

## MORTGAGE RECORD No. 79

person who executed the foregoing instrument of writing, 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.

(SEAL) My Commission Expires Dec 20th 1939

Geo. H. Stone  
Notary Public in and for the County of  
San Diego, State of California.

Recorded March 30, 1936 at 11:00 A.M.

*Narold A. Beck* Register of Deeds.

Reg. No. 551' Receiving No. 2144.  
Fee Paid \$11.00

AGREEMENT

MEMORANDUM OF AGREEMENT, Made this 29th, day of October A. D. 1935, between Cora Oshel and James Oshel, her husband; Mary Stewart and Albert Stewart, her husband; Maggie Sammer and George Sammer, her husband and Nettie Hatter and A. J. Hatter her husband party of the first part, and Addie Butler party of the second part.

WITNESSETH, That the said party of the first part hereby covenants and agrees that if the party of the second part shall first make the payments and perform the covenants hereinafter mentioned on her part to be made and performed, the said party of the first part will cause to be conveyed to the party of the second part, in fee simple, clear of all incumbrances whatever (except as hereinafter mentioned) by a General Warranty Deed, and an Abstract showing a good merchantable title to the following lot, piece or parcel of ground, situated in the County of Douglas and State of Kansas, to-wit:

The Southwest quarter (SW $\frac{1}{4}$ ) of section seven (7); Township fifteen (15) range Twenty (20) containing one hundred fifty seven (157) acres more or less.

And the said party of the second part hereby covenants and agrees to pay to said party of the first part the sum of Fifty four hundred ninety five - - - Dollars, in the manner following: One Thousand ninety nine - - - Dollars, cash in hand, paid as earnest-money, the receipt of which is hereby acknowledged, and Forty three hundred ninety six dollars (\$4396.00) on or before three years from March 1st, 1936 with interest from March 1st, 1936 at the rate of six per cent per annum payable semiannually, each payment of principal and interest to be divided equally among the four grantors hereto.

It is understood and agreed that the deed to said property is to be executed at once and placed in escrow with the Baldwin State Bank, Baldwin Kansas, and all deferred payments (except incumbrances assumed) are to be paid through said Bank. Possession to be given on March 1st, 1936, provided said second party performs all the covenants and agreements herein mentioned to be performed or done by her. It is understood and agreed that the first party is to pay the taxes for the year 1935 and all previous years, and the said second party is to pay all taxes or assessments that may be levied or imposed upon such land subsequent to the year last above mentioned. And in case of the failure of the said party of the second part to make either of the payments, or perform any of the covenants on her part hereby made and entered into, this contract shall, at the option of the party of the first part, be forfeited and determined, and the party of the second part shall forfeit all payments made by her on this contract, and such payments shall be retained by the said party of the first part in full satisfaction and in liquidation of all damages by her sustained; and in case said second party has entered into possession of said premises, the said first party shall have the right to re-enter and take possession of the premises aforesaid.

It is hereby agreed that time is the essence of this contract, and all payments must be made promptly in accordance with the terms hereof.

It is mutually agreed that all the covenants and agreements herein contained shall extend to and be obligatory upon the heirs, executors, administrators and assigns of the respective parties.

IN WITNESS WHEREOF, The parties to these presents have hereunto set their hands, the day and year first above written.

Witnesses W. M. Clark M. D. Ballard

Cora Oshel her X mark  
Maggie Sammer  
James Oshel  
Nettie Hatter  
Mary Stewart  
A. J. Hatter  
Albert Stewart

State of Alabama, County of Perry, ss:

BE IT REMEMBERED, That on this 15th day of Nov. A. D. 1935 before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Mary Stewart and Albert Stewart to me personally known to be the same persons who executed the foregoing instrument, and duly acknowledged the execution of the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

(SEAL) Term expires Jan. 13th, 1936

E. J. Blackburn  
Notary Public.

STATE OF KANSAS)  
Douglas County, SS.

BE IT REMEMBERED, That on this 9th day of November A. D. 1935 before me, W. M. Clark, a Notary Public in and for said County and State, came Cora Oshel and James Oshel her husband, Maggie Sammer and Nettie Hatter to me personally known to be the same person who executed the foregoing instrument of writing, 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.

(SEAL) My Commission Expires May 15 1939

W. M. Clark  
Notary Public.

Recorded March 31, 1936 at 9:30 A.M.

*Narold A. Beck* Register of Deeds.