This Indenture, Made this 29th day of October in the year of our Lord one thousand eight hundred and eighty four between Anthony Lutz (unmarried) in the County of Douglas and State of Kansas, of the first part and Frances S. Barnith of the second part:

Witnesseth, That the said parties of the first part, in consideration of the sum of Four Hundred 00/100 Dollars to him 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 her 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:

South half of southwest quarter of Section Thirty five (35) Township Eleven (11) Range Seventeen (17) with the appurtenances and all the estate, title and interest of the said party of the first part therein. And the said Anthony Lutz does hereby covenant and agree that at the delivery hereof he is the lawful owner 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 Four Hundred 00/100 Dollars according to the terms of one certain promissory note this day executed and delivered by the said Anthony Lutz to the said party of the second part: payable on or before 3 years from date at Nat. Bk of Lawrence Kas with interest at the rate of nine per cent per annum payable annually 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, 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 moneys 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 overplus if any there be shall be paid by the party making such sale, on demand to the said party of the first part or his heirs and assigns.

In Witness Whereof, The said party of the first part has hereunto set his hand and seal the day and year

Know all men by these presents that Frances S. Barnith of Lawrence Douglas Co. in the State of Kansas the within mortgagee in consideration of the sum of Four Hundred Dollars ($400) to her in hand paid the receipt whereof is hereby acknowledged does hereby sell, assign, transfer, set over and convey unto Wm. H. Swoyer his heirs and assigns all the within mortgage deed the real estate, tenements and hereditaments, rents and profits, and the promissory note, debts and claims thereby secured and demands therein contained. To have and to hold the same forever subject nevertheless to the conditions therein named.

In Witness Whereof the said mortgagee has hereunto set her hand this 31st day of October 1885.

Frances S. Barnith.

Acknowledged October 31st 1885 at 4 O'clock P.M.

A. J. McDonald Register of Deeds

By Peter Nicholas Deputy