

JOURNAL CO., LAWRENCE, KAN.

This Indenture, Made this 8<sup>th</sup> day of May in the year of our Lord one thousand eight hundred and ninety one between O. E. Dearnard and Mary J. Dearnard, his wife of Douglas in the County of Douglas and State of Kansas of the first part, and Ottomar Menger, of Philadelphia, Pennsylvania of the second part,

Witnesseth, That the said parties of the first part in consideration of the sum of Fifty five hundred DOLLARS, to them duly paid, the receipt of which is hereby acknowledged, have sold and by these presents do grant, bargain, sell and mortgage to the said party 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 South half of Lot No. Twenty six (26) and the North six inches of Lot No. Twenty eight (28) on Massachusetts Street, in the City of Lawrence

with all the appurtenances, and all the estate, title and interest of the said parties of the first part therein. And the said parties of the first part do hereby covenant and agree, at the delivery hereof they are the lawful owners of the premises above granted, and seized of a good and indefeasible estate of inheritance therein free and clear of all incumbrances and that they will warrant and defend the same in the quiet and peaceable possession of said second party, his heirs and assigns, forever, against all persons lawfully claiming the same.

This grant is intended as a Mortgage to secure the payment of the sum of Fifty five hundred Dollars being part purchase money of above described premises, according to the terms of six certain mortgage notes this day executed and delivered by the said parties of the first part to the said party of the second part for the sum of \$500 each, due respectively in 2, 3, 4 and 5 years from date, and one for the sum of \$500, due in 6 years from date, with interest from date to maturity, or default as evidenced by coupons attached to said notes, and interest after maturity, or default at the rate of ten per cent per annum until fully paid 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 party 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 party of the second part his executors, administrators or assigns; and out of all 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 party making such sale on demand to the said parties of the first part, their heirs and assigns.

In Witness Whereof, The said parties of the first part, have hereunto set their hands and seals the day and year first above written.

Signed and delivered in presence of

O. E. Dearnard (SEAL)  
Mary J. Dearnard (SEAL)  
 (SEAL)  
 (SEAL)

STATE OF KANSAS, } ss.  
 County of Douglas

Be it Remembered, That on this 9<sup>th</sup> day of May, A. D. 1891, before me L. A. Wight, a Notary Public in and for said County and State, came O. E. Dearnard and Mary J. Dearnard, his wife to me personally known to be the same persons 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 April 21 - 1895 L. A. Wight Notary Public  
 Recorded May 11 A. D. 1891, at 10 o'clock A - M.

James Brooks Register of Deeds

The following is indorsed on the original instrument:  
 The notes hereby described having been paid in full, this mortgage is hereby released, and the title thereby created discharged.  
 As Witness my hand this 1<sup>st</sup> day of May, A.D. 1897  
Ottomar Menger

Recorded May 6<sup>th</sup> 1897  
James Brooks  
 Register of Deeds

