

This Indenture made this twenty first day of June in the year of our Lord one thousand eight hundred and seventy eight between Ellen Walton of Wakarusa in the County of Douglas and State of Kansas of the first part and James Benedict of Cresswell Sp. in the County of Cowley and State of Kansas of the second part;

Witnesseth That the said party of the first part for and in consideration of the sum of Seven Hundred & fifty Dollars to her duly paid the receipt of which is hereby acknowledged has sold and by these presents does 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 situate in the County of Douglas and State of Kansas described as follows to wit;

One Hundred (100) acres off the North side of the South East quarter of Section Thirty two (32) Township Thirteen (13) Range Twenty (20) East with the appurtenances and all the estate title and interest of the said party of the first part therein.

This Grant is intended as a Mortgage to secure the payment of the sum of ——— Dollars according to the terms of a certain promissory note dated June 21st 1878 for the sum of Seven Hundred & fifty Dollars & due five years from the date thereof with annual interest at six per cent And this conveyance shall be void if such payment be made as herein specified. But if default be made in said payment or any part thereof as provided then this conveyance shall become absolute and it shall be lawful for 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 and out of all the moneys arising from such sale to retain the amount then due for principal and interest and also for statutory damages in case of protest together with the costs and charges of making such sale and ——— per cent on the amount secured by this mortgage as a reasonable attorneys fee for foreclosure hereof and the surplus if any there be shall be paid by the party making such sale to the said Ellen Walton her heirs or assigns; and for the said consideration the said party of the first part hereby makes appraisal of said real estate.

For Witness Whereof The said party of the first part has hereunto set her hand and seal the day and year last above written.

Ellen Walton *[Signature]*

1.25[¢] per line for recording