and agree that at the delivery hereof they are the lawful owner s of the premises above granted, and seized of a good and indefeasible estate of inheritance therein free and clear of all incumbrances save and except a certain mortgage of \$1075.00 to Henry Stevens

This grant is intended as a Mortgage to secure the payment of the sum of Two hundred and fifty Dollars according to the terms of one certain Promissory Note this day executed and delivered by the said Parties of the first part to the said part y of the second part: payable two years after date to the order of S. W. Todd at the Merchants National Bank Lawrence Kansas bearing 7% per annum, payable semi-annually from date

and this conveyance shall be void if such payments be made as herein specified. But if default be made in such payment, or any part thereof, or interest thereon, or the taxes, or if the insurance is not kept up thereon, then this conveyance shall become absolute, and the whole amount shall become due and payable, and it shall be lawful for the said part y of the second part his executors, administrators and assigns, at any time thereafter, to sell the premises hereby granted, or any part thereof, in the manner prescribed by law, appraisement hereby waived or not at the option of the part y of the second part his executors, administrators or assigns; and out of all the moneys arising from such sales, to retain the amount then due for principal and interest, together with the costs and charges of making such sales, and the overplus, if any there be, shall be paid by the part y making such sale on demand to the said Parties of the first part their heirs and assigns.

In Witness Whereof, The said part of the first part, ha ve hereunto set their hands and seal the day and year first above written.

Signed and delivered in presence of

H. A. Peairs, Notary Public  
Having first been read over and explained to both parties James Talley and Martha E. Talley in our presence and that they understand the same.

James Talley (SEAL.)  
Martha E. Talley (SEAL.)  
\_\_\_\_ (SEAL.)  
\_\_\_\_ (SEAL.)

STATE OF KANSAS, }  
County of Douglas } ss.

Be it Remembered, That on this 9th day of October, A. D. 1888, before me, S. W. Peairs a Notary Public in and for said County and State, came James Talley and Martha E. Talley husband and wife to me personally known to be the same person s who executed the foregoing instrument, and duly acknowledged the execution of the same.

In Witness Whereof, I have hereunto set my hand and affixed my official seal on the day and year last above written.

My commission expires 21st June 1890. H. A. Peairs Notary Public.

Recorded Oct 17 A. D. 1888, at 5:40 o'clock P. M.

James Brooks  
Reg. Lat. of Deeds.

The following is inclosed in the original instrument -  
The note secured by this mortgage having been paid and satisfied in full before this mortgage is discharged this 10th April 1891  
S. W. Todd the mortgagee and attorney for collection  
for Release See Book 44, Page 13  
Recorded April 10th 1891  
James Brooks  
Notary of Deeds