

appurtenances and all the estate title and interest of the said parties of the first part therein. And the said J. M. Spencer and Mary A. Spencer do hereby covenant and agree that at the delivery hereof they are the lawful owners of the premises above granted and seised 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 Six Hundred Dollars according to the terms of one certain promissory note this day executed and delivered by the said J. M. Spencer 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 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 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 parties 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.

John M. Spencer 
Mary A. Spencer 

State of Kansas, Douglas County, ss.

Be it Remembered That on this 28th day of April A. D. 1885 before me Register of Deeds in and for said County and State came John M. Spencer and Mary A. Spencer his wife to me personally known to be the same persons who executed the foregoing instrument and duly acknowledged the execution of