

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

AUG 18 1960

MAISIE A. KLINTWORTH, WILLIAM CARL  
KLINTWORTH, and BETTY KLINTWORTH,

Plaintiffs

vs

GREAT LAKES CARBON CORPORATION and  
AETNA LIFE INSURANCE COMPANY,

Defendants.

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

No. 4912 Civil

JUDGMENT UPON AGREED STATEMENT OF FACTS

On this 17th day of August, 1960, this cause coming on for consideration, and Plaintiffs appearing by their counsel, Jerald M. Schuman and Harvey C. Carpenter, the Defendant Great Lakes Carbon Corporation appearing by its counsel, Fenelon Boesche and the Defendant Aetna Life Insurance Company appearing not, whereupon counsel for Plaintiffs and the Defendant Great Lakes Carbon Corporation stipulated and agreed to submit the cause to the Court for decision upon the pleadings and an agreed statement of facts in open Court made and the Court, upon due consideration of the pleadings, the agreed statement of facts and statement of counsel, finds that there are no issues drawn between the Defendant Aetna Life Insurance Company and the remaining parties and further finds that the Defendant Great Lakes Carbon Corporation should be afforded a reasonable time within which to conduct deeper exploratory drilling on the oil and gas lease involved herein; it is therefore,

ORDERED that the Defendant Great Lakes Carbon Corporation be and it hereby is granted thirty (30) days from this date within which to commence the drilling of a test well for oil and gas at a location selected by it on its Legus Perryman oil and gas lease covering the North Half (N/2) of the Southwest

Quarter (SW/4) and the Southwest Quarter (SW/4) of the South-  
west Quarter (SW/4) of Section 8, Township 18 North, Range 13  
East, Tulsa County, Oklahoma for the purpose of further  
evaluating the Perryman or Lower Skinner sand and endeavoring  
to find commercial oil and gas production below the Perryman  
or Lower Skinner sand and, if such test well be commenced  
within the period aforesaid, it shall be drilled with due  
diligence to completion.

The Court retains jurisdiction of this cause for the  
purpose of adjusting the equities of the parties with respect  
to the undeveloped portion of said lease, if the Court deems  
any such adjustment called for, as a result of the information  
obtained from the drilling and testing of the aforesaid test  
well or the failure of the Defendant Great Lakes Carbon Corpo-  
ration to drill the aforesaid test well within the period  
aforesaid.

  
District Judge

Approved as to form:

  
Attorney for Plaintiffs

  
Attorney for the Defendant,  
Great Lakes Carbon Corporation

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

GERALD ELLIS, JACK WHITMIRE, BILL  
HARLAN and INTERNATIONAL UNION OF  
OPERATING ENGINEERS, LOCALS 627,  
627A, 627B, 627C,

Plaintiffs,

vs.

R. L. SAUNDERS, TOM P. WINDHAM,  
A. L. EDWINSTON, HURLEY MITCHELL,  
M. A. FITZGERALD, and INTERNATIONAL  
UNION OF OPERATING ENGINEERS, AFL-CIO,

Defendants.

CIVIL ACTION

No. 4993

FILED

AUG 18 1960

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

RESTRAINING ORDER

Now on this 17th day of August, 1960, this matter having come on for hearing by agreement of counsel for the parties hereto, the plaintiffs appearing by Ungerman, Grabel, Ungerman, Leiter & Unruh and the defendants appearing by their counsel Dyer, Powers & Getcher, and the Court having considered the verified complaint of the plaintiffs on file herein and the statements of counsel in support of and in opposition to the plaintiffs' request for a restraining order, and the Court being well and sufficiently advised in the premises finds that the plaintiffs are entitled to certain temporary relief as set forth herein.

IT IS, THEREFORE, ORDERED BY THIS COURT that the defendants and each of them be and they are hereby ordered and directed to cause to be immediately deposited all moneys derived as income from the operation of the International Union of Operating Engineers, Local Unions No. 627, 627A, 627B and 627C, in the official depository of the plaintiffs' local union as previously provided for by said local union.

IT IS FURTHER ORDERED BY THIS COURT that all current operating expenses of the said local unions mentioned herein are to be paid from the official depository on checks to be signed by the authorized signatories thereon, to-wit: R. L. Walker and O. J. Whitmire,

LAW OFFICES  
UNGERMAN,  
GRABEL,  
UNGERMAN,  
LEITER &  
UNRUH

SIXTH FLOOR  
WRIGHT BUILDING  
TULSA, OKLAHOMA

IT IS FURTHER ORDERED BY THIS COURT that neither the

plaintiff, Gerald Ellis, nor the defendant, R. L. Saunders, are to be paid any sums of money whatsoever from the funds of the said local unions, defendants herein, effective as of this date and until further order of this Court.

IT IS FURTHER ORDERED BY THIS COURT that pursuant to the stipulation of counsel herein no bond is required of the plaintiffs for the enforcement of this order.

IT IS FURTHER ORDERED BY THIS COURT that a hearing on the plaintiffs' application for a temporary injunction is hereby set before the undersigned United States District Judge in the Federal Building in Tulsa, Oklahoma, on the 8th day of September, 1960, at the hour of 9:30 o'clock a.m. or as seen thereafter as counsel may be heard, and in the event the defendant International Union of Operating Engineers, AFL-CIO, or any of its agents, servants or employees ordered a new election as to any office of the plaintiff International Union of Operating Engineers, Locals No. 627, 627A, 627B or 627C then and in that event this order entered herein is entered without prejudice to the plaintiffs immediately seeking further relief.

151 Royce H. Savage  

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United States District Judge

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

HAZEL FAIR DANIELS, STEPHEN  
C. DANIELS and FAYSEMA DANIELS  
CANNON,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

Civil Action  
No. 4774

FILED

AUG 31 1960

FINDINGS OF FACT, CONCLUSIONS OF LAW

AND ORDER FOR JUDGMENT

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

This cause was duly submitted to the Court on June 28, 1960, on written and oral stipulations of fact entered into by the parties, and having fully considered the evidence as thereby presented and the arguments of counsel as set forth in their respective trial briefs heretofore filed, the Court finds, concludes and orders as follows:

Findings of Fact

1. The facts alleged in Plaintiffs' Complaint are true.
2. This action arises under the United States Internal Revenue Code, and this Court has jurisdiction under 28 U.S.C. §§ 1340 and 1346(a)(1).
3. Hazel Fair Daniels, Stephen C. Daniels and Faysena Daniels Cannon are now residents of, and at all times herein mentioned resided, within the Northern District of Oklahoma.
4. This action is brought to recover estate taxes assessed and collected for and on behalf of the Defendant by the District Director of Internal Revenue at Oklahoma City, Oklahoma, from the estate of Clarence Daniels, Osage Allottee No. 855, deceased, a full blood Osage Indian who had not been issued a certificate

of competency at the time of his death, which occurred on December 5, 1960.

5. The District Director of Internal Revenue assessed, collected and retained as estate taxes certain restricted funds belonging to the estate of Clarence Daniels as a result of the inclusion in Daniels' gross estate of a 100/201 interest in the following described property:

Lots 17 and 18 and the South 12½ feet of Lot 19 in Block 2, Tallchief Addition to the Town of Fairfax, according to the recorded plat thereof, Osage County, Oklahoma.

Said property was determined by the Internal Revenue Service to have a value for estate tax purposes of \$7,500.00, and said 100/201 interest therefore represents a value for estate tax purposes of \$8,731.00. Said property was purchased with Ten Thousand Thirty-Eight and 50/100 - Dollars (\$10,038.50) of restricted funds which were under the supervision and control of the Secretary of the Interior, and title passed to Clarence Daniels by a Warranty Deed dated September 23, 1929. Said property was owned by Clarence Daniels and was subject to the supervision and control of the Secretary of the Interior at his death. The deed by which said property was acquired contains the following provision:

"Subject to the conditions that while the title is in the grantee or his heirs, the lands herein described shall not be alienated or encumbered without the consent of the Secretary of the Interior."

A certificate stating that it was executed pursuant to Section 2 of the Act of June 20, 1936, 49 Stat. 1542 (1936), as amended by the Act of May 19, 1937, 50 Stat. 186 (1937), and purporting to designate an undivided 100/201 interest in said property as tax exempt was executed by Clarence Daniels on April 25, 1942,

approved by the Secretary of Interior on June 4, 1942, and filed for record in the office of the County Clerk of Osage County, Oklahoma, on July 15, 1942. The said property was not occupied by Clarence Daniels at the time of his death, but his former wife and children were living there. At the time of his death, Clarence Daniels was a resident of Tulsa County, Oklahoma.

6. A 160-acre tract described as the Northwest Quarter (NW/4) of Section 35, Township 29 North, Range 6 East, Osage County, Oklahoma was designated as the homestead allotment of Clarence Daniels pursuant to the Act of June 28, 1906, 34 Stat. 539 (1906), as amended, and was excluded in determining the gross estate of Clarence Daniels for Federal estate tax purposes.

7. The estate of Clarence Daniels passed as provided in his Will, which in the 7th paragraph thereof directed that the rest, residue and remainder of his estate should be divided equally between his two children, Stephen C. Daniels and Faysena Daniels (now Faysena Daniels Cannon), and his wife, Hazel Fair Daniels, Plaintiffs herein, said distribution being ordered by the County Court of Tulsa County, Oklahoma, in case No. 26,462 by a Final Decree of Distribution entered therein on July 2, 1952. The Executor of said estate has been discharged by the County Court of Tulsa County, and under the Final Decree the Plaintiffs herein are entitled to the funds, plus interest thereon, collected for and on behalf of the Defendant as a result of the inclusion of the value of the above-described 100/201 interest in said restricted property in the determination of the taxable estate of Clarence Daniels.

8. T. B. Hall and his successor in office, R. G. Fister, as Superintendents of the Osage Agency, were the duly authorized representatives of the Secretary of the interior and through

proper delegation of authority by the Secretary of the Interior were charged with the duty under the Act of June 24, 1938, 52 Stat. 1034 (1938), of paying all the taxes due from the accounts of restricted Osage Indians. The Superintendent of the Osage Agency consistently claimed \$3,731.00 of the value of the above-described property as non-taxable.

9. All of the estate taxes asserted to be due from the estate of Clarence Daniels were paid on or about March 23, 1952, and a claim for refund of estate taxes in the amount of \$1,059.61 was filed with the District Director of Internal Revenue in Oklahoma City, Oklahoma, on or about April 15, 1953. This claim for refund was based upon the contention made herein, i.e., that the purchased property designated as tax-exempt pursuant to the Act of June 20, 1936, 49 Stat. 1542 (1936), as amended by the Act of May 19, 1937, 50 Stat. 188 (1937), 25 U.S.C. Sec. 412(a) (1952), should not have been included in determining Clarence Daniels' estate for Federal estate tax purposes. By letter of January 14, 1955, the District Director of Internal Revenue advised that the claim for refund had been tentatively disallowed and granted thirty (30) days within which to file a protest against disallowance. By letter of February 1, 1955, the time within which a protest to the disallowance of the claim could be filed was extended sixty (60) days from February 14, 1955, and a protest was filed on or before April 14, 1955. By letter of September 13, 1955, statutory notice was given of the disallowance of the claim for refund. Under the authority of 26 U.S.C. § 6532 (a)(9), an agreement extending the period within which an action could be filed with respect to this matter from September 13, 1957, to September 13, 1958, was executed by the Acting District Director of Internal Revenue in Oklahoma City, Oklahoma, for the

Commissioner of Internal Revenue on August 29, 1957, and a further extension to September 13, 1959, was effected by a similar agreement executed by the District Director of Internal Revenue on behalf of the Commissioner on September 12, 1958. This action was commenced on September 4, 1959.

10. The amount of the estate taxes resulting from the inclusion of the designated homestead property described above owned by Clarence Daniels at his death is \$1,059.61.

11. Since the estate taxes in dispute here were paid by the Superintendent of the Osage Agency, acting as the duly authorized representative of the Secretary of the Interior, pursuant to the Act of June 24, 1938, 52 Stat. 1034 (1938), the estate tax refund and interest thereon for which judgment is rendered herein should be paid to such Superintendent of the Osage Agency for redistribution to Plaintiffs.

#### Conclusions of Law

1. This action arises under the United States Internal Revenue Code, and this Court has jurisdiction under 28 U.S.C. §§ 1340 and 1346(a)(1).

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

3. Although an Osage Indian may already be the owner of a tract of tax-exempt land allotted under the Osage Allotment Act of June 28, 1906, Sec. 2 (fourth), 34 Stat. 539 (1906), he is nevertheless entitled to designate either agricultural and grazing lands, not exceeding a total of 160 acres, or village, town or city property, not exceeding in cost \$5,000.00, as tax-exempt under the Act of June 20, 1936, Sec. 2, 49 Stat. 1542 (1936), as amended by the Act of May 19, 1937, Sec. 2, 50 Stat. 186 (1937), 25 U.S.C. Sec. 412(a)(1952). This was decided by

this Court with respect to the Act of June 20, 1936, in United States v. Board of Commissioners of Osage County, 26 F. Supp. 270 (N.D. Okla. 1939), and with respect to the Act of June 20, 1936, as amended by the Act of May 19, 1937, in two unreported cases entitled United States v. Board of County Commissioners of Osage County, Nos. Civil 991 and 1163, N.D. Okla., June 8, 1944, which were affirmed by the Court of Appeals par curiam, 145 F.2d 1022 (10th Cir. 1944).

The correctness of these decisions is reflected by the decisions of the United States Supreme Court in Board of County Commissioners of Creek County v. Seber, 318 U.S. 705 (1943), where it was held that a restricted Creek Indian who already owned tax-exempt allotted land was nevertheless entitled to the benefits conferred by the Act of June 20, 1936. The Court of Appeals for the Tenth Circuit had already reached the same result prior to the decision in the Seber case in Muskogee County v. United States, 133 F.2d 61 (10th Cir. 1943), cert. denied as untimely filed, 319 U.S. 745 (1943), where the Court held, interpreting the 1936 Act as amended by the 1937 Act, that an Indian was entitled to designate lands as tax-exempt under the 1937 Act, even though that Indian already owned a tax-exempt homestead. The same principle was reaffirmed in United States v. Board of Commissioners of McIntosh County, 62 F. Supp. 671, 673n.5 (E.D. Okla. 1945).

4. If real property owned by an Osage Indian enjoys a statutory exemption from so-called "direct" taxation, it is not includible in his taxable estate for Federal estate tax purposes. Although it was pointed out by the Supreme Court in United States Trust Co. v. Helvering, 307 U.S. 57 (1939), that property enjoying an exemption from direct taxation may nevertheless be subject to the

Federal estate tax, since the latter tax is an "excise" tax imposed on the transfer of property, rather than on the property itself, in the case of Oklahoma Tax Commission v. United States, 319 U.S. 598 (1943), it was held that Indian lands exempted from direct taxation by Congressional enactment are also thereby exempted from State estate taxes. The Court specifically stated that the principle announced in United States Trust Co. v. Helvering, 307 U.S. 57 (1939), does not apply to Indian lands expressly exempted from taxation. (319 U.S. at 610-11).

Following the principles thereby enunciated in Oklahoma Tax Commission v. United States, 319 U.S. 598 (1943), it was held in Landman v. United States, 103 Ct. Cl. 199, 58 F. Supp. 836 (1945), and Landman v. United States, 109 Ct.Cl.1, 71 F. Supp. 640 (1947), cert. denied, 322 U.S.815 (1947), that Indian lands enjoying a Federal statutory tax exemption are not subject to inclusion in an Indian's estate for Federal estate tax purposes. Cf. West v. Oklahoma Tax Commission, 334 U.S. 717, 727-28 (1948) (dictum).

5. Insofar as Rev. Rul. 55-418, 1955-1 Cum. Bull. 445 holds that if an Indian is possessed of a tax-exempt allotment under the Osage Allotment Act of 1906, then a tract of land designated under the Act of 1936, as amended by the Act of 1937, is includible in his gross estate for Federal estate tax purposes, this is an erroneous interpretation of the applicable law.

6. The Plaintiffs are entitled to recover from the Defendant the sum of \$1,059.61, with interest thereon as provided by law at the rate of six percent (6%) per annum to a date preceding the date of the refund check by not more than thirty days, such date to be determined by the Commissioner of Internal Revenue.

7. Payment of the amount refunded with interest thereon

as provided by law is to be made to the Superintendent of the Osage Indian Agency for redistribution to the Plaintiffs herein.

ORDER FOR JUDGMENT

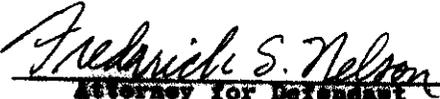
WHEREFORE, it is considered by this Court that the Plaintiffs have judgment against the Defendant for the sum of \$1,059.61, with interest thereon as provided by law at the rate of six percent (6%) per annum to a date preceding the date of the refund check by not more than thirty (30) days, such date to be determined by the Commissioner of Internal Revenue, and the payment of such amount and interest is to be made to the Superintendent of the Osage Indian Agency for redistribution to Plaintiffs herein.

DATED this 28th day of June, 1960.

  
District Judge

APPROVED AS TO FORM:

  
Attorney for Plaintiffs

  
Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
Plaintiff,

vs.

934.39 Acres of Land, More or Less,  
Situate in Rogers County, Oklahoma,  
and C. H. Dennis, et al, and  
Unknown Owners,

Defendants.

Civil Action No. 4570

FILED

SEP 2 - 1960

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

J U D G M E N T

(As to B-253, B-253E-1, B-253E-2 and B-253E-3)

I  
NOW, on this 2<sup>nd</sup> day of Sept, 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 August 12, 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. B-253, B-253E-1, B-253E-2,  
and B-253E-3, 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 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 subject tracts of land. Pursuant thereto, on  
September 8, 1958, the United States of America filed its Declaration of  
Taking of such tracts of land, and title thereto should be vested in the  
United States of America.

VI

On September 8, 1958, there was deposited in the Registry of this Court as estimated compensation for the taking of the subject tracts certain sums of money and certain portions of these deposits have been disbursed as set out in Paragraph XIII below.

VII

The Report of Commissioners filed herein on August 12, 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 XIII 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 XIII below.

IX

The persons named in Paragraph XIII 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

A Stipulation for Exclusion of Property executed by the above designated landowners and the United States of America was filed herein on December 1, 1959, whereby certain improvements situated on subject tracts were excluded from the taking in this case and it was agreed that the award of compensation would be reduced by the salvage value of such improvements 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 "A" attached to the Complaint filed herein, and such property, (with the exception of the improvements excluded by Paragraph XII), 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.

XII

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulation for Exclusion of Property referred to in Paragraph X is hereby confirmed and title to such improvements remains vested in the landowners.

XIII

It Is Further ORDERED, ADJUDGED AND DECREED that the right to just compensation for the respective estates taken herein in subject tracts is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of August 12, 1960, is hereby confirmed and the sums therein fixed are adopted as just compensation for subject tracts as shown by the following schedule:

Owners:

Lewis E. Dennis and Glendine Dennis  
Business Men's Assurance Co. held  
mortgage for \$2,161.70

Just Compensation Fixed by Commission:

Surface	\$22,500.00
Minerals	847.00
Total	<u>\$23,347.00</u>

Less Salvage Value of Improvements	50.00	
Reserved:	<u>500.00</u>	
Net Award	\$23,297.00	\$23,297.00

Deposited as Estimated Compensation:	<u>\$15,883.00</u>
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Deposit Deficiency:	<u>\$ 7,414.00</u>
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Disbursed to Owners:

To Mortgagee	\$ 2,161.70	
To Dennis	<u>\$13,721.30</u>	\$15,883.00

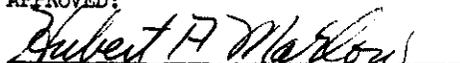
Balance due to Lewis E. Dennis and Glendine Dennis		<u>\$ 7,414.00</u>
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XIV

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the registry of this Court for the benefit of the landowners the deficiency amount of \$7,414.00, together with interest thereon at the rate of 6 percent per annum from September 8, 1958 until the date of deposit of subject deficiency amount, together with interest. Upon deposit of this sum, the clerk of this court shall disburse to Lewis E. Dennis and Glendine Dennis the entire sum so deposited.

  
JOYCE H. SAVAGE  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
Hubert A. Marlow  
First Assistant U.S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

591.01 Acres of Land, More or Less,  
Situete in Nowata and Rogers  
Counties, Oklahoma, and Valdo Ellison,  
et al, and Unknown Owners,

Defendants.

Civil Action No. 4603

**FILED**

SEP 2 - 1960

J U D G M E N T

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

(As to Tracts Nos. B-234E and D-471)

NOW, on this 2nd day of September, 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 28, 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. B-234E and D-471, as such tracts are 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 tracts.

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 December 8, 1958, the United States of America filed its Declaration of Taking of certain estates in such described land, and title thereto should be vested in the United States of America.

VI

On December 8, 1958, 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, 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 28, 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 subject tracts as fixed by the Commission in such report 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 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 March 28, 1960 is hereby confirmed, and the sums therein fixed are adopted as just compensation for subject tracts as shown by the following schedule:

Tract B-234E

Owners: Valdo Ellison and Irene Ellison

Award of Just Compensation: - - - - -	\$150.00	\$150.00
Deposited as Estimated Compensation: - - - - -	<u>15.00</u>	
Deposit Deficiency: - - - - -	\$135.00	
Disbursed to Owners: - - - - -		<u>\$15.00</u>
Balance due Owners: - - - - -		\$135.00

Tract D-471

Owners: Heirs of the estate of Joe W. Marshall,  
deceased, who are:

Jaunetta Marshall  
Pattie Joe Marshall  
Carol Jane Marshall  
James W. Marshall  
Mary Marshall

Award of Just Compensation:

Surface - - - - -	\$450.00	
Minerals - - - - -	<u>\$ 75.00</u>	
Total - - - - -	\$525.00	\$525.00

Deposited as Estimated Compensation:

Surface - - - - -	\$450.00	
Minerals - - - - -	<u>\$ 20.00</u>	
Total - - - - -	<u>\$470.00</u>	

Deposit Deficiency: - - - - - \$ 55.00

Disbursed to Owners: - - - - - None

Balance due Owners: - - - - - \$525.00

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 deficiency amounts shown in Paragraph XI, together with interest thereon at the rate of 6% per annum from December 8, 1958, until the date of deposit of such total 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 subject tracts the balances due, plus their respective portions of the interest on such deposit deficiency.

(S) Raymond H. Savage  
UNITED STATES DISTRICT JUDGE

APPROVED:

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

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

Civil Action No. 4622 ✓

**FILED**

SEP 2 - 1960 R

J U D G M E N T  
(As to Tract L-1291)

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

I

Now on this 2nd day of September, 1960 this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on a contract of Option for the Purchase of Land, 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 estate condemned in Tract No. L-1291, as such estate and tract 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 tract 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 20, 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 20, 1959 there was deposited in the Registry of this court as estimated compensation for the taking of the described estate in the subject tract the sum of \$600.00 and none of this deposit has been disbursed.

VII

On the date of taking in this action, the owners of the estate taken in the subject tract, as such estate and tract are particularly described in the Complaint herein, were the persons whose names are shown in Paragraph XI below. Such named defendants are the only persons asserting any interest in the estate taken in subject tract, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the estate taken in this tract.

VIII

The owners of the subject tract have each and all 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 in the amount shown as compensation in Paragraph XI herein and such Option 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 Tract No. L-1291, as such tract is particularly described in 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 such Declaration of Taking, is condemned and title thereto is vested in the United States of America and all defendants herein and all other persons interested in such estate 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 estate condemned herein in the subject tract were the persons whose names appear below in Paragraph XI, and the right to just compensation for such estate in this tract is vested in the parties so named.

XI

It Is Further ORDERED, ADJUDGED AND DECREED that the contract of Option for the Purchase of Land mentioned in Paragraph VIII above is hereby confirmed and the sum therein fixed is adopted as just compensation for the estate condemned in subject tract as follows:

Tract No. L-1291

Owners: Otis Garrett and Elba Garrett.

Award of Just Compensation:  
(Based on approved Option) - - - - - \$600.00

Deposited as Estimated Compensation: - - - - -\$600.00

Disbursed to Owners: - - - - - -None

Balance due to Owners: - - - - - -\$600.00

XII

It Is Further Ordered that the Clerk of this Court shall forthwith disburse the sum on deposit in the Registry of this Court for Tract No. L-1291, in the amount of \$600.00 to Otis Garrett and Elba Garrett.

*Raymond H. Savage*  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

APPROVED:  
*Robert A. Marlow*  
\_\_\_\_\_  
Robert A. Marlow,  
First Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
Plaintiff,  
vs.  
3,478.94 Acres of Land, More or Less,  
Situat e in Nowata and Rogers Counties,  
Oklahoma, and Frank L. Brewster, et  
al, and Unknown Owners,  
Defendants.

Civil Action No. 4622

United States of America,  
Plaintiff,  
vs.  
76.95 Acres of Land, More or Less,  
Situat e in Rogers County, Oklahoma,  
and John Corlett, et al., and  
Unknown Owners,  
Defendants.

Civil Action No. 4671

United States of America,  
Plaintiff,  
vs.  
79.30 Acres of Land, More or Less,  
Situat e in Rogers County, Oklahoma,  
and W. L. Cole, et al., and Unknown  
Owners,  
Defendants.

Civil Action No. 4893

**FILED**

SEP -7 1960

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

J U D G M E N T

(As to Tracts G-738-1 to G-738-5,  
inclusive, and G-738E-1 to  
G-738E-21, inclusive.)

Now on this 7 day of September 1960, this matter comes on  
for disposition on application of the plaintiff, United States of America,  
for entry of Judgment on stipulations agreeing 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.  
G-738-1 to G-738-5, inclusive, and G-738E-1 to G-738E-21, inclusive, as such  
estates and tracts are described in the Declarations of Taking filed in Civil  
Actions 4622, 4671, and 4893.

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 subject tracts.

V

The Acts of Congress set out in Paragraph 2 of the Complaints herein give the United States of America the right, power and authority to condemn for public use the estates described in Paragraph III herein. Pursuant thereto, on January 20, 1959, as to case No. 4622, April 20, 1959, as to case No. 4671, and March 23, 1960, as to case No. 4893, the United States of America has filed its Declarations of Taking of such described property and title thereto should be vested in the United States of America.

VI

On the filing of the respective Declarations of Taking, there was deposited in the Registry of this court as estimated compensation for the taking of certain estates in the subject tracts, certain sums of money, and certain portions of these deposits have been disbursed as set out in Paragraph XIV below.

VII

On the date of taking these actions, the owners of the estates taken in the subject tracts were the persons whose names are shown in Paragraph XIV below. 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

A Stipulation for Exclusion of Property, executed by certain ones of the above named owners and the United States of America, has been filed herein on March 25, 1959, excluding from the taking in this case certain improvements situated on subject tracts and agreeing to the reduction of the total compensation by the salvage value of such improvements as shown in Paragraph XIV below, and such stipulation should be approved.

IX

The owners of the subject tracts have each and all executed, with the United States of America, Stipulations as to Just Compensation, wherein

they have agreed that just compensation for their interest in the estates condemned in such tracts is in the amounts shown as compensation in Paragraph XIV herein, and such stipulations should be approved.

X

Certain deficiencies exist between the amounts deposited as estimated compensation for subject tracts and the amounts fixed by the stipulation as just compensation, and the amounts of such deficiencies should be deposited for the benefit of the landowners. Such deficiencies are set out in Paragraph XIV below.

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

XII

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, were the persons whose names appear below in Paragraph XIV, 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.

XIII

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulation for Exclusion of Property, referred to in Paragraph VIII above, is confirmed; the improvements covered by such stipulation are excluded from the taking herein, and title thereto remains vested in the defendant owners.

XIV

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulations as to Just Compensation mentioned in Paragraph IX above are hereby confirmed and the sums therein fixed are adopted as the awards of just compensation for the estates condemned in subject tracts as follows:

OWNERS:

- A. Oil and gas leasehold estate in G-738-4 and G-738-5 was owned by American Climax Petroleum Corporation.
- B. All interest in subject tracts except that shown in "A" above was owned by:

James S. Todd, Jr.  
 Jane Jarvis Todd  
 The First National Bank of Fort Worth, Texas, and  
 James S. Todd, Jr., Trustees,  
 Aetna Life Insurance Company

AWARD OF JUST COMPENSATION:

A. By stipulation with American Climax Petroleum Corporation . . . . .	\$	42.72
B. By stipulation with Todd, et al. . . . .	\$360,500.00	
Less salvage value of improvements excluded: . . . . .	<u>3,455.00</u>	
		<u>\$357,045.00</u>
Total award of just compensation for subject tracts: . . . . .		\$357,087.72
Deposited as Estimated Compensation for subject tracts: . . . . .		<u>\$324,086.70</u>
Deposit Deficiency: . . . . .		<u>\$ 33,001.02</u>

DISTRIBUTION AND DISBURSAL OF AWARD:

A. American Climax Petroleum Corporation share of award: . . . . .	\$	42.72
Disbursed to owner by prior order: . . . . .		<u>42.72</u>
B. Todd et al., share of award: . . . . .	\$357,045.00	
Disbursed to owners by prior orders: . . . . .		<u>\$321,973.35</u>
Balance due to Todd, et al. . . . .		<u>\$ 35,071.65</u>

XV

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the registry of this Court in Civil Action No. 4622, to the credit of Tract No. G-738-1, for the benefit of the landowners, the total deficiency amount of \$33,001.02. Upon deposit of this sum the Clerk of the Court shall disburse

To Aetna Life Insurance Company, from the deposit for all of subject tracts included in Civil Action No. 4893 the sum of \$500.00;

To James S. Todd, Jr.; Jane Jarvis Todd; The First National Bank of Fort Worth, Texas, and James S. Todd, Jr., Trustees, jointly, the total sum of \$34,571.65, allocated to the tracts and cases as follows:

From the deposit for all of subject tracts included in Civil Action No. 4622, the sum of . . . . . \$34,506.65;  
 From the deposit for all of subject tracts included in Civil Action No. 4893, the sum of . . . . . \$ 65.00.

APPROVED:

Robert A. Marlow  
 Assistant U. S. Attorney

St. Curtis P. Harris  
 Attorney for Defendants

Rayne H. Jones  
 UNITED STATES DISTRICT JUDGE

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 Action No. 4625

Tracts Nos. B-209E-1, B-209E-2,  
B-239, B-239E-1, B-239E-2,  
C-329E, and F-636E

**FILED**

SEP - 8 1960

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

United States of America,

Plaintiff,

vs.

461.42 Acres of Land, More or Less,  
Situate in Rogers County, Oklahoma,  
and Edison A. Jankey, et al, and  
Unknown Owners,

Defendants.

Civil Action No. 4863

Tracts Nos. B-239, B-239E-1  
and B-239E-2

J U D G M E N T

(As to Captioned Tracts Only)

I

NOW, on this 8th day of Sept, 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 June 24, 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 the estates condemned in Tracts  
Nos. B-209E-1, B-209E-2, B-239, B-239E-1, B-239E-2, C-329E and F-636E, as  
such tracts and estates are described in the Declaration of Taking filed  
in Civil Action No. 4625; and to the estates condemned in Tracts B-239,  
B-239E-1 and B-239E-2 as such tracts and estates are described in the  
Declaration of Taking filed in Civil Action No. 4863.

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 Complaints filed herein give the United States of America the right, power and authority to condemn for public use the subject tracts of land. Pursuant thereto, on January 28, 1959, as to Civil Action No. 4625 and on February 29, 1960, as to Civil Action 4863, the United States of America filed its Declarations of Taking of such tracts of land, and title thereto should be vested in the United States of America.

VI

On the date of filing the Declarations of Taking in the subject Civil Actions, there was deposited in the Registry of this Court as estimated compensation for the taking of the subject tracts certain sums of money as set out in Paragraph XI below, and none of these deposits have been disbursed.

VII

The Report of Commissioners filed herein on June 24, 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 Commissioners 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 Commissioners 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.

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 the Complaints filed herein, and such property to the extent of the estates indicated and for the uses and purposes described in the Declarations 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, ADJUGED AND DECREED that the right to just compensation for the respective estates taken herein in subject tracts is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of June 24, 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. B-209E-1 and B-209E-2

Owners:

A. E. Rader and Alta Fay Rader

Award of Just Compensation:

For Surface only . . . . . \$1,200.00      \$1,200.00

Deposited as Estimated Compensation. . . . . 820.00

Deposit Deficiency . . . . . \$ 380.00

Disbursed to Owners. . . . . None

Balance Due to Owners. . . . . , . . . . . \$1,200.00

Tracts Nos. B-239, B-239E-1 and B-239E-2 in Civil Action No. 4625 and Civil Action No. 4863 combined

Owners:

Surface:

A. G. Sellmeyer and Golda Pearl Sellmeyer  
R. E. Linihan and Melba M. Linihan hold a mortgage on these tracts.

Minerals:

The Federal Land Bank of Wichita, Kansas owns an undivided 1/4th interest in all oil, gas and other minerals.  
A. G. and Golda Pearl Sellmeyer own the balance of the mineral estate, subject to the above-named mortgage.

Tracts Nos. B-239, B-239E-1 and B-239E-2 in Civil Action No. 4625 and Civil Action No. 4863, combined (Continued)

Deposited as Estimated Compensation:			
Case No. 4625:	\$1,470.00		
Case No. 4863:	<u>\$ 51.23</u>		
		\$1,521.23	
Award of Just Compensation:			
Surface:	\$1,400.00		
Minerals:	<u>85.00</u>		
Total . . . . .		<u>\$1,485.00</u>	\$1,485.00
Deposit Surplus . . . . .		<u>\$ 36.23</u>	
Disbursed to Owners . . . . .			None
Balance Due to Owners:			
To: Federal Land Bank of			
Michita, Kansas . . . . .	\$ 21.25		
To: A. G. Sellmeyer, Golda Pearl			
Sellmeyer, R. E. Linihan, and			
Melba M. Linihan . . . . .	<u>\$1,463.75</u>		
	Total:		<u>\$1,485.00</u>

Tract No. C-329E

Owners:			
Cletis R. Ward and Edith Ward			
Farmers Home Administration (Mortgagee)			
Award of Just Compensation:			
Surface:	\$360.00		
Minerals:	<u>25.00</u>		
Total . . . . .		\$ 385.00	\$ 385.00
Deposited as Estimated Compensation		<u>225.00</u>	
Deposit Deficiency . . . . .		<u>\$ 160.00</u>	
Disbursed to Owners . . . . .			None
Balance Due to Owners . . . . .			<u>\$ 385.00</u>

Tract No. F-636E

Owners:			
Jimmy D. Mitchell and Lou Edith Mitchell			
Award of Just Compensation:			
Surface:	\$300.00		
Minerals:	<u>25.00</u>		
Total . . . . .		\$325.00	\$ 325.00
Deposited as Estimated Compensation . . . . .		<u>\$250.00</u>	
Deposit Deficiency . . . . .		<u>\$ 75.00</u>	
Disbursed to Owners . . . . .			None
Balance Due to Owners . . . . .			<u>\$ 325.00</u>

It Is Further ORDERED, ADJUDGED AND DECREED that the Plaintiff, United States of America, shall pay into the Registry of this Court the sum of \$570.54 together with interest on the deposit deficiencies shown in Paragraph XI above, at the rate of 6% per annum from January 28, 1959, until the date of deposit of such deficiency and interest. The Clerk of this Court shall credit such \$570.54 and interest to the deposit for the respective tracts in Civil Action No. 4625 as follows:

- B-209E-1 and
- B-209E-2 . . . . \$380.00 plus interest on deposit deficiency
- C-329E . . . . \$160.00 plus interest on deposit deficiency
- F-636 . . . . \$ 30.54 plus interest on deposit deficiency

The Clerk shall transfer the \$51.23 deposited in Civil Action No. 4863 for Tracts Nos. B-239, B-239E-1 and B-239E-2 into the deposit for the same three tracts in Civil Action No. 4625.

The Clerk shall use the \$8.23 balance on hand in the deposit for Tract No. B-236E herein, and the sum of \$36.23 in the deposits for Tracts Nos. B-239, B-239E-1 and B-239E-2 to apply on the deficiency as to Tract No. F-636E herein.

The Clerk forthwith shall disburse from the deposit for Tracts Nos. B-239, B-239E-1 and B-239E-2 the sum of \$21.25 to the Federal Land Bank of Wichita, Kansas, and the sum of \$1,463.75, jointly, to A. G. Sellmeyer, Golda Pearl Sellmeyer, R. E. Linihan and Melba M. Linihan.

When the deposit and transfers referred to above have been made, the Clerk then shall disburse from the deposits in Civil Action No. 4625 certain sums as follows:

From the deposit for Tracts Nos. B-209E-1 and B-209E-2 the sum of \$1,200.00 plus accrued interest, jointly to A. E. Rader and Alta Fay Rader;

From the deposit for Tract No. B-329E the sum of \$385.00 plus accrued interest, jointly, to Cletis R. Ward, Edith Ward and Farmers Home Administration;

From the deposit for Tract No. F-636E the sum of \$325.00 plus accrued interest, jointly, to Jimmy D. Mitchell and Lou Edith Mitchell.

APPROVED:

*Robert A. Marlow*  
 \_\_\_\_\_  
 ROBERT A. MARLOW  
 First Assistant U. S. Attorney

*Raymond H. Savage*  
 \_\_\_\_\_  
 UNITED STATES DISTRICT JUDGE

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

C. W. LIGGETT,

Plaintiff, )

-vs-

) No. 4926

CLAUDE E. SPYRES,

Defendant. )

**FILED**

ORDER OF DISMISSAL

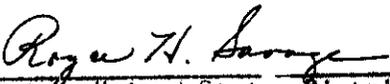
SEP - 8 1960

This matter comes on for consideration before the court upon the oral motion of the plaintiff to dismiss without prejudice and the court finds that the plaintiff should be allowed to dismiss but upon compliance with provisions to be specified by the court. **NOBLE C. HOOD**  
Clerk, U. S. District Court

IT IS THEREFORE HEREBY ORDERED that the plaintiff's cause of action may be dismissed upon the payment by the plaintiff to the defendant's attorney upon the defendant's attorney fee and upon the costs of said case the total sum of \$150.00, \$100.00 thereof to apply upon the defendant's attorney fee and \$50.00 thereof to be applied on the court costs in this case.

It appearing to the court that said payment has been made by the plaintiff, it is therefore hereby ordered that the above cause be and the same hereby is dismissed without prejudice to further action by said plaintiff.

Witness my hand this 8th day of September, 1960.

  
\_\_\_\_\_  
Judge, United States District  
Court, Northern District of  
Oklahoma

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

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

Civil Action No. 4622

United States of America,  
Plaintiff,  
vs.  
76.95 Acres of Land, More or Less,  
Situate in Rogers County, Oklahoma,  
and John Corlett, et al., and  
Unknown Owners,  
Defendants.

Civil Action No. 4671

United States of America,  
Plaintiff,  
vs.  
79.30 Acres of Land, More or Less,  
Situate in Rogers County, Oklahoma,  
and W. L. Cole, et al., and Unknown  
Owners,  
Defendants.

Civil Action No. 4893

**FILED**

SEP -7 1960

J U D G M E N T

(As to Tracts G-738-1 to G-738-5, NOBLE C. HOOD  
inclusive, and G-738E-1 to Clerk, U. S. District Court  
G-738E-21, inclusive.)

Now on this 7th day of September, 1960, this matter comes on  
for disposition on application of the plaintiff, United States of America,  
for entry of Judgment on stipulations agreeing 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.  
G-738-1 to G-738-5, inclusive, and G-738E-1 to G-738E-21, inclusive, as such  
estates and tracts are described in the Declarations of Taking filed in Civil  
Actions 4622, 4671, and 4893.

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 subject tracts.

V

The Acts of Congress set out in Paragraph 2 of the Complaints herein give the United States of America the right, power and authority to condemn for public use the estates described in Paragraph III herein. Pursuant thereto, on January 20, 1959, as to case No. 4622, April 20, 1959, as to case No. 4671, and March 23, 1960, as to case No. 4893, the United States of America has filed its Declarations of Taking of such described property and title thereto should be vested in the United States of America.

VI

On the filing of the respective Declarations of Taking, there was deposited in the Registry of this court as estimated compensation for the taking of certain estates in the subject tracts, certain sums of money, and certain portions of these deposits have been disbursed as set out in Paragraph XIV below.

VII

On the date of taking these actions, the owners of the estates taken in the subject tracts were the persons whose names are shown in Paragraph XIV below. 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

A Stipulation for Exclusion of Property, executed by certain ones of the above named owners and the United States of America, has been filed herein on March 25, 1959, excluding from the taking in this case certain improvements situated on subject tracts and agreeing to the reduction of the total compensation by the salvage value of such improvements as shown in Paragraph XIV below, and such stipulation should be approved.

IX

The owners of the subject tracts have each and all executed, with the United States of America, Stipulations as to Just Compensation, wherein

they have agreed that just compensation for their interest in the estates condemned in such tracts is in the amounts shown as compensation in Paragraph XIV herein, and such stipulations should be approved.

X

Certain deficiencies exist between the amounts deposited as estimated compensation for subject tracts and the amounts fixed by the stipulation as just compensation, and the amounts of such deficiencies should be deposited for the benefit of the landowners. Such deficiencies are set out in Paragraph XIV below.

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

XII

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, were the persons whose names appear below in Paragraph XIV, 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.

XIII

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulation for Exclusion of Property, referred to in Paragraph VIII above, is confirmed; the improvements covered by such stipulation are excluded from the taking herein, and title thereto remains vested in the defendant owners.

XIV

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulations as to Just Compensation mentioned in Paragraph IX above are hereby confirmed and the sums therein fixed are adopted as the awards of just compensation for the estates condemned in subject tracts as follows:

OWNERS:

- A. Oil and gas leasehold estate in G-738-4 and G-738-5 was owned by American Climax Petroleum Corporation.
- B. All interest in subject tracts except that shown in "A" above was owned by:

James S. Todd, Jr.  
 Jane Jarvis Todd  
 The First National Bank of Fort Worth, Texas, and  
 James S. Todd, Jr., Trustees,  
 Aetna Life Insurance Company

AWARD OF JUST COMPENSATION:

A. By stipulation with American Climax Petroleum Corporation . . . . .	\$ 42.72
B. By stipulation with Todd, et al. . . . .	\$360,500.00
Less salvage value of improvements excluded: . . . . .	<u>3,455.00</u>
	<u>\$357,045.00</u>
Total award of just compensation for subject tracts: . . . . .	\$357,087.72
Deposited as Estimated Compensation for subject tracts: . . . . .	<u>\$324,086.70</u>
Deposit Deficiency: . . . . .	<u>\$ 33,001.02</u>

DISTRIBUTION AND DISBURSAL OF AWARD:

A. American Climax Petroleum Corporation share of award: . . . . .	\$ 42.42
Disbursed to owner by prior order: . . . . .	<u>42.42</u>
B. Todd et al., share of award: . . . . .	\$357,045.00
Disbursed to owners by prior orders: . . . . .	<u>\$321,973.35</u>
Balance due to Todd, et al . . . . .	<u>\$ 35,071.65</u>

XV

It is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the registry of this Court in Civil Action No. 4622, to the credit of Tract No. G-738-1, for the benefit of the landowners, the total deficiency amount of \$33,001.02. Upon deposit of this sum the Clerk of the Court shall disburse

To Aetna Life Insurance Company, from the deposit for all of subject tracts included in Civil Action No. 4893 the sum of \$500.00;

To James S. Todd, Jr.; Jane Jarvis Todd; The First National Bank of Fort Worth, Texas, and James S. Todd, Jr., Trustees, jointly, the total sum of \$34,571.65, allocated to the tracts and cases as follows:

- From the deposit for all of subject tracts included in Civil Action No. 4622, the sum of . . . . . \$34,506.65;
- From the deposit for all of subject tracts included in Civil Action No. 4893, the sum of . . . . . \$ 65.00.

APPROVED:

Robert A. Marton  
 Assistant U. S. Attorney  
W. Curtis Harris  
 Attorney for Defendants

W. Ryan Savage  
 UNITED STATES DISTRICT JUDGE

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

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

Plaintiff,

-vs-

Sands Oil Company, an Oklahoma  
corporation,

Defendant.

No. 4977 - Civil.

**FILED**

SEP -8 1960

JOURNAL ENTRY OF JUDGMENT.

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

Now on this 31st day of August, 1960,  
this cause, having been regularly assigned for trial, comes  
on to be heard in its regular order. The plaintiff, The  
Atchison, Topeka and Santa Fe Railway Company, appears by  
its attorneys, Richard D. Haynes and Valjean Biddison, and  
the defendant, Sands Oil Company, appears by its attorney,  
John Wheeler, Jr.

Thereupon the defendant, by its attor-  
ney, confesses the complaint of the plaintiff herein; and  
the Court, being fully advised in the premises,

IT IS, THEREFORE, ORDERED, ADJUDGED AND  
DECREED by the Court that said plaintiff, The Atchison,  
Topeka and Santa Fe Railway Company, a corporation, have and  
recover of and from the said defendant, Sands Oil Company, a  
corporation, the sum of Five Hundred Forty and 02/100 Dollars  
(\$540.02), with interest thereon at 6% from this date, and  
for all costs of this action, for all of which let execution  
issue.

W. Royce Savage  
JUDGE

APPROVED AS TO FORM:

Richard D. Haynes  
Attorney for Plaintiff

John Wheeler, Jr.  
Attorney for Defendant

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

SEP 12 1960

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

ORDER DISCHARGING DEFENDANT STATE MUTUAL LIFE  
ASSURANCE COMPANY, AWARDED ATTORNEY'S FEES  
AND EXPENSE, AND ENJOINING PLAINTIFF AND  
INTERPLEADED DEFENDANTS.

This cause coming on to be heard upon the Counterclaim of State Mutual Life Assurance Company of America in nature of an interpleader, Defendant herein, the Complaint of Elisabeth M. Preston, Plaintiff herein, and the Answer of Eugene A. Preston and Laura Pappan Preston, Guardians of the person and estate of Brenda Jean Preston, a minor, interpleaded Defendants herein, the Court having considered the said Counterclaim of Interpleader and the Complaint and Answer and being fully advised in the premises, finds:

1. The Defendant, State Mutual Life Assurance Company of America is a corporation organized and existing under the laws of the State of Massachusetts, is a citizen of said State, and its principal place of business is located in the City of Worcester, Massachusetts. The Plaintiff herein, Elisabeth M. Preston, is a citizen and resident of the State of Oklahoma. The interpleaded Defendants, Eugene A. Preston and Laura Pappan Preston, Guardians of the person and estate of Brenda Jean Preston, a minor, and said minor are citizens and residents of the State of Oklahoma.

2. That on the 12th day of September, 1950, State Mutual Life Assurance Company of America entered into a Group Annuity Contract with Moorlane Employees' Company, the Administrators of the Moorlane Employees' Savings & Pension Plan for eligible employees of Moorlane Company. That Devin M. Preston was an employee eligible under said Annuity Contract and, by reason of his death on or about February 23, 1960, State Mutual Life Assurance Company of America became obligated to pay to his lawful beneficiary, the sum of \$23,757.92.

3. The Plaintiff, Elizabeth M. Preston, claims to be entitled to receive said sum as the surviving wife of said decedent, because of a prior designation of herself as beneficiary under the terms of a contract with decedent and because of the incompetency of said decedent to change beneficiaries at the time of the change hereinafter described.

4. That the Claimants, Eugene A. Preston and Laura Pappan Preston, Guardians of the person and estate of Brenda Jean Preston, a minor, claim that said Brenda Jean Preston is entitled to said sum because of a change of beneficiary designation naming her as beneficiary, executed by said Devin M. Preston on January 5, 1960. Said Interpleaded Defendants have instituted suit upon said Annuity Contract, against said State Mutual Life Assurance Company, in the District Court of Kay County, Oklahoma, as Cause No. 24915. That said cause was removed to the Federal District Court for the Western District of Oklahoma and thereafter, transferred to the United States District Court for the Northern District of Oklahoma, and is now pending in this Court as Case No. 4944-C.

5. These two claims to the proceeds of said Group Annuity Contract were conflicting and adverse, and the Defendant, State Mutual Life Assurance Company, was without

knowledge, information or belief sufficient to enable it to determine the validity of those claims and the right of the claimants as between themselves, and said Defendant could not know or ascertain to whom the proceeds of the Group Annuity Contract should be paid and could not, without hazard to itself, undertake to decide as to the validity or superiority of the conflicting claims of the Plaintiff herein and the Interpleaded Defendant.

6. Because of the conflict in claims of the parties at the time of the filing of the Counterclaim herein, Defendant, State Mutual Life Assurance Company of America, should not be compelled to determine those rights. The matter of the determination of those rights is a proper matter for this Court, and unless proceedings for determination of the same had been instituted by the said Defendant herein, there was danger that said Defendant would have been involved in a multiplicity of suits and been put to unnecessary costs and expenses on account of conflicting and adverse claims.

7. Upon filing the Counterclaim in the nature of an Interpleader herein, the Defendant, State Mutual Life Assurance Company of America, pursuant to statute, deposited and paid into the Registry of this Court, there to abide the judgment of this Court, the sum of \$23,757.92, being the sum due on said Group Annuity Contract.

8. Defendant, State Mutual Life Assurance Company of America, was compelled to employ attorneys for filing the Counterclaim in the nature of an Interpleader and prosecuting its Counterclaim to Decree, and it was necessary to incur obligations for Court Costs and attorneys' fees.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED That the Plaintiff, Elisabeth M. Preston, and the Interpleaded

Defendants, Eugene A. Preston and Laura Pappan Preston, Guardians of the person and estate of Brenda Jean Preston, a minor, and said minor, prosecute their claims to said proceeds and determine who the sum of \$23,757.92 belongs to, in this action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED That State Mutual Life Assurance Company of America, a corporation, be, and it is hereby discharged from any and all liability whatsoever as a result of its Group Annuity Contract with Moorland Employees' Company, the administrator of Moorlane Employees' Savings & Pension Plan for eligible employees of Moorelane Company entered into on the 12th day of September, 1950, as a result of the death of Devin M. Preston on or about February 24, 1960.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED That the Plaintiff, Elizabeth M. Preston and the Interpleaded Defendants, Eugene A. Preston and Laura Pappan Preston, Guardians of the person and estate of Brenda Jean Preston, a minor, and said minor hereto are perpetually enjoined and restrained from making any further claims against the defendant State Mutual Life Assurance Company of America on account of said Group Annuity Contract or anything growing out of same.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED That the Clerk of this Court pay unto Williams, Boesche & McDermott, Attorneys for Defendant, State Mutual Life Assurance Company of America, a corporation, the following sums out of the deposit made by said Defendant into the Registry of this Court. Cash paid for filing fees, serving Interpleaded

Defendants and expense in the total amount of \$74.93 together  
with attorneys' fees which are hereby allowed in the sum of  
\$750.00. Total \$824.93.

Dated this 6th day of <sup>September</sup> August, 1960.

/s/ ROYCE H. SAVAGE  
District Judge

O.K.  
ROBERT J. SCOTT  
of Williams, Boesche & McDermott  
Atty. for State Mutual Life Assurance Co.

JACK N. HAYS  
Attorney for Eugene Preston and  
Laura Preston Guardians of  
Brenda Jean Preston, a minor

TED R. FISHER  
Atty. for Plaintiff.

FILED

SEP 12 1960

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

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

EUGENE A. PRESTON and  
LAURA PAPPAN PRESTON, Guardians of the  
Person and Estate of BRENDA JEAN PRESTON,  
a Minor,

PLAINTIFFS

VS

No. 4944-C

STATE MUTUAL LIFE INSURANCE COMPANY  
OF AMERICA,

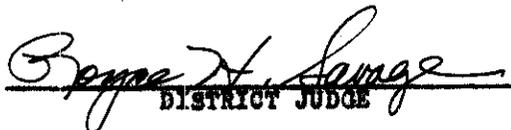
DEFENDANT.)

ORDER DISMISSING COMPLAINT

This cause coming on for pre-trial conference this  
6th day of <sup>September</sup> ~~August~~, 1960, the Plaintiffs, Eugene A. Preston and  
Laura Pappan Preston, Guardians of the person and estate of  
Brenda Jean Preston, a minor, appearing by their Attorneys  
Jack N. Hays of Gable, Gotwals and Hays, and George Campbell,  
the Defendant State Mutual Life Insurance Company of America  
appearing by its Attorneys, Williams, Boesche & McDermott,  
the Court having considered the stipulations of the parties,  
finds:

1. That the Petition may be dismissed with  
prejudice, reserving however to the Plaintiffs the right to  
prosecute their claim to the proceeds under the Group Annuity  
Contract that is the subject of their cause of action in  
Cause No. 4918-C, Elizabeth M. Preston, Plaintiff vs Moorlane  
Employees Trust, Savings & Pension Plan, Inc., et al, Defendants,  
in the District Court for the Northern District of Oklahoma,  
an action in which the res has been deposited and in which  
the Plaintiffs have been interplead.

NOW THEREFORE IT IS ORDERED, ADJUDGED AND DECREED,  
that this action be dismissed with prejudice, reserving  
however to the Plaintiffs the right to proceed to assert  
their rights under the Group Annuity Contract which is the  
subject of their action in the case of Elisabeth M. Preston,  
Plaintiff vs Moorlane Employees Trust, Savings & Pension  
Plan, Inc., et al, Defendants, No. 4918-C in the District  
Court for the Northern District of Oklahoma, the action in  
which the res has been deposited and in which the Plaintiffs  
have been interplead.

  
DISTRICT JUDGE

OK

Robert J. Scott  
of Williams, Boesche & McDermott  
Atty for State Mutual Life Insurance  
Co. of America

Jack N. Hays  
Attorney for Plaintiffs

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

FILED

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

Complainant,

v.

MULLENDORE TRUST COMPANY, ET AL.,

Defendants.

SEP 13 1960

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

NO. 3002-CIVIL

ORDER

On this 13<sup>th</sup> day of September, 1960, there comes on for hearing the Application Of Trustees For Authority To Sell Real Property, filed herein by the Trustees of Mullendore Trust Company on the 2<sup>nd</sup> day of September 1960; and it appearing that proper notice of this hearing has been given as required by this Court; and there being no objection to the Application; and this Court, having examined said Application and being fully advised in the premises, finds that the allegations of the Application are true and correct and that it is to the best interests of the trust estate that the property described in said Application be sold to the United States of America for \$8,200.00.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the Trustees execution of the Offer To Sell Real Property, a copy of which is attached to the Trustees' Application as Exhibit "A" be, and the same is hereby, approved.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that A. C. Adams, Mildred M. Adams and Bessie M. Johnson, as Trustees of the Mullendore Trust Company, be, and they are hereby, authorized to convey unto the United States of America, in accordance with said Offer To Sell Real Property and upon receipt of

\$8,200.00, the following described property located in Pawnee  
County, Oklahoma:

Lots 3 and 4, Section 15, Township  
21 North, Range 8 East, less and  
except all oil, gas and other minerals.

*Royce H. Suggs*  
United States District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
Plaintiff,  
vs.  
1,402.07 Acres of Land, More or Less,  
Situatate in Nowata and Rogers Counties,  
Oklahoma and George Rott, et al, and  
Unknown Owners,  
Defendants.

Civil Action No. 4610

**FILED**

SEP 14 1960

J U D G M E N T

(As To The Mineral Estate in Tract D-423 Only) NOBLE C. HOOD  
Clerk, U. S. District Court

I

NOW, on this 14<sup>th</sup> day of September, 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 July 11, 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 the estate taken in the mineral estate under Tract No. D-423 and as such tract and estate 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 subject tract. Pursuant thereto, on December 19, 1958, the United States of America filed its Declaration of Taking of such described tract, and title thereto should be vested in the United States of America.

VI

On December 19, 1958, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estate in the subject tract the sum of \$2,525.00, none of which has been disbursed, as set out in Paragraph XI below.

VII

The Report of Commissioners filed herein on July 11, 1960, is hereby accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to the subject tract as fixed by the Commission and now adopted by the Court is set out in Paragraph XI below.

VIII

A deficiency exists between the amount deposited as estimated just compensation for subject tract and the amount fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the plaintiff. Such deficiency is set out in Paragraph XI below.

IX

The persons named in Paragraph XI 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 such estate and, as such, are entitled to receive the 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 Tract No. D-423, described in Schedule "A" attached to the Complaint filed herein, and such property, to the extent of the estate in the mineral 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 estate taken herein is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of July 11, 1960, is hereby confirmed and the sum therein fixed is adopted as just compensation for subject tract as shown by the following schedule:

TRACT NO. D-423

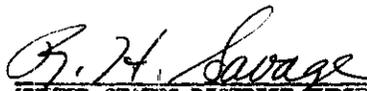
Owners of Mineral Estate:

Royalty interest: George Rott and  
Mrs. George Rott  
Working interest: W. N. Dannenburg  
Mack O. Davis  
Russell Hester

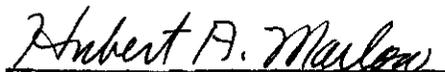
Award of Just Compensation. . . . .	\$8,350.00	\$8,350.00
Deposited as Estimated Compensation for mineral estate . . . . .	<u>\$2,525.00</u>	
Deposit Deficiency . . . . .	\$5,825.00	
Disbursed to owners . . . . .		<u>None</u>
Balance Due to Owners . . . . .		<u>\$8,350.00</u>

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 owners the deposit deficiency in the amount of \$5,825.00, as shown in Paragraph XI, together with interest thereon at the rate of 6% per annum from December 19, 1958, until the date of deposit of such deficiency amount into the Registry of this Court.

  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
HUBERT A. MARLOW  
First Assistant U. S. Attorney

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

BLAND TERRY SHOE CORPORATION, )  
 A Georgia Corporation, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 SEIDENBACH'S, )  
 an Oklahoma Corporation, )  
 )  
 Defendant. )

Civil No. 4680

**FILED**

SEP 15 1960

JOURNAL ENTRY OF JUDGMENT

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

THIS ACTION came on to be tried before the court on the 15th day of August, 1960, and the evidence adduced by the parties having been heard, and the court having this day made its findings of fact and conclusions of law, it is hereby

ADJUDGED that the plaintiff, Bland Terry Shoe Corporation, a Georgia Corporation, recover of the defendant, Seidenbach's, an Oklahoma Corporation, the sum of Eight Thousand Seven Hundred Eighteen Dollars and Twenty Cents (\$8,718.20), with interest from this date, and the further sum of \$ \_\_\_\_\_, costs as taxed, and for execution therefor.

*121 Royce H. Savage*  
United States District Judge

Dated at Tulsa, Oklahoma, this 15th day of September, 1960.

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Claimant,

vs.

Civil No. 4970

Allied Helicopter Service, Inc.,

Respondent.

FILED

SEP 15 1960

JUDGMENT

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

In accordance with Findings of Fact and Conclusions of Law entered herein, judgment is hereby rendered in favor of claimant, United States of America, and against the respondent, Allied Helicopter Service, Inc. No Penalty is assessed against respondent. Respondent shall pay the costs of this action.

DATED this 15 day of September, 1960.

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

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
Plaintiff,  
vs.  
160.00 Acres, More or Less, Situate  
in Nowata County, Oklahoma, and  
A. E. Basinger, et al, and  
Unknown Owners,  
Defendants.

Civil Action No. 4471

FILED

SEP 26 1960

J U D G M E N T

(As To Tracts Nos. R-1811, R-1819 and R-1821) NOBLE C. HOOD  
Clerk, U. S. District Court

I

NOW on this 26<sup>th</sup> day of September, 1960, this  
matter comes on for disposition on application of the plaintiff, United States  
of America, for entry of Judgment on stipulations agreeing upon just compensa-  
tion, and the court, after having examined the files in this action and being  
advised by counsel for plaintiff finds:

II

This Judgment applies only to the estates condemned in Tracts  
Nos. R-1811, R-1819 and R-1821, as such estates and tracts are described in  
the Declaration of Taking filed herein.

III

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

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 the  
subject tracts.

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 estates described in Paragraph II herein. Pursuant  
thereto, on April 14, 1958, 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 the filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of certain estates in the subject tracts, certain sums of money, and certain portions of these deposits have been disbursed as set out in Paragraph XII below.

VII

The persons named in Paragraph XII as owners of the 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 found to be the owners, as of the date of taking herein, of the estates condemned in the respective tracts; and as such, are entitled to receive the just compensation for the estates so taken.

VIII

The owners of the subject tracts have each and all executed, with the United States of America, Stipulations as to Just Compensation, wherein they have agreed that just compensation for their interest in the estates condemned in such tracts is in the amounts shown as compensation in Paragraph XII herein, and such stipulations should be approved.

IX

The approval of the Stipulations as to Just Compensation will create a deficiency in the deposit for Tract No. R-1811 in the amount of \$750.00 and a surplus in the deposit for Tract No. R-1821 in the amount of \$1,200.00 as set out in Paragraph XII below. The Clerk should use of the surplus as much as is necessary to satisfy the deficiency as to Tract No. R-1811.

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 tracts named in Paragraph II 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.

XI

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 II herein, were the persons whose names appear below in Paragraph XII 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.

XII

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulations as to Just Compensation mentioned in Paragraph VIII above are hereby confirmed and the sums therein fixed are adopted as the awards of just compensation for the estates condemned in subject tracts as follows:

Tract No. R-1811

Owners:

George B. Schwabe, Jr.  
Robert Vernon Schwabe  
John Leonard Schwabe  
William Henry Schwabe  
Emily Jeanette Bailey

Just Compensation as Fixed by Stipulation and Adopted by Court . . . . .	\$5,250.00	\$5,250.00
Deposited as Estimated Compensation. . . . .	<u>\$4,500.00</u>	
Deposit Deficiency . . . . .	<u>\$ 750.00</u>	
Disbursed to Owners. . . . .		<u>\$4,500.00</u>
Balance Due to Owners. . . . .		<u>\$ 750.00</u>

Tract No. R-1819

Owner: A. E. Basinger

Just Compensation as Fixed by Stipulation and Adopted by Court . . . . .	\$1,200.00	\$1,200.00
Deposited as Estimated Compensation. . . . .	<u>\$1,200.00</u>	
Disbursed to Owner . . . . .		<u>\$1,200.00</u>

Tract No. R-1821

Owners: H. W. Reed and A. E. Basinger

Deposited as Estimated Compensation. . . . .	\$3,200.00	
Just Compensation as fixed by Stipulation and Adopted by Court . . . . .	<u>\$2,000.00</u>	\$2,000.00
Deposit Surplus . . . . .	\$1,200.00	
Disbursed to Owners: To Reed: \$1,000.00 To Basinger: <u>\$1,000.00</u> Total. . . . .		<u>\$2,000.00</u>

XIII

It Is Further ORDERED that the Clerk of this Court shall disburse from the surplus in the deposit for Tract No. R-1821 in the Registry of this Court, the sum of \$750.00 to the owners of Tract No. R-1811, as follows:

To: George B. Schwabe Jr. . . . . \$150.00  
Robert Vernon Schwabe . . . . . \$150.00  
John Leonard Schwabe . . . . . \$150.00  
William Henry Schwabe . . . . . \$150.00  
Emily Jeanette Bailey . . . . . \$150.00

(s) Russell H. Savage  
UNITED STATES DISTRICT JUDGE

APPROVED:

(s) Hubert A. Marlow  
HUBERT A. MARLOW  
First Assistant U. S. Attorney

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

UNITED STATES OF AMERICA,

Plaintiff

CIVIL NO. 4616

vs.

115.71 Acres of Land, More or Less,  
Situate in Creek and Pawnee  
Counties, Oklahoma, and Carrie  
Shaeffer, et al, and Unknown  
Owners,

Defendants.

**FILED**

SEP 26 1960

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

JUDGMENT ON STIPULATION  
As to Tract No. C-307

This cause comes on for disposition of the stipulation of United States of America, plaintiff, and Ruby I. Harris, defendant, on this 26<sup>th</sup> day of September 1960. The Court, having been advised by Perry A. Krohn, Assistant United States Attorney, of Oklahoma, finds that:

I

This Judgment applies only to Tract No. C-307.

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 have a claim or interest in Tract C-307.

IV

The Acts of Congress, set out in Paragraph 2 of 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 December 31, 1958, 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 December 31, 1958, there was deposited in the Registry of this Court as estimated compensation for the taking of Tract No. C-307 the sum of \$4,475.00, which sum has heretofore been disbursed to the landowner by Order of this Court dated July 10, 1959.

VI

On the date of taking, the title to the estate taken in said Tract C-307 was vested in Ruby I. Harris, and she is entitled to receive the entire award of just compensation on such tract.

VII

The defendant, Ruby I. Harris, 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 \$4,750.00, inclusive of interest, shall be just compensation for such defendant's interest in the estate, as described in the Declaration of Taking, taken by the United States of America in this tract, including all improvements on the premises, and such stipulation should be approved. This stipulation modifies the Option for the Purchase of Land, previously executed by the prior owner, to provide that the salvage value of the improvements, to wit, \$275.00 be added to amount deposited as estimated just compensation for the estate taken in Tract C-307 and to vest title to the improvements in the United States of America, the same having been excluded from the Declaration of Taking as to Tract C-307 by the terms of said option contract.

VIII

A deficiency in the deposit of compensation for this tract will be created by this Judgment and a balance will be due the landowner, Ruby I. Harris, as follows:

Stipulation as to Just Compensation for such owner . . . . .	\$4,750.00
Deposit of estimated compensation for benefit of such owner . . . . .	\$4,475.00
Disbursed to such owner by Order of this Court of July 10, 1959 . . . . .	\$4,475.00
Balance of Just Compensation due such owner . . . . .	\$ 275.00
Deposit deficiency . . . . .	\$ 275.00

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 C-307 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, including all

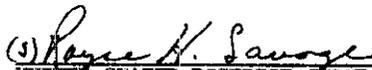
improvements on the premises, is vested in the United States of America, and defendant, Ruby I. Harris, is forever barred from asserting any further claim in the estate condemned in Tract C-307 in this case.

X

It is Further ORDERED, ADJUDGED AND DECREED that the right to receive the just compensation for the estate taken herein as such tract and the estate taken therein are described in the Declaration of Taking and Complaint filed herein, is vested in Ruby I. Harris, and the stipulation as to just compensation for the estate taken in Tract C-307 is hereby confirmed, and the sum therein fixed is adopted as the award of just compensation for her 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 landowner, Ruby I, Harris, the deficiency amount of \$275.00. Upon deposit of such deficiency, the Clerk of this Court shall disburse to Ruby I. Harris the balance of just compensation due her of \$275.00, being inclusive of interest.

  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
PERRY A. KROHN  
Assistant United States Attorney

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 Action No. 4625

FILED

SEP 26 1960

J U D G M E N T

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

As to Tract No. L-1238

On May 16, 1960, this cause, as to Tract No. L-1238 only, came on for jury trial at Tulsa, Oklahoma, before the Honorable W. R. Wallace, sitting in the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Robert S. Rizley, United States Attorney, and Hubert A. Marlow, Assistant United States Attorney, for the Northern District of Oklahoma. The defendant owners of Tract No. L-1238 appeared by their attorney, Mr. Richard D. Gibbon.

A jury was impaneled and sworn, opening statements were made, evidence was introduced by both sides, final arguments were made, and the Court instructed the jury. Whereupon the jury retired for deliberation, and on May 16, 1960, returned its verdict awarding just compensation for Tract No. L-1238 in the sum of \$17,500.00. Thereupon the Court finds:

I

This judgment applies only to the surface estate in Tract No. L-1238, 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 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 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 the land described as Tract No. L-1238 in such Complaint. Pursuant thereto, on January 28, 1959, the United States of America filed its Declaration of Taking of a certain estate in such described land, 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 the described estate in Tract No. L-1238 a certain sum of money and all of this deposit has been disbursed to the owners entitled thereto, as set out in Paragraph IX below.

VI

The verdict of the jury should be approved.

VII

The persons named in Paragraph IX 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 found to be the owners of the subject tract, 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. L-1238, as such tract is described in the Complaint and Declaration of Taking filed herein, and the surface estate in such tract, to the extent of the estate indicated and for the uses and purposes described in the Declaration of Taking filed herein, is condemned and title thereto is vested in the United States of America, and all defendants herein and all other persons interested in such estate in such tract are forever barred from asserting any claim thereto.

IX

It is Further ORDERED, ADJUDGED, AND DECREED, that the right to just compensation for the described estate in Tract No. L-1238, taken herein, is vested in the defendants whose names appear below in this paragraph, the jury's verdict is hereby confirmed and the sum therein fixed is adopted as just compensation for such estate as set out in the following schedule:

TRACT NO. L-1238

Landowners: Edward C. Lawson and Alice K. Lawson, his wife		
Compensation Fixed by Jury Verdict		
and approved by Court . . . . .	\$17,500.00	\$17,500.00
Deposited as Estimated Compensation: <u>\$17,500.00</u>		
Disbursed to Owners . . . . .		<u>\$17,500.00</u>

APPROVED:  
*(s) Richard A. Marlow*  
Assistant U. S. Attorney

*(s) Royce H. Savage*  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

400.00 Acres of Land, More or Less,  
Situate in Rogers County, Oklahoma,  
and Robert L. House, et al, and  
Unknown Owners,

Defendants.

Civil Action No. 4651

FILED

SEP 26 1960

J U D G M E N T

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

(As to all Tracts)

I

NOW, on this 26<sup>th</sup> day of September, 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 February 3, 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

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.

IV

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the property described in such Complaint. Pursuant thereto, on March 4, 1959, the United States of America filed its Declaration of Taking of certain estates in such described tracts, and title thereto should be vested in the United States of America.

V

On March 4, 1959, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estates in subject tracts certain sums of money, none of which has been disbursed, as set out in Paragraph X below.

VI

The Report of Commissioners filed herein on February 3, 1960, is hereby accepted and adopted as a finding of fact. 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 X below.

VII

A deficiency exists between the amount deposited as estimated just compensation for certain tracts and the amount fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. Such deficiency is set out in Paragraph X below.

VIII

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

IX

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

X

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the right to just compensation for the estate taken herein is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of February 3, 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. J-1038 and  
Part of Tract No. J-1038E-1

Owners:

Robert L. House  
The Onego Corporation  
Delaware Valley Financial Corporation holds a Mortgage  
in the principal sum of \$75,000.00 on The Onego  
Corporation interest.

Deposited as Estimated Compensation: . . . . .	\$16,790.00	
Just Compensation fixed by the Commissioners and Adopted by the Court. . . . .	13,500.00	\$13,500.00
Deposit Surplus . . . . .	\$ 3,290.00	
Disbursed to owners . . . . .		None
Balance Due Owners . . . . .		\$13,500.00

Tracts Nos. J-1053 and J-1054

Owners:

Claud N. Jordan and Helen R. Jordan  
The Onego Corporation  
The Delaware Valley Financial Corporation holds a Mortgage  
in the principal sum of \$75,000.00 on the Onego Corpora-  
tion interest.

Just Compensation fixed by the Commissioners and Adopted by the Court . . . . .	\$58,500.00	\$58,500.00
Deposit of Estimated Compensation . . . . .	46,915.00	
Gross Deposit Deficiency . . . . .	\$11,585.00	
Less Surplus as to Tracts J-1038 and Part of J-1038E-1 . . . . .	\$ 3,290.00	
Net Deposit Deficiency . . . . .	\$ 8,295.00	
Disbursed to Owners . . . . .		None
Balance Due to Owners . . . . .		\$58,500.00

XI

It Is Further ORDERED, ADJUDGED AND DECREED that the Plaintiff,  
United States of America, shall pay into the Registry of this Court for the  
benefit of the owners of Tracts J-1053 and J-1054 the sum of \$9,146.25,  
(calculated as follows: \$8,295.00 plus \$851.25 interest on the \$11,585.00  
gross deposit deficiency at the rate of 6% per annum from March 4, 1959 to  
May 25, 1960); and shall deposit the amount of money necessary to pay the  
interest on the \$8,295.00 net deposit deficiency at the rate of 6% per annum  
from May 25, 1960 until the date such sums are deposited in the Registry of  
this Court.

APPROVED:

(s) Hubert A. Marlow  
Hubert A. Marlow  
First Assistant U. S. Attorney

(s) Royce H. Bannan  
ROYCE H. BANNAN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

Civil No. 5007

FILED

SEP 26 1960

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

J U D G M E N T

NOW, on this 26<sup>th</sup> day of September 1960, the above-entitled matter coming on for hearing, the plaintiff, United States of America, appearing by James L. Burton, Assistant United States Attorney for the Northern District of Oklahoma, and the defendants, Brookside Development Co., Inc., and W. H. Calderwood, having failed to answer, but appearing specially by their attorney, Irvine E. Ungerman, and it appearing to the Court that this is a suit upon two mortgage notes and for foreclosure of two mortgages upon real estate securing the same, which real estate is located in the County of Tulsa, State of Oklahoma, within the Northern Judicial District of Oklahoma.

It further appearing that due and legal personal service of summons has been made on both defendants on August 29<sup>th</sup>, 1960, in this State, requiring them to answer the complaint filed herein in not more than 20 days after the date of service of summons, and it further appearing that each defendant has failed to file its answer herein, but appeared specially by their attorney, Irvine E. Ungerman, and admitted the execution of the notes and mortgages sued upon, and that they were in default in the installments due under the notes, and admitting the amounts due, as set forth in the complaint herein, and the Court, being fully advised, finds that all the allegations and averments in the complaint of plaintiff are true; that there is due from the defendant, Brookside Development Co., Inc., to the plaintiff, United States of America, on the notes and mortgages, the following amounts:

- (1) The principal sums of \$123,113.98 on Note I and \$78,894.20 on Note II; plus,
- (2) The accrued interest thereon through July 31, 1960 in the amount of \$2,872.67 on Note I and \$1,841.75 on Note II; plus,
- (3) An advance in the amount of \$671.20 under Real Estate Mortgage II; plus,

- (4) Interest on said advance through July 31, 1960 in the amount of \$8.09; plus,
- (5) Interest on said principal balances and on said advance at the rate of four per centum (4%) per annum from August 1, 1960.

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

Lot Two (2), Block Four (4) of South Brookside Addition in Tulsa County, Oklahoma, according to the Recorded Plat thereof, and

Lot Three (3), Block Four (4), South Brookside Addition in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

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

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED by the Court that plaintiff, United States of America, do have and recover from the defendant, Brookside Development Co., Inc., the sum of \$207,401.49, with interest on the principal sum of \$202,678.98, at the rate of four per cent (4%) per annum from the first day of August 1960, together with the costs of this action, accrued and accruing,

It further appearing to the Court that the mortgages contain the words, "Mortgagor hereby waives all benefit of stay, valuation, or appraisalment, . . .", and both defendants, by their attorney, Irvine E. Ungerman, have this day filed a stipulation to waive the statutory six months period after a foreclosure Judgment before an Order of Sale shall issue,

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

Lot Two (2), Block Four (4) of South Brookside Addition in Tulsa County, Oklahoma, according to the Recorded Plat thereof, and

Lot Three (3), Block Four (4), South Brookside Addition in Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

and apply the proceeds arising from the sale as follows:

- (1) In payment of the costs of the sale and of this action;
- (2) In payment of any unpaid taxes due;
- (3) In payment to plaintiff the sum of \$207,401.49, with interest on the principal sum of \$202,678.98, at the rate of four per cent (4%) per annum from August 1, 1960;
- (4) The residue, if any, be paid to the Clerk of the Court to await the further order of the Court.

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

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

J. Royce H. Savage  
CLERK OF DISTRICT COURT

APPROVED:

Wm. E. Kuzerman  
Wright Building, Tulsa, Oklahoma  
Attorney for Brookside Development Co., Inc., and W. H. Calderwood

James L. Burton  
Assistant United States Attorney  
335 Federal Building  
Tulsa 3, Oklahoma



UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

\*\*\*\*\*

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

Petitioner,

v.

SHEET METAL WORKERS' INTERNATIONAL ASSOCIATION,  
LOCAL UNION NO. 270, AND ITS BUSINESS AGENT,  
B. J. REINHARD,

Respondents.

Civil No. 4965

**FILED** ✓

SEP 29 1960

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

\*\*\*\*\*

ORDER DISMISSING PROCEEDING FOR TEMPORARY INJUNCTION

A petition having been filed herein for a temporary injunction enjoining and restraining respondents from engaging in certain acts and conduct set forth therein pending final disposition of the matters involved pending before the National Labor Relations Board, and it appearing to the Court that the matters involved pending before the National Labor Relations Board have been settled and the case closed by said Board, which is its final disposition of the matters involved pending before it, and the parties having consented to the entry of the within order, it is therefore

ORDERED, that this proceeding be, and it hereby is, dismissed and terminated without costs to either party.

Done at Tulsa, Oklahoma, this 29 day of September, 1960.

(S) Royce H. Savage  
United States District Judge

The entry of the foregoing order is hereby consented to this 29<sup>th</sup> day of September, 1960.

Joseph P. Parker  
Attorney for Petitioner

**DYER, POWERS & GOTCHER,**  
By [Signature]  
Attorney for Respondents



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

BERNICE TRACHSEL and )  
RUDOLPH TRACHSEL, )  
Plaintiffs )  
-vs- )  
WARREN R. WADE, )  
Defendant. )

Civil No. 4660

FILED

OCT 3 1960

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

MOTION FOR DISMISSAL

Comes now the Plaintiffs and moves the Court as follows:

To dismiss with prejudice the above styled action because the Plaintiffs  
have agreed to accept a compromise figure as a full and final settlement.

12/ Gerald K. Donovan  
Attorney for the Plaintiffs

ORDER

On motion of the Plaintiffs, it is ordered that because of an  
agreed settlement figure being reached between the Plaintiffs and the  
Defendant, the above styled case of Bernice Trachsel and Rudolph Trachsel  
vs. Warren R. Wade is hereby dismissed with prejudice this 2nd day of  
Oct.  
~~September~~, 1960.

15/ Roger H. Savage  
District Judge

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

Flossie Hanson, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 Safeway Stores, Inc., )  
 a corporation, )  
 )  
 Defendant. )

No. 4949-Civil

FILED

OCT -3 1960

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

DISMISSAL WITH PREJUDICE

Comes now the plaintiff, Flossie Hanson, and dismisses the  
above styled and numbered cause of action with prejudice to the bringing  
of a future action.

Dated this 29th day of September, 1960.

Flossie Hanson  
Plaintiff  
[Signature]  
Carroll C. Patton  
Attorneys for Plaintiff

Comes now the defendant, by and through its counsel of record,  
and consents to the dismissal of the above styled and numbered cause  
of action with prejudice to the bringing of any future action.

[Signature]  
Attorney for Defendant

Pursuant to Rule 28, U.S.D.C., it is hereby ordered that the  
above styled and numbered cause be dismissed with prejudice.

Noble C. Hood  
United States District Clerk  
By [Signature]

wfk/el  
9-29-60

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

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

Plaintiff,

-vs-

J. R. Watt, an individual doing  
business as Tulsa Iron & Metal  
Company,

Defendant.

No. 5014

**FILED**

OCT -3 1960

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

JOURNAL ENTRY OF JUDGMENT.

Now on this 3rd day of October,  
1960, this cause, having been regularly assigned for  
trial, comes on to be heard in its regular order. The  
plaintiff, The Atchison, Topeka and Santa Fe Railway  
Company, appears by its attorneys, Richard D. Haynes  
and Valjean Siddison, and the defendant, J. R. Watt, an  
individual doing business as Tulsa Iron & Metal Company,  
appears by its attorney, Philip M. Landa.

Thereupon the defendant, by its  
attorney, confesses the complaint of plaintiff herein;  
and the Court, being fully advised in the premises,

IT IS, THEREFORE, ORDERED, ADJUDGED  
AND DECREED by the Court that said plaintiff, The Atchison,  
Topeka and Santa Fe Railway Company, a corporation, have  
and recover of and from the said defendant, J. R. Watt,  
an individual doing business as Tulsa Iron & Metal Company,  
the sum of Three Thousand Eight Hundred Twenty-six and  
60/100 Dollars (\$3,826.60), with interest thereon at 6%  
from this date, and for all costs of this action, for all  
of which let execution issue.

181 Royce H. Swope  
JUDGE.

APPROVED AS TO FORM:

Richard D. Haynes  
Attorney for Plaintiff  
Philip M. Landa  
Attorney for Defendant.

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

ANDRA F. HINTON and  
MARGARET L. HINTON,

Plaintiffs,

-vs-

AGRICULTURAL INSURANCE COMPANY  
OF WATERTOWN, NEW YORK, An Insurance  
Corporation,

Defendant.

No. 4920 CIVIL

FILED ✓

OCT 4 1960

NO. 4920 CIVIL  
Clerk, U. S. District Court

JOURNAL ENTRY OF JUDGMENT

This cause coming on to be heard this 26th day of September, 1960, pursuant to regular assignment for trial, said plaintiffs being present in person and with their attorneys, Robert N. Wilde and Waldo Jones, Jr., and the defendant appearing by their attorney, Thomas L. Palmer, and both parties answering ready for trial, and a jury having been heretofore waived in open court, the Court proceeded to hear the evidence of witnesses, sworn and examined in open court and arguments of counsel.

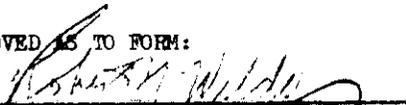
The Court being fully advised in the premises, on consideration thereof finds that plaintiffs have not sustained the allegations of their petition on their first and third causes of action and finds that the defendant is entitled to judgment on said first and third causes of action.

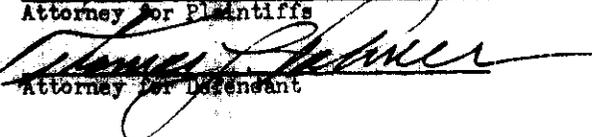
The Court further finds that plaintiffs have sustained the allegations of their petition on their second cause of action and that they are entitled to judgment accordingly.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that said plaintiffs, Andra P. Hinton and Margaret L. Hinton, have and recover the sum of Ten Thousand Seven Hundred Eighty One and 69/100 (\$10,781.69) Dollars of the said defendants, Agricultural Insurance Company of Watertown, New York, with interest at the rate of 6% per annum from the date of judgment.

  
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

  
Attorney for Plaintiffs

  
Attorney for Defendant

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

Audrey Mae Stone,

Plaintiff,

vs.

Sibyl Fry,

Defendant.

Civil Action No. 4931

FILED

OCT -4 1960

J U D G M E N T

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

This action came on for trial before the Court and a jury, the Honorable Royce H. Savage presiding, and the issues having been duly tried and the jury on October 4, 1960 having rendered a verdict for the plaintiff to recover of the defendant damages in the amount of Five Thousand, Two Hundred Fifty (\$5,250.00) Dollars,

IT IS ORDERED AND ADJUDGED that the plaintiff, Audrey Mae Stone, recover of the defendant, Sibyl Fry, the sum of Five Thousand, Two Hundred Fifty (\$5,250.00) Dollars, with interest thereon at the rate of 6% per annum from the date hereof until paid, and her cost of action.

Dated at Tulsa, Oklahoma, this 4th day of October, 1960.

NOBLE C. HOOD, CLERK

By   
Ben B. Ballenger, Deputy



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

Lawrence J. Diehl, }  
vs. Plaintiff, }  
Phillips Petroleum Company, }  
Defendant. }

Civil No. 4801

**FILED**

OCT -5 1960

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

**JUDGMENT**

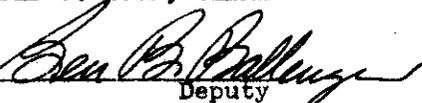
This action came on for trial before the court and a jury, the Honorable Royce H. Savage presiding, and the issues having been duly tried and the jury on October 5, 1960 having rendered a verdict for the plaintiff to recover of the defendant damages in the amount of Fourteen Hundred (\$1,400.00) Dollars,

IT IS ORDERED AND ADJUDGED that the plaintiff, Lawrence J. Diehl, recover of the defendant, Phillips Petroleum Company, the sum of Fourteen Hundred (\$1,400.00) 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 5th day of October, 1960.

NOBLE C. HOOD, CLERK

By

  
Deputy

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

Rachael L. Hizer,  
Plaintiff,  
vs.  
Robert W. Sanderson,  
Defendant.

Civil No. 4924

**FILED**

OCT -5 1960

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

**JUDGMENT**

This action came on for trial before the Court and a jury, the Honorable Royce H. Savage presiding, and the issues having been duly tried and the jury on October 5, 1960, having rendered a verdict for the defendant,

IT IS ORDERED AND ADJUDGED that the plaintiff, Rachael L. Hizer, take nothing, that the action is dismissed on the merits, and that the defendant, Robert W. Sanderson, recover of the plaintiff, Rachael L. Hizer, his cost of action.

Dated at Tulsa, Oklahoma, this 5th day of October, 1960.

NOBLE C. HOOD, CLERK

By   
Deputy.

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

JENSEN BROS. MFG. CO., INC., )  
A Corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
BIG MIKE PIPE AND SUPPLY, INC., )  
A Corporation, and ILLINI OIL COMPANY, )  
INC., A Corporation, )  
Defendants. )

No. 4832 - Civil

FILED

OCT - 6 1960

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

J U D G M E N T

The above entitled matter came on pursuant to previous agreements and stipulations for trial before the Court without a jury, on the 6<sup>th</sup> day of October, 1960, the plaintiff appearing by Ungerman, Grabel, Ungerman, Leiter & Unruh, its attorneys of record, and the defendants, Big Mike Pipe and Supply, Inc., and Illini Oil Company, Inc., by G. A. Whitebook, their attorney of record. The Court having reviewed the pleadings on file in this cause and the Stipulations heretofore entered into by the parties hereto and filed of record in this cause, the Court finds that there are no issues of fact to be determined, the same having been fully stipulated to and entered in this cause, and that pursuant thereto, judgment is entered by this Court as follows, to-wit:

IT IS ORDERED AND ADJUDGED, that the plaintiff, Jensen Bros. Mfg. Co., Inc., have and recover a judgment against the defendants, Big Mike Pipe and Supply, Inc., a corporation, and Illini Oil Company, Inc., a corporation, and each of them, in the sum of \$30,694.97, together with interest thereon at the rate of Six per cent per annum from this date, and for its costs and disbursements in this action, to be hereinafter taxex, on notice.

APPROVED:

Ray A. Savage  
United States District Judge.

LAW OFFICES  
UNGERMAN,  
GRABEL,  
UNGERMAN,  
LEITER &  
UNRUH

Ungerman, Grabel, Ungerman,  
Leiter & Unruh

By James Unruh  
Attorneys for Plaintiff,

SIXTH FLOOR  
WRIGHT BUILDING  
TULSA, OKLAHOMA

G. A. Whitebook  
Attorney for Defendants.

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

**FILED**

OCT -6 1960

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

EUGENE FRYE,

Plaintiff,

vs.

AMERICAN INCOME LIFE INSURANCE  
COMPANY, an insurance corporation,

Defendant.

No. 4930

Civil Action

ORDER OF DISMISSAL WITH PREJUDICE

It having been made to appear to the court that plaintiff and defendant have compromised and settled the issues and disputes set out in the petition and answer, and the court being otherwise fully advised in the premises, issues the following order of dismissal:

IT IS THEREFORE ORDERED that the causes of action and issues alleged in the petition and answer of each of the parties hereto, are hereby dismissed with prejudice and at the costs of the defendant.

Dated this 30th day of September, 1960.

*By Royal H. Savage*  
District Judge

APPROVED:

*T. L. ...*  
Attorney for Plaintiff

*William C. ...*  
Attorney for Defendant.

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

Dennis F. Waller,  
Plaintiff,  
vs.  
Tidewater Oil Company,  
a Corporation,  
Defendant.)

Civil No. 4745

**FILED**

OCT 10 1960

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

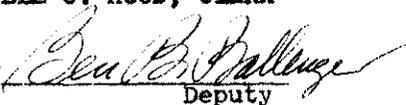
**JUDGMENT**

This action came on for trial before the Court and a jury, the Honorable Royce H. Savage presiding, and the issues having been duly tried and the jury on October 10, 1960, having rendered a verdict for the plaintiff to recover of the defendant damages in the amount of Nineteen Thousand Eight Hundred and Eighty-five (\$19,885.00) Dollars,

IT IS ORDERED AND ADJUDGED that the plaintiff, Dennis F. Waller, recover of the defendant, Tidewater Oil Company, the sum of Nineteen Thousand Eight Hundred and Eighty-five (\$19,885.00) 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 10th day of October, 1960.

NOBLE C. HOOD, CLERK

By   
Deputy

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

Frona J. Walden,  
Plaintiff,  
vs.  
James H. Kepley,  
Defendant.)

Civil No. 4907

**FILED**

OCT 11 1960

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

JUDGMENT

This action came on for trial before the court and a jury, the Honorable Royce H. Savage presiding, and the issues having been duly tried and the jury on October 11, 1960, having rendered a verdict for the plaintiff to recover of the defendant damages in the amount of Two Thousand (\$2000.00) Dollars,

IT IS ORDERED AND ADJUDGED that the plaintiff, Frona J. Walden, recover of the defendant, James H. Kepley, the sum of Two Thousand (\$2,000.00) Dollars, with interest thereon at the rate of 6% per annum from the date hereof until paid, and her cost of action.

Dated at Tulsa, Oklahoma, this 11th day of October, 1960.

NOBLE C. HOOD, CLERK

By

  
Deputy

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

MYRLE VOWELL,

Plaintiff,

vs.

IVA J. MICHAEL,

Defendant. )

Civil No. 5005

**FILED**

OCT 12 1960

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

**JUDGMENT**

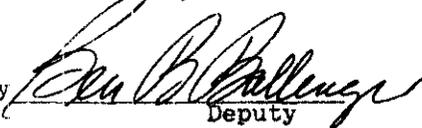
This action came on for trial before the court and a jury, the Honorable Royce H. Savage presiding, and the issues having been duly tried and the jury on October 12, 1960 having rendered a verdict for the plaintiff to recover of the defendant damages in the amount of Twelve Hundred (\$1,200.00) Dollars,

IT IS ORDERED AND ADJUDGED that the plaintiff, Myrle Vowell, recover of the defendant, Iva J. Michael, the sum of Twelve Hundred (\$1,200.00) Dollars, with interest thereon at the rate of 6% per annum from the date hereof until paid, and her cost of action.

Dated at Tulsa, Oklahoma, this 12th day of October, 1960.

NOBLE C. HOOD, CLERK

By

  
Deputy

FILED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

OCT 13 1960

United States of America,

Plaintiff,

vs.

934.39 Acres of Land, More or Less,  
Situate in Rogers County, Oklahoma,  
and C. H. Dennis, et al, and  
Unknown Owners,

Defendants.

Civil Action No. 4570  
NOBLE C. HOOD  
Clerk, U. S. District Court

Tracts Nos. B-233, B-271-1,  
B-233E-1, B-271-2,  
B-233E-2, B-271-3,  
B-233E-3, B-271E-1,  
B-233E-4, B-271E-2,  
B-233E-5, B-271E-3,  
B-233E-6, and  
B-271E-4

J U D G M E N T

I

NOW, on this 13th day of October, 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 September 21, 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 the tracts enumerated in the caption above, 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 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 subject tracts of land. Pursuant thereto, on September 8, 1958, the United States of America filed its Declaration of Taking of such tracts of land, and title thereto should be vested in the United States of America.

VI

On September 8, 1958, there was deposited in the Registry of this Court as estimated compensation for the taking of the subject tracts 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 September 21, 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, and a sum of money sufficient to cover such deficiencies should be deposited by the Government. These deficiencies are set out in Paragraph XI below.

XI

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 found to be the owners of such estates, and, as such, are entitled to receive the respective awards of just compensation.

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 in subject tracts is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of September 21, 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. B-233, B-233E-1, B-233E-2, B-233E-3, B-233E-4, B-233E-5,  
and B-233E-6

OWNERS: C. H. Dennis and Lula Dennis, his wife.

Just Compensation:

as fixed by Commissioners and Adopted by Court:

For surface . . . . .	\$20,000.00	
For minerals . . . . .	\$ 900.00	
Total . . . . .	\$20,900.00	\$20,900.00

Deposited as Estimated Compensation . . . . . \$18,127.00

Deposit Deficiency . . . . . \$ 2,773.00

Disbursed to Owners . . . . . \$17,756.00

Balance Due to Owners . . . . . \$ 3,144.00

Tracts Nos. B-271-1, B-271-2, B-271-3, B-271E-1, B-271E-2,  
B-271E-3, and B-271E-4

OWNERS: Elbert C. Hagar, Virginia W. Hagar and  
Connecticut Mutual Life Insurance Company (Mortgagee)

Just Compensation:

as fixed by Commission and Adopted by Court:

For surface . . . . .	\$ 9,500.00	
For minerals . . . . .	\$ 494.00	
Total . . . . .	\$ 9,994.00	\$ 9,994.00

Deposited as Estimated Compensation: . . . . . \$ 4,224.00

Deposit Deficiency . . . . . \$ 5,770.00

Disbursed to Owners . . . . . None

Balance Due Owners . . . . . \$ 9,994.00

XII

It Is Further ORDERED, ADJUGED AND DECREED that the United States of America shall deposit in the registry of this Court for the benefit of the land-owners the total deficiency amount of \$8,543.00, together with interest thereon at the rate of 6 percent per annum from September 8, 1958, until the date of deposit of subject deficiency amount, together with interest. Upon deposit of this sum, the Clerk of this Court shall disburse to the owners the amounts due as shown in Paragraph XI above, plus such owners' accrued interest on their respective deposit deficiencies.

*Royce H. Savage*

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

APPROVED:

*Hubert A. Marlow*  
\_\_\_\_\_  
HUBERT A. MARLOW  
First Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
351.85 Acres of Land, More or Less, )  
Situat e in Creek and Pawnee Counties, )  
Oklahoma, and George Deitz, et al, )  
and Unknown Owners, )  
 )  
Defendants. )

Civil Action No. 4734

**FILED**

JUDGMENT ON STIPULATION

OCT 13 1960

As to Tracts Nos. 4509,  
4509E 1, E-2 and E-3

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

I

Now on this 13<sup>th</sup> day of October, 1960, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on Stipulation, and the court, after having been fully 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. 4509, 4509E-1, E-2 and E-3, as such tracts and the estates taken therein are described in the Declaration of Taking and Complaint filed herein.

IV

Service of Process has been perfected personally as provided by Rule 71A of the Federal Rules of Civil Procedure on all the parties defendant in this cause who have or claim an interest in the estate taken 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, and on July 14, 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 July 14, 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 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 the tracts are particularly described in the Complaint filed herein, were the persons whose names are shown in Paragraph XI below. Such named defendants are the only persons asserting any interest in the estates taken in such tracts, and such defendants are entitled to receive the just compensation for the estates taken in these tracts.

VIII

The owners of the subject tracts have executed, with the United States of America, a Stipulation as to Just Compensation filed herein, wherein they have agreed that just compensation for the estates condemned in such tracts is in the amount shown as compensation in Paragraph XI herein, inclusive of interest, and such stipulation 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 the 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, 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.

XI

It is further ORDERED, ADJUDGED AND DECREED that the Stipulation as to Just Compensation referred to in Paragraph VIII above is confirmed as just compensation for the estate condemned in the following tracts:

Tracts Nos. 4509, 4509E-1,  
4509E-2 and 4509E-3

Owners: Otis Buttress and Mary Elizabeth Buttress,  
his wife - entire interest less and except  
minerals.

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

Deposited as Estimated Compensation and dis-  
bursed by Order of July 28, 1959 - - -

<u>Tract No.</u>	<u>Amount</u>
4509	\$3,100.00
4509E-1	150.00
4509E-2	200.00
4509E-3	<u>100.00</u>
Total	\$3,550.00

Deposited Deficiency and balance due owners - - - - \$ 450.00

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 Otis Buttress and Mary Elizabeth Buttress, his wife, landowners, the deficiency amount as to Tracts Nos. 4509, 4509E-1, E-2 and E-3 shown in Paragraph XI above, to wit, \$450.00, being the total deficiency for all such tracts. Upon deposit of this sum the Clerk of this court shall distribute to the said Otis and Mary Elizabeth Buttress the sum of \$450.00.

/s/ ROYCE H. SAVAGE  
UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Perry A. Krohn  
Perry A. Krohn  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

OCT 13 1960

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 706.76 Acres of Land, More or Less, )  
 Situate in Creek, Pawnee and Tulsa )  
 Counties, Oklahoma, and Annie Bemore )  
 Washington, et al, and Unknown Owners, )  
 )  
 Defendants. )

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

Civil Action No. 4842

JUDGMENT ON STIPULATION  
AS TO TRACTS NOS. A-127M,  
M-1 AND M-2

Now on this 13<sup>th</sup> day of October, 1960, this matter

comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on Stipulation, and the court, after having been fully 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. A-127M, A-127M-1 and A-127M-2, as such tracts and the estates taken therein are described in the Declaration of Taking and Complaint filed herein, except as to an undivided 1/48th of 7/8ths of 7/8ths mineral leasehold interest.

IV

Service of Process has been perfected personally as provided by Rule 71A of the Federal Rules of Civil Procedure on all the parties defendant in this cause who have or claim an interest in the estate taken in the tracts named in Paragraph III, above, except the owners of the 1/48th of 7/8ths of 7/8ths mineral leasehold interest referred to in paragraph III hereof.

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, and on January 29, 1960, 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 to the extent of the estate

taken in the respective tracts set forth in Paragraph III hereof, as such tracts and the estate taken therein are described in the Declaration of Taking and Complaint filed herein.

VI

On January 29, 1960 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 these deposits have been disbursed as set out in Paragraph XI below.

VII

On the date of filing of the Declaration of Taking in this case, the owners of the estates taken in the tracts named in paragraph III hereof, as such estates and the tracts are particularly described in the Complaint filed herein, except the owners of an undivided  $1/48$ th of  $7/8$ ths of  $7/8$ ths mineral leasehold interest in such tracts, were the persons whose names are shown in Paragraph XI below. Such named defendants are the only persons asserting any interest in the estates taken in such tracts, except as to an undivided  $1/48$ th of  $7/8$ ths of  $7/8$ ths mineral leasehold interest therein as aforesaid, and such defendants are entitled to receive the just compensation for the estates taken in these tracts, except as to the aforesaid  $1/48$ th of  $7/8$ ths of  $7/8$ ths mineral leasehold interest.

VIII

The owners of the subject tracts, defendants herein, except the owners of an undivided  $1/48$ th of  $7/8$ ths of  $7/8$ ths mineral leasehold interest therein, have executed, with the United States of America, Stipulations as to Just Compensation filed herein, wherein said defendants have agreed that just compensation payable by the plaintiff herein for their respective interests in the estate condemned in Tracts Nos. A-127M, M-1 and M-2 is in the amount shown as compensation in Paragraph XI below, inclusive of interest, and such stipulation should be approved.

IX

It is Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America have 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, except as to an undivided  $1/48$ th of  $7/8$ ths of  $7/8$ ths mineral leasehold interest, are condemned

and title thereto is vested in the United States of America and the defendants herein and all other persons interested in such estates, except the owners of an undivided 1/48th of 7/8ths of 7/8ths mineral leasehold interest, 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, except the owners of an undivided 1/48th of 7/8ths of 7/8ths mineral leasehold interest, 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 to the extent of their respective interest therein.

XI

It is further ORDERED, ADJUDGED AND DECREED that the Stipulations as to Just Compensation referred to in Paragraph VIII above are confirmed as just compensation for the interest of the parties thereto in the estate condemned in the following tracts:

Tracts Nos. A-127M, A-127M-1 and A-127M-2

Owners: Claud Washington and Annie Bemore  
Washington, his wife - - all interest  
in the minerals (lessor's interest),  
less and except the undivided 7/8ths  
mineral leasehold interest.

Award of Compensation (by approved stipulation) \$ 3,988.16

Sidney Gore - - all of the undivided  
7/8ths mineral leasehold interest  
(lessee's working interest) less and  
except an undivided 1/48th of 7/8ths of  
7/8ths mineral leasehold interest

Award of Compensation (by approved stipulation) \$12,501.87

Sidney Gore - -

Plugging two (2) abandoned oil wells - - - \$1,206.00

Plugging two (2) producing oil wells - - - \$1,600.00

Award of Compensation (by approved stipulation) \$ 2,806.00

Deposited as Estimated Compensation and Disbursed  
by Orders of April 22, 1960 and May 18, 1960:

<u>Tract No.</u>	<u>Deposited</u>	<u>Disbursed</u>	<u>Remaining</u>
A-127M	\$ 615.00	\$ 613.05	\$ 1.95
A-127M-1	14,126.00	13,894.00	232.00
A-127M-2	13.00	12.95	0.05

Balance of estimated deposit for 1/48th of 7/8ths of  
7/8ths mineral leasehold interest (no stipulation) \$ 234.00

Deposit deficiency and balance due owners Claud  
Washington and Annie Bemore Washington, his wife,  
and Sidney Gore (by approved stipulation) \$ 4,776.03

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 Claud Washington and Annie Bemore Washington, his wife, the sum of \$468.16, being their proportionate part of the deposit deficiency as to their interest in Tracts Nos. A-127M, M-1 and M-2 shown in Paragraph XI above, and for the benefit of Sidney Gore the sum of \$4,307.87, being his proportionate part of the deposit deficiency as to his interest in the same tracts, the sum of \$4,776.03 as shown in Paragraph XI above being the total deficiency for all such tracts as to the respective interests of Claud Washington and Annie Bemore Washington, his wife, and Sidney Gore. Upon deposit of this sum the Clerk of this court shall distribute to the said Claud Washington and Annie Bemore Washington, his wife, the sum of \$468.16, and shall distribute to the said Sidney Gore the sum of \$3,507.87, leaving a balance on deposit from the sum of \$4,776.03 of \$800.00 to be distributed upon further order of this court to Sidney Gore upon completion of all of the terms of the stipulation referred to in Paragraph VIII hereof by and between Sidney Gore and the United States of America with respect to plugging of an oil and gas well located on the tracts which are the subject of this judgment.

15 ROYCE H. SAVAGE  
UNITED STATES DISTRICT JUDGE

APPROVED:

15 Perry A. Krohn  
Perry A. Krohn  
Assistant United States Attorney

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

JOHN A. BIRDWELL,

Plaintiff,

-vs-

RICHARD M. REESE and  
JOE REESE,

Defendants.

No. 4892

FILED

OCT 14 1960

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

APPLICATION FOR DISMISSAL WITH PREJUDICE

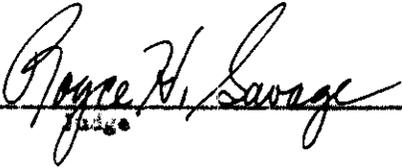
Comes now the plaintiff, John A. Birdwell,  
by his attorneys, Toney Jack Lyons and James Worrell, and the defendants,  
Richard M. Reese and Joe Reese, by their attorneys, Rucker, Tabor,  
Best, Sharp & Shepherd and Joseph F. Glass, and moves the court dismiss  
this case with prejudice for the reason that a compromise settlement  
agreement has been entered into.

*Toney Jack Lyons*  
\_\_\_\_\_  
Attorney for Plaintiff  
*James A. Worrell*  
\_\_\_\_\_  
Attorney for Plaintiff  
\_\_\_\_\_  
Attorneys for Defendant

ORDER

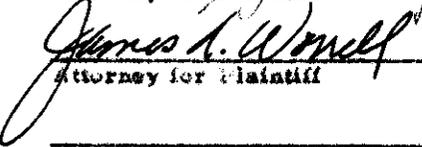
Now on this 14<sup>th</sup> day of October, 1960, after  
having been advised by both attorneys for the plaintiff and defendants that  
a compromise settlement agreement has been effected between parties,  
the court orders that this case be dismissed with prejudice to the plaintiff's  
right to maintain any action in the future against the defendants, Richard  
M. Reese and Joe Reese for any injury sustained by the plaintiff, John A.  
Birdwell, in an accident which occurred at the intersection of Highways  
#28 and #69 in Adair, Oklahoma, and for any cause or causes that the  
plaintiff has set forth in the petition filed in the case of James A. Birdwell

versus Richard M. Reese and Joe Reese , case number 4892, lodged  
in the United States Federal District Court for the Northern District  
of Oklahoma.

  
\_\_\_\_\_  
Judge

APPROVED:

  
\_\_\_\_\_  
Attorney for Plaintiff

  
\_\_\_\_\_  
Attorney for Plaintiff

\_\_\_\_\_  
Attorney for Defendant

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

A. C. ANDERSON,

Plaintiff,

vs.

CHARLES R. WILSON and  
HYDE CONSTRUCTION CO., INC.,  
a Corporation,

Defendants.

No. 4971 Civil

FILED

OCT 14 1960

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

ORDER

NOW on this 14th day of October, 1960, there came on for hearing pursuant to regular assignment the motion of plaintiff and defendants to dismiss the above-captioned matter with prejudice. Plaintiff appeared by and through his attorney, Dan Rogers and the defendants appeared by and through their attorney, Alfred B. Knight. After oral argument and the Court being fully advised in the premises the Court finds that the above-captioned matter has been compromised and settled and should be dismissed with prejudice.

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

By Peyton H. Savage  
JUDGE

APPROVAL BY:

Dan Rogers  
Attorney for Plaintiff

APPROVAL BY:

Alfred B. Knight  
Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

989.66 Acres of Land, More or Less,  
Situate in Nowata County, Oklahoma,  
and H. T. Stanart, et al, and Unknown  
Owners,

Defendants.

CIVIL ACTION NO. 4857

**FILED**

OCT 17 1960

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

J U D G M E N T

As to Tracts Nos. 5719-A and 5718-D

This cause comes on for disposition on the stipulation of the parties on this 17<sup>th</sup> day of October, 1960. The Court, having been advised by Rodney G. Buckles, Assistant United States Attorney, for the Northern District of Oklahoma, finds that:

I.

This judgment applies only to the 1/8th royalty interest in the mineral estate in Tracts 5719-A and 5718-D.

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 that portion of the estate being condemned in these tracts to which this judgment applies as set forth in Paragraph I above.

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 February 19, 1960, the United States of America has filed its Declaration of Taking of such described tracts, and title thereto should be vested in the United States of America.

V.

On February 19, 1960, there was deposited in the Registry of this Court as estimated compensation for the taking of these tracts, the total sum of \$124,241.00. \$105,945.00 of this deposit has been disbursed to the

landowners entitled thereto, but as to the funds in the amount of \$12,055.00 deposited for the 1/8th royalty interest in these tracts there has been no disbursement made and there remains on deposit \$12,055.00.

VI.

On the date of taking title to the 1/8th royalty interest in the mineral estate taken in these tracts was vested as follows:

<u>Estate Owned</u>	<u>Owned by</u>
1/8th Royalty Interest in the mineral estate	Wiser Oil Company

This named defendant is the only person asserting any interest in the 1/8th royalty interest in the estates condemned in Tracts 5719-A and 5718-D, all other defendants having either disclaimed or defaulted, and this above named defendant is entitled to receive the award of just compensation.

VII.

The defendant, Wiser Oil Company, 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 \$13,500.00, without interest, shall be just compensation for such defendant's 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 defendant, Wiser Oil Company, as follows:

Amount agreed upon in the Stipulation as to Just Compensation for Wiser Oil Company's interest in Tracts 5719-A and 5718-D . . . . .	\$13,500.00
Amount deposited as estimated compensation for the benefit of Wiser Oil Company. . . . .	12,055.00
Deficiency in Deposit	\$ 1,445.00
Amount deposited for Wiser Oil Company . . . . .	\$12,055.00
Plus Deficiency in deposit due Wiser Oil Company . . . . .	1,445.00
Total monies due Wiser Oil Company . . . . .	\$13,500.00
Less Amount previously disbursed to Wiser Oil Company . . . . .	None
Balance due Wiser Oil Company . . . . .	\$13,500.00

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 the 1/8th royalty interest in the mineral estate in Tracts 5719A and 5718-D which are described in Schedule "A" attached to the Complaint and Declaration

of taking filed herein, and such interests in these tracts, to the extent of the estate indicated and for the uses and purposes described in the Declaration of Taking filed herein, are condemned and title thereto is vested in the United States of America, and all defendants herein and all other persons interested in 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 the Wiser Oil Company; 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 \$1,445.00. Upon deposit of such deficiency, the Clerk of this Court shall disburse to Wiser Oil Company just compensation due them in the amount of \$13,500.00.

*B/ Royce H. Savage*  
UNITED STATES DISTRICT JUDGE

APPROVED:

*(s) Rodney G. Buckles*  
\_\_\_\_\_  
RODNEY G. BUCKLES  
Assistant United States Attorney

*(s) Lloyd Rowland*  
\_\_\_\_\_  
LLOYD ROWLAND  
Attorney for Wiser Oil Company



set forth in the petition filed in the case of Jack Harrell versus  
William Leroy Whisenhunt, case number 5006, lodged in the United  
States Federal District Court for the Northern District of Oklahoma.

W. Royce Savage  
Judge

APPROVED:

W. E. Morrison  
Attorney for Plaintiff

George Klumpp  
Attorney for Plaintiff

Joseph F. Glass  
Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
Plaintiff,

vs.

934.39 Acres of Land, More or Less,  
Situate in Rogers County, Oklahoma,  
and C. H. Dennis, et al., and Unknown  
Owners,

Defendants.

Civil Action No. 4570

FILED

OCT 21 1960

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

J U D G M E N T

As to Tracts Nos. B-243, B-256, B-256E, B-257, B-287, B-272,  
and B-272E

I

On August 17, and September 7, 1960, this cause, as to the captioned tracts 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 defendant, Herbert T. McSpadden and Madalyn K. McSpadden, appeared by their attorney, Curtis P. Harris, and the defendants, R. J. C. Hamilton and Neil Bogan appeared by their attorney, F. C. Swindell. After hearing the evidence and being fully advised in the premises, the Court finds:

II

The Court has jurisdiction of the parties and the subject matter of the action. This judgment applies only to Tracts Nos. B-243, B-256, B-256E, B-257, B-287, B-272, and B-272E, as such tracts are described in Schedule "A" attached to the Complaint.

III

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

IV

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tracts as such tracts are particularly

described in Schedule "A" attached to such Complaint. Pursuant thereto, on September 8, 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.

V

On September 8, 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.

VI

Just compensation for the estates taken by the United States of America in subject tracts, as such tracts and estates are described in the Declaration of Taking and the Complaint filed herein, is \$39,139.40, of which \$37,000.00 should be allocated to the surface estate. Just compensation for the mineral estate taken in Tract No. B-257 (80 acres) is \$10.00 per acre, and just compensation for the mineral estate taken in the remainder (267.88 acres) of subject tracts is \$5.00 per acre, making a total of \$2,139.40 as just compensation for the mineral estate condemned in all of subject tracts. The award for the mineral estate in Tract No. B-257 should be allocated among the owners as follows, to-wit:  $2/5$ ths to the lessee and  $3/5$ ths to the lessor.

VII

A deficiency exists between the amounts deposited as estimated compensation and the amount fixed herein as the award of just compensation for subject tracts. Such deficiency is set out in paragraph XI below.

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 found to be the owners of the respective estates as designated, and as such, are entitled to distribution of just compensation therefor.

IX

It Is Therefore ORDERED, ADJUDGED, AND DECREED, that the United States of America has the right, power and authority to condemn for public use, the tracts enumerated in paragraph II, 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 September 8, 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

The sum of \$39,139.40 is hereby adopted as the award of just compensation for the estates herein taken in subject tracts and such award shall be allocated among the various owners as set out in the following schedule, to-wit:

OWNERS:

Surface estate in all of subject tracts is owned by  
Herbert T. McSpadden and Madalyn K. McSpadden, his wife.

Mineral estate:

Herbert T. McSpadden and Madalyn K. McSpadden own all of the Mineral estate in the subject tracts with the following exceptions:

1. Undivided interests in the minerals under  $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 24, T. 23 N., R. 15 E., being 80 acres of Tract No. B-256, are owned as follows:

Westminster Presbyterian Church of Oklahoma City	1/6
Oklahoma Art Center. . . . .	1/6
Y.W.C.A., Stiles St. Branch, Oklahoma City . . .	1/6

2. An oil and gas lease covering Tract No. B-257 (80 acres) is owned by:

Neil E. Bogan,  
R. J. C. Hamilton, and  
A. L. Breneman

AWARD AND DEPOSIT:

Award of Just Compensation	
Surface. . . . .	\$37,000.00
Minerals:	
Tract No. B-257 . . . \$	800.00
All other tracts. . .	<u>\$1,339.40</u>
	2,139.40
Total Award . . . . .	\$39,139.40
Deposited as Estimated Compensation . . . . .	<u>18,493.00</u>
Deposit Deficiency . . . . .	\$20,646.40

DISTRIBUTION OF AWARD

1. McSpadden share of Award:

For surface interest . . . . .	\$37,000.00	
For mineral interest . . . . .	<u>\$ 1,619.40</u>	
Total . . . . .		\$38,619.40
Disbursed to McSpaddens . . . . .		<u>\$18,295.00</u>
Balance due McSpaddens . . . . .	\$20,324.40,	
	plus .9867 of the total interest	
	on the deposit deficiency.	

2. Owners of outstanding mineral interests in 80 acres of Tract No. B-256 share of Award:

For Westminister Presbyterian Church of Oklahoma City . . . . .	\$ 66.67,	
	plus .0017 of the total interest	
	on the deposit deficiency.	
For Oklahoma Art Center . . . . .	66.66,	
	plus .0017 of the total interest	
	on the deposit deficiency.	
For Y.W.C.A. Stiles St. Branch, Oklahoma City . . . . .	66.67,	
	plus .0017 of the total interest	
	on the deposit deficiency.	
Disbursed to these owners . . . . .		None
Balance due these owners . . . . .		Same as Awards.

3. Owners of the Oil and Gas Lease on Tract No. B-257 share of Award:

For, Neil E. Bogan, R. J. C. Hamilton, and A. L. Breneman . . . . .	\$ 320.00	
Disbursed to these owners . . . . .		None
Balance due these owners . . . . .	\$ 320.00,	
	plus .0082 of the total interest	
	on the deposit deficiency.	

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 \$20,646.40, together with interest thereon at the rate of 6% per annum from September 8, 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.

15/ Royce H. Savage  
UNITED STATES DISTRICT JUDGE

APPROVED:

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