

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

76.95 Acres of Land, More or Less,
Situate in Rogers County, Oklahoma,
and John Corlett, et al, and Unknown
Owners,

Defendants.

Civil Action No. 4671

FILED

JUL - 9 1959

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

J U D G M E N T

As to Tracts Nos. F-619E-2, G-740E
and G-745E

This cause comes on for disposition on the stipulation of the parties as to Tracts Nos. F-619E-2, G-740E and G-745E, on this 9th day of July, 1959. The court, having been advised by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma, finds that:

I.

This Judgment applies only to Tracts Nos. F-619E-2, G-740E and G-745E.

II.

The court has jurisdiction of the parties and the subject matter of this action.

III.

Service of process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in Tracts Nos. F-619E-2, G-740E and G-745E .

IV.

The Acts of Congress, set out in Paragraph II of the Complaint filed herein, give the United States of America the right, power, and authority to condemn for public use, Tracts Nos. F-619E-2, G-740E and G-745E, as described in Schedule "A" attached to such Complaint. Pursuant thereto, on April 20,

1959, the United States of America has filed its Declaration of Taking of such described tracts, and title thereto should be vested in the United States of America.

V.

On April 20, 1959, there was deposited in the Registry of this Court as estimated compensation for the taking of Tract No. F-619E, the sum of \$600.00, Tract No. G-740E, the sum of \$750.00 and Tract No. G-745E, the sum of \$230.00, and all of these sums have been disbursed to the landowners entitled thereto.

VI.

On the date of taking, fee simple title to tract No. 619E-2, as such tract is described in the Declaration of Taking, was vested in John Corlett and Mrs. John Corlett, husband and wife, and fee simple title as to Tracts Nos. G-740E and G-745E, as such tracts are described in the Declaration of Taking, was vested in Forest Corlett and Mrs. Forest Corlett, husband and wife, and such parties being the owners of these tracts, are entitled to distribution of just compensation therefor.

VII.

The defendants, John Corlett, Mrs. John Corlett and the United States of America have entered into a stipulation as to just compensation for Tract No. F-619E-2, wherein the parties have agreed that the sum of \$700.00 is just compensation for the estate, as described in the Declaration of Taking herein, condemned by the Government in Tract No. F-619E-2 and such stipulation should be approved.

VIII.

The defendants, Forest Corlett, Mrs. Forest Corlett and the United States of America have entered into a stipulation as to just compensation for Tracts Nos. G-740E and G-745E, wherein the parties have agreed that the sum of \$1,230.00 is just compensation for the estate, as described in the Declaration of Taking herein, condemned by the Government in Tracts Nos. G-740E and G-745E and such stipulation should be approved.

IX.

A deficiency in the amount of \$100.00 now exists between the amount deposited as estimated compensation for the estate taken in Tract No. F-619E-2 and the amount fixed by the stipulation of the parties as just compensation and a deficiency in the amount of \$250.00 now exists between the amount deposited as estimated compensation for the estate taken in Tracts Nos. G-74OE and G-745E and the amount fixed by the stipulation of the parties as just compensation.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power and authority to condemn for public use, Tracts Nos. F-619E-2, G-74OE and G-745E, as such tracts are described in Schedule "A" attached to the Complaint and Declaration of Taking filed herein, and such tracts, to the extent of the estate indicated and for the uses and purposes described in the Declaration of Taking filed herein, are condemned and title thereto is vested in the United States of America, and all defendants herein and all other persons interested in such tracts are forever barred from asserting any claim thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the right to just compensation for the estate taken herein in Tract No. F-619E-2, is hereby vested in John Corlett and Mrs. John Corlett and the right to just compensation for the estate taken herein in Tracts Nos. G-74OE and G-745E, is vested in Forest Corlett and Mrs. Forest Corlett; the stipulations as to just compensation for the estate taken in the subject tracts referred to in Paragraphs VII and VIII herein are hereby confirmed, and the awards therein fixed are adopted as just compensation for such tracts.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff, United States of America, shall pay into the Registry of this court for the benefit of the landowners, the deficiency amount of \$100.00 as to Tract No. F-619E-2, and \$250.00 as to Tracts Nos. G-74OE and G-745E, and upon deposit of such deficiency, the Clerk of this Court shall make distribution thereof to the sum of \$100.00 John Corlett and Mrs. John Corlett/and to Forest Corlett and Mrs. Forest Corlett, the sum of \$250.00.

APPROVED:

Hubert A. Marlow

Hubert A. Marlow
Assistant United States Attorney

Rayce M. Savage

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Herman M. Freeman and
Elsie Mae Freeman,

Defendants.

Civil No. 4695

FILED

JUL 14 1959

ORDER OF DISMISSAL

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

Upon motion of the plaintiff, United States of America, for dismissal without prejudice, and the defendants, Herman M. Freeman and Elsie Mae Freeman, having consented thereto, and pursuant to Rule 28 of the Court,

IT IS ORDERED that this action be and it is dismissed without prejudice.

Dated at Tulsa, Oklahoma, this 10th day of July 1959.

Noble C. Hood

Noble C. Hood
Clerk

M. M. Ewing

Deputy

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

FILED

JUL 14 1959

BANKS L. (B. L.) SMITH,
Plaintiff,

-vs-

PEARL A. ORENDUFF, ARTHUR N.
SPRINGALL and BERNICE SPRINGALL,
Defendants.

No. 4733

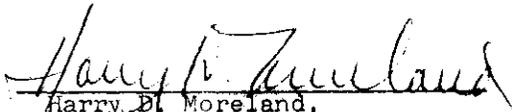
NOBLE C. HOOD
Clerk, U. S. District Court

DISMISSAL OF ACTION WITH PREJUDICE

Comes now Banks L. (B. L.) Smith, the plaintiff above named, and dismisses the above entitled cause of action, with prejudice, as to the defendants Arthur N. Springall and Bernice Springall, at the cost of the plaintiff.

Dated this July 14, 1959.


BANKS (B. L.) SMITH


Harry B. Moreland,
Attorney for Plaintiff

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

CHARLES BROSCH, JR., C. VICTOR CARDOSE,
HOBART CRIBB, C. B. DRAKE, PAUL C. EDWARDS,
ANASTASIA C. FLECK, F. J. FLECK, SR., CHARLES
E. FRANCISCO AND DORIS L. FRANCISCO, C. W.
HARDING, GEORGE C. KERASOTES, LOUIS KERASOTES,
NICHOLAS KERASOTES, LEON LANDO, EDWARD J.
RICHTER, WILLIAM H. KEWLEY, RICHARD B. TAYLOR,
WALLACE WALTER, AND LORRAINE A. FLECK,
individually and on behalf of all other similarly situated,

Plaintiffs,

vs.

ALVIN C. SCHOPP, THELMA G. SCHOPP, EMANUEL
SCHIMMEL, M. J. SCHIMMEL, H. R. MULCAHEY,
SUEANN MULCAHEY, WALTER PHILLIPS, KATHERINE
PHILLIPS, JULES BENENE, GERHERD KLERBCH,
WILLIAM ENGEL, ALGERNON C. GUKER, MATILDA
GUKER, G. E. HORCH, DOROTHY E. HORCH, JESSE
J. PRICE, LEONA V. PRICE, ROLAND H. SCHIKORE,
NELLIE S. CRIBB, G. N. DOBROSKY AND CONRAD
NOLL, Trustee, HELEN ENGEL, AND HELEN ENGEL,
Administratrix of the Estate of William Engel, Deceased,

Involuntary Plaintiffs,

and

FRED B. KROGER, (now Deceased), GRAYCE T.
KROGER, Executrix of the Estate of Fred B. Kroger,
Deceased, HARRY GLIMP, DEEP ROCK OIL COMPANY,
a Delaware Corporation, SUNRAY MIDCONTINENT OIL
COMPANY, a Delaware corporation, and the CITIZENS
BANK OF DRUMRIGHT, OKLAHOMA,

Defendants.

No. 3440

FILED

JUL 17 1959

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

ORDER CONFIRMING SALE

At Tulsa, Oklahoma, within the Northern District of Oklahoma, on
this 19th day of June, 1959, this matter came on for hearing before the under-
signed United States District Judge on the Receiver's Report of Sale and the
Motion of the Receiver's Attorneys to confirm the same; the said Receiver
appearing in person and by his Attorneys, John T. Gibson and Ungerman,
Grabel, Ungerman, Letter & Uaruk; defendant Grayce T. Kroger, Executrix
of the estate of Fred B. Kroger, Deceased, appearing in person and by her
attorney, Jack B. Sellers; defendant Harry Glimp appearing by his attorney,
Harry D. Moreland; and diverse other persons appearing;

And the Court, having examined the files and the Receiver's Report of Sale, finds that, pursuant to the Order of the Court entered on May 8, 1959, directing the sale of certain interests in certain producing oil and gas leasehold estates, more particularly described hereinafter, the Receiver did cause a separate Notice of Sale for each of said leasehold estates to be given, published and mailed, in the manner prescribed by the said Order of May 8, 1959. The Court finds that Notice thereof was duly and properly given in accordance with law and the said Order of May 8, 1959, and is in all respects due, proper and sufficient, and the same is by the Court confirmed and approved.

The Court further finds that Notice of this hearing on the Receiver's Report of Sale and on Confirmation of such sale was duly given in the aforesaid separate Notices of Sale, which notices were duly given, published and mailed, in the manner prescribed by the said Order of May 8, 1959, and the Court finds that Notice of this hearing on confirmation was accordingly duly and properly given, in accordance with law and the said Order of May 8, 1959, is in all respects due, proper and sufficient, and the same is by the Court confirmed and approved.

The Court further finds that on the 10th day of June, 1959 at the Creek County Courthouse, at Sapulpa, in Creek County, Oklahoma, at 10:00 o'clock A. M., at the time and place specified in the said Notices of Sale, the Receiver sold all of the interests ordered sold by the Court in its Order of May 8, 1959, save and except the 1/32 interest in the 7/8 working interest in the J. D. Glimp Estate Lease held by Conrad Noll, Trustee for the benefit of creditors of Paul C. Edwards, which interest was ordered exempted from sale by the Court's Order of June 19, 1959, entered prior to sale.

The Court further finds that the interests thus sold were the interests of the following persons in the following producing oil and gas leasehold estates, to-wit:

(A) J. D. Glimp Estate Lease.

Charles W. Brooch, Jr.,	1/32 of 7/8 W.L.
C. Victor Cardozo	1/32 of 7/8 W.L.
G. H. Debrosky	2/32 of 7/8 W.L.
Helen Engel, Administratrix of the Estate of William Engel, Deceased,	2/32 of 7/8 W.L.
F. M. Fleck, Lorraine Fleck and Anastasia Fleck	2/32 of 7/8 W.L.
Nicholas Kerasotes, George C. Kerasotes and Louis Kerasotes	3/32 of 7/8 W.L.

General Insurance Company, Trustee	1/32 of 7/8 W.I.
for H. A. and Susanna Mulcahey	2/32 of 7/8 W.I.
Walter Phillips and Katherine Phillips	2/32 of 7/8 W.I.
Jesse J. Price and Leona Price	2/32 of 7/8 W.I.
Edward J. Richter	2/32 of 7/8 W.I.
William H. Kewley	1/32 of 7/8 W.I.
Reiland H. Schikore	1/32 of 7/8 W.I.
Emmanuel and M. J. Schimell	2/32 of 7/8 W.I.
Richard R. Taylor	1/32 of 7/8 W.I.

totaling an undivided 23/32 of the 7/8 working interest in the following producing oil and gas leasehold estate, known as the J. D. Glimp Estate lease, covering the following described land in Creek County, Oklahoma, to-wit:

The Northwest Quarter of the Southeast Quarter (NW/4 SE/4) of Section Fourteen (14), Township Seventeen (17) North, Range Seven (7) East, containing 40 acres, more or less;

together with all personal property and equipment owned, held, and being used thereupon, or in connection therewith, said producing leasehold being more particularly described as follows:

A certain oil and gas lease dated July 1, 1952, between Minnie (Glimp) Crouch, Jess E. Glimp and Lorene (Glimp) Parks, lessors, and Fred B. Kroger, Lessee, covering the above described land, recorded in the office of the Clerk of said County in Book 655 at page 418; and,

A certain oil and gas lease between Martha (Glimp) Waters, Roy J. Glimp, W. H. Glimp, Hazel (Glimp) Pitzer, Mattie J. Glimp, Minnie (Glimp) Crouch, Jess E. Glimp and Lorene (Glimp) Parks, Lessors, and Fred B. Kroger, Lessee, covering the above described land, recorded in the office of the Clerk of said County in Book 651 at Page 167.

(B) Neillie Fields Lease.

Charles W. Brosch, Jr.	1/32 of 7/8 W.I.
C. V. Cardozo	1/32 of 7/8 W.I.
Hebart and Nellie S. Cribb	1/32 of 7/8 W.I.
G. H. Dobrosky	2/32 of 7/8 W.I.
C. B. Drake	1/32 of 7/8 W.I.
F. J. Fleck, Lorraine Fleck and Anastasia Fleck	2/32 of 7/8 W.I.
Charles E. or Doris L. Franciose	1/32 of 7/8 W.I.
Harry Glimp	1/32 of 7/8 W.I.
Estate of Charles W. Harding, Deceased, Nicholas Kerasotes, George G. Kerasotes, and Louis Kerasotes	1/32 of 7/8 W.I.
3/32 of 7/8 W.I.	
Leon and Ethel Lunde	1/32 of 7/8 W.I.
Edward J. Richter	1/32 of 7/8 W.I.
William H. Kewley	3/32 of 7/8 W.I.
Wallace Walter	1/32 of 7/8 W.I.

totaling an undivided 20/32 or 5/8 of the 7/8 working interest in the following producing oil and gas leasehold estate, known as the Neillie Fields lease, cover-

ing the following described land in Creek County, Oklahoma, to-wit:

The South Half of the Northeast Quarter (S/2 NE/4) of
Section Fourteen (14), Township Seventeen (17) North,
Range Seven (7) East, containing 80 $\frac{1}{2}$ acres, more or less;

together with all personal property and equipment owned, held and being used
thereupon or in connection therewith, said producing leasehold being more
particularly described as follows:

A certain oil and gas lease dated November 17, 1948, between Nellie
Fields now Smith and William Smith, her husband, lessors, and Simon Lebow,
Lessee, covering the above described land recorded in the office of the Clerk
of said County in Book 692, at Page 509.

The Court further finds that at said sale the highest and best bid for
the aforesaid interests in the said J. D. Giltrap Estate Lease and the said
Nellie Fields Lease was the sum of \$20,850.00 bid by the Fred B. Kroger
Estate for all of the aforesaid interests, as one parcel or unit, consisting of
an undivided 23/32 of the 7/8 working interest in the said J. D. Giltrap Estate
Lease, comprising the interests heretofore set forth, and an undivided 20/32
or 5/8 of the 7/8 working interest in the said Nellie Fields Lease, comprising
the interests heretofore set forth.

The Court further finds that said sum bid is fair and reasonable, that
a higher sum cannot be obtained, and that the said sum bid should be approved
and the sale confirmed; and there being no objection ^{for} confirmation, and no higher
bid being offered, the Court finds that the Motion to Confirm said sale should
be sustained and said sale confirmed and approved.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That the Receiver's sale and all proceedings thereunder be and
the same are hereby confirmed and approved.
2. That the Receiver accept the sum of \$20,850.00 from the Estate
of Fred B. Kroger for the purchase of:

(a) An undivided 23/32 of the 7/8 working interest in the following
producing oil and gas leasehold estate, known as the J. D. Giltrap Estate lease,
covering the following described land in Creek County, Oklahoma, to-wit:

The Northwest Quarter of the Southeast Quarter (NW/4 SE/4)
of Section Fourteen (14), Township Seventeen (17) North,
Range Seven (7) East, containing 40 acres, more or less:

together with all personal property and equipment owned, held, and being used
thereupon, or in connection therewith, said producing leasehold being more
particularly described as follows:

A certain oil and gas lease dated July 1, 1951, between Minnie (Glimp)
Crouch, Jess E. Glimp and Lorene (Glimp) Parks, lessors, and Fred B. Kroger,
Lessee, covering the above described land, recorded in the office of the Clerk
of said County in Book 655 at Page 418; and,

A certain oil and gas lease between Bertha (Glimp) Waters, Roy J.
Glimp, W. H. Glimp, Hazel (Glimp) Pitzer, Mattie J. Glimp, Minnie (Glimp)
Crouch, Jess E. Glimp and Lorene (Glimp) Parks, lessors, and Fred B. Kroger,
Lessee, covering the above described land, recorded in the office of the Clerk
of said County in Book 651 at Page 167;

Comprising the separate interests of the following persons, to-wit:

Charles W. Branch, Jr.	1/32 of 7/8 W. I.
C. Victor Cardoss	1/32 of 7/8 W. I.
G. H. Debrosky	2/32 of 7/8 W. I.
Helen Engel, Administratrix of the Estate of William Engel, Deceased,	2/32 of 7/8 W. I.
F. M. Fleck, Lorraine Fleck and Anastasia Fleck	2/32 of 7/8 W. I.
Nicholas Keracotes, George C. Keracotes, and Louis Keracotes	3/32 of 7/8 W. I.
General Insurance Company, Trustee for H. R. and Susan Mulcahey	1/32 of 7/8 W. I.
Walter Phillips and Katherine Phillips	2/32 of 7/8 W. I.
Jesse J. Price and Leona Price	2/32 of 7/8 W. I.
Edward J. Richter	2/32 of 7/8 W. I.
William H. Kewley	1/32 of 7/8 W. I.
Roland H. Schikore	1/32 of 7/8 W. I.
Emanuel and M. J. Schimell	2/32 of 7/8 W. I.
Richard R. Taylor	1/32 of 7/8 W. I.

(b) An undivided 20/32 or 5/8 of the 7/8 working interest in the
following producing oil and gas leasehold estate, known as the Nellie Fields
lease, covering the following described land in Creek County, Oklahoma, to-wit:

The South Half of the Northeast Quarter (S/2 NE/4) of Section
Fourteen (14), Township Seventeen (17) North, Range Seven
(7) East, containing 80 acres, more or less;

together with all personal property and equipment owned, held and being used
thereupon or in connection therewith, said producing leasehold being more

particularly described as follows:

A certain oil and gas lease dated November 17, 1948, between Nellie Fields now Smith and William Smith, her husband, lessors, and Simon Lebow, Lessee, covering the above described land recorded in the office of the Clerk of said County in Book 692 at page 509;

And comprising the separate interests of the following persons therein to-wit:

Charles W. Brosch, Jr.	1/32 of 7/8 W.I.
C. V. Cardese	1/32 of 7/8 W.I.
Hobart and Nellie S. Cribb	1/32 of 7/8 W.I.
G. H. Debrosky	2/32 of 7/8 W.I.
C. B. Drake	1/32 of 7/8 W.I.
F. J. Fleck, Lorraine Fleck, and Anastasia Fleck	2/32 of 7/8 W.I.
Charles E. or Doris L. Francisco	1/32 of 7/8 W.I.
Harry Glimp	1/32 of 7/8 W.I.
Estate of Charles W. Harding, Deceased, Nicholas Kerasotes, George G. Kerasotes and Louis Kerasotes	3/32 of 7/8 W.I.
Leon and Ethel Lando	1/32 of 7/8 W.I.
Edward J. Ridter	1/32 of 7/8 W.I.
William H. Kewley	3/32 of 7/8 W.I.
Wallace Walter	1/32 of 7/8 W.I.

3. That the aggregate sum of \$20,850.00 bid for the aforesaid leases be apportioned and allocated to the respective leases on the basis of the respective bids for said leases separately, to-wit, 11,900/19,950 to the J. D. Glimp Estate Lease and 8,050/19,950 to the Nellie Fields Lease, in the respective amounts of \$12,436.85 for the interests sold in the J. D. Glimp Estate Lease and \$8,413.15 for the interests sold in the Nellie Fields Lease.

4. That the foregoing allocated amount of \$12,436.85 for the undivided 23/32 of the 7/8 working interest in the J. D. Glimp Estate Lease be apportioned equally and each judgment debtor whose interest in said lease was sold have credited upon his judgment his proportionate share thereof, all as more fully set forth in the Schedules of Judgments, Bids, and Credit Balance or Deficiencies in paragraphs 6 and 7.

5. That the foregoing allocated amount of \$8,413.15 for the undivided 20/32 or 5/8 of the 7/8 working interest in the Nellie Fields Lease be apportioned equally and each judgment debtor whose interest in said lease was sold have credited upon his judgment his proportionate share thereof, all as more fully set forth in the following Schedules of Judgments, Bids, and Credit Balances or Deficiencies in paragraphs 6 and 7.

6. That, after crediting each judgment debtor with the allocated sum bid for his interest, the following judgment debtors are indebted to the Estate of Fred B. Kroger, deceased, on the judgments heretofore rendered by the Court in the respective deficiency amounts shown:

<u>Judgment Debtor</u>	<u>Judgment (Lease)</u>	<u>Bid</u>	<u>Deficiency</u>
Charles W. Brosch, Jr.	\$ 1,032.23 Glimp <u>1,122.11 Fields</u> 2,154.34	\$ 540.73 <u>420.66</u> 961.39	\$1,192.95
C. V. Cardose	238.49 Glimp <u>995.82 Fields</u> 1,234.31	540.73 <u>420.66</u> 961.39	272.92
Hobart and Nellie S. Cribb	1,080.75 Fields	420.66	630.09
G. H. Dobrosky	5,460.40 Glimp <u>7,467.71 Fields</u> 12,928.11	1,081.46 <u>841.31</u> 1,922.77	11,005.34
C. B. Drake	1,192.10 Fields	420.66	771.44
Helen Engle, Executrix of Estate of William Engle, Deceased	1,620.55 Glimp	1,081.46	539.09
F. J. Fleck, Lorraine Fleck, and Anastasia Fleck	2,458.01 Glimp <u>3,991.71 Fields</u> 6,449.72	1,081.46 <u>841.32</u> 1,922.78	4,526.94
Charles E. or Doris L. Francisco	990.82 Fields	420.66	570.16
Harry Glimp	2,080.43 Fields	420.66	1,659.77
Estate of Charles W. Harding, Deceased	1,642.11 Fields	420.66	1,221.45
Leon and Ethel Lando	1,045.83 Fields	420.66	625.17
Edward J. Richter	3,677.00 Fields <u>5,478.67 Glimp</u> 9,155.75	420.66 <u>1,081.47</u> 1,502.13	7,653.62
William H. Kewley	1,032.23 Glimp <u>2,626.38 Fields</u> 3,658.61	540.73 <u>1,261.96</u> 1,802.69	1,855.92
General Insurance Company, Trustee for H. R. and Sueann Mulcahey,	1,131.59 Glimp	540.73	590.86
Walter and Katherine Phillips	1,995.80 Glimp	1,081.47	914.33
Jesse J. and Leona Price	2,064.80 Glimp	1,081.47	983.33
Emanuel and M. J. Schimell	3,680.47 Glimp	1,081.47	2,599.00
Richard R. Taylor	1,232.27 Glimp	540.73	691.54

7. That, as to the following judgment debtors, the sums bid by the purchaser-judgment creditor, the Estate of Fred B. Kroger, Deceased, exceed the judgments in favor of said purchaser in the amounts of the respective credit balances here shown, to-wit:

<u>Judgment Debtor</u>	<u>Judgment (Lease)</u>	<u>Bid</u>	<u>Credit Balance</u>
Nicholas Kerasotes, George C. Kerasotes, and Louis Kerasotes	\$ 1,104.16 Glimp <u>1,389.20 Fields</u> 2,484.36	\$1,622.21 <u>1,261.96</u> 2,884.17	\$ 399.81
Ronald H. Schikore	278.60 Glimp	540.73	262.13
Wallace Walter	249.19 Fields	420.66	171.47

8. That the purchaser-judgment creditor, the Estate of Fred B. Kroger, Deceased, pay to the Clerk of this Court the sum of \$833.41 and that upon receipt thereof the Clerk disburse said sum by paying to the judgment debtors named in paragraph 7, supra, the respective sums due them from the Estate of Fred B. Kroger, Deceased, as shown by the Credit Balances scheduled for said judgment debtors.

9. That the Estate of Fred B. Kroger, Deceased, pay to the Receiver the agreed sum of \$910.85, as and for oil runs for the month of May 1959, being all runs due the Receiver.

10. That upon payment to the Clerk of this Court of the sum of \$833.41 by the Estate of Fred B. Kroger, Deceased, and payment to Roy E. Thomas, Receiver of the sum of \$910.85 by said Estate, as ordered in paragraphs 8 and 9, supra, the Receiver is hereby directed to execute and deliver to the Estate of Fred B. Kroger, Deceased, good and sufficient conveyances, assignments, transfer orders and any other instruments necessary to fully vest the complete title, use, enjoyment and benefits of the property sold in said Estate, said conveyances and other instruments to convey the interests herein sold effective as of June 1, 1959, at 7:00 o'clock, A. M., in accordance with the said Order of Sale entered on May 8, 1959.

11. That this cause be continued until July 16, 1959, at 9:30 o'clock, A. M., for further proceedings herein.

And now on this 16th day of July, 1959, this cause comes on for further hearing; the Receiver appearing in person and by his attorneys, John T.

Gibson and Ungerman, Grabel, Ungerman, Lelter & Unruh; and defendant Grayce T. Kroger, Executrix of the Estate of Fred B. Kroger, Deceased, appearing in person and by her attorneys, Jack B. Sellers and Williams, Breesche & McDermott;

And, after further hearing in this cause, the Court finds that the Estate of Fred B. Kroger, Deceased, has this date paid into Court the sum of \$15,853.68 for application as follows:

(a) \$833.41 to complete the purchase of the interests sold at Receiver's Sale, as ordered by the Court in paragraph 8, supra, for disbursement by the Clerk to the following judgment debtors in the following amounts, to-wit: Nicholas, George C., and Louis Kerasotes, \$399.81; Ronald H. Schikore, \$262.13; ^{Wallace} Walter, \$171.47;

(b) \$4,779.35 for disbursement by the Clerk to Allan J. Bryden, for application upon the fees allowed said Court-appointed Accountant;

(c) \$2,000.00 for disbursement by the Clerk to Roy J. Thomas, Receiver, as reimbursement for sums paid by said Receiver to Allan J. Bryden;

(d) \$3,007.51 for disbursement by the Clerk to Alvin G. Schopp, in full satisfaction of the cross judgments rendered by the Court, being a judgment in favor of Alvin G. Schopp and against the Estate of Fred B. Kroger, Deceased, in the sum of \$5,000.00 and a judgment in favor of the Estate of Fred B. Kroger, Deceased, and against Alvin G. Schopp and Thelma Schopp in the sum of \$1,992.49;

(e) \$1,227.51 for disbursement by the Clerk to Jules W. Beneke, in full satisfaction of the cross judgments rendered by the Court, being a judgment in favor of Jules W. Beneke and against the Estate of Fred B. Kroger, Deceased, in the sum of \$4,005.91 and a judgment in favor of the Estate of Fred B. Kroger, Deceased, and against Jules W. Beneke in the sum of \$2,778.40;

(f) \$2,002.95 for disbursement by the Clerk to G. E. and Dorothy Horch, in full satisfaction of the Judgment rendered by the Court in favor of G. E. and Dorothy Horch and against the Estate of Fred B. Kroger, Deceased, in said sum of \$2,002.95;

(g) \$2,002.95 for disbursement by the Clerk to Gerherd Kiersch, in full satisfaction of the judgment rendered by the Court in favor of Gerherd

Kiersch and against the Estate of Fred B. Kroger, Deceased, in said sum of \$2,002.95.

And the Court further finds that the following Judgments in favor of the Estate of Fred B. Kroger, Deceased, in connection with the Nellie Fields Lease, have been fully paid, satisfied and released of record as to each of the following judgment debtors, to-wit:

Charles W. Brosch, Jr.;

C. V. Cardose;

F. J. Fleck, Lorraine Fleck, and Anastasia Fleck;

Charles E. or Doris Francisco;

Estate of Charles W. Harding;

Leon and Ethel Lando;

Edward J. Richter.

And the Court further finds that the following Judgments in favor of the Estate of Fred B. Kroger, Deceased, in connection with the J. D. Glimp Estate Lease, have been fully paid, satisfied and released of record as to each of the following judgment debtors, to-wit:

Charles W. Brosch, Jr.;

C. Victor Cardose;

F. J. Fleck, Lorraine Fleck, and Anastasia Fleck;

Edward J. Richter;

Emanuel and M. J. Schimell.

And the Court further finds that the sum of \$910.85, ordered paid in paragraphs 9 and 10, supra, has been paid by the Estate of Fred B. Kroger, Deceased, to Roy E. Thomas, Receiver, and that the conveyances and other instruments ordered executed in paragraph 10 should be executed by the said Receiver.

Now, on motion of the Estate of Fred B. Kroger, Deceased, judgment creditor, the Court finds that deficiency judgments should be entered against the following judgment debtors in the respective amounts here set forth and the Clerk of this Court is hereby directed to enter deficiency judgments in favor of the Estate of Fred B. Kroger, Deceased, and as against the following judgment debtors, as follows, to-wit:

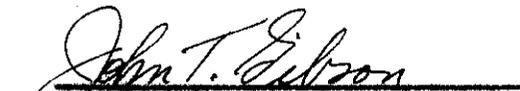
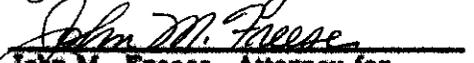
Hobart and Nellie S. Cribb,	\$ 630.09;
G. H. Dobrosky,	11,005.34;
C. B. Drake,	771.44;
Helen Engle, Executrix of the Estate of William Engle, Deceased,	539.09;
Harry Glimp,	1,659.77;
William H. Kewley,	1,855.92;
General Insurance Company, Trustee for H. R. and Susann Mulcahey,	590.86;
Walter and Katherine Phillips,	914.33;
Jesse J. and Leona Price,	983.33;
Richard R. Taylor,	691.54.

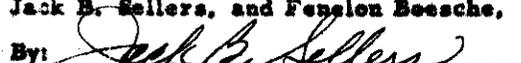
The property which is the subject of this action having been sold, the receiver is hereby directed to prepare and file his final report and accounting herein on or before the 27th day of July, 1959, and any interested party desiring to object to said final report is hereby directed to file written objections on or before the 7th day of August, 1959, and such final report, accounting and objections shall be heard by this court on the 17th day of Aug, 1959, at 9:30 o'clock, A. M.

IN WITNESS WHEREOF, I have set my hand and the seal of this Court this 16th day of July, 1959.


 ROYCE H. SAVAGE
 United States District Judge
 Northern District of Oklahoma.

APPROVED AS TO FORM:


 John T. Gibson
 and
 Ungerman, Grabel, Ungerman,
 Leiter & Unruh,
 Attorneys for Receiver
 By 

 John M. Freese, Attorney for
 Plaintiffs and Involuntary Plaintiffs.


 Harry D. McFarland, Attorney for
 Defendant, Harry Glimp.
 Jack B. Sellers, and Fenslon Bessche,
 By: 
 Attorneys for Defendant, Grayce T.
 Kroger, Executrix of the Estate of
 Fred B. Kroger, Deceased.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA
TULSA DIVISION

THE PURE OIL COMPANY,)
a corporation,)
Plaintiff)
VS.)
R. H. SIEGFRIED, INC.,)
Defendant)

CIVIL ACTION NO. 4721

FILED

JUL 17 1959

ORDER OF DISMISSAL

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

On this 17 day of July, 1959 came on to be heard the above entitled and numbered cause, wherein The Pure Oil Company is plaintiff and R. H. Siegfried, Inc. is defendant, and both parties through their respective attorneys announced that all matters in controversy between them in this cause have been settled and compromised and that this cause should be dismissed and judgment entered dismissing this cause with prejudice to the plaintiff;

It is therefore ordered and adjudged and decreed that this case be and is hereby dismissed with prejudice to the plaintiff.

Noble C. Hood
Clerk of Court

By M. M. [Signature]
Deputy Clerk

Approved as to form:

[Signature]
Counsel for Plaintiff

[Signature]
Counsel for Defendant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Civil Action No. 4643

1,663.10 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and Katharine J. Steil, et
al, and Unknown Owners,

Defendants.

FILED

JUL 23 1959

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

J U D G M E N T

TRACTS NOS. O-1582E-1, O-1582E-2, O-1582E-3

This cause comes on for disposition on the stipulation of the parties as to Tracts Nos. O-1582E-1, O-1582E-2 and O-1582E-3, on this 22nd day of July, 1959. The Court, having been advised by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma, finds that:

I.

This Judgment applies only to Tracts Nos. O-1582E-1, O-1582E-2 and O-1582E-3.

II.

The court has jurisdiction of the parties and the subject matter of this action.

III.

Service of process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in Tracts Nos. O-1582E-1, O-1582E-2 and O-1582E-3.

IV.

The Acts of Congress, set out in Paragraph II of the Complaint filed herein, give the United States of America the right, power and authority to condemn for public use, Tracts Nos. O-1582E-1, O-1582E-2 and O-1582E-3, as described in Schedule "A" attached to such Complaint. Pursuant thereto, on February 19, 1959, the United States of America has filed its Declaration of Taking of such described tracts, and title thereto should be vested in the United States of America.

V.

On February 19, 1959, there was deposited in the Registry of this court an estimated compensation for the taking of Tracts Nos. O-1582E-1, O-1582E-2 and O-1582E-3, the sum of \$995.00 and \$640.00 of this deposit has been disbursed to the landowners entitled thereto.

VI.

On the date of taking, title to all of the surface estate and one-eighth royalty interest in the mineral estate in Tracts Nos. O-1582E-1, O-1582E-2 and O-1582E-3 was vested in Lucy J. Clark Beatty, and such defendant being the owner of the described interest in such tracts, she is entitled to distribution of just compensation therefor.

VII.

The defendant, Lucy J. Clark Beatty, and the plaintiff, United States of America, have entered into a stipulation as to just compensation for Tracts Nos. O-1582E-1, O-1582E-2 and O-1582E-3, wherein the parties have agreed that the sum of \$750.00 shall be just compensation for her interest in the estate as described in the Declaration of Taking, taken by the Government in Tracts Nos. O-1582E-1, O-1582E-2 and O-1582E-3, and such stipulation should be approved.

VIII.

A deficiency in the amount of \$110.00 now exists between Lucy J. Clark Beatty's share of the amount deposited as estimated compensation for the estate taken in Tracts No. O-1582E-1, O-1582E-2 and O-1582E-3, and the amount fixed by the stipulation of the parties as just compensation for her interest.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power and authority to condemn for public use, Tracts Nos. O-1582E-1, O-1582E-2 and O-1582E-3, as such tracts are described in Schedule "A" attached to the Complaint and Declaration of Taking filed herein, and all of the surface estate and one-eighth royalty interest in the mineral estate in such tracts, to the extent of the estate indicated and for the uses and purposes described in the Declaration of Taking filed herein, is condemned and title thereto is vested in the United States of America, and all defendants herein and all other persons interested in such described estates in such tracts are forever barred from asserting any claim thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the right to just compensation for the above described estate taken herein in Tracts Nos. 0-1582E-1, 0-1582E-2 and 0-1582E-3 is vested in Lucy J. Clark Beatty; the stipulation as to just compensation for the estate taken in the subject tracts referred to in Paragraph VII herein is hereby confirmed; and the award therein fixed is adopted as just compensation for her interest in such tracts.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff, United States of America, shall pay into the Registry of this Court for the benefit of the landowner, the deficiency amount of \$110.00. Upon deposit of such deficiency, the Clerk of this Court shall make distribution thereof to Lucy J. Clark Beatty.

[Handwritten Signature]

UNITED STATES DISTRICT JUDGE

APPROVED:

[Handwritten Signature]

WALTER A. MARLOW
Assistant United States Attorney

FILED

JUL 28 1959

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Civil Action No. 4625

775.34 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and A. E. Hader, et al, and
Unknown Owners,

Defendants.

ORDER DROPPING PARTIES DEFENDANT

This matter coming on for hearing this 27th day of July, 1959,
on plaintiff's motion to drop United States Dept. of Agriculture and Farmers
Home Administration and being advised in the premises by counsel for plaintiff,
the court finds that such parties were unnecessarily joined as parties defend-
ant in this action.

IT IS THEREFORE ORDERED that United States Dept. of Agriculture and
Farmers Home Administration be and hereby are dropped as parties defendant in
this action.

Dwight R. Savage

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

Hubert A. Marlow

Assistant United States Attorney

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

HARTFORD ACCIDENT AND INDEMNITY COMPANY, a corporation,

Plaintiff,

No. 4629 Civil

FILED

FIRST NATIONAL BANK IN BARTLESVILLE, a national banking association, and FIRST NATIONAL BANK AND TRUST COMPANY OF TULSA, a national banking association,

AUG - 5 1959

Defendants.

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

ORDER OF DISMISSAL WITHOUT PREJUDICE OF THE CROSS CLAIM OF FIRST NATIONAL BANK IN BARTLESVILLE AGAINST DEFENDANT, FIRST NATIONAL BANK AND TRUST COMPANY OF TULSA

This cause came on for hearing on this 5 day of ^{August} ~~July~~, 1959,

upon the application of Defendant, First National Bank in Bartlesville, a national banking Association to dismiss without prejudice its cross claim against Defendant, First National Bank and Trust Company of Tulsa, a National Banking Association, of defendant, and cross-petitioner, First National Bank in Bartlesville. The Court finds that the application should be granted, and that the defendant and cross-petitioner, First National Bank in Bartlesville, be permitted to dismiss its cross claim as against the defendant, First National Bank and Trust Company of Tulsa, without prejudice.

NOW, THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED

by the Court that the cross-claim of the defendant, First National Bank in Bartlesville, against the defendant, First National Bank and Trust Company of Tulsa, be and the same is hereby dismissed without prejudice, and the defendant, First National Bank in Bartlesville, be and the same is hereby dismissed as a party to this action.


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

APPROVED AS TO FORM:

GABLE, GOTWALS & HAYS

By:

Jack M. Hays
Attorneys for Plaintiff.

Hess Crossland
HESS CROSSLAND, Attorney for Defendant,
First National Bank & Trust Company of Tulsa.

SANDERS & McFARROY

By:

Louis H. Sanders
Attorneys for Defendant, First
National Bank in Bartlesville.

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

HARTFORD ACCIDENT AND INDEMNITY COMPANY,
a corporation,

Plaintiff,

vs.

No. 29 Civil.

FIRST NATIONAL BANK IN BARTLESVILLE, a
national banking association, and FIRST
NATIONAL BANK AND TRUST COMPANY OF TULSA,
a national banking association,

Defendants.

FILED

AUG -5 1959

W. C. HOOD
Clerk U. S. District Court

ORDER OF DISMISSAL WITHOUT PREJUDICE, ALLOWING
ADDITIONAL TIME TO FILE AMENDED COMPLAINT,
STIPULATION AND BRIEF.

This matter coming before the court upon application of the plaintiff and it being shown that there is no objection on the part of the defendant, First National Bank in Bartlesville, plaintiff be and she is hereby, permitted to dismiss the above entitled cause as against the defendant First National Bank in Bartlesville, without prejudice.

IT IS THEREFORE ORDERED, that the cause herein, insofar as it relates to the First National Bank in Bartlesville be and the same is hereby dismissed without prejudice.

IT IS FURTHER ORDERED that plaintiff be and she is allowed fifteen days from the date hereof within which to file his amended complaint herein and plaintiff is further allowed ten days thereafter within which to file stipulations of fact and brief.

DATED this 5 day of August, 1959.

Raymond S. Sarge
District Judge.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

- (A) 216 100-tablet bottles, more or less, 14 500-tablet bottles, more or less, and 24 1,000-tablet bottles, more or less, all unlabeled, in bulk shipping cartons labeled in part:

"Lot No. 6986 Count 12X4 Date 6-1-56

K11-10 S.C. B-Complex Captabs Each tablet contains:

<u>Vitamin</u>	<u>Source</u>	<u>Content</u>	<u>%ADR</u>
B1	Thiamine Hydrochloride	1.5 mg.	150
B2	Riboflavin	2 mg.	100
C	Ascorbic Acid	30 mg.	100
B12	Oral	3.33 mcg	-
-	Niacinamide	10 mg.	-
-	*Calcium Pantothenate	1 mg.	-
-	Folic Acid	0.1 mg.	-
Iron	Ferrous Sulfate, Exsic.	50 mg.	148
-	Liver Fraction II	25 mg.	-

*** Keith-Victor Pharmacal Co., St. Louis 5, Mo."

- (B) 61 unlabeled 1,000-tablet bottles, more or less, in bulk shipping cartons labeled in part:

***Contains 27/1,000 *** S.C. Red Tablets
Each tablet contains:

Ferrous Gluconate	5 grs.	
Iron	37 mg.	370%
Liver Fraction No. 2	2 grs.	
Thiamin (B1)	1 mg.	100%
Riboflavin (B2)	1.5 mg.	75%

Rx 247 Control No. 40315 *** Wilson-Deith & Co.
4440 Chippewa, St. Louis 11, Mo."

Claimants.

Civil No.

4736

FILED

In Open Court

AUG - 5 1959

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

DECREE OF CONDEMNATION

On the 16th day of July 1959, a libel of information against the above-described articles was filed on behalf of the United States of America. The libel alleged that the articles proceeded against were drugs, which were introduced into interstate commerce in violation of the Federal Food, Drug, and Cosmetic Act, and were adulterated while being held for sale after shipment in interstate commerce within the meaning of the said Act, 21 U.S.C., 342(b)(1), in that the aforesaid articles (both lots) are adulterated while held for sale after shipment in interstate commerce within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 342(b)(1) in that the valuable constituents (Dodexol) vitamin B1, (100 tab. btl.) vitamin C and vitamin B12, (500-tab. btl.) vitamin C, and (1000-tab. btl.) vitamin C, and (Ironal) Vitamin B1, have been in part omitted or abstracted therefrom.

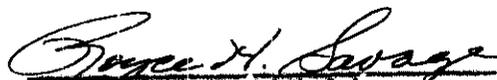
The aforesaid articles are in the possession of Kay Pharmacal Company, Inc., 1312 North Utica Street, Tulsa, Oklahoma, or elsewhere, within the jurisdiction of this Court.

It appearing that process was duly issued and returned according to law, notice of the seizure of the above-described articles was given according to law, and no persons have appeared or interposed a claim before the return day named in such process,

NOW, THEREFORE, on motion of Robert S. Rizley, United States Attorney, and Perry A. Krohn, Assistant U.-S. Attorney, for the Northern District of Oklahoma, IT IS ORDERED, ADJUDGED, AND DECREED that the defaults of all persons be and the same are entered herein, and

The Court being fully advised in the premises, IT IS FURTHER ORDERED, ADJUDGED, AND DECREED on like motion that the above-described articles are adulterated while held for sale after shipment in interstate commerce within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 342(b)(1) in that the valuable constituents (Dodexol) vitamin B1, (100-tab. btl.) vitamin C and vitamin B12, (500-tab. btl.) vitamin C, and (1000-tab. btl.) vitamin C, and (Ironal) vitamin B1, have been in part omitted or abstracted therefrom, and are condemned as forfeited to the United States, and the United States Marshal in and for the Northern District of Oklahoma do forthwith destroy the same and make return of his action to this Court.

Dated this 5th day of August 1959.


United States District Judge

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

Harold M. Warhurst,

Plaintiff,

-vs-

The Atchison, Topeka and Santa
Fe Railway Company, a corporation,

Defendant.

AUG 10 1959

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

No. 4723-Civil

ORDER TO TRANSFER

The motion of defendant to transfer this suit to the United States District Court for the District of Kansas, coming on for hearing this 5th day of August, 1959, pursuant to regular setting, and the Court having heard the argument of counsel, and being fully advised, upon consideration finds that there is no dispute but that the complained of accident occurred in Enterprise, Kansas, that all witnesses for both parties reside there in Kansas, and that the plaintiff himself is a bona fide resident of Manchester, Kansas.

The Court further finds that Kansas is clearly the most convenient forum for the instant case and that the motion to transfer this action to the United States District Court for the District of Kansas pursuant to 28 U.S.C.A., Section 1404 (a) should be sustained.

IT IS THEREFORE ORDERED that the motion of defendant to transfer this case to the United States District Court for the District of Kansas be, and the same is hereby sustained, and this cause be and the same is hereby transferred to the United States District Court for the District of Kansas for further proceedings.

W. Royce Savage
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA
TULSA DIVISION

-----X
LEO FEIST, INC., AMERICAN ACADEMY
OF MUSIC, INC. and SKIDMORE MUSIC
CO., INC.

Plaintiffs,

-against-

L. L. GAFFANEY, trading under the name
and style of LAKES AREA BROADCASTING
CO.,

Defendant.
-----X

CIVIL ACTION
NO 4696

FILED

AUG 19 1959

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

NOW COMES the plaintiffs, Leo Feist, Inc., American Academy
of Music, Inc. and Skidmore Music Co., Inc., by and through their attorney,
and announces in open court that they no longer wish to prosecute their suit
and request that the Court dismiss the same with prejudice.

IT IS THEREFORE, ORDERED, ADJUDGED and DECREED, by
the Court that said suit be and the same is hereby dismissed with prejudice.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that all
costs of Court be taxed against the plaintiffs.

(S) R. H. Savage
JUDGE

IEU:lg
8/17/59

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

UNITED STATES OF AMERICA,
Plaintiff
vs.
LUPER TRANSPORTATION COMPANY,
an Oklahoma Corporation,
Defendant

Civil No. 4761
FILED

AUG 21 1959

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

J U D G M E N T

Now on this 21st day of August, 1959, the above entitled action came on for hearing, the plaintiff appearing by Russell H. Smith, First Assistant United States Attorney for the Northern District of Oklahoma, and the defendant appearing by its attorney, Irvine E. Ungerman; and thereupon the Court having examined the file in the cause finds that the defendant herein, by its answer has entered a general appearance and has waived the issuance and service of process and the Court having complete jurisdiction of the parties and the subject matter proceeded to hear the testimony offered for and on behalf of the plaintiff and from the same the Court finds that the defendant is indebted to the plaintiff in the amount of \$12,500.00, after allowance of all just credits and offsets and that judgment should be rendered accordingly.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THIS COURT that the plaintiff have and recover a judgment against the defendant, Luper Transportation Company, an Oklahoma Corporation, for the sum of \$12,500.00 with interest thereon at the rate of 6% per annum from this date, until paid, together with the Court costs involved herein.

APPROVED:

(S) Royce H. Savage
United States District Judge

ROBERT S. RIPLEY
UNITED STATES ATTORNEY

(S) Robert S. Ripley
Assistant

(S) Irvine E. Ungerman
Irvine E. Ungerman
Attorney for defendant

LAW OFFICES
UNGERMAN,
GRABEL,
UNGERMAN,
LEITER &
UNRUH
SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA

FILED

AUG 28 1959

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

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

State of Oklahoma, ex rel)
Department of Highways of the)
State of Oklahoma)
Plaintiff)

vs.) NO. 4621)

Certain Parcels of Land in)
Pawnee County, Oklahoma,)
containing 0.51 acres, more or)
less; The United States of)
America; Guy Fox; John)
Spotted Horse; Esther Jake)
Eshleman; Pauline Jake Murie;)
Wallace E. Jake; Lenora Jake)
Goodeagle; John Wayne Jake;)
Helena Jake Hood; James E. Jake;)
Paul Little Eagle; Effie (Abbie))
L. E. Osborne; Joe Pearson;)
Darlene Joy Carson, a minor;)
Anson Joe Carson, a minor;)
Rosseau P. Pappan; Fred Pappan, Jr.;)
and Norman R. Rice)
Defendants)

ORDER APPROVING AND CONFIRMING

Now on this 28 day of August 1959, this matter comes on for hearing, plaintiff appearing herein by counsel, Max Cook, who requests this court for an order approving the condemnation proceedings and confirmation of plaintiffs appropriation therein of the hereinafter described property.

The court finds from an examination of the files and pleadings herein that the plaintiff filed its petition on the 19th day of January 1959, alleging that it was necessary for plaintiff to appropriate the hereinafter described property for highway purposes and that plaintiff had been unable to secure same by purchase because of the refusal by the defendant landowners to grant same to the State for public purposes; that in such instances the laws of the State of Oklahoma authorize the appropriation of same by condemnation proceedings and that plaintiff therefore prayed the court to appoint three disinterested freeholders from the current jury list of the District Court, not interested in any like question, to inspect said property and consider the injury that would be sustained by the owners thereof by plaintiffs appropriation of same as well as the damages to the remainder of the

real estate owned by them, either directly or indirectly. The court finds that the pleadings show that good and lawful notice of the date of hearing of said petition was given the defendants.

The court further finds that on the 16th day of February, 19 59, it duly and regularly appointed Roy Lawrence, Tony Thomas and G. C. Harrison condemnation commissioners who filed their report with the Clerk of this Court on the 16th day of February, 19 59, assessing plaintiff -----\$40.00-----, for the appropriation by said plaintiff of the lands and property sought by it in this proceeding, and for full and complete damages to any and all of the remaining land and property of said defendants.

The court finds that pursuant to such award plaintiff deposited with the Clerk of this Court on the 18th day of March, 19 59, the said sum of ----- -----\$40.00-----, and thereupon plaintiff became entitled to the immediate possession of the property concerned herein, and defendants thereupon became entitled, by operation of law, to have said award disbursed to them by the court clerk, free and clear of all poundage or other fees, as follows:

above named defendants

The court finds that the statutory limitation period within which the parties to said proceedings might have filed a demand for jury trial or otherwise objected has elapsed without there having been a demand for jury trial, or other objection, filed herein, and that these proceedings have therefore become final and complete and that plaintiff is entitled to an order of this court approving the said proceedings and confirming the appropriation by plaintiff of the right, title and interest taken by it in the following described property, to-wit:

(SEE NEXT PAGE)

Easement No. 13
FAS-S-293(4)CS
59-25

Ida Crow, Pawnee Allottee # 298

A strip, piece or parcel of land lying in
Lot 3 (NW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 19, T 21 N, R 4 E in Pawnee
County, Oklahoma. Said parcel of land being described
as follows:

The East 17 feet of the West 50 feet of
said Lot 3.

Containing 0.51 acres, more or less.

IT IS THEREFORE by the court considered, ordered, adjudged and decreed that plaintiff's taking of the right and interest sought by it in these proceedings as acquired by it on the 18th day of March, 1959, in the above described property is hereby approved and confirmed.


DISTRICT JUDGE

APPROVED:

Attorney for Plaintiff,
510 Capitol Office Building,
Oklahoma City, Oklahoma

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

MISSOURI PACIFIC RAILROAD COMPANY,

PLAINTIFF,

V.

Civil Action No. 4712

FILED

ELMAR TANK LINE CO.,

DEFENDANT.

SEP -2 1959

JOURNAL ENTRY OF JUDGMENT

NOBLE C. HOOD,

Clk. U.S. District Court

On this 26th day of August, 1959, being the day previously set by the court for pre-trial conference herein, this cause comes on for hearing, plaintiff appearing by its attorney, Thomas Harper, and defendant appearing by its attorney, Max G. Cohen;

On consideration of the complaint of plaintiff, and the exhibits thereto, and the answer of defendant, the court finds that defendant's plea of the statute of limitations as to Count I of the complaint should be sustained, it appearing from the complaint and exhibits that plaintiff's action alleged in Count I of the complaint was not filed within two years from the time plaintiff's cause of action accrued, and that Count I of the complaint should be dismissed with prejudice;

The defendant in open court confesses judgment as to Count II of the complaint, and the court finds plaintiff is entitled to judgment against defendant in Count I in the sum of \$162.51 with interest from June 30, 1957;

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED that plaintiff take nothing on Count I of its complaint and the same be dismissed with prejudice at the cost of plaintiff, and that plaintiff have and recover from defendant on Count II of its complaint the sum of \$162.51, with interest at 6% per annum from June 30, 1957, and its costs thereon.

151 Royce W. George
U. S. District Judge

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

JERRY JEANNE IVEY and RICHARD D.
TEUBNER, Guardians of OLIVE W.
THOMAS, an Incompetent Person,

Plaintiffs,

vs.

THE PRUDENTIAL INSURANCE COMPANY
OF AMERICA, a corporation, and
JERRY E. WOOD,

Defendants.

No. 4727 Civil

FILED

SEP - 3 1959

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

ORDER REMANDING

This cause came on for hearing before the court, the Honorable Royce H. Savage presiding, on August 5, 1959 on plaintiffs' motion to remand the cause to the District Court of Tulsa County, Oklahoma, and was taken under advisement.

NOW, on this 3rd day of September, 1959, the court upon consideration entered an order remanding the cause to the District Court of Tulsa County, Oklahoma.

IT IS ORDERED AND ADJUDGED that the motion of plaintiffs to remand this cause to the District Court of Tulsa County, Oklahoma, be and it is hereby sustained and the cause is remanded to the District Court of Tulsa County, Oklahoma, for further proceedings.

Dated at Tulsa, Oklahoma, this 3rd day of September, 1959.

NOBLE C. HOOD, CLERK

By ¹⁸¹ M. M. Ewing
Chief Deputy

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

FILED

ROBERT LEE NAPIER, a minor
by and through LUTHER F. NAPIER,
his father and next friend,

Plaintiff,

-vs-

ALFRED G. HELD,

Defendant.

SEP - 4 1959

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

NO. 4700 CIVIL

JOURNAL ENTRY OF JUDGMENT

This cause came on to be heard this 4th day of Sept,
1959, plaintiff appearing by his attorney, Elliott Howe, the defendant
appearing by his attorneys, Rucker, Tabor & Cox and Jean Charles Smith,
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 allegation of his petition and is entitled
to judgment accordingly.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED
by the Court that the plaintiff have and recover of said defendant the sum
of \$11,400.00 and for his costs herein expended.

R. H. Savage
Judge

Approved as to form:

Elliott Howe
Attorney for Plaintiff

Jean Charles Smith
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF OKLAHOMA

GLENN C. FARRIS,

Plaintiff,

vs.

C. T. STURNER and
ILA MAE STURNER,

Defendants,

R. J. SMITH,

Third Party Defendant.

No. 4104 - Civil

FILED

SEP - 4 1959

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

JOURNAL ENTRY OF JUDGMENT

This cause coming on for trial before me W. R. Wallace, Judge of the said court, on this, the 28th day of May, 1959, upon the plaintiff's Complaint and the amended answer thereto of the defendants, C. T. Sturner and Ila Mae Sturner, and upon the said defendants amended Third Party Complaint as against the third party defendant, R. J. Smith, and his answer thereto, and the plaintiff, Glenn C. Farris, and the third party defendant, R. J. Smith, appearing in person and by and through their attorneys, Spillers & Spillers, by G. C. Spillers, Jr., and the defendants, C. T. Sturner and Ila Mae Sturner, appearing in person and ~~by and through~~ their attorneys, Marvin T. Johnson and C. H. Rosenstein, and all parties having answered ready for trial and waived a jury in open court, the court proceeded to hear the testimony of witnesses, and at the conclusion of the day's hearing, the matter was adjourned until the following day, May 29, 1959, and the court heard further testimony of witnesses sworn in open court and all parties having rested, the court took this matter under advisement for decision and ordered the respective counsel to file briefs; thereafter the counsel having briefed this cause and the court being advised in the premises, the court, on the 24th day of July, 1959, filed its Findings of Fact and Conclusions of Law which are incorporated herein and made a part hereof by reference.

Now, on this _____ day of Aug., 1959, this court further finds that on December 10, 1948, the defendant, C. T. Sturner, made, executed, and delivered to R. J. Smith a certain promissory note in the principal sum of \$15,989.09 payable at the rate of \$250.00 per month beginning on the 10th day of January, 1959, with like payments each month thereafter until fully paid and satisfied with interest from the maturity of each installment at the rate of 6% per annum and for an attorney fee in the sum of \$500.00 in the event of default and the placing of the note in the hands of an attorney for collection.

The court further finds that thereafter the defendants, C. T. Sturner and Ila Mae Sturner, on January 31, 1949, made, executed and delivered to the said R. J. Smith a certain real estate mortgage to secure the obligation evidenced by the said promissory note, which real estate mortgage was duly filed of record in the Office of The County Clerk of Tulsa County, State of Oklahoma, on February 9, 1949 and recorded in Book 1963 at Page 110.

The court further finds that the said real estate mortgage covers the following described real estate and premises situated in Tulsa County, State of Oklahoma:

All of Block Three (3) in Magic City Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof

together with all improvements thereon and appurtenances thereunto belonging.

The court further finds that the said mortgage expressly waives appraisalment of said real estate and all benefits of the homestead exemption and stay laws of Oklahoma.

The court further finds that the said R. J. Smith, on or about February 16, 1949, assigned the said note and mortgage to the plaintiff, Glenn C. Farris, and said assignment of the mortgage was filed of record in the Office of the County Clerk, Tulsa County, Oklahoma, on August 18, 1949, and duly recorded in Book 2009 at Page 613, and that the plaintiff is the owner of the said note and mortgage sued upon.

The court further finds that the defendant, C. T. Sturner, has breached the terms and conditions of the said note secured by the said mortgage by defaulting upon the payments required thereby, and that he is justly

indebted to the plaintiff in the sum of \$6,989.09, with interest thereon from and after February 10, 1952 at the rate of 6% per annum until fully paid and satisfied, together with an attorney fee in the sum of \$500.00 and the costs of this action, accrued and accruing.

The court further finds that the plaintiff is entitled to a decree of this court as against the defendants, C. T. Sturner and Ila Mae Sturner, foreclosing the said real estate mortgage to satisfy the said amount due and owing as hereinabove set forth, together with interest, attorney fees and costs, accrued and accruing, and that the residue of said sale, if any, shall be applied as the court may direct.

The court further finds that since the said mortgage provides for foreclosure thereof without appraisalment, that if the defendant, C. T. Sturner fails for six months from the date of this entry of judgment to pay the said plaintiff the sum of \$6,989.09, together with interest thereon from and after February 10, 1952 at the rate of 6% per annum together with costs and attorney fees, that the Clerk of this court should issue an order of sale to the United States Marshall for the Northern District of Oklahoma to sell the above described real estate, together with all improvements thereon and appurtenances thereunto belonging, according to the laws of the State of Oklahoma, without appraisalment, at public sale to the highest and best bidder for cash and to apply the proceeds therefrom as hereinafter ordered.

The court further finds that the amended Third Party Complaint of the defendants, Sturner, as against the third party, ^{defendant} R. J. Smith, should be denied and dismissed at the cost of defendants, Sturner, and judgment be entered thereon in favor of the defendant, R. J. Smith.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED by the court that the plaintiff, Glenn C. Farris, have and recover from the defendant, C. T. Sturner, the sum of \$6,989.09, with interest at the rate of 6% per annum from and after February 10, 1952, until fully paid and satisfied; and the further sum of \$500.00 as attorney fees as provided in the said note and mortgage for the use and benefit of the plaintiff's attorneys, G. C. Spillers and G. C. Spillers, Jr., co-partners, doing business as Spillers & Spillers, and all costs, accrued and accruing.

IT IS FURTHER ORDERED AND ADJUDGED that the terms and conditions of the note and mortgage sued on herein have been breached, and

IT IS FURTHER ORDERED by the court that a judgment be and the same is hereby decreed, foreclosing the said real estate mortgage as against the defendants, C. T. Sturner and Ila Mae Sturner, covering the following described real estate in Tulsa County, State of Oklahoma:

All of Block Three (3) in Magic City Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof

together with all improvements thereon and appurtenances thereunto belonging.

IT IS FURTHER ORDERED by this court that if the defendant, C. T. Sturner, shall fail within six months of the date of entry of this judgment to pay the said plaintiff, Glenn C. Farris, the sum of \$6,989.09 with interest thereon at the rate of 6% per annum from and after February 10, 1952, attorney fees as hereinabove provided and the costs of this action, accrued and accruing, that the Clerk of this court shall issue an order of sale directed to the United States Marshall for the Northern District of Oklahoma to sell the above described real estate, together with all improvements thereon and appurtenances thereunto belonging, according to the law of the State of Oklahoma, without appraisalment, at public sale to the highest and best bidder for cash and to apply the proceeds as follows:

1. To the payment of all costs, accrued and accruing.
2. To the payment of attorney fees in the sum of \$500.00, with interest thereon at the rate of 6% from and after the date of the entry of this judgment until fully paid and satisfied.
3. To the payment of the principal sum to the plaintiff on the judgment in the amount of \$6,989.09, together with interest thereon at the rate of 6% per annum from and after February 10, 1952, until fully paid and satisfied.

IT IS THE FURTHER ORDER of this court that any residue which may be left after the said foreclosure sale be held to abide the further order of this court.

IT IS THE FURTHER ORDER of this court that the United States Marshall for the Northern District of Oklahoma be and he is hereby ordered

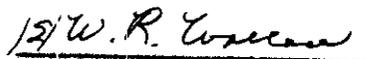
to execute the orders of sale and make his return for approval in accordance with the laws of the State of Oklahoma; provided, however, no order of sale or execution shall be issued by the Clerk of this court upon this judgment until the expiration of six months from the date hereof.

IT IS FURTHER ORDERED of this court that ^{if} the amount derived from said sale is insufficient to satisfy the judgment, interest, attorney fees and costs, let execution issue against the defendant, C. T. Sturner, for the remainder unpaid.

IT IS FURTHER ORDERED AND ADJUDGED that from and after the sale of said property, by virtue of this judgment and decree, the said defendants, C. T. Sturner and Ila Mae Sturner, and each of them, and all persons claiming under them, or either of them, since the filing of the plaintiff's complaint herein, be and they are forever barred and foreclosed of and from any and all liens, right, title, interest, estate or equity of, in, or to said real estate or any part thereof.

IT IS FURTHER CONSIDERED, ORDERED, ADJUDGED AND DECREED by the court that the amended Third Party Complaint of the defendants, Sturner, as against the third party defendant, R. J. Smith, be denied and dismissed at the cost of the defendants, Sturner, and judgment be and the same is hereby entered in favor of the said defendant, R. J. Smith, and against the defendants, Sturner, thereon and in respect thereto.

To each finding of fact of the trial court, to each conclusion of law of the trial court and to each and every ~~element~~ of the judgment hereinabove entered against the defendants, Sturner, the defendants, Sturner, separately objected and excepted.



W. F. Wallace
United States District Judge

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

SPOKANE MERCHANT ASSOCIATION,
a corporation, as Common Law Assignee
of Troy B. Hood, Inc., a corporation,
Plaintiff,

DANIEL W. HOOD, d/b/a Hood
Construction Company,
Defendant.

Civil Action
No. 448-1105
FILED

SEP - 4 1959

ORDER OF DISMISSAL

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

NOW, on this 4th day of September, 1959, there came on for hearing
plaintiff's oral motion to dismiss the above captioned matter with prejudice.

Plaintiff was represented by its counsel, John Wheeler, of the firm of Wheeler
Wheeler Hood and defendant was represented by his attorney G. L. Davidson, Jr.,
of the firm of Houston, Osborn & Davidson.

The Court finds that the plaintiff and defendant have reached a settlement
whereby the plaintiff has made, executed and delivered unto the defendant a full,
final and complete release, settling all claims arising between the parties and
all claims which plaintiff may have against the defendant. The Court hereby
approves settlement and release of claims and cause of action in said complaint.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the
above captioned matter be dismissed with prejudice against the defendant.


Judge of the United States District Court


JOHN WHEELER
Attorney for Plaintiff

G. L. DAVIDSON, JR.
Attorney for Defendant

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

FILED

SEP 8, 1959

E. D. RICE,

Plaintiff,

vs.

STEEL HAULERS, INC., and
EMMETT HELM,

Defendants.

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

Civil No. 4707

ORDER OF DISMISSAL

This action came on for hearing before the Court,
the Honorable Royce H. Savage presiding, on September 8,
1959, on the motion of defendants to dismiss, and the court
having ordered that the motion be sustained,

IT IS ORDERED that this action be and it is dis-
missed.

Dated at Tulsa, Oklahoma, this 8th day of Sep-
tember, 1959.

NOBLE C. HOOD, CLERK

By Margaret Garrison
Deputy

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

W. M. WILSON, et al.,
Plaintiffs,
vs.
IRMA S. HECHT, et al.,
Defendants.)

Civil No. 4763

FILED

SEP - 8 1959

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

ORDER REMANDING

The motion of plaintiffs to remand this suit to the District Court of Tulsa County, State of Oklahoma, came on for hearing before the court, the Honorable Royce S. Savage presiding, on this 8th day of September, 1959, pursuant to regular setting and notice to parties, and the Court having heard the argument of counsel, and being fully advised, upon consideration entered an order remanding the cause to the District Court of Tulsa County, State of Oklahoma

IT IS ORDERED AND ADJUDGED that the motion of plaintiffs to remand this cause to the District Court of Tulsa County, Oklahoma, be and it is hereby sustained and the cause is remanded to the District Court of Tulsa County, Oklahoma for further proceedings.

Dated at Tulsa, Oklahoma, this 8th day of September, 1959.

NOBLE C. HOOD, CLERK

By M. M. Lewing
Deputy

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Francie J. Rivera, Beulah T. Rivera,
Charles D. Akers and Jeanie Akers,

Defendants.

No. 4575 Civil

FILED

SEP - 9 1959

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

ORDER CONFIRMING MARSHAL'S SALE

NOW, on this 9th day of September, 1959, there coming on for hearing

the motion of the plaintiff herein to confirm the sale of real property made by the United States Marshal for the Northern District of Oklahoma on the 5th day of August, 1959, under an order of sale issued in this cause out of the office of the Court Clerk for the United States District Court for the Northern District of Oklahoma dated June 25, 1959, of the following described real property, to wit:

Lot Ten (10), Block Six (6), in Nancy Lee Addition
to the City of Miami, Ottawa County, State of Okla-
homa, according to the amended plat thereof,

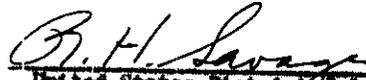
and the court having carefully examined the proceedings of the Marshal under the order of sale and no one appearing in objection thereto and no exceptions having been filed, finds that due and legal notice of the sale was given by publication once a week for at least four (4) weeks prior to the date of sale in the Afton American, a newspaper published and of general circulation in the County of Ottawa, State of Oklahoma, as shown by the proof of publication on file herein and that on the day fixed therein, the 5th day of August, 1959, the above described real property was sold to the Federal Housing Administration, it being the highest and best bidder therefor.

The court further finds that the sale was in all respects made in conformity with the law in such case made and provided and that the sale was in all respects legal.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the court that the Marshal's sale and all proceedings under the order of sale herein be and the same are hereby approved and confirmed.

IT IS FURTHER ORDERED that James Y. Victor, as United States Marshal for the Northern District of Oklahoma, make and execute to the purchaser,

Federal Housing Administration, a good and sufficient deed for such pre-
mises so sold.


United States District Judge

FILED

SEP 14 1959

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

NOBLE C. ...
CLERK OF COURT

E. DONALD STEINBRUGGE,

Plaintiff

vs.

MARSHALL HADDOCK, Jr.,

Defendant

No. 4631-C

(Consolidated Cases)

E. DONALD STEINBRUGGE,

Plaintiff

vs.

JOHN S. HADDOCK,

Defendant

No. 4632-C

J U D G M E N T

This cause coming on for hearing before me, Royce H. Savage,
Judge of the said court, on this the 14th day of September, 1959, for entry
of judgment in this cause. The court, after being fully advised in the prem-
ises, finds that on this date the court made and entered Findings Of Fact And
Conclusions Of Law and judgment should be entered in favor of the defendants
and against the plaintiff in accordance therewith as hereinafter ordered.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED that
judgment be and the same is hereby entered in favor of the defendants, Marshall
Haddock, Jr. and John S. Haddock, and against the plaintiff, E. Donald Stein-
brugge, and the plaintiff's complaint, as amended, should be denied, at the
cost of the plaintiff.

151 Royce H. Savage

U. S. District Judge

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

KAREN LEE WALTRIP, a minor, by
Homer Waltrip, her father and
next friend,

Plaintiff,

v.

NORTHAM WARREN CORPORATION, a
foreign corporation, and
ROBERT J. HOPKINS, d/b/a Hopkins
Variety Store,

Defendants.

NO. 4654

SEP 17 1959

ORDER OF DISMISSAL

The defendant, Northam Warren Corporation, having moved to dismiss this action or in lieu thereof to quash the return of service of summons and set aside the purported service of summons on the ground that the defendant has not been properly or sufficiently served with process in this action and to dismiss the action on the ground of lack of jurisdiction for the reason that the defendant has no agent within this state to receive the service of summons and is not doing business within the State of Oklahoma; and said motion having duly come on to be heard before this court on the 8th day of September, 1959, and upon consideration of the affidavit of John D. Yeomans, Vice-President and Treasurer of the defendant corporation, and having heard argument of counsel, the court, after due deliberation, found that the return of service of summons must be quashed and the action dismissed.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the return of service of summons and the complaint herein be and the same is hereby quashed, and this action be and the same hereby is dismissed.

R. H. Savage
United States District Judge

DATED this 11th day of September, 1959.

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

SEP 11 1959

City of Pawhuska, Oklahoma,
Plaintiff,
vs.
L. E. Reames, et al.,
Defendants.

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

Civil No. 4677

ORDER OF DISMISSAL

This action came on for hearing on defendants' motion for summary judgment before the court, the Honorable Royce H. Savage, presiding, on September 2, 1959, and the court having ordered that this action be dismissed,

IT IS ORDERED that this action be and it is dismissed.

Dated at Tulsa, Oklahoma, this 11th day of September, 1959.

NOBLE C. HOOD, CLERK

By W. J. G. Gamm
Deputy

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

FILED

SEP 11 1959

Alice M. Knoerr,

Plaintiff,

vs.

Procter & Gamble, Inc., et al.,

Defendants.)

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

Civil No. 4751

ORDER OF DISMISSAL

This action came on for hearing before the court, the Honorable Royce H. Savage presiding, on September 8, 1959, on the motion of defendant Procter & Gamble, Inc., to quash summons, and the motions of defendants Procter & Gamble Distributing Company of Ohio, and Marvin Yeager, d/b/a Yeager Wholesale Company to dismiss, and the court having ordered that each motion be sustained,

IT IS ORDERED that this action be and it is hereby dismissed.

Dated at Tulsa, Oklahoma this 11th day of September, 1959.

NOBLE C. HOOD, CLERK

By Margaret Garrison
Deputy

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

vs.

Brookside Development Co., Inc.,
and W. E. Calderwood,

Plaintiff,

Defendants.

Civil No. 4760

FILED

SEP 22 1959

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

J U D G M E N T

Now, on this 22 day of September 1959, the above-entitled matter coming on for hearing, the plaintiff, United States of America, appearing by Russell H. Smith, First Assistant United States Attorney for the Northern District of Oklahoma, and the defendants, Brookside Development Co., Inc., and W. E. Calderwood, having failed to answer, but appearing specially by their attorney, Irvine E. Wagerman, and it appearing to the Court that this is a suit upon two mortgage notes and for foreclosure of two mortgages upon real estate securing the same, which real estate is located in the County of Tulsa, State of Oklahoma, within the Northern Judicial District of Oklahoma.

It further appearing that due and legal personal service of summons has been made on both defendants on August 29, 1959, in this State, requiring them to answer the complaint filed herein in not more than 20 days after the date of service of summons, and it further appearing that each defendant has failed to file its answer herein, but appeared specially by their attorney, Irvine E. Wagerman, and admitted the execution of the notes and mortgages sued upon, and that they were in default in the installments due under the notes, and admitting the amounts due, as set forth in the complaint herein, and the Court, being fully advised, finds that all the allegations and averments in the complaint of plaintiff are true; that there is due from the defendant, Brookside Development Co., Inc. to the plaintiff, United States of America, on the notes and mortgages, the following amounts:

- (1) The principal sum of \$141,870.15 on each note; plus
- (2) The accrued interest thereon through July 31, 1959, in the amount of \$3,310.30 on each note; plus

- (3) Advances in the amount of \$1,336.57 under Real Estate Mortgage I and \$1,890.24 under Real Estate Mortgage II; plus
- (4) Interest on said advances through July 31, 1959, in the amount of \$11.29 under Real Estate Mortgage I and \$15.95 under Real Estate Mortgage II; plus
- (5) Interest on said principal balances and on said advances at the rate of four per centum (4%) per annum from August 1, 1959.

The Court further finds that the plaintiff has a first and prior lien upon the real estate and premises described in the complaint by virtue of the mortgages as security for the payment of the indebtedness, interest, and costs, which property is described as follows, to-wit:

Lot One (1), Block Three (3), South Brookside Addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof, and Lot Two (2), Block Three (3), South Brookside Addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof.

The Court further finds that the lien of plaintiff is first and prior over any interest the defendant, W. H. Calderwood, might have obtained in the deed given by Defendant Corporation, as set forth in the complaint herein.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED by the Court that plaintiff, United States of America, do have and recover from the defendant, Brookside Development Co., Inc. the sum of \$493,615.13, with interest on the principal sum of \$286,967.11, at the rate of four per cent (4%) per annum from the first day of August 1959, together with the costs of this action, accrued and accruing.

And it further appearing to the Court that the mortgages contain the words, "Mortgagor hereby waives . . . appraisalment, . . .",

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that in case defendant, Brookside Development Co., Inc. fails for six months from the date of entry of this judgment to pay the plaintiff the aforesaid sums and the costs of this action, an order of sale shall issue to the United States Marshal for the Northern District of Oklahoma commanding him to advertise and sell according to law, without appraisalment, the lands and tenements described in the mortgages, to-wit:

Lot One (1), Block Three (3), South Brookside Addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof, and Lot Two (2), Block Three (3), South Brookside Addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof,

and apply the proceeds arising from the sale as follows:

- (1) In payment of the costs of the sale and of this action;
- (2) In payment of any unpaid taxes due;
- (3) In payment to plaintiff the sum of \$293,615.13, with interest on the principal sum of \$286,967.11 at the rate of four per cent (4%) per annum from August 1, 1959;
- (4) The residue, if any, be paid to the Clerk of the Court to await the further order of the Court.

If the amount derived from the sale is insufficient to satisfy the judgment, interest, and costs, let execution issue against the defendant, Brookside Development Co., Inc. for the remainder unpaid.

IT IS FURTHER ORDERED AND ADJUDGED by this Court that, from and after the sale of the real property under and by virtue of this judgment and decree, the defendants, and each of them, and all persons claiming under them, or either of them, since the filing of the complaint herein, be and they are forever barred and foreclosed of and from any and every lien upon, right, title, interest, estate, or equity of, in, or to the real estate, or any part thereof.

W. Raymond Savage
United States District Judge

APPROVED:

Irvin E. Underman
Irvin E. Underman
Wright Building, Tulsa, Oklahoma
Attorney for Brookside Development Co., Inc. and W. E. Calderwood

Russell E. Smith
Russell E. Smith
First Assistant U. S. Attorney
135 Federal Building
Tulsa 3, Oklahoma

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
counsel for Letty Jo Jenkins, Philip K. Bough, is not entitled to an attorney's
fee for defending this action and attorney's fees are accordingly disallowed.

14 Royce H. Savage
Judge of the United States District Court

APPROVED AS TO FORM

Robert Shepherd
Attorney for Plaintiff

APPROVED AS TO FORM

Philip K. Bough
Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN

DISTRICT OF OKLAHOMA

FILED

J. S. PRICE, SAM O. SMITH,
J. S. PRICE d/b/a J. S. PRICE
COMPANY, and J. S. PRICE & SAM
O. SMITH, co-partners d/b/a
COASTAL HOT SHOT COMPANY, and
as co-partners of J. S. PRICE &
COMPANY, and as co-partners of
J. S. PRICE FENCE COMPANY,

Plaintiffs,

vs.

TRI-STATE INSURANCE COMPANY, an
Oklahoma Corporation,

Defendant.

SEP 29 1959

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

No. 4748

DISMISSAL WITHOUT PREJUDICE

COMES now the plaintiffs and dismisses the above entitled cause without
prejudice.

(S) Richard N. Evans
Attorney for the Plaintiffs

Richard N. Evans
1008 Goodhue Bldg.
Beaumont, Texas

I hereby certify that a true and correct copy of the above and foregoing
Dismissal was mailed to the attorney for the defendant, Tri-State Insurance Co.,
Alfred B. Knight, 811 Ritz Bldg., Tulsa, Oklahoma, with sufficient postage thereon
on this 29th day of September, 1959.

(S) Richard N. Evans
Richard N. Evans

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

O. O. FUNDERBURG, d/b/a
PAN-AMERICAN SALES COMPANY,
Plaintiff,

vs.

THE FURNITURE CENTER, INC.,
A Corporation, and JACK MORSE,
Defendants.

No. 4047

FILED

SEP 30 1959

NOTICE OF DISMISSAL

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

Comes now the plaintiff and dismisses his cause of action
against the defendant, The Furniture Center, Inc., A Corporation,
pursuant to Rule 41 (a) 1 of the Federal Rules of Civil
Procedure.

THREADGILL & JENNINGS

By Wm J Threadgill
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

A true and correct copy of the within and foregoing Notice
of Dismissal was mailed to defendants by addressing the same to
The Furniture Center, Inc., c/o Ungerman, Grabel, Ungerman,
Leiter & Unruh, defendants' attorney of record, Wright Building,
Tulsa, Oklahoma, on the 29 day of September, 1959.

Wm J Threadgill

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

FILED

PAUL WILLIAM INMAN,)
)
 Plaintiff)
)
 v.)
)
 CASUALTY RECIPROCAL EXCHANGE,)
 a corporation)
)
 Defendant)

SEP 30 1959

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

No. 4730 - Civil

ORDER OF DISMISSAL

NOW, ON THIS, the 28th day of September, 1959, it having been called to the attention of this Court that the Defendant, Casualty Reciprocal Exchange, is not a corporation, and it appearing that the Plaintiff in this lawsuit is one of the policy holders of Casualty Reciprocal Exchange, and that, by authority of Arbuthnot etc. v. State Automobile Insurance Association etc., 264 F. 2d 260, there is no diversity of citizenship existing between the Plaintiff and the Defendant, and this Court, therefore, has no jurisdiction.

BE IT, THEREFORE, ORDERED, ADJUDGED AND DECREED by this Court that Plaintiff's cause of action be and the same is hereby dismissed for want of jurisdiction of this Court, and at the cost of the Plaintiff.

15/ W. R. Wallace
Judge

OK: _____
Attorney for Plaintiff

OK: 15/ W. E. Green
Attorney for Defendant

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

UNITED STATES OF AMERICA,

Libelant,

vs.

ONE 1954 FORD CRESTLINE SEDAN,
MOTOR NO. A4D113772, ITS
TOOLS AND APPURTENANCES,

Respondent.

CIVIL NO. 4742

FILED

SEP 30 1959

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

J U D G M E N T

Pursuant to the Findings of Fact and Conclusions of Law,
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the 1954 Ford Crestline
Sedan, Motor No. A4D113772, its tools and appurtenances, be and the same is
hereby forfeited, and that the said vehicle be and the same is hereby ordered
to be delivered to the possession of The First National Bank and Trust Com-
pany of Tulsa upon its paying the court costs in this action, including the
Marshal's fees and fees of service, and upon the further payment of all stor-
age costs for the respondent automobile from the date of filing of the Libel
of Information on July 21, 1959, to the date of payment therefor.

Dated this 25th day of September, 1959.

W. P. H. Savage
United States District Judge

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

HARRY F. FORD,
Plaintiff,

-vs-

MISSOURI-KANSAS-TEXAS
RAILROAD COMPANY, A
Corperation,

Defendant.

No. 4618

Civil
FILED

OCT 1 - 1959

J U D G M E N T

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

In accordance with the Findings of Fact and Conclusions of Law entered herein, judgment is hereby rendered in favor of Plaintiff, Harry F. Ford, and against the Defendant, Missouri-Kansas-Texas Railroad Company, a corporation, in the sum of EIGHT THOUSAND FIVE HUNDRED AND NO/100 DOLLARS (\$8,500.00).

DATED this 23rd day of September, A.D., 1959.

(S) R. H. Savage
Judge

OKAY:

RATNER, MATTOX & RATNER

By (S) C. Lawrence Elder
C. Lawrence Elder
- Attorneys for Plaintiff.

OKAY:

DOERNER, RINEHART & STUART

By (S) Harry D. Moreland
Harry D. Moreland
- Attorneys for Defendant.

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

THE CRISPIN COMPANY,
a corporation

Plaintiff

vs.

No. 4587-Civil

TRANSCONTINENTAL OIL COMPANY,
a corporation, ET AL.

Defendants

FILED

OCT 2 - 1959

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

ORDER OF DISMISSAL WITHOUT PREJUDICE

Upon motion of the above named plaintiff for leave to discontinue
this action,

IT IS ORDERED that the complaint be dismissed without prejudice
to the bringing of another action concerning any of the matters involved
herein, with costs to be taxed against the plaintiff.

DATED this 2nd day of October, 1959.

Royce A. Savard
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

911.83 Acres of Land, More or Less,
Situate in Rogers County, Oklahoma,
and Ira S. Andrews, et al, and
Unknown Owners,

Defendants.

Civil Action No. 4559

FILED

OCT - 6 1959

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

JUDGMENT

This cause, coming on for disposition on this 6th day of October, 1959,
the Court finds that:

I.

The court has jurisdiction of the parties and the subject matter of
this action. This judgment applies only to Tracts Nos. C-314, C-314E-1,
C-314E-2, C-314E-3, C-333E, D-420E, D-412, and D-412E, as such tracts are des-
cribed in the Complaint filed herein.

II.

Service of process has been perfected either personally or by publi-
cation notice as provided by Rule 71A of the Federal Rules of Civil Procedure
on all parties defendant in this cause, who are interested in subject tracts.

III.

The Acts of Congress set out in paragraph II of the Complaint filed
herein give the United States of America the right, power, and authority to
condemn for public use the land described in Schedule "A" attached to such
Complaint. Pursuant thereto, on August 1, 1958, the United States of America
filed its Declaration of Taking of such described land, and title thereto
should be vested in the United States of America.

IV.

On August 1, 1958, there was deposited in the Registry of this Court
an estimated compensation for the taking of the lands described in Schedule

V.

The Report of Commissioners filed herein on June 18, 1959, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to each tract as fixed by the Commission and now adopted by the court is set out in Paragraph X below.

VI.

The defendant, Prospect Company, and the United States of America have stipulated herein that just compensation for such company's interest in Tract No. C-314 should be the sum of \$60.63, and such stipulation should be approved.

VII.

Certain deficiencies exist between the amounts deposited as estimated just compensation and the amounts fixed by the Commission and the court as just compensation. These deficiencies are set out in Paragraph X below.

VIII.

The persons named in Paragraph X as owners of subject tracts are found by the court to be the only defendants asserting any interest in the estates condemned herein, all other defendants having either disclaimed or defaulted; the named defendants are the owners of the respective estates as designated and, as such, are entitled to distribution of just compensation therefor.

IX.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tracts described in Schedule "A" attached to the Complaint filed herein and such property, to the extent of the estate indicated and for the uses and purposes described in the Declaration of Taking filed herein, is CONDEMNED and title thereto is vested in the United States of America, and all defendants herein and all other persons are forever barred from asserting any claim thereto.

X.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the right to just compensation for the respective estates taken herein is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of June 18, 1959 and the stipulation by Prospect Company and the United States of America filed in this case and referred to in Paragraph VI are hereby confirmed and the sums therein fixed are adopted as just compensation for each tract condemned and reported therein, as shown by the following schedule:

TRACTS NOS. C-314, C-314E-1, C-314E-2, C-314E-3

Owners: Surface: Ira O. Andrews and Mrs. Ira O. Andrews
 Minerals: Ira O. Andrews and Mrs. Ira O. Andrews own full mineral estate in C-314E-3.
 Ira O. Andrews and Mrs. Ira O. Andrews own an undivided one-half ($\frac{1}{2}$) interest in the mineral estate in C-314, C-314E-1 and C-314E-2.
 Prospect Company owns an undivided one-half ($\frac{1}{2}$) interest in the mineral estate in C-314, C-314E-1 and C-314E-2.

Compensation fixed by Commission:	
Surface	\$29,000.00
Minerals	476.00
	<u>\$29,476.00</u>
Less one-half ($\frac{1}{2}$) interest in minerals under Tract C-314 covered by stipulation with Prospect Company,	152.00
	<u>\$29,324.00</u>
Plus compensation fixed by stipulation as to one-half ($\frac{1}{2}$) interest of Prospect Company in minerals under Tract C-314	60.63
	<u>\$29,384.63</u>
Total Compensation approved by court	\$29,384.63
Deposited as estimated compensation	<u>11,390.00</u>
Deposit deficiency,	\$17,994.63

Distribution and disbursal of Award

Andrews award:	
For Surface	\$29,000.00
For Minerals:	
One-half ($\frac{1}{2}$) interest in Tracts C-314, C-314E-1 and C-314E-2	\$236.00
Full interest in C-314E-3	4.00
	<u>240.00</u>
Total Andrews award	\$29,240.00
Disbursed to Ira O. Andrews and Mrs. Ira O. Andrews and Commissioners of the Land Office (on mortgage)	<u>11,329.37</u>
Balance due Ira O. Andrews and Mrs. Ira O. Andrews	\$17,910.63
Prospect Company award for minerals only:	
Stipulation as to C-314	\$ 60.63
Award for C-314E-1 and C-314E-2	84.00
Total Prospect Company award	144.63
Disbursed to Prospect Company	<u>60.63</u>
Balance due Prospect Company	\$ 84.00

TRACT NO. C-333E

Owners: Surface: Jesse W. Rader and Archie E. Rader
 Minerals: Jesse W. Rader and Archie E. Rader, 1/2 interest
 Jessie Struthers, 1/6 interest; C.W. Chapman, 1/3 interest

Compensation fixed by Commission:	
Surface:	\$ 240.00
Minerals:	20.00
Total:	<u>\$ 260.00</u>
Deposited as estimated compensation	100.00
Deposit deficiency	<u>\$ 160.00</u>

TRACT NO. B-422E

Owners: Surface: Jesse W. Rader and Archie E. Rader
Minerals: C. W. Chapman, 1/3 interest; Jessie Struthers, 1/6 interest; Jesse W. Rader and Archie E. Rader, 1/2 interest.

Compensation fixed by Commission:	
Surface	\$ 250.00
Minerals	12.00
Total	<u>\$ 262.00</u>
Deposited as estimated compensation	<u>\$ 50.00</u>
Deposit deficiency	\$ 212.00

TRACT NO. B-41E

Owners: Glen C. Sullivan and Margaretta Sullivan

Compensation fixed by Commission:	
Surface	\$1,125.00
Minerals	38.00
Total	<u>\$ 1,163.00</u>
Deposited as estimated compensation	<u>\$ 993.00</u>
Deposit deficiency	\$ 170.00

TRACT NO. B-41E1

Owners: Glen C. Sullivan and Margaretta Sullivan

Compensation fixed by Commission:	
Surface	\$ 720.00
Minerals	60.00
Total	<u>\$ 780.00</u>
Deposited as estimated compensation	<u>\$ 500.00</u>
Deposit deficiency	\$ 280.00

XI.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff, United States of America, shall pay into the Registry of this Court for the benefit of the named landowners the deficiency amounts shown in paragraph I, together with interest thereon at the rate of 6% per annum from August 1, 1958, until the date of deposit of such deficiency amounts into the Registry of this Court. Upon deposit of such deficiency amounts the Clerk of the Court shall make distribution of the funds on deposit to the owners of these tracts as their interests appear in Paragraph I.

(s) R. H. Savage
U. S. District Judge

APPROVED:
Hubert A. Marlow
Hubert A. Marlow
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

711.83 Acres of Land, More or Less,
Situate in Nowata County, Oklahoma,
and Est G. Andrews, et al., and
Unknown Owners,

Defendants.

Civil No. 4559

FILED

OCT - 6 1959

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

AFFIDAVIT

I, Hubert A. Marlow, of lawful age, being first duly sworn upon oath, depose and say I am one of the attorneys for the plaintiff, United States of America, and that, to the best of my knowledge and belief, none of the parties defendant who has any interest in the tracts covered by the foregoing judgment and in default herein is in the service of the armed forces of the United States, and that none is an infant or an incompetent.

Hubert A. Marlow
Hubert A. Marlow
Assistant United States Attorney
335 Federal Building
Tulsa 3, Oklahoma

Subscribed and sworn before me this 5th day of October 1959.

(S) *Serothy L. Overman*
Notary Public

My commission expires January 5, 1960.

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

OCT -7 1959

United States of America,

Plaintiff,

vs.

Erano Keeley,

Defendant.

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

Civil No. 4647

J U D G M E N T

Now, on this 29th day of September 1959, upon trial of this
cause and pursuant to FINDINGS OF FACT AND CONCLUSIONS OF LAW, filed
herein,

IT IS, WHEREFORE, ORDERED, ADJUDGED, AND DECREED THAT the plain-
tiff have and recover from the defendant the sum of \$2.93, together with
costs herein, and IT IS DIRECTED THAT the Clerk of this Court pay to the
Treasurer of the United States the sum of \$2.93, heretofore deposited
herein by the defendant.


~~UNITED STATES DISTRICT COURT~~

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

CHESTER A. CORBIN,

vs.

ALEXANDER M. TALLMAN,

Plaintiff,

Defendant.

Civil No. 4683

FILED

OCT 7 - 1959

JUDGMENT

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

This action came on for trial before the court and a jury, the Honorable W. R. Wallace presiding, and the issues having been duly tried and the jury on October 7, 1959 having rendered a verdict for the plaintiff to recover of the defendant damages in the amount of Four Thousand Two Hundred and Fifty (\$4,250.00) Dollars,

IT IS ORDERED AND ADJUDGED that the plaintiff, Chester A. Corbin, recover of the defendant Alexander M. Tallman, the sum of Four Thousand Two Hundred and Fifty (\$4,250.00) Dollars, with interest thereon at the rate of 6% per annum from the date hereof until paid, and its cost of action.

Dated at Tulsa, Oklahoma, this 7th day of October, 1959.

NOBLE C. HOOD, CLERK

by 
Deputy

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

DIMPLE A. CORBIN,

Plaintiff,)

vs.)

ALEXANDER M. TALLMAN,

Defendant.)

Civil No. 4684

FILED

OCT 7 - 1959

JUDGMENT

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

This action came on for trial before the court and a jury, the Honorable W. R. Wallace presiding, and the issues having been duly tried and the jury on October 7, 1959, having rendered a verdict for the plaintiff to recover of the defendant damages in the amount of Six Thousand (\$6,000.00) Dollars,

IT IS ORDERED AND ADJUDGED that the plaintiff, Dimple A. Corbin, recover of the defendant, Alexander M. Tallman, the sum of Six Thousand (\$6,000.00) Dollars, with interest thereon at the rate of 6% per annum from the date hereof until paid, and its cost of action.

Dated at Tulsa, Oklahoma, this 7th day of October, 1959.

NOBLE C. HOOD, CLERK

By  Deputy

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

160.00 Acres, More or Less, Situate in
Nowata County, Oklahoma, and
A. E. Hasinger, et al, and Unknown
Owners,

Defendants.

Civil Action No. 4471

FILED

OCT - 3 1959

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

JUDGMENT

As To Tract No. R-1809

On October 5, 1959, this cause, as to Tract No. R-1809, came on for trial, and the parties having waived a jury, the case was tried to the Court, before the Honorable Royce H. Savage, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Robert S. Hinley, United States Attorney, and Robert A. Marlow, Assistant United States Attorney, for the Northern District of Oklahoma. The defendant owner of this tract appeared by his attorneys, Glenn H. Chappell and W. E. Maddux. After hearing the evidence and being fully advised in the premises, the Court finds:

I

The Court has jurisdiction of the parties and the subject matter of this action.

II

Service of process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in Tract No. R-1809.

III

The Acts of Congress set out in paragraph 2. of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the land described as Tract No. R-1809

in Schedule A attached to such Complaint. Pursuant thereto, on April 14, 1958, the United States of America has filed its Declaration of Taking of such described land, and title thereto should be vested in the United States of America.

IV

On April 14, 1958, there was deposited in the Registry of this Court as estimated compensation for the taking of Tract No. R-1809, the sum of \$12,000.00, none of which has been disbursed.

V

Just compensation for the estate taken by the United States of America in Tract No. R-1809, as such tract and estate are described in the Declaration of Taking and the Complaint filed herein, is \$12,000.00.

VI

The defendant, Irvin D. Long, an incompetent, acting through his guardian, C. E. Long, is the only person asserting any interest in the estate condemned in this tract, all other defendants being in default as to such tract; Irvin D. Long is found to be the owner of and entitled to receive the award of just compensation for such tract.

VII

It is Therefore ORDERED, ADJUDGED, AND DECREED, that the United States of America has the right, power and authority to condemn for public use, Tract No. R-1809, as such tract is described in Schedule A attached to the Complaint and Declaration of Taking filed herein, and such tract, to the extent of the estate indicated and for the uses and purposes described in the Declaration of Taking filed herein, is condemned and title thereto is vested in the United States of America, as of April 14, 1958, and all defendants herein and all other persons interested in such tract are forever barred from asserting any claim thereto.

VIII

It is Further ORDERED, ADJUDGED AND DECREED, that the right to just compensation for the estate taken herein is vested in the defendant, Irvin D. Long, the sum of \$12,000.00 is adopted as the award

of just compensation for the estate herein taken in Tract No. R-1809 and the Clerk of this Court shall forthwith disburse the full amount of such award to C. E. Long, Guardian of Irvin D. Long.

Royce H. Savage

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

Hubert A. Marlow
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

160.00 Acres, More or Less, Situate in
Nowata County, Oklahoma, and
A. E. Hasinger, et al, and Unknown
Owners,

Defendants.

Civil Action No. 4471

AFFIDAVIT

I, Hubert A. Marlow, of lawful age, being first duly sworn upon oath, depose and say I am one of the attorneys for the plaintiff, United States of America, and that, to the best of my knowledge and belief, none of the parties defendant who has any interest in the tracts covered by the foregoing judgment and in default herein is in the service of the armed forces of the United States, and that none is an infant or an incompetent.

Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney
135 Federal Building
Tulsa 3, Oklahoma

Subscribed and sworn before me this 9th day of October, 1959.

Noble C. Hoop Clerk
By Eugene Garrison
Court Clerk

FILED

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

OCT 9 - 1959

Bert Benaar,

Plaintiff

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

vs.

Civil Action #4687

National Zinc Company, Inc.,

Defendant

FINAL JUDGMENT ENTERED PURSUANT TO AN ORDER GRANTING
MOTION FOR SUMMARY JUDGMENT

A motion by the above-named Defendant for Summary Judgment in its favor dismissing the action having been duly brought on to be heard, and the Court having made an Order pursuant thereto granting the Defendant's Motion and directing the Judgment be entered herein in Defendant's favor, dismissing this action with costs and disbursements, it is hereby

ORDERED, ADJUDGED AND DECREED that Judgment be entered herein in Defendant's favor, dismissing this action with costs and disbursements to be fixed by the clerk, in favor of the Defendant and against the Plaintiff.

Dated this October 1, 1959.

Boya H. Lange
United States District Judge

O. K. Robert M. Butler
Attorney for Plaintiff

O. K. Harry D. Moreland
Attorney for Defendant

FILED

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

OCT 9 - 1959

Bert Benear,

Plaintiff

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

vs.

Civil Action # 4687

National Zinc Company, Inc.,

Defendant

ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT

Now, on considering Defendant's Motion for Summary Judgment and the exhibits in support thereof, the evidence and other matters on file, and after hearing counsel for respective parties, it is

ORDERED, that said Motion of Defendant for Summary Judgment be and the same is hereby granted and that judgment be entered herein in Defendant's favor, dismissing the action with cost and disbursements to be taxed by the clerk, in favor of the Defendant and against the Plaintiff.

Dated this October 1, 1959.

151 Roy H. Louse
United States District Judge

O. K. Robert M. Butler
Attorney for Plaintiff

O. K. Harry J. Moreland
Attorney for Defendant

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

Hugh Tally Wolfe,

Plaintiff,

vs.

Ernest F. Rote,

Defendant.

Civil No. 4694

FILED

OCT 12 1959

JUDGMENT

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

This action came on for trial before the court and a jury, the Honorable Royce H. Savage presiding, and the issues having been duly tried and the jury of October 12, 1959 having rendered a verdict for the plaintiff to recover of the defendant damages in the amount of Nine Thousand, Five Hundred (\$9,500.00) Dollars,

IT IS ORDERED AND ADJUDGED that the plaintiff, Hugh Tally Wolfe, recover of the defendant, Ernest F. Rote, the sum of Nine Thousand, Five Hundred (\$9,500.00) Dollars, with interest thereon at the rate of 5% per annum from the date hereof until paid, and its cost of action.

Dated at Tulsa, Oklahoma, this 12th day of October, 1959.

NOBLE C. HOOD
NOBLE C. HOOD, CLERK

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

ALVA MOORS,

Plaintiff

v.

WALGREEN DRUG STORES, INC.,

Defendant

)
)
)
)
)
)
)

No. 4744 Civil

FILED

OCT 12 1959

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

O R D E R

UPON CONSIDERATION of the Plaintiff's Dismissal

in this cause, the Court approves the dismissal and grants the request of the Plaintiff for an Order of Dismissal, and finds that the Defendant has acquiesced in and agreed to the dismissal and that this fully disposes of this lawsuit.

BE IT, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff's voluntary dismissal is approved and this Court enters its order of dismissal.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's cause of action be and the same is hereby dismissed with prejudice to the right of the Plaintiff to further prosecute same.

DONE AND DATED this the 6th day of October, 1959.

Noble C. Hood, Clerk
By W. M. Swing, Deputy

OK: _____
Attorney for Plaintiff

OK: *W. M. Swing*
Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

911.83 Acres of Land, More or Less,
Situate in Rogers County, Oklahoma,
and Ira O. Andrews, et al, and
Unknown Owners,

Defendants.

Civil Action No. 4559

FILED

OCT 13 1959

J U D G M E N T

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

As to Tracts Nos. D-468 and J-1002

On October 5, 1959, this cause, as to Tracts Nos. D-468 and J-1002, came on for jury trial at Tulsa, Oklahoma, before the Honorable Royce H. Savage, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Robert S. Rizley, United States Attorney, and Hubert A. Marlow, Assistant United States Attorney, for the Northern District of Oklahoma. The defendant owners of Tracts Nos. D-468 and J-1002 appeared by their attorney, Mr. James C. Hamill.

A jury was impaneled and sworn, opening statements were made, evidence was introduced by both sides, final arguments were made, and the Court instructed the jury. Whereupon the jury retired for deliberation, and on October 6, 1959, returned its verdict awarding just compensation as follows:

Tract No. D-468 - Lane Tract

Surface: \$40,750.00

Mineral: 1,875.00

Tract No. J-1002 - Nelson Tract

Surface: \$30,000.00

Mineral: 2,350.00

Thereupon the Court finds:

I

The Court has jurisdiction of the parties and the subject matter of this action.

II

Service of process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in Tracts Nos. D-468 and J-1002.

III

The Acts of Congress set out in paragraph II of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the land described in Schedule A attached to such Complaint. Pursuant thereto, on August 1, 1958, the United States of America has filed its Declaration of Taking of such described land, and title thereto should be vested in the United States of America.

IV

On August 1, 1958, there was deposited in the Registry of this Court as estimated compensation for the taking of Tracts Nos. D-468 and J-1002, certain sums of money as set out in paragraph XIII below. Portions of these deposits have been disbursed to the owners entitled thereto.

V

The verdict of the jury should be approved.

VI

Certain deficiencies exist between the amounts deposited as estimated compensation and the amounts fixed by the Jury verdict as just compensation. These deficiencies are set out in paragraph XIII below.

VII

The persons named in paragraph XIII are found by the Court to be the only defendants asserting any interest in the estates condemned herein, all other defendants having either disclaimed or defaulted; the named defendants are the owners of the respective tracts as designated, and as such, are entitled to distribution of just compensation therefor.

VIII

The landowners and the United States of America have stipulated herein that Mr. Wayne Swearingen, mineral witness for the United States, would testify to a value of \$1,875.00 for the mineral estate condemned in Tract No. D-468, and to a value of \$2,350 for the mineral estate condemned in Tract No. J-1002, and that both parties agree such sums shall be adjudged just compensation for the mineral estates condemned in such tracts, and such sums have been included in the verdict of the jury.

IX

The United States of America and the defendant, Kirby Petroleum Company, have stipulated herein that just compensation for the estate taken by the Government in such Company's interest in the mineral estate in Tract No. J-1002 is \$45, and such stipulation should be approved.

X

The United States of America and the defendants, Jesse Lane and Anna Lane, have stipulated herein, as to Tract No. D-468, that the improvements on such tract should be excluded from the taking in this case and should be removed by the landowners, in consideration for which the final award of just compensation should be reduced by the amount of the salvage value of such improvements, to-wit: \$1,070.00. Such stipulation should be approved.

XI

The United States of America and the defendants, Leonard L. Nelson and Eula Nelson, have stipulated herein as to Tract No. J-1002 that the improvements on such tract should be excluded from the taking in this case and should be removed by the landowners, in consideration for which the final award of just compensation should be reduced by the amount of the salvage value of such improvements, to-wit: \$910. Such stipulation should be approved.

XII

It Is Therefore ORDERED, ADJUDGED, AND DECREED, that the United States of America has the right, power, and authority to condemn for public use, Tracts Nos. D-468 and J-1002, as such tracts are described in Schedule A attached to the Complaint and Declaration of Taking filed herein, and such tracts, to the extent of the estate indicated and for the uses and purposes described in the Declaration of Taking filed herein, are condemned and title thereto is vested in the United States of America, and all defendants herein and all other persons interested in such tracts are forever barred from asserting any claim thereto.

XIII

It Is Further ORDERED, ADJUDGED, AND DECREED, that the right to just compensation for the respective estates taken herein is vested in the defendants whose names appear below in this paragraph; the stipulation as to exclusion of improvements on these tracts filed in this case

and referred to in paragraphs X and XI above are hereby approved; the stipulations as to mineral values set out in paragraphs VIII and IX herein, and the jury's verdict, subject to such stipulations, are hereby confirmed and the sums herein fixed are adopted as just compensation for each tract as set out in the following schedule:

TRACT NO. D-468

Owners: Jesse Lane and
Anna Lane, his wife

Compensation fixed by Jury Verdict:
 Surface \$40,750.00
 Minerals 1,875.00
 Total \$42,625.00
 Less Salvage Value of improvements reserved: 1,070.00
 Total Compensation approved by Court \$41,555.00
 Deposited as estimated compensation: \$33,250.00
 Deposit Deficiency \$ 8,305.00

Distribution and Disbursal of Award

Total award approved by Court \$41,555.00
 Disbursed to:
 Ross R. Bayless (on mortgage) \$10,165
 Jesse Lane and Anna Lane 23,085
 \$33,250.00
 Balance due to Jesse Lane and Anna Lane \$ 8,305.00

TRACT NO. J-1002

Owners:
 Surface: Leonard L. Nelson and
Eula Nelson, his wife
 Minerals: 145 acres, entire interest owned by
Leonard L. Nelson and wife.
 90 acres, 3/4 interest owned by
Leonard L. Nelson and wife, and
1/4 interest owned by Kirby
Petroleum Company.

Compensation fixed by Jury Verdict:
 Surface: \$30,000.00
 Minerals. 2,350.00
 Total \$32,350.00
 Less 1/4 interest in minerals under
90 acres covered by stipulation with
Kirby Petroleum Co. \$ 225.00
\$32,125.00
 Plus compensation fixed by stipulation with
Kirby Petroleum Company as to 1/4 interest
in minerals under 90 acres \$ 45.00

	\$32,170.00
Less Salvage Value of improvements reserved	<u>910.00</u>
Total compensation approved by Court.	\$31,260.00
Deposited as estimated compensation	<u>23,265.00</u>
Deposit Deficiency	<u>\$ 7,995.00</u>

Distribution and Disbursal of Award

Nelson award:	
Surface	\$30,000.00
Minerals	
Entire interest in 145 acres	\$1,450.00
3/4 interest in 90 acres	<u>675.00</u>
	<u>\$ 2,125.00</u>
Nelson award by Jury's Verdict	\$32,125.00
Less Salvage value of improvements reserved	<u>\$ 910.00</u>
Total Nelson award approved by Court	\$31,215.00

Disbursed to:	
Leonard L. Nelson and Eula Nelson	\$20,225.85
Commissioners of the Land Office (mortgage)	<u>1,949.15</u>
	<u>\$22,175.00</u>

Balance due Leonard L. Nelson and Eula Nelson	<u>\$ 9,040.00</u>
---	--------------------

Kirby Petroleum Company Award fixed by stipulation and approved by Court:	
Minerals only	\$ 45.00
Disbursed to Kirby Petroleum Company	<u>\$ 45.00</u>

XIV

It Is Further ORDERED, ADJUDGED AND DECREED, that the plaintiff, United States of America, shall pay into the Registry of this Court for the benefit of the named landowners the deficiency amounts shown in paragraph XIII, together with interest thereon at the rate of 6% per annum from August 1, 1958, until the date of deposit of such deficiency amounts into the Registry of this Court. Upon deposit of such deficiency amounts, together with interest, the Clerk of the Court shall distribute to the owners of these tracts the balances due, plus their respective portion of the interest on the deposit deficiencies.

Royce H. Savage

UNITED STATES DISTRICT JUDGE

APPROVED:

(S) James C. Hamill
Hubert A. Murrow

UNITED STATES DISTRICT COURT FOR THE

SOUTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

1,663.10 Acres of Land, More or Less,
Situate in Nowata and Nowata Counties,
Oklahoma, and Katherine J. Steil, et al.,
and Unknown Owners,

Defendants.

Civil Action No. 4643

FILED

OCT 13 1959

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

JUDGMENT

As To Tracts Nos. S-1954, S-1954E and S-1959

This cause comes on for disposition on the stipulation of the parties as to Tracts Nos. S-1954, S-1954E, and S-1959 on this 13th day of October, 1959. The Court, having been advised by Hubert A. Marlow, Assistant United States Attorney, for the Northern District of Oklahoma, finds that:

I

This Judgment applies only to Tracts Nos. S-1954, S-1954E, and S-1959.

II

The Court has jurisdiction of the parties and the subject matter of this action.

III

Service of process has been perfected as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in such tracts.

IV

The Acts of Congress, set out in Paragraph 2. of the Complaint filed herein, give the United States of America the right, power, and authority to condemn for public use the above-named tracts as they are described in Schedule "A" attached to such Complaint. Pursuant thereto, on February 19, 1959, the United States of America has filed its Declaration of Taking of such described tracts, and title thereto should be vested in the United States of America.

V

On February 19, 1959, there was deposited in the Registry of this Court an estimated compensation for the taking of Tracts Nos. S-1954 and S-1954E, the sum of \$200.00, and for the taking of Tract No. S-1959, the sum of \$1600.00, and all of these deposits have been disbursed to the landowners entitled thereto.

VI

On the date of taking, fee simple title to these tracts was vested in Edward C. Lawson and Alice K. Lawson, and such parties being the owners of these tracts, are entitled to distribution of just compensation therefor.

VII

The defendants, Edward C. Lawson and Alice K. Lawson, and the Plaintiff, United States of America, have entered into a stipulation as to just compensation for these tracts wherein the parties have agreed that the sum of \$1980.00, shall be just compensation for the estate as described in the Declaration of Taking, taken by the Government in these tracts, and such stipulation should be approved.

VIII

A deficiency in the amount of \$180.00 now exists between the amount deposited as estimated compensation for the estate taken in these tracts and the amount fixed by the stipulation of the parties as just compensation.

It is therefore ~~ORDERED~~, ~~ADJUDGED~~, and ~~INCURRED~~ that the United States of America has the right, power and authority to condemn for public use, Tracts Nos. S-1954, S-1954E and S-1959 as described in Schedule "A" attached to the Complaint and Declaration of Taking filed herein, and such tracts, to the extent of the estate indicated and for the uses and purposes described in the Declaration of Taking filed herein, are condemned and title thereto is vested in the United States of America, and all defendants herein and all other persons interested in such tracts are forever barred from asserting any claim thereto.

It is further ORDERED, ADJUDGED AND DECREED that the right to just compensation for the estate taken herein in these tracts is vested in Edward C. Lawson and Alice K. Lawson; the stipulation as to just compensation for the estate taken in the subject tracts referred to in Paragraph VII herein is hereby confirmed; and the award therein fixed is adopted as just compensation for such tracts.

It is further ORDERED, ADJUDGED AND DECREED that the Plaintiff, United States of America, shall pay into the Registry of this Court for the benefit of the landowners, the deficiency amount of \$100.00. Upon deposit of such deficiency, the Clerk of this Court shall make distribution thereof to Edward C. Lawson and Alice K. Lawson.

Royce H. Savage

ROYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

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

E. DONALD STEINBRUGGE,

Plaintiff,

v.

MARSHALL HADDOCK, JR., and
JOHN S. HADDOCK,

Defendants.

NO. 4632-C

FILED

OCT 14 1959

NOBLE C. HOOD
Clerk U. S. District Court

ORDER AMENDING JUDGMENT

Judgment in favor of the defendants was entered in this action on September 14, 1959. Such judgment was in accordance with the Findings of Fact and Conclusions of Law entered that same day. It now appears to the Court that the consolidation of this action with Cause No. 4631-C, E. Donald Steinbrugge, Plaintiff, v. Marshall Haddock, Jr., Defendant, led to certain oversights and unintentional omissions. The Court finds that as a result of plaintiff's Amended Complaint Marshall Haddock, Jr. was made a party to this Cause No. 4632-C; that Marshall Haddock, Jr. appeared and defended against Cause No. 4632-C as amended; that the name of Marshall Haddock, Jr. was inadvertently left out of the style of certain pleadings filed in Cause No. 4632-C, including the final judgment above referred to. The Court further finds that the plaintiff did not continue to litigate Cause No. 4631-C, E. Donald Steinbrugge, Plaintiff, v. Marshall Haddock, Jr., Defendant; and that the style of Cause No. 4631-C inadvertently continued to be carried on the pleadings file in this cause as if the two causes were consolidated cases.

NOW, THEREFORE, it is ordered, adjudged, and decreed that the style of the Order of Judgment and Findings of Fact and Conclusions of Law filed in this cause on the 14th day of September, 1959,

be amended to reflect that Marshall Haddock, Jr. is a party defendant and that the style of Cause No. 4631-C, E. Donald Steinbrugge, Plaintiff, v. Marshall Haddock, Jr., Defendant, be stricken from the heading of the above named order. The Court further orders that Cause No. 4631-C be dismissed without prejudice.

DATED this 14th day of October, 1959.

+ 15 Royce H. Savage
Judge

APPROVED AS TO FORM:

18/ Jack H. Lentic
Attorney for Plaintiff

19/ Sullivan + Sullivan
Attorneys for Defendants
By S. C. Sullivan, Jr.

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

HARRY TARTALSKY, Receiver for
COMBUSTION RESEARCH & DEVELOPMENT
CO., INC.

Plaintiff,

- vs -

WIAANT BURNER COMPANY, an Oklahoma
Corporation

Defendant.

OCT 14 1959

NOBLE C. HOOD
Clerk U.S. District Court

No. 4743
Civil Action on
Foreign Judgment

ORDER GRANTING MOTION FOR SUMMARY JUDGMENT

A motion having been regularly made herein for summary judgment in plaintiff's favor on the ground that the answer of the defendant fails to state any defensive matter on which relief can be granted, and that said answer should be stricken and plaintiff's motion for summary judgment should be granted; that there is no genuine issue as to any material facts and that plaintiff is entitled to judgment as a matter of law, and in open court plaintiff asked for leave to withdraw its application for an order to add the cost item of \$44.00 contained in said motion, which application the court thereupon granted.

Now, on consideration of said motions and the documentary evidence presented in support thereof, and after hearing counsel for the respective parties and due deliberation, IT IS ORDERED that plaintiff's motion to strike defendant's answer be denied and its motion for summary judgment be sustained and that judgment be entered in favor of plaintiff and against said defendant in the sum of \$27,491.03, together with interest thereon from July 7, 1954 at the rate of six per cent (6%) per annum and for court costs in the sum of \$83.99 accrued in docket No. C-2577-53 in the aforesaid case in the Superior Court of New Jersey, Chancery Division, Hudson County, New Jersey, and for the cost of this action.

Dated this *14th* day of October, 1959.

ROYCE H. SAVAGE
United States District Judge

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

H. F. COUCH, et al.,

Plaintiffs,

vs.

H. W. PATTON, et al.,

Defendants.

No. 4750-Civil

FILED

OCT 14 1959

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

ORDER OF DISMISSAL

NOW, on this 13th day of October, 1959, there comes on for hearing in its regular order on the Disposition Docket the above-captioned cause, the defendants being present by their attorneys, Kerr, Conn & Davis by Don R. Lane, and the plaintiffs appearing not, and the Court having examined the file of this cause and hearing argument of counsel and being fully advised,

FINDS, that the plaintiffs have failed to file an amended complaint within the twenty (20) days allowed by the Order of this Court sustaining in part defendants' Motion to Make More Definite and Certain, entered herein on the 4th day of September, 1959; that no application for an extension of time has been made; and that the plaintiffs having failed diligently to prosecute their action,

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that this cause be and the same is hereby dismissed without prejudice.

15/ Royce H. Savage

Judge, United States District Court for
the Northern District of Oklahoma

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

CITIES SERVICE GAS COMPANY,
a Corporation,

Plaintiff,

v.

GABOT CARBON COMPANY,
a corporation,

Defendant.

Civil Action
No. 4465

FILED

OCT 20 1959

ORDER

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

Now on this 20th day of October, 1959, it appears to the satisfaction of the Court that the parties hereto have stipulated for the dismissal with prejudice of the action of the plaintiff and the cross-action of the defendant.

IT IS, THEREFORE, ORDERED that this action be and the same is hereby dismissed with prejudice to a future action or actions as to the claim of the plaintiff and the cross-claim of the defendant.

Noble C. Hood, Clerk
U. S. District Judge Court
By M. N. Ewing, Deputy

FILED

OCT 20 1959

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

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

JO ANNE HUNT,

PLAINTIFF,

V.

Civil Actions Nos. 4638-4639
(Consolidated for Trial)

MISSOURI PACIFIC RAILROAD COMPANY,

DEFENDANT.

JOE B. HUNT, ET AL.,

PLAINTIFFS,

V.

MISSOURI PACIFIC RAILROAD COMPANY,

DEFENDANT.

J U D G M E N T

On this 20th day of October, 1959, the court finds that the parties herein have filed a stipulation, wherein they state all claims of plaintiffs against the defendant have been settled and compromised and that each of the above actions may be dismissed with prejudice, with each party to pay his own costs; the court further finds that these causes have heretofore been consolidated for trial.

IT IS THEREFORE CONSIDERED, ORDERED, AND ADJUDGED BY THE COURT that Cause No. 4638, Jo Anne Hunt v. Missouri Pacific Railroad Company, and Cause No. 4639, Joe B. Hunt, et al., v. Missouri Pacific Railroad Company, be and each of the same is hereby dismissed with prejudice, and plaintiffs' rights of action therein against the defendant on account of the allegations of the complaints filed therein be and the same are forever barred; it is further ordered and adjudged that each party shall pay his own costs in each of said actions.

Noble C. Hood, Clerk
United States District Judge Court
M. M. Ewing, Deputy

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

E. DONALD STEINBRUGGE,

Plaintiff,

v.

MARSHALL HADDOCK, JR.,

Defendants

NO. 4631-C

FILED

OCT 22 1959

ORDER TAXING COSTS

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

The motion of the plaintiff, E. Donald Steinbrugge, to
retax costs came on for hearing this 15th day of October, 1959;
and the court being fully apprised in the premises, sustains such
motion, and finds that costs for docket fees only should be taxed
against the plaintiff in the amount of \$20.00.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that costs
in this cause be taxed against the plaintiff, E. Donald Steinbrugge,
in the amount of \$20.00.

R. H. Savage

JUDGE

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

E. DONALD STEINBRUGGE,

Plaintiff,

v.

MARSHALL HADDOCK, JR., and
JOHN S. HADDOCK,

Defendants.

NO. 4632-C

FILED

OCT 22 1959

ORDER TAXING COSTS

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

The motion of the plaintiff, E. Donald Steinbrugge, to
retax costs came on for hearing this 15th day of October, 1959;
and the court being fully apprised in the premises, sustains such
motion, and finds that costs for docket fees only should be taxed
against the plaintiff in the amount of \$22.50.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that costs
in this cause be taxed against the plaintiff, E. Donald Steinbrugge,
in the amount of \$22.50.

15/ R. H. Savage

Judge

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

THE H. K. FERGUSON COMPANY and
MAGO CORPORATION, a joint venture,
and FIREMAN'S FUND INSURANCE GROUP,

Plaintiffs,

vs.

NATIONAL STEEL ERectors CORP., an
Oklahoma Corp.,

Defendant.

No. 4752

FILED

OCT 27 1959

JUDGMENT

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

NOW, on this 13th day of October, 1959, there came on for hear-
ing, pursuant to regular assignment, the above-captioned matter for trial.
Plaintiffs appeared by and through their attorney, Alfred B. Knight, and
the defendant appeared by and through its attorney, William F. Kyle.
After oral argument, and the Court being fully advised in the premises,
the Court finds certain issues of fact and conclusions of law. Such
findings of fact and conclusions of law have been heretofore entered
in said cause.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plain-
tiffs herein have the obligation and duty to indemnify the defendant for
liability for the alleged injuries to Wimp Foster and Jimmy Ray Bennett.

IT IS FURTHER ORDERED that the plaintiffs herein do not have
the duty to defend the defendant in the cases of Wimp Foster and Jimmy
Ray Bennett.

R. H. Savage
U. S. DISTRICT JUDGE

Alfred B. Knight
Attorney for the Plaintiffs

W. F. Kyle
Attorney for the Defendant

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

GEORGE M. TYLER, Trustee in)
Bankruptcy for Owen Drilling)
Company, a corporation, bank-)
rupt,)
Plaintiff,)

-vs-

CARDWELL INVESTMENT COMPANY,)
A CORPORATION,)
Defendant.)

No. 4579 Civil

FILED

OCT 28 1959

J U D G M E N T

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

Findings of Fact and Conclusions of Law having been made by the Court and filed herein, the Court finds generally in favor of the defendant and against the plaintiff, and further finds as follows:

That the defendant has a first and prior lien upon the drilling rigs and equipment described in the Court's Findings of Fact and Conclusions of Law.

That plaintiff has no right, title, lien, claim or interest in or to said drilling rigs and equipment.

That the defendant is entitled to the possession of said drilling rigs and equipment free of any claim of plaintiff and the plaintiff is not entitled to an accounting from the defendant for the use and possession of said property.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment be and it is hereby entered in favor of the defendant and against the plaintiff, that the defendant be and it is hereby

awarded possession of said drilling rigs and equipment and that plaintiff's complaint be and it is hereby dismissed, with costs to the defendant.

Dated at Tulsa, Oklahoma, the 28 day of October, 1959.

(s) R. H. Savage
District Judge.

Approved as to Form:

LANDRITH & MOORE,

JOHN T. GIBSON,

UNGERMAN, GRABEL, UNGERMAN,
LEITER & URRUH,

By (s) William Leiter

Attorneys for Plaintiff.

LYTLE, JOHNSTON & SOULE,
Oklahoma City, Oklahoma

MCDONALD, TINKER, SNAER, QUINN & PORTER,
Wichita, Kansas

DYER, POWERS & GOTCHER,
Tulsa, Oklahoma

By (s) Thomas G. Marsh

Attorneys for Defendant.

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

BERNADINE J. NEFF,)
Administratrix of the Estate of)
WALTER A. NEFF, Deceased,) Plaintiff)
vs)
ANCHOR PETROLEUM)
COMPANY,) Defendant)

NO. 4512

FILED

NOV - 3 1959

O R D E R

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

On this 3rd day of November, 1959, this matter coming on to
be heard upon the motion of the plaintiff to dismiss the above cause with
prejudice to a future action, and the Court being fully advised in the
premises and finding that the matter has been fully settled and compro-
mised,

IT IS BY THE COURT ORDERED that the above action be and
the same is hereby dismissed with prejudice to a future action.

B. H. Savage
Judge

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

HAZEL BERRYO,
Administratrix of the Estate of
DENNIS L. McQUISTON,
Deceased,

Plaintiff

vs

ANCHOR PETROLEUM
COMPANY,

Defendant

NO. 4514

FILED

NOV - 3 1959

O R D E R

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

On this 3rd day of November, 1959, this matter coming on
to be heard upon the motion of the plaintiff to dismiss the above cause
with prejudice to a future action, and the Court being fully advised in
the premises and finding that the matter has been fully settled and
compromised,

IT IS BY THE COURT ORDERED that the above action be
and the same is hereby dismissed with prejudice to a future action.

R. H. Sarge

Judge

FILED

NOV - 3 1950

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

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

BERNADINE J. NEFF,)	
Administratrix of the Estate of)	
JOHN ARTHUR NEFF, Deceased,	Plaintiff)
)	NO. 4515
vs)	
)	
ANCHOR PETROLEUM)	
COMPANY,	Defendant)

O R D E R

On this 3 ^{November} day of ~~October~~, 1959, this matter coming on to be heard upon the motion of the plaintiff to dismiss the above cause with prejudice to a future action, and the Court being fully advised in the premises and finding that the matter has been fully settled and compromised,

IT IS BY THE COURT ORDERED that the above action be and the same is hereby dismissed with prejudice to a future action.

14 R. H. Harvey

Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

665.49 Acres of Land, More or Less,
Situate in Rogers County, Oklahoma,
and Alexander Travis Graham, et al,
and Unknown Owners,

Defendants.

Civil Action No. 4713

FILED

NOV 12 1959

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

J U D G M E N T

As to Tract No. F-619E

This cause comes on for disposition on the stipulation of the parties on this 12 day of November, 1959. The Court, having been advised by Hubert A. Marlow, Assistant United States Attorney, for the Northern District of Oklahoma, finds that:

I

This Judgment applies only to Tract No. F-619E.

II

The Court has jurisdiction of the parties and the subject matter of this action.

III

Service of process has been perfected as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in this tract.

IV

The Acts of Congress, set out in Paragraph 2 of the Complaint filed herein, give the United States of America the right, power, and authority to condemn for public use, this tract as it is described in Schedule "A" attached to such Complaint. Pursuant thereto, on June 22, 1959, the United States of America has filed its Declaration of Taking of such described tract, and title thereto should be vested in the United States of America.

V

On June 22, 1959, there was deposited in the Registry of this Court as estimated compensation for the taking of this tract, the sum of \$1,997.00, and \$1,505.00 of this deposit has been disbursed to the landowners entitled thereto.

VI

On the date of taking, fee simple title to this tract was vested in John Corlett, and such party being the owner of this tract is entitled to distribution of just compensation therefor.

VII

The defendant, John Corlett, and the Plaintiff, United States of America, have entered into a stipulation as to just compensation for this tract wherein the parties have agreed that the sum of \$2,196.70 shall be just compensation for the estate, as described in the Declaration of Taking, taken by the Government in this tract, and such stipulation should be approved.

VIII

A deficiency in the amount of \$199.70 now exists between the amount deposited as estimated compensation for the estate taken in this tract and the amount fixed by the stipulation of the parties as just compensation.

It is Therefore ORDERED, ADJUDGED, AND DECREED that the United States of America has the right, power and authority to condemn for public use, Tract No. F-619E described in Schedule "A" attached to the Complaint and Declaration of Taking filed herein, and such tract, to the extent of the estate indicated and for the uses and purposes described in the Declaration of Taking filed herein, is condemned and title thereto is vested in the United States of America, and all defendants herein and all other persons interested in such tract are forever barred from asserting any claim thereto.

It is Further ORDERED, ADJUDGED AND DECREED that the right to just compensation for the estate taken herein in this tract is vested in John Corlett; the stipulation as to just compensation for the estate taken in the subject tract, referred to in Paragraph VII herein is hereby confirmed; and the award therein fixed is adopted as just compensation for such tract.

It is Further ORDERED, ADJUDGED AND DECREED that the Plaintiff, United States of America, shall pay into the Registry of this Court for the benefit of the landowners, the deficiency amount of \$199.70. Upon deposit of such deficiency, the Clerk of this Court shall make distribution thereof to John Corlett.

APPROVED:

R. H. Sauge
UNITED STATES DISTRICT JUDGE

Robert A. Marlow
ROBERT A. MARLOW
Assistant United States Attorney

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

The City of Tulsa, Oklahoma, a)
municipal corporation,)
)
Plaintiff,)
-vs-)
)
American Automobile Insurance)
Company, a corporation,)
)
Defendant)
and Third-Party Plaintiff,)
-vs-)
)
Fred W. Hinrichs, Sr.,)
)
Third-Party Defendant.)

Civil Action
No. 4500

FILED

NOV 13 1959

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

J U D G M E N T

THIS CAUSE came on to be heard on the 28th day of September, 1959, for trial before the Court pursuant to regular assignment for trial, and all parties being present by their respective counsel of record, plaintiff, The City of Tulsa, a municipal corporation, by Finis Smith, Assistant City Attorney; defendant, American Automobile Insurance Company, a corporation, by Milsten, Milsten and Morehead by David R. Milsten and J. L. Morehead; and third-party defendant, Fred W. Hinrichs, Sr., by Doerner, Rinehart & Stuart by Jack E. Campbell; and, all parties announcing ready for trial, the Court proceeded to hear the opening statements of counsel and recessed:

Upon reconvening, all parties being present and represented as before, counsel for all parties announced that an agreement had been entered into between all parties in settlement of the claims of the plaintiff against the defendant and of the defendant against third-party defendant, which agreement the

Court approved and entered as its judgment herein as follows:

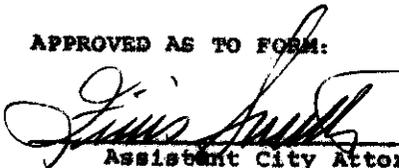
IT IS

ORDERED, ADJUDGED, AND DECREED:

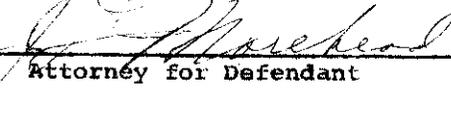
1. That plaintiff, The City of Tulsa, a municipal corporation, have and recover judgment against the defendant, American Automobile Insurance Company, a corporation, in the amount of \$2,050.00 on plaintiff's original amended complaint filed herein; and
2. That defendant, American Automobile Insurance Company, have and recover judgment against third-party defendant, Fred W. Hinrichs, Sr., in the amount of \$4,101.64 on its third-party complaint; and
3. That none of the parties recover costs against any other party herein.


United States District Judge

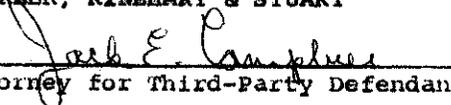
APPROVED AS TO FORM:


Assistant City Attorney
The City of Tulsa

MILSTEN, MILSTEN and MOREHEAD

By 
Attorney for Defendant

DOERNER, RINEHART & STUART

By 
Attorney for Third-Party Defendant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

3,478.94 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and Frank L. Brewster, et al.,
and Unknown Owners,

Defendants.

Civil Action No. 4622

FILED

NOV 18 1959

J U D G M E N T

As To Trust No. G-759

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

This cause comes on for disposition on the stipulation of the parties on this 18th day of November, 1959. The Court, having been advised by Hubert A. Marlow, Assistant United States Attorney, for the Northern District of Oklahoma, finds that:

I

This Judgment applies only to Trust No. G-759.

II

The Court has jurisdiction of the parties and the subject matter of this action.

III

Service of process has been perfected as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in this tract.

IV

The Acts of Congress, set out in Paragraph 2 of the Complaint filed herein, give the United States of America the right, power, and authority to condemn for public use, this tract, as it is described in Schedule "A" attached to such Complaint. Pursuant thereto, on January 20, 1959, the United States of America has filed its Declaration of Taking of such described tract, and title thereto should be vested in the United States of America.

V

On January 20, 1959, there was deposited in the Registry of this Court as estimated compensation for the taking of this tract, the sum of \$76,322.44, which deposit was allocated as follows: \$75,000 for surface owners; \$261.22 for mineral lessee; and \$261.22 for mineral lessor. \$79,470.00 of this deposit has been disbursed to the landowners entitled thereto.

VI

On the date of taking, fee simple title to this tract was vested in Joe Stritzke, George Stritzke, Katherine Stritzke, and Katherine Stritzke, executrix of the Last Will and Testament of Paul Stritzke, Deceased, subject to an oil and gas lease on this tract owned by J. Lee Parden, and such parties being the owners of this tract, are entitled to distribution of just compensation therefor.

VII

The defendants, Joe Stritzke, George Stritzke, Katherine Stritzke, and Katherine Stritzke, executrix of the Last Will and Testament of Paul Stritzke, Deceased, and the Plaintiff, United States of America, have entered into a stipulation as to just compensation for this tract wherein the parties have agreed that the sum of \$79,800.00, plus title to all improvements situated on this tract, shall be just compensation for all their interest in the estate, as described in the Declaration of Taking, taken by the Government in this tract, and such stipulation should be approved.

VIII

A deficiency in the deposit of compensation for this tract now exists and a balance is due the landowners named in paragraph VII as follows:

Total award of just compensation for such owners.	\$79,800.00	
Amount disbursed by order of January 23, 1959	<u>72,470.00</u>	
Balance of just compensation due such owners.	\$ 5,810.00	
Balance of present deposit for benefit of		
such owners.	\$76,861.00	
	72,470.00	
	\$ 2,791.00	<u>\$ 2,791.00</u>
Deposit deficiency.		\$ 3,018.76

It is therefore ORDERED, ADJUDGED, AND DECREED that the United States of America has the right, power and authority to condemn for public use, Tract No. G-759, described in Schedule "A" attached to the Complaint and Declaration of Taking filed herein, and the surface estate and the lessor's interest in the minerals in this tract, to the extent of the estate indicated and for the uses and purposes described in the Declaration of Taking filed herein, is condemned and title thereto is vested in the United States of America, and all defendants herein and all other persons interested in such described estate in such tract are forever barred from asserting any claim thereto.

It is Further ORDERED, ADJUDGED AND DECREED that the right to just compensation for the estate taken herein in the surface and the lessor's interest ^{the minerals in} in this tract, is vested in Joe Stritzke, George Stritzke, Katherine Stritzke, and Katherine Stritzke, executrix of the last Will and Testament of Paul Stritzke, Deceased; the stipulation as to just compensation for the estate taken in the subject tract, referred to in Paragraph VII herein is hereby confirmed; and the award therein fixed is adopted as just compensation for their interest in such tract.

It is Further ORDERED, ADJUDGED AND DECREED that the Plaintiff, United States of America, shall pay into the Registry of this Court for the benefit of the landowners, the deficiency amount of \$1,018.78. Upon deposit of such deficiency, the Clerk of this Court shall disburse to Joe Stritzke, George Stritzke, Katherine Stritzke, and Katherine Stritzke, executrix of the last Will and Testament of Paul Stritzke, Deceased, the balance of just compensation due them in the amount of \$5,810.00.

J. H. Savage
UNITED STATES DISTRICT JUDGE

APPROVED:

Herbert A. Marlow
Assistant United States Attorney

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

D. A. WOODWARD, J. J. CLARCY,
LOUIS S. SLIWA, LESLIE G. AGASIM,
MARIE E. LINDBER and ANN BOLING,

Plaintiffs,

vs.

HOMER L. WRIGHT, O. A. FARRELL,
E. H. FORREST and H. D. MANNA,

Defendants.

No. 4006

FILED

NOV 10 1959

JOURNAL ENTRY OF JUDGMENT

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

NOW, on this 26th day of October, 1959, the above entitled cause comes on for further hearing following the return of the Mandate from the United States Court of Appeals for the Tenth Circuit wherein the judgment heretofore rendered on the defendants' Counterclaim was reversed and remanded. The plaintiffs appeared by their attorneys, Robert J. Woolsey of Farmer, Woolsey, Flippo & Bailey, and by John B. Durfee, and the plaintiff D. A. Woodward appeared in person. The defendants Homer L. Wright, O. A. Farrell, E. H. Forrest and H. D. Manna appeared by their attorneys, Everette Cunningham and Charles R. Gray of the firm of Gray and Palmer, and at said hearing both sides introduced evidence and the Court on consideration of the evidence and on considering the Mandate of the United States Court of Appeals for the Tenth Circuit, finds:

THAT the contract of August 26, 1955, wherein the plaintiffs agreed to purchase a portion of the working interest in the Kane Lease in the West Half ($W\frac{1}{2}$) of the Southeast Quarter ($SE\frac{1}{4}$) less about four acres of Section 6, Township 26, Range 13 in Washington County, and the assignments executed on October 7, 1955 wherein Forrest and Manna assigned their interest to the plaintiffs, should be rescinded.

THE COURT FINDS THAT the defendants have tendered into Court reassignments to the defendants Forrest and Manna of the interest purchased by the plaintiffs which assignments the Court finds should be held by the Clerk to be delivered to said defendants, Forrest and Manna, on payment of the judgment hereinafter set forth.

THE COURT FURTHER FINDS that the plaintiffs are entitled to recover of the defendants, as will be hereinafter set out, the cash consideration paid for said lease by the plaintiffs totalling \$21,153.83 together with interest thereon at the rate of 6% to July 31, 1959 totalling \$4,890.00 and that they are entitled to recover the monies expended by them for developing and operating the lease which sum totals

\$19,107.35, less a total sum of \$1252.35, which sums the Court finds should be disallowed as operating expenses paid by the plaintiffs and that the amount due the plaintiffs should be reduced by the oil runs received by the plaintiffs, which oil runs total \$15,817.74.

THE COURT FURTHER FINDS THAT the following computation shows the amounts due each of the plaintiffs as against all four defendants:

Kane Lease
Computation of Basis For Final Judgment
as agreed at hearing held 10/26/59

Participant	(1)	(2)	(3)	(4)	(5)
Sliva 195/624	10885.81	493.35	10392.46	124.80	10517.26
Agasin 90/624	8023.97	227.70	4796.27	57.60	4853.87
Woodward 60/624	5980.73	151.80	5828.93	38.63	5867.58
Clancy 60/624	3939.31	151.80	3787.51	38.65	3826.16
Linder 45/624	574.24	113.85	460.39	28.80	489.19
Boling 45/624	<u>2829.38</u>	<u>113.85</u>	<u>2815.53</u>	<u>28.80</u>	<u>2844.33</u>
TOTAL	29333.44	1252.35	28081.09	317.30	28398.39

- Column
- (1) Original amount, as of 7/31/59, upon which judgment was based
 - (2) Amount not allowed as lease operating costs paid
 - (3) Sum of columns (1) and (2)
 - (4) Interest on cash paid for leasehold working interests (\$21,153.83) at rate of 6% per year for the period 7/31/59 to 10/31/59
 - (5) Sums of columns (3) and (4)

Note: Above amount (\$28,398.39) should bear interest at rate of 6% per year from 10/26/59 to date of payment.

THE COURT FURTHER FINDS THAT judgment should be entered in favor of the plaintiff Sliva against the four defendants in the sum of \$10,517.26; that judgment should be entered in favor of the plaintiff Agasin against said defendants in the sum of \$4,853.87; that judgment should be entered in favor of the plaintiff Woodward against the defendants in the sum of \$5,867.58; that judgment should be entered in favor of the plaintiff Clancy against the defendants in the sum of \$3,826.16; that judgment should be rendered in favor of the plaintiff Linder and against the defendants in the sum of \$489.19, and that judgment should be rendered in favor of the plaintiff Boling in the sum of \$2,844.33 against said defendants, or a total of \$28,398.39, and that each of said judgments should bear interest at the rate of 6% per annum until paid.

THE COURT FURTHER FINDS THAT in the event the Judgment be not paid by the defendants within sixty (60) days from the date of this judgment that an Order of Sale should be issued directing the United States Marshal for the Northern District of Oklahoma to levy on and appraise and offer for sale at public sale to

the highest bidder for cash, the interests of the defendants Forrest and Hanna herein in satisfaction of the judgments against Forrest and Hanna and on sale of the property that the proceeds be paid into Court to be applied first on the judgment herein rendered, interest and costs, and costs of the sale, the residue, if any, to be distributed to the defendants pursuant to Order of the Court.

THE COURT FURTHER FINDS THAT the counterclaims of the defendants on their notes and mortgages should be denied and said notes and mortgages cancelled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THIS COURT THAT the plaintiff Sliva have judgment against the defendants Wright, Farrell, Forrest and Hanna in the sum of \$10,517.26, and that the plaintiff Agasia have judgment against said defendants in the sum of \$4,853.87, and that the plaintiff Woodward have judgment against said defendants in the sum of \$5,867.58, and that the plaintiff Clancy have judgment against said defendants in the sum of \$3,826.16, and that the plaintiff Linder have judgment against the defendants in the sum of \$489.19, and that the plaintiff Boling have judgment against said defendants in the sum of \$2,844.33, said judgments to bear interest at the rate of 6% per annum from the date of judgment until paid and that plaintiffs recover their costs herein laid out and expended.

IT IS FURTHER ORDERED THAT any payment made by any of the defendants on the judgment herein rendered be credited on the judgment against each and all of the defendants, and that any payment realized on the judgment for the sale of property or otherwise be credited on the judgment against each and all of the defendants.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT the notes and mortgages of the plaintiffs sued on in said counterclaims be cancelled.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT if said judgment be not paid at the end of Sixty (60) days from this date that an Order of Sale be issued by the Court directed to the United States Marshal for the Northern District of Oklahoma directing him to levy upon, appraise and advertise for sale pursuant to law the interests of the defendants Forrest and Hanna in the above-described leasehold estate, and that said marshal shall sell at public sale to the highest bidder for cash pursuant to law said interests, and that the proceeds of the sale be applied first on the payment of the judgment of the plaintiffs herein, interest and costs, and that the residue, if any, be held subject to further order of Court to be paid to the defendants Forrest and Hanna.

Raymond Savage
~~Robert J. ...~~

JUDGE

OK as to form:

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

J. M. DAVIS, Administrator of
the Estate of Roy Junior Harris,
Deceased,

Plaintiff,

vs.

Missouri Pacific Railroad Company,
and Al Pettigrove, d/b/a Al Pettigroves
Inola Farm Elevator Company,

Defendants.

Civil No. 4794

FILED

NOV 19 1959

ORDER REMANDING

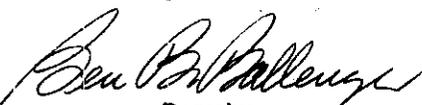
NOBLE C. HOOD
Clerk, U. S. District Court

The motion of plaintiff to remand this suit to the District Court of Creek County, State of Oklahoma, came on for hearing before the court, the Honorable Royce H. Savage presiding, on this 19th day of November, 1959, pursuant to regular setting and notice to parties, and the Court having heard the argument of counsel, and being fully advised, upon consideration entered an order remanding the cause to the District Court of Creek County, State of Oklahoma.

IT IS ORDERED AND ADJUDGED that the motion of plaintiff to remand this cause to the District Court of Creek County, State of Oklahoma, be and it is hereby sustained and the cause is remanded to the District Court of Creek County, Oklahoma for further proceedings.

Dated at Tulsa, Oklahoma, this 19th day of November,
1959.

NOBLE C. HOOD, CLERK

By  Deputy.

FILED

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

NOV 20 1959

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

PATIENCE MULLENDORE McNULTY,
Individually, and as Next Friend
and Natural Guardian of DALE
McNULTY,

Complainant,

V.

MULLENDORE TRUST COMPANY, ET AL.,

Defendants.

NO. 3002-CIVIL

ORDER

On this 20th day of November, 1959, there comes on for hearing the "Application of Trustees For Partial Distribution" filed herein by the Trustees of the Mullendore Trust Company on the 9th day of November, 1959; and this Court upon having examined said Application and being fully advised in the premises, finds that the allegations of the Application are true and correct and that it is to the best interest of all concerned with the Trust Estate that the mineral interest described in the application be distributed to the beneficiaries of the Trust Estate in the manner set out in said application.

IT IS THEREFORE ORDERED that A. C. Adams, Mildred M. Adams and Bessie M. Johnson, as Trustees of the Mullendore Trust Company, be, and they hereby are, authorized to convey unto Bessie M. Johnson, Mildred M. Adams, Patience M. McNulty, Dale Archer McNulty and Eugene C. Mullendore, beneficiaries of the Trust Estate, by Quit-Claim Deed all that portion of the mineral interest owned by the Mullendore Trust Company in the following described property:

SE/4 SE/4 of Section 3, Township
20 North, Range 8 East of the
Indian Meridian in Pawnee County,
Oklahoma.

IT IS FURTHER ORDERED by this Court that said Mineral interest shall be divided among the beneficiaries of the Trust Estate as follows:

Bessie M. Johnson	22533/73820
Mildred M. Adams	22281/73820
Patience M. McNulty	20261/73820
Dale Archer McNulty	1760/73820
Eugene C. Mullendore	6985/73820

IT IS FURTHER ORDERED by this Court that the Quit-Claim Deed attached to the Trustees' Application as Exhibit "A" is approved and the Trustees are authorized to deliver said Quit-Claim Deed to the beneficiaries.

Dated this 24th day of November, 1959.

18/ Raymond H. Laney
United States District Judge

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

CHARLES BROSCHE, JR., et al.,)
)
 Plaintiff,)
)
 vs.)
)
 FRED B. KROGER, ET AL.,)
)
 Defendants.)

No. 3640 Civil

FILED
NOV 20 1959
NOBLE C. HOOD
Clerk U.S. District Court

FINAL SUPPLEMENTAL REPORT

COMES now Roy E. Thomas, Successor Receiver herein, and files this Final Supplemental Report, and shows the Court:

That attached hereto as an exhibit, marked "Exhibit A", and made a part hereof is an accounting of receipts and disbursements since the Supplemental Report of July 22, 1959, filed on July 27, 1959.

That since approval of said Supplemental Report, he did receive in cash the sum of \$1,133.76, representing the \$175.00 utility deposit refund, the \$910.85 due for May oil in tanks, and an insurance refund of \$47.91 (an increase of \$14.73 over the estimated amount shown as an asset in the July Report), increasing total assets shown by the July 22, 1959, Report from \$2,395.12 to \$2,409.85.

That, pursuant to Order of this Court, he did disburse the sum of \$521.95 in payment of the liabilities shown in said Report of July 22, 1959, the further sum of \$500.00 ordered paid as attorney's fees, and the further sum of \$7.13 for miscellaneous administrative expenses (bond, telephone call, cashier's checks), in a total sum of \$1,029.08.

That after the foregoing expenditures he did have on hand the sum of \$1,380.77, and did, pursuant to the Order of this Court entered on November 13, 1959, disburse the same to Jack B. Sellers and Harry Glimp.

That said Successor Receiver has fully complied with all Orders of the Court, has pursuant thereto disbursed all funds of said Receivership, and

LAW OFFICES
LINGERMAN,
GRABEL,
LINGERMAN,
LEITER &
UNRUM

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA

has fully accounted for all receipts and disbursements.

WHEREFORE, Roy E. Thomas, Successor Receiver herein, prays that his Final Supplemental Report be approved and that he be discharged herefrom and his Bond and the Sureties thereon be exonerated.

/s/ ROY E. THOMAS
Roy E. Thomas, Successor Receiver

John T. Gibson,

Ungerman, Grabel, Ungerman, Leiter & Unruh,

By: /s/ WILLIAM LEITER
Attorneys for Successor Receiver.

STATE OF OKLAHOMA,)
) ss:
COUNTY OF TULSA,)

Roy E. Thomas, of lawful age, being first duly sworn on oath deposes and states: That he is the Successor Receiver in the above cause; that he has read the foregoing Report and that the same is true and correct.

/s/ ROY E. THOMAS
Roy E. Thomas

Subscribed and sworn to before me a Notary Public on this 20TH day of November, 1959.

/SEAL/

/s/ ALBERTA E. WOOD
Notary Public.

My commission expires:

June 28, 1962

Final accounting of Roy E. Thomas, Successor
Receiver in Civil Case No. 3640 in the United
States District Court for the Northern District
of the State of Oklahoma

Cash on hand per July 22, 1959 report \$1,276.09

Receipts

May oil in tanks	\$910.85	
Insurance premiums refunded	47.91	
Electric deposits refunded	<u>175.00</u>	
Total receipts		1,133.76
Total funds to disburse		<u>\$2,409.85</u>

Disbursements

Irving Ungerman and John T. Gibson	\$500.00	
Irving Ungerman Office (Mailing costs)	20.48	
Sapulpa News	158.00	
Rosanna Canard (Royalty)	17.84	
Johnson Smith (Royalty)	30.58	
Lizzie Smith (Royalty)	41.44	
Louise Smith (Royalty)	31.99	
Lucille Smith (Royalty)	41.44	
May Smith (Royalty)	41.44	
William Smith (Royalty)	36.38	
Harvey Platt (Royalty)	8.28	
C. B. McMahon (Royalty)	1.91	
Joseph Shaw (Royalty)	2.75	
Colonial Royalties (Royalty)	2.41	
Walter Daly (Royalty)	1.55	
Harry Glimp (Royalty)	85.46	
First National Bank (Cashier check costs)	1.95	
Roy E. Thomas (L. D. Telephone Call)	2.18	
Herbert Gibson Agency (Bond cost)	3.00	
Jack B. Sellers	690.39	
Harry Glimp	<u>690.38</u>	
Total disbursed		2,409.85
Balance on hand		<u>\$ -----</u>

I certify that the above is a true and correct accounting of all funds received and disbursed by me in regard to this matter and that I know of no further assets to be realized or liabilities to be paid.

By: Roy E. Thomas
Roy E. Thomas, Successor Receiver

Exhibit A

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

CHARLES BROSCHE, Jr., et al.,)
)
 Plaintiff,)
)
 vs.)
)
 FRED B. KROGER, et al.,)
)
 Defendants.)

No. 3640 Civil

**ORDER APPROVING FINAL SUPPLEMENTAL REPORT,
DISCHARGING SUCCESSOR RECEIVER, AND EXONERATING
BOND AND SURETY THEREON.**

Now on this 20th day of November, 1959, Roy E. Thomas, Successor Receiver herein, having filed his Final Supplemental Report, on motion of John T. Gibson, and Ungerman, Grabel, Ungerman, Leiter & Unruh, his attorneys, for an Order approving said report, discharging said Supplemental Receiver and exonerating his Bond and the Aetna Casualty and Surety Company, surety thereon, the Court, having duly considered said motion finds that said Final Supplemental Report should be and the same is hereby approved, the said Roy E. Thomas discharged and his Bond and the Surety thereon exonerated.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the Final Supplemental Report of Roy E. Thomas, Successor Receiver herein, be and the same is hereby approved.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said Roy E. Thomas, Successor Receiver, be and he is hereby discharged, and the Bond of the said Successor Receiver and the Aetna Casualty and Surety Company, Surety thereon, be and they are hereby exonerated of and from liability thereon.

FILED

NOV 20 1959

151 R. H. Savage
United States District Judge.

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

LAW OFFICES
UNGERMAN,
GRABEL,
UNGERMAN,
LEITER &
UNRUH

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA

FILED

NOV 20 1959

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

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

JOHN SIVILL,

Plaintiff,

vs.

No. 4802 - Civil

PATTERSON STEEL COMPANY, an Oklahoma
Corporation, ARCO STEEL CORPORATION,
an Ohio Corporation, and THE COLORADO
FUEL AND IRON CORPORATION, a Colorado
Corporation,

Defendants.

ORDER

Now on this 20th day of November, 1959, upon the application of the above named plaintiff, John Sivill, the Court hereby orders the above entitled cause of action dismissed as against Patterson Steel Company, an Oklahoma Corporation, only, without prejudice to the rights of the plaintiff to refile or proceed further with reference to said defendant, Patterson Steel Company.

/s/ R. H. Savage
District Judge

CERTIFICATE OF MAILING

On this 20th day of November, 1959, I mailed a true and correct copy of ~~Appellate~~ ~~Dismissal~~ and Order Dismissing to Hudson, Hudson, Wheaton and Kyle, Ritz Building, Tulsa, Attorneys for Patterson Steel Company; to Al Knight, Ritz Building, Attorney for Colorado Fuel and Iron Corporation; and to Martin, Logan, Moyers, Martin and Hull, National Bank of Tulsa Building, Tulsa, Attorneys for Arco Steel Corporation.

/s/ Paul W. Brightshire
Paul W. Brightshire
Attorney for Plaintiff

FILED

NOV 23 1959

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA
NOBLE HODD
District Court

M. J. GROSE MANUFACTURING
CO., INC., a corporation,
FORD S. MILLER,
NELLIE MILLER, GEORGE L. THOMAS,
E. L. VAN LANINGHAM, JOHN L. MILLER,
Individuals,

Plaintiffs,

v.

JULIUS (ALIAS JOSEPH) CLARK, an
Individual, and ARROW-MATIC, INC.,
a corporation,

Defendants.

CIVIL ACTION
No. 4516

CONSENT DECREE

Plaintiffs and defendants having agreed, this Court
decrees:

- (1) That this Court has jurisdiction of the parties
and the subject matter.
- (2) That the plaintiffs Ford S. Miller, Nellie Miller,
George L. Thomas, E. L. Van Laningham and John L. Miller, are
the co-owners of the entire right, title and interest in and to
patent No. 2,830,551; and that the M. J. Grose Manufacturing Co.
Inc., by transfer of interest is the exclusive licensee under
said patent No. 2,830,551.
- (3) That the Miller patent No. 2,830,551 is valid as
to claims 3, 4, 5 and 6 specified in suit.
- (4) That the Miller patent No. 2,830,551 and each
claim 3, 4, 5 and 6 has been infringed by the defendants.
- (5) That the defendants shall be permanently enjoined
from infringement of patent No. 2,830,551, and particularly
claims 3, 4, 5, and 6 thereof.

(6) That all claims for damages for past infringement by the defendants shall be released.

(7) That a writ of injunction shall issue out of and under the seal of this Court directed to the defendants, Julius (alias Joseph) Clark, an individual, and Arrow-Matic, Inc., a corporation, perpetually enjoining and restraining them and each of them, their officers, agents, servants, employees and associates, and each and every one of them, from making, using and/or selling, in any manner, directly or indirectly, any apparatus or device containing or embodying the inventions patented in or by said Letters Patent No. 2,830,551, and covered by any of said claims 3, 4, 5 and 6 or from aiding, abetting or contributing to any infringement thereof.

(8) That the plaintiffs' additional causes of action set forth in the Bill of Complaint, namely Count II for Unfair Competition, Count III for Violation of Trade Secrets and Confidential Relationship and Count IV for Enforcement of Employment Contracts shall be dismissed with prejudice.

(9) That all of defendants' Counter-Claim be dismissed with prejudice.

(10) That each party hereto shall bear its own costs and attorneys fees.

19 Royce H. Savage
United States District Judge

Date Nov. 23, 1959

APPROVED AS TO FORM:

J. W. McKusick
Attorney for Plaintiffs

William L. Nathan
Attorney for Defendants

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

Beal Wasson,

Plaintiff

vs

Time, Inc., et al

Defendants

No. 4787

FILED

DEC 9 1959

ORDER OF DISMISSAL WITHOUT PREJUDICE

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

Upon plaintiff's Motion made in open Court:

IT IS ORDERED, ADJUDGED AND DECREED that this cause
be and the same is hereby dismissed without prejudice at plaintiff's
costs.

151 Royce H. Savage
Judge of the U. S. District Court

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.

SAPULPA TYPOGRAPHICAL UNION NO. 619, of
INTERNATIONAL TYPOGRAPHICAL UNION,

Respondent

FILED

Civil No. 4809

DEC - 9 1959

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

ORDER GRANTING TEMPORARY INJUNCTION

This cause came on to be heard upon the verified petition of Edwin A. Elliott, Regional Director of the Sixteenth Region of the National Labor Relations Board, for and on behalf of said Board, for a temporary injunction pursuant to Section 10 (1) of the National Labor Relations Act, as amended, pending the final disposition of the matters involved pending before said Board, and upon the issuance of an order to show cause why injunctive relief should not be granted as prayed in said petition. The Court, upon consideration of the pleadings, evidence, briefs, argument of counsel, and the entire record in the case, has made and filed its Findings of Fact and Conclusions of Law, finding and concluding that there is reasonable cause to believe that respondent has engaged in, and is engaging in, acts and conduct in violation of Section 8 (b) (7) (C) of said Act, affecting commerce within the meaning of Sections 2 (6) and (7) of said Act, and that such acts and conduct will likely be repeated or continued unless enjoined.

Now, therefore, upon the entire record, it is

ORDERED, ADJUDGED AND DECREED that, pending the final disposition of the matters involved pending before the National Labor Relations Board, respondent Sapulpa Typographical Union No. 619, of International Typographical Union, its officers, representatives, agents, servants, employees, attorneys, and all members and persons acting in concert or participation with it, be, and they hereby are, enjoined and restrained from:

- (a) Continuing its current picketing of Daily Herald; or
- (b) Otherwise picketing or causing Daily Herald to be

picketed where an object thereof is to force or require Daily Herald to recognize or bargain with respondent, or any other labor organization, as the representative of its employees, or to force or require

Daily Herald's employees to accept or select respondent, or any other labor organization, as their collective bargaining representative, unless and until respondent, or such other labor organization, is certified as the representative of such employees pursuant to the provisions of Section 9 of the Act.

Done at Tulsa, Oklahoma, this 4th day of December, 1959.

(s) Boyce H. Savage
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Arthur Foster, Administrator of the Estate
of Patricia Lee Dowdy, deceased,

Plaintiff,

vs.

United States of America,

Defendant.

Civil Action No. 4646

FILED

DEC 11 1959

FINDINGS OF FACT AND CONCLUSIONS OF LAW NOBLE C. HOOD
Clark, U. S. District Court

The Court makes and enters the following findings of fact and conclusions of law:

FINDINGS OF FACT

I.

This action was brought by a resident of this district, Arthur Foster, as Administrator of the Estate of Patricia Lee Dowdy, deceased, against the United States of America under the provisions of the Tort Claims Act, Title 28, U.S.C.A. Section 1346, for damages arising out of an automobile accident which occurred on August 29, 1958, in the town of Bristow, Creek County, Oklahoma.

II.

At approximately 7 o'clock A.M., on said date, the deceased Patricia Lee Dowdy, without negligence on her own part, was injured as the proximate result of the negligence of the defendant's employee, Glenn Ray Jones, while acting within the scope of his employment.

III.

The deceased, Patricia Lee Dowdy, sustained what is commonly referred to as a whiplash injury resulting in pain and suffering for which plaintiff is entitled to recover the sum of \$1,750.00.

IV.

The death of the deceased, Patricia Lee Dowdy, was not caused by or contributed to by said automobile accident, but was caused by a cancerous condition which deceased had at the time of and prior to the date of the accident.

CONCLUSIONS OF LAW

I.

The Court has jurisdiction of the parties hereto and the subject matter of this action.

II.

The deceased, Patricia Lee Bowdy, was injured by the negligence of an employee of the defendant while acting within the scope of his employment.

III.

There was no contributory negligence on the part of the deceased, Patricia Lee Bowdy.

IV.

Plaintiff is entitled to recover from the defendant as damages the sum of \$1,750.00 and costs.

Dated this 11th day of December, 1959.



U. S. DISTRICT JUDGE

J U D G M E N T

In accordance with Findings of Fact and Conclusions of Law entered herein, Judgment is hereby rendered in favor of plaintiff, Arthur Foster, as Administrator of the Estate of Patricia Lee Bowdy, deceased, and against the defendant, United States of America, in the sum of \$1,750.00 and costs of this action.

Dated this 11th day of December, 1959.



U. S. DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Arthur Foster, as Administrator of the
Estate of Patricia Lee Dowdy, deceased,

Plaintiff,

vs.

United States of America,

Defendant.

Civil Action No. 4685

FILED

DEC 11 1959

NOBLE C. HOOD

Clerk, U. S. District Court

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Court makes and enters the following findings of fact and conclusions of law:

FINDINGS OF FACT

I.

This action was brought by a resident of this district, Arthur Foster, as Administrator of the Estate of Patricia Lee Dowdy, deceased, against the United States of America under the provisions of the Tort Claims Act, Title 28, U.S.C.A. Section 1346, for damages arising out of an automobile accident which occurred on August 29, 1958, in the town of Bristow, Creek County, Oklahoma.

II.

At approximately 7 o'clock A.M., on said date, the deceased Patricia Lee Dowdy, without negligence on her own part, was injured as the proximate result of the negligence of the defendant's employee, Glenn Ray Jones, while acting within the scope of his employment.

III.

The deceased, Patricia Lee Dowdy, sustained what is commonly referred to as a whiplash injury resulting in hospital and medical expenses of approximately \$750.00.

IV.

The death of the deceased, Patricia Lee Dowdy, was not caused by or contributed to by said automobile accident, but was caused by a cancerous condition which deceased had at the time of and prior to the date of the accident.

CONCLUSIONS OF LAW.

I.

The Court has jurisdiction of the parties hereto and the subject matter of this action.

II.

The deceased, Patricia Lee Dowdy, was injured by the negligence of an employee of the defendant while acting within the scope of his employment.

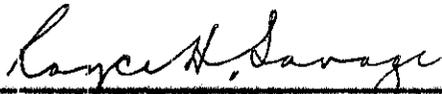
III.

There was no contributory negligence on the part of the deceased, Patricia Lee Dowdy.

IV.

Plaintiff is entitled to recover from the defendant as damages the sum of \$750.00 and costs.

Dated this 11th day of December, 1939.



U. S. DISTRICT JUDGE

J U D G M E N T

In accordance with Findings of Fact and Conclusions of Law entered herein, Judgment is hereby rendered in favor of plaintiff, Arthur Foster, as Administrator of the Estate of Patricia Lee Dowdy, deceased, and against the defendant, United States of America, in the sum of \$750.00 and costs of this action.

Dated this 11th day of December, 1939.



U. S. DISTRICT JUDGE

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

MARJORIE SCOTT,

Plaintiff,

-vs-

PAUL WAYNE TURNER,

Defendant.

No. 4778

FILED

DEC 21 1959

MOTION FOR DISMISSAL WITH PREJUDICE

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

Comes now the plaintiff and moves the court
to dismiss this cause with prejudice on the grounds and for the reason that the
same has been fully compromised and settled.

Marjorie Scott

Plaintiff

J. B. [unclear]

Attorney

ORDER OF DISMISSAL

Now, on plaintiff's motion, it appearing to the court that this
cause has been fully compromised and settled, it is hereby ordered,
adjudged and decreed that this case be dismissed with prejudice.

1st Royce H. Savage

Judge

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

OKLAHOMA NATURAL GAS COMPANY,)
a Corporation,)
)
Plaintiff,)
)
vs.)
)
UNITED STATES OF AMERICA,)
)
Defendant.)

No. 4593 Civil

FILED

DEC 30 1959

FINDINGS OF FACT AND CONCLUSIONS OF LAW
AND
ORDER FOR JUDGMENT

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

This cause having been submitted to the Court on October 22, 1959, on stipulation of the parties, testimony of witnesses for the plaintiff, and arguments of counsel, and the Court having fully considered the evidence as presented and the arguments of counsel as set forth in their respective trial briefs theretofore filed and as stated in oral argument at such trial does now make the following:

FINDINGS OF FACT

1. The allegation of facts contained in plaintiff's complaint are true.
2. Plaintiff is a Delaware corporation, authorized to do business in Oklahoma and is engaged in the production, purchase, transmission and distribution of natural gas, with its principal place of business in Tulsa, Oklahoma, operates entirely within the State of Oklahoma where all of its properties are located. Plaintiff keeps its books and files its federal income tax returns on the accrual basis with its fiscal year commencing September 1 of one year and ending August 31 of the following year.
3. The question involved in this case arose because the Commissioner contended that under Oklahoma law plaintiff's

ad valorem taxes on real and personal property owned by it on January 1, 1953, accrued during the fiscal year September 1, 1953--August 31, 1954, whereas plaintiff contended that its ad valorem taxes on real and personal property owned by it on January 1, 1954, accrued during said fiscal year.

4. Suit was brought for the recovery of federal income taxes allegedly erroneously and illegally collected from plaintiff for the fiscal year ended August 31, 1954, in the amount of \$66,314.83, with interest as provided by law. When this suit was instituted, all taxes assessed to plaintiff for its fiscal year ending August 31, 1954 (including \$29,502.25 net deficiency consented to by plaintiff) had been paid so that the overpayment asserted was in the amount of \$66,314.83, and the appropriate procedural and jurisdictional steps antecedent to the filing of suit had all been timely taken. This action was timely brought.

5. For the fiscal year ended August 31, 1954, the Commissioner allowed \$1,552,758.58 as a deduction for ad valorem taxes which was the Oklahoma ad valorem tax based on the assessed valuation of plaintiff's real and personal property owned on January 1, 1953. The taxpayer claimed \$1,682,772.77, as a deduction for ad valorem taxes in said fiscal year based on the assessed valuation of its real and personal property owned on January 1, 1954. The difference between these two deductions (after adjustment for the effect on the Oklahoma tax net deduction) resulted in plaintiff's paying federal income taxes in the amount of \$66,314.83 in excess of the amount it owed using January 1, 1954, as the date of accrual of ad valorem taxes on its real and personal property.

6. All of the real and personal property upon which ad valorem taxes were paid by plaintiff were owned by plaintiff on January 1 of each of the two years and all of such property was located entirely within the State of Oklahoma. None of the aforementioned ad valorem taxes was levied on unmanufactured farm products.

7. \$13,753.78 were paid as ad valorem taxes on real estate owned by plaintiff on January 1, 1953, and \$1,538,964.80 were paid as ad valorem taxes on personal property owned by plaintiff on January 1, 1953. \$13,422.61 were paid as ad valorem taxes on real estate owned by plaintiff on January 1, 1954, and \$1,669,350.16 were paid as ad valorem taxes on personal property owned by plaintiff on January 1, 1954.

8. There was no dispute as to the amounts involved and the sole question was that of the proper year of accrual of ad valorem taxes on real and personal property in the State of Oklahoma.

CONCLUSIONS OF LAW

1. The Court has jurisdiction of the parties and the subject matter herein.

2. While the state law determines the date when personal liability attaches or a lien or other encumbrance is imposed upon property, the determination of what constitutes an "accrual" for federal income tax purposes is a question of interpretation of federal laws. United States v. Consolidated Elevator Co., 141 F.2d 791 (8th Cir. 1944) and cases cited therein. Therefore, the initial question to be determined is the test established by the income tax laws of the essential legal prerequisites under state law to constitute such accrual. Thereafter analysis of the state

law of the particular state involved is made to determine when the legal prerequisites to accrual occur in that state. Applying these general precepts to the fact at hand, since 1929, in reliance upon United States v. Anderson, 269 U.S. 422 (1926), the Commissioner has taken the position and it is now well established that state ad valorem taxes on personal and real property accrue to the owner thereof for federal income tax purposes on the date when the fact of liability arises, either by the incurring of personal liability therefor or the attachment of a lien or encumbrance therefor to property. Magruder v. Supplee, 316 U.S. 394 (1942); United States v. Consolidated Elevator Co., 141 F.2d 791 (8th Cir.1944); Lifson v. Commissioner, 98 F.2d 508 (8th Cir.1938), cert. denied 305 U.S. 662 (1939); John H. Hord, 33 B.T.A. 342 (1935); H. H. Brown Co., 8 B.T.A. 112 (1927). See also Wolan v. Commissioner, 184 F.2d 101 (10th Cir. 1950).

In Magruder v. Supplee, 316 U.S. 394 (1942), the court held that the purchaser was not entitled to deduct property taxes because they had accrued as taxes to the vendors. The court stated that either a preexisting tax lien or personal liability precluded a subsequent purchaser from deducting payment as a "tax paid". The court said:

"...The attachment of a lien for taxes against property before its sale has been held to prohibit the vendee from deducting as 'taxes paid,' amounts paid by him to discharge this liability. [Citing cases] A tax lien as an encumbrance upon the land, and payment, subsequent to purchase, to discharge a pre-existing lien is no more the payment of a tax in any proper sense of the word than is a payment to discharge any other encumbrance, for instance a mortgage....

"Furthermore, respondents paid taxes for which their vendors were personally liable. This was clearly the payment of a tax imposed upon another and therefore not deductible by respondents. [Citing cases].

"Thus either a pre-existing tax lien or personal liability for the taxes on the part of a vendor is sufficient to foreclose a subsequent purchaser, who pays the amount necessary to discharge the tax liability, from deducting such payment as a 'tax paid.' ..."

In Oklahoma, as will be hereinafter more fully shown, it is clear from the statutes and from the cases that personal liability for ad valorem taxes on personal property arises on assessment date which is January 1, except for unmanufactured farm products in which case assessment date is May 31.

In Oklahoma there is no personal liability for ad valorem taxes on real property. Allen v. Henshaw, 197 Okla. 123, 168 P.2d 625 (1946); McDonald v. Duckworth, 197 Okla. 576, 173 P.2d 436 (1946); State v. Board of County Commissioners of Nowata County, 166 Okla. 78, 25 P.2d 1074 (1933). However, a perpetual lien is created by 68 O.S. 1951, Sec. 353 and the taxable status of real property is firmly settled on assessment date. Allen v. Henshaw, 197 Okla. 123, 168 P.2d 625 (1946); Board of County Commissioners of Creek County v. Seber, 130 F.2d 663 (10th Cir. 1942), aff'd on other grounds 318 U.S. 705 (1943); Board of County Commissioners of Comanche County v. Central Baptist Church, 136 Okla. 99, 276 Pac. 726 (1929). As a consequence, the land becomes burdened with the ad valorem tax on that date to the extent necessary to cause it to accrue for federal income tax purposes whether, as will be hereinafter discussed, a statutory lien arises or the burden and encumbrance arising on that date is regarded as something less than the statutory lien.

3. A number of principles are involved in and essential to the foregoing legal conclusion pertaining to the

accrual date of ad valorem taxes for federal income tax purposes, to-wit:

A. If a liability is incurred in a taxable year, the fact that it does not become due and payable until a later year does not postpone the accrual thereof. Continental Tie and Lumber Co. v. U. S., 286 U.S. 290 (1932); United States v. Anderson, 269 U.S. 422 (1926); United States v. Consolidated Elevator Co., 141 F.2d 791 (8th Cir. 1944); Lifson v. Commissioner, 98 F.2d 508 (8th Cir. 1938), cert. denied 305 U.S. 662 (1939). This principle is clearly stated in Brown v. Helvering, 291 U.S. 193 (1933) (dictum), at page 200:

"Where a liability has 'accrued during the taxable year' it may be treated as an expense incurred; and hence as the basis for a deduction, although payment is not presently due, United States v. Anderson, 269 U.S. 422, 440, 441, 70 L.ed 347, 350, 351, 46 S.Ct. 131, American Nat. Co. v. United States, 274 U.S. 99, 71 L.ed. 946, 47 S.Ct. 520; Aluminum Castings Co. v. Routzahn, 282 U.S. 92, 75 L.ed. 234, 51 S.Ct. 11, and although the amount of the liability has not been definitely ascertained...."

B. A liability (including ad valorem taxes) which is definitely incurred accrues within a taxable year although the amount of the liability has not been definitely ascertained in that year. Continental Tie & Lumber Co. v. United States, 286 U.S. 290 (1932); Fawcus Machine Co. v. United States, 282 U.S. 375 (1931); United States v. Anderson, 269 U.S. 422 (1926); Harrold v. Commissioner, 192 F.2d 1002 (4th Cir. 1951); United States v. Consolidated Elevator Co., 141 F.2d 791 (8th Cir. 1944); Lifson v. Commissioner, 98 F.2d 508 (8th Cir. 1938), cert. denied, 305 U.S. 662 (1939); Walsh-McGuire Co. v.

Commissioner, 97 F.2d 983 (6th Cir. 1938). See also Brown v. Helvering, 291 U.S. 193 (1933).

Although, in view of the foregoing, it is not essential to the conclusions reached herein, it is significant and supports these conclusions to point out that over an extended period of time the Internal Revenue Service has consistently and expressly ruled in rulings affecting a large number of states that property taxes accrue on the date when the liability for the tax arises although the amount of the tax is not ascertainable on that date. G.C.M. 6273, VIII-1 Cum. Bull. 168 (1929), Illinois; G.C.M. 6272, VIII-1 Cum. Bull. 170 (1929), Texas; G.C.M. 6667, VIII-2 Cum. Bull. 94 (1929), Washington; I.T. 2495, VIII-2 Cum. Bull. 98 (1929), Kansas; G.C.M. 7235, VIII-2 Cum. Bull. 197 (1929), Minnesota; I.T. 2643, XI-2 Cum. Bull. 81 (1932), Louisiana; G.C.M. 15894, XV-1 Cum. Bull. 90 (1936), Mississippi; I.T. 3224, 1938-2 Cum. Bull. 144, Washington; G.C.M. 21373, 1939-2 Cum. Bull. 82, Minnesota, Washington and Wisconsin; I.T. 3328, 1939-2 Cum. Bull. 84, New York. And see G.C.M. 15305, XIV-2 Cum. Bull. 80 (1935), New Jersey; I.T. 3162, 1938-1 Cum. Bull. 132, North Dakota. In the above rulings the statement is explicit and additionally the principle is implicit in many additional rulings affecting many additional states. These rulings were based upon United States v. Anderson, 269 U.S. 422 (1926), and, having been so consistent and in effect for so many years, have great weight. Even the enactment of virtually new Codes in 1939 and 1954 did not substantially change

the provisions under which state ad valorem taxes accrue as deductions. Compare Int. Rev. Code of 1954, Sec. 164(a), with Int. Rev. Code of 1939, ch. 1, Sec. 23(c), 53 Stat. 12, and Revenue Act of 1928, ch. 852, Sec. 23(c), 45 Stat. 799. Compare Int. Rev. Code of 1954, Sec. 461, with Int. Rev. Code of 1939, ch. 1, Sec. 43, 53 Stat. 24, and Revenue Act of 1928, ch. 852, Sec. 43, 45 Stat. 805. Although the wording of Int. Rev. Code of 1954, Sec. 461(a) differs somewhat from that of Sec. 43 in the earlier acts, no change in meaning was intended. See H.R.Rep. No. 1337, 83d Cong., 2d Sess. (1954), 1954-3 U.S. Code Cong. & Ad. News 4300. Under these circumstances the time-tested rulings of the Internal Revenue Service must be accorded serious consideration. Cammarano v. United States, 358 U.S. 498 (1959); Helvering v. Winmill, 305 U.S. 79, 83 (1938); Helvering v. Bliss, 293 U.S. 144, 151 (1934); Commissioner v. Plestcheeff, 100 F. 2d 62, 63 (9th Cir. 1938).

C. When the liability for the tax attaches on assessment date, the tax accrues although other tax events, including the date of mill levy on which the rates of per cent are determined, the date of delivery of the rolls to the tax collector and other dates in the levy and collection procedure, occur later in the year.

Basically, the primary tax event occurring subsequent to assessment date affecting the amount of the property tax is the date of determination of the mill levy or rate of per cent of tax. Other steps in the tax collection procedure, in the ordinary course of events, do not affect the amount of the

tax and have been accorded no significance in the controlling cases or by the Internal Revenue Service in the determination of the date of accrual. The authorities cited in Paragraph B above support the premise that ad valorem taxes accrue when the fact of liability attaches rather than when the precise amount thereof is ascertained. When the liability, either personal or by attachment of a lien or charge, coincides with the assessment date, the property tax accrues for federal income tax purposes on that date although the mill levy and other steps in the tax procedure occur later in the year.

In Fawcus Machine Co. v. United States, 282 U.S. 375 (1931) a 1917 tax was in effect during 1918 and a new act changing the rates was enacted early in 1919. The court held, nevertheless, that the tax accrued during the year 1918, although the rate was not ascertained until 1919.

In Lifson v. Commissioner, 98 F.2d 508 (8th Cir. 1938), cert. denied 305 U.S. 662 (1939), the court said:

"The 1933 taxes upon the property became a lien as of May 1, 1933, although the amount of the taxes had not at that time been ascertained or levied and they were not due and payable until January, 1934." 98 F.2d at 509.

In holding that the taxes accrue when the lien attaches, the court said (p. 510):

"The fact that the amount of the taxes here involved had not been definitely ascertained at the time the lien attached does not alter the situation....They accrue in Minnesota when they become a charge against and a lien upon the land taxed."

of the grantor-grantee inter sese and in nowise act to change or postpone the date of the lien or charge in favor of the state. United States v. Consolidated Elevator Co., 141 F.2d 791 (8th Cir. 1944); Lifson v. Commissioner, 98 F.2d 508 (8th Cir. 1938), cert. denied, 305 U.S. 662 (1939); and cf Magruder v. Supplee, 316 U.S. 394 (1942).

In United States v. Consolidated Elevator Co., 141 F.2d 791 (8th Cir. 1944), at page 794, the court said:

"The provision of the Minnesota statute that the lien shall not attach as between grantor and grantee until January leaves vendors and vendees at liberty to bargain as to which of them will pay the tax, and does not remove the state's lien for taxes or postpone its attachment. The fact that the land at the time it is purchased is subject to the lien for taxes, even though the taxes are not then payable, and the amount of them has not been ascertained, can be, and is no doubt taken into consideration by the vendors and vendees in agreeing upon the price. This statute by its express terms has reference only to the rights of the grantor and grantee inter sese and not to the rights of the state. Helvering v. Johnson County Realty Co., supra, 128 F.2d at page 717. In effect it says merely that in the absence of an express agreement between the parties the purchaser will be conclusively presumed to have assumed as a part of the purchase price the current taxes on the real estate conveyed. In discharging this assumed obligation the purchaser is not paying taxes imposed upon him within the meaning of § 23(c). See Magruder v. Supplee, supra."

Clearly, 68 O.S. 1951, Sec. 15.5, does not act to establish or to postpone the date which the lien, charge or encumbrance in favor of the state arises in Oklahoma.

4. In Oklahoma ad valorem taxes on personal property become the personal liability of the owner of such property

on assessment day (assessment date is January 1 except as to unmanufactured farm products which are assessed as of May 31). 68 O.S. 1951, Secs. 15.8, 354, 356. There are a substantial number of cases which hold that the personal property tax of the owner is incurred and fixed as to taxable property owned by him on assessment date. In Re Assessment of Champlin Refining Company, 186 Okla. 625, 99 P.2d 880 (1940); State v. Stephenson-Browne Lumber Co., 180 Okla. 619, 71 P.2d 991 (1937); In Re Assessment of Alleged Omitted Property of Kennedy for Taxation in Osage County for 1917, 177 Okla. 74, 58 P.2d 134 (1936); Chickasha Cotton Oil Company v. Grady County, et al., 177 Okla. 240, 58 P.2d 590 (1936); Van Hoozer v. Myers, 98 Okla. 243, 224 Pac. 977 (1924); Rogers v. Duncan, 57 Okla. 20, 156 Pac. 678 (1916); Burns v. Cline, 28 Okla. 728, 115 Pac. 1116 (1911); Barbee v. Cowden, 182 Okla. 334, 77 P.2d 669 (1939); Russell v. Green, et al., 10 Okla. 340, 62 Pac. 817 (1900).

It is equally well settled by a number of the same cases and in the leading case of In Re Sinclair Prairie Oil Company, 175 Okla. 289, 53 P.2d 221 (1935), that the taxable status of the personal property affecting its exemption or taxability is determined as of assessment date.

In In Re Assessment of Champlin Refining Company, 186 Okla. 625, 99 P.2d 590 (1936), the owner of oil in storage on January 1 was held liable for the tax because the exemption under the gross production tax act terminated December 31.

In In Re Assessment of Alleged Omitted Property of Kennedy for Taxation in Osage County for 1917, 177 Okla. 74, 58 P.2d 134 (1936), an account of \$3,525,000 resulting from deposits made December 18 and 20, 1916, and held in

escrow for Springer and Kennedy on January 1, 1917, was assessed as omitted property. In the circumstances the court found that the fund in the bank was the property of Springer and Kennedy on January 1, 1917. Thereafter, Springer died and Kennedy survived. An ad valorem assessment as omitted property was upheld as to Kennedy's one-half and reversed as to the heirs of Springer as to Springer's one-half.

The court said:

"Taxes are assessed against personal property in the name of the owner thereof as of January 1st next preceding the tax year for which it is assessed. Where such property escapes taxation for a given year, and the property was a subject of taxation, the taxes that should have been paid thereon constitute a debt due the state from the person who owned the property on the particular assessment day. Anderson v. Ritterbusch, 22 Okl. 761, 98 P. 1002.

"In the instant case Springer owned the property on the particular assessment day. It escaped taxation and Springer was indebted to the state in the amount he should have paid. Such debt survived and was a proper charge against his estate." 58 P.2d at 139.

The sum of money was distributed on or about January 26, 1917, and therefore lost its identity. However, the owners on January 1 were personally liable for ad valorem taxes assessed thereon. The living owner of one-half was held assessable but the liability constituted a personal debt as to the one-half owned by the deceased co-owner which survived as a charge against his estate. Therefore, his heirs were not liable therefor.

In Chickasha Cotton Oil Co. v. Grady County, 177 Okla. 240, 58 P.2d 590 (1936), bales of cotton of the defendant were assessed as being omitted from the tax rolls.

The defendant was held personally liable for ad valorem taxes, even in subsequent years, on bales of cotton owned by

This debt for the year 1921 was held to exist against Van Hoozer and to survive as a claim against his estate although he died in May of that year. The tax was imposed upon him personally prior to May, the month of his death, namely on assessment day, January 1. His estate was liable for this tax as well as for the two years previously.

Rogers v. Duncan, 57 Okla. 20, 156 Pac. 678 (1916), holds that both the assessment of property in the name of a party who did not own it on assessment day and a previous judgment sustaining such assessment were void and subject to collateral attack. The court stated that the personal property tax is a personal liability of the owner against whom it is assessed.

The court said:

"When personal property is legally assessed to the owner, not only such property is liable for the taxes, but such assessment, in a sense, if valid, becomes a personal liability against the party against whom it is assessed; and any other property owned by him is liable and subject to be sold for the purpose of paying the taxes." 156 Pac. at 682.

Barbee v. Cowden, 182 Okla. 334, 77 P.2d 669 (1938), involved collection of ad valorem taxes levied against personal property of an assignee of such property under 68 O.S. 1951, Sec. 218 providing for transferee's liability for taxes in the event of transfer of all of a taxpayer's personal property to one person in one transaction. The court held that a lien would attach to the personal property transferred, but only for the current taxable year, and reversed the judgment for prior years.

The court quoted 68 O.S. 1951, Sec. 218 and concluded as follows:

"This court has held, under said statute, that when the property is sold to one certain person and the owner fails to retain sufficient

to pay the taxes, a lien attaches only for the taxes assessed for the year in which the sale is made. J. I. Case Threshing Machine Co. v. Oates, 27 Okl. 412, 112 P. 980 and First National Bank of Comanche v. Young, Sheriff, 155 Okl. 282, 8 P.2d 1108." 77 P.2d at 671.

Thus from this case it is clear that the person liable for the ad valorem taxes for the years preceding the current year was the owner of the property on assessment date. The only provision in the Oklahoma Statutes for a lien attaching to personal property is 68 O.S. 1951, Sec. 218 and its application is limited to the current taxable year. It also provides in such instance that "the one owing such tax shall be civilly liable to any purchaser for any tax he owes thereon ..." Even in this situation the personal liability of the owner on January 1 remains and is neither dispelled nor transferred to the transferee of the property.

As stated in Burns v. Cline, 28 Okla. 728, 115 Pac. 1116 (1911), and in 68 O.S. 1951, Sec. 218 "the one owing" the tax remains liable to the transferee. To the same effect, see First National Bank of Comanche v. Young, 152 Okla. 282, 8 P.2d 1108 (1932); Bailey v. Williamson-Halsell-Frazier Co., 44 Okla. 586, 145 Pac. 412 (1914); and J. I. Case Threshing Machine Co. v. Oates, 27 Okla. 412, 112 Pac. 980 (1910).

The fact of liability for personal property taxes, therefore, arises on January 1 in Oklahoma (except for unmanufactured farm products which are assessed as of May 31). Personal property taxes in Oklahoma, therefore, accrue for federal income tax purposes as of January 1 of each year (with the exception noted which is not applicable here).

5. In Oklahoma real estate becomes encumbered with a lien or charge on assessment date. As heretofore noted,

there is no personal liability for taxes on real property in Oklahoma, but the taxable status of the owner thereof and of the property taxed is finally determined on assessment date. A charge or encumbrance is established on that date which can be removed only by payment of the tax. This encumbrance is the type of burden which results in the property tax accruing for federal income tax purposes. Magruder v. Supplee, 316 U.S. 394, (1942), and see Judge Parker's dissent in Commissioner v. Rust, 116 F.2d 636 (4th Cir. 1940) at page 640, which dissent was quoted with approval in Magruder v. Supplee, 316 U.S. 394 (1942) and which case was, in effect, overruled by Magruder.

Additionally, it is the conclusion of this Court that although some doubt has been created by the dictum in First National Bank v. Scott, 119 Okla. 1106, 249 Pac. 282 (1925) the later cases establish that the statutory lien arises on real estate on January 1. Allen v. Henshaw, 197 Okla. 123, 168 P.2d 625 (1946); Cherry v. Crown Hill Cemetery Trust, et al., 200 Okla. 35, 191 P.2d 591 (1948).

In Allen v. Henshaw, 197 Okla. 123, 168 P.2d 625 (1946), the lands were condemned and title taken by the United States on or near March 15, 1943. Awards were made by the Court, and checks therefor ordered to issue payable jointly to the landowners and the County Treasurer in each case in order that the Treasurer might retain sufficient of the funds to pay any taxes then existing against the property. Upon receipt of the checks, the County Treasurer estimated the 1943 ad valorem taxes on the lands which he retained and paid the balance to the landowners. The landowners obtained a peremptory writ of mandamus requiring the payment of the retained amount. The Court held that 68 O.S.

1951, § 15.5 was applicable and that the selling landowners were not liable for the taxes and sustained the writ. The Court affirmed that the lien had attached before March 15, as follows:

"If the landowners had conveyed their properties to the United States by their warranty deeds on March 15, the United States would hold those properties subject to the lien of the 1943-44 taxes (United States v. Alabama, supra). Was it intended that the United States would get a greater or better title by compulsory sale? We think not. Undoubtedly it was not the intention of Congress to compel a landowner to pay a tax which he would not be obligated to pay under our State statutes in a voluntary sale.

"There is authority for holding that the tax burden or lien continued right on notwithstanding the condemnation of the land by the United States. The fact that the taxes may not be collected from the United States or the lien thereof foreclosed without the consent of that Government is without material concern in this case. 168 P.2d 625, 628.

* * * * *

"The landowners involved here were done with the lien when the lands passed out of their hands prior to October 1, 1943..." (Emphasis added)

As previously noted, there is the dictum in First National Bank v. Scott, 119 Okla. 1106, 249 Pac. 282 (1925) to support the contention that the lien does not attach until the taxes became due, and there is also some language in Allen v. Henshaw, 197 Okla. 123, 168 P.2d 625 (1946) indicating its acceptance of Scott, but as is clear from the foregoing, the court in Allen v. Henshaw, 197 Okla. 123, 168 P.2d 625 (1946), in four separate instances treated and specifically referred to the lien as being in existence by March 15.

The Oklahoma Supreme Court in Board of Com'rs of Comanche County v. Central Baptist Church, 136 Okla. 99, 276 Pac. 726 (1929) recognized that the language in First National Bank v. Scott, supra, was dictum when it said:

"The issue in that case did not necessarily involve, as we view it, the determination of when taxes became a lien upon real estate; neither do we think such question decisive of this appeal."

In the more recent case of Cherry v. Crown Hill Cemetery Trust et al., 200 Okla. 35, 191 P.2d 591 (1948), decided two years after Allen v. Henshaw, Riley, Justice concurring specially said:

"Where land liable to a lien (the lien accrues on the date of assessment) is diminished, that remaining is liable for the lien and the debt represented thereby. Thompson, Real Property, Sec. 194; Buckout v. Swift, et al., 27 Cal. 433, 434; Harris v. Bannon, 78 Ky. 568; Goff v. O'Conner, 16 Ill. 421; State ex rel. Davis v. Goodnow, 80 Mo. 271; Title 68 O.S. 1941 § 15.16 and 15.51."

It is therefore the conclusion of this Court that ad valorem taxes on real property become a lien on January 1 and additionally that they accrue when either a charge against the real estate or a lien becomes fixed upon the land. That date is assessment date, January 1, in Oklahoma and the ad valorem taxes thereon accrue for federal income tax purposes on that date.

6. G.C.M. 18828, 1937-2 Cum. Bull. 87 (Okla.) correctly states the accrual date of property taxes in Oklahoma and Rev. Rul. 54-564, 1954-2 Cum. Bull. 87 (Okla.) does not. The case of Noble v. Jones, 45 F.Supp. 504 (W.D. Okla. 1942), was decided approximately one month before Magruder v. Supplee, 316 U.S. 394 (1942), and, in effect, was overruled by the Magruder case. In addition the decision was based upon the grantor-grantee statute which, as hereinabove shown, does not affect the lien to the state. Further, the case of F. A. Gillespie Trust v. Commissioner, 21 T.C. 739, No. 81 (1954), relied upon in Rev. Rul. 54-564, 1954-2 Cum. Bull. 87 (Okla.), was based upon Noble v. Jones, 45 F.Supp. 504 (W.D. Okla. 1942), and uncritically applied the principles of the

Noble case to both real and personal property although the Noble case was based solely on the grantor-grantee statute in Oklahoma relating solely to real estate. It is therefore the conclusion of this Court that G.C.M. 18828, 1937-2 Cum. Bull. 87, accurately states the accrual date of property taxes for federal income tax purposes in the State of Oklahoma.

7. The plaintiff is entitled to recover against the defendant the sum of \$66,314.83 with interest thereon as provided by law at the rate of six per cent per annum to a date preceding the time of the refund check by not more than thirty (30) days, such date to be determined by the Commissioner of Internal Revenue.

ORDER FOR JUDGMENT

WHEREFORE, it is considered by this Court that the plaintiff have judgment against the defendant for the sum of \$66,314.83 with interest thereon as provided by law at the rate of six per cent (6%) per annum to a date preceding the date of the refund check by not more than thirty (30) days, such date to be determined by the Commissioner of Internal Revenue.

Dated this 30 day of dec, 1959.

(s) Royce H. Savage
District Judge

APPROVED AS TO FORM:

Attorney for Plaintiff

Attorney for Defendant