

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE NORTHERN DISTRICT  
OF OKLAHOMA

JOHN H. McCUTCHEN,

Plaintiff,

vs-

ROY W. PLANK,

Defendant.

No. 3267

FILED

MAR 3 0 1954

ORDER OF DISMISSAL

NOBLE C. HOOD  
Clerk, U.S. District Court

Upon motion of the plaintiff, it is hereby

ordered the above styled cause be dismissed with prejudice to the  
filing of another action.

15/ Royce H. Savage  
Judge

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF OKLAHOMA

WALTER HALL BARNHART,  
Plaintiff,  
-vs-  
F. G. & Y. STORES COMPANY,  
A Corporation,  
Defendant.

No. 122 CIVIL

**FILED**

MAR 31 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

O R D E R

On this 31<sup>st</sup> day of March, 1954

it appears that the parties hereto have arrived at a settlement of the above captioned cause and the same has been fully and finally disposed of between the parties and that the same should be dismissed from the docket.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the case be dismissed at the cost of the defendant.

Royce H. Sawyer  
Judge

APPROVED AS TO FORM:

J. B. Hollens  
Attorney for Plaintiff

Joseph H. May  
Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Libelant,

vs.

No. 3477 Civil

48 packages, more or less, of an article  
labeled in part: (pkg) "Py-O-My Pineapple  
Upside Down Cake Mix Net Weight One Pound  
\*\*\*";

11 cases, more or less, each containing 12  
packages of an article labeled in part:  
(pkg) "Cance Brand Wild Rice \*\*\* Contents  
9 Oz. \*\*\*";

4 cases, more or less, each containing 24  
jars of an article labeled in part: (jar)  
"Net Weight One Lb. Peanut Crunch Brand An  
Improved Peanut Butter \*\*\*\*";

420 cartoned bottles, more or less, of an  
article labeled in part: (btl) "Net Contents  
1 1/2 Fluid Oz. Pure Extract Vanilla Seagram  
Brand \*\*\*";

Respondents.

FILED

APR - 5 1954

NOBLE C. HOOD  
Clerk, U. S. District Court

FINAL DECREE

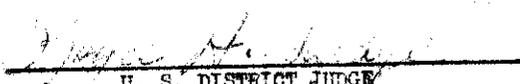
NOW on this 5 day of April, 1954, this cause comes on for hearing, the libelant being represented by John S. Athens, United States Attorney for the Northern District of Oklahoma, and the respondents appear not but are wholly in default for want of answer or other pleading to the Libel of Information herein filed, although duly and regularly served with notice of the pendency of this action, and the time to answer or otherwise plead has long since passed.

And the Court, after being fully advised in the premises finds that said products under seizure herein are adulterated and misbranded as alleged in the Libel of Information, and are subject to attachment, seizure and confiscation under the provisions of the Federal Food, Drug and Cosmetic Act of June 25, 1938 and more particularly within the meaning of 21 U.S.C.A. 334.

IT IS, THEREFORE, BY THE COURT ORDERED, ADJUDGED AND DECREED that said articles should be and the same are hereby condemned and forfeited to the United States of America.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said articles be destroyed and that James Y. Victor, United States Marshal for the Northern District of Oklahoma, be and he hereby is instructed and directed to destroy same and to report his acts under this order to this court within thirty (30) days from this date.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that no costs be assessed against Boerstler Bros., of Bristow, Oklahoma.

  
U. S. DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Libelant,

vs.

7 cases, each containing 24 boxes article  
labeled in part "2 Pounds Net Wt. Hollywood  
Quick Cooking Spaghetti \*\*\*",

Respondent.

No. 3478 Civil

FILED

APR - 5 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

FINAL DECREE

NOW on this 5 day of April, 1954, this cause comes on for hearing, the libelant being represented by John S. Athens, United States Attorney for the Northern District of Oklahoma, and the respondents appear not but are wholly in default for want of answer or other pleading to the Libel of Information herein filed, although duly and regularly served with notice of the pendency of this action, and the time to answer or otherwise plead has long since passed.

And the Court, after being fully advised in the premises finds that said product under seizure herein is adulterated as alleged in the Libel of Information and is subject to attachment, seizure and confiscation under the provisions of the Federal Food, Drug and Cosmetic Act of June 25, 1938 and more particularly within the meaning of 21 U.S.C.A. 334.

IT IS, THEREFORE, BY THE COURT ORDERED, ADJUDGED AND DECREED that said article should be and the same is hereby condemned and forfeited to the United States of America.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said article be destroyed and that James Y. Victor, United States Marshal for the Northern District of Oklahoma, be and he hereby is instructed and directed to destroy same and to report his acts under this order to this court within thirty (30) days from this date.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that no costs be assessed against the Vinita Wholesale Grocer Company of Vinita, Oklahoma.

James H. Victor  
U. S. DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

B. A. COLBERT,

Defendant.

No. 2911 Civil

**FILED**

APR - 6 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

J U D G M E N T

NOW, on this 6th day of April, 1954, plaintiff United States of America, appearing by John S. Athens, United States Attorney for the Northern District of Oklahoma, and the defendant appearing in person and the court having heard the evidence finds that the defendant B. A. Colbert, is guilty of contempt of court in that he wilfully failed to obey the order of this court of March 1, 1954 directing him to quit the premises described as Lots 7 and 8, Block 36, Original Town of Jenks, Tulsa County, Oklahoma, and having been so adjudged guilty of contempt, the court finds that said defendant should be committed to the custody of the United States Marshal for the Northern District of Oklahoma for a period of forty-eight (48) hours.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the court that the defendant, B. A. Colbert, is in contempt of court and is committed to the custody of the United States Marshal for the Northern District of Oklahoma for a period of forty-eight (48) hours.

(2) Walter H. Savage  
U. S. DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
F O R  
THE NORTHERN DISTRICT OF OKLAHOMA.

KENT EQUIPMENT COMPANY,  
A CORPORATION,

PLAINTIFF

VS.

REX MADERIA CANNING COMPANY,  
INC., A CORPORATION,

DEFENDANT

JOE N. SHIDLER

RECEIVER

NUMBER

3 2 1 7

CIVIL

**FILED**

APR - 6 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

FINDING OF FACTS, CONCLUSIONS OF LAW,  
JUDGMENT AND DECREE AND ORDER OF SALE  
OF ASSETS

NOW on this 17th day of March, 1954, the above entitled cause came on regularly for hearing before the Honorable Royce H. Savage, Judge of the United States District Court for the Northern District of Oklahoma upon the Order to show cause why certain assets of defendant corporation should not be delivered by Sand Springs Home to Joe N. Shidler, Receiver, and upon the Response of Sand Springs Home and A.H.Burgess to said show cause order.

The Plaintiff appeared by Counsel, Irvine E. Ungerman and Charles A. Whitebook, Esqs., the Receiver Joe N. Shidler, appeared in person and the Respondents, Sand Springs Home and A.H.Burgess, appeared by their Counsel, E.J.Doerner and Paul P. Pinkerton, Esqs.

The Continental Can Company, and Assignee, C.I.T. Corporation appeared by its Counsel, Henry L. Rist, Esq., and its rights were determined and a separate Order for Judgment with respect thereto was made and entered herein, and

It being stipulated between the parties in open Court that Sand Springs Home and A.H.Burgess having filed a Response setting up the claim of Sand Springs Home to the property of defendant located on the premises at 8100 Sand Springs Road, Tulsa County, Oklahoma, under a landlord's lien for rent, and priority lien for protection and safe keeping of the property, and having served timely and proper notice of such claims upon the Receiver. That Sand Springs Home and A.H.Burgess consented

their plea to the jurisdiction of the Court be waived, and their claim be determined forth with by the Court upon the merits of the case, and that their liens and claims, if established by the Court, be protected if the property be ordered turned over to the Receiver, and to following the proceeds of the sale of the property, and

The Court having heard the evidence adduced on the part of the plaintiff, and the Respondents, Sand Springs Home and A. H. Burgess, and Receiver, Joe N. Shidler, the arguments and remarks of Counsel for all parties, and being well and fully advised in the premises, finds:

That Sand Springs Home is a Corporation, incorporated under the Laws of the State of Oklahoma, having its principal place of business at Sand Springs, Tulsa County, Oklahoma. That A.H.Burgess at all times hereinafter mentioned was agent of said Sand Springs Home, collecting rents and looking after rental properties: that Sand Springs Home is owner of the premises formerly occupied by the defendant at 8100 Sand Springs Road, Tulsa County, Oklahoma, and that the buildings thereon known as "Dairy Barn" and other buildings thereon had been remodeled and reconditioned during the year 1951 in order that same might be rented to the defendant herein.

That defendant Corporation constructed a canning and evicerating plant on said premises, and commencing with the month of April 1952 became a tenant at will from month to month of the Sand Springs Home, at an agreed monthly rental of \$360.00 payable monthly in advance.

That on the 1st day of September, 1952, rentals being wholly unpaid, and the business of defendant not being in operation and defendant having abandoned said premises leaving its property and machinery thereon unprotected and in danger of being lost or destroyed, Sand Springs Home through its agent, A.H.Burgess, and without objection on the part of defendant corporation, and in a quiet and peaceable manner, and with the tacit consent of defendant, took actual physical possession of the property of the defendant on said premises and padlocked all doors and entrances for the purpose of perfecting its landlord's lien and for the further purpose of protecting and safe keeping of the property of defendant located thereon, caused insurance to be placed thereon.

THE COURT FURTHER FINDS, Sand Springs Home not having sued out in attachment as a court action is not entitled to a landlord's lien, but is entitled to an allowance of a general claim for rent co-equal with the judgment of the plaintiff herein in the amount of \$360.00 monthly from April 1, 1952, until September 1, 1952, making a total of \$1,800.00. That Sand Springs Home is further entitled to a prior lien on the assets, equipment and personal property of the defendant hereinbefore, for the protection and safe keeping of said property as provided by Statutes of the State of Oklahoma at a reasonable monthly rental of \$360.00 from September 1, 1952 until the date of the show

cause order, which was April 20, 1953, or a total of \$2,760.00 together with a prior lien claim for advertising and insurance totaling \$207.98, which expenses were incurred with the approval and consent of the parties hereto, and which makes a total of \$2,967.98, all of which is allowed as a prior claim.

Sand Springs Home is entitled to a further priority claim from the Receiver in the amount of \$100.00 monthly from April 20, 1953, until the date of this hearing March 17, 1954, or \$1,100.00 together with compensation to Sand Springs Home at the rate of \$100.00 monthly as long as said property is in the hands of the Receiver and located on said premises; said sums to be paid as a part of the costs of administration of the Receivership.

IT IS THEREFORE, BY THE COURT, ORDERED, ADJUDGED AND DECREED, that Sand Springs Home deliver possession of the goods, wares, merchandise and equipment belonging to Rex Maderia Canning Company, Inc., defendant herein, located at 8100 Sand Springs Road, Tulsa County, Oklahoma, to the Receiver, Joe N. Shidler, Esq.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, Sand Springs Home is allowed and awarded claims against said property of the defendant, and to be paid out of any sale of the property of defendant, to follow the proceeds of any sale in the following order and priority:

1. A prior claim for preservation of said property from the Receiver in the amount of \$1,100.00 together with additional amounts at the rate of \$100.00 monthly for preservation of the property for the Receiver after the 17th day of March, 1954, to be paid by Receiver as a prior claim and as a part of administrative expenses of the Receivership.
2. Sand Springs Home is allowed a prior claim for protection and safe keeping of the property, together with advertising and insurance in the amount of \$2,967.98 to be paid out of proceeds of the sale of the property, and before the payment of any general claims.
3. Sand Springs Home is allowed a general claim for rents in the amount of \$1,800.00 or equal with the Judgment of the plaintiff, Kent Equipment Company, to be paid out of proceeds of sale.

That all of said claims and debts of Sand Springs Home, as allowed herein, shall follow and be attached to said property, and paid out of proceeds of the sale of said property, if ordered by the Court, in accordance with the priority with respect thereto.

#### ORDER OF SALE OF PROPERTY

AND thereafter there came on for hearing the oral application of the Receiver, made in open Court, for authority to sell the assets of the defendant corporation at public sale, and all parties consenting that said application be heard without further notice, and the Court being fully advised in the premises, finds that it is for the best interest of all parties

involved that said assets be sold at public sale in order to minimize the costs of Receivership in preserving said assets, and to prevent further loss from deterioration, depreciation and decline in value.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, by the Court, that Joe N. Shidler, Receiver, on taking possession of all of the property of defendant, Rex Maderia Canning Company, Inc., a corporation, located at 8100 Sand Springs Road, Tulsa County, Oklahoma, shall cause the same to be appraised in the manner provided by law by competent appraisers to be selected by the Receiver, and shall proceed to advertise all of said property, goods and chattels for sale at public auction on the premises at 8100 Sand Springs Road, Tulsa County, Oklahoma, at the hour of 10:00 o'clock A.M., on the \_\_\_\_\_ day of \_\_\_\_\_ 1954; Notice of said sale to be given by posting Notices of Sale at three public places in Tulsa County, State of Oklahoma, and by advertising said property for sale in the Sand Springs Leader, a weekly newspaper printed and published at Sand Springs in Tulsa County, Oklahoma, for thirty days prior to the date of said sale, and by publication in the Tulsa World and Tulsa Tribune at the discretion of the Receiver; and to sell said property to the highest and best bidder for cash in hand at the time and place aforesaid. And said Receiver will make due return of said sale within ten days from and after the date thereof.

Joseph H. George  
J U D G E

APPROVED:

Irvine E. Ungerman

Charles A. Whitebook  
for  
KENT EQUIPMENT COMPANY

E. J. Doerner  
E. J. Doerner  
Paul P. Pinkerton  
Paul P. Pinkerton  
for  
SAND SPRINGS HOME

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF  
OKLAHOMA

GEORGE L. WILKIE, doing business )  
as The Sunset Country Club, )

Plaintiff, )

vs. )

O. R. BURDEN CONSTRUCTION COMPANY, )  
a corporation, and SINCLAIR PIPE )  
LINE COMPANY, a corporation, )

Defendants. )

No. 3355-Civil

**FILED**

APR - 7 1954

O R D E R

NOBLE C. HOOD  
Clerk, U.S. District Court

On this 7<sup>th</sup> day of April, 1954, pursuant to  
the stipulation entered into by and between the parties, the  
above cause is ordered dismissed with prejudice, at the cost  
of the defendants.

Joseph A. Shay  
Judge

APPROVED AS TO FORM

Evelyn J. Cunningham  
Attorney for Plaintiff

APPROVED AS TO FORM

M<sup>c</sup>Coy + Gray & Frank T M<sup>c</sup>Coy  
Attorney for Sinclair Pipe Line Co.

APPROVED AS TO FORM

Joseph A. Shay  
Attorney for O. R. Burden Construction  
Company

**FILED**

APR - 7 1954

IN THE UNITED STATES DISTRICT COURT NOBLE C. HOOD  
FOR THE NORTHERN DISTRICT OF OKLAHOMA Clerk, U.S. District Court

In the Matter of the Estate }  
of W. A. GRAHAM, Deceased. }

No. 3496

ORDER OF REMAND TO STATE COURT

It is now ordered that the motion of Earl Ward, C. D. Mitchell and Baylis L. Graham, Administrators with Will annexed of the estate of W. A. Graham, deceased, to remand this cause to the County Court of Mayes County, Oklahoma, be, and the same is hereby sustained.

IT IS, THEREFORE, ORDERED that this cause be remanded to said court as not properly removable to this court.

15/ Royce H. Savage  
United States District Judge

DATED: April 7th, 1954.

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

913.14 Acres of Land, more or less,  
situate in Mayes and Wagoner Counties,  
Oklahoma; Douglas McKay, Secretary of  
the Interior, et al, and Unknown Owners,

Defendants,

CIVIL ACTION NO. **3500**

JUDGMENT ON DECLARATION OF  
TAKING NO. 1

**FILED**

APR - 7 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

This day comes the plaintiff, the United States of America, by John

S. Athens, United States Attorney for the Northern District of Oklahoma, and moves the Court to enter a judgment vesting in the United States of America, the full fee simple title, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipe lines in and to the property hereinafter described, and described in the Declaration of Taking No. 1 and in the Complaint filed herein.

Thereupon the Court proceeded to hear and pass upon said motion, the Complaint in condemnation and the Declaration of Taking No. 1 and finds that:

(1) Each and all of the allegations in said Complaint in condemnation and Declaration of Taking No. 1 are true, and the United States of America is entitled to acquire property by eminent domain for the purposes set forth in said Complaint;

(2) In said Complaint in condemnation and Declaration of Taking No. 1 a statement of the authority under which, and the public use for which said lands and estate therein were taken is set forth;

(3) The Complaint in condemnation and Declaration of Taking No. 1 were filed at the request of Robert T. Stevens, Secretary of the Army of the United States, the person duly authorized by law to acquire the lands and estate therein taken as described in said documents for the purposes therein set forth, and at the direction of the Attorney General of the United States, the person authorized by law to direct the institution of such proceeding;

(4) A proper description of the lands sought to be taken, sufficient for the identification thereof, is set out in said Declaration of Taking No. 1 and Complaint in condemnation; and a statement of the estate or interest in said lands taken for said public use is set out therein;

(5) A statement is contained in said Declaration of Taking No. 1 of the sum of money estimated by the acquiring authority to be just compensation for the estate taken in said lands, in the amount of SIXTY SIX THOUSAND FIVE HUNDRED (\$66,500.00) DOLLARS, and said sum of money was deposited in the registry of this Court for the use of the persons entitled thereto upon and at the time of the filing of said Declaration of Taking No. 1;

(6) A statement is contained in said Declaration of Taking No. 1 that the estimated amount of compensation for the taking of said property in the opinion of Robert T. Stevens, Secretary of the Army of the United States, will probably be within any limits prescribed by Congress as to the price to be paid therefor;

(7) And the Court, having fully considered the Complaint in condemnation, Declaration of Taking No. 1 and the Acts approved February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), and Acts supplementary thereto and amendatory thereof; and under the further authority of the Acts of Congress approved April 24, 1888 (25 Stat. 94; 33 U.S.C. 591), March 1, 1917 (39 Stat. 948; 33 U.S.C. 701), June 28, 1938 (52 Stat. 1215), August 18, 1941 (33 U.S.C.A. 701b, et seq.) the Acts of Congress approved July 31, 1947 (Public Law 296 - 80th Congress), June 25, 1948 (Public Law 782 - 80th Congress) and July 27, 1953 (Public Law 153 - 83rd Congress), and the Act of Congress approved August 1, 1888 (25 Stat. 357), and such other Acts of Congress which are declaratory or amendatory thereto, is of the opinion that the United States of America was and is entitled to take said property and have the title thereto vested in it.

IT IS, THEREFORE, CONSIDERED BY THE COURT, AND IT IS THE ORDER, JUDGMENT AND DECREE of the Court that the full fee simple title, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipe lines was vested in the United States of America upon the filing of Declaration of Taking No. 1 and the depositing in the Registry of this Court of the sum of SIXTY SIX THOUSAND FIVE HUNDRED (\$66,500.00) DOLLARS, and said lands and estate therein taken are deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the same thereby vested in the persons entitled thereto, the amount of just compensation to be ascertained and awarded in this proceeding and established by judgment herein pursuant to law.

The lands aggregate 913.13 acres, more or less, and are described as follows, to-wit:

DECLARATION OF TAKING NO. 1:

Tract No. 918

Tracts No. 1489, 1490 and 1465, Combined

Tracts No. 1713, 1714 and 1723, Combined

(See Declaration of Taking for land description)

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any and all persons now in possession of or claiming any rights whatsoever to the possession of the lands hereinabove described, and all and singular the rights, privileges and appurtenances thereunto belonging are hereby ordered and directed to deliver up and surrender forthwith full and complete possession of the lands hereinabove described, to the extent of the estate herein taken, to the United States of America, and the United States of America is hereby granted leave to take immediate possession of said lands.

This cause is held open for such other and further orders, judgments and decrees as may be necessary.

Entered this \_\_\_\_\_ day of April, 1954.

s/

Royce H. Savage  
U. S. District Judge

DECLARATION OF TAKING NO. 1

TRACT NO. 918

Indian Meridian

T. 18 N., R. 19 E.,  
Sec. 2, SE 10.00 acres of Lot 2 less 1 square acre in NE corner thereof.

The area described aggregates 9.00 acres, more or less, situate in Wagoner County, Oklahoma.

TRACT NO. 1465, 1489 &  
1490, Combined

Indian Meridian

T. 19, N., R. 19 E.,  
Sec. 22, Lots 3, 4, & 7  
Sec. 23,  $\frac{1}{2}$  SW $\frac{1}{4}$  less K. O. & G. RR ROW,  
Sec. 26, Lots 1, 3, 4 & 5; S $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ ; NW $\frac{1}{4}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  less K. O. & G. RR ROW and less 1.53 acres County Roadway,  
Sec. 27, Lot 1.

The area described aggregates 247.73 acres, more or less, situate in Mayes County, Oklahoma.

TRACT NO. 1713, 1714 &  
1723, Combined

Indian Meridian

T. 19 N., R. 19 E.,  
Sec. 3, SW $\frac{1}{4}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ,  
Sec. 4, Lot 6; South 20.00 acres of Lot 7 less 1 acre for Cemetery, described as: Beginning at a point 3036' West and 330' North of the SE corner of NE $\frac{1}{4}$ ; thence North 209.22'; thence West 209.22'; thence south 209.22'; thence East 209.22' to P. O. B.; SW $\frac{1}{2}$  NE $\frac{1}{4}$ ; S $\frac{1}{2}$ .  
Sec. 5, Lots 6 and 9,  
Sec. 9, Lots 2 and 3; East 8.20 acres of Lot 6; S $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ ; NE $\frac{1}{4}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ ,  
Sec. 10, NW $\frac{1}{2}$  NE $\frac{1}{4}$ ; N $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$ ; SW $\frac{1}{4}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$  less a strip 18' wide off of East side of said NW $\frac{1}{4}$  NW $\frac{1}{4}$  and said N $\frac{1}{2}$  SW $\frac{1}{4}$  NW $\frac{1}{4}$

The area described, plus accretions, aggregates 656.40 acres, more or less, situate in Mayes County, Oklahoma.

EXHIBIT "A"

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

913.14 Acres of land, more or less,  
situate in Mayes and Wagoner Counties,  
Oklahoma; Douglas McKay, Secretary of  
the Interior, et al, and Unknown Owners,

Defendants.

CIVIL ACTION NO. **3500**

JUDGMENT ON DECLARATION OF  
TAKING **FILED**

APR - 7 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

This day comes the plaintiff, the United States of America, by John S. Athens, United States Attorney for the Northern District of Oklahoma, and moves the Court to enter a judgment vesting in the United States of America, a perpetual and assignable right-of-way and easement for the construction, operation, maintenance and patrol of a road or highway, and drainage ditches in connection therewith, in and to the property hereinafter described and described in Declaration of Taking No. 2 and in the Complaint filed herein.

Thereupon the Court proceeded to hear and pass upon said motion, the Complaint in condemnation and Declaration of Taking No. 2, and finds that:

(1) Each and all of the allegations in said Complaint in condemnation and Declaration of Taking No. 2 are true, and the United States of America is entitled to acquire the property by eminent domain for the purposes set forth in said Complaint;

(2) In said Complaint in condemnation and Declaration of Taking No. 2 a statement of the authority under which, and the public use for which said lands and estate therein were taken is set forth;

(3) The Complaint in condemnation and Declaration of Taking No. 2 were filed at the request of Robert T. Stevens, Secretary of the Army of the United States, the person duly authorized by law to acquire the lands and estate therein taken as described in said documents for the purposes therein set forth, and at the direction of the Attorney General of the United States, the person authorized by law to direct the institution of such proceeding;

(4) A proper description of the lands sought to be taken, sufficient for the identification thereof, is set out in said Declaration of Taking No. 2 and Complaint in condemnation; and a statement of the estate or interest in said lands taken for said public use is set out therein;

(5) A statement is contained in said Declaration of Taking No. 2 of the sum of money estimated by the acquiring authority to be just compensation for the estate taken in said lands, in the amount of TWENTY FIVE & NO/100 (\$25.00) DOLLARS, and said sum of money was deposited in the Registry of this Court for the use of the persons entitled thereto upon and at the time of the filing of said Declaration of Taking No. 2;

(6) A statement is contained in said Declaration of Taking No. 2 that the estimated amount of compensation for the taking of said property in the opinion of Robert T. Stevens, Secretary of the Army of the United States, will probably be within any limits prescribed by Congress as the price to be paid therefor;

(7) And the Court, having fully considered the Complaint in Condemnation, Declaration of Taking No. 2, and the Acts of Congress approved February 26, 1931 (46 Stat. 1421; 40 U.S.C. 258a), and Acts supplementary thereto and amendatory thereof; and under the further authority of the Acts of Congress approved April 24, 1888 (25 Stat. 94; 33 U.S.C. 591), March 1, 1917 (39 Stat. 948; 33 U.S.C. 701), June 28, 1938 (52 Stat. 1215), August 18, 1941 (33 U.S.C. 701b, et seq.), the Acts of Congress approved July 31, 1947 (Public Law 296 - 80th Congress), June 25, 1948 (Public Law 782 - 80th Congress) and July 27, 1953 (Public Law 153 - 83rd Congress), and the Act of Congress approved August 1, 1888 (25 Stat. 357), and such other Acts of Congress which are declaratory or amendatory thereto, is of the opinion that the United States of America was and is entitled to take said property and have the title thereto vested in it.

IT IS, THEREFORE, CONSIDERED BY THE COURT, AND IT IS THE ORDER, JUDGMENT AND DECREE of the Court that a perpetual and assignable right-of-way and easement for the construction, operation, maintenance and patrol of a road or highway, and drainage ditches in connection therewith, in and to the land hereinafter described, was vested in the United States of America upon the filing of the Declaration of Taking No. 2 and the depositing in the Registry of this Court of the sum of TWENTY FIVE & NO/100 (\$25.00) DOLLARS, and said lands and estate therein taken are deemed to have been condemned and taken for the use of the United States of America, and the right to just compensation for the same thereby vested in the persons entitled thereto; the amount of just compensation to be ascertained and awarded in this proceeding and established by judgment herein pursuant to law.

The lands aggregate 0.01 acre, more or less, and is described as follows, to-wit:

DECLARATION OF TAKING NO. 6:

Tract No. MR-5-A-1

(See Declaration of Taking for land description)

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any and all persons now in possession of or claiming any rights whatsoever to the possession of the lands hereinabove described, and all and singular the rights, privileges and appurtenances thereunto belonging are hereby ordered and directed to deliver up and surrender forthwith full and complete possession of the lands hereinabove described, to the extent of the estate herein taken, to the United States of America, and the United States of America is hereby granted leave to take immediate possession of said lands.

This cause is held open for such other and further orders, judgments and decrees as may be necessary.

Entered this \_\_\_\_\_ day of April, 1954.

s/

Royce H. Savage  
U. S. District Judge

DECLARATION OF TAKING NO. 2

TRACT NO. MR-5-A-1

Indian Meridian

T. 19 N., R. 19 E.,

Sec. 3, a right-of-way for road purposes described as:  
Beginning at a point 20.40 feet East and 25.80  
feet North of the SW corner of the  $N\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$ ;  
thence West 20.40 feet; thence South 25.80 feet;  
thence East 22 feet, more or less; thence North-  
westerly on a curve to the right whose radius is  
352 feet to point of beginning.

The area described aggregates 0.01 acre, more or less, situate in  
Mayes County, Oklahoma.

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

A. W. EDWARDS,

Plaintiff,

vs.

TRADERS AND GENERAL INSURANCE COMPANY,  
a corporation,

Defendant,

H. E. TURPIN,

Intervenor.

No. 3372 - Civil

FILED

APR 7 1954

NOBLE S. HOOD  
Clerk, U.S. District Court

DECREE

The above entitled matter having come on for trial on the eighteenth day of March, 1954, and all parties appearing and having announced ready for trial, and the court having heard the evidence and argument of counsel and being advised:

IT IS, THEREFORE, ORDERED ADJUDGED AND DECREED by the court that the defendant, Traders and General Insurance Company, be required to defend plaintiff, A. W. Edwards, in cause No. 26710 pending in the District Court of Okmulgee County, State of Oklahoma, wherein H. E. Turpin is plaintiff and defendant A. W. Edwards is defendant, and that the defendant, Traders and General Insurance Company, further shall pay any judgment rendered therein which does not exceed the policy limits of the policy herein concerned.

IT IS FURTHER ORDERED that the defendant, Traders and General Insurance Company, shall defend plaintiff and hold him harmless in connection with any other claims of liability made with respect to the loss or damage of the drilling rig and equipment belonging to H. E. Turpin on May 28, 1953, within the limits of the policy herein concerned.

IT IS FURTHER ORDERED that plaintiff shall recover the costs  
of this action from the defendant, Traders and General Insurance Company.

Dated this 9th day of Apr., 1954.

/s/ ROYCE H. SAVAGE  
DISTRICT JUDGE

Approved as to form:

/s/ JACK W. HAYS  
Attorney for Plaintiff

/s/ A. H. COVINGTON  
Attorney for Defendant,  
Traders and General Insurance Company

/s/ HUGH M. SANDLIN  
Attorney for Intervenor,  
H. E. Turpin

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

APR 12 1954

FRANCIS BROWN,

PLAINTIFF,

VS,

SHIRLEY ANN EVANS,

DEFENDANT.

)  
( NOBLE C. HOOD  
( Clerk. U.S. District Court  
(  
(  
(

No. 3469 CIVIL

STIPULATION FOR DISMISSAL WITH PREJUDICE

Come now the parties above named and stipulate and agree that the above entitled cause may be and hereby is dismissed with prejudice on behalf of the plaintiff to the bringing of a future action.

Dated This 12th day of April, 1954.

*Francis Brown*  
\_\_\_\_\_  
PLAINTIFF

SHIRLEY ANN EVANS  
BY: *Robert B. Pool*  
\_\_\_\_\_  
HER ATTORNEY

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 3431 Civil

One 1951 Ford Custom Club Coupe,  
Motor No. BIMP-133132,

Respondent,

Interstate Securities Company, Inc.,  
of Tulsa, Oklahoma and Senoble Smith,

Defendants.

FILED

APR 13 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

J U D G M E N T

NOW, on this 13th day of April, 1954, pursuant to the findings of fact and conclusions of law filed herein,

IT IS ORDERED, ADJUDGED AND DECREED that the 1951 Ford Custom Club Coupe, Motor No. BIMP-133132, be and the same is hereby forfeited to the United States of America.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the application of Interstate Securities Company, Inc., of Tulsa, Oklahoma, for mitigation of forfeiture be and the same is hereby denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States Marshal for the Northern District of Oklahoma sell the automobile at public sale to the highest bidder upon notice duly given by posting in three public places and that the proceeds of the sale be applied as follows:

1. Payment of court costs;
2. Payment of costs of seizure and storage,

and the residue, if any, be paid to the Treasurer of the United States.

AND IT IS SO ORDERED.

*W. Royce H. [Signature]*  
U.S. DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LENORA D. HARRISON and  
FLOYD HALL,

Defendants.

No. 3475 Civil

**FILED**

APR 13 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

J U D G M E N T

NOW, on this 12th day of April, 1954, the above entitled action coming on for hearing, the plaintiff, United States of America, appearing by John S. Athens, United States Attorney, and Robert Brown, Assistant United States Attorney, for the Northern District of Oklahoma, and the defendants appearing not and the court having heard the evidence of the plaintiff and having examined the file, finds that said defendants were duly served with summons herein more than twenty days prior to this date and having failed to appear or answer is and should be adjudged in default.

The court finds that all the allegations of the plaintiff's complaint are true and that the defendants did for a valuable consideration and in accordance with the provisions of the Federal Housing Administration Act on January 19, 1950, execute a written promissory note in the sum of \$649.63 to Aitkin Insulation Company of Tulsa, Oklahoma, and that said defendants having defaulted in the payments on said note in accordance with the provisions of said act, said notes were thereafter assigned to the plaintiff and there is now due and owing upon said note the sum of \$569.57 principal, with interest thereon at the rate of 6% per annum from March 5, 1950 until paid.

The court further finds that the plaintiff has filed herein an affidavit of non-military service, which is found to be true.

The court further finds that said note was given for the purpose of paying for permanent improvements upon property located at Disney, Oklahoma, described as:

Lots 23, 24 and 25, in Block 6, Disney, Mayes County, Oklahoma, and that by reason thereof, plaintiff is entitled to a lien upon the above described premises and to levy execution upon said premises for the collection of the judgment.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the court that plaintiff have judgment against the defendants, Lenora E. Harrison and Floyd Hall, for the sum of \$569.57, with interest thereon at the rate of 6% per annum from March 5, 1950, and for its costs; that the plaintiff, having a lien upon the above described premises for said sums, the United States Marshal be, and he is hereby authorized to levy execution upon the aforesaid premises.

*15/ Royce H. Hargrave*  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT  
OF OKLAHOMA

J. M. KIRKPATRICK,  
Plaintiff,  
-vs-  
HELMAN C. BRANDENBERG,  
Defendant,

))  
))  
))  
))  
))  
))  
))

No. 3470

**FILED**

APR 14 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

J U D G M E N T

On this 14 day of April, 1954 there appeared for the plaintiff his attorney, Joe N. Whidler, and the defendant having been duly served with summons, having failed to plead or answer or make any appearance whatsoever in said cause within the time prescribed by said summons, the Court finds that the said defendant is in default.

The Court finds, from the evidence introduced in open Court, in favor of the plaintiff on plaintiff's Complaint and against the defendant.

ORDERED, that plaintiff have and recover judgment against the defendant in the amount of \$7,500.00 with interest at the rate of 5 per cent per annum from and after the 22nd day of June, 1953 and the costs of this action.

  
\_\_\_\_\_  
J U D G E

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

KAMO Electric Cooperative,  
Incorporated,

Plaintiff

vs

Gus Johnson, Lucinda Allen  
Johnson, Majel Frye, et al.,

Defendants

Case No. 3429 Civil **FILED**

JUDGMENT ON DECLARATION OF TAKING  
APR 15 1954

NOBLE C. HOOVER  
Clerk, U.S. District Co

This day comes the plaintiff, the KAMO Electric Cooperative, Incorporated, by Jack L. Borschach, Chief Counsel for KAMO Electric Cooperative, Incorporated, and moves the Court to enter a judgment vesting in the KAMO Electric Cooperative, Incorporated, a perpetual and assignable right-of-way and easement for the construction, maintenance and operation of a transmission line for the purpose of transmitting electric energy necessary and proper for use in distributing and marketing the electric energy owned by this cooperative, at the total fair, cash, market value of \$15,000.00, said amount being just compensation awarded the owners of the real estate involved in this proceeding by reason of such appropriation by KAMO Electric Cooperative, Incorporated.

Thereupon the Court proceeded to hear and pass upon said motion, the Complaint in condemnation and Declaration of Taking, and finds that:

(1) Each and all of the allegations in said Complaint in condemnation and Declaration of Taking are true, and the KAMO Electric Cooperative, Incorporated, is entitled to acquire property by eminent domain for the purposes set forth in said Complaint;

(2) In said Complaint in condemnation and Declaration of Taking a statement of the authority under which, and the public use for which said lands and estate therein were taken is set forth;

(3) The Complaint in condemnation and Declaration of Taking were filed at the request of Rex E. Dewey, Manager of KAMO Electric Cooperative, Incorporated, the person duly authorized by law to acquire the lands and estate therein taken as described in said documents for the purposes therein set forth.

(4) A proper description of the lands sought to be taken, sufficient for the identification thereof, is set out in said Declaration of Taking and Complaint in condemnation; and a statement of the estate or interest in said lands taken for said public use is set out therein;

(5) A statement is contained in said Declaration of Taking of the sum of money estimated by the acquiring authority to be just compensation for the estate taken in said lands, in the amount of FIFTEEN THOUSAND and No/100 DOLLARS (\$15,000.00), and said sum of money was deposited in the Registry of this Court for the use of the persons entitled thereto upon and at the time of the filing of said Declaration of Taking;

(6) And the Court, having fully considered the Complaint in condemnation, Declaration of Taking, and the Acts of Congress approved April 5, 1906, being Section 25 of said Act (34 Stat. 137); and acts supplementary thereto and amendatory thereof; February 28, 1902, being Sections 13 to 23 inclusive, (32 Stat. 43); and May 27, 1906, being Section 1 (35 Stat. 312), and such other Acts of Congress which are declaratory or amendatory thereto, is of the opinion that the KAWO Electric Cooperative, Incorporated, was and is entitled to take said property and have the title thereto vested in it.

IT IS, THEREFORE, CONSIDERED BY THE COURT, AND IT IS THE ORDER, JUDGMENT AND DECREE of the Court that a perpetual and assignable right-of-way and easement for the construction, maintenance and operation of a transmission line for the purpose of transmitting electric energy necessary and proper for use in distributing and marketing the electric energy owned by this cooperative, was vested in KAWO Electric Cooperative, Incorporated, upon the filing of Declaration of Taking, and the depositing in the Registry of this Court of the sum of FIFTEEN THOUSAND and No/100 (\$15,000.00) Dollars, and said lands and estate therein taken are deemed to have been condemned and taken for the use of the KAWO Electric Cooperative, Incorporated, and the right to just compensation for the same thereby vested in the persons entitled thereto, the amount of just compensation to be ascertained and awarded in this proceeding and established by judgment herein pursuant to law.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all of the award made herein is to include all damages done during the construction of the transmission line involved herein across the premises involved in this cause of action, and that if any damages are done in the future to any of the crops, trees, fences and improvements located on the premises involved herein during any of the maintenance, patrolling and operation of said line, that the plaintiff is to be responsible in damages for a tort for any such damage that might be occasioned by any of the agents, servants and employees of the plaintiff in the maintenance, operation and patrolling of said line.

The lands are described as follows, to-wit:

Tract No. 1  
(113-43-2, 44-1, 44-2 and 44-3)

A strip of land 100 feet in width in the North Half of Southwest Quarter and the Southeast Quarter of Section 6, Township 15 North, Range 10 East and the Southwest Quarter of Section 5, Township 15 North, Range 10 East and the Northeast Quarter of Northwest Quarter and the Northeast Quarter of Section 8, Township 15 North, Range 10 East of the Indian Base and Meridian in Creek County, Oklahoma, the centerline of which is described as follows, to-wit:

Beginning at a point in the North boundary of said North Half of Southwest Quarter of Section 6, Township 15 North, Range 10 East, 1017.7 feet East of the Northwest corner thereof; thence in a southeasterly direction to a point in the East boundary of said Southeast Quarter of Northeast Quarter of Section 8, Township 15 North, Range 10 East, 1108.3 feet North of the Southeast corner of the Northeast Quarter of Section 8, Township 15 North, Range 10 East.  
16 Structures.

and

A strip of land 100 feet in width in the Southeast Quarter of Northeast Quarter of Section 1, Township 15 North, Range 9 East of the Indian Base and Meridian in Creek County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the west boundary of said Southeast Quarter of Northeast Quarter, 267.7 feet south of the northwest corner thereof, thence in a southeasterly direction to a point in the east boundary of said Southeast Quarter of Northeast Quarter, 459.9 feet north of the Southeast corner thereof.  
2 Structures.

and

A strip of land 100 feet in width in the Southwest Quarter of Northwest Quarter and the Southeast Quarter of Northwest Quarter of Section 6, Township 15 North, Range 10 East of the Indian Base and Meridian in Creek County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the west boundary of said Southwest Quarter of Northwest Quarter, 459.9 feet north of the southwest corner thereof, thence in a southeasterly direction to a point in the south boundary of said Southeast Quarter of Northwest Quarter, 21.4 feet east of the southwest corner thereof.  
1 Structure.



IN THE UNITED STATES DISTRICT COURT IN AND FOR THE  
NORTHWEST DISTRICT OF OKLAHOMA

KAMO Electric Cooperative,  
Incorporated,

Plaintiff

vs

Gus Johnson, Lucinda Allen  
Johnson, Majel Frye, et al.,

Defendants

Case No. 3429 Civil

**FILED**

APR 15 1954

JUDGMENT CONFIRMING  
REPORT OF COMMISSION

NOBLE C. HOOD  
Clerk, U.S. District Court

Now on this 15<sup>th</sup> day of April, 1954, this matter comes on for confirmation of report of commission filed in this proceeding, and the Court, being fully advised in the matter, finds that this Court did, on the 2nd day of March, 1954, appoint a commission to conduct hearings, receive evidence, and view the lands involved and to do all acts and take all measures necessary and proper for the efficient performance of this duty, as in such cases provided - said commission to have the powers of a master provided in Sub-division (c) of Rule 53, and in such proceeding be governed by the provisions of paragraphs 1 and 2 of Sub-division (d) of Rule 53.

Pursuant to the order issued by this Court on the 2nd day of March, 1954, and after proper notice, the commission conducted a hearing in the Federal Court Room, Tulsa, Oklahoma, on the 18th day of March, 1954, wherein plaintiff was represented by its attorney, Jack L. Borschach, and defendants appeared by counsel, Worth McCauley.

All parties presented testimony of witnesses and introduced exhibits. The commission has now filed its report and the same should be approved.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the awards set forth in the report of commission as to the lands involved in this proceeding be, and the same are hereby confirmed and approved in every respect by this Court, and in the following amount, to-wit:

Tract No. 1

Commission's Award	\$15,000.00
Deposited	\$15,000.00

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said amount is final in all respects as to the fair, cash, market value of said easement across said tract of land, including all damages of whatsoever nature, including through construction thereon, only.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all of the award made herein is to include all damages done during the construction of the transmission line involved herein across the premises involved in this cause of action, and that if any damages are done in the future to any of the crops, trees, fences and improvements located on the premises involved herein during any of the maintenance, patrolling and operation of said line, that the plaintiff is to be responsible in damages for a tort for any such damage that might be occasioned by any of the agents, servants and employees of the plaintiff in the maintenance, operation and patrolling of said line.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the commission's award is affirmed in its entirety in the amount of \$15,000.00 for all of the interests in the land involved in this proceeding, and said sum of \$15,000.00 is to be paid to Car Johnson and Leland Allen Contract.

James M. [Signature]  
Judge

O. K.

[Signature]  
Attorney for Defendants

[Signature]  
Attorney for Plaintiff



IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

CHARLES GHOLSTON,

Plaintiff,

vs.

MONTGOMERY-WARD & COMPANY,  
INCORPORATED, a corporation,  
and JIM PETERS,

Defendants.

NO. 3479-CIVIL

**FILED**

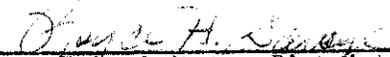
APR 23 1954

NOBLE C. HOOD  
Clerk, U. S. District Court

ORDER

Upon consideration of the separate motion to dismiss of the Defendant Jim Peters, it is ordered that the said motion be and it is hereby sustained, and the cause is hereby dismissed as to the Defendant Jim Peters.

Dated at Tulsa, Oklahoma, this 23rd day of April, 1954.

  
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

Louie C. Weeks, Jr.,

Plaintiff,

vs.

Lee Way Motor Freight,

Defendant.

No. 3144 Civil

**FILED**

APR 28 1954

MOTION TO DISMISS

NOBLE C. HOOD  
Clerk, U.S. District Court

Comes now the plaintiff and respectfully moves the court to dismiss the above styled and numbered action with prejudice to the right to commence another action, and for grounds for said motion states:

That the state Industrial Commission of the State of Oklahoma has taken full and complete jurisdiction of this controversy and has held that it has exclusive jurisdiction of the matters herein involved.

C. K.  
15/ *R. H. Anderson*  
Attorney for Defendant

15/ *A. D. Mason*  
Attorney for Plaintiff

The above styled and numbered action is ordered dismissed with prejudice this 28 day of April, 1954.

15/ *Royal H. Savage*  
U. S. District Judge

rdh/mr

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 ) Plaintiff, )  
 )  
 vs. )  
 )  
 ) CLEO C. GRACEY, )  
 )  
 ) Defendant. )

No. 3485 Civil

FILED

APR 28 1954

NOBLE C. HOOD  
Clark, U.S. District Court

J U D G M E N T

NOW, on this 27th day of April, 1954, the above entitled action coming on for hearing, the plaintiff, United States of America, appearing by John S. Athens, United States Attorney, and Charles H. Froeb, Assistant United States Attorney, for the Northern District of Oklahoma, and the defendant appearing not and the court having heard the evidence of the plaintiff and having examined the file, finds that said defendant was duly served with summons herein more than twenty (20) days prior to this date and having failed to appear or answer is and should be adjudged in default.

The court finds that all the allegations of plaintiff's complaint are true and that defendant did for a valuable consideration and in accordance with the provisions of the Federal Housing Administration Act on September 26, 1947, execute a written promissory note in the sum of \$2,925.00 to The First National Bank in Creston, Creston, Iowa, and that said defendant having defaulted in the payments on said note in accordance with the provisions of said act, said note was thereafter assigned to the plaintiff and there is now due and owing thereon the sum of \$2,667.50 and interest in the sum of \$882.17, with interest on \$2,667.50 at the rate of 6% per annum until paid; that on November 1, 1947, defendant made, executed and delivered to Peppert Insulation Company, in Creston, Iowa, his written promissory note in the sum of \$321.75, in accordance with the provisions of the Federal Housing Administration Act; that thereafter said note was assigned to The First National Bank in Creston, Creston, Iowa and thereafter assigned to the plaintiff. That there is now due and owing thereon the sum of \$256.69, with interest at the rate of 6% per annum from September 26, 1948 until paid.

The court further finds that plaintiff has filed herein an affidavit of non-military service, which is found to be true.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the court that plaintiff have judgment against the defendant, Cleo C. Gracey, for the sum of \$2,667.50 and interest in the sum of \$882.17, with interest on \$2,667.50 at the rate of 6% per annum from March 24, 1954 until paid, and the further sum of \$256.69, with interest at the rate of 6% per annum from September 26, 1948 until paid.

*15/ W. Royce H. Savage*  
\_\_\_\_\_  
U. S. DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Columbia Pictures Corporation, )  
a corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
L. Carl Ogden, Jr., and Modern )  
Theaters, Inc., )  
 )  
Defendants. )

FILED

MAY - 3 1954

NOBLE C. HOOD,  
Clerk, U.S. District Court

Civil Action

No. 3342

ORDER

On this 3 day of May, 1954, the plaintiff  
having moved the court to enter an order dismissing said cause  
with prejudice,

IT IS THEREFORE ORDERED that the same is hereby dis-  
missed with prejudice.

/s/ ROYCE E. SAWYER  
United States District Court

O. K.

/s/ Edward G. Couls  
Attorney for Plaintiff

O. K.

/s/ John Heckler, Jr.  
Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY - 3 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

Loew's Incorporated,  
a corporation,  
  
Plaintiff,  
  
vs.  
  
L. Earl Snyder, Jr., and Modern  
Theatres, Inc.,  
  
Defendants.

Civil Action  
No. 3343

ORDER

Now on this 3 day of May, 1954, the plaintiff  
having moved the court to enter an order dismissing said cause  
with prejudice,

IT IS THEREFORE ORDERED that the same is hereby dis-  
missed with prejudice.

/s/ ROYCE H. SAVAGE  
United States District Court

O. K.

/s/ Edward E. Louie  
Attorney for Plaintiff

O. K.

/s/ John Wheeler, Jr.  
Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY - 3 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

Plaintiff, )  
vs. )  
Defendants. )

Civil Action

No. 3344

ORDER

Now on this 3 day of May, 1954, the plaintiff  
having moved the court to enter an order dismissing said cause  
with prejudice,

IT IS THEREFORE ORDERED that the same is hereby dis-  
missed with prejudice.

/s/ ROYCE H. SAVAGE  
United States District Court

O. L.

/s/ Edward E. Foulle  
Attorney for Plaintiff

O. K.

/s/ John Wheeler, Jr.  
Attorney for Defendants

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

MAY 3 1954

NOBLE C. HOOD  
Clerk U.S. District Court

IBC Electric Station, Inc.,  
a corporation,

Plaintiff,

vs.

Civil Action

L. Earl Snyder, Jr., and Modern  
Theatres, Inc.,

No. 5945

Defendants.

ORDER

On this 3 day of May, 1954, the plaintiff  
having moved the court to enter an order dismissing said cause  
with prejudice,

IT IS HEREBY ORDERED that the same is hereby dis-  
missed with prejudice.

/s/ ROYCE H. ...  
United States District Court

/s/ Edward L. ...  
Attorney for Plaintiff

/s/ John Wheeler, Jr.  
Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT  
OF THE NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY - 9 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

Twentieth Century-Fox Film  
Corporation, a corporation,

Plaintiff,

vs.

L. Carl Snyder, Jr., and Modern  
Theatres, Inc.,

Defendants.

Civil Action

No. 3346

ORDER

Now on this 3 day of May, 1954, the plaintiff  
having moved the court to enter an order dismissing said cause  
with prejudice,

IT IS THEREFORE ORDERED that the same is hereby dis-  
missed with prejudice.

/s/ ROYCE H. BOWMAN  
United States District Court

O. C.

/s/ Edward E. Boule  
Attorney for Plaintiff

O. C.

/s/ John Wheeler, Jr.  
Attorney for Defendants

**FILED**

MAY - 3 1954

**NOBLE C. HOOD**  
Clerk, U.S. District Court

Universal Film Exchanges, Inc.,  
a corporation,

Plaintiff,

v.

Civil Action

E. J. Sawyer, Jr., and Modern  
Theatres, Inc.,

No. 3347

Defendants.

VERIFICATION

That on this 3 day of May, 1954, the plaintiff  
has moved the court to enter an order dismissing said cause  
with prejudice,

and that said motion is true, dis-  
tinct and without reservation.

W. W. LAYTON, JR.  
Clerk of the District Court

/s/ Edward J. Gals  
Attorney for Plaintiff

/s/ John Keeley, Jr.  
Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT  
OF THE DISTRICT OF COLUMBIA

FILED

MAY - 3 1954

NOBLE C. HOOD,  
Clark, U.S. District Court

Eastern Am. Pictures Distributing  
Company, Inc.,

Plaintiff,

vs.

Civil Action

L. S. Sawyer, Jr., and Modern  
Theaters, Inc.,

No. 3348

Defendants.

ORDER

Now on this 3 day of May, 1954, the plaintiff  
herein moved the court to enter an order dismissing said cause  
with prejudice,

IT IS THEREFORE ORDERED that the same is hereby dis-  
missed with prejudice.

/s/ ROYCE H. LINDLEY  
United States District Court

D. C.

/s/ Edward E. Coule  
Attorney for Plaintiff

D. C.

/s/ John Wheeler, Jr.  
Attorney for Defendants

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY - 8 1954

Eda Christian and John Christian, )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 Cudahy Packing Company, )  
 a Corporation, )  
 )  
 Defendant. )

NOBLE C. HOOD  
Clerk, U.S. District Court

No. 3435 Civil

DISMISSAL WITH PREJUDICE

Come now the plaintiffs, Eda Christian and John Christian,  
all issues involved in this case having been fully settled and compromised,  
and dismiss the above styled and numbered action with prejudice to the right  
to bring a future action, at the cost of plaintiffs.

Dated this 30th day of April, 1954.

John Christian  
Eda Christian  
Plaintiffs  
Raymond H. George  
Attorney for Plaintiffs

IT IS HEREBY ORDERED that the above styled and numbered  
action be dismissed with prejudice, at cost of plaintiffs, this 30th day of  
May, 1954.

Raymond H. George  
U.S. District Judge

r3h/lor

4-30-54

051

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GRANVILLE H. HAPPER,

Defendant.

No. 3498 Civil

FILED

MAY - 5 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

ORDER OF DISMISSAL

NOW, on this 5th day of May, 1954. it being represented to the court that the defendant has paid the amount sued for in full and the court costs have been paid to the Clerk of this Court, upon motion of plaintiff,

IT IS ORDERED that said cause be dismissed at the cost of the defendant.

W. Royce H. Shroyer  
U. S. DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA

James L. Adams, et al.,

vs.

C. A. Britton, et al.,

Plaintiffs,

Defendants.

No. 3411 Civil

FILED

MAY - 7 1954

ORDER TRANSFERRING CASE

WALTER C. BOOD  
Clerk U.S. District Court

On defendants' motion to transfer or dismiss,

IT IS ORDERED by the Court:

(1) Defendants' motion to dismiss is denied.

(2) Defendants' motion to transfer is sustained and this case is on this day transferred to the United States District Court for the Eastern District of Oklahoma.

(3) Subject to such orders as may be made by the United States District Court for the Eastern District of Oklahoma, defendants shall have 10 days from this date to answer the complaint and to file any cross-claim, counterclaim or other pleading in this case.

This 7th day of May, 1954.

Wayne H. [Signature]  
U. S. District Judge

IN THE UNITED STATES DISTRICT COURT WITHIN AND FOR THE  
NORTHERN DISTRICT OF THE STATE OF OKLAHOMA

FILED

IRVIN ROBBINS, Administrator  
of the Estate of ALLEN EUGENE  
FIELDER, Deceased,  
  
PLAINTIFF,  
  
VS.  
  
HAYES FREIGHT LINES, an  
Illinois Corporation,  
  
DEFENDANT.

1937 JUN 10 PM  
ROBERT H. HOOVER  
Clerk U.S. District Court

NO. 3 4 6 1

ORDER REMANDING CAUSE TO STATE COURT

It is ordered that the motion of plaintiff to remand  
this cause to the Superior Court of Creek County, Bristow  
Division, State of Oklahoma, be, and the same is hereby sus-  
tained.

It is, therefore, ordered that this cause be remanded  
to that court, as not properly removable to this court.

*W. R. ...*  
United States District Judge  
For The Northern District Of  
Oklahoma.

Noted and  
Approved as to Form :

*North B. M. ...*  
Attorney for Plaintiff

*Farmer Wookley ...*  
Attorney for Defendant

UNITED STATES DISTRICT COURT OF SOUTHERN DISTRICT OF NEW YORK

1954

1954

-X-

In the District Court of the Southern District of New York,

Defendant.

Civil Action

No. 3111

FILED

MAY 11 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

J U R I S T

This cause came on to be tried on May 1, 1954, at 10:30 a. m. at which, after a, pursuant to regular assignment for trial, both parties being present in person and by their attorneys and neither party having requested a jury, within the time provided, the cause was tried to the court. Witnesses were sworn and examined by open court and the court having heard oral arguments, being fully advised and having made and filed findings of fact and conclusions of law,

It is hereby ordered, adjudged and decreed that plaintiff take nothing by reason of this action, and that the action of plaintiff is dismissed on the merits at plaintiff's cost effective to the 11th day of May, 1954.

*Royce H. Savage*  
United States District Judge

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

WALTER FORREST, by Christina  
Forrest, Mother and Next Friend,

Plaintiff,

-vs-

BARNARD W. LOUNSBURY,

Defendant.

NO. 3455 CIVIL

FILED

*in open Court*  
MAY 11 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

JOURNAL ENTRY OF JUDGMENT

This cause came on to be heard  
this 11<sup>th</sup> day of May, 1954, plaintiff appearing in person and  
by Christina Forrest, his Mother and next friend and their  
attorneys, Tillman & Tillman, the defendant appearing by his  
attorneys, Rucker & Tabor, and both parties announcing ready  
for trial and a jury being waived, evidence was introduced,  
and the court being fully advised on consideration finds that  
plaintiff has sustained the allegations of his petition and  
is entitled to judgment in the amount of ONE THOUSAND EIGHT  
HUNDRED FIFTY-SEVEN AND 22/100 (\$1,857.22) DOLLARS.

IT IS THEREFORE ORDERED, ADJUDGED  
AND DECREED by the court that the plaintiff, by and through  
Christina Forrest his Mother and next friend, have and recover  
of said defendant the sum of \$1,857.22 and for their costs  
herein expended.

H. R. Harrison  
Judge

APPROVED AS TO FORM:

[Signature]  
Attorneys for Plaintiff

APPROVED AS TO FORM:

[Signature]  
Attorneys for Defendant

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FRED HARMEMAN, JR.,

Plaintiff,

-vs-

EDWARD DUCHNASKIE, ARLIE BARRS,  
and WESLEY W. MOORE, s/h/s  
MOORE MOTOR COMPANY,

Defendants.

No. 3434 CIVIL

FILED

MAY 1 1954

NOBLE C. HUGHES  
Clerk, U.S. District Court

DISMISSAL WITH PREJUDICE

Come now the plaintiff and his attorneys  
and move the court for permission to dismiss this cause with  
prejudice to the rights of bringing of a future action.

*Fred Harman Jr.*  
Plaintiff

*William M. ...*  
Plaintiff's Attorney

ORDER OF DISMISSAL

IT IS HEREBY ORDERED That the above-styled  
cause be, and the same is hereby dismissed with prejudice to the  
plaintiff's rights to the bringing of a future action.

*W. R. Wallace*  
Judge of the Federal Court

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

LETA HANNEMAN,

Plaintiff,

-vs-

EDWARD DUCHNISKI, ARDIE BARR,  
and WESLEY E. MOORE, d/b/a  
MOORE MOTOR COMPANY,

Defendants.

No. 3439 CIVIL

FILED

MAY 1 2 1954

NOBLE C. HOOP  
Clerk, U.S. District Court

DISMISSAL WITH PREJUDICE

Come now the plaintiff and her attorneys  
and move the court for permission to dismiss this cause with prejudice  
to the rights of bringing of a future action.

Leta Hanneman  
Plaintiff

William H. Hoadley  
Plaintiff's Attorney

ORDER OF DISMISSAL

IT IS HEREBY ORDERED That the above-styled  
cause be, and the same is hereby dismissed with prejudice to the  
plaintiff's rights to the bringing of a future action.

W R Wallace  
Judge of the Federal Court.

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

REBA LAWSON,

Plaintiff,

-vs-

EDWARD BUCHHEITEL, ARLIE BARR,  
and WENLEY E. MOORE, d/b/a MOORE  
MOTOR COMPANY,

Defendants.

No. 3440 CIVIL

FILED

MAY 14 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

DISMISSAL WITH PREJUDICE

Come now the plaintiff and her attorneys  
and move the court for permission to dismiss this cause with  
prejudice to the rights of bringing of a future action.

Reba Lawson  
Plaintiff

William J. Shreeve  
Plaintiff's Attorney

ORDER OF DISMISSAL

IT IS HEREBY ORDERED That the above-styled  
cause be, and the same is hereby dismissed with prejudice to the  
plaintiff's rights to the bringing of a future action.

\_\_\_\_\_  
Judge of the Federal Court

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT  
OF OKLAHOMA

HENRY J. WALLACE, )  
 )  
 Plaintiff )  
 )  
 vs )  
 )  
 HUGHES GARNEAU, )  
 d/b/a HUGHES GARNEAU COMPANY )  
 )  
 Defendant )

No. 3397-Civil

FILED

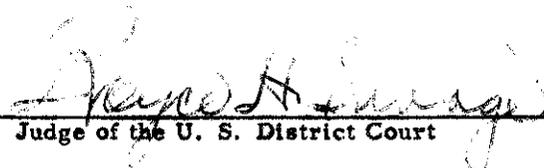
MAY 17 1954

NOBLE C. MOOD  
Clerk, U. S. District Court

ORDER

This action came on for hearing after being regularly set on the 13th day of April, 1954. One witness was sworn and his testimony introduced. At the close of the direct testimony the court appointed a referee to hear further testimony and set the case for hearing before the referee on the 15th day of April, 1954. On the 15th day of April, 1954, a compromise agreement was reached between the parties and their attorneys. The defendant made settlement as agreed with the plaintiff and an agreement was reached that this matter would be dismissed with prejudice to the filing of a future action.

IT IS THEREFORE ORDERED that this action be dismissed with prejudice to the filing of a future action.

  
Judge of the U. S. District Court

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

NAOMA DAVIS,

Plaintiff,

v.

OKLAHOMA TIRE & SUPPLY COMPANY,

a foreign corporation,

Defendant.

Case No. 3215-Civil  
**FILED**

MAY 18 1954

NOBLE C. HOOD  
Clerk U.S. District Court

JUDGMENT ON GENERAL VERDICT FOR PLAINTIFF

This action came on regularly for trial on the 18th day of May, 1954, C. G. Lanster and W. L. Mason appearing as counsel for plaintiff, and C. B. Patten and Aaron Mesirov appearing as counsel for defendant. A jury of twelve persons was regularly impaneled and sworn to try said action, and witnesses on the part of the plaintiff and defendant were duly sworn and examined. After hearing the evidence, arguments of counsel and instructions of the court, the jury retired to consider of their verdict and subsequently returned into court with the verdict signed by the foreman, a copy of which, answered and say:

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

NAOMA DAVIS,

Plaintiff

v.

Case No. 3215-Civil

OKLAHOMA TIRE & SUPPLY COMPANY,

a foreign corporation,

Defendant.,

We, the jury in the above entitled case, duly impaneled and sworn, upon our oath find for the plaintiff, and assess her damages at Thirty Thousand Eight Hundred Dollars (\$30,800.00)  
Wm. Connors V. Morgan

Wherefore, it is ordered, adjudged and decreed, that the plaintiff have and recover from defendant the sum of Thirty Thousand eight hundred Dollars (\$30,800.00) with interest thereon at the rate of six per cent (6%) per annum from the date hereof, till paid, together with plaintiff's costs and disbursements incurred in this action amounting to the sum of

~~Twenty Eight Hundred Dollars (\$2,800.00)~~  
Judgment entered 18th day of May 1954.

*181 Royce H. Swain*  
United States District Judge

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

ROBERT WERTZ,

Plaintiff,

-vs-

FLOUR MILLS OF AMERICA, INC.,  
A CORPORATION,

Defendant.

No. 3393

**FILED**

MAY 19 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

J U D G M E N T

The above styled case came on for trial this 19 day of May, 1954, a jury having been waived, and it appearing to the court that an agreement for settlement has been entered into between these parties and it further appearing to the court that it has been agreed that the above styled case be settled for the amount of TWELVE THOUSAND FIVE HUNDRED AND FORTY EIGHT DOLLARS (\$12,548.37) AND THIRTY-SEVEN CENTS, and the court having heard evidence in other and companion cases to the above styled case, and being fully advised in the premises, finds, that plaintiff has sustained the allegations of his petition, and,

IT IS ORDERED, adjudged and decreed that plaintiff have and recover judgment against the defendant in the amount of TWELVE THOUSAND FIVE HUNDRED FORTY-EIGHT DOLLARS (\$12,548.37) AND THIRTY-SEVEN CENTS, and for the costs of this action.

Dated this 19 day of May, 1954.

Robert H. Savage  
District Judge

Approved as to form:

Walter Brown, Clerk of Court  
Attorney for Plaintiff

Robert C. Williams  
Attorney for Defendant

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

ROBERT WERTZ, Administrator of  
the Estate of Robert Gordon Wertz,  
Deceased,

Plaintiff,

-vs-

LOUR MILLS OF AMERICA, INC.,  
A CORPORATION,

Defendant.

No. 3310

**FILED**

MAY 19 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

J U D G M E N T

The above styled case came on for trial  
this 19 day of May, 1954, a jury having been waived,  
and it appearing to the court that an agreement for settlement has  
been entered into between these parties and it further appearing  
to the court that it has been agreed that the above styled case  
be settled for the amount of TWO THOUSAND FOUR HUNDRED FIFTY-ONE  
(\$2,451.63) AND SIXTY-THREE CENTS, and the court having heard evi-  
dence in other and companion cases to the above styled case, and  
being fully advised in the premises, finds, that plaintiff has sus-  
tained the allegations of his petition, and,

IT IS ORDERED, adjudged and decreed that  
plaintiff have and recover judgment against the defendant in the  
amount of TWO THOUSAND FOUR HUNDRED FIFTY-ONE DOLLARS (\$2,451.63)  
AND SIXTY-THREE CENTS, and for the costs of this action.

Dated this 19 day of May, 1954.

George A. Swartz  
District Judge

Approved as to Form:

Walter Brown & Clark Hood  
Attorney for Plaintiff

Ralph C. Thomas  
Attorney for Defendant

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

\*\*\*\*\*

EDWIN A. ELLIOTT, Regional Director of the  
Sixteenth Region of the National Labor  
Relations Board, for and on behalf of the  
NATIONAL LABOR RELATIONS BOARD,

Petitioner,

v.

LOCAL UNION 584, INTERNATIONAL ASSOCIATION  
OF BRIDGE, STRUCTURAL AND ORNAMENTAL IRON  
WORKERS UNION, AFL, AND SAM BARTEE AND JACK PRICE,  
ITS AGENTS; CONSTRUCTION AND GENERAL LABORERS'  
UNION, LOCAL 1202, INTERNATIONAL HOD CARRIERS'  
BUILDING AND COMMON LABORERS UNION OF AMERICA,  
AFL, AND R. P. VINALL, ITS AGENT,

Respondents.

\*\*\*\*\*

Civil No. 3474

FILED

MAY 1 1954

NORCE C. HOOD  
Clerk, U.S. District Court

ORDER DISMISSING PROCEEDING FOR TEMPORARY INJUNCTION

A petition having been filed herein on March 12, 1954, for a temporary injunction enjoining and restraining respondents from engaging in certain acts and conduct set forth therein, pending the final adjudication of the National Labor Relations Board with respect to such matters, and an answer to the said petition having been filed, and the hearing on said petition having thereafter been continued generally; and

It appearing to the Court that the National Labor Relations Board on April 15, 1954, duly entered its Decision and Order in Local Union 584, International Association of Bridge, Structural and Ornamental Iron Workers Union, AFL, and Sam Bartee and Jack Price, Its Agents; Construction and General Laborers' Union, Local 1202, International Hod Carriers' Building and Common Laborers Union of America, AFL, and R. P. Vinall, Its Agent; and Bailey Hutton, d/b/a Hutton Construction Company, Case Nos. 16-CC-23 and 16-CC-24, which is the Board's final adjudication with respect to the matters involved in this proceeding, it is therefore

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

THE CREEK NATION,

Plaintiff,

vs.

No. 3471

SCHOOL DISTRICT NO. 33 of  
CREEK COUNTY, OKLAHOMA

Defendant.

FILED

MAY 21 1964

NOBLE C. HOOD  
Clerk, U.S. District Court

J U D G M E N T

Now on this 24<sup>th</sup> day of May, 1964, the above entitled cause comes on for entry of judgment on the findings of fact and conclusions of law filed in this action. The parties appear as heretofore. Whereupon the Court, having considered said findings of fact and conclusions of law and having caused the same to be filed and entered herein, confirms the same, and therefore in accordance therewith, adjudges and decrees as follows:

IT IS CONSIDERED, ORDERED AND DECREED by the Court that this Court has jurisdiction of the parties and of the subject-matter of this action and has full and complete jurisdiction to render judgment herein.

It is further considered, ordered and decreed that Plaintiff, The Creek Nation, has no right, title or interest in and to the lands involved herein, to-wit:

All the E/2 SW/4 NW/4 and the W/2 SE/4 NE/4 of Section 36, Township 18 North, Range 11 East of the Indian Base and Meridian, Creek County, Oklahoma, less approximately two acres described as follows: beginning at the Northwest corner of the E/2 of the SW/4 of the NW/4 of Section 36, Township 18 North, Range 11 East, in Creek County, Oklahoma, thence South 470 feet; thence East 185 feet, thence North 470 feet, thence West 185 feet to the place of beginning, containing 38 acres more or less as the case may be according to the United States survey thereof, subject however, to the provisions of the Act of Congress approved April 30, 1908 (35 Stat. 74).

or in the improvements thereon, and that Plaintiff is not entitled to any relief as against the Defendant, Independent School District No. 33 of Creek County, Oklahoma, and Plaintiff's petition is therefore dismissed with prejudice.

A PRUDENTIAL

Attorney for Plaintiff

type

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

JOHN H. KUHN, as Trustee in Bankruptcy  
of MICHEL STEEL PROCESSING CORPORATION,  
a Michigan Corporation, Bankrupt

Plaintiff

--VS--

MARY LOUISE MICHEL,

Defendant

CIVIL ACTION

No. 3254

**FILED**

MAY 27 1954

**NOBLE C. HOOD**  
Clerk, U.S. District Court

ORDER OF DISMISSAL WITH PREJUDICE

Now on this 21 day of May, 1954 this matter coming on for hearing  
upon the application of plaintiff for an order of dismissal with prejudice,  
the court having considered the same finds that it should be granted.

IT IS ORDERED that the cause of action of the plaintiff herein be and  
the same hereby is dismissed with prejudice.

*George H. Savage*  
JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY 28 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
JACK PATILLO, )  
 )  
Defendant. )

No. 3298 Civil

DISMISSAL

Comes now the plaintiff, United States of America, and having shown to the court that the defendant tendered \$500.00 in compromise settlement of this case and that said tender was accepted by the plaintiff, and leave of court having been obtained, the case is dismissed with prejudice.

UNITED STATES OF AMERICA

By

John S. Athens  
John S. Athens  
United States Attorney

Hobart Brown  
Hobart Brown  
Assistant U.S. Attorney

Leave is hereby granted and it is so ordered that this case be dismissed.

Harold George  
U. S. DISTRICT JUDGE



Elmer B. Credwin Ruby, J. L. Diegen, W. H. Bentley, Samuel C. Bell, Nellie M. Koch, W. W. Rice, C. W. Gordon, Robert Hutchins, W. W. Gordon, W. B. Ferris, J. S. Gordon, W. J. Withum, W. L. Redbetter, W. L. Troth, L. B. Levy, L. B. Levy, Trustee, W. L. Gland, James H. Thomas, H. W. Johnson, H. W. Johnson, Trustee, J. W. Wells, W. L. Pearson, H. E. Robinson, and each of them if they be living, or if they or any of them be dead, then and in that event the unknown heirs, executors, administrators, devisees, trustees, and assigns of such above named persons as be dead, together with their respective spouses whose first, true and real names are unknown; The West Oil Company, a corporation, the Axelius-Svensen Company, a corporation, the Polys Oil Company, a corporation, the Cimarron Oil and Gas Company, a corporation, The Channel Oil Company, a corporation, The Bent-Bell Company, a corporation, The Paymaster Oil Company, a corporation, The Number One Oil Company, a corporation, The Somerset Petroleum Company, a corporation, The Dundee Petroleum Company, a corporation, The Eighteen-Seven Oil Company, a corporation, The Mid-Continent Gasoline Company, a corporation, The Axelius-Thomas Gasoline Company, a corporation, The Union Brokerage Company, a corporation, and each of them if they be in existence, or if not in existence, then and in that event the unknown trustees, successors, and assigns of such above named corporations as be defunct or not a legal entity within the State of Oklahoma;

and all matters in issue having been amicably adjusted and agreed upon by the parties of interest, and the Court having been so advised, the Court finds:

That the land to which reference is made in the complaint and involved in this litigation, situated in Creek County, Oklahoma, and described as follows, to-wit:

Four (4) of Northwest Quarter 10, 1/4 NW 1/4 and Lots Three (3) and Four (4) and Eight (8) and Nine (9), all in Section Eight (8), Township Eighteen (18) North, Range Seven (7) East, containing 160 acres, more or less, including lands attributable to her allotment and located in the river bed of the Oregon River,

was duly and legally patented to one Eliza Yeholt, afterwards Smith, and who was enrolled upon the approved rolls of the Creek Tribe of Indians as a full blood opposite Roll No. 9170; that the said Eliza Yeholt departed this life, intestate, on or about the 9th day of September, 1914, leaving surviving her as her next of kin and heirs at law her mother, Elsie Yeholt, enrolled upon the approved rolls of the Creek Tribe of Indians as a full blood Indian opposite Roll No. 8837, and her husband, John Smith, Jr., who was enrolled as a member of the Creek Tribe of Indians of the 5/8 blood opposite Roll No. 9184, and leaving no other persons related to her in the same degree or interested in her estate; that more than three years have expired since the date of her death without there having been a judicial determination of her death and heirship by a court having jurisdiction to make such a determination.

That under and by virtue of the laws of inheritance in force at the date of the death of the said Eliza Smith, formerly Yeholt, an undivided one-half (1/2) interest in the lands of the said Eliza Yeholt passed to and vested in John Smith, Jr., the surviving husband, and an undivided one-half (1/2) interest vested in the mother, Elsie Yeholt. That the said Elsie Yeholt by good and valid deed and for a good and valuable consideration, conveyed her undivided one-half (1/2) interest in all of the lands involved herein to John Smith, Jr. by deed dated September 26, 1916, approved by the County Court of Lincoln County, Oklahoma, on October 7, 1916.

That on the 27th day of December, 1934, the said John Smith, Jr., aforesaid, conveyed by quitclaim the undivided one-half (1/2) interest inherited by him in the estate of his deceased wife to the following persons in the proportions stated, to-wit:

Isaac Yehola	1/12
Lydon Yehola	2/36
Daniel Yehola	2/36
Mary Yehola now Gouge	2/36
John Yehola	1/12
Joe Yehola	1/12
Frank Yehola	1/12

That the said Abraham Yehola, aforesaid, departed this life, intestate, on or about the 8th day of July, 1939, seized and possessed of the aforesaid interest in the lands involved herein, and leaving no surviving wife and no issue nor father nor mother, and leaving as his next of kin and sole and only heirs at law his brothers, Joe Yehola and Isaac Yehola, each of whom took an undivided one-half (1/2) interest in the interest so acquired from John Smith, Jr., that more than three years have expired since the date of his death without there having been a judicial determination of his death and heirship by a court having jurisdiction to make such a determination.

That John Smith, Jr. departed this life, testate, on the 26th day of March, 1951, and his estate is pending in the course of administration in the County Court of Hughes County, Oklahoma, in Cause No. 6826, and the Executor of the estate has answered and appeared in this case by his counsel, Stevenson, Huser & Huser.

That Daniel Yehola departed this life, intestate, on or about the 18th day of April, 1943, seized and possessed of the undivided two-thirty-sixths (2/36) interest in the lands involved herein, and his estate is being administered in the County Court of Hughes County, Oklahoma, and Margaret Yehola has been appointed administratrix of the estate of Daniel Yehola, deceased, and this action has been properly revived by said administratrix on behalf of the estate.

That by virtue of a deed executed for a valid consideration on September 13, 1916, the said Joe Yehola conveyed all of his undivided one-twelfth (1/12) interest to Emma Riggers; that thereafter and to-wit, on February 17, 1939, Emma Riggers deeded the aforesaid one-twelfth (1/12) interest to Irvin L. Wilson, now deceased; that the estate of the said Irvin L. Wilson was duly administered in the County Court of Franklin County, and said Irvin Wilson was found and adjudged to be the sole and only heir and devisee of the said Irvin L. Wilson, deceased. That said Irvin Wilson conveyed, by mineral deed under date of September 1, 1943, an undivided one-half (1/2) of her one-twelfth (1/12) interest, same being an undivided one twenty-fourth (1/24) interest, in the West Half of the Northwest quarter (1/2 NW 1/4) and Lots Three (3) and Four (4) to Emma Riggers, and thereafter Emma Riggers by good and valid mineral deed conveyed the last above acquired interest to Emma Jane Howell, and thereafter said Irvin Wilson conveyed, by quitclaim deed dated July 7, 1952, an undivided one-twenty-fourth (1/24) interest in the minerals only as to Lots Eight (8) and Nine (9) to Emma Riggers; and that the said interest is now owned as hereinafter set out.

That Mary Yehola, now Gause, conveyed to John P. Davis, plaintiff herein, by quitclaim deed dated January 15, 1961, 1/3 of her two thirty-sixths (2/36) interest in the river bed and accreted lands riparian to Lot Three (3) of Section Eight (8), Township Eighteen (18) North, Range Seven (7) West, Creek County, the said deed containing the following recital:

It is the express intention of the grantor to convey an undivided 1/36 interest in and to all the Cimarron river bed, together with the mineral rights thereunto appurtenant as to 1/3 of said Section 8, Township 18 North, Range 7 West, which lies South and East of the center or thread of said Cimarron river;

and by quitclaim deed conveyed to the said John P. Davis under date of January 15, 1961, all of her undivided two thirty-sixths (2/36) interest in

lots Eight (8) and Nine (9) of Section Eight (8), Township Eighteen (18) North, Range Seven (7) East, and all other lands gained by accretion to said Lots Eight (8) and Nine (9) lying west of the westerly line of said Lots Eight (8) and Nine (9), as shown by the Government survey thereof, and extending East to the medial line of the Cimarron River.

That on the 4th day of October, 1940, for a valuable consideration, Joe Yehola conveyed by quitclaim deed to Elvora Yehola all of his right, title and interest which he inherited from Charles Yehola, deceased, same being an undivided one-twenty-fourth (1/24) interest, in and to the following described land situate in Creek County, Oklahoma, to-wit:

West Half of Northwest Quarter (1/2 NW 1/4) and  
Lots Eight (8) and Nine (9) of Section Eight (8),  
Township Eighteen (18) North, Range Seven (7) East,

and the Court finds that it was the intention of Joe Yehola to also convey in said deed all of his interest in Lots Three (3) and Four (4) of said Section Eight (8), Township Eighteen (18) North, Range Seven (7) East, and that the said last description was erroneously omitted from the description in said deed, and that the said Joe Yehola on March 15, 1952, by quitclaim deed, for the purpose of correction, conveyed all of said lands described as Lots Three (3), Four (4), Eight (8), and Nine (9) and the West Half of Northwest Quarter (1/2 NW 1/4) of Section Eight (8), Township Eighteen (18) North, Range Seven (7) East, Creek County, Oklahoma, and which said deed relates back to the deed of October 4, 1940, and that by reason thereof the said Elvora Yehola acquired on October 4, 1940, all of the right, title and interest of the said Joe Yehola in and to all of said land, same being an undivided one twenty-fourth (1/24) interest in said land.

The Court further finds that the conveyances by Joe Yehola to Elvora Yehola were for a valuable consideration received by them and

said conveyances were not procured by any means of trickery or fraud, and that the answer of the defendant Joe Yehola with reference to his contest as to the validity of said deeds is by the Court denied, and Elmer Yehola decreed to be the owner of an undivided one-sixth (1/6) interest in and to all of said lands, including riparian rights and rights of accretion in the Colorado river bed adjacent to said lands.

That the defendant Elmer Yehola has no right, title or interest in any of the lands allotted to the said Alice Yehola, except as to the fractional interest conveyed to her by John Smith, Jr. by quitclaim deed dated December 27, 1934, and hereinafter particularly accredited to the said Elmer Yehola.

The Court further finds that the deed executed by John Smith, Jr. and wife, Angelina Smith, to John B. Davis under date of December 4, 1944, conveyed all the right, title and interest of the said John Smith, Jr. acquired by him by purchase with unrestricted funds from Elmer Yehola, brother of Eliza Yehola, in and to all of the allotment of the said Alice Yehola.

The Court further finds that thereafter, to-wit, on the 1st day of September, 1948, John Smith, Jr. and wife, Angelina Smith, executed their warranty deed in confirmation of the aforesaid deed of December 4, 1944, and that by virtue of the two conveyances from the said John Smith, Jr. and wife, Angelina Smith, all right, title and interest of the said John Smith, Jr. passed to and vested in John B. Davis.

The Court further finds that the aforesaid conveyances to John B. Davis were procured without fraud or undue influence and for a good and valuable consideration, and the claims asserted herein by way of attacks upon said deeds are denied.

The Court further finds that by virtue and as a result of the foregoing inheritances and conveyances, the lands allotted to the said

Other Yabok is owned by the following persons in the proportions set opposite their names, to-wit:

East Half of Northwest Quarter (1/2 NW 1/4):

Lonzo Yabok	1/6
Lynnan Yabok	2/36
Daniel Yabok	2/36
Mary Yabok, now George	2/36
Maie Yabok	1/12
Maud Dean Wilson	1/24
Emma Jane Howell	1/24
John F. Davis	1/3

Upland only to Lots Three (3) and Four (4):

Lonzo Yabok	1/6
Lynnan Yabok	2/36
Daniel Yabok	2/36
Mary Yabok, now George	2/36
Maie Yabok	1/12
Maud Dean Wilson	1/24
Emma Jane Howell	1/24
John F. Davis	1/3

All that part of the Bed of the Cimarron River abutting and appurtenant to Lot Three (3) (Cimarron Oil Company's River Bed (2) Lease):

Lonzo Yabok	1/6
Lynnan Yabok	2/36
Daniel Yabok	2/36
Maie Yabok	1/12
Maud Dean Wilson	1/24
Emma Jane Howell	1/24
John F. Davis	1/3

All that part of the Bed of the Cimarron River abutting and appurtenant to Lot Four (4):

Lonzo Yabok	1/6
Lynnan Yabok	2/36
Daniel Yabok	2/36
Mary Yabok, now George	2/36
Maie Yabok	1/12
Maud Dean Wilson	1/24
Emma Jane Howell	1/24
John F. Davis	1/3

Upland only to Lots Eight (8) and Nine (9), (Cimarron Oil Company's Yabok Lease):

Lonzo Yabok	1/6	1/6
Lynnan Yabok	2/36	2/36
Daniel Yabok	2/36	2/36
Maie Yabok	1/12	1/12
Maud Dean Wilson	1/24	1/24

(Continued)

James Biggers	None	1/24
John T. Lewis	2/38	2/9
C. C. New	None	1/5
Lucille M. Decock	None	1/5
Small Oil Company	1/2	None
Henry C. Becker	None	1/9

of that part of the Bed of the Cimarron River  
butting and adjacent to Lots Eight (8) and Nine (9):

James Yehola	1/6
Symon Yehola	2/38
Samuel Yehola	2/38
Leola Yehola	1/32
Frank Dean Wilson	1/28
James Biggers	1/24
John T. Lewis	2/9

The Court further finds that no issue has been shown on contention made as to the validity of existing oil and gas leases under which oil and gas and casinghead gas is being produced and or placed from the above described lands.

The Court further finds that Small Oil Company has properly accounted for all oil sums purchased by it from the lands hereinbefore described up to and including March 29, 1956, and that it now holds the royalty proceeds in suspense which, by agreement of the parties, are to be paid out to the persons and to the accounts hereinafter set forth; and that there are casinghead gas sums held by the Small Oil Company in the total sum of \$269.29 to be distributed to the parties at interest as hereinabove set out.

IT IS THEREFORE, SO ORDERED, ADJUDGED, AND DECREED  
BY THE COURT:

1. That each of the deeds and conveyances hereinbefore described is valid and sufficient to convey title to the respective interest designated in the findings, free from fraud or undue influence and upon valuable consideration paid.
2. That title to the surface and mineral interests in and to the lands of the Yehola children is vested in the persons hereinbefore named and in the proportions set opposite their respective names, and title is forever quieted in the same against all adverse

claims, including claims of unknown heirs, devisees, trustees, and assigns.

3. That, in accordance with the compromise agreement of the parties, John W. Davis is liable to said Yehol in the amount of \$5,000.00.

4. That, in accordance with the compromise agreement of the parties, John W. Davis is severally liable to each of the following parties in the amount set opposite his or her respective name for monies erroneously paid by Sun Oil Company to him in favor of John Smith during the latter's lifetime for oil purchased and run from the Riverbed Oil Lease prior to November 1, 1948.

Isaac Yehol	\$552.57
Lynne Yehol	\$216.31
Estate of Daniel Yehol	\$316.31
Mary Yehol Gange	\$216.31
David Dean Wilson	\$116.18
Clara Higgins	\$ 13.15
Walter Jane Howell	\$ 40.62
Joe Yehol	<u>\$276.18</u>
Total	\$1,622.52

That the total amount of \$1,622.52 should be deducted by Sun Oil Company from the total amount otherwise owed by it to John W. Davis for accrued royalty oil purchases from the Yehol and Riverbed Oil Leases, and the amounts set opposite the names of the parties listed above should be added to any sums otherwise owed to them for accrued royalty oil purchases from the Yehol and Riverbed Oil Leases and should be paid directly to each party by Sun Oil Company.

5. That by Summary Judgment Resolutions entered on March 3, 1944, Sun Oil Company was determined to have no liability to any of the parties to this action for royalty oil purchases prior to November 1, 1948; that in such Summary Judgment Sun Oil Company's accounting for royalty oil runs from the Riverbed Oil Lease for the

period November 1, 1948, to June 30, 1951, and from the Yabok lease for the period March 1, 1949, to June 30, 1951, was confirmed and approved; that the Summary Judgment determined Sun Oil Company's liability to the royalty owners for royalty oil purchased and run prior to June 30, 1951, to be the amount of \$3,982.49 for the Riverbed 'B' lease and the amount of \$6,186.51 for the Yabok lease; that Sun Oil Company has submitted a supplemental account of oil purchased and run from the Yabok and Riverbed 'B' leases for the period from July 1, 1951, to March 29, 1954, which account shows the net value of royalty oil purchased and run from the Riverbed 'B' lease to be \$796.18 and the net value of royalty oil purchased and run from the Yabok lease to be \$728.95 for the period; that such account is accurate and correct and is, therefore, confirmed and approved; that Sun Oil Company's liability to the royalty owners in the Riverbed 'B' lease for all royalty oil purchased prior to and including March 29, 1954, is fixed and determined to be the total amount of \$4,788.68; that Sun Oil Company's liability to the royalty owners in the Yabok lease for all royalty oil purchased prior to and including March 29, 1954, is fixed and determined to be the total amount of \$6,915.46.

6. That Sun Oil Company is hereby ordered and directed to distribute the funds it now holds in trust for the benefit of the present and former royalty owners in the Riverbed 'B' and Yabok leases to the parties designated below in the accounts set opposite their respective names, and that upon such payments and the filing of receipts therefor, Sun Oil Company be discharged from all further liability in connection with its royalty oil purchases from the Riverbed 'B' and Yabok leases prior to and including March 29, 1954.

OWNER	Riverbed "B" Lease	Compromise Settlement for Royalties from 1-1-35 to 11-1-48	Yahol Lease Royalty Suspended 3-1-50 to 3-29-54	Net Total
	Royalty Suspended 11-1-48 to 3-29-54			
John W. Davis	\$ 2,304.93	\$1,622.32	\$ 1,313.98	\$ 2,196.54
Jonas Yahol	789.76	452.87	1,151.57	2,494.20
Lynnan Yahol	263.25	216.31	383.80	863.42
Estate of Daniel Yahol	263.26	216.31	383.86	863.43
Olary Yahola Gouge	127.62	216.31	221.45	565.38
Annie Yahola	394.68		674.75	1070.67
Grand Dean Wilson	197.44	116.14	531.36	845.14
Emma Diggers		13.18	44.33	57.48
Emma Jane Howell	197.44	40.62		237.86
G. W. Stout			767.72	767.72
Lucille M. Adcock			767.71	767.71
Henry C. Becker			767.72	767.72
Joe Yahola		256.76		256.76
	<u>\$4,736.58</u>		<u>\$6,969.44</u>	<u>\$11,648.02</u>

7. That the court hereby orders that the court shall order the owners of the Riverbed "B" lease in the amount of \$269.29 for casinghead gasolins purchased and consumed October 1, 1948, to March 29, 1954, and it is ordered and directed to distribute and pay this sum to such owners in accordance with their respective fractional interests hereinbefore delineated.

8. That the State of Oklahoma ex rel Oklahoma Tax Commission having been duly served and having filed herein its disclaimer, is decreed to have no claim or interest in said property or the proceeds derived therefrom.

681

9. That the answer and counter-claim of the defendant Lee Yehola is denied and dismissed with prejudice, except in so far as it supports the damages awarded him by this decree.

10. That the claims of all parties which are inconsistent with the ownership hereinbefore determined and the distribution of royalty and proceeds ordered, including any and all defendant corporations, partnerships, associations, or trusts, and the unknown heirs, administrators, executors, devisees, trustees and assigns, immediate and remote, of the decedents Alvin Yehola and Chutkan Yehola, and of any of the other defendants who were designated by name and who may be deceased, be, and they are hereby forever barred, and such claimants are enjoined from asserting any right, title, and/or interest in and to the property involved in this action or the proceeds derived therefrom which are inconsistent with this decree.

11. That the costs be, and they are hereby taxed one-half (1/2) to the plaintiff, and one-half (1/2) to the defendants known as Yehola, Lyman Yehola, Estate of Daniel Yehola, Mary Yehola, George, Annie Yehola, Frank Dean Wilson, Emma Riggers, Emma Jane Howell, G. C. Stout, Lucille L. Deack, Henry C. Tucker, and Joe Yehola, according to their proportionate interests in the total funds distributed to them by Sun Oil Company.

/s/ JAMES H. SAVAGE  
United States District Judge

FROM VENUE

1/11/1914  
E. F. Sample for John W. Davis

1/11/1914  
Marshall Howe, for Isaac Yehola

1/11/1914  
Common Pleas, for Lyman Yehola,  
Administrator of estate of Daniel Yehola,  
and Mary Yehola, now Couser,

1/11/1914  
Creskore Wallace, for Isaac Yehola

1/11/1914  
Thomas C. Moore, for Joe Yehola

1/11/1914  
E. F. Sample, by E. F. Sample  
and E. W. Biggers, for Emma Biggers and  
Emma Jane Howell,

1/11/1914  
George W. ... and

1/11/1914  
Hicks Epton, for Wood Deen Wilson

1/11/1914  
For the ... of ...

1/11/1914  
Paul Finson, for G. W. Stout, Lucille  
W. ... and  
Henry C. Becker

1/11/1914  
John W. Athens, United States Attorney

FROM VENUE

1/11/1914  
Levenson, Huser & Huser  
by Alfred ...  
for J. K. Kirk, executor of estate of  
John Smith, Jr.

1/11/1914  
Angeline Smith, widow of John  
Smith, Jr. and beneficiary  
under his will,

1/11/1914  
Warner, Woolsey, Higgs & Bailey  
by ...  
for E. R. Chitt.

1/11/1914  
Y. H. Wren, Attorney for  
Angeline Smith,

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Libelant,

vs.

One 1951 Plymouth Sedan,  
Motor No. P23-405893, and  
420 Pounds of C & H Cane  
Sugar,

Respondents,

Russell Milton Meadows,

Claimant.

No. 3446 Civil

FILED

JUN 1 - 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

J U D G M E N T

NOW, on this 28th day of May, 1954, this matter having come on to be heard and upon findings of fact and conclusions of law herein,

IT IS ORDERED, ADJUDGED AND DECREED that the 420 pounds of C & H Cane Sugar be and the same is ordered forfeited to the United States of America to be disposed of according to law in such case provided.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the 1951 Plymouth Sedan, Motor No. P23-405893, be and the same is hereby forfeited to the United States of America and the same is ordered delivered over to the custody of the Regional Commissioner of Internal Revenue, Treasury Department, Dallas, Texas, pursuant to application filed herein under Section 304 of the Liquor Law Repeal and Enforcement Act (49 Stat. 880; 40 U.S.C. 3041), as amended by Section 102(a) of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 380; 5 U.S.C. 630a), upon payment of costs of seizure and storage.

AND IT IS SO ORDERED.

*W. Royce H. Darrige*  
U. S. DISTRICT JUDGE

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1954

No. 100

**FILED**

JUN - 1 1954

**NOBLE C. HOOD**  
Clerk, U.S. District Court

... before the court ...  
... United States District Court for the District of Columbia ...  
... before the court for the purpose of ...  
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*Boyer H. Savage*  
Clerk

*Thomas F. Palmer*  
Attorney for Plaintiff

*Lloyd J. ...*  
Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 GEORGE DYAS MACE, JR., )  
 )  
 Defendant. )

NO. 3494 - CIVIL

FILED

JUN 1 1954

NOBLE C. HOOD  
Clerk, U. S. District Court

J U D G M E N T

NOW, on this 1st day of June, 1954, appeared the United States of America by and through its attorneys, John S. Athens, United States Attorney for the Northern Judicial District of Oklahoma, and Charles H. Froeb, Assistant United States Attorney for said district, and the defendant, George Dyas Mace, Jr., did not appear either himself or through an attorney. And it further appearing that due service was personally made and had on the defendant on April 29, 1954 at Brown Airport, southeast of Tulsa, within the jurisdiction of this court and that more than twenty (20) days have elapsed since the date of service. And it further appearing to the court that affidavit has been filed showing that said defendant is neither in the military service, an incompetent nor an infant and that said affidavit is true and correct. And it further appearing that the allegations of the complaint filed in the above entitled cause are true and supported by violations report prepared by R. F. Scholtz, acting supervising agent, Civil Aeronautics Administration, at Harvey Young Airport, Tulsa, Oklahoma, said report being dated September 28, 1953 and further supported by two statements of eye witnesses, viz: Howard E. Mullin, 3520 East 22nd Place, Tulsa, Oklahoma, and Cormel Cecil Avery, 1040 North St. Louis, Tulsa, Oklahoma, and from the statement of the defendant himself, said violations report and eye witness statements all substantiating violations of the Civil Aeronautics Act of 1938 [49 U.S.C. 401, et seq] and in particular Section 60.12 of the Civil Air Regulations and Section 610(a)(5) of the Civil Aeronautics Act of 1938, as amended [49 U.S.C. 560(a)(5)]; Section 60.18 of the Civil Air Regulations and Section 610(a)(5) of the Civil Aeronautics Act of 1938, as amended [49 U.S.C. 560(a)(5)]; Section 43.40 of the Civil Air Regulations and Section 610(a)(5) of the Civil Aeronautics Act of 1938, as amended [49 U.S.C. 560(a)(5)]; Section 43.41 of the Civil Air Regulations and Section 610(a)(5) of the Civil Aeronautics Act of 1938, as amended [49 U.S.C. 560 (a)(5)]; Section

20.58 of the Civil Air Regulations and Section 610(a)(5) of the Civil Aeronautics Act of 1938, as amended [49 U.S.C. 560(a)(5)] and Section 43.10(a) of the Civil Air Regulations and Section 610(a)(1) and Section 610(a)(5) of the Civil Aeronautics Act of 1938, as amended [49 U.S.C. 560(a)(5)].

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that said defendant has violated the specific provisions of the Civil Air Regulations, pursuant to the Civil Aeronautics Act of 1938, as hereinabove set forth and pursuant to the provisions for fines contained in said Civil Aeronautics Act of 1938 pertinent hereto, is fined the sum of \$50.00 for each and every violation hereinabove set forth, in the sum total of \$300.00, together with interest thereon and costs of this action.

AND IT IS SO ORDERED.

121 *Royce H. Savage*  
U. S. DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA.

United States of America,

Plaintiff,

vs.

One 1950 International 2½ ton Truck,  
Motor No. L172-19736, and 485.5 Gallons  
Assorted Taxpaid Liquor,

Respondents,

Melvin Lyle Hammatt,

Claimant.

No. 3495 Civil

FILED

JUN 1 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

J U D G M E N T

NOW, on this 28th day of May, 1954, this matter having come on to be heard and upon findings of fact and conclusions of law herein,

IT IS ORDERED, ADJUDGED AND DECREED that the 485.5 gallons of assorted taxpaid liquor be and the same is ordered forfeited to the United States of America to be disposed of according to law in such case provided.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the 1950 International 2½ ton Truck, Motor No. L172-19736, be and the same is ordered delivered over to the Assistant Postmaster General, Bureau of Facilities, Post Office Department, Washington, D. C., pursuant to application filed herein under Section 304 of the Liquor Law Repeal and Enforcement Act (49 Stat. 880; 40 U.S.C. 3041), as amended by Section 102(a) of the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 380; 5 U.S.C. 630a), upon payment of costs of seizure and storage.

*Loyce H. Savage*

U. S. DISTRICT JUDGE,  
U.S. District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 A. V. BEASLEY and GLADYS BEASLEY, )  
 )  
 Defendants. )

No. 3487 Civil

FILED

JUN 2 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

J U D G M E N T

NOW, on this 2nd day of June, 1954, the above-entitled action coming on for hearing, the plaintiff, United States of America, appearing by John S. Athens, United States Attorney for the Northern District of Oklahoma, and the defendants appearing not and the court having heard the evidence of the plaintiff and having examined the file, finds that said defendants were duly served with summons herein more than twenty (20) days prior to this date and having failed to appear or answer is and should be adjudged in default.

The court finds that all the allegations of plaintiff's complaint are true and that the defendants did for a valuable consideration and in accordance with the provisions of the Federal Housing Administration Act, on December 27, 1949, execute a written promissory note in the sum of \$327.69 to the Globe Insulation & Supply Company and said defendants having defaulted in the payments on said note in accordance with the provisions of said act, the note was thereafter assigned to the plaintiff and there is now due and owing upon the note the sum of \$215.88 with interest thereon at the rate of 6% per annum from October 10, 1950.

The court further finds that plaintiff has filed herein an affidavit of non-military service, which is found to be true.

The court further finds that said note was given for the purpose of paying for permanent improvements on property located at 804 Brooks Road, Sand Springs, Oklahoma, more particularly described as:

Lots 23, 24, 25, 26 and 27, Block 5, Second Lake Addition,  
to the City of Sand Springs, Tulsa County, Oklahoma,

and that by reason thereof plaintiff is entitled to a lien upon the above described premises and to levy execution upon said premises for the collection of the judgment.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the court that the plaintiff have judgment against the defendants, A. V. Beasley and Gladys Beasley, for the sum of \$215.88 with interest thereon at the rate of 6% per annum from October 10, 1950, and for its costs; that the plaintiff having a lien upon the above described premises for said sums, the United States Marshal be, and he is hereby authorized to levy execution upon the aforesaid premises.

*151 Royce H. Savage*  
U. S. District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

NATIONAL TANK COMPANY, a corporation,  
and MALONEY-CRAWFORD TANK COMPANY, a  
corporation,

Plaintiffs,

vs.

No. 3179 CIVIL

SAND SPRINGS RAILWAY COMPANY, a corporation,  
MISSOURI-KANSAS-TEXAS RAILROAD COMPANY,  
a corporation, ST. LOUIS-SAN FRANCISCO  
RAILWAY COMPANY, a corporation, and  
THE ATCHISON, TOPEKA AND SANTA FE RAILWAY  
COMPANY, a corporation,

Defendants.

FILED

JUN 3 - 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

ORDER

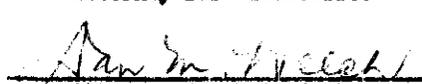
Now, on this 22nd day of June, 1954, the plaintiffs,  
National Tank Company, a corporation, and Maloney-Crawford Tank Company,  
a corporation, having filed their written Dismissal herein, the Court  
finds that this action should be dismissed, without prejudice to the  
filing of a future action.

It is so ordered by the Court.

  
\_\_\_\_\_  
Judge.

Approved:

  
\_\_\_\_\_  
Attorney for Plaintiffs.

  
\_\_\_\_\_  
Attorney for Defendants.

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA

THE KANSAS MILLING COMPANY, A Corporation, )

Plaintiff, )

vs. )

C. W. McCrackin, d/b/a McCrackin Feed  
Company, VERA L. McCrackin, and FARMERS  
NATIONAL BANK OF CUSHING, OKLAHOMA, A  
National Banking Association, )

Defendants. )

No. 3283 - Civil

**FILED**

JUN 4 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

ORDER OF DISMISSAL

On application of the plaintiff, the above-entitled cause is  
dismissed, with prejudice.

  
United States District Judge

C O P Y

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

Gertie McIntosh, Plaintiff

vs

J. C. Penney Company,  
a corporation, George  
Reiff, Ovis Wood and  
Patrick F. Connelly,

Defendants

No. 3465-Civil

FILED

JUN 4 - 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

ORDER REMANDING CAUSE

On this 4th day of June, 1954, there came on for hearing the motion to remand of the plaintiff who appeared by her attorneys, Bishop and Driscoll and the defendants, J. C. Penney Company, a corporation, George Reiff and Ovis Wood appeared by their attorneys Horsley, Epton and Culp and the defendant Patrick F. Donnelly appeared by his attorneys Rhodes, Crowe, Hieronymus and Holloway, and the court having examined the files in the cause and having heard the statements of counsel and being fully advised in the premises, DOETH FIND, ORDER, ADJUDGE AND DECREE:

That said cause was removed in good faith and the removing party has already paid all costs and disbursements required to be paid by it; that nevertheless, a diversity of citizenship necessary for removal does not exist as between plaintiff and all defendants; that said cause should be and it hereby is remanded to the Bristow Division of the Superior Court of Creek County, Oklahoma.

  
Judge

APPROVED BY:

BISHOP & DRISCOLL

(signed) James E. Driscoll  
Attorneys for plaintiff, Gertie  
McIntosh

HORSLEY, EPTON & CULP

(signed) Hicks Epton  
Attorneys for removing parties  
defendant, J. C. Penney Company,  
a corporation, George Reiff and  
Ovis Wood.

RHODES, CROWE, HIERONYMUS & HOLLOWAY

(signed) J. M. Suttle  
Attorneys for defendant, Patrick  
F. Donnelly

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

Ross T. Warner and Martha Walker Batsell,  
Administrators of the Estate of F. N. Batsell,  
deceased,

Plaintiffs,

vs.

Gillette Motor Transport, Inc., a Corporation,  
Howard Home Pruitt, and American Fidelity &  
Casualty Company, Incorporated, a Corporation,

Defendants.

)  
)  
)  
) No. 3365 Civil

)  
) **FILED**

) JUN 16 1954

) NOBLE C. HOOD  
) Clerk, U. S. District Court

DISMISSAL WITH PREJUDICE

Come now the plaintiffs, Ross T. Warner and Martha Walker Batsell, Administrators of the Estate of F. N. Batsell, deceased, all issues involved in this case having been fully settled and compromised, and dismiss the above styled and numbered action with prejudice to the right to bring a future action.

Dated this 7th day of June, 1954.

Martha Walker Batsell

Ross T. Warner

Administrators of the Estate of  
F. N. Batsell, deceased,

Plaintiffs

Conner, Masters, Randolph & Ballaine

By Agnes D. Sullivan  
Attorneys for Plaintiffs

IT IS HEREBY ORDERED that the above styled and numbered action be dismissed with prejudice, this 16 day of June, 1954.

Royce H. Savage  
U. S. District Judge

rob/enc

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

Lester Pugh, a minor 15 years of age, by and  
through his father and next friend, John Pugh,

Plaintiff,

vs.

Southwestern States Telephone Company, a  
Corporation, of Jenks, Oklahoma,

Defendant.

No. 3414 Civil

**FILED**

JUN 16 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

DISMISSAL WITH PREJUDICE

Comes now the plaintiff, all issues involved in this case having  
been fully settled and compromised, and dismisses the above styled and  
numbered action with prejudice to the right to bring a future action.

Dated this 9 day of June, 1954.

John Pugh  
Father and next friend of Lester  
Pugh, a minor Plaintiff

Lassiter-Lisker-Mason

By A. C. Lassiter  
Attorneys for Plaintiff

IT IS HEREBY ORDERED that the above styled and numbered action  
be dismissed with prejudice this 16 day of June, 1954.

Wayne H. Savage  
U. S. District Judge

r/ta/mr

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

Francis Lloyd Patterson,

Plaintiff,

v.

The Santa Fe Trail Transportation  
Company, a Corporation, Indemnity  
Insurance Company of North America,  
John Edward Patterson and William W.  
Veitch, administrator of the estate of  
Fred H. DeSpain, deceased,

Defendants.

No. 3443 Civil

**FILED**

JUN 18 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

DISMISSAL WITH PREJUDICE

Comes now the plaintiff, Francis Lloyd Patterson, all issues  
involved in this case having been fully tried and compromised, and dis-  
misses the above styled and numbered action with prejudice to the right to  
bring a future action.

Dated this 18<sup>th</sup> day of June, 1954.

Francis Lloyd Patterson  
Plaintiff

BY \_\_\_\_\_

By James E. Driscoll

Attorney for Plaintiff

By \_\_\_\_\_

Defendant

By \_\_\_\_\_

Attorney for Defendant

IT IS HEREBY ORDERED that the above styled and numbered case be dismissed with prejudice to the right to bring a future action, this 18<sup>th</sup> day of June, 1954.

(S) Royce H. Savage  
U. S. District Judge

rdh/nir

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRED GRIMES, an incompetent, and  
JOHN Q. ADAMS, Guardian ad Litem  
for Fred Grimes, an incompetent,

Defendants.

No. 3418 Civil

FILED

JUN 22 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

J U D G M E N T

NOW, on this 21<sup>st</sup> day of June, 1954, appeared the United States of America by John S. Athens, United States Attorney, and Charles H. Froeb, Assistant United States Attorney, for the Northern District of Oklahoma, and defendant appeared by and through his guardian ad litem, John Q. Adams, and it appearing to the court that since the original service of summons upon Fred Grimes at the Eastern State Hospital at Vinita, Oklahoma, through Dr. F. M. Adams, Medical Superintendent of said hospital, as provided by the Oklahoma Statutes, it has been discovered that E. E. Grimes, the alleged guardian of Fred Grimes, has never obtained or perfected letters of guardianship and plaintiff, as provided for in the Federal Rules of Civil Procedure, has made due application and obtained the appointment of John Q. Adams as guardian ad litem for said Fred Grimes, an incompetent, and that motion by plaintiff to substitute John Q. Adams as guardian ad litem in place of E. E. Grimes in the above cause has been duly made and allowed by the court, and

It further appearing that due notice of this hearing has been served upon John Q. Adams, guardian ad litem for Fred Grimes, and a copy of said motion was mailed to Fred Grimes at the Eastern State Hospital by and through Dr. F. M. Adams, Medical Superintendent of said institution, as provided in the Oklahoma Statutes, and

It further appearing that the averments and allegations contained in plaintiff's complaint are all true and that defendant admits the execution of the Title I Federal Housing Administration home improvement loan note as set forth in the complaint and that default on said note was made August 5, 1952 and that the United States of America insured said note and received an assignment of said note in due course on February 18, 1953 and that there is due and owing upon said note the sum of \$243.14, with 6% interest from February 18, 1953.

It further appearing that said note executed by Fred Grimes on April 26, 1952 to Tulsa Home Improvement Company was given for the purpose of paying for permanent improvements on premises located at 512 East Tahlequah Street in the City of Vinita, Craig County, Oklahoma, which permanent improvements consisted of roofing the house located on said premises;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that plaintiff is entitled to judgment against the defendant in the amount of \$243.14, together with interest at 6% from February 18, 1953 and for its costs; and have further judgment directing the levy of execution upon the aforesaid premises.

AND IT IS SO ORDERED.

*W. Royce H. Savage*  
\_\_\_\_\_  
U. S. DISTRICT JUDGE

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

OSCAR KEMP,

Plaintiff,

vs.

No. 3428-Civil

NEW YORK FIRE INSURANCE COMPANY,  
a Corporation,

**FILED**

Defendant.

JUN 22 1954

ORDER APPROVING DISMISSAL WITH PREJUDICE AND  
DISMISSING CAUSE WITH PREJUDICE

NORBLE C. HOOD  
Clerk, U.S. District Court

Now on this 22 day of June, 1954, it appearing to the court that the plaintiff has filed in this cause a Motion to Dismiss with Prejudice, subject to the approval of this court, and it further appearing to the court that the parties to the cause have reached a settlement of all matters and things involved in said cause for the sum of Thirteen Hundred (\$1300.00) Dollars,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the above entitled cause be and the same is hereby dismissed at plaintiff's cost with prejudice to the bringing of another action.

Done in open court the day and year above written.

*Royce H. Savage*  
Judge.

*O.K. as to form  
Hall & Graham  
Attys for Plaintiff*

IN THE DISTRICT COURT OF THE UNITED STATES  
OF THE SOUTHERN DISTRICT OF OREGON.

Miller & Miller Freight Lines,  
a copartnership composed of  
W. F. Miller and F. D. Miller,  
and William S. Cobe,

Plaintiffs,

No. 3401 Civil. Judgment.

Mary Jane Burke,  
James W. Burke, and  
James W. Burke, guardian of the  
person and estate of Mary Jane  
Burke, an incompetent,

Defendants.

**FILED**  
IN OPEN COURT  
JUN 23 1954

NOBLE C. HOOD  
Clerk, U. S. District Court

This matter comes regularly on for hearing pursuant to assignment and by agreement of the parties, plaintiffs appearing by their attorneys, Duke Swall and Truman Tucker, and defendants James W. Burke and Mary Jane Burke appearing in person and by their attorneys, W. F. Litchfield, Jr., and Byer E. Rogers; all parties, announce ready for trial, waive a jury and agree that the case may be tried to the Court.

Herein on the evidence is introduced and the Court finds that James W. Burke is the duly appointed, qualified and acting guardian of the person and estate of his wife, the defendant Mary Jane Burke, and by agreement of the parties James W. Burke as such guardian is hereby added and made an additional party defendant herein on the counterclaim.

The Court further finds that the defendants Mary Jane Burke and her guardian James W. Burke for her use and benefit are entitled to recover on the counterclaim of Mary Jane Burke and

her guardian James A. Burke for her use and benefit against the plaintiffs, the sum of \$1500.00.

The court further finds that the defendant and counter-claimant James A. Burke is entitled to recover on his counter-claim against the plaintiffs, the sum of \$200.00.

It is further ordered, and it is so ordered by the court that the defendant Mary Gene Burke and her guardian James A. Burke for her use and benefit upon her counterclaims herein have judgment against and recover of and from the plaintiffs, Miller & Miller Freight Lines, a copartnership composed of L. F. Miller and F. B. Miller, and William F. Jobe, the sum of \$1500.00.

It is further ordered, and it is so ordered by the court that the defendant James A. Burke upon his counterclaims herein have judgment against and recover of and from the plaintiffs, Miller & Miller Freight Lines, a copartnership composed of L. F. Miller and F. B. Miller, and William F. Jobe, the sum of \$200.00.

It is further ordered that the costs of this action are assessed against the plaintiffs.

Dated this 23rd day of June, 1954.

12 Royce H. [Signature]  
JUDGE.

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OREGON.

Miller & Miller Freight Lines,  
a copartnership composed of  
L. F. Miller and F. D. Miller,  
and William H. Jobe,

Plaintiffs,

vs.

Ida Mae Lunsford,

Defendant.

No. 3402 Civil. JUDGMENT.

**FILED**  
IN OPEN COURT

JUN 23 1954

NOBLE C. HOOD  
Clerk, U. S. District Court

This matter comes regularly on for hearing pursuant to assignment and by agreement of the parties, plaintiffs appearing by their attorneys, Duke Duvall and Truman Lucker, and defendant, Ida Mae Lunsford, appearing in person and by her attorneys, E. P. Litchfield, Jr., and Dyer & Powers; both parties, announcing ready for trial, waive a jury and agree that the case may be tried to the Court.

Thereupon the evidence is introduced, and the Court finds that defendant Ida Mae Lunsford is entitled to recover on her counterclaim against the plaintiffs, the sum of \$3500.00.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the defendant Ida Mae Lunsford have judgment against the plaintiffs, Miller & Miller Freight Lines, a copartnership composed of L. F. Miller and F. D. Miller, and William H. Jobe, the sum of \$3500.00.

IT IS FURTHER ORDERED that the costs of this action are assessed against the plaintiffs.

Dated this 23rd day of June, 1954.

*19 George H. Savage*  
JUDGE.

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF OKLAHOMA.

WILLIS E. WEBB and  
CECIL J. CRENSHAW,

Plaintiffs,

vs.

CONTINUOUS MUSIC SYSTEM, INC.,

Defendant.

No. 3460

FILED

JUN 23 1964

NOBLE C. HOODY  
Clerk, U.S. District Court

DISMISSAL WITH PREJUDICE

Comes now the plaintiffs and dismiss the above captioned  
cause of action with prejudice at the cost of plaintiffs.

*Willis E. Webb*

Willis E. Webb

*Cecil J. Crenshaw*

Cecil J. Crenshaw

Ray Wilburn  
Attorney for Plaintiffs

It having been shown to the Court that the matters involved  
in the above styled cause have been settled, it is hereby ordered  
that this cause be and is dismissed with prejudice at the cost of  
plaintiffs.

/s/ ROYCE H. SAVAGE  
U. S. District Judge.

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

FILED

William E. Ducus,

Plaintiff,

vs.

United States of America,

Defendant and  
Third-Party Plaintiff,

vs.

James A. Selman,

Third-Party Defendant.

JUN 23 1954

NOBLE C. HOOD  
Clerk, U.S. District Court

No. 3374- Civil

O R D E R

On this 23rd day of June, 1954, came on for re-consideration the motion of the third-party defendant, James A. Selman, to dismiss the third party complaint, and the Court, in light of the recent decision of the Supreme Court of the United States and being fully advised in the premises, finds that said motion to dismiss should be sustained.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the motion of the third-party defendant, James A. Selman, to dismiss the third-party complaint should be and hereby is sustained.

1st Royce H. Savage  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA.

PATIENCE MULLENDORE McNULTY, in her  
individual capacity and as next friend  
and natural guardian of DALE McNULTY,  
Complainants.

vs.

MULLENDORE TRUST COMPANY, A.C. ADAMS  
as Trustee, A. C. ADAMS in his individual  
capacity, MILDRED M. ADAMS, as Trustee and  
in her individual capacity, BESSIE M.  
JOHNSON as Trustee and in her individual  
capacity, and JAMES E. BERRY as Executor  
of the Estate of Jennie Mullendore, De-  
ceased,  
Defendants.

NO. 3002 CIVIL.

**FILED**  
IN OPEN COURT  
JUN 23 1964

NOBLE C. HOOD  
Clerk, U. S. District Court

J U D G M E N T

This cause came on to be heard and was argued by counsel,  
and thereupon, upon consideration thereof,

IT IS ORDERED, ADJUDGED AND DECREED by the Court as fol-  
lows:

1. That the plaintiffs, Patience M. McNulty and Dale  
Archer McNulty take nothing by this action, that the defendants  
Mullendore Trust Company, A. C. Adams as trustee and individually,  
Mildred M. Adams as trustee and individually, Bessie M. Johnson,  
as trustee and individually, and James E. Berry as executor of the  
Estate of Jennie Mullendore, be and they are hereby dismissed  
without day as to all claims and demands asserted against them  
in this action, and that said defendants do have and recover of and  
from said plaintiffs the costs of this action, for which let exe-  
cution issue. There is no just reason for delay and the Court  
expressly directs that the adjudication contained in this para-  
graph be forthwith entered as a final judgment.

2. Jurisdiction of this cause and of the parties is re-  
tained. The trustees of the Mullendore Trust Company may apply

for and receive instructions of the Court, and render their final accounting to the Court for its approval. Copies of all applications for instructions and all accounts shall be served on one of plaintiff's counsel at or before the filing thereof and plaintiffs shall have ten days thereafter, or such further time as may be granted by the Court, to file response or objection thereto. The trustees of Mullendore Trust Company are authorized and directed to continue all operations for the orderly liquidation of the trust and the winding up of its affairs, except sales of real property or interests therein, without application to or approval by the Court.

MADE AND ORDERED ENTERED This 23 day of June, 1954.

151 Royce H. Savage  
DISTRICT JUDGE.

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BILL M. WESTON and  
RETTA MAY WESTON,

Defendants.

No. 3050 Civil

FILED

JUN 25 1954

NOBBI C. HOOD  
Clerk, U.S. District Court

J U D G M E N T

NOW, on this 25<sup>th</sup> day of June, 1954, the above-entitled action coming on for hearing, the plaintiff, United States of America, appearing by John S. Athens, United States Attorney for the Northern District of Oklahoma, and the defendants appearing not and the court having heard the evidence of the plaintiff and having examined the file, finds that said defendants were duly served with summons herein more than twenty (20) days prior to this date and having failed to appear or answer is and should be adjudged in default.

The court finds that all the allegations of plaintiff's complaint are true and that the defendants did for a valuable consideration and in accordance with the provisions of the Federal Housing Administration Act, on January 7, 1948, execute a written promissory note in the sum of \$574.90 to Shannon Material and Wrecking Company, which note was thereafter assigned to First Bancredit Corporation and defendants having defaulted in the payments on said note in accordance with the provisions of said act, the note was thereafter assigned to the plaintiff and there is now due and owing upon the note the sum of \$461.31 principal, the sum of \$171.54 interest and interest on the sum of \$461.31 at the rate of 6% per annum from March 25, 1954.

The court further finds that plaintiff has filed herein an affidavit of non-military service, which is found to be true.

The court further finds that said note was given for the purpose of paying for permanent improvements on the following described property:

Lots 18 and 19, Block 68, Tannah Addition to the City  
of Tulsa, Tulsa County, Oklahoma,

and that by reason thereof plaintiff is entitled to a lien upon the above described premises and to levy execution upon said premises for the collection of the judgment.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the court that the plaintiff have judgment against the defendants Bill M. Weston and Retta May Weston, for the sum of \$461.31 principal, \$171.54 interest and interest on the sum of \$461.31 at the rate of 6% per annum from March 25, 1954 until paid, and for its costs; that the plaintiff having a lien upon the above described premises for said sums, the United States Marshal be, and he is hereby authorized to levy execution upon the aforesaid premises.

151 Royce H. Harrison  
U. S. DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

EDWIN E. KIRKPATRICK,  
RECEIVER,

Plaintiff,

vs.

M. J. RUBIN,

Defendant.

Civil No. 3404

FILED

JUN 5 1954

NOBIL C. HOOD  
Clk. U.S. District Court

ORDER DISMISSING ACTION

On this 24th day of June, 1954, this action having come on regularly for pre trial hearing, and the Court having heard the additional arguments of counsel, and having reconsidered its Order made herein on the 26<sup>th</sup> day of April, 1954, denying defendant's motion to dismiss plaintiff's complaint for failure to state a claim upon which relief can be granted,

IT IS NOW ORDERED that defendant's motion to dismiss be and it is hereby sustained and that this action be and it is hereby dismissed.

IT IS FURTHER ORDERED that defendant's application for attorney's fees be denied.

  
Judge

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF OKLAHOMA.

Daniel Foreman,

Plaintiff,

vs.

Odie Cliff Hinesly,

Defendant.

No. 3493 Civil

FILED

JUN 25 1954

NORRIS C. HOGG  
CLERK, U.S. DISTRICT COURT

ORDER REMANDING CASE TO STATE COURT.

It is ORDERED by the Court that the motion to remand and the supplement thereto filed herein by the defendant, be and the same is hereby sustained, and it is ordered that this case be remanded to the District Court in and for Tulsa County, State of Oklahoma, and that the Clerk transmit a copy of this order to such Court, and that the defendant's answer also be sent to said Court.

DATED this 25 day of June, 1954.

Spencer H. Savage  
JUDGE.