

the first part do hereby covenant and agree that 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 excepting a mortgage in favor of Ruth T. Field dated Oct 31st. 1878 and given to secure payment of Five hundred and fifty Dollars

This Grant is intended as a Mortgage to secure the payment of the sum of Ten hundred and fifty Dollars according to the terms of Two certain promissory notes this day executed and delivered by the said J. C. Banta to the said party of the second part and this conveyance shall be void if such payment 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 shall become due and payable and it shall be lawful for said party of the second part her 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 her executors administrators or assigns and out of all the money arising from such sale to retain the amount then due for principal and interest together with the costs and charges of making such sale and the surplus if any there be shall be paid by the party making such sale on demand to the said party of the first part or 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 last above written

J. C. Banta (Seal)

Maggie Banta (Seal)

State of Kansas Douglas County ss.

Be it Remembered That on this fifth day of September A. D. 1883 before me W. L. Stodley a Notary Public in and for said County and State came J. C. Banta and Maggie Banta 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 subscribed my name and affixed my official seal on the day and year last above written

[L.S.] My Commission expires Feb 23. 1884

W. L. Stodley Notary Public

Recorded September 8. 1883 at 10²⁰ o'clock A. M.

W. L. Stodley Register of Deeds