

MORTGAGE RECORD NO. 60

This Indenture, Made this 28th day of April in the year of our Lord one thousand two hundred twenty three, between Mary P. Smith and Julius Smith her husband of Baldwin in the County of Douglas and State of Kansas, of the first part, and The Baldwin City Cemetery Company of Baldwin City, Kansas of the second part: WITNESSETH That the said part ies of the first part, in consideration of the sum of Twenty-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 part of of the second part its successors 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:

Lots Numbered One hundred Twenty five (125) One hundred Twenty seven (127) and One hundred Twenty nine (129) on Jersey Street Baldwin City County and State aforesaid.

with all the appurtenances, and all the estate, title and interest of the said part of of the first part therein. And the said Mary P. Smith and Julius Smith do hereby covenant and agree that at the delivery hereof they are the lawful owner of of the premises, above granted, and seized of a good and indefeasible estate of inheritance therein, free and clear of all incumbrances.

This Grant is intended as a Mortgage to secure the payment of the sum of Twenty five hundred Dollars according to the terms of one certain note this day executed, and delivered by the said Mary P. Smith and Julius Smith to the said part of of the second part due in five years with 6 1/2 % interest payable semi-annually

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 of of the second part its successors, executors, administrators and assigns, at any time thereafter to sell the premises hereby granted, or any part thereof, in the manner prescribed by law; and out of all the moneys arising from such sales to retain the amount then due for principal and interest, together with the cost and charges of making such sales, and the overplus, if any there be, shall be paid by the part of making such sale, on demand, to said Mary P. Smith and Julius Smith their heirs and assigns.

IN WITNESS WHEREOF, The said part ies of the first part have hereunto set their hand, and seal, on the day and year first above written.

Signed, Sealed and Delivered in the presence of

Julius Smith (SEAL)
Mrs. Mary P. Smith (SEAL)

STATE OF Kansas
Douglas County ss.

BE IT REMEMBERED, That on this 30 day of April A. D. 1923, before me, L. B. W. M. Black a Notary Public in and for said County and State, came Julius Smith and Mary P. Smith his wife to me personally known to be the same person who executed the foregoing instrument and duly acknowledged 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.

My Commission Expires May 15 1923 W. M. Black Notary Public

Filed for Record the 1st day of May A. D. 1923 at 11 51 o'clock A. M.
W. S. Williams Register of Deeds
Deputy.