

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

KING CRUMPTON, et al,

Plaintiffs,

-vs-

COMMERCIAL OIL TRANSPORT, et al,

Defendants,

No. 4714 - Civil

FILED

APR 18 1960

ORDER

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

This cause came on for trial before the Court, a jury trial being waived, on the 21st day of March, 1960, pursuant to regular notice, at which time Plaintiffs appeared in person and by their attorney, Milton Hardy, and Defendants appeared by their attorneys, Covington & Gibbon, by A. M. Covington, at which time the parties put on all their evidence except one witness for the Plaintiff and at the request of Plaintiff said cause was continued to March 25, 1960 at 9:30 A. M. and at which time said cause was continued because of the absence of said witness to March 30, 1960 and at said time said cause was again continued to April 8, 1960 at 10:30 A. M. at which time the trial of said cause was completed and submitted to the Court for decision. And the Court, being well advised in the premises, makes the following findings of fact:

1. This is a matter involving an action for damages against non-residents of the State of Oklahoma by Oklahoma residents for an amount in excess of \$10,000.00.

2. The Court finds a vehicle of the Defendant, Commercial Oil Transport, did go partially upon the top part of a potato cellar belonging to Plaintiffs at the time complained of but the Court further finds the evidence is not sufficient to satisfy the Court any damages resulted to Plaintiffs by reason thereof.

3. The Court further finds there was no wilful misconduct on the part of either Defendant in doing any of the acts complained of.

Based upon said findings of fact the Court makes the following conclusions of law:

1. This is a cause over which this Court has jurisdiction.
2. All claims for damages by the Plaintiff should be denied and the Defendants should have judgment for costs.
3. Plaintiff's action should be dismissed.

IT IS SO ORDERED.

19 Royce H. George
JUDGE

OK as to form 19 Milton W. Hardy
Attorney for Plaintiff

OK as to form A. M. Campbell
Attorney for Defendants

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

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

Defendants.

CIVIL NO. 4625

FILED

APR 21 1960

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

J U D G M E N T

As to Tracts Nos. C-306, C-321, C-321E-1, C-321E-2, and C-321E-3

This cause comes on for disposition on the stipulation of the parties on this 21st day of April, 1960. 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. C-306, C-321, C-321E-1, C-321E-2 and C-321E-3.

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 these 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 these tracts, as they are described in Schedule "A" attached to such Complaint. Pursuant thereto, on January 28, 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 January 28, 1959, there was deposited in the Registry of this Court as estimated compensation for the taking of these tracts, the

total sum of \$16 350.00. \$16,000.00 of this deposit has been disbursed to the landowners entitled thereto.

VI

On the date of taking title to the estate taken in these tracts was vested as follows:

- Surface of all tracts: J. A. Cantrell and Lucy C. Cantrell, his wife.
- Minerals under C-321: State of Oklahoma, ex rel the Commissioners of the Land Office, own an undivided 1/2 interest in a certain 80.00 acres of this tract.

J. A. Cantrell and Lucy C. Cantrell own the balance of the mineral estate in this tract.

These named defendants are the only persons asserting any interest in the estates condemned herein, all other defendants having either disclaimed or defaulted, and these above named defendants are entitled to receive the award of just compensation.

VII

The defendants, J. A. Cantrell and Lucy C. Cantrell, his wife 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 \$18,000.00, without interest, shall be just compensation for such defendants' interest in 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 deposit of compensation for these tracts will be created by this Judgment and a balance will be due the landowners, J. A. Cantrell and Lucy C. Cantrell, his wife, as follows:

Stipulation as to Just Compensation for such owners	\$18,000.00
Deposit of estimated compensation for benefit of such owners . .	\$16,150.00
Disbursed to such owners by Order of February 25, 1959 . .	<u>\$16,000.00</u> <u>\$16,000.00</u>
Balance of Just Compensation due such owners	\$ 2,000.00
Present balance of deposit for benefit of such owners	\$150.00 <u>150.00</u>
Deposit deficiency	\$ 1,850.00

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, Tracts Nos. C 306, C 321, C 321E-1, C 321E-2, and C-321E-3 described in Schedule "A" attached to the Complaint and Declaration of Taking filed herein, and such tracts, with the exception of an undivided 1/2 interest in the mineral estate in 80.00 acres of Tract No. C-321, described as the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 22, Township 23 North, Range 16 East, Rogers County, Oklahoma, 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 the estates so condemned in such tracts are forever barred from asserting any claim thereto.

X

It Is Further ORDERED, ADJUDGED AND DECREED that the right to just compensation for the estates taken herein as defined in Paragraph IX above, is vested in J. A. Cantrell and Lucy C. Cantrell, his wife; 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 sum therein fixed is adopted as the award of just compensation for their interest in such tracts.

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 landowners, the deficiency amount of \$1,850.00. Upon deposit of such deficiency, the Clerk of this Court shall disburse to J. A. Cantrell and Lucy C. Cantrell, his wife, the balance of just compensation due them in the amount of \$2,000.00.


UNITED STATES DISTRICT JUDGE

APPROVED:


HUBERT A. MARLOW
Assistant United States Attorney


CURTIS P. HARRIS
Attorney for the Landowners

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

FILED

APR 22 1960

RACHEL C. FEEBACK,

Plaintiff,

v.

SAFEWAY STORES, INCORPORATED,
a foreign corporation, and
EDWIN TATUM,

Defendants.

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

NO. 4904-Civil

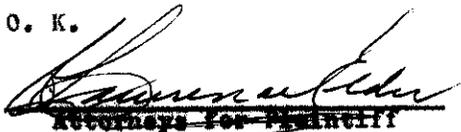
ORDER OF DISMISSAL WITHOUT PREJUDICE

It having been shown to the Court that said Plaintiff has complied with the Order of this Court relative to the payment of ONE HUNDRED (\$100.00) DOLLARS to the Clerk of the United States District Court for the Northern District of Oklahoma, as fees and expenses, IT IS ORDERED that said cause be and same is hereby dismissed without prejudice to future action.

DATED, this 22 day of April, 1960.


JUDGE

O. K.


Attorneys for Plaintiff


Attorneys for Defendants

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Libelant,

vs.

One 1956 Chevrolet 2-door,
Motor No. O484137F56F, its
tools and appurtenances,

Respondent.

Civil No. 4803

FILED

APR 25 1960

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

ORDER CONFIRMING SALE

Now, on this 25th day of April 1960, there being presented to the Court the Return of the United States Marshal's Sale, made in the above case pursuant to judgment heretofore entered, and plaintiff appearing by Frederick S. Nelson, Assistant United States Attorney for the Northern District of Oklahoma, and no one appearing in opposition thereto, the court advises that the United States Marshal for the Northern District of Oklahoma did advertise for sale according to law, and did sell at public auction as directed by judgment of this court, one 1956 Chevrolet 2-door Motor No. O484137F56F, which said automobile had been seized as property of Cornelius S. Stevenson, Otis Gordon and Redden Investment Company, and that the same was sold at the time specified in said public notice at public auction to James F. O'Bryan, 1219 South Jackson, Tulsa, Oklahoma for the sum of \$700.00, he being the highest and best bidder therefor, and said sale being valid should be confirmed.

IT IS THEREFORE, ORDERED AND DECREED by the court that said sale of said above described automobile to James F. O'Bryan be and the same is hereby confirmed, and the title to said automobile vested at his request in the name of James F. O'Bryan or Marie I. O'Bryan, and that the United States Marshal distribute the proceeds of said sale by applying as follows:

1. Payment of court costs,
 2. Payment of costs of seizure and storage and marshal's fees;
- and the residue, if any, be paid to the TREASURER OF THE UNITED STATES.

12 R. W. Savage
UNITED STATES DISTRICT JUDGE

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

TRANSPORT WORKERS UNION OF AMERICA,)
AFL-CIO, LOCAL NO. 514, A. R. DOLLE,)
J. OSBORN AND J. C. PETERS)

Plaintiffs,)

vs.)

AMERICAN AIRLINES, INC., a corporation,)

Defendant,)

TRANSPORT WORKERS UNION OF AMERICA,)
INTERNATIONAL, AFL-CIO,)

Additional Defendant)
on Counterclaim.)

CIVIL ACTION

No. 4672

FILED

APR 28 1960

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

PERMANENT INJUNCTION

THIS CAUSE came on to be heard on defendant's application for an injunction and the Court having considered the verified Supplemental Counterclaim, the Supplemental Affidavit submitted in support thereon, and the evidence adduced in support of said application and in opposition thereto, and it appearing to the Court after due deliberation that the plaintiffs and the additional defendant on counterclaim have actually engaged in committing and will continue to commit the acts set forth in the findings of fact made by the Court on this hearing, it is

L

ORDERED that, during the period in which the collective bargaining agreements between the parties remain in effect by the terms thereof or pursuant to the Railway Labor Act, as amended, the individual plaintiffs, Transport Workers Union of America, AFL-CIO, Local No. 514 and each and every individual member thereof, and Transport Workers Union of America, International, AFL-CIO, and each and every individual member thereof, and all persons acting in concert of participating with them, be and they hereby are

RESTRAINED AND ENJOINED FROM:

- (1) causing, conducting or engaging in, or attempting to induce others to engage in any striking, picketing, work stoppage, slow down, curtailment of work, or any concerted refusal to accept work assignments as directed by the defendant, American Airlines, Inc., in accordance with existing contracts, or other illegal concerted interference with the normal operation of defendant's activities or the conduct of its business;

- (2) coercing or attempting to coerce defendant to rescind or modify any suspension, discipline or discharge of its employees.

Effective upon the date first set out below, the Temporary Restraining Order issued by this Court on April 11, 1960 is vacated and set aside, and the bond in support thereof is exonerated.

Jurisdiction of this cause is reserved by the Court for all purposes including but not limited to further matters concerning damages by counterclaim and such other relief as may be found to be just and proper.

ISSUED at 11:30 o'clock P. M., this 27th day of April, 1960.

W. R. Wallace
United States District Judge

APR 20 1960

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

FILED

APR 29 1960

VOLNEYE, SKINNER,)	NOBLE C. HOOD
)	Clerk, U. S. District Court
Plaintiff)	
vs)	No. 4875 - Civil
RICHARD DILLON,)	
)	
Defendant.)	

ORDER OF DISMISSAL WITHOUT PREJUDICE

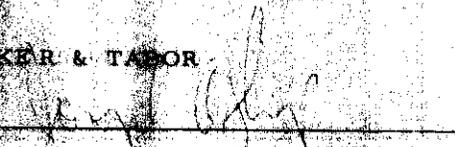
On this 25th day of April, 1960, this cause came on regularly for hearing in pre-trial conference. Plaintiff appeared by his attorneys, Rucker & Tabor, by Joseph M. Best, Esquire. Defendant appeared by his attorneys, Rogers, Litchfield & Rogers, by Remington Rogers. Thereupon, on application of the plaintiff,

IT IS ORDERED that this action be and the same is hereby dismissed without prejudice at the cost of the plaintiff.


District Judge

O. K.

RUCKER & TABOR

By: 

ROGERS, LITCHFIELD & ROGERS

By: 

APR 29

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

FILED

JOHN RASPH HILLMAN SKINNER,
a Minor, By and Through His
Father, and Next Friend,
VOLNEYE SKINNER,

Plaintiff

vs

RICHARD DILLON,

Defendant.

APR 29 1960

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

No. 4876 - Civil

ORDER OF DISMISSAL WITHOUT PREJUDICE

On this 25th day of April, 1960, this cause came on
regularly for hearing in pre-trial conference. Plaintiff appeared by his
attorneys, Rucker & Tabor, by Joseph M. Best, Esquire. Defendant
appeared by his attorneys, Rogers, Litchfield & Rogers, by Remington
Rogers. Thereupon, on application of the plaintiff,

IT IS ORDERED that this action be and the same is
heraby dismissed without prejudice at the cost of the plaintiff.

District Judge

O. K.

Rucker & Tabor

By

Rogers, Litchfield & Rogers

By

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

D. A. WOODWARD, J. J. CLANCY,
LOUIS S. SLIMA, LESLIE G. AGASIM,
MARIE E. LINDER and ANN BOLLING,

Plaintiffs,

vs.

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

Defendants.

FILED
No. 4008

MAY -2 1960

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

ORDER CONFIRMING SALES

NOW, on this 22nd day of April, 1960 this cause comes on for hearing on the Motion of the plaintiffs to confirm the sales had herein and on the objections filed by the defendants E. H. FORREST and H. D. HANNA to the confirmation.

Plaintiffs appeared by Farmer, Woolsey, Flippo & Bailey and Robert J. Woolsey, and John Durfee, plaintiffs' attorneys, and the defendants E. H. Forrest and H. D. Hanna appeared in person and by their attorneys, Gray and Palmer, by Charles R. Gray,

AND the Court having heard evidence of witnesses sworn in open Court and heard argument of counsel, and the defendants E. H. Forrest and H. D. Hanna having through their attorneys offered in open Court to withdraw their objections to the confirmation of the sales provided that the successful bidder, the plaintiff D. A. Woodward, would increase his bid to \$12,500 and the Court having continued said cause for ten (10) days for the purpose of permitting the defendants Forrest and Hanna to submit a bidder, this cause came on again for hearing on this, the 2nd day of May, 1960, and it appearing to the Court that counsel for the plaintiffs state to the Court that the plaintiff D. A. Woodward would increase his bid to a total of \$12,500.00 for all of the properties, and counsel stating that Mr. Charles R. Gray, attorney for Forrest

and Hanna has agreed to withdraw objections to the confirmation of sale on the increase in the bid and the Court having heard the testimony and statement of counsel and having carefully examined the proceedings of the Marshal under the execution and Order of Sale and Execution issued in said cause finds that both writs were duly levied upon the following described property belonging to the defendants; namely that on the execution against the property of Homer L. Wright and O. A. Farrell the Marshal levied upon the following described property of the judgment debtors Homer L. Wright and O. A. Farrell situated in Washington County and State of Oklahoma, to-wit:

All of the right, title and interest of Homer L. Wright, being an undivided $\frac{7}{32}$ of $\frac{7}{8}$ ths working interest in and to an oil and gas lease known as "The Kane" the description of which is as follows:

West Half of the Southeast Quarter (W/2 SE/4) of Section Six (6), Township Twenty-six (26) North, Range Thirteen (13) East, except four (4) acres, more or less, described as beginning at the Southwest corner of the Northwest Quarter of the Southeast Quarter (NW/4 SE/4) of Section Six (6), Township Twenty-six (26) North, Range Thirteen (13) East, thence north Forty (40) Rods thence East sixteen (16) Rods, thence South Forty (40) Rods, thence West sixteen (16) Rods to place of beginning.

All of the right, title and interest of O. A. Farrell, being an undivided $\frac{15}{208}$ of $\frac{7}{8}$ ths working interest in and to an oil and gas lease known as "The Kane" the description of which is as follows:

West Half of the Southeast Quarter (W/2 SE/4) of Section Six (6), Township Twenty-six (26) North, Range Thirteen (13) East, except four (4) acres, more or less, described as beginning at the Southwest corner of the Northwest Quarter of the Southeast Quarter (NW/4 SE/4) of Section Six (6), Township Twenty-six (26) North, Range Thirteen (13) East, thence North Forty (40) Rods, thence East sixteen (16) Rods, thence South Forty (40) Rods, thence West sixteen (16) Rods to place of beginning,

and that said property was duly appraised by three disinterested householders for the sum of \$1,791.65 for the interest of Homer L. Wright and \$775.24 for the interest of O. A. Farrell, and that the Marshal caused due and legal notice of said sale to be published for four (4) successive weeks prior thereto in the Bartlesville Examiner and Enterprise, a newspaper printed in and of general circulation in Washington County, State of Oklahoma as appears from the printer's

affidavit of publication attached to the return and that he posted notices in five (5) public places as appears from his Return of Sale, two of which were in the township wherein said lease was located, and that on the day therein fixed, to-wit the 17th day of March, 1960 at 2:00 P. M. on said date, said interests of Homer L. Wright and O. A. Farrell were sold to D. A. Woodward, he being the highest bidder therefor, the interest of Homer L. Wright being sold for the sum of \$1200.00, which is more than 2/3rds of the appraised value of said property, and the interest of O. A. Farrell was sold for \$600.00, which is more than 2/3rds of the appraised value of said property, and both the interest of Homer L. Wright and O. A. Farrell were sold together to D. A. Woodward for the sum of \$1800.00, he being the highest bidder therefor, which is more than 2/3rds of the combined appraised value of said interests.

THE COURT FURTHER FINDS that under an Execution and Order of sale issued on the 20th day of January, 1960, said Order of Sale being issued to sell the interest of E. H. Forrest and H. D. Hanna pursuant to the lien of the judgment herein rendered, said Writ the Court finds was duly levied upon the following described property belonging to the defendants E. H. Forrest and H. D. Hanna as follows; to-wit:

All of the right, title and interest of E. H. Forrest and H. D. Hanna, collectively and severally, and aggregating an undivided 1485/1872 of 7/8ths working interest in and to an oil and gas leasehold estate known as the Kane Lease the description of which is as follows:

West Half of the Southeast Quarter (W/2 SE/4) of Section Six (6), Township Twenty-six (26) North, Range Thirteen (13) East, except four (4) acres, more or less, described as beginning at the Southwest corner of the Northwest Quarter of the Southeast Quarter (NW/4 SE/4) of Section Six (6), Township Twenty-six (26) North, Range Thirteen (13) East, thence North Forty (40) Rods, thence East sixteen (16) Rods, thence South Forty (40) Rods, thence West Sixteen (16) Rods to place of beginning

in Washington County, State of Oklahoma

The same not being exempt from levy and sale under Execution; that said property was duly appraised by disinterested householders, three of whom viewed and appraised the property at the sum of \$8,527.61. That the Marshal caused due and legal notice of said sale to be published for four (4) consecutive weeks

prior thereto in the Bartlesville Examiner and Enterprise, a newspaper printed in and of general circulation in Washington County, State of Oklahoma, and posting in five (5) public places in said county, two of which were in the township where the lease is located as appears from the printer's Affidavit of Publication and Proof of Posting attached to said Return, and that on the day therein fixed, to-wit the 17th day of March, 1960, at 2:00 P. M. said interest of E. H. Forrest and H. D. Hanna was sold to D. A. Woodward, he being the highest bidder therefor, for the sum of \$6000.00, which is more than 2/3rds of the appraised value of the property of E.H. Forrest and H. D. Hanna above described, and the marshal then offered the entire leasehold interests of all the interests of E. H. Forrest and H. D. Hanna and Homer L. Wright and O. A. Farrell, and did sell the entire 7/8ths working interest to D. A. Woodward for the sum of \$7,800.00, he being the highest bidder therefor and the sum being more than 2/3rds of the appraised value of said entire 7/8ths working interest; and

NOW, on this 2nd day of May 1960, this cause coming on for further hearing, and it appearing to the Court that D. A. Woodward has raised his bid on the entire leasehold interest of H. D. Hanna and E. H. Forrest and Homer L. Wright and O. A. Farrell to a bid of \$12,500.00 for the interest of all of said defendants, and it appearing to the Court further that the defendants E. H. Forrest and H. D. Hanna have withdrawn their objections to the confirmation of the sale, the Court is satisfied that said sale was in all respects made in conformity with the laws of the United States and in conformity with the statutes of the State of Oklahoma as such case is made and provided and the Court finds that said sale should be confirmed and that the judgment should be credited with the sum of \$12,500.00, the purchase price of said leasehold interests purchased by D. A. Woodward, and the judgment be partially satisfied as against all four defendants in the sum of \$12,500.00.

IT IS ORDERED, ADJUDGED AND DECREED BY THE COURT that the Marshal's sales and all proceedings under the Writ of Execution and Writ of Execution and Order of Sale be and the same are hereby approved and confirmed.

IT IS FURTHER ORDERED THAT THE Marshal of the United States District Court for the Northern District of Oklahoma make and execute to the purchaser at said sale, D. A. Woodward, a good and sufficient deed to the above described property.


United States District Judge

Jack Santee

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

MAY 10 1960

JOHN SIVILL,

Plaintiff,

vs.

PATTERSON STEEL COMPANY, et al,

Defendants.

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

No. 4802 - Civil

ORDER OF DISMISSAL

Now on this 25th day of April, 1960, the above captioned case came on for Pre-Trial. Plaintiff was present through his attorney, Paul W. Brightmire, and the defendants, Armco Steel Corporation and Colorado Fuel and Iron Corporation were represented by Jack Santee. The Court was advised that plaintiff's claim against Armco Steel Corporation had been compromised and settled and that plaintiff desired to dismiss its cause of action against defendant Armco Steel Corporation, with prejudice, expressly reserving, however, its rights to proceed against any and all other defendants who may be liable to plaintiff growing out of his injuries sustained on the 13th day of August, 1958.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that the above captioned cause of action as to defendant Armco Steel Corporation be, and the same is hereby dismissed with prejudice to plaintiff's right to refile the same against said defendant Armco Steel Corporation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Motion for Summary Judgment heretofore filed by defendant Colorado Fuel and Iron Corporation be, and the same is hereby sustained and plaintiff's action against defendant Colorado Fuel and Iron Corporation is hereby dismissed.

Raymond H. Savage

U. S. District Judge

O.K. AS TO FORM:

Paul W. Brightmire

Attorney for Plaintiff

Jack H. Santee

Attorney for Defendant Armco Steel Corporation

Alfred B. Knight

Attorney for Defendant Colorado Fuel and Iron Corporation

supersedeas bond for approval by the Court, which bond shall
be in the principal sum of \$2,500.00.

Dated, this 10th day of May, 1960.

Royce H. Savage
United States District Judge

O.K. As to Form:

Clare V. White
Attorney for Plaintiff

Wm. J. Holloman, Jr.
Attorney for Defendant.

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

Pan American Fire & Casualty
Company,

Plaintiff,

vs.

Southwest Casualty Insurance
Company, and
J. D. Sewell, dba J. D. Sewell
Butane-Propane Company,

Defendants.)

No. 4898 Civil

FILED

MAY 12 1960

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

STIPULATION OF DISMISSAL WITHOUT PREJUDICE,
AND ORDER OF DISMISSAL WITHOUT PREJUDICE.

Comes now the plaintiff and moves the Court to dis-
miss this case without prejudice; and the parties hereto do
stipulate that such case may be dismissed without prejudice.



DUKE DUVALL, Attorney for Plain-
tiff.



GUS EINHART, Attorney for De-
fendant, Southwest Casualty
Insurance Company.

ORDER OF DISMISSAL

Upon stipulation of the plaintiff and the defendant,
Southwest Casualty Insurance Company, the only defendant who
has been served or who has appeared in this case, and for good
cause shown, this case is hereby dismissed without prejudice,

at the cost of the plaintiff.

DATED this 12th day of May, 1960.

Raymond H. Savage

DISTRICT JUDGE.

By M. M. Ewing
Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Libelant,

-vs-

5 One Hundred Pound Bags, Article labeled
in Part (Bag) "MA HAT MA---Patna Rice--
Louisiana State Rice Milling Company, Inc.,
Abbeville, La. and Subsidiary Texas State
Rice Milling Co. Houston, Texas, and
57 One Hundred Pound Bags, Article labeled
in Part (Bag) "Needle Supreme Patna Rice
Louisiana State Rice Milling Company, Inc.
---Carlisle, Arkansas---",

Claimant.

Civil No. 4914

CONSENT
DECREE OF CONDEMNATION

FILED

MAY 13 1960

NOBLE C. HOOD

Clerk, U. S. District Court

On the 19th day of April, 1960, a libel of information against the above described article was filed in this court on behalf of the United States of American by the United States Attorney in this district. The libel alleges that the article proceeded against is a food which was shipped in interstate commerce and is adulterated in violation of the Food, Drug, and Cosmetic Act (21 U.S.C., 301 et seq.). Pursuant to Monition issued by this court, the United States Marshal for this district seized said article on the 22nd day of April, 1960. Claimant consents that a Decree, as prayed for in the libel, be entered condemning the article under seizure.

The court being fully advised in the premises, it is on motion of the parties hereto,

ORDERED, ADJUDGED, AND DECREED that the said article under seizure is adulterated in violation of (21 U.S.C., 301 et seq.), and is therefore hereby condemned pursuant to 21 U.S.C. 334(a); and it is further

ORDERED, ADJUDGED, AND DECREED, pursuant to 21 U.S.C. 334(e), that the United States of America shall recover from the Claimant court costs and fees, and storage and other proper expenses, as taxed herein; and

Claimant having petitioned this court that the condemned article be delivered to it pursuant to 21 U.S.C. 334 (d), it is further

ORDERED, ADJUDGED, AND DECREED, that the United States Marshal for this district shall release said article from his custody to the custody of claimant for the purpose of reclamation of the rice in accordance with sections 304(d) and (e) of the Federal Food, Drug, and Cosmetic Act, if claimant, within 20 days from the date of this decree, (a) pays in full the aforementioned court costs and fees, and storage and other expenses of the proceedings herein, and (b) executes and files with the clerk of this court a good and sufficient penal bond with surety in the sum of \$ 500⁰⁰,

m. S. ...

approved by the court, payable to the United States of America, and conditioned on the claimant's abiding by and performing all the terms and conditions of this Decree and such further Orders and Decrees as may be entered in this proceeding; and it is further

ORDERED, ADJUDGED AND DECREED, THAT:

1. After the filing of the bond in this court, claimant shall give written notice to the Kansas City Station, Food and Drug Administration, Federal Security Agency, 323 United States Courthouse, Kansas City 6, Missouri, that claimant is prepared to permit reclamation of the article herein under the supervision of a duly authorized representative of the Federal Security Administrator.

2. Claimant shall at all times, until the article has been released by a duly authorized representative of the Federal Security Administrator, retain intact the entire lot of goods comprising the article for examination or inspection by said representative, and shall maintain the records of other proof necessary to establish the identity of said lot to the satisfaction of said representative.

3. Claimant shall not commence conversion operations until it has received authorization to do so from a duly authorized representative of the Federal Security Administrator.

4. Claimant shall at no time, and under no circumstances whatsoever, ship, sell, offer for sale, or otherwise dispose of any part of said article or of the article into which it is converted until a duly authorized representative of the Federal Security Administrator shall have had free access thereto in order to take any samples or make any tests or examinations that are deemed necessary, and shall in writing have released such article for shipment, sale, or other dispositions.

5. Within 30 days from the date of the filing of the bond in this court, claimant shall complete the process of reclaiming said article at its warehouse in Tulsa, Oklahoma, under the supervision of a duly authorized representative of the Federal Security Administrator.

6. Claimant shall abide by the decisions of the duly authorized representative of the Federal Security Administrator, which decisions shall be final. If claimant breaches any conditions stated in this Decree, or in any subsequent Decree or order of this Court in this proceeding, claimant shall return the article immediately to the United States Marshal for this district at claimant's expense, or shall otherwise dispose of it pursuant to an Order of this court.

7. Claimant shall not sell or dispose of said article or any part thereof in a manner contrary to the provisions of the Federal Food, Drug, and Cosmetic Act, or the

laws of any State or Territory (as defined in said Act) in which it is sold or disposed of.

8. Claimant shall compensate the United States of America for cost of supervision at the rate of \$ 6.00 per ^{Hour} ~~day~~ per representative for each ^{Hour} ~~day~~ actually employed in the supervision of the reclamation process, as salary or wage; where laboratory work is necessary, at the rate of \$ ^{7.00} ~~3.00~~ per hour per person for such laboratory work; where subsistence expenses are incurred, at the rate of \$12.00 per day per person for such subsistence expenses. Claimant shall also compensate the United States of America for necessary traveling expenses and for any other necessary expenses which may be incurred in connection with the supervisory responsibilities of the Federal Security Administrator.

9. If requested by a duly authorized representative of the Federal Security Administrator, claimant shall furnish to said representative duplicate copies of disposition as the representative may request.

The United States Attorney for this district, on being advised by a duly authorized representative of the Federal Security Administrator that the conditions of this Decree have been performed, shall transmit such information to the Clerk of this Court, whereupon the bond given in this proceeding shall be canceled and discharged; and it is further

ORDERED, ADJUDGED, AND DECREED that if claimant does not avail itself of the opportunity to repossess the condemned article in the manner aforesaid, the United States Marshal for this district shall retain custody of the article pending the issuance of an order by this court regarding its disposition; and it is further

ORDERED, ADJUDGED, AND DECREED that this court expressly retains jurisdiction to issue such further Decrees and Orders as may be necessary to the proper disposition of this proceeding, and that should the claimant fail to abide by and perform all the terms and conditions of this Decree, or of such further Order or Decree as may be entered in this proceeding, or of said bond, then the bond shall on motion of the United States of America in this proceeding be forfeited and judgment entered thereon.

Dated at Tulsa, Oklahoma, this 13 day of May, 1960.

151 Royce H. Savage
UNITED STATES DISTRICT JUDGE.

We hereby consent to the entry of the foregoing Decree.

181 Robert S. Ryley
United States Attorney.

181 Robert Black
Robert Black, d/b/a
Diamond Transfer & Storage Warehouse,
Company.

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

MYRTLE LEE LANE,

Plaintiff,

vs.

Missouri-Kansas-Texas
Railroad Company,

Defendant.

Civil No. 4678

FILED

MAY 19 1960

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

JUDGMENT

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 May 18, 1960, having rendered a verdict for the defendant,

IT IS ORDERED AND ADJUDGED that the plaintiff, Myrtle Lee Lane, take nothing, that the action is dismissed on the merits, and that the defendant recover of Myrtle Lee Lane, plaintiff, its costs of action.

Dated at Tulsa, Oklahoma, this 18th day of May, 1960.

NOBLE C. HOOD, CLERK

By Ben B. Ballenger
Deputy

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

Gerald D. Powell, Administrator
of the Estate of Lillian E. Powell,
Deceased,

Plaintiff,

vs.

American Photograph Corporation,
a corporation,

Defendant.)

Civil No. 4749

FILED

MAY 19 1960

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 May 19, 1960 having rendered a verdict for the plaintiff to recover of the defendant damages in the amount of Fifty-Five Thousand (\$55,000.00) Dollars,

IT IS ORDERED AND ADJUDGED that the plaintiff, Gerald D. Powell, Administrator of the Estate of Lillian E. Powell, deceased, recover of the defendant, American Photograph Corporation, the sum of Fifty-Five Thousand (\$55,000.00) Dollars, with interest thereon at the rate of 6% per annum from the date hereof until paid, and his cost of action.

Dated at Tulsa, Oklahoma, this 19th day of May, 1960.

NOBLE C. HOOD, CLERK

By Ben B. Callen
Deputy

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

WILLIAM H. FOX,

Plaintiff,

vs.

DOUGLAS AIRCRAFT COMPANY, INC.,
a Delaware corporation,
WILLIAM A. WAGNER, and
B. K. MELEKIAN,

Defendants.

Civil Action No. 4828

FILED

MAY 23 1960

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

J U D G M E N T

This action came on for trial before the Court and a jury, Honorable W. R. Wallace, Judge, presiding, and the issues having been duly tried and the jury on May 23rd, 1960, having rendered a verdict for the defendant,

IT IS ORDERED AND ADJUDGED THAT the plaintiff, William H. Fox, take nothing, that the action is dismissed on the merits, and that the defendants, Douglas Aircraft Company, Inc., a Delaware corporation, William A. Wagner, and B. K. Melekian, recover of the plaintiff, William H. Fox, their costs of action.

Dated at Tulsa, Oklahoma, this 23rd day of May, 1960.

NOBLE C. HOOD, CLERK

By 
Ben B. Hallenger
Deputy

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

MAY 26 1960

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

UNITED STATES OF AMERICA,

Plaintiff,

-VS-

115.71 ACRES OF LAND, MORE
OR LESS, SITUATE IN CREEK
AND PAWNEE COUNTIES, OKLA-
HOMA, AND CARRIE SHAEFFER,
ET AL., AND UNKNOWN OWNERS,

Defendants.

No. 4616 CIVIL

JUDGMENT ON STIPULATION

Now on this 26 day of May 1960, the United States of America, plaintiff herein, and Carrie Schaeffer stipulate and agree as to the just compensation which said defendant is entitled to receive as the true owner of real estate involved in this proceeding and designated as Tract B-242. The parties stipulate and agree that said just compensation is in the total amount of \$3,100.00 with the right of the said defendant to remove the improvements on the tract. The court finds that said agreement should be approved and judgment entered thereon.

The court further finds that upon filing of Declaration of Taking herein the United States of America deposited \$3,000.00 as estimated just compensation and that the agreement herein fixes the just compensation at \$3,100.00 with the right to remove improvements from said tract. There exists a deficiency of \$100.00.

The court finds that the United States of America has and had the right to acquire by these condemnation proceedings, the real estate involved in said proceeding, designated as Tract No. B-242 and particularly described in the Declaration of Taking and that the estate taken by the United States is the fee simple title thereto.

The court further finds that such just compensation of said real estate, as fixed herein is determined and fixed as of the date of filing the Declaration of Taking herein and that the right to receive just compensation vested in the defendant named herein upon said date.

Title to said lands vested in the United States upon filing of Declaration of Taking herein and the amount of \$3,100.00 with the right to remove improvements is the just compensation for the land.

It is therefore ordered, adjudged and decreed that the agreement fixing just compensation herein as above set out is approved.

It is further ordered, adjudged and decreed and deficiency judgment is hereby entered against the United States in favor of said defendant in the total sum of \$ 100.00 and the United States is ordered to pay into the registry of this court, the said deficiency of \$100.00 without interest and upon such payment the United States of America shall have discharged all liability for the payment of just compensation for real estate involved in this proceeding, designated as Tract No. 10212.

B. Z. Savage
JUDGE, U. S. DISTRICT COURT

OK

151 Perry A. Krohn
Assistant United States District Attorney

OK

(S) Curtis P. Harris
CURTIS P. HARRIS
Attorney for Said Defendant

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

MAY 27 1960

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

United States of America,)
)
Plaintiff,)
)
vs.)
)
1,947.87 Acres of Land, More or Less,)
Situat e in Rogers County, Oklahoma,)
and Frank R. Moree, et al, and Unknown)
Owners,)
)
Defendants.)

Civil Action No. 4287

J U D G M E N T

(As to Tract No. B-241)

I

NOW, on this 27th day of May, 1960, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Report of Commissioners filed herein on March 25, 1960, and the Court after having examined the files in this action and being advised by counsel for the plaintiff finds that:

II

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

III

This Judgment applies only to Tract No. B-241, as such tract is described in the Complaint filed herein.

IV

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 subject tract.

V

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 7, 1957, 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.

VI

On August 7, 1957, there was deposited in the Registry of this Court as estimated compensation for the taking of the lands described in Schedule

"A" of the Complaint filed herein certain sums of money and certain portions of these deposits have been disbursed as set out in paragraph XI below.

VII

The Report of Commissioners filed herein on March 25, 1960 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 Tract No. B-241 as fixed by the Commission and now adopted by the court is set out in Paragraph XI below.

VIII

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 XI below.

IX

The persons named in Paragraph XI 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.

X

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 tract 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.

XI

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 March 25, 1960 is hereby confirmed and the sums therein fixed are adopted as just compensation for Tract No. B-241, as shown by the following schedule:

TRACT B-241

Owners:

Surface: Raymond L. Hendricks and Melvin Hendricks, his wife.

Minerals: Raymond L. Hendricks and Melvin Hendricks, his wife, own an undivided 1/2 interest in minerals. Aurelia Parks and Graeme Gordon Parks own an undivided 1/2 interest in minerals.

AWARD

Compensation Fixed by Commission:

Surface: - - - - - \$600.00
Minerals: - - - - - -\$100.00
Total Compensation Approved by the Court- - - - - \$700.00

Deposited as Estimated Compensation:

Surface: - - - - - \$526.00
Minerals: - - - - - None
Total Deposit - - - - - -\$526.00

Deposit Deficiency:

Surface: - - - - - \$ 74.00
Minerals: - - - - - \$100.00
Total Deposit Deficiency: - - - - - \$174.00

DISTRIBUTION OF AWARD

Hendricks' Share of Award:

For Surface: - - - - - \$650.00
For Minerals: - - - - - \$ 50.00
Balance due Raymond L. Hendricks and Melvin Hendricks, his wife: \$650.00

Parks' Share of Award:

Due Aurelia Parks and Graeme Gordon Parks for minerals only: \$ 50.00

XII

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 total deficiency amount shown in paragraph XI, together with interest thereon at the rate of 6% per annum from August 7, 1957 until the date of deposit of such deficiency amount into the Registry of this court. Upon deposit of such deficiency amount, the Clerk of the Court shall distribute to the owners of this tract the balances due, plus their respective portions of the interest on such deposit deficiency.

APPROVED:

151 Hubert A. Marlow
Hubert A. Marlow, First Assistant U.S. Attorney

181 Royce H. Savage
UNITED STATES DISTRICT JUDGE

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

CAROLEN B. DAVIS,
Plaintiff

Vs.

CIVIL ACTION FILE NO. 4883

CHARLES POWELL, SR. DBA
VINETA MOTOR COMPANY;
JACK BARNES; AND
MRS. E. L. TURNER, DBA
THE AUTO DEFECTIVE BUREAU,
Defendants

ORDER OF DISMISSAL

The above entitled cause being called for trial on the docket of this Court May 23, 1960, and counsel for the Plaintiff advising in open court that the Plaintiff had departed for California, without notice to either of her counsel, and counsel for the Defendants announcing ready for trial thereupon moved for dismissal of the cause with prejudice; but the Court being well advised in the premises finds that said cause should be dismissed for failure to appear and failure to prosecute on the part of the Plaintiff, and that no future action should be filed except upon payment of the allowable costs of the Defendants.

IT IS ORDERED, ADJUDGED, and DECREED that this cause of action be, and the same hereby is, dismissed; and said cause shall not be refiled or instituted again, except and until the Plaintiff pay the lawfully incurred costs of said Defendants.

W. B. Wallace
JUDGE

Approved as to form and content.

Edward Morris
Attorney for Plaintiff

Henry Kolbus
Attorney for Defendants.

FILED

MAY 26 1960

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

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

MAY 31 1960

United States of America,

Plaintiff,

vs.

971.81 Acres of Land, More or Less,
Situate in Nowata County, Oklahoma,
and Board of County Commissioners
of Nowata County, Oklahoma, et al, and
Unknown Owners,

Defendants.

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

Civil Action No. 4599

J U D G M E N T

As to Tract No. R-1801 and "B" Portion of Tract No. R-1801

On April 11, 1960, this cause, as to Tract No. R-1801 only, 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 Hubert A. Marlow, Assistant United States Attorney, for the Northern District of Oklahoma. The defendants, Eva Payne Glass, Ernest Frances Bradfield, and Julian W. Glass, Jr., appeared by their attorneys, Glenn H. Chappell and W. E. Maddux, and the defendants, William B. Yates and Sylvia Yates, appeared in person. 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 the action. This judgment applies only to Tract No. R-1801 and "B" Portion of Tract No. R-1801, as such tracts are described in Schedule "A" attached to the Complaint.

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 the subject tracts.

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 subject tracts as such tracts are particularly described in Schedule "A" attached to such Complaint. Pursuant

thereto, on December 5, 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 December 5, 1958, there was deposited in the registry of this Court as estimated compensation for the taking of the subject tracts, certain sums of money, portions of which have been disbursed as shown in paragraph XI.

V

Just compensation for the estate taken by the United States of America in Tract No. R-1801, as such tract and estate are described in the Declaration of Taking and the Complaint filed herein, is \$2,000.00.

VI

A deficiency exists between the amounts deposited as estimated compensation and the amount fixed herein as the award of just compensation for Tract No. R-1801. Such deficiency is set out in paragraph XI below.

VII

William B. Yates and Sylvia Yates, defendant owners of "B" Portion of Tract No. R-1801 and the United States of America have executed and filed herein, a stipulation wherein it is agreed that just compensation for such "B" Portion of Tract No. R-1801 is \$416.00, and such stipulation should be approved.

VIII

The persons named in paragraph XI 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, Tract No. R-1801 and "B" Portion of Tract No. R-1801, 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, as of December 5, 1958, and all defendants herein and all other persons interested in such tracts are forever barred from asserting any claim thereto.

X

It Is Further ORDERED, ADJUDGED AND DECREED, that on the date of taking, the owners of the estates condemned herein in the subject tracts were the persons whose names appear below in paragraph XI, and the right to just compensation for the respective estates in these tracts is vested in the parties so named, as their respective interests appear therein.

XI

It Is Further ORDERED, ADJUDGED AND DECREED that the stipulation referred to in paragraph VII above is hereby confirmed and the sum therein fixed is adopted as just compensation for the estate condemned in "B" Portion of Tract No. R-1801, and that the sum of \$2,000.00 is hereby adopted as the award of just compensation for the estate herein taken in Tract No. R-1801 all as set out in the following schedule, to-wit:

Tract No. R-1801

Owners:

Lot 3, otherwise described as the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 30, T. 26 N., R. 17 E., containing approximately 40 acres was owned by Eva Payne Glass, Ernest Frances Bradfield and Julian W. Glass, Jr.

Lot 4, otherwise described as the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 30, and also the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 30, all in Township 26 N., R. 16 E., consisting in all of approximately 60 acres was owned by

William B. Yates, and Sylvia Yates.

Court's Award of Just Compensation	\$2,000.00
Deposited as Estimated Compensation	<u>1.00</u>
Deposit Deficiency	\$1,999.00

Distribution of Award

Due to Eva Payne Glass, Ernest Frances Bradfield, and Julian W. Glass	\$800.00
Due to William B. Yates and Sylvia Yates	<u>\$1,200.00</u>

"B" Portion of Tract No. R-1801

Owners: William B. Yates and Sylvia Yates

Award of Just Compensation (Approved Stipulation)	\$416.00
Deposited as Estimated Compensation	<u>\$416.00</u>
Disbursed to owners by Order, April 3, 1959	<u><u>\$416.00</u></u>

XII

It Is Further ORDERED; ADJUDGED AND DECREED that the United States of America, shall pay into the Registry of this Court for the benefit of the named owners the deficiency amount of \$1,999.00, together with interest thereon at the rate of 6% per annum from December 5, 1958, until the date of deposit of such deficiency amount together with interest. Upon deposit of this sum the Clerk of this Court shall distribute to the owners the amounts due as shown in paragraph XI plus their respective shares of the interest on the deposit deficiency.

18/ F. H. George
UNITED STATES DISTRICT JUDGE

APPROVED:

18/ Hubert A. Marlow
Hubert A. Marlow
Assistant U. S. Attorney

18/ Chappell & Maddux
Attorney for Defendants

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

STANDARD INSURANCE COMPANY)
an Oklahoma corporation,)
Plaintiff,)
vs.)
HANOVER INSURANCE COMPANY)
a foreign insurance corporation,)
Defendant.)

No. 4777-Civil

FILED

JUN -1 1960

JOURNAL ENTRY

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

Now, on this 29th day of April, 1960, the above cause having previously been submitted on the evidence, and having been placed on the docket for final argument and decision, plaintiff being present by its attorneys, Rucker, Tabor & Cox, and Jack M. Thomas, and defendant being present by its attorneys, Butler, Rinehart & Morrison, the court being fully advised, finds the issue in favor of defendant, and against plaintiff, as more fully appears from Findings of Fact and Conclusions of Law filed herewith and made a part of the journal entry.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment be had for the defendant, effective on the filing of the journal entry.

R. N. Savage

Judge

O.K.

John Charles Smith

Attorneys for Plaintiff

O.K.:

David J. Morrison

Attorneys for Defendant

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUN - 2 1960

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

United States of America,)
)
Plaintiff,)
)
vs.)
)
775.34 Acres of Land, More or Less,)
Situat in Nowata and Rogers Counties,)
Oklahoma, and A. E. Rader, et al, and)
Unknown Owners,)
)
Defendants.)

Civil Action No. 4625

J U D G M E N T

As to Tracts Nos. C-318, Part of C-321,
K-1128, K-1154, K-1184, L-1222, L-1222E-1,
L-1222E-3, L-1222E-4 and L-1273

Now on this 2nd day of June, 1960, this matter comes
on for disposition on application of the plaintiff, United States of
America, for entry of Judgment on option contracts and stipulations agree-
ing upon just compensation, and the court, after having examined the
files in this action and being advised by counsel for plaintiff finds:

II

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

III

This judgment applies only to the estates condemned in Tracts
Nos. C-318, K-1128, K-1154, K-1184, L-1222, L-1222E-1, L-1222E-3, L-1222E-4,
L-1273 and in an undivided 1/2 interest in the mineral estate under that
portion of Tract No. C-321 which is situated in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ and
the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 22, Township 23 North, Range 16 East, as
such estates and tracts are described in the Declaration of Taking filed
herein.

IV

Service of Process has been perfected either personally or by
publication notice as provided by Rule 71 A of the Federal Rules of Civil
Procedure on all parties defendant in this cause who are interested in
the tracts named in Paragraph III above.

V

The Acts of Congress set out in Paragraph 2 of the Complaint
herein give the United States of America the right, power and authority to

condemn for public use the land described in Paragraph III herein. Pursuant thereto, on January 28, 1959, the United States of America has filed its Declaration of Taking of such described property and title thereto should be vested in the United States of America.

VI

On January 28, 1959 there was deposited in the Registry of this court as estimated compensation for the taking of certain estates in the tracts named in paragraph III herein, certain sums of money, and certain portions of these deposits have been disbursed as set out in Paragraph XI below.

VII

On the date of taking in this action, the owners of the estates taken in the tracts named in Paragraph III herein, as such estates and tracts are particularly described in the Complaint herein, were the persons whose names are shown in Paragraph XI below, and the interest each owner had in the respective tracts is set out following his or her name. Such named defendants are the only persons asserting any interest in the estates taken in such tracts, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the estates taken in these tracts.

VIII

The owners of each of the subject tracts have each and all executed, with the United States of America, either contracts of Option for The Purchase of Land or Stipulations as to Just Compensation filed herein, wherein they have agreed that just compensation for the estates condemned in such tracts is in the amounts shown as compensation in Paragraph XI herein and such options and stipulations should be approved.

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 tracts named in Paragraph III herein, as such tracts are particularly described in the Complaint and Declaration of Taking filed herein; and such tracts, to the extent of the estates indicated and for the uses and purposes described in such Declaration of Taking, are condemned and title thereto is vested in the United States of America and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto.

X

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in the tracts named in Paragraph III herein, and in that portion of Tract C-321 described in Paragraph III were the persons whose names appear below in Paragraph XI, and the right to just compensation for the respective estates in these tracts is vested in the parties so named, as their respective interests appear therein.

XI

It Is Further ORDERED, ADJUDGED AND DECREED that the contracts of Option for the Purchase of Land, and the Stipulations as to Just Compensation mentioned in Paragraph VIII above are hereby confirmed and the sums therein fixed are adopted as just compensation for the estate condemned in each tract as follows:

Tract No. C-318

Owners: James Allen Cantrell, Jr. and
Doneta Jean Cantrell - entire interest.

Award of Compensation (by approved stipulation)- - \$4,000.00

Deposited as Estimated Compensation and dis-
bursed by Order of February 25, 1959 - - - - - \$3,450.00

Deposit Deficiency and balance due to owners: - - \$ 550.00

Part of Tract No. C-321

Owner: State of Oklahoma, ex rel. Commissioners of the Land Office,
owns an undivided 1/2 interest in the mineral estate under that
portion of C-321 which is situated in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of
Section 22, Township 23 North, Range 16 East.

Award of Compensation (by approved stipulation) \$ 200.00

Deposited as Estimated Compensation for benefit of
owner of this interest and balance due such owner: \$ 200.00

Tract No. K-1128

Owners: Virginia R. Parris)
 Roberta Charlene Parris) 2/21 interest

Richard Eugene Parris 2/21 interest

Mose Parris 13/21 interest

Lola Betterton 2/21 interest

Harold J. Briggs 2/21 interest

Award of Compensation (by approved options and
stipulations) - - - - - \$9,150.00 plus
title to all improvements.

Deposited as Estimated Compensation and disbursed
to above owners: - - - - - \$9,150.00

Tract No. K-1154

Owner: Richy Bright Seely - entire interest subject to mortgage held by The Claremore Federal Savings & Loan Association.

Award of Compensation (by approved stipulation):- -\$19,500.00

Deposited as Estimated Compensation and disbursed to owners: - - - - - \$17,800.00

Deposit deficiency and balance due to Richy Bright Seely - - - - - \$ 1,700.00

Tract No. K-1184

Owners: Daphne Boop 5/12 interest
Foster C. Boop 1/3 interest

Daphne Boop, legal Guardian of O. C. Boop, also known as Oliver C. Boop, Jr. 1/4 interest

Award of Compensation (by approved option)- - - \$ 5,200.00

Deposited as estimated compensation and disbursed to owners- - - - - \$ 5,200.00

Tracts Nos. L-1222, L-1222E-1, L-1222E-3, L-1222E-4

Owners: Bernard D. Taylor and Ella E. Taylor - entire interest (subject to advalorem taxes in amount of \$82.74.)

Award of Compensation (by approved option) title to all improvements. \$10,077.50 plus

Deposited as estimated compensation and disbursed to owners for these 4 tracts. \$10,077.50

Tract No. L-1273

Owners: Charles W. Mason and Ruth E. Mason.

Award of Compensation (by approved option)- - - \$ 2,000.00

Deposited as Estimated Compensation and disbursed to owners: - - - - - \$ 2,000.00

XII

It Is Further ORDERED, ADJUDGED AND DECREED, that the United States of America shall pay into the registry of this court for the benefit of the named landowners the deficiency amounts as to Tracts C-318 and K-1154 shown in Paragraph XI above. Upon deposit of these sums the clerk of this court shall distribute to the owners the amounts due as shown in such Paragraph XI. The Clerk shall disburse the balance due as to Part of Tract C-321 forthwith.

APPROVED:

S/ Roger H. Swartz
UNITED STATES DISTRICT JUDGE

Robert A. Marlow
Robert A. Marlow
First Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,

vs.

198.00 Acres of Land, More or Less,
Situate in Nowata County, Oklahoma,
and John R. Riley, et al, and
Unknown Owners,

Defendants.

Civil Action No. 4700

FILED

JUN 6 1960

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

J U D G M E N T

(As To Tract No. U-2108E)

This cause comes on for disposition on application of the plaintiff, United States of America, for entry of judgment on the stipulation of the parties on this 6th day of June, 1960. 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. U-2108E, as such tract is described in the Declaration of Taking filed herein.

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 15, 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 15, 1959, there was deposited in the Registry of this Court as estimated compensation for the taking of this tract, the total sum of \$2,500.00, and all of this deposit has been disbursed to the landowners entitled thereto.

VI

On the date of taking, title to the estate taken in this tract was vested as follows: Liberty Illingsworth and Betty Lou Illingsworth, the only heirs of Louis Illingsworth, deceased. These named defendants are the only persons asserting any interest in the estates condemned herein, all other defendants having either disclaimed or defaulted. Betty Lou Illingsworth is a minor child. Her mother, Liberty Illingsworth, has been appointed her guardian ad litem and therefore is entitled to receive the award of just compensation.

VII

The defendants named above, 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 \$2,800.00, without interest, shall be just compensation for such defendants' 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 will be created by this Judgment and a balance will be due the landowners as follows:

Stipulation as to Just Compensation		\$2,800.00
Deposit of Estimated Compensation	\$2,500.00	
Disbursed to Owners, May 2, 1960	<u>\$2,500.00</u>	<u>\$2,500.00</u>
Deposit deficiency and balance due owners		\$ 300.00

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, Tract No. U-2108E, 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 the estates so condemned in such tract are forever barred from asserting any claim thereto.

X

It Is Further ORDERED, ADJUDGED AND DECREED that the right to just compensation for the estate taken herein as such estate is described in the Declaration of Taking filed herein, is vested in Liberty Illingsworth and Betty Lou Illingsworth; 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 sum therein fixed is adopted as the award of just compensation for their interest in such tract.

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 landowners, the deficiency amount of \$300.00. Upon deposit of such deficiency, the Clerk of this Court shall disburse to Liberty Illingsworth and Liberty Illingsworth, Guardian ad Litem for Betty Lou Illingsworth, the balance of just compensation due in the amount of \$300.00.

151 Royce H. Savage
UNITED STATES DISTRICT JUDGE

APPROVED:

151 Hubert A. Marlow
HUBERT A. MARLOW
Assistant United States Attorney

~~CURTIS P. HARRIS~~
~~Attorney for the Landowners~~

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

FILED

JUN 7 1960

TRANSPORT WORKERS UNION OF AMERICA,)
AFL-CIO, LOCAL NO. 314, NORMAN L.)
WOODWARD, D. L. GASS and L. E. LACY,)
)
Plaintiffs,)

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

vs.)

CIVIL ACTION

AMERICAN AIRLINES, INC., a)
corporation, and L. J. HUNT,)
)
Defendants.)

NO. 4902

ORDER GRANTING DEFENDANTS' MOTION TO DISMISS

This matter came on to be heard on this 8th day of April, 1960, upon the defendants' Motion to Dismiss the Complaint (petition as originally filed in the State Court) on the grounds that same did not state a cause of action upon which relief could be granted.

While plaintiffs' Complaint does not directly so allege, yet it is fairly inferable from the allegations made that defendant, American Airlines, Inc., is engaged in air commerce and is a common carrier by air within the meaning of the Federal Aviation Act of 1958, Pub. L 85-726, 72 Stat. 737-806, 49 U.S.C.A. §§1301-1542, and that it and its officer and agent, the defendant L. J. Hunt, are subject in all respects to the operation of said Act. In any event, this is a matter of which the Court may take judicial notice for the purpose of the Motion. Rears Roebuck & Co. v. Metropolitan Engravers, 245 F. 2d 67 (9th Cir., 1956).

In substance, the Union in its Complaint requests that American be enjoined from continuing a "speed-up" in work requirement for the reason that such speed-up will endanger the safety of those using this airline. In addition, the Union asks that the Court enjoin American officials from taking any future disciplinary action against any of the Union employees in the enforcement of this plan for a "speed-up" in work.

If the request in the Complaint is construed as a dispute arising out of working conditions and therefore a matter of proper construction and application of the agreement between the Union and American, such dispute, under the law, is a "minor dispute", and one reviewable only by the ADJUSTMENT BOARD. Brotherhood of Railroad Trainmen, et al. v. Chicago River and Indiana Railway Company, et al. (1957), 353 U.S. 30; Brotherhood of Rail. Train. v. New York Cent. R. Co., 246 F. 2d 114; Pennsylvania Railroad Company v. Day, 79 Sup. Ct. 1322.

Moreover, if the sought relief is deemed to include the specific challenge that American management, by its "speed-up" policy is jeopardizing the safety of the air operations, such policy amounts to a "practice" or "practices" clearly within the safety authority of the FEDERAL AVIATION AGENCY, even though individual Union employees may feel individual technical skills and ratings are endangered.

In either event the "doctrine of primary jurisdiction" or "exhaustion of administrative remedies" is herein applicable and controlling in the granting of American's Motion to Dismiss. If the Complaint be construed as a matter within the authority of the Federal Aviation Agency, the Federal Aviation Act of 1958, supra, vests jurisdiction to receive, hear and determine all complaints and violations of its terms in the agencies created thereby, acting either through the Administrator or the Board, and provides procedures whereby such jurisdiction may be invoked. The whole scheme and purpose of the Act is similar to the Interstate Commerce Act regulating railroads and the Shipping Act regulating carriers by water. These Acts have given rise to what has become known as the "doctrine of primary jurisdiction", first recognized by Chief Justice White in Texas & Pacific R. Co. v. Abilene Cotton Oil Co., 204 U.S. 426, 27 S.Ct. 350, 51 L.Ed. 553. In the case of Far East Conference v. United States, et al., 72 S.Ct. 492, the Supreme Court of the United States, in an action brought originally

in the District Court of New Jersey to enjoin violations of the Sherman Law, quoted with approval the following from United States Navigation Co. v. Cunard Steamship Co., 284 U.S. 474, 52 S.Ct. 247, 76 L.Ed. 498, as follows:

"The (Shipping) act is restrictive in its operation upon some of the activities of common carriers by water, and permissive in respect of others. Their business involves questions of an exceptional character, the solution of which may call for the exercise of a high degree of expert and technical knowledge. Whether a given agreement among such carriers should be held to contravene the act may depend upon a consideration of economic relations, of facts peculiar to the business or its history, of competitive conditions in respect of the shipping of foreign countries, and of other relevant circumstances, generally unfamiliar to a judicial tribunal, but well understood by an administrative body especially trained and experienced in the intricate and technical facts and usages of the shipping trade, and with which that body, consequently, is better able to deal. Compare Chicago Board of Trade v. United States, 246 U.S. 181, 38 S.Ct. 242, 62 L.Ed. 683; United States v. Hamburg-American S. S. Line, (D.C.) 115 F. 971.

"A comparison of the enumeration of wrongs charged in the bill with the provisions of the sections of the Shipping Act above outlined conclusively shows, without going into detail, that the allegations either constitute direct and basic charges of violations of these provisions, or are so interrelated with such charges as to be, in effect, a component part of them; and the remedy is that afforded by the Shipping Act, which in that extent supersedes the anti-trust laws. Compare Knox v. Chicago & N. W. Ry. Co., supra, 240 U.S. (136) at page 132, 43 S.Ct. 47, 49, 67 L.Ed. 183. The matter therefore is within the exclusive preliminary jurisdiction of the Shipping Board. The scope and evident purpose of the Shipping Act, as in the case of the Interstate Commerce Act, are demonstrative of this conclusion. 284 U.S. 474, 485, 52 S.Ct. 247, 250."

The Court, speaking through Mr. Justice Frankfurter, then went on to say:

"The Court thus applied a principle, now firmly established, that in cases raising issues of fact not within the conventional experience of judges or cases requiring the exercise of administrative discretion, agencies created by Congress for regulating the subject matter should not be passed over. This is so even though the facts after they have been appraised by specialized competence serve as a premise for legal consequences to be judicially defined. Uniformity and consistency in the regulation of business entrusted to a particular agency are secured, and the limited functions of review

by the judiciary are more rationally exercised, by preliminary resort for ascertaining and interpreting the circumstances underlying legal issues to agencies that are better equipped than courts by specialization, by insight gained through experience, and by more flexible procedure.

"It is significant that this mode of accommodating the complementary roles of courts and administrative agencies in the enforcement of law was originally applied in a situation where the face of the statute gave the Interstate Commerce Commission and the courts concurrent jurisdiction. 'The pioneer work of Chief Justice White' in Texas & Pacific R. Co. v. Abilene Cotton Oil Co., 204 U.S. 426, 27 S.Ct. 350, 51 L.Ed. 553, as his successor characterized it, 257 U.S. 226, was one of those creative judicial labors whereby modern administrative law is being developed as part of our traditional system of law. In this case we are merely applying the philosophy which was put in memorable words by Mr. Justice (as he was then) Stone: '. . . court and agency are not to be regarded as wholly independent and unrelated instrumentalities of justice, each acting in the performance of its prescribed statutory duty without regard to the appropriate function of the other in securing the plainly indicated objects of the statute. Court and agency are the means adopted to attain the prescribed end, and so far as their duties are defined by the words of the statute, those words should be construed so as to attain that end through co-ordinated action. Neither body should repeat in this day the mistakes made by the courts of law when equity was struggling for recognition as an ameliorating system of justice; neither can rightly be regarded by the other as an alien intruder, to be tolerated if must be, but never to be encouraged or aided by the other in the attainment of the common aim.' United States v. Morgan, 307 U.S. 183, 191, 59 S.Ct. 795, 799, 83 L.Ed. 1211.

See also United States v. Western Pacific Railroad Co., 77 S.Ct. 161.

For cases recognizing primary jurisdiction in Federal Aviation Agency

cases see Adler v. Chicago and Southern Airlines, Inc., 41 F. Supp.

367; Lichten v. Eastern Airlines, 189 F. 2d 939 (2d Cir., 1951);

American Airlines v. Air Line Pilots Ass'n., 91 F. Supp. 629; Hattenburgh

v. Airline Pilots Ass'n. International, 189 F. 2d 319 (5th Cir., 1951).

WHEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED that American's Motion to Dismiss is granted and that the Complaint herein

is dismissed with costs assessed against the plaintiffs.

DATED this 1st day of June, 1960.

W. R. Wallace
W. R. Wallace
Judge, United States District Court
for the Northern District of Oklahoma

FILED

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

JUN 20 1960

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

UNITED STATES OF AMERICA,
Plaintiff,
vs.
1,402.07 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and George Rott, et al, and
Unknown Owners,
Defendants.

Civil No. 4610 ✓

J U D G M E N T
(As to Tracts Nos. O-1533 and O-1533E)

I

NOW, on this 20 day of June, 1960, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Report of Commissioners filed herein on April 19, 1960, and the Court after having examined the files in this action and being advised by counsel for the plaintiff finds that:

II

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

III

This Judgment applies only to Tracts Nos. O-1533 and O-1533E, as such tracts are described in the Complaint and Amendment to Complaint filed herein.

IV

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 subject tracts.

V

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 in Schedule "AA" attached to the amendment to such complaint. Pursuant thereto, on September 3, 1959, 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.

VI

On September 3, 1959, there was deposited in the Registry of this Court as estimated compensation for the taking of the lands described in Schedule "AA" of the amendment to the complaint filed herein certain sums of money and certain portions of these deposits have been disbursed as set out in paragraph XII below.

VII

The Report of Commissioners filed herein on April 19, 1960 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 the subject tracts as fixed by the Commission and now adopted by the court is set out in Paragraph XII below.

VIII

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

IX

The persons named in Paragraph XII as owners of subject tracts are found by the court to be the only defendants asserting any interest in the estates condemned therein, 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.

X

A Stipulation for the Exclusion of Property executed by the above named defendants and the United States of America was filed herein on December 4, 1959, whereby certain improvements situated on these tracts were excluded from the taking in this case and such stipulation should be approved.

XI

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 "AA" attached to the amendment 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 and

amendment thereto 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.

XII

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 for Exclusion of Property, referred to in paragraph X above is confirmed, and the improvements covered by such stipulation are excluded from the taking herein, and title thereto remains vested in defendant owners. The Report of Commissioners of April 19, 1960 is hereby confirmed and the sums therein fixed are adopted as just compensation for subject tracts as shown by the following schedule:

Tracts Nos. O-1533 and O-1533E

Owners:

Nadie Lee Matthews, also
 known as Nadine L. Matthews 1/3
 Elizabeth K. Dickerson 1/3
 Edna M. Eaton 1/3

Just Compensation fixed by Commission	\$76,000.00	
Less Salvage Value of Property Excluded by Stipulation	-\$4,160.00	
Deposited as Estimated Compensation	\$73,250.00	\$73,250.00
Total Cash Award Approved by Court	<u>\$71,840.00</u>	-\$71,840.00
Disbursed to Owners	<u>-\$69,090.00</u>	<u>-\$69,090.00</u>
Present Balance of Deposit	\$ 4,160.00	
Balance due Owners	<u>\$ 2,750.00</u>	<u>-\$ 2,750.00</u>
Deposit Surplus	<u>\$ 1,410.00</u>	<u>\$ 1,410.00</u>

XIII

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from the balance on hand of the deposit of estimated compensation for these tracts the Clerk of the Court forthwith shall disburse to the owners the balance due them in the sum of \$2,750.00 and shall distribute such sum as follows:

Nadie Lee Matthews - \$916.66

Elizabeth K. Dickerson \$916.67

Edna M. Eaton \$916.67

Royce H. Savage
UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow
HUBERT A. MARLOW
First Assistant U.S. Attorney

Chappell & Moller
Attorney for Landowners

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUN 20 1960

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.)

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

CIVIL NO. 4713

J U D G M E N T

(As to Tract J-1048)

This cause comes on for disposition on the stipulation of the parties on this 20 day of June, 1960. 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. J-1048, as such tract is described in the Declaration of Taking filed herein.

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 certain sums of money and certain portions of this deposit have been disbursed to the landowners entitled thereto, as set out in Paragraph XI below.

VI

On the date of filing of the Declaration of Taking in this case, title to the estates taken in the captioned tract was vested in Oscar H. Holman and Katherine A. Holman. Such named defendants are the only persons asserting any interest in the estates taken in such tract, all other persons having either disclaimed or defaulted, and such parties, being the owners of the estates taken in this tract are entitled to receive the just compensation therefor.

VII

A Stipulation for Exclusion of Property executed by the above named defendants and the United States of America was filed herein on August 18, 1959 and a second Stipulation was filed herein on February 29, 1960, whereby certain improvements situated on these tracts were excluded from the taking in this case, and such stipulations should be approved.

VIII

A Stipulation as to Just Compensation executed by the above named defendants and the United States of America was filed herein on June 17, 1960, whereby the parties agreed that the sum of \$55,000.00 without interest, and less the salvage value of the improvements referred to in Paragraph VII herein, shall be just compensation for all of 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.

IX

A deficiency in the deposit of compensation for these tracts will be created by this Judgment and a balance will be due the landowners named in Paragraph VI as set out in Paragraph XI below.

X

Is Is Therefore OFFERED, ADJUDGED, **AND** DECREED that the United States of America has the right, power and authority to condemn for public use, Tract No. J-1048, described in Schedule "A" attached to the Complaint and Declaration of Taking filed herein, and such tract, to the extent of the estates 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.

XI

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates taken herein in Tract No. J-1048 were Oscar H. Holman and Katherine A. Holman and the right to just compensation for the estates taken herein in such tract is vested in such named defendants. The Stipulations for Exclusion of Property, referred to in Paragraph VII above, is confirmed, and the improvements covered by such stipulations are excluded from the taking herein and title thereto remains vested in defendants. The Stipulation as to Just Compensation for the estate taken in the subject tract, referred to in Paragraph VIII herein, is hereby confirmed; and the award therein fixed is adopted as just compensation for the estate condemned in such tract as follows:

Just Compensation fixed by stipulation:	\$55,000.00
Less salvage value of property excluded:	
By stipulation August 18, 1959	\$265.00
By stipulation February 29, 1960	\$300.00
	\$ 565.00
Total cash award approved by Court: - - - - -	\$54,435.00
Deposited as estimated compensation: - - - - -	\$50,000.00
Deposit deficiency and balance due owners: - - -	\$ 4,435.00

XII

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 \$4,435.00. Upon deposit of such deficiency, the Clerk of this Court shall disburse to Oscar H. Holman and Katherine A. Holman the balance of just compensation due them in the amount of \$4,435.00.

Royce H. Savage
UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow
HUBERT A. MARLOW,
First Assistant U.S. Attorney

(S) *Curtis P. Harris*
CURTIS P. HARRIS

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUN 21 1960

United States of America,

Plaintiff,

vs.

Mary Demahy,

Defendant.

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

Civil No. 4840

J U D G M E N T

On this 21st day of June 1960, the above-entitled action coming on for hearing, the plaintiff, appearing by Rodney G. Buckles, Assistant United States Attorney for the Northern District of Oklahoma, and the defendant appearing not, the Court finds that defendant was duly served with summons herein more than twenty (20) days prior to this date, and having failed to appear or answer is and should be adjudged in default.

The Court further finds that all allegations of plaintiff's complaint are true. On September 29, 1953, for a valuable consideration and in accordance with provisions of the Federal Housing Administration Act, defendant executed a written promissory note in the amount of \$1,138.30 to the Farmers & Merchants State Bank. Defendant defaulted in the payments on the note, and in accordance with the provisions of the aforementioned Act, the note was assigned thereafter to plaintiff. There is now due and owing upon the note the sum of \$698.00 plus interest at the rate of six per cent (6%) from October 15, 1954, until paid.

The Court further finds that plaintiff has filed an affidavit herein stating that defendant is not in the military, or naval, service, and is not an infant, or an incompetent, which is found to be true.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED THAT this plaintiff have judgment against defendant, Mary Demahy, for the sum of \$698.00, principal, plus interest on this sum at the rate of six per cent (6%) per annum from October 15, 1954, until paid, and for its costs.

151 Royce H. Savage
United States District Judge

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUN 21 1960

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

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 Miles O. Robinsen,)
 Defendant.)

Civil No. 4866

J U D G M E N T

On this 21 day of June 1960, the above-entitled action coming on for hearing, the plaintiff, appearing by Rodney G. Buckles, Assistant United States Attorney for the Northern District of Oklahoma, and the defendant appearing not, the Court finds that defendant was duly served with summons herein more than 20 days prior to this date, and having failed to appear, or answer, is and should be adjudged in default.

The Court further finds that all allegations of plaintiff's complaint are true; that defendant is indebted to plaintiff in the amount of \$7,804.95, plus interest in the amount of \$911.77, as of February 29, 1960, plus additional interest at the rate of six per cent (6%) per annum on the principal sum of \$7,804.95 from March 1, 1960, until the date of judgment, plus additional interest on the principal sum of \$7,804.95 at the rate of six per cent (6%) from the date of judgment on the total amount of \$8,716.72, until paid.

The Court further finds that plaintiff has filed herein an affidavit stating that defendant is not in the military, or naval, service of the United States, and is not an infant, or an incompetent, which is found to be true.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED by the Court that this plaintiff have judgment against the defendant, Miles O. Robinsen, for the sum of \$8,716.72, plus interest at the rate of six per cent (6%) per annum until paid, and for its costs.

18/ Royce H. Savage
United States District Judge

FILED

UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF OKLAHOMA

JUN 22 1960

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.)

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

Civil Action No. 4622

J U D G M E N T

(As to Tracts Nos. G-729, the working interest only in the mineral estate under G-759, L-1202, L-1274 and L-1293)

NOW, on this 22nd day of June, 1960, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Report of Commissioners filed herein on April 19, 1960, and the Court after having examined the files in this action and being advised by counsel for the plaintiff finds that:

II

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

III

This Judgment applies only to Tracts Nos. G-729, the working interest only in the mineral estate under G-759, L-1202, L-1274 and L-1293, as such tracts are described in the Complaint and Declaration of Taking filed herein.

IV

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 subject tract.

V

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 in Schedule "A" attached to such Complaint. Pursuant thereto, on January 20, 1959, 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.

VI

On January 20, 1959, there was deposited in the Registry of this Court as estimated compensation for the taking of the lands described in Schedule "A" of the Complaint filed herein certain sums of money and certain portions of these deposits have been disbursed as set out in paragraph XI below.

VII

The Report of Commissioners filed herein on April 19, 1960 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 the subject tracts as fixed by the Commission and now adopted by the court is set out in Paragraph XI below.

VIII

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

IX

The persons named in Paragraph XI 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.

X

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.

XI

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 April 19, 1960, is hereby confirmed and the sums therein fixed are adopted as just compensation for subject tracts as shown by the following schedule:

Tract No. G-729

Owner: H. B. Boyd

Just Compensation fixed by Commission	\$66.50
Deposited as estimated compensation and Balance on deposit	<u>\$26.60</u>
Deposit Deficiency	\$39.90

Tract No. G-759
(Working interest only in mineral estate)

Owner: J. Lee Purdum

Just Compensation fixed by Commission	\$1,307.00	\$1,307.00
Deposited as estimated compensation For working interest only	<u>-261.22</u>	
Deposit Deficiency	\$1,045.78	
Disbursed to owner		<u>None</u>
Balance due J. Lee Purdum		<u><u>\$1,307.00</u></u>

Tract No. L-1202

Owners:

Surface

Roy M. Wilkinson and Dixie Wilkinson	4/15
Clara M. Wilkinson	5/15
John F. Wilkinson	2/15
Lucille Vincent	2/15
Maude Ann Blecha	2/15

(Interest of Roy W. Wilkinson and Dixie Wilkinson was subject to a mortgage in amount of \$3,000.00, held by Edith Ann Wilkinson individually and as guardian of Jane Ann Wilkinson, a minor.)

Minerals

120 Acres of L-1202 described as $W\frac{1}{2}$ of $SE\frac{1}{4}$ and $SE\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 35, Township 25 N., Range 16 E., is owned as follows:

Roy W. Wilkinson and Dixie Wilkinson	2/15
Clara M. Wilkinson	7/15

John F. Wilkinson 2/15
 Lucille Vincent 2/15
 Maude Ann Blecha 2/15

80 acres of L-1202 described as E $\frac{1}{2}$ of SE $\frac{1}{4}$ of
 Section 35, Township 25 N., Range 16 E., is owned
 by the following persons:

Joseph P. Kennedy
 Bernice Slick Urschel
 C. F. Urschel
 Arthur A. Seeligson
 Tom B. Slick, Jr.
 Betty Slick
 Earl Slick
 Transwestern Oil Co.
 Aberdeen Petroleum Corporation
 Raymond F. Kravis
 Transwestern Royalty Company
 Betty Slick Moorman

A W A R D

Just Compensation fixed by Commission:

Surface - - - - -	\$12,000.00
Minerals - - - - -	\$2,500.00
Total Award - - - - -	<u>\$14,500.00</u>

Deposited as Estimated Compensation:

Surface - - - - -	\$11,775.00
Minerals - - - - -	\$ 400.00
Total Deposit - - - - -	\$12,175.00

Deposit Deficiency:

Surface - - - - -	<u>\$ 225.00</u>
Minerals - - - - -	<u>\$ 2,100.00</u>
Total Deposit Deficiency - - - - -	<u>\$ 2,325.00</u>

DISTRIBUTION AND DISBURSAL OF AWARD

I.
 Roy Wilkinson and Dixie Wilkinson share of award:

For Surface - - - - -	\$ 3,200.00
For Minerals - - - - -	<u>\$ 200.00</u>
Total - - - - -	\$ 3,400.00 \$ 3,400.00

Disbursed Aug. 21, 1959:

To Edith Ann Wilkinson (on mortgage) - - - - -	\$ 3,000.00	
To Roy Wilkinson and Dixie Wilkinson - - - - -	<u>140.00</u>	
Total - - - - -		<u>\$ 3,140.00</u>
Balance due Roy Wilkinson and Dixie Wilkinson - - - - -	\$ 260.00	

Clara M. Wilkinson share of award:

For Surface - - - - -	\$ 4,000.00	
For Minerals - - - - -	<u>700.00</u>	
Total - - - - -	\$ 4,700.00	\$ 4,700.00
Disbursed	<u>None</u>	
Balance due Clara M. Wilkinson - - - - -	\$ 4,700.00	

John F. Wilkinson share of award:

For Surface - - - - -	\$ 1,600.00	
For Minerals - - - - -	<u>\$ 200.00</u>	
Total - - - - -	\$ 1,800.00	\$ 1,800.00
Disbursed	None	
Balance due to John F. Wilkinson - - - - -	\$ 1,800.00	

Lucille Vincent share of award:

For Surface - - - - -	\$ 1,600.00	
For Minerals - - - - -	<u>200.00</u>	
Total - - - - -	\$ 1,800.00	\$ 1,800.00
Disbursed	None	
Balance due to Lucille Vincent - - - - -	\$ 1,800.00	

Maude Ann Blecha share of award:

For Surface - - - - -	\$ 1,600.00	
For Minerals - - - - -	<u>200.00</u>	
Total - - - - -	\$ 1,800.00	\$ 1,800.00
Disbursed	None	
Balance due Maude Ann Blecha	\$ 1,800.00	

II.

Share of award going to above named owners of the mineral estate under 80.00 acres described as E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Section 35, Township

25 N., Range 16 E.: - - - - - \$ 1,000.00 \$ 1,000.00

Disbursed None

Balance due above named owners - - - - - \$ 1,000.00

Total Award - - - - - \$14,500.00

Tract No. L-1274

Owner: Joe Tittsworth, Jr.

Just Compensation fixed by Commission \$ 1,800.00 \$ 1,800.00

Deposited as estimated compensation -1,600.00

Deposit Deficiency \$ 200.00

Disbursed to Owner \$ 1,600.00

Balance due to Joe Tittsworth, Jr. \$ 200.00

Tract No. L-1293

Owner: Otis Garrett

Just Compensation fixed by Commission \$ 1,000.00 \$ 1,000.00

Deposited as estimated compensation -600.00

Deposit Deficiency \$ 400.00

Disbursed to owner None

Balance due Otis Garrett \$ 1,000.00

XII

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 total of the deposit deficiency amounts shown in paragraph XI, together with interest thereon at the rate of 6% per annum from January 20, 1959, until the date of deposit of such deficiency amount into the Registry of this court. Upon deposit of such deficiency amount, the Clerk of the Court forthwith shall distribute to the owners of subject tracts the balances due, plus their respective portions of the interest on such deposit deficiency, as their interests are shown in paragraph XI above, except that the Clerk shall not disburse any sums to H.B. Boyd and to the above named owners of 80.00 acres of L-1202 described as E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 35, Township 25 North, Range 16 East, until the Clerk is advised of the correct addresses for such owners.

APPROVED:

Hubert A. Marlow
Hubert A. Marlow,

First Assistant U.S. Attorney

Rayett Savage
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE
STATE OF OKLAHOMA

FILED

JUN 23 1960

JAMES WM. BROWN, JACK E. NAIFEH,
A. D. MASON and TEE L. WEBB,

Plaintiffs,

-vs-

SOUTHWESTERN BELL TELEPHONE
COMPANY, A Corporation; R. E.
ROBINSON; and MARSHALL HAMILTON,

Defendants.

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

No. 4886

Civil

PRE-TRIAL ORDER

On this 22nd day of June, 1960, the above styled and numbered cause came on for pre-trial, and, after presentation of the issues to the Court by counsel, both for plaintiff and defendant, plaintiff moved the Court to dismiss said cause without prejudice;

IT IS THEREFORE ORDERED that plaintiffs be, and they are hereby allowed and permitted, to dismiss said cause without prejudice to any future actions they may have;

IT IS FURTHER ORDERED that plaintiffs not be required to pay any additional costs than those deposited at the time of filing this action.

15/ Roy W. Savage
JUDGE OF THE UNITED STATES DISTRICT
COURT, NORTHERN DISTRICT OF OKLAHOMA

Approved as to form:

15/ [Signature]
Attorney for Plaintiffs

15/ Jack N. Hays
Attorneys for Defendants
Gable, Gotwals, & Hays

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

William M. Thomas; Willie Bea Thomas,
individuals; and Thomas Construction
Company, Inc., a Corporation,

Plaintiffs,

vs.

Insured Investments, Inc., a foreign
corporation; Mortgage Investments, Inc., a
foreign corporation; Chemical Corn Exchange
Bank, a foreign corporation; and Chase
Manhattan National Bank, a foreign corporation,

Defendants.

No. 4698 Civil

FILED

JUN 24 1960

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

J U D G M E N T

Now on this the 21st day of June, 1960, plaintiffs appeared by their counsel of record, Joe Francis. The defendants Insured Investment, Inc., and Mortgage Investments, Inc., appeared by their counsel, George P. Striplin, and the defendant Chase Manhattan National Bank appeared by its attorney, R. D. Hudson. The defendant Chemical Corn Exchange Bank heretofore filed its disclaimer in this cause. The parties stipulate in open court that:

- 1) There was no fraud on the part of any of the defendants;
- 2) The deeds referred to in the complaint were regularly and duly executed and delivered;
- 3) The controversy between plaintiffs and the two defendant banks have been compromised and settled and said banks have no further interest in the property involved in this law suit;
- 4) Plaintiffs have no right, title or interest in the property involved in this law suit and the title of Mortgage Investments, Inc., to said property shall be quieted as against all other parties to this law suit.

Said facts having been so stipulated,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that
William M. Thomas, Willie Bea Thomas, Thomas Construction Company, Inc.,

Insured Investments, Inc., Chemical Corn Exchange Bank, a Corporation,
and Chase Manhattan National Bank, a Corporation, have no right, title or
interest in the following described property, to-wit:

Lot One (1), Block One (1), in Friendly Homes
Addition to the City of Tulsa, County of Tulsa,
State of Oklahoma, according to the recorded
plat thereof; and

Lot Eleven (11), Block Ten (10), of Block 9, 10,
11 and 12, LeCrons's Lasy "L" Addition in Tulsa,
Tulsa County, State of Oklahoma, according to the
recorded plat thereof; and

Lot Five (5), Block Four (4), Don Lee Addition to
the City of Tulsa, Tulsa County, State of Oklahoma,
according to the recorded plat thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that
Mortgage Investments, Inc., a Corporation, is the owner, in fee simple, of the
above described property, and the said William M. Thomas, Willie Bea Thomas,
Thomas Construction Company, Inc., a Corporation, Insured Investments, Inc.,
a Corporation, Chemical Corn Exchange Bank, a Corporation, and Chase Man-
hattan National Bank, a Corporation, are permanently enjoined from asserting
any claim, right, title or interest in the above described property.

15/ Royce H. Saunz
U. S. District Judge

Approved as to form:

W. H. ...
Attorney for Chase Manhattan
National Bank

Geo. P. ...
Attorney for Mortgage Investments, Inc.,

15/ Joe Francis
Attorney for Plaintiff

FILED
IN OPEN COURT

JUN 29 1960

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

United States of America,

Plaintiff,

vs.

Civil No. 4760

Brecksides Development Co., Inc.,
and W. H. Calderwood,

Defendants.

DEFICIENCY JUDGMENT

Now, on this 29th day of June 1960, there coming on for hearing the motion of the plaintiff herein for leave to enter a deficiency judgment, which motion was filed on June 20, 1960, and duly served upon Irvin Ungerman, Attorney for Brecksides Development Co., Inc., a corporation, a defendant herein,

The Court upon consideration of such motion and the evidence produced in open court, finds that the fair and reasonable market value of the mortgaged premises, as of the date of the Marshal's sale herein, to-wit, the 17th day of May 1960, was \$240,000. The Court further finds that the aggregate amount of the judgment rendered herein, together with interest and costs, as of the date of sale, was \$302,870.91, and the plaintiff is accordingly entitled to a deficiency judgment against the defendant, Brecksides Development Co., Inc., a corporation, for such amount, less the market value of the property in the sum of \$240,000, as above determined, to-wit, in the sum of \$62,870.91.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED BY the Court that the plaintiff, United States of America, have and recover from the defendant, Brecksides Development Co., Inc., a corporation, a deficiency judgment in the amount of \$62,870.91.

Approved as to Form:

Irvin E. Ungerman
Irvin E. Ungerman
Attorney for Defendant
Brecksides Development Co., Inc.

Royce H. Savage
United States District Judge

Kodney G. Buckler
Kodney G. Buckler
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUN 29 1960

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

United States of America,)
)
Plaintiff,)
)
vs.)
)
Breeside Devealepment Co., Inc.,)
and W. H. Calderwood,)
)
Defendants.)

Civil No. 4760

ORDER CONFIRMING MARSHAL'S SALE

Now, on this 29th day of June 1960, 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 17th day of May 1960, under an order of sale issued in this cause out of the office of the Court Clerk for the U. S. District Court for the Northern District of Oklahoma, dated March 29, 1960, of the following described property, 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 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 Tulsa Daily Legal News, a newspaper published and of general circulation in the County of Tulsa, State of Oklahoma, as shown by the proof of publication on file herein, and that on the day fixed therein, the 17th day of May 1960, the above-described property was sold to the Federal Housing Administration, it being the highest and best bidder therefor.

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

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED by the Court that this Marshal's sale and all proceedings under the order of sale issued 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 premises so sold.

15/ Royce W. Savage

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

ELIZABETH M. PRESTON,

Plaintiff,

vs.

MOORLANE EMPLOYEES TRUST, SAVINGS &
PENSION PLAN, INC., ET AL,

Defendants.

No. 4918-C

FILED

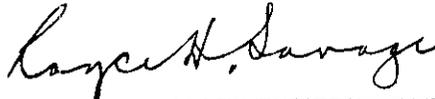
JUN 30 1960

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

ORDER OF DISMISSAL

The motion of the Defendants, Moorlane Employees Trust, Savings & Pension Plan, Inc. and Moorlane Employees Company, to dismiss this action as to said Defendants coming on for hearing this 29th day of June, 1960, pursuant to regular setting, and the court having heard the argument of counsel and being fully advised, upon consideration finds that the said motion should be sustained.

IT IS THEREFORE ORDERED that the motion of the Defendants, Moorlane Employees Trust, Savings & Pension Plan, Inc. and Moorlane Employees Company, to dismiss this action as to said parties be and the same is hereby granted and this cause is hereby dismissed as to said Defendants, Moorlane Employees Trust, Savings & Pension Plan, Inc. and Moorlane Employees Company.



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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

LIBELANT,

VS.

591 ONE-HUNDRED POUND BAGS, LABELED
IN PART "BIRDSONG STAR BRAND--
VIRGINIA PEANUTS PACKED BY BIRDSONG
STORAGE CO., INC., SUFFOLK, VA.--"
AND 114 FIFTY-POUND BAGS, LABELED
IN PART "NET WT. 50 LBS. RAW
VALENCIA PEANUTS, RAY O. HILL -
PORTALES, NEW MEXICO, MORE OR LESS,

CLAIMANT.

CIVIL No. 4956

CONSENT
DECREE OF CONDEMNATION

FILED

JUN 30 1960

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

ON THE 29TH DAY OF JUNE, 1960, A LIBEL OF INFORMATION AGAINST THE ABOVE DESCRIBED ARTICLE WAS FILED IN THIS COURT ON BEHALF OF THE UNITED STATES OF AMERICA BY THE UNITED STATES ATTORNEY IN THIS DISTRICT. THE LIBEL ALLEGES THAT THE ARTICLE PROCEEDED AGAINST IS A FOOD WHICH WAS SHIPPED IN INTERSTATE COMMERCE AND IS ADULTERATED IN VIOLATION OF THE FOOD, DRUG, AND COSMETIC ACT (21 U.S.C., 301 ET SEQ.) PURSUANT TO MONITION ISSUED BY THIS COURT, THE UNITED STATES MARSHAL FOR THIS DISTRICT SEIZED SAID ARTICLE ON THE 29TH DAY OF JUNE, 1960. CLAIMANT CONSENTS THAT A DECREE, AS PRAYED FOR IN THE LIBEL, BE ENTERED CONDEMNING THE ARTICLE UNDER SEIZURE.

THE COURT BEING FULLY ADVISED IN THE PREMISES, IT IS ON MOTION OF THE PARTIES HERETO,

ORDERED, ADJUDGED, AND DECREED THAT THE SAID ARTICLE UNDER SEIZURE IS ADULTERATED IN VIOLATION OF (21 U.S.C., 301 ET SEQ.), AND IS THEREFORE HEREBY CONDEMNED PURSUANT TO 21 U.S.C. 334(A); AND IT IS FURTHER

ORDERED, ADJUDGED, AND DECREED, PURSUANT TO 21 U.S.C. 334(A), THAT THE UNITED STATES OF AMERICA SHALL RECOVER FROM THE CLAIMANT COURT COSTS AND FEES, AND STORAGE AND OTHER PROPER EXPENSES, AS TAKED HEREIN; AND

CLAIMANT HAVING PETITIONED THIS COURT THAT THE CONDEMNED ARTICLE BE DELIVERED TO IT PURSUANT TO 21 U.S.C. 334(D), IT IS FURTHER

ORDERED, ADJUDGED, AND DECREED, THAT THE UNITED STATES MARSHAL FOR THIS DISTRICT SHALL RELEASE SAID ARTICLE FROM HIS CUSTODY TO THE CUSTODY OF CLAIMANT FOR THE PURPOSE OF RECLAMATION OF THE PEANUTS IN ACCORDANCE WITH SECTIONS 304(D) AND (E) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, IF CLAIMANT, WITHIN 20 DAYS FROM THE DATE OF THIS DECREE, (A) PAYS IN FULL

THE AFOREMENTIONED COURT COSTS AND FEES, AND STORAGE AND OTHER EXPENSES OF THE PROCEEDINGS HEREIN, AND (8) EXECUTES AND FILES WITH THE CLERK OF THIS COURT A GOOD AND SUFFICIENT PENAL BOND WITH SURETY IN THE SUM OF \$ 7500.00 APPROVED BY THE COURT, PAYABLE TO THE UNITED STATES OF AMERICA, AND CONDITIONS ON THE CLAIMANT'S ABIDING BY AND PERFORMING ALL THE TERMS AND CONDITIONS OF THIS DECREE AND SUCH FURTHER ORDERS AND DECREES AS MAY BE ENTERED IN THIS PROCEEDING; AND IT IS FURTHER

ORDERED, ADJUDGED AND DECREED, THAT:

1. AFTER THE FILING OF THE BOND IN THIS COURT, CLAIMANT SHALL GIVE WRITTEN NOTICE TO THE KANSAS CITY STATION, FOOD AND DRUG ADMINISTRATION, FEDERAL SECURITY AGENCY, 323 UNITED STATES COURTHOUSE, KANSAS CITY, MISSOURI THAT CLAIMANT IS PREPARED TO PERMIT RECLAMATION OF THE ARTICLE HEREIN UNDER THE SUPERVISION OF A DULY AUTHORIZED REPRESENTATIVE OF THE FEDERAL SECURITY ADMINISTRATOR.

2. CLAIMANT SHALL AT ALL TIMES, UNTIL THE ARTICLE HAS BEEN RELEASED BY A DULY AUTHORIZED REPRESENTATIVE OF THE FEDERAL SECURITY ADMINISTRATOR, RETAIN INTACT THE ENTIRE LOT OF GOODS COMPRISING THE ARTICLE FOR EXAMINATION OR INSPECTION BY SAID REPRESENTATIVE, AND SHALL MAINTAIN THE RECORDS OF OTHER PROOF NECESSARY TO ESTABLISH THE IDENTITY OF SAID LOT TO THE SATISFACTION OF SAID REPRESENTATIVE.

3. CLAIMANT SHALL NOT COMMENCE CONVERSION OPERATIONS UNTIL IT HAS RECEIVED AUTHORIZATION TO DO SO FROM A DULY AUTHORIZED REPRESENTATIVE OF THE FEDERAL SECURITY ADMINISTRATOR.

4. CLAIMANT SHALL AT NO TIME, AND UNDER NO CIRCUMSTANCES WHATSOEVER, SHIP, SELL, OFFER FOR SALE, OR OTHERWISE DISPOSE OF ANY PART OF SAID ARTICLE OR OF THE ARTICLE INTO WHICH IT IS CONVERTED UNTIL A DULY AUTHORIZED REPRESENTATIVE OF THE FEDERAL SECURITY ADMINISTRATOR SHALL HAVE HAD FREE ACCESS THERETO IN ORDER TO TAKE ANY SAMPLES OR MAKE ANY TESTS OR EXAMINATIONS THAT ARE DEEMED NECESSARY, AND SHALL IN WRITING HAVE RELEASED SUCH ARTICLE FOR SHIPMENT, SALE, OR OTHER DISPOSITIONS.

5. WITHIN 30 DAYS FROM THE DATE OF THE FILING OF THE BOND IN THIS COURT, CLAIMANT SHALL COMPLETE THE PROCESS OF RECLAIMING SAID ARTICLE AT ITS WAREHOUSE IN TULSA, OKLAHOMA, UNDER THE SUPERVISION OF A DULY AUTHORIZED REPRESENTATIVE OF THE FEDERAL SECURITY ADMINISTRATOR.

6. CLAIMANT SHALL ABIDE BY THE DECISIONS OF THE DULY AUTHORIZED REPRESENTATIVE OF THE FEDERAL SECURITY ADMINISTRATOR, WHICH DECISIONS SHALL BE FINAL. IF CLAIMANT BREACHES ANY CONDITIONS STATED IN THIS DECREE, OR IN ANY SUBSEQUENT DECREE OR ORDER OF THIS COURT IN THIS PROCEEDING,

CLAIMANT SHALL RETURN THE ARTICLE IMMEDIATELY TO THE UNITED STATES MARSHAL FOR THIS DISTRICT AT CLAIMANT'S EXPENSE, OR SHALL OTHERWISE DISPOSE OF IT PURSUANT TO AN ORDER OF THIS COURT.

7. CLAIMANT SHALL NOT SELL OR DISPOSE OF SAID ARTICLE OR ANY PART THEREOF IN A MANNER CONTRARY TO THE PROVISIONS OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT, OR THE LAWS OF ANY STATE OR TERRITORY (AS DEFINED IN SAID ACT) IN WHICH IT IS SOLD OR DISPOSED OF.

8. CLAIMANT SHALL COMPENSATE THE UNITED STATES OF AMERICA FOR COST OF SUPERVISION AT THE RATE OF \$ 6.00 PER HOUR PER REPRESENTATIVE FOR EACH DAY ACTUALLY EMPLOYED IN THE EMPLOYED IN THE SUPERVISION OF THE RECLAMATION PROCESS, AS SALARY OR WAGE; WHERE LABORATORY WORK IS NECESSARY, AT THE RATE OF \$ 17.00 PER HOUR PER PERSON FOR SUCH LABORATORY WORK; WHERE SUBSISTENCE EXPENSES ARE INCURRED, AT THE RATE OF \$12.00 PER DAY PER PERSON FOR SUCH SUBSISTENCE EXPENSES. CLAIMANT SHALL ALSO COMPENSATE THE UNITED STATES OF AMERICA FOR NECESSARY TRAVELING EXPENSES AND FOR ANY OTHER NECESSARY EXPENSES WHICH MAY BE INCURRED IN CONNECTION WITH THE SUPERVISORY RESPONSIBILITIES OF THE FEDERAL SECURITY ADMINISTRATOR.

9. IF REQUESTED BY A DULY AUTHORIZED REPRESENTATIVE OF THE FEDERAL SECURITY ADMINISTRATOR, CLAIMANT SHALL FURNISH TO SAID REPRESENTATIVE DUPLICATE COPIES OF DISPOSITION AS THE REPRESENTATIVE MAY REQUEST.

THE UNITED STATES ATTORNEY FOR THIS DISTRICT, ON BEING ADVISED BY A DULY AUTHORIZED REPRESENTATIVE OF THE FEDERAL SECURITY ADMINISTRATOR THAT THE CONDITIONS OF THIS DECREE HAVE BEEN PERFORMED, SHALL TRANSMIT SUCH INFORMATION TO THE CLERK OF THIS COURT, WHEREUPON THE BOND GIVEN IN THIS PROCEEDING SHALL BE CANCELED AND DISCHARGED; AND IT IS FURTHER

ORDERED, ADJUDGED, AND DECREED THAT IF CLAIMANT DOES NOT AVAIL ITSELF OF THE OPPORTUNITY TO REPOSSESS THE CONDEMNED ARTICLE IN THE MANNER AFORESAID, THE UNITED STATES MARSHAL FOR THIS DISTRICT SHALL RETAIN CUSTODY OF THE ARTICLE PENDING THE ISSUANCE OF AN ORDER BY THIS COURT REGARDING ITS DISPOSITION; AND IT IS FURTHER

ORDERED, ADJUDGED, AND DECREED THAT THIS COURT EXPRESSLY RETAINS JURISDICTION TO ISSUE SUCH FURTHER DECREES AND ORDERS AS MAY BE

NECESSARY TO THE PROPER DISPOSITION OF THIS PROCEEDING, AND THAT SHOULD THE CLAIMANT FAIL TO ABIDE BY AND PERFORM ALL THE TERMS AND CONDITIONS OF THIS DECREE, OR OF SUCH FURTHER ORDER OR DECREE AS MAY BE ENTERED IN THIS PROCEEDING, OR OF SAID BOND, THEN THE BOND SHALL ON MOTION OF THE UNITED STATES OF AMERICA IN THIS PROCEEDING BE FORFEITED AND JUDGMENT ENTERED THEREON.

DATED AT TULSA, OKLAHOMA, THIS 30TH DAY OF JUNE, 1960

Royce H. Lawrence
UNITED STATES DISTRICT JUDGE.

WE HEREBY CONSENT TO THE ENTRY OF THE FOREGOING DECREE.

Assistant Rodney G. Buckles
UNITED STATES ATTORNEY.

Walter Logan
WALTER LOGAN
LOGAN CONCESSION SUPPLY

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

ITOLIVER PATTON,

Plaintiff

vs.

No. 4917

SOUTHWESTERN BELL TELEPHONE
COMPANY, a corporation,

Defendant.

FILED

JUL -6 1960

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

DISMISSAL WITH PREJUDICE

Comes now the Plaintiff and dismisses the above-captioned cause with prejudice to further litigation pertaining to all matters involved therein, at the cost of the defendants, and states that a compromise settlement covering all claims involved in the above-captioned cause has been made by the parties.

Itoliver Patton
Itoliver Patton

Byers & Ledbetter

By:

Attorneys for Plaintiff

ORDER OF DISMISSAL

It is ordered that this case be and it is dismissed with prejudice at cost of the defendant.

By: Roger H. Swartz
Judge.

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

FLOSSIE HANSON,)

Plaintiff,)

vs.)

SAFeway STORES, INCORPORATED,)

a corporation, JOE NEWSON, Agent)

or Manager of Safeway Store No.)

412, Utica Square, and JOHN DOE,)

agent or employee,)

Defendants.)

NO. 4949 Civil

FILED

JUL 18 1960

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

ORDER

On this TH 29 day of June, 1960, the plaintiff's motion to remand and the defendant's motion to dismiss as to the defendant, Joe Newson, came on for hearing pursuant to regular setting. Counsel for plaintiff and defendant both appeared and announced ready. The Court read the briefs filed and heard argument of counsel and concludes that the plaintiff's motion to remand should be overruled and the defendant Newson's motion to dismiss should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff's motion to remand is hereby overruled, and the defendant Newson's motion to dismiss is sustained and that the plaintiff is given fifteen (15) days to file an amended complaint.

Royce H. Savage
JUDGE

*OK as to form
Hanson vs. Elder
Att. for Pth.*

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

JUL 19 1960

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

J U D G M E N T

On May 25, 1960, this cause, as to Tract No. D-415E only, came on for trial, and the parties having waived a jury, the case was tried to the Court, before the Honorable Royce E. Savage, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney, for the Northern District of Oklahoma. The defendants, Andy Payne and Vivian S. Payne, his wife, appeared by their attorney, Warren Watkins. 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 the action. This judgment applies only to Tract No. D-415E, as such tract is described in Schedule "A" attached to the Complaint filed herein.

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 the subject tract.

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 subject tract as such tract is particularly 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 a certain estate in such described land, and title to such estate 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 the described estate in the subject tract, a certain sum of money, none of which has been disbursed, as shown in Paragraph X.

V

Just compensation for the estate taken in this case by the United States of America in both the surface and mineral interests in Tract No. D-415E is \$1,100.00.

VI

A deficiency exists between the amount deposited as estimated compensation and the amount fixed herein as the award of just compensation for Tract No. D-415E. Such deficiency is set out in Paragraph X below:

VII

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

VIII

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. D-415E, 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 August 1, 1958, and all defendants herein and all other persons interested in such tract are forever barred from asserting any claim thereto.

IX

It is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estate condemned herein in the subject tract were the persons whose names appear below in Paragraph X, and the right to just compensation for the estate condemned in this tract is vested in the parties so named.

X

It Is Further ORDERED, ADJUDGED AND DECREED that the sum of \$1,100.00 is hereby adopted as the award of just compensation for the estate herein taken in both the surface and mineral interests in Tract No. D-415E, as set out in the following schedule, to-wit:

Tract No. D-415E

Owners: Andy Payne and Vivian S. Payne

Court's Award Of Just Compensation		
For both surface and minerals - - - -	-\$1,100.00	\$1,100.00
Deposited as Estimated Compensation - - -	-\$ 350.00	
Deposit Deficiency - - - - -	\$ 750.00	
Disbursed - - - - -		<u>None</u>
Balance due to Owners: - - - - -		\$1,100.00

XI

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America, shall pay into the Registry of this Court for the benefit of the named owners the deficiency amount of \$750.00, together with interest thereon at the rate of 6% per annum from August 1, 1958, until the date of deposit of such deficiency amount together with interest. Upon deposit of this sum the Clerk of this Court shall distribute to the owners the amount due as shown in Paragraph X plus the interest on the deposit deficiency.

Royce H. Savage

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

Hubert A. Marlow
First Assistant U.S. Attorney

Warren Watkins
Attorney for Defendants

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,
vs.
775.34 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and Al E. Rader, et al,
Defendants.

Civil Action No. 4625

FILED

JUL 19 1960

J U D G M E N T

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

(As to Tracts B-236E, E-523E-1, E-523E-2,
and L-1222E-2)

On April 29, 1960, this cause, as to Tracts B-236E, E-523E-1, E-523E-2 and 2.09 acres of Tract L-1222E-2 only, 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 Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma, and the defendants appeared not. 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 the action. This judgment applies only to Tracts Nos. B-236E, E-523E-1, E-523E-2 and L-1222E-2, as such tracts are described in Schedule "A", and the plat attached to the Declaration of Taking filed herein.

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 the subject tracts.

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 subject tracts as such tracts are particularly described in Schedule "A" attached to such Complaint. Pursuant

thereto; on January 28, 1959, the United States of America has filed its Declaration of Taking of certain estates in the subject tracts and title to such estates should be vested in the United States of America.

IV

On January 28, 1959, there was deposited in the registry of this Court as estimated compensation for the taking of the described estates in the subject tracts, certain sums of money, some of which has been disbursed, as shown in paragraph XI.

V

Just compensation for the estates taken herein, by the United States of America, in Tracts B-236E, E-523E-1, E-523E-2 and in approximately 2.09 acres of Tract L-1222E-2, to-wit, that portion of such tract which is situated in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 25 North, Range 16 East, of the Indian Meridian, is in the respective amounts shown following the designation "Court's Award of Just Compensation", as such term appears under the respective tract numbers in the schedule in Paragraph XI below.

VI

A deficiency exists between the amount deposited as estimated compensation and the amount fixed herein as the award of just compensation for Tracts Nos. E-523E-1 and E-523E-2. Such deficiency is set out in Paragraph XI below.

VII

Bernard D. Taylor and Ella E. Taylor, part owners of Tract L-1222E-2, have executed with the United States of America, a contract of option for the Purchase of Land, as alleged in the Complaint herein, wherein they have agreed that just compensation for the estate condemned in such tract is \$75.00. Such contract, insofar as it applies to approximately 1.91 acres of such tract, to-wit: that portion of such tract which is situated in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 27, Township 25 North, Range 16 East, of the Indian Meridian, and with the result that just compensation for such described 1.91 acres is agreed to be \$36.00, should be approved.

VIII

The persons named in Paragraph XI 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 estates condemned herein, 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, Tracts Nos. B-236E, E-523E-1, E-523E-2 and L-1222E-2, 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, as of January 28, 1959, and all defendants herein and all other persons interested in such tracts are forever barred from asserting any claim thereto.

X

It Is Further ORDERED, ADJUDGED AND DECREED, that on the date of taking, the owners of the estates condemned herein in the subject tracts were the persons whose names appear below in Paragraph XI, and the right to just compensation for the estates condemned in these tracts is vested in the parties so named, as their respective interests appear therein.

XI

It Is Further ORDERED, ADJUDGED AND DECREED that the contract of option referred to, and as limited, in Paragraph VII above, is hereby confirmed. The sums shown below following the designation "Court's Award of Just Compensation" are adopted as the awards of just compensation for the estates condemned in the respective tracts, to-wit:

Tract No. B-236E

Owners:

Foyil School District No. I-9 and
Sequoyah School District No. I-11

Deposited as Estimated Compensation: - - - - -	\$80.00	
Court's Award of Just Compensation:		
Surface - - - - -	\$50.00	
Minerals - - - - -	No damage	
 Total Award - - - - -	\$50.00	\$50.00
 Deposit Surplus: - - - - -	\$30.00	
Disbursed: - - - - -		<u>None</u>
 Balance due to owners: - - - - -		\$50.00

Tracts Nos. E-523E-1 and E-523E-2

Owners:

Henry Clay Cochran and Sallie Pearl Mayes

Court's Award of Just Compensation: - - - - -	\$50.00	\$50.00
Deposited as estimated compensation: - - - - -	\$30.00	
Deposit Deficiency: - - - - -	\$20.00	
Disbursed: - - - - -		<u>None</u>
 Balance due to owners: - - - - -		\$50.00

Int. on \$30.00

*1.22
51.22*

XII

It Is Further ORDERED, ADJUDGED AND DECREED THAT, from the sums now on deposit in the Registry of this Court for the subject tracts the Clerk of this Court shall: (1) Distribute to the owners of Tracts B-236E and L-1222E-2 the balance due as shown in Paragraph XI above, and (2) Distribute to the owners of Tracts E-523E-1 and E-523E-2 the balance due plus interest on the deposit deficiency, as shown in Paragraph XI above, at the rate of 6% per annum from January 28, 1959 until the date of disbursal. In making such distribution, the Clerk shall use as much of the surplus as to Tract B-236E as is necessary to make up the deposit deficiency and interest as to Tracts Nos. E-523E-1 and E-523E-2.

Royce H. Savage

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
665.49 Acres of Land, More or Less,
Situat in Rogers County, Oklahoma,
and Alexander Travis Graham, et al,
and Unknown Owners,
Defendants:

CIVIL NO. 4713

FILED

JUL 19 1960

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

AMENDMENT TO JUDGMENT
(As to Tract J-1048)

Now on this 19th day of July, 1960, the Plaintiff having applied for an amendment to the Judgment as to Tract No. J-1048 filed herein on June 20, 1960, and the Court having been advised by counsel for Plaintiff finds that such Judgment was incorrect as to the balance of just compensation due to the owners of Tract No. J-1048, and that such Judgment should be amended.

It Is Therefore ORDERED, ADJUDGED AND DECREED that Paragraphs XI and XII of the Judgment (as to Tract No. J-1048) filed herein on June 20, 1960 is hereby amended to read as follows:

XI

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates taken herein in Tract No. J-1048 were Oscar H. Holman and Katherine A. Holman and the right to just compensation for the estates taken herein in such tract is vested in such named defendants. The Stipulations for Exclusion of Property, referred to in Paragraph VII above, are confirmed, and the improvements covered by such stipulations are excluded from the taking herein and title thereto remains vested in defendants. The Stipulation as to Just Compensation for the estate taken in the subject tract, referred to in Paragraph VIII herein, is hereby confirmed; and the award therein fixed is adopted as just compensation for the estate condemned in such tract as follows:

Just compensation fixed by stipulation:	\$55,000.00	
Less salvage value of property excluded:		
By stipulation August 18, 1959:	\$265.00	
By stipulation February 29, 1960:	<u>\$300.00</u>	
	\$565.00	
Total cash award approved by Court:	\$54,435.00	\$54,435.00

Deposited as estimated compensation:	<u>\$50,000.00</u>
Deposit Deficiency:	\$ 4,435.00
Disbursed to Owners August 19, 1959:	<u>\$49,735.00</u>
Balance due to Owners:	\$ 4,700.00

XII

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 \$4,435.00. Upon deposit of such deficiency, the Clerk of this Court shall disburse to Oscar H. Holman and Katherine A. Holman the balance due them in the amount of \$4,700.00.

Royce H. Savage

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow
HUBERT A. MARLOW,
First Assistant U.S. Attorney

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

GENERAL OIL AND GAS, INC.

Complainant

vs.

RALPH T. HARNDEN, et al.,

Defendants

No. 4785

FILED

JUL 18 1960

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

D E C R E E

This cause coming on to be heard on this the 18th day of July, 1960, being one of the regular court days of this court, pursuant to the terms of a stipulation of settlement heretofore entered on the 5th day of April, 1960, the latter having been executed by the Complainant herein and Ralph T. Harnden, Ralph T. Harnden dba Harnden Electronic Surveys and Harnden Oil Reserves and J. Morgan Corbett, and duly approved by the attorneys for said Complainant and the attorneys for said defendants, which said stipulation of settlement is incorporated herein by reference, as if fully set out herein and it being represented in open court by Complainant's counsel and the defendants' counsel that all of the terms and conditions of said stipulation of settlement had been met, as provided therein, and that said cause was now ready to be terminated in the manner and form provided by said stipulation of settlement, and the Court being well and truly advised in the premises and finding that it has jurisdiction of said cause and of the parties, and that a Decree should be entered in conformity with the terms of said stipulation of settlement above mentioned.

IT IS, THEREFORE, BY THE COURT, ORDERED, ADJUDGED AND DECREED that Complainant shall have and is hereby decreed to be entitled to have a judgment quieting its title in and to all of the properties described in the Complaint filed in this cause, which latter is likewise incorporated herein by reference as if fully set out herein, save and except that

certain property specifically described in said stipulation of settlement, to-wit:

Southeast Quarter of Southwest Quarter and Southwest Quarter
of Southwest Quarter of Section 15, Township 34 South, Range
20 East Labette County, Kansas

against any and all claims whatsoever on the part of the said defendants, or
any of them.

IT IS THE FURTHER ORDER, JUDGMENT AND DECREE OF
THE COURT that the defendant referred to in said stipulation simply as
Harnden shall hereafter own as his own an oil payment in the sum of One Hundred
Twenty-five Thousand (\$125,000.00) Dollars out of one-sixteenth (1/16th) of
General Oil and Gas, Inc.'s seven-eighths (7/8ths) interest in the oil produced
from any of the premises described in the Complaint in this cause, as and when
said oil shall be produced.

IT IS THE FURTHER ORDER, JUDGMENT AND DECREE OF
THE COURT that in the event General Oil and Gas Inc. shall hereafter abandon
or surrender any or all of the oil and gas leases which have been the subject
matter of this litigation it will in writing inform the said Harnden by registered
mail addressed to him at 316 Daniel Building, Tulsa, Oklahoma, thirty days
prior to its determination so to do for the purpose of permitting the said
Harnden, if he so desires, to have an assignment from from Complainant
of any of such lease or leases which have been the subject matter of this
litigation.

IT IS THE FURTHER ORDER, JUDGMENT AND DECREE OF
THE COURT that the said Ralph T. Harnden, Ralph T. Harnden dba Harnden
Electronic Surveys and Harnden Oil Reserves shall not hereafter have any
interest in and to the ten fifty thousand dollar notes heretofore executed by
General Oil and Gas Inc. and the same shall be and the same are cancelled
and held to be of no further force and effect.

IT IS THE FURTHER ORDER, JUDGMENT AND DECREE OF
THE COURT that in the event hereafter it becomes necessary for any of the
parties to this litigation to execute and deliver any instrument or instruments
intended to effectuate the letter or spirit of the stipulation of settlement and

this Decree they or any of them shall upon a written request so to do, deliver such instrument or instruments to the one requesting the same, failure to do which within a period of ten days, after the request has been made, this decree shall operate with like force and effect as had said instrument or instruments been so executed.

IT IS THE FURTHER ORDER, JUDGMENT AND DECREE OF THE COURT that the Complaint heretofore filed in this cause by General Oil and Gas, Inc. shall be and the same is hereby dismissed with prejudice.

IT IS THE FURTHER ORDER, JUDGMENT AND DECREE OF THE COURT that the counterclaim heretofore filed in this cause by Ralph T. Harnden shall be and the same is hereby dismissed with prejudice.

IT IS THE FURTHER ORDER, JUDGMENT AND DECREE OF THE COURT that the defendant J. Morgan Corbett having heretofore filed a n answer in this cause in the nature of a disclaimer of any interest in and to the properties involved in this cause, the said defendant J. Morgan Corbett is held not to be entitled to any right, title, interest, claim or equity in or to any of the premises involved in this cause.

OKED AS TO FORM:

s/ Bruce W. Savage
United States District Judge

Allen E. Barrow, T. Austin Gavin
and Geo. E. Reeves

By J. W. [Signature]
Attorneys for Complainant

Jack M. [Signature]
Henry [Signature]
Attorneys for Defendants and Counter-claimant

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

M. P. APPLEBY, JR.,

Plaintiff

vs.

KEWANEE OIL COMPANY,

Defendant

No. 4556-Civil

FILED

JUL 22 1960

JOURNAL ENTRY OF JUDGMENT

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

It appearing to the court that a judgment having been entered notwithstanding the verdict in favor of the defendant and against the plaintiff on June 23, 1959, that thereafter the United States Court of Appeals for the Tenth Circuit having issued its judgment and mandate reversing the action of the trial court and directing that judgment be entered in favor of the plaintiff and against the defendant upon the verdict in the sum of \$20,000.00;

IT IS, THEREFORE, ORDERED, that the judgment of this court in this cause of June 23, 1959, be vacated, set aside and held for naught; that the motion for judgment notwithstanding the verdict of the defendant be denied; and that judgment be and the same is hereby entered against the defendant and in favor of the plaintiff in the sum of \$20,000.00, with interest thereon at the rate of 6% per annum, from and after April 30, 1958, until fully paid and satisfied, and the costs of this action, for all of which let execution issue returnable according to law.

Dated this 22nd day of July, 1960.

124 Royce H. George
District Judge

ON AS TO FORM:

SPILLERS & SPILLERS

By 12/ G. C. Spillers, Jr.
G. C. Spillers, Jr.

Attorneys for Plaintiff

HUDSON, HUDSON, WHEATON & KYLE
and PERRY DORNAUS

By 18/ W. F. Kyle
R. D. Hudson

Attorneys for Defendant

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

LEAH K. FISHEL,

Plaintiff

vs.

HAROLD F. WESTCOTT and
THE OKLAHOMA COMPANY,
A Corporation,

Defendants

No. 4936-Civil

FILED

JUL 22 1960

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

ORDER SUSTAINING OBJECTION TO VENUE
AND TRANSFER OF CAUSE

This cause coming on for hearing before me, Royce H. Savage, Judge of the said Court, on this the 29th day of June, 1960, for hearing upon the objection of the defendants to the venue of this action in this Court and the plaintiff appearing by and through her attorneys, Spillers & Spillers, by G. C. Spillers, Jr., and the defendants appearing by and through their attorneys, Smith, Johns & Neuffer by Charles Hill Johns, and the plaintiff having conceded the motion of the defendants and the Court being fully advised in the premises, finds that the said motion and plea is well taken. Thereupon, the plaintiff, in open court, requested that this cause be transferred to the United States District Court for the Western District of Oklahoma, and the Court finds that it should be so ordered.

IT IS THEREFORE ORDERED that the plea of the defendants to the venue be and the same is hereby sustained.

IT IS THE FURTHER ORDER of this Court that this cause be and the same is hereby transferred to the United States District Court for the Western District of Oklahoma.

151 Royce H. Savage
U. S. District Judge

O K AS TO FORM:

SPILLERS & SPILLERS

By (S) G. C. Spillers, Jr.
G. C. Spillers, Jr.

Attorneys for Plaintiff

SMITH, JOHNS & NEUFFER

By (S) Charles Hill Johns
Charles Hill Johns

Attorneys for Defendants

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

KANSAS CITY INSULATION COMPANY,)

Plaintiff,)

vs.)

T. F. SCHOLLES OF ARKANSAS, INC.,)
et al.,)

Defendants.)

NO. 4905

FILED

AUG -3 1960

ORDER TRANSFERRING CAUSE TO THE UNITED STATES
DISTRICT COURT IN AND FOR THE STATE OF COLORADO

NOBLE C. HOOD
U.S. District Court

On this 2nd day of August, 1960, the motion to transfer of plaintiff, Kansas City Insulation Company, came on for hearing along with the motion to dismiss of the defendant, United States of America. The Court, after study of the brief in support of motion to transfer and deliberation, is of the opinion that justice will best be served by transferring the entire cause to the United States District Court of the State of Colorado where it could have originally been brought. The authority for the transfer is Title 28, U. S. C. A. Sections 1404 (a) and 1406 (a).

The decision of the Court to transfer the entire cause renders moot the motions to dismiss of the United States of America. The United States of America is given thirty (30) days to answer from the date this file is received by the clerk of the United States District Court of the State of Colorado.

The defendant, T. F. Scholes of Arkansas, Inc., orally requested additional time to answer the principal complaint, the intervener application of Ling Electric, Inc., and the cross claim of C. Wallace Plumbing Company, Inc. Thirty (30) days from the date the file is received by the United States District Court of Colorado, was granted by the Court.

IT IS THEREFORE ORDERED that the defendants, T. F. Scholes of Arkansas, Inc., and the United States of America, are granted thirty (30)

days from the date the file and case is received by the Clerk of the United States District Court of Colorado, to answer the principal complaint, the intervener application of Ling Electric, Inc., and the cross claim of C. Wallace Plumbing Company, Inc.

IT IS FURTHER ORDERED AND ADJUDGED that this case, in its entirety, be transferred to the United States District Court in and for the State of Colorado at Denver, Colorado, for further proceedings.

1-27 Royce H. Savage
United States District Judge

A copy of the foregoing order was this 3rd day of August, 1960, mailed Rucker, Tabor, Best, Sharp & Shepherd, Rucker Building, 6th at Frisco, Tulsa, Oklahoma; Houston, Klein & Davidson, Drew Building, Tulsa, Oklahoma; Knight & Wilburn, 811 Ritz Building, Tulsa, Oklahoma; Robert S. Risley, U. S. Attorney, Tulsa, Oklahoma; and Turner, White, Atwood, McLane & Francis and C. Sidney McClain, 1000 Mercantile Dallas Building, Dallas 1, Texas.

Thomas L. Brett

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA } SS

I HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY OF THE ORIGINAL ON FILE
IN THIS COURT.

NOBLE G. HOOD, CLERK
BY: M. M. E.
DEPUTY

trb:emb
8-3-60

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

FILED

AUG -4 1960

C. I. T. Corporation,)
)
 Plaintiff,)
)
 v.)
)
 Progress Construction Co., Inc.)
 and Frank J. Podpechan)

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

No. 4941 - Civil

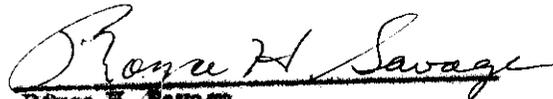
ORDER GRANTING JUDGEMENT

On motion of plaintiff for a default judgement against the defendant, Progress Construction Co., Inc., for failure to answer the Complaint herein served upon it June 9, 1960, within the time allowed by Rule 12 (a); and

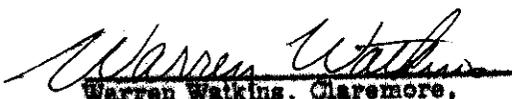
Upon motion of plaintiff for judgement on the pleadings against the defendant, Frank J. Podpechan, having come on to be heard before this Court, and it appearing to the satisfaction of the Court that the pleadings show the plaintiff is entitled to judgement under Rule 12 (c); it is

ORDERED, ADJUDGED AND DECREED that a judgement be entered in favor of plaintiff and against the defendants herein, and each of them, in the sum of \$ 15,897.11, with interest thereon at the rate of 10% per annum from August 25, 1960, together with the cost of this action.

Signed this 4th day of August, 1960.


Royce H. Savage
United States District Judge

Approved:


Warren Watkins, Claremore,
Oklahoma
Attorney for Frank J. Podpechan

Approved:


John C. Andrews, 2700 First National
Building, Oklahoma City, Oklahoma
Attorney for the Plaintiff

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

TED SMART,

Plaintiff,

vs.

WILLIAM H. RECTOR and
HAZEL R. RECTOR,

Defendants.

No. 4903

FILED

AUG 15 1960

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

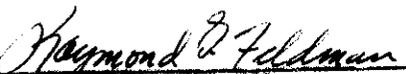
JUDGMENT

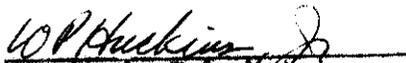
Now, on this 3rd day of August, 1960, this cause came on for hearing, the plaintiff, Ted Smart, appearing by his counsel, Raymond G. Feldman, of the law firm of Green & Feldman, and the defendants, William H. Rector and Hazel R. Rector, appearing by their counsel, William P. Huckin, Jr., and the Court having considered the evidence in this case and being fully advised in the premises, finds the issues in favor of the plaintiff, Ted Smart, and against the defendants, William H. Rector and Hazel R. Rector, in accordance with the Findings of Fact and Conclusions of Law filed herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendants, William H. Rector and Hazel R. Rector, be and they are hereby enjoined and restrained from any further proceedings in the State Court for the collection of their judgment against the plaintiff, Ted Smart, as heretofore entered in Cause No. 51389 in the Court of Common Pleas of Tulsa County, Oklahoma.


JOYCE SAVAGE
United States District Judge

OK as to form:


Attorney for Plaintiff


Attorney for Defendants

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

JOE TURNER,

Plaintiff,

vs

JOHNNY REEDER, d/b/a JOHNNY
REEDER FORD, and FORD MOTOR
COMPANY, a Foreign Corporation,

Defendants,

Civil No. 4934

FILED

AUG 17 1960

ORDER REMANDING

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

The motion of plaintiff to remand this suit to the Superior Court of Creek County, State of Oklahoma, Bristow Division, came on for hearing before the court, the Honorable Royce H. Savage, presiding, on the 2nd day of August, 1960, 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 Superior Court of Creek County, State of Oklahoma, Bristow Division.

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

Dated at Tulsa, Oklahoma, this 17th day of August, 1960.

NOBLE C. HOOD, Clerk

By M. M. Cawing
Deputy

(Seal)