

## Shipherd to Nessler

This Indenture Made this 2nd day of April in the year of our Lord one thousand nine hundred and nine Between E.L.Shipherd and Nellie O.Shipherd his wife, the parties of the first part and Emile Nessler, party of the second part, Witnesseth, that the said parties of the first part for and in consideration of the sum of Four thousand Dollars gold coin of the United States to us in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged do by these presents grant, bargain, sell convey and confirm unto the said party of the second part and to his heirs and assigns the following described tract or parcel of land lying and being in the County of Skamania/State of Washington and bounded and described as follows to-wit: Lots three (3) and four (4) and the Southeast quarter ( $\frac{1}{4}$ ) of the Northeast quarter ( $\frac{1}{4}$ ) of Section twenty-nine (29) Township three North of Range eight (8) East of Willamette Meridian; together with all and singular the tenements hereditaments and appurtenances thereunto belonging or in any wise appertaining. This conveyance is intended as a mortgage to secure the payment of Four thousand dollars gold coin of the United States, together with interest thereon on like gold coin at the rate of six per cent per annum from date until paid, according to the tenor of one certain promissory note bearing 3rd date of April 1909 made by E L.Shipherd and Nellie O.Shipherd payable on or before five years after date to the order of Emile Nessler, and these payments shall be void if such payment be made according to the terms and conditions thereof. But in case default be made in the payment of the principal or interest of said promissory note, or any part thereof when the same shall become due and payable, according to the terms and conditions thereof, then the said party of the second part his executors administrators and assigns are hereby authorized to declare all of said sums at once due and payable and empowered to sell the said premises with all and every of the appurtenances or any part thereof in the manner prescribed by law and out of the money arising from such sale to retain the whole of said principal and interest, whether the same shall be then due or not, 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 their heirs or assigns. And in any suit or other proceedings that may be had for the recovery of said principal sum and interest on either said note or mortgage, it shall and may be lawful for the said party of the second part his heirs executor administrators or assigns to include in the judgment that may be recovered, counsel fees and charges of attorneys and counsel employed in such foreclosure suit, the sum of fifty dollars, or in case of settlement or payment being made after suit has commenced and before final decree has been entered thereon, an attorneys fee of thirty five dollars in gold coin shall be taxed as part of the costs in such suit) as well as all payments that the said party of the second part his heirs, executors administrators or assigns may be obliged to make for themselves or their security by insurance or on account of taxes, charges, incumbrances or assessments whatsoever on the said premises or any part thereof.

In Witness Whereof the said parties of the first part have hereunto set our hands and seals the day and year first above written.

Signed sealed and delivered in presence of

C.M.Gilman.

E.L.Shipherd (Seal)

Robt Fulton

Nellie O.Shipherd. (Seal)

State of Washington

County of Skamania, ss. This is to certify that on this 3rd day of April A.D.1909 before me L.T.Smith, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally came E.L.Shipherd and Nellie O.Shipherd his wife, to me known to be the individuals described in and who executed the within instrument and acknowledged to me that they signed and

See assignment 26-410