

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 47.26 Acres of Land, More or Less, )  
 Situate in Nowata County, Oklahoma, )  
 and Julian W. Glass, Jr., et al, and )  
 Unknown Owners, )  
 )  
 Defendants. )

Civil Action No. 4640

**FILED** ✓

OCT 27 1960

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

J U D G M E N T

As to Tracts Nos. U-2121E-2, U-2126E-2, U-2126E-3, U-2139E-2,  
U-2139E-3, U-2148E-2 and U-2148E-3

I

On September 13, 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, First Assistant United States Attorney, for the Northern District of Oklahoma. The defendant, Western Hills Oil, Inc., appeared by its Trustee, Mr. Irvine E. Ungerman. 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 this action. This judgment applies only to the working interest in the leasehold estate in the oil, gas and other minerals under Tracts Nos. U-2121E-2, U-2126E-2, U-2126E-3, U-2139E-2, U-2139E-3, U-2148E-2, and U-2148E-3, 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 February 16, 1959, the United States of America has filed its Declaration of Taking of certain estates in such described land, and title thereto should be vested in the United States of America.

V

On February 16, 1959, 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 X.

VI

Just compensation for the working interest in the leasehold estate in the oil, gas and other minerals under subject tracts, as such tracts and estates are described in the Declaration of Taking and the Complaint filed herein, is \$24,000.00.

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, 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 person named in paragraph X as owner of subject tracts is found by the Court to be the only defendant asserting any interest in the working interest in the leasehold estate in all oil, gas and other minerals under subject tracts, all other defendants having either disclaimed or defaulted; the named defendant is the owner of the respective estates as designated; Mr. Irvine E. Ungerman is the legally appointed Trustee for such owner, and as such, is entitled to distribution of just compensation therefor.

~~XI~~ 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 enumerated in paragraph II, as such tracts are described in Schedule "A" attached to the Complaint and Declaration of Taking filed herein, and the working interest in the leasehold estate in the oil, gas and other minerals under such tracts, to the extent of the estate indicated and for the uses and the purposes described in the Declaration of Taking filed herein, is

condemned and title thereto is vested in the United States of America, as of February 16, 1959, and all defendants herein and all other persons interested in the described estate 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 owner of the estate condemned herein in the subject tracts was the person whose name appears in the schedule below, the right to just compensation for the estate taken in these tracts is vested in the party so named, Mr. Irvine E. Ungerman is the legally appointed Trustee for such owner and is entitled to receive the payment of just compensation on behalf of such owner, and the sum of \$24,000.00 is hereby adopted as the award of just compensation for the estate herein taken in subject tracts as set out in the following schedule, to-wit:

OWNER:  
of working interest in leasehold estate in  
oil, gas and other minerals under subject tracts:  
  
Western Hills Oil, Inc.  
  
Court's Award of Just Compensation  
for working interest. . . . . \$24,000.00  
  
Deposited as Estimated Compensation  
for working interest, and  
also disbursed to owner . . . . . \$18,772.50  
  
Deposit Deficiency and Balance due Owner. . . \$ 5,227.50

~~XII~~ XI

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America, shall pay into the Registry of this Court for the benefit of the named owner and to the credit of Tracts Nos. U-2126E-2 and U-2126E-3, the deficiency amount of \$5,227.50. Upon deposit of this sum the Clerk of this Court shall distribute from the deposit for Tracts Nos. U-2126E-2 and U-2126E-3 the sum of \$5,227.50 to Irvine E. Ungerman, Trustee for Western Hills Oil, Inc.

Raymond A. 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.

435.41 ACRES OF LAND, more or less,  
Situate in Rogers County, Oklahoma, and  
Lillie Benbow, et al, Unknown Owners,

Defendants.

CIVIL ACTION NO. 4906

FILED

OCT 27 1960

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

JOURNAL ENTRY - TRACT J-1013

This cause came on to be heard this 19th day of October, 1960, pursuant to regular assignment for trial as to Tract J-1013, the plaintiff being present by its attorney, Ass't U.S. Attorney Hubert Marlow, and the defendants, heirs of Mayme Levine, by their attorney, Max F. Feldner, and the other defendants, Nowata Pipe and Supply Company, H. L. Marcus, Southmoor Bank and Trust Company, Transcontinental Oil Company and Joe Bulowski, although called three times in open court, come not but make default.

The court finds that the defendants have been personally served with notice more than twenty days prior to this date and have failed to answer or otherwise plead herein, and are in default.

Thereupon the parties having in open court waived trial by jury, and the court having heard all the evidence and the testimony of witnesses sworn and examined in open court, and being fully advised in the premises finds:

That on the 24th day of July, 1953, an oil and gas lease was entered into between Mayme Levine and Joe Bulowski covering the following described property, above referred to as Tract J-1013, situate in Rogers County, Oklahoma, to-wit:

The North Half of the Northwest Quarter (N 1/2  
NW 1/4) and the West Half of the Northwest  
Quarter of the Northeast Quarter (W 1/2 NW 1/4

NE 1/4) of Section Fourteen (14),  
Township Twenty-four North (24N),  
Range Sixteen East (16E) of the  
Indian Base and Meridian.

That under the terms of said lease the same was to extend over a term of one year from said 24th day of July, 1953, and as long thereafter as oil or gas, or either of them, were produced in commercial quantities; that said lessee, or his assigns, has failed to produce the lease in commercial quantities; that the lease, by its own terms, has terminated; that the interest of the purported owners, Nowat Pipe and Supply Company, Joe Bulowski, H. L. Marcus, Southmoor Bank and Trust Company, and Transcontinental Oil Company, was extinguished upon expiration of said lease.

That upon April 5, 1960, the date of taking, said lease was not producing in commercial paying quantities.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the oil and gas lease upon the foregoing described property has terminated and expired; that the heirs of Mayme Levine, deceased, were the sole owners of the subsurface estate on April 5, 1960, the date of taking; that the purported owners, Nowata Pipe and Supply Company, Joe Bulowski, H. L. Marcus, Southmoor Bank and Trust Company, and Transcontinental Oil Company, have no right, title or interest therein; that the purported owners, Nowata Pipe and Supply Company, Joe Bulowski, H. L. Marcus, Southmoor Bank and Trust Company, and Transcontinental Oil Company, be barred and enjoined from participating and sharing in the distribution of the award of compensation, and that the entire sum of Six Thousand Twenty-five Dollars (\$6,025.00) be paid and distributed to the heirs of Mayme Levine; that there is on hand in the court clerk's office a sum of One Thousand Four Hundred Twelve & 11/100 Dollars (\$1,412.11); that said One Thousand Four Hundred Twelve & 11/100 Dollars (\$1,412.11) is ordered paid to Harold Morton Levine, Executor of the Estate of

Mayme Levine, deceased, as a partial payment of the Six Thousand  
Twenty-five Dollars (\$6,025.00) award.

Dated this 27 day of October, 1960.

15/ Royce H. Savage  
Royce H. Savage  
United States District Judge

APPROVED:

12/ Hubert A. Marlow  
Hubert A. Marlow,  
Ass't United States Attorney

12/ Max F. Feldner  
Max F. Feldner,  
Attorney for Harold Morton Levine,  
Executor of the Estate of Mayme Levine,  
Deceased

**FILED**

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

**OCT 27 1960**

KAMO Electric Cooperative, )  
 Incorporated, a corporation, )  
 )  
 Plaintiff, )  
 )  
 -vs- )  
 )  
 Ted Washburn, et al., )  
 )  
 Defendants. )

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

Case No. 1919

JUDGMENT CONFIRMING REPORT OF COMMISSIONERS

Now on this 27 day of ~~September~~ <sup>October</sup>, 1960, this matter comes on for confirmation of report of commission filed in this proceeding, and the Court, being fully advised in the matter, finds that this Court did, on the 14th day of June, 1960, appoint a commission to conduct hearings, receive evidence, and view the lands involved and to do all acts and take all measures necessary and proper for the efficient performance of this duty, as in such cases provided said commission to have the powers of a master provided in Sub-division (c) of Rule 53, and in such proceeding be governed by the provisions of paragraphs 1 and 2 of Sub-division (d) of Rule 53.

Pursuant to the order issued by this Court on the 14th day of June, 1960, and after proper notice, the commission conducted a hearing in the Second Floor Courtroom of the United States Courthouse 204 South Boulder, Tulsa, Oklahoma, on the 28th day of June, 1960, wherein plaintiff was represented by its attorney, Jack H. Morschach, and defendants appeared by counsel, Rodney G. Buckles, Assistant U. S. District Attorney. All parties presented testimony of witnesses and introduced exhibits. The commission has now filed its report and the same should be approved.

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

	<u>Tract No. 1</u>
Commission's Award	<u>\$2600.00</u>
Deposited	<u>2600.00</u>
Tenants Award	<u>\$ 100.00</u>
Deposited	<u>\$ 100.00</u>

Tract No. 2

Commission's Award \$300.00  
Deposited \$300.00

Tract No. 3

Commission's Award \$200.00  
Deposited \$200.00

Tract No. 4

Commission's Award \$100.00  
Deposited \$100.00  
Tenant's Award \$ 25.00  
Deposited \$ 25.00

Tract No. 5

Commission's Award \$500.00  
Deposited \$500.00  
Tenant's Award \$100.00  
Deposited \$100.00

Tract No. 6

Commission's Award \$100.00  
Deposited \$100.00  
Tenant's Award \$ 25.00  
Deposited \$ 25.00

Tract No. 7

Commission's Award \$100.00  
Deposited \$100.00

Tract No. 8

Commission's Award \$100.00  
Deposited \$100.00

Tract No. 8a

Commission's Award \$ 50.00  
Deposited \$ 50.00

Tract No. 9A

Commission's Award \$100.00  
Deposited \$100.00  
Tenants Award \$ 25.00  
Deposited \$ 25.00

Tract No. 13

Commission's Award	<u>\$1000.00</u>
Deposited	<u>\$1000.00</u>
Tenant's Award	<u>\$ 400.00</u>
Deposited	<u>\$ 400.00</u>

Tract Nos. 16 & 17

Commission's Award	<u>300.00</u>
Deposited	<u>\$ 300.00</u>
Tenant's Award	<u>\$ 50.00</u>
Deposited	<u>\$ 50.00</u>

Tract No. 23

Commission's Award	<u>\$100.00</u>
Deposited	<u>\$100.00</u>
Tenant's Award	<u>\$ 25.00</u>
Deposited	<u>\$ 25.00</u>

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said amounts are final in all respects as to the fair, cash, market value of said easements across said tracts of land, including all damages of whatsoever nature. The Judgment on Declaration of Taking heretofore entered in this proceeding is hereby reaffirmed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the commission's award is affirmed in its entirety in the amount of \$300.00 for all of the interests in the land involved in this proceeding.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court Clerk of this Court is hereby directed and authorized to pay to the deputy disbursing agent, *Osage Indian Agency* at Pawhuska, Oklahoma, the sum of \$5550.00; and the said Court Clerk is hereby directed and authorized to pay to Donald Jackson as tenant in Tract No. 1, the sum of \$100.00; to Virgil Tinker the sum of \$25.00 as tenant in Tract No. 4; to E. C. Fullendore \$100.00 as tenant in Tract No. 5; to Virgil Tinker as tenant in Tract No. 6 the sum of \$25.00; to J. P. Williams as tenant in Tract No. 9A the sum of \$25.00; to Jack Gray as tenant in Tract No. 13 the sum of \$400.00; to Ruben Tate as tenant in Tract No. 16 and 17 the sum of \$50.00; and to Bill Elliott in Tract No. 23 the sum of \$25.00.

12 Royce H. George  
Judge

U. S.

WRITED BY: J. M. Adams, Defendant

By /s/ Rodney L. Buckner  
Att. U. S. District Attorney

John L. Corbett  
Attorney for Plaintiff

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

Hazel Joan Hudson,

Plaintiff,

vs.

United States of America,

Defendant.

Civil No. 4943

FILED ✓

OCT 27 1960

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

FINDINGS OF FACT

I.

This action was brought by a resident of this district, Hazel Joan Hudson, against the United States of America, under the provisions of the Tort Claims Act, Title 28, U.S.C.A. Section 1346, for damages arising out of an automobile accident which occurred on February 27, 1960, on United States Highway 75 at a point approximately two-tenths (2/10ths) of a mile north of the junction of Highways 20 and 75 near Collinsville, Oklahoma.

II. -

At the time of the collision the motor vehicle driven by Johnnie Gambill Miller, which collided with plaintiff's motor vehicle, was being used by Johnnie Gambill Miller, an Officer of the United States Navy, with the permission of the United States Navy.

III.

On the morning of February 27, 1960, Johnnie Gambill Miller proceeded in the government vehicle, in the company of Julia Frasier, to a ranch or farm approximately thirty (30) miles northeast of Tulsa, Oklahoma, in which ranch or farm Miller was part owner, for the purpose of looking after some sick cattle and for other personal reasons and not on any business of the defendant.

CONCLUSIONS OF LAW

I.

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

II.

At the time of the collision Johnnie Gasbill Miller was not engaged in the transaction of any business of the defendant, United States of America, or acting within the scope of his employment, but was on business or pleasure of his own.

III.

Having decided the foregoing issue in favor of the defendant, the court finds that plaintiff is not entitled to recover from the defendant and judgment for defendant should be entered, with costs.

DAIED this 27th day of October, 1960.

15/ Royce H. Savage  
U. S. DISTRICT JUDGE

J U D G M E N T

In accordance with Findings of Fact and Conclusions of Law entered herein, judgment is hereby entered in favor of the defendant, United States of America, and against plaintiff, Hazel Joan Hudson. Defendant shall have its costs.

DAIED this 27th day of October, 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.

479.40 Acres of Land, More or Less,  
Situate in Creek, Osage, and Pawnee  
Counties, Oklahoma, and  
Janet Cunningham, et al, and  
Unknown Owners,

Defendants.

Civil No. 4957

**FILED**

OCT 27 1960

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

JUDGMENT ON STIPULATION

As to Tract No. 1909

Now on this 27<sup>th</sup> day of October<sup>I</sup>, 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.

This Judgment applies only to Tract No. 1909.

III

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

IV.

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

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 con-  
demn for public use, these tracts as they are described in Schedule "A" attached  
to such Complaint. Pursuant thereto, on June 30, 1960, the United States of  
America has filed its Declaration of Taking of such described tract, and  
title thereto should be vested in the United States of America.

VI.

On June 30, 1960, there was deposited in the Registry of this Court as estimated compensation for the taking of the estate in Tract No. 1909 herein, the sum of \$2,200 00 and this deposit has been disbursed to the landowners entitled thereto.

VII.

On the date of filing of the Declaration of Taking in this case, title to the estate taken in Tract No. 1909 was vested in Cliff Sutterfield and Fay Sutterfield, his wife, and such parties being the owners of the estate taken in this tract, are entitled to receive the just compensation therefor.

VIII.

A Stipulation as to Just Compensation executed by the above named defendants and the United States of America was filed herein on September 6, 1960, whereby the parties agreed that the sum of \$2,500.00, inclusive of interest, shall be just compensation for all their interest in the estate, as described in the Declaration of Taking, taken by the Government in this tract, and such stipulation should be approved.

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. 1909, as such tract and the estate taken therein are described in the Declaration of Taking and Complaint filed herein, and such tract, to the extent of the estate indicated and for the uses and purposes described in the Declaration of Taking filed herein, is condemned and title thereto is vested in the United States of America, and all defendants herein and all other persons interested in such described estate in such tract are forever barred from asserting any claim thereto.

X.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, Cliff Sutterfield and Fay Sutterfield, his wife, were the owners of the estate condemned herein in Tract No. 1909, and the right to just compensation for the estate taken in such tract is vested in them.

XI.

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulation as to Just Compensation referred to in Paragraph VIII above is hereby confirmed, and the award therein fixed is adopted as just compensation for the estate condemned in such tract, to-wit:

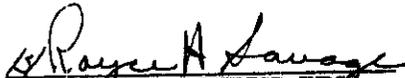
Tract No. 1909

Owners: Cliff Sutterfield and Fay Sutterfield,  
his wife - entire interest less and  
except minerals.

Award of Compensation (by approved stipulation) .....	\$2,500.00
Deposited as Estimated Compensation and dis- bursed by Order of August 31, 1960 .....	<u>2,200.00</u>
Deposit Deficiency and balance due owners .....	\$ 300.00

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 Cliff Sutterfield and Fay Sutterfield, his wife, landowners, the deficiency amount as to Tract No. 1909 shown in Paragraph XI above, to wit, \$300.00, being the total deficiency for all of such tract. Upon deposit of this sum the Clerk of this court shall distribute to the said Cliff and Fay Sutterfield the sum of \$300.00.

  
UNITED STATES DISTRICT JUDGE

APPROVED:



\_\_\_\_\_  
Perry A. Krohn  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

Varnel Johnson,

Plaintiff,

vs.

Ezra T. Benson as Secretary of  
Agriculture of the United States  
of America, and the United States  
of America,

Defendants.

Civil No. 4969

**FILED**

OCT 28 1960

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

ORDER DISMISSING THE ACTION AGAINST EZRA T. BENSON,  
AS SECRETARY OF AGRICULTURE OF THE UNITED STATES OF  
AMERICA

The defendant, Ezra T. Benson, Secretary of Agriculture of the United States of America, having filed a motion to dismiss the action against him for the reason that venue does not lie in this district, since he is not a resident of this district and it appearing to the court that the motion should be sustained, it is

ORDERED that the action be and it hereby is dismissed as to Ezra T. Benson as Secretary of Agriculture of the United States of America.

DATED this 28th day of October, 1960.

151 Royce H. Savage  
U. S. DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

Fred S. Victor,

Plaintiff,

vs.

Civil No. 4988

Ezra T. Benson as Secretary of  
Agriculture of the United States  
of America, and the United States  
of America,

Defendants.

FILED

OCT 28 1960

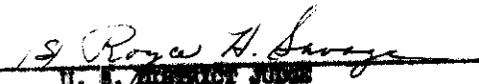
NOBLE C. HOOD  
Clerk, U. S. District Court

ORDER DISMISSING THE ACTION AGAINST EZRA T. BENSON,  
AS SECRETARY OF AGRICULTURE OF THE UNITED STATES OF  
AMERICA

The defendant, Ezra T. Benson, Secretary of Agriculture of the United States of America, having filed a motion to dismiss the action against him for the reason that venue does not lie in this district, since he is not a resident of this district and it appearing to the court that the motion should be sustained, it is

ORDERED that the action be and it hereby is dismissed as to Ezra T. Benson as Secretary of Agriculture of the United States of America.

DATED this 28th day of October, 1960.

  
U. S. DISTRICT JUDGE

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

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

vs

GREAT LAKES CARBON CORPORATION )  
and AETNA LIFE INSURANCE COMPANY, )  
Defendants. )

No. 4912 Civil

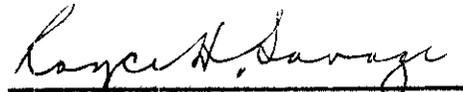
**FILED**

OCT 31 1960

ORDER OF DISMISSAL ON MOTION OF PLAINTIFFS

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

On this 28th day of October, 1960, come the said plaintiffs by  
their attorney, Jerald M. Schuman, and thereupon on motion, it is  
ordered by the court that this cause be and the same hereby is dis-  
missed at cost of plaintiffs, without prejudice to their right to  
bring a new action.

  
District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Richard W. Ninde and  
Elsie Lee Ninde,

Defendants. )

Civil No. 5027

FILED

NOV - 1 1960

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

J U D G M E N T

On this 1st day of November 1960, the above-entitled action coming on for hearing, the plaintiff, appearing by Hedney G. Buckles, Assistant U.S. Attorney for the Northern District of Oklahoma, and the defendants appearing net, the Court finds that defendants were duly served with summons herein more than 20 days prior to this date, and having failed to appear, or answer, are and should be adjudged in default.

The Court further finds that all allegations of plaintiff's complaint are true; that defendants were indebted to plaintiff in the amount of \$667.19, plus interest, after allowance of all just credits and set-offs; that a balance remains of \$667.19, plus interest on the principal sum of \$435.55 from December 15, 1959, at the rate of four per cent (4%) per annum until paid.

The Court further finds that plaintiff has filed herein an affidavit stating that defendants were not in the military, or naval, service of the United States, and are not infants, or incompetents, which is found to be true.

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED BY the Court that this plaintiff have judgment against the defendants, Richard W. Ninde and Elsie Lee Ninde, for the sum of \$667.19, with interest on the principal sum of \$435.55 from December 15, 1959, at the rate of four per cent (4%) per annum until paid, and for the costs of this action.

*Royce T. Savage*  
United States District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

John Budder,

Defendant.

Civil No. 5016

FILED

NOV -4 1960

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

J U D G M E N T

On this 4th day of November, 1960, the above entitled action coming on for hearing, plaintiff appearing by James L. Burton, Assistant United States Attorney for the Northern District of Oklahoma, and defendant appearing not and the court having heard the evidence of the plaintiff and having examined the file, finds that the defendant, John Budder, was duly served with summons herein more than twenty (20) days prior to this date and having failed to appear or answer should be and is adjudged in default.

The court further finds that all of the allegations of plaintiff's complaint are true and finds that the plaintiff is entitled to judgment in accordance with the allegations of said complaint.

The court further finds that the Cherokee Tribe of Indians is the owner of the following described lands:

House, chicken house and garden spot located in the Southeast Quarter of the Northeast Quarter of Section 7, Township 21 North, Range 22 East, Delaware County, Oklahoma,

and that the defendant, John Budder, took possession of this property pursuant to a certain Revocable Permit, dated March 9, 1960, and to commence on February 10, 1960, and that the defendant, John Budder, has failed, neglected and refused to pay the rental for the use and occupancy of this property as provided in the permit.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that defendant, John Budder, his agents, assigns and all persons claiming under him are dispossessed, restrained and permanently enjoined from interfering with the possession, management and use of this property by the Secretary of the Interior and his duly authorized agent, the Area Director of the Bureau of Indian Affairs, Muskogee Area Office, Muskogee, Oklahoma, and that the plaintiff, United States

of America, have judgment against the defendant, John Badder, in the amount of \$87.50 for failure to pay rentals under the Revocable Permit, with interest thereon at the rate of 6% per annum from September 10, 1960, until paid, and for all costs of this action.

*H. Royce H. Savage*  
United States District Judge

FILED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

NOV -7 1960

United States of America,

Plaintiff,

vs.

190.00 Acres of Land, More or Less,  
Situate in Rogers County, Oklahoma,  
and Mingo Oil Company, et al, and  
Unknown Owners,

Defendants.

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

Civil Action No. 4847

JUDGMENT ON STIPULATION

THIS matter comes on for hearing this 7<sup>th</sup> day of November

1960, upon application of the Plaintiff for entry of a Judgment on a Stipulation filed herein and the Court being advised by Hubert A. Marlow, Assistant United States Attorney, for the Northern District of Oklahoma, finds that:

A Stipulation between the United States of America and C. Lea Hogue, Receiver in Case No. 14,253, and defendant herein, was filed herein on August 16, 1960. The Defendant, C. Lea Hogue, incurred expenses in the amount and for the reasons set forth in the Stipulation for which he is entitled to be paid by the Plaintiff herein and such Stipulation should be approved. Approval of this Stipulation creates a deficiency in the deposit of estimated compensation in this case in the total sum of \$1,687.71.

It is therefore ORDERED, ADJUDGED AND DECREED, that the Stipulation designated herein above, be and hereby is approved. The United States of America shall deposit in the Registry of this Court the sum of \$1,687.71 and when such sum has been deposited, the Clerk of this Court shall disburse such sum to C. Lea Hogue, Receiver in Case No. 14,253.

Raymond H. Savage  
UNITED STATES DISTRICT JUDGE

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

Anne H. King,

Plaintiff,

vs.

American Airlines, Inc., a  
corporation,

Defendant.

NO. 4938-Civil

**FILED**

NOV -7 1960

ORDER

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

It appearing to the Court from stipulation of counsel  
that plaintiff's claims against the defendant herein have been com-  
promised and settled, and that this cause should be dismissed with  
prejudice;

IT IS ORDERED that this cause be and it is hereby dis-  
missed with prejudice.

DATED this 4<sup>th</sup> day of November, 1960.

(5) Boyce H. Swain  
JUDGE OF THE UNITED STATES DISTRICT COURT

OK:

R. W. Hudson  
Attorney for Plaintiff

Lynn J. Bullis, Jr.  
Attorney for Defendant

FILED

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

NOV -9 1960

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

BEATRICE FOODS CO.,  
a corporation,

Plaintiff,

vs.

NEOSHO VALLEY COOPERATIVE  
CREAMERY ASSOCIATION,

Defendant.

Civil Action  
No. 4659

J U D G M E N T

THE ABOVE CAUSE came on regularly for trial before the Court on the 31st day of August, 1960, and was duly submitted for consideration and decision, and the Court after due deliberation rendered its decision on the 9th day of November, 1960, made and filed its Findings of Fact, Conclusions of Law, and Order for Judgment;

NOW THEREFORE, pursuant thereto it is determined by the Court that Judgment be entered for the defendant.

IT IS FURTHER ORDERED that defendant recover its costs.

St. Raymond L. George  
JUDGE

Dated: November 9, 1960

IHU:lg  
11/8/60

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

UNITED STATES OF AMERICA, et al.,  
Plaintiffs  
vs.  
MANHATTAN CONSTRUCTION COMPANY,  
et al.,  
Defendants

**FILED**  
**IN OPEN COURT**  
No. 5012 Civil  
NOV - 9 1960

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

ORDER SUSTAINING MOTION OF DEFENDANT  
STAR ELECTRIC SUPPLY COMPANY TO DISMISS

Now on this 9th day of November 1960, there came on for hearing before the undersigned United States District Judge the motion of the defendant, Star Electric Supply Company, filed herein to dismiss the complaint as against said Star Electric Supply Company, plaintiff appearing by its attorneys, John M. Freese and Ungerman, Grabel, Ungerman, Leiter & Unruh, and the defendant, Star Electric Supply Company by its attorneys, Dyer, Powers & Gotcher, and upon stipulation of counsel in open Court, the Court finds that said motion to dismiss should be sustained.

IT IS THEREFORE ORDERED BY THIS COURT that the motion to dismiss filed herein by the defendant Star Electric Supply Company be and the same is hereby sustained and the respective causes of action as contained in said complaint against Star Electric Supply Company, be and the same are hereby ~~sustained~~ *dismissed.*

*[Signature]*  
United States District Judge

APPROVED AS TO FORM:

*[Signature]*  
John M. Freese

UNGERMAN, GRABEL, UNGERMAN, LEITER & UNRUH

By *[Signature]*  
Attorneys for plaintiff

DYER, POWERS & GOTCHER

By *[Signature]*  
Attorneys for defendant,  
Star Electric Supply Company

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

IEU:lg  
11/9/60

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

THERMOID COMPANY, a corporation, )  
 )  
 Plaintiff )  
 )  
 vs. )  
 )  
 LAWRENCE G. BURT, a sole trader, )  
 d/b/a THE BURT MACHINE WORKS, )  
 )  
 Defendant )

No. 3588

FILED

NOV 10 1960

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

ORDER REVIVING DORMANT JUDGMENT

Now on this 9th day of November 1960 this matter

regularly to be heard before the undersigned District Judge of the United States for the Northern District of Oklahoma, upon a motion of the plaintiff filed herein to revive the judgment in the above entitled matter, said judgment having been entered herein on the 14th day of October 1954, in favor of the plaintiff, Thermoid Company, a corporation, and as against the defendant, Lawrence G. Burt, a sole trader, d/b/a The Burt Machine Works, and upon which there is due and owing the sum of \$5,816.95, together with interest thereon at the rate of 6% per annum from the 1st day of April 1952, until paid, together with all the court costs of this action; plaintiff appearing by its attorneys, Ungerman, Grabel, Ungerman, Leiter & Unruh, and the defendant appeared in person and by his counsel, Grover C. Spillers, and the Court having examined the files in the matter and heard statement of counsel, finds that the judgment was duly rendered and the motion to revive the dormant judgment was duly and properly filed and notice for hearing to revive said motion for plaintiff was duly given and the Court finds that this motion to revive the dormant judgment be sustained and judgment be revived as against the defendant, Lawrence G. Burt, a sole trader, d/b/a The Burt Machine Works, in the sum of \$5,816.95, together with interest thereon at the rate of 6% per annum from the 1st day of April 1952, until paid, together with all the court costs of this action, and that plaintiff should have execution thereon.'

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THIS COURT

that the motion of the plaintiff to revive the dormant judgment herein be and the same is hereby sustained and said judgment in the above entitled and numbered action be and the same is hereby revived in favor of the plaintiff,

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

Thermoid Company, a corporation, and as against the defendant, Lawrence G. Burt, a sole trader, d/b/a The Burt Machine Works, in the sum of \$5,816.95, together with interest thereon at the rate of 6% per annum from the 1st day of April 1952, until paid, together with all the court costs of this action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THIS COURT that execution issue thereon be against said defendant.

by Royall Savage  
United States District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

Civil Action No. 4643

**FILED**

NOV 14 1960

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

J U D G M E N T

(As to Tracts Nos. O-1554E-1 through O-1554E-5)

1.

NOW on this 14<sup>th</sup> day of November, 1960, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on a stipulation agreeing upon just compensation, and the court, after having examined the files in this action and being advised by counsel for plaintiff finds:

2.

This Judgment applies only to the estates condemned in the surface interest only in Tracts Nos. O-1554E-1, O-1554E-2, O-1554E-3, O-1554E-4, and O-1554E-5, as such estates and tracts are described in the Declaration of Taking filed herein.

3.

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

4.

Service of process has been perfected personally 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 estates.

5.

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 2 herein. Pursuant thereto, on February 19, 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.

6.

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 12 below.

7.

The persons named in Paragraph 12 as owners of the subject tracts are found by the Court to be the only defendants asserting any interest in the surface 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 surface estates condemned in the subject tracts; and as such, are entitled to receive the just compensation for the estates so taken.

8.

The owners of the subject tracts have executed, with the United States of America, a Stipulation as to Just Compensation, wherein they have agreed that just compensation for the surface interest only in the estates condemned in such tracts is in the amount shown as compensation in Paragraph 12 herein, and such Stipulation should be approved.

9.

The approval of the Stipulation as to Just Compensation will create a deficiency in the deposit for subject tracts in the amount of \$1,215.00 and such sum should be deposited in this action by the plaintiff.

10.

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 2 herein, as such tracts are particularly described in the Complaint and Declaration of Taking filed herein; and such tracts, to the extent of the surface interest only in 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 the surface interest in such estates are forever barred from asserting any claim thereto.

11.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the surface interest in the estates condemned herein

in the subject tracts, were the persons whose names appear below in Paragraph 12 and the right to just compensation for such interest in these tracts is vested in the parties so named.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulation as to Just Compensation mentioned in Paragraph 8 above is hereby confirmed and the sum therein fixed is adopted as the award of just compensation for the interest condemned in subject tracts as follows:

Owners:

E. A. Franklin and  
Goldie M. Franklin  
subject to mortgages to:  
The Federal Land Bank of Wichita and  
The First National Bank of Nowata

Just Compensation as Fixed by Stipulation and Adopted by Court . . . . .	.\$13,365.00	\$13,365.00
Deposited as Estimated Compensation for Surface . . . . .	.\$12,150.00	<u>\$12,150.00</u>
Deposit Deficiency . . . . .	.\$ 1,215.00	<u>\$ 1,215.00</u>
Disbursed to Owners		
To Federal Land Bank of Wichita . .	\$7,178.84	
To First National Bank of Nowata . .	\$ 990.00	
To Franklins . . .	<u>\$3,981.16</u>	
		<u>\$12,150.00</u>
Balance due to Franklins . . . . .		<u>\$ 1,215.00</u>

13.

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 landowners and to the credit of subject tracts the deficiency amount of \$1,215.00. Upon deposit of such sum the Clerk of this Court shall distribute from the deposit for subject tracts the sum of \$1,215.00 to E. A. Franklin and Goldie M. Franklin.

*Raymond H. Savage*  
UNITED STATES DISTRICT JUDGE

APPROVED:

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

IEU:lg  
11/9/60

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

ALICE WATSON,

Plaintiff

vs.

CHANDLER-FRATES and REITZ, a  
partnership, composed of G. A. CHANDLER,  
LEONARD A. REITZ and PAUL E. REITZ,  
d/b/a CHANDLER-FRATES and REITZ;  
L. L. HENSLEY, AGENT, GLOBE & REPUBLIC  
INSURANCE COMPANY OF AMERICA, a New York  
Corporation,

Defendants

Civil Action  
No. 5001

FILED

NOV 14 1960

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

ORDER SUSTAINING DEFENDANTS' MOTIONS  
TO DISMISS

Now on this 9th day of November 1960, there came on for hearing before the undersigned United States District Judge, the joint and several motions to dismiss filed by the defendants, Chandler, Frates and Reitz, a partnership, and L. L. Hensley, Agent, said plaintiff appearing by her attorney, Joseph LaDonna, Jr., and the defendants appearing by their attorneys, Ungerman, Grabel, Ungerman, Leiter & Unruh, and the Court after hearing argument of counsel in support of and in opposition to said motions, finds same should be sustained.

IT IS THEREFORE ORDERED BY THIS COURT that the joint and several motions to dismiss filed hereby by the defendants, Chandler-Frates & Reitz and L. L. Hensley, be and the same are hereby sustained and said cause of action dismissed as against said defendants herein.

*15/ Royce W. Savage*  
United States District Judge

APPROVED AS TO FORM:

*Joseph LeDonna, Jr.*  
Attorney for plaintiff

UNGERMAN, GRABEL, UNGERMAN, LEITER & UNRUH

By *James*  
Attorneys for defendants

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

FILED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

NOV 15 1960

United States of America, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
Hollis Leroy Walker, )  
 )  
Defendant. )

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

Civil No. 4942

J U D G M E N T

On this 15<sup>th</sup> day of November 1960, the above action being heard, the plaintiff, United States of America, appearing by Rodney G. Buckles, Assistant United States Attorney for the Northern District of Oklahoma, and the defendant, Hollis Leroy Walker, appearing by his attorney, Gerard K. Donovan, and the Court, premises considered, finds that it has jurisdiction of this action by reason of the fact that it is a suit of a civil nature brought by the United States of America. The Court has jurisdiction over the defendant, a resident of Tulsa, Tulsa County, Oklahoma, who was duly and properly served with the complaint herein and who has entered his appearance herein by filing an answer denying the material allegations of the complaint of the plaintiff.

By examination of the files and by agreement between attorneys for the plaintiff and defendant, the Court finds that all of the allegations in the plaintiff's complaint are true and judgment should be entered for the plaintiff and against the defendant, as set forth more particularly below.

1. On or about September 22, 1958, the defendant, as the registered owner of civil aircraft, Identification No. N-4578A, operated this aircraft in air commerce without carrying therein either an appropriate valid airworthiness certificate, or a special flight permit issued by the Administrator of the Civil Aeronautics to the owner of the aircraft, which the Court finds to be a violation of Section 43.10(a) of the Civil Air Regulations and Section 610(a)(5) of the Civil Aeronautics Act of 1938, as amended (49 U.S.C. 560), for which violation the defendant is liable under the provisions of 901(a) of the Civil Aeronautics Act of 1938, as amended (49 U.S.C. 621), for a penalty not to exceed \$1,000, and the Court finds that the defendant is liable to the plaintiff for a penalty in the amount of \$100 for this violation.

2. On or about September 22, 1958, the defendant, as the registered owner of civil aircraft, Identification No. N-4578A, operated this aircraft in air commerce at a time when it had not been given a periodic inspection by an authorized person within the preceding twelve calendar months and approved for return to service, which the Court finds to be a violation of Section 43.22(a) of the Civil Air Regulations and Section 610(a)(5) of the Civil Aeronautics Act of 1938, as amended (49 U.S.C. 560), for which violation the defendant is liable under the provisions of 901(a) of the Civil Aeronautics Act of 1938, as amended (49 U.S.C. 621), for a penalty not to exceed \$1,000, and the Court finds that the defendant is liable to the plaintiff for a penalty in the amount of \$100 for this violation.

3. On or about September 22, 1958, the defendant, as the registered owner of civil aircraft, Identification No. N-4578A, failed to maintain the maintenance records for this aircraft in a form and manner prescribed by the Administrator and to make same available for inspection by authorized representatives of the Administrator, which the Court finds to be a violation of Section 43.23(c) of the Civil Air Regulations and Section 610(a)(5) of the Civil Aeronautics Act of 1938, as amended (49 U.S.C. 560), for which violation the defendant is liable under the provisions of 901(a) of the Civil Aeronautics Act of 1938, as amended (49 U.S.C. 621), for a penalty not to exceed \$1,000, and the Court finds that the defendant is liable to the plaintiff for a penalty in the amount of \$100 for this violation.

4. On or about September 22, 1958, the defendant operated civil aircraft, Identification No. N-4578A, in air commerce at a time when there was not currently in effect an airworthiness certificate for the aircraft, which the Court found to be in violation of Section 610(a)(1) of the Civil Aeronautics Act of 1938, as amended (49 U.S.C. 560), for which violation the defendant is liable under the provisions of 901(a) of the Civil Aeronautics Act of 1938, as amended (49 U.S.C. 621), for a penalty not to exceed \$1,000, and the Court finds that the defendant is liable to the plaintiff for a penalty in the amount of \$100 for this violation.

5. On or about September 22, 1958, the defendant served as a mechanic and performed certain repairs in connection with civil aircraft, Identification No. N-4578A, which was being used in air commerce, without

an airman certificate authorizing him to serve in such capacity, which the Court finds to be a violation of Section 610(a)(2) of the Civil Aeronautics Act of 1938, as amended (49 U.S.C. 560), for which violation the defendant is liable under the provisions of 901(a) of the Civil Aeronautics Act of 1938, as amended (49 U.S.C. 621), for a penalty not to exceed \$1,000, and the Court finds that the defendant is liable to the plaintiff for a penalty in the amount of \$100 for this violation.

It is the finding of the Court that the total liability of the defendant to the plaintiff for the violations, set forth above, is \$500.

The Court also finds that the defendant has tendered to the Clerk of the United States District Court for the Northern District of Oklahoma the sum of \$500 to be disbursed by the Clerk as directed by the judgment herein.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED by the Court that the plaintiff have judgment against the defendant, Hollis Leroy Walker, for the sum of \$500 and its costs, and the Clerk of this Court is hereby ordered to pay to the Treasurer of the United States that \$500 which has been tendered to his custody by the defendant.

151 Raymond H. Savage  
United States District Judge

APPROVED:

Gerard E. Donovan  
Gerard E. Donovan  
Attorney for Defendant

151 Rodney G. Buckles  
Rodney G. Buckles  
Assistant United States Attorney  
Attorney for Plaintiff

FILED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

NOV 14 1960

United States of America,

Plaintiff,

vs.

Claude Dry,

Defendant.

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

Civil No. 5030

J U D G M E N T

On this 14<sup>th</sup> day of November, 1960, the above entitled action coming on for hearing, plaintiff appearing by James L. Burton, Assistant United States Attorney for the Northern District of Oklahoma, and defendant appearing not and the court having heard the evidence of the plaintiff and having examined the file, finds that the defendant, Claude Dry, was duly served with summons herein more than twenty (20) days prior to this date and having failed to appear or answer should be and is adjudged in default.

The court further finds that all of the allegations of plaintiff's complaint are true and finds that the plaintiff is entitled to judgment in accordance with the allegations of said complaint.

The court further finds that the Cherokee Tribe of Indians is the owner of the following described lands:

House and garden spot located in the Southwest  
Quarter of the Southwest Quarter of the Northeast  
Quarter of Section 9, Township 21 North, Range  
22 East, Delaware County, Oklahoma,

and that the defendant, Claude Dry, took possession of this property pursuant to a certain Revocable Permit, dated October 28, 1959, and to commence on October 20, 1959, and that the defendant, Claude Dry, has failed, neglected and refused to pay the rental for the use and occupancy of this property as provided in the permit.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that defendant, Claude Dry, his agents, assigns and all persons claiming under him are dispossessed, restrained and permanently enjoined from interfering with the possession, management and use of this property by the Secretary of the Interior and his duly authorized agent, the Area Director of the Bureau of Indian Affairs, Muskogee Area Office, Muskogee, Oklahoma, and that the plaintiff, United States of America, have judgment against the defendant, Claude Dry, in

the amount of \$112.50 for failure to pay rentals under the Revocable Permit,  
with interest thereon at the rate of 6% per annum from October 1, 1960, until  
paid, and for all costs of this action.

Bl Royce H Savage  
United States District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Civil No. 5046

Northeast Oklahoma Railroad  
Company,

Defendant.

**FILED**

NOV 16 1960

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

NOTICE OF DISMISSAL BY PLAINTIFF

TO: John Wallace  
300 Savings and Loan Building  
Miami, Oklahoma  
Attorney for Defendant

Please take notice that the plaintiff discontinues the above entitled  
action and dismisses the complaint without prejudice.

ROBERT S. RIELEY  
United States Attorney

*Frederick S. Nelson*  
\_\_\_\_\_  
Frederick S. Nelson  
Assistant United States Attorney

CERTIFICATE OF MAILING

Frederick S. Nelson, United States Attorney for the Northern District  
of Oklahoma, hereby certifies that on November 16, 1960 he served a copy of  
the foregoing Notice of Dismissal by Plaintiff upon John Wallace, Attorney  
at Law, 300 Savings and Loan Building, Miami, Oklahoma, by placing a copy of  
this instrument in a franked envelope addressed to him and depositing the  
envelope and contents in the United States Post Office at Tulsa, Oklahoma.

*Frederick S. Nelson*  
\_\_\_\_\_  
Frederick S. Nelson  
Assistant United States Attorney

**FILED**

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

NOV 17 1960

**UNITED STATES OF AMERICA,**

**Plaintiff,**

-vs-

3 186.89 Acres of Land, More or Less,  
situated in the County of Creek, State of Oklahoma,  
together with the improvements thereon,  
et al, and Unknown Defendants,

**Defendants.**

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

**Civil Action #4793  
Tract #443**

**JUDGMENT AS TO TRACT #443, CREEK COUNTY, OKLAHOMA**

This cause comes on for disposition on the stipulation of the parties on this 17<sup>th</sup> day of <sup>November</sup> ~~September~~, 1960. The Court having been advised by PERRY A. KRINN, Assistant United States Attorney for the Northern District of Oklahoma, finds that:

-I-

This judgment applies to Tract #443 located in Creek County, Oklahoma;

-II-

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

-III-

Service of process has been perfected as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in this Tract #443.

-IV-

The acts of Congress set out in Paragraph 2 of the complaint filed herein gave the United States of America the right power and authority to condemn for public use this Tract as it is described in Schedule A attached to the complaint pursuant thereto on October 28, 1959, the United States of America filed the Declaration of its taking the said described tract, and is entitled to and should have the title thereto vested in the United States of America.

-v-

On the 28th day of October, 1959, there was deposited in the registry of this Court an estimated compensation for the taking of the odd Tract #443 the sum of FOUR THOUSAND SIX HUNDRED DOLLARS (\$4,600.00) which has been disbursed to the land owners entitled thereto.

-vi-

On the date of the filing of the Declaration of Taking in this cause, title to the estate taken in the described Tract was vested in K. E. ROGERS and BURDINE ROGERS, his wife, and such parties being the owners of the estate taken in this Tract are entitled to receive the just compensation therefore.

-vii-

A stipulation as to the just compensation exacted by the above named defendants and the UNITED STATES OF AMERICA has been filed herein on the 14<sup>th</sup> day of November, 1960, whereby the parties agreed that the sum of FIVE THOUSAND ONE HUNDRED DOLLARS (\$5,100.00) <sup>inclusive of interest,</sup> shall be just compensation for all of their interests in the estate as described in the Declaration of Taking by the Government in such Tract and such Stipulation should be approved.

-viii-

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the UNITED STATES OF AMERICA has the right, power and authority to take for public use Tract #443 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 described in the Declaration of Taking filed herein and title thereto is vested in the UNITED STATES OF AMERICA and that all of said defendants herein and all other persons

interested in such described 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 estate taken herein in such Tract is vested in K. E. ROGERS and BURDINE ROGERS, his wife; the stipulation as to just compensation for the estate taken in the subject Tract, referred to in Paragraph VII herein is hereby confirmed and the award there fixed is adopted as just compensation for the estate condemned in such Tract.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED and deficiency judgment is hereby entered against the UNITED STATES OF AMERICA for the sum of FIVE HUNDRED DOLLARS (\$500.00) and the UNITED STATES OF AMERICA is ordered to pay to the registry of this Court said deficiency of FIVE HUNDRED DOLLARS (\$500.00) without interest and the Clerk of this Court is hereby ordered and directed to pay to K. E. ROGERS and BURDINE ROGERS such deficiency in the sum of FIVE HUNDRED DOLLARS (\$500.00) without interest and upon such payment, the UNITED STATES OF AMERICA shall have discharged all liability for the payment of such compensation for such real estate involved in this proceeding and described as Tract #443.

*Roger H. Savage*

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

APPROVED:

*Henry A. Kohn*  
HENRY A. KOHN, ASSISTANT UNITED STATES  
District Attorney for the Northern Dist.  
of Oklahoma

*Ford L. Allen*  
FORD L. ALLEN, ATTORNEY FOR DEFENDANTS.  
Attorney for defendants, K. E. ROGERS and  
BURDINE ROGERS.

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

NOV 17 1960

United States of America,

Plaintiff,

vs.

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

Defendants.

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

Civil No. 5007

ORDER CONFIRMING MARSHAL'S SALE

Now, on this 17th day of November, 1960, there coming on for hearing the motion of the plaintiff herein to confirm the sale of real property made by the United States Marshal for the Northern District of Oklahoma on the 14th day of November, 1960, under an order of sale issued in this cause out of the office of the Court Clerk for the U. S. District Court for the Northern District of Oklahoma, dated September 29, 1960, of the following described property, to-wit:

Lot Two (2), Block Four (4), South Brookside Addition in Tulsa County, State of 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 the Court having carefully examined the proceedings of the Marshal under the order of sale and no one appearing in objection thereto and no exceptions having been filed, finds that due and legal notice of the sale was given by publication once a week for at least four (4) weeks prior to the date of sale in the Tulsa Daily Legal News, a newspaper published and of general circulation in the County of Tulsa, State of Oklahoma, as shown by the proof of publication on file herein, and that on the day fixed therein, the 14th day of November, 1960, the above described property was sold to the Federal Housing Administration, it being the highest and best bidder therefor.

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

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

IT IS FURTHER ORDERED that James Y. Victor, as United States Marshal for the Northern District of Oklahoma, make and execute to the purchased, Federal Housing Administration, a good and sufficient deed for such premises.

W. H. Calderwood  
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

NOV 17 1960

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

DEFICIENCY JUDGMENT

Now, on this 17<sup>th</sup> day of November, 1960, there coming on for hearing the motion of the plaintiff herein for leave to enter a deficiency judgment, which motion was filed on the 14<sup>th</sup> day of November, 1960, and duly served upon Irvine Ungeman, Attorney for Brookside Development Co., Inc., a corporation, a defendant herein.

The Court upon consideration of such motion and the evidence produced in open court, finds that the fair and reasonable market value of the mortgaged premises, as of the date of the Marshal's sale herein, to-wit, the 14<sup>th</sup> day of November, 1960, was \$172,000.00. The Court further finds that the aggregate amount of the judgment rendered herein, together with interest and costs, as of the date of sale, was \$207,477.67, and the plaintiff is accordingly entitled to a deficiency judgment against the defendant, Brookside Development Co., Inc., a corporation, for such amount, less the market value of the property in the sum of \$172,000.00, as above determined, to-wit, in the sum of \$35,477.67.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff, United States of America, have and recover from the defendant, Brookside Development Co., Inc., a corporation, a deficiency judgment in the amount of \$35,477.67.

Approved as to Form:

Irvine E. Ungeman  
Irvine E. Ungeman  
Attorney for Defendant  
Brookside Development Co., Inc.

James L. Burton  
James L. Burton  
Assistant U. S. Attorney

Ray C. Jones  
United States District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Alvin J. Dixon,

Defendant.

Civil No. 5033

FILED

NOV 17 1960

J U D G M E N T

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

On this 17th day of November 1960, the above-entitled action coming on for hearing, the plaintiff, appearing by Rodney G. Buckles, Assistant U.S. Attorney for the Northern District of Oklahoma, and the defendant appearing net, the Court finds that defendant was duly served with summons herein more than 20 days prior to this date, and having failed to appear, or answer, is and should be adjudged in default.

The Court further finds that all allegations of plaintiff's complaint are true; that defendant is indebted to plaintiff in the amount of \$359.03, plus interest, after allowance of all just credits and set-offs; that a balance remains of \$359.03 due the plaintiff for which judgment should be rendered against the defendant.

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

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED BY the Court that this plaintiff have judgment against the defendant, Alvin J. Dixon, for the sum of \$359.03, with interest on this sum at the rate of six per cent (6%) per annum until paid, and for the costs of this action.

*18 Royce H. Savage*  
United States District Judge

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 NO. 627, 627A, 627B  
and 627C,

Plaintiffs,

vs.

R. L. SAUNDERS, TOM P. WINDMAN, A. L.  
EDMISTON, HURLEY MITCHELL, M. A. FITZ-  
GERALD and INTERNATIONAL UNION OF  
OPERATING ENGINEERS, AFL-CIO,

Defendants.

Civil Action

No. 4993

**FILED**  
IN OPEN COURT

NOV 21 1960

ORDER DISMISSING PLAINTIFF'S CAUSE OF ACTION NOBLE C. HOOD,  
Clerk, U. S. District Court

Now on this 21<sup>st</sup> day of November, 1960, there having  
been presented to the United States District Court the dismissal  
heretofore filed herein by the plaintiff of the original Petition  
filed herein and the Court having considered the same finds  
that an order of dismissal should be entered thereon.

IT IS THEREFORE ORDERED BY THIS COURT that the plain-  
tiffs' cause of action be and it is hereby dismissed subject to  
the terms and conditions of the stipulation entered into between  
said parties and filed herein.

*(s) Royce H. Swartz*  
United States District Judge

APPROVED AS TO FORM:

Ungerma, Grabel, Ungerma, Leiter & Unruh

By *[Signature]*  
Attorneys for Plaintiffs

Dyer, Power & Gocher

By *[Signature]*  
Attorneys for Defendants

FILED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

NOV 21 1960

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

United States of America,  
  
Plaintiff,  
  
vs  
  
Lee H. Skinner,  
  
Defendant.

Civil No. 5031

J U D G M E N T

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

The Court further finds that all allegations of plaintiff's complaint are true; that defendant is indebted to plaintiff in the amount of \$604.74, plus interest, after allowance of all just credits and set-offs; that a balance remains of \$604.74 due the plaintiff for which judgment should be rendered against the defendant.

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

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED BY the Court that this plaintiff have judgment against the defendant, Lee H. Skinner, for the sum of \$604.74, with interest on this sum at the rate of six per cent (6%) per annum until paid, and for the costs of this action.

*Rayce H. Savage*  
United States District Judge

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 Roger's County, Oklahoma,  
and C. E. Dennis, et al, and  
Unknown Owners,

Defendants.

Civil Action No. 4570

FILED

NOV 23 1960

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

AMENDMENT TO JUDGMENT

The Court having been advised by counsel for plaintiff that pursuant to agreement at the pretrial conference herein and for the purpose of correcting the descriptions of Tracts Nos. B-272 and B-272E, an amendment to the Declaration of Taking and an amendment to the Complaint have been filed herein.

It is therefore ORDERED that the Judgment filed herein on October 21, 1960, is hereby amended in the following particulars only:

1. Delete all the words and figures used in Paragraph II in such Judgment and substitute in lieu thereof the following words and figures:

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

2. In Paragraph IV of such Judgment, change the period at the end of the first sentence to a comma and add:

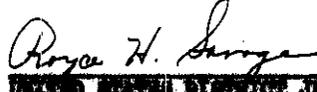
"and in Schedule "AA" attached to the Amendment to Complaint."

3. In Paragraph VI of such Judgment in the first sentence, delete the words, "the Declaration of Taking and" and insert immediately following the word "Complaint" the following words:

"and the Amendment to Complaint."

4. In Paragraph IX of such Judgment in the fourth line, delete the words "the Complaint and", and insert immediately following the word "Taking" in the same line the following words:

"and in Schedule "AA" attached to the Amendment to Declaration of Taking".

  
ROYCE H. SAVAGE  
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

BRIGGS ENGINEERING AND  
CONTRACTING COMPANY, a  
Corporation,

Plaintiff,

-vs-

MONSANTO CHEMICAL COMPANY,  
a Corporation, and THE HOLCOMBE  
COMPANY, INC., a Corporation,

Defendants and  
Third-Party  
Plaintiffs,

-vs-

TRUMBULL ASPHALT COMPANY,  
a Corporation, and COLORADO OIL  
AND GAS COMPANY, a Corporation,

Third-Party  
Defendants.

No. 4590-C

FILED

NOV 23 1960

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

JUDGMENT

Upon and pursuant to the findings of fact and conclusions of law heretofore made and entered herein, the Clerk is directed to enter the following judgment.

(1)

The plaintiff shall take nothing upon its complaint against the defendants, Monsanto Chemical Company and The Holcombe Company, Inc., and the said complaint is dismissed upon the merits.

(2)

The third-party plaintiff, The Holcombe Company, Inc., shall take nothing upon its Third Party Complaint against the third-party defendants, Trumbull Asphalt Company and Colorado Oil and Gas Corporation, and the said third-party complaint is dismissed upon the merits.

(3)

All parties defendant shall have and recover their costs against the

plaintiff. All third-party defendants shall have and recover their costs against the third-party plaintiff.

Dated this 23 day of November, 1960.

Royce H. Savage  
United States District Judge

APPROVED AS TO FORM AND CONTENT:

Briggs Engineering & Contracting Company, Inc.

W. F. Kyle

Monsanto Chemical Company, Inc.

Brucker, Tabor, Best, Sharp & Shepherd

By Jack M. Thomas

The Holcombe Company, Inc.

Milsten, Milsten and Morehead

By David S. Milsten

Framball Asphalt Company, Inc.

Williamson, Boesche & McArnott

By Robert J. Scott

Esso Oil and Gas Company, Inc.

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. ) Civil Action No.4603  
 )  
 591.01 Acres of Land, More or Less, )  
 Situate in Nowata and Rogers Counties, )  
 Oklahoma, and Valdo Ellison, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

**FILED**

NOV 23 1960

J U D G M E N T  
(AS TO TRACT NO. R-1816)

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

1.

NOW on this 23 day of November, 1960, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on a contract agreeing upon just compensation, and the court, after having examined the files in this action and being advised by counsel for plaintiff finds:

2.

This Judgment applies only to the estate condemned in Tract No. R-1816, as such estate and tract are described in the Declaration of Taking filed herein.

3.

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

4.

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

5.

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 estate described in Paragraph 2 herein. Pursuant thereto, on December 8, 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.

6.

On the filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of a certain estate in the subject tract, a sum of money which has been disbursed as set out in Paragraph 12.

7.

The persons named in Paragraph 12 as owners of the subject tract are 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, as of the date of taking herein, of the respective interests as indicated in the estate condemned in the subject tract; and as such, with the exception noted in Paragraph 9, are entitled to receive the just compensation for the estate so taken.

8.

The owners, with the exception of A. E. Basinger, of the subject tract have each and all executed, with the United States of America, a Contract entitled Option for Purchase of Land (No. RE-1317), wherein they have agreed that just compensation for their interest in the estate condemned in such tract is in the amount shown as compensation in Paragraph 12 herein; such Contract should be approved, and such agreed amount should be fixed as just compensation.

9.

The leasehold interest of Mr. A. E. Basinger was set for trial before the Commissioners appointed in Civil Action No. 4599. At the hearing before the Commissioners it was agreed by the Government that Mr. Basinger could remove two steel oil tanks with attached steel ladders, owned by him and situated upon this tract, whereupon Mr. Basinger relinquished his claim for compensation for the taking of this tract.

10.

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 tract named in Paragraph 2 herein, as such tract is particularly described in the 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.

11.

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 12. The right to just compensation for the estate taken in this tract is vested in Clara I. Daugherty, E. C. Welch and Gertrude F. Welch, as their respective interests appear in such Paragraph.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the settlement of the claim of Mr. A. E. Basinger for his leasehold interest in subject tract, as set forth in Paragraph 9 above, is hereby approved and Mr. A. E. Basinger shall not share in the award of compensation for the taking of this tract. The Contract entitled Option for Purchase of Land mentioned in Paragraph 8 above is hereby confirmed and the sum therein fixed is adopted as the award of just compensation for the estates condemned in subject tract as follows:

TRACT NO. R-1816

Owners:

Clara I. Daugherty . . . . . undivided 1/2 interest.  
E. C. Welch and  
Gertrude F. Welch . . . . . undivided 1/2 interest.  
A. E. Basinger . . . . . leasehold interest in surface for  
the limited purpose of maintaining  
thereon two oil storage tanks.

Just Compensation fixed by Contract  
and Adopted by the Court. . . . \$4,000.00                      \$4,000.00  
Deposited as Estimated Compensation . . . \$4,000.00

Disbursed to Owners:

To Clara I. Daugherty \$2,000.00  
To E. C. Welch and  
Gertrude F. Welch \$2,000.00  
Total . . . . . \$4,000.00

*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. )  
 )  
 1,402.07 Acres of Land, More or Less, )  
 Situate in Nowata and Rogers Counties, )  
 Oklahoma and George Rott, et al, and )  
 Unknown Owners, )  
 )  
 Defendants. )

Civil Action No. **FILED**

NOV 23 1960

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

J U D G M E N T

(As To Tracts Nos. J-1054, J-1069, K-1182, L-1219, L-1219E-1, L-1219E-2  
O-1516, R-1843, and Old Indian Cemetery on Tract No. B-258)

1.

NOW on this 23rd day of November, 1960, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on Contracts agreeing upon just compensation, and the court, after having examined the files in this action and being advised by counsel for plaintiff finds:

2.

This Judgment applies only to the estates condemned in Tracts Nos. J-1054, J-1069, K-1182, L-1219, L-1219E-1, L-1219E-2, O-1516, R-1843, and the Old Indian Cemetery on Tract No. B-258, as such estates and tracts are described in the Declaration of Taking filed herein.

3.

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

4.

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.

5.

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 2 herein. Pursuant thereto, on December 19, 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.

6.

On the filing of the Declaration of Taking, 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 13 below.

7.

The persons and legal entities named in Paragraph 13 as owners of certain ones of the subject tracts are 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, as of the date of taking herein, of the estates condemned in the respective tracts so listed; and as such, are entitled to receive the just compensation for the estates so taken.

8.

The next of kin of the persons interred in the Old Indian Cemetery on Tract No. B-258 are wholly unknown, therefore, the owners of the estates, as defined in the Declaration of Taking, condemned in such cemetery, are also wholly unknown. Such unknown owners are in default herein.

9.

The owners of the subject tracts with the exception of the owners of the Old Indian Cemetery on Tract No. B-258, have all executed, with the United States of America, certain Contracts 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 13 herein, such agreements should be approved, and such amounts should be fixed as just compensation.

10.

Just compensation for the estate condemned herein in the Old Indian Cemetery on Tract No. B-258 is \$1.00.

11.

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 2 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.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in the subject tracts, with the exception of the Old Indian Cemetery on Tract No. B-258, were the persons or legal entities whose names appear below in Paragraph 13 and the right to just compensation for the respective estates in these tracts is vested in the parties so named.

13.

It Is Further ORDERED, ADJUDGED AND DECREED that the Contracts mentioned in Paragraph 8 above and the finding as to just compensation made in Paragraph 10 above, hereby are 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. J-1054

Owner: Board of County Commissioners of Rogers County, Oklahoma.

Just Compensation fixed by Contract and Adopted by Court . . . . .	\$1.00	\$1.00
Deposited as estimated compensation. . .	<u>\$1.00</u>	
Disbursed to Owner . . . . .		<u>None</u>
Balance Due to Owner . . . . .		<u>\$1.00</u>

TRACT NO. J-1069

Owner: Board of County Commissioners of Rogers County, Oklahoma.

Just Compensation fixed by Contract and Adopted by Court . . . . .	\$1.00	\$1.00
Deposited as Estimated Compensation. . .	<u>\$1.00</u>	
Disbursed to owner . . . . .		<u>None</u>
Balance Due to Owner . . . . .		<u>\$1.00</u>

TRACT NO. K-1182

Owner: Board of County Commissioners of Nowata County, Oklahoma.

Just Compensation fixed by Contract and Adopted by Court . . . . .	\$1.00	\$1.00
Deposited as Estimated Compensation. . . . .	<u>\$1.00</u>	
Disbursed to Owner . . . . .		<u>None</u>
Balance Due to Owner . . . . .		<u>\$1.00</u>

TRACTS NOS. L-1219, L-1219E-1 and L-1219E-2

Owners: Frank M. Galloway and  
 Florence E. Galloway, his wife

Federal Land Bank of Wichita (mortgagee)

Just Compensation fixed by Contract and Adopted by Court . . . . .		.\$15,775.00
Deposited as Estimated Compensation and Disbursed to Owners . . . . .		<u>.\$15,775.00</u>

TRACT NO. C-1516

Owner: Board of County Commissioners of Nowata County, Oklahoma.

Just Compensation Fixed by Contract and Adopted by Court . . . . .	\$1.00	\$1.00
Deposited as Estimated Compensation. . . . .	<u>\$1.00</u>	
Disbursed to Owner . . . . .		<u>None</u>
Balance Due to Owner . . . . .		<u>\$1.00</u>

TRACT NO. R-1843

Owner: E. P. Montgomery

Just Compensation fixed by Contract and Adopted by Court . . . . .		\$800.00
Deposited as Estimated Compensation and Disbursed to Owner . . . . .		<u>\$800.00</u>

OLD INDIAN CEMETERY ON TRACT NO. B-258

Owners: Unknown

Just Compensation Fixed by Court . . . . .	\$1.00	\$1.00
Deposited as Estimated Compensation. . . . .	<u>\$1.00</u>	
Disbursed to Owners . . . . .		<u>None</u>
Balance Due to Owners. . . . .		<u>\$1.00</u>

It Is Further ORDERED, ADJUDGED and DECREED that the Clerk of this Court, forthwith, shall disburse from the deposits for the respective tracts the balances due to the owners of such tracts as follows to-wit:

- Tract No. J-1054 . . . to Board of County Commissioners  
of Rogers County, Oklahoma . . . \$1.00
- Tract No. J-1069 . . . to Board of County Commissioners  
of Rogers County, Oklahoma . . . \$1.00
- Tract No. K-1182 . . . to Board of County Commissioners  
of Nowata County, Oklahoma . . . \$1.00
- Tract No. O-1516 . . . to Board of County Commissioners  
of Nowata County, Oklahoma . . . \$1.00

*by Roy A. Savage*  
UNITED STATES DISTRICT JUDGE

APPROVED:

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

FILED

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

NOV 28 1960

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

HOWARD K. EDWARDS, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
GREAT PLAINS PETROLEUM CORPORATION, )  
 )  
Defendant. )

No. 4843-Civil

J U D G M E N T

Upon the Stipulation of the parties dated November 14, 1960, this matter having been set for Entry of Judgment on the 28th day of November, 1960, and notice thereof having been mailed to all interested persons, and no objection having been made:

IT IS THEREFORE ORDERED AND ADJUDGED that plaintiff, Atlas Exploration Company, recover from defendant, Great Plains Petroleum Corporation, the sum of Four Thousand Dollars (\$4,000.00), which judgment shall be a full and final determination of the rights of all interested persons in accordance with the Stipulation of November 14, 1960.

Dated this 28th day of November, 1960.

  
District Judge.

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

DETROITER MOBILE HOMES, INC.,  
a Michigan corporation,

Plaintiff,

vs.

MAVERICK MOBILE HOME CORPORATION,  
an Oklahoma corporation, Grace D.  
Morgan, an individual; Max T.  
Morgan, an individual; Elizabeth  
Higginbotham, an individual; and  
Ruth Keel, an individual,

Defendants.

Civil Action  
No. 5020

FILED

DEC -2 1960

NOBLE C. HOOD  
U. S. District Court

J U D G M E N T

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Court  
as follows:

I.

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

II.

Trade-mark Registration Nos. 662,492 and 669,814, for the  
trade-marks "DETROITER" and "DETROITER TOPS THEM ALL" respect-  
ively, granted to the Plaintiff by the United States of America  
under the seal of the Patent Office are good and valid in law,  
and the registrations and trade-marks covered thereby are the  
exclusive property of the Plaintiff.

III.

Defendants, and each of them, by the use of the word  
"DETROIT" as a trade-mark on similar goods sold in interstate  
and intrastate commerce, have infringed upon the Plaintiff's  
trade-mark rights, and particularly Registration Nos. 662,492  
and 669,814.

IV.

Defendants, and each of them, shall delete the word  
"DETROIT" from all mobile homes now in the possession of the

Defendants, and each of them, and from all mobile homes, title to which has not heretofore passed from Defendants, and/or each of them, and which are in the possession or control of the dealers, agents, servants and employees of the Defendants, and each of them.

V.

Defendants, and each of them, shall discontinue the use of the word "DETROIT" upon the mobile homes produced or sold by the Defendants, and each of them.

VI.

Defendants, and each of them, shall stop the dissemination of all literature or advertising bearing the word "DETROIT", as applied to mobile homes.

VII.

Defendants, and each of them, shall deliver to this Court, for destruction, all labels, signs, prints, packages, wrappers, receptacles, and advertisements in their possession, or under their control, which bear the word or trade-mark "DETROIT" or any other reproduction, counter-feit, copy or colorable imitation of the registered trade-marks of Plaintiff, being those trade-marks registered in the United States Patent Office, as Nos. 662,492 and 669,814, and all plates, molds, matrices, and other means of making the same.

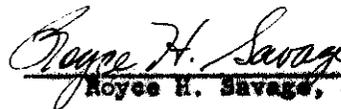
VIII.

Defendants, and each of them, their agents, servants, and all persons claiming or holding through, by or under said Defendants, and each of them, be, and they hereby are, perpetually enjoined and restrained from using the word "DETROIT" in connection with mobile homes and similar goods, or from taking part in, or in anywise contributing to the sale of mobile homes or similar goods under the name "DETROIT", or any other name likely to be confused with and infringe upon the registered trade-marks of Plaintiff, being "DETROITER" and "DETROITER TOPS THEM ALL", or upon the trade-name, "Detroiter Mobile Homes, Inc.",

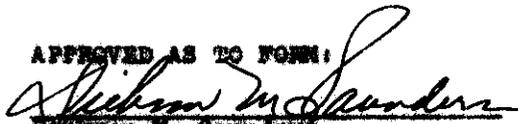
of the Plaintiff, except as to those mobile homes and similar goods, title to which shall have heretofore passed from Defendants, and/or each of them.

IX.

That upon entry of this Judgment Granting Permanent Injunction, Plaintiff and its surety be exonerated upon its bond in the amount of \$5,000.00 heretofore filed in this Court in connection with the Order Granting Preliminary Injunction to Plaintiff.

  
\_\_\_\_\_  
Royce H. Savage, Judge

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Dickinson M. Saunders  
Attorney for Plaintiff

  
\_\_\_\_\_  
Attorney for Defendants  
Maverick Mobile Home Corporation,  
a corporation, Grace D. Morgan  
and Max T. Morgan

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

FILED

JIMMY WALTERS,

Plaintiff,

-vs-

ESSAK LEVITCH,

Defendant.

DEC -2 1960

WALTER C. HOOD,  
U.S. District Court

No. 5013 - Civil

JOURNAL ENTRY OF JUDGMENT

Now, on this 2nd day of December, 1960, this matter came for hearing before this Court. The plaintiff, Jimmy Walters, appeared by his attorney, Lawrence Johnson, and the defendant, Essak Levitch, appeared by his attorney, Alfred B. Knight.

The defendant heretofore has filed his Answer wherein he admits his liability in this action. At pre-trial, held in this case on the 16th of November, 1960, it was the Order of this Court that at trial the issues would be limited to the extent and nature of the plaintiff's damages, both property damage and personal injuries.

The parties plaintiff and defendant have entered into a stipulation and agreement before the Court that the proper sum to which the plaintiff is entitled as damages in this action is \$3,100.00.

The Court finds that this action arose out of an automobile accident which occurred on the 21st of April, 1960, in Tulsa County, State of Oklahoma. As a result of that accident the plaintiff's automobile was totally demolished and the plaintiff suffered injuries to his body which necessitated medical treatment and involved pain and suffering. The Court finds that at the time of this accident the defendant, Essak Levitch, was a resident of the State of Texas. That on the 19th day of August, 1960, this action was filed in the District Court in and for Tulsa County, State of Oklahoma, praying for judgment in the sum of \$21,987.00

and that under the provisions of the Oklahoma Statutes governing the service of summons of non-resident motorists, the defendant was duly served with summons. Subsequent thereto, the defendant filed his Petition for Removal to the United States District Court in and for the Northern District of Oklahoma. The Court finds, therefore, that it has jurisdiction of the subject matter and of the parties herein. The Court further finds that the defendant has not filed any Cross-Petition herein.

The Court being fully advised in the premises finds the issues in favor of the plaintiff and finds that the plaintiff should have a judgment of and from the defendant in the sum of \$3,100.00.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the plaintiff, Jimmy Walters, should be and he is hereby awarded a judgment of and from the defendant, Essak Levitch, in the sum of \$3,100.00, plus 6% interest from day of judgment and the costs of bringing this action.

131 Royce H. Savage  
JUDGE OF THE UNITED STATES  
DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF OKLAHOMA.

APPROVED AS TO FORM:

SANDERS & McELROY

By: 131 Lawrence Johnson  
Attorneys for Plaintiff.

H. Alfred B. Knight  
ALFRED B. KNIGHT,  
Attorney for Defendant.

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

UNITED STATES OF AMERICA )  
FOR THE USE AND BENEFIT OF )  
NORMAN MOODY, PLAINTIFF, )  
VS. )  
CARL LEA CONSTRUCTION, INC., )  
A CORPORATION, )  
THE OHIO CASUALTY INSURANCE COMPANY, )  
A CORPORATION, DEFENDANTS. )

CIVIL ACTION  
NO. 5022

DEC - 2 1960

JUDGMENT

C. K.  
Dist.

B

This cause came on to be heard on November 25, 1960,  
and was argued by counsel and thereupon consideration  
thereof, IT WAS ORDERED, ADJUDGED AND DECREED that Norman  
Moody be, and he is, hereby awarded judgment, jointly and  
severally, against the defendants, Carl Lea Construction,  
Inc., a corporation, and The Ohio Casualty Insurance Company,  
a corporation, in the sum of \$917.00 together with the costs  
of this action.

Royce H. Savage  
JUDGE

Ok as to form  
Ray H. Baker  
att'y for P. M.

H. H. Hughes Baker  
att'y for Defendants

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

O. M. DICKSON, GEORGE BURNETT, and  
LESTER NEWTON,  
Plaintiffs,

-vs-

PIPELINERS LOCAL UNION NO. 798,  
CHARLES WINTRODE, both individually  
and as Financial Secretary and Treas-  
urer of said Union; JAMES R. CRADDOCK,  
both individually and as Business  
Manager of said Local Union No. 798;  
and the Individuals composing the  
membership of Pipeliners Local Union  
No. 798, whose names are to the  
Plaintiffs unknown,  
Defendants.

No. 5048 Civil

FILED

DEC -2 1960

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

FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

Now, on this 9th day of November, 1960, the above entitled matter having come on for hearing upon the plaintiffs' application for a temporary injunction, and the plaintiffs appearing in person and by their counsel, John A. Cochran, and the defendants appearing by their counsel, William K. Powers, and the Court being otherwise fully advised in the premises, makes, finds and concludes as follows, to-wit:

FINDINGS OF FACT

1. That this Court has jurisdiction of the subject matter herein and of the parties hereto by reason and by virtue of the Labor Management Reporting and Disclosure Act of 1959, Title 29 U.S.C.A. Section 481, Subdivision C, and by Title 29 U.S.C.A. Section 411, Subdivision A(1).
2. That the plaintiffs are the regularly qualified and nominated candidates, among others, for offices in an election

to be held by the defendant union on the 7th day of December, 1960.

3. That the defendant Pipeliners Local Union No. 798 is a "labor organization" engaged in an industry affecting commerce.

4. That the named individual defendants, to-wit: Charles Wintrode is the duly elected and acting Financial Secretary and Treasurer of the said union, and that the defendant James R. Craddock is the duly elected and acting Business Manager of said union.

5. That said union has not heretofore maintained a list of members with their last known post office address as such, but that in accordance with the terms and provisions of the Labor Management Reporting and Disclosure Act of 1959 and of the constitution and by-laws of Local Union No. 798, the senior stenographer of the office clerical employees was directed to prepare and keep in her possession a list of the names and last known addresses of the entire membership of Local Union No. 798 effective through October 31, 1960.

6. That the plaintiffs herein have been advised that no such list was available prior to November 7, 1960 but that such list would be and remain available in the office of the union from that date until the date of said election, December 7, 1960.

7. That said constitution and by-laws of Local Union No. 798, Tulsa, Oklahoma, provides that every bona fide candidate shall have the right once within thirty days prior to an election in which he is a candidate to inspect a list containing the names and last known addresses of all members of Local Union No. 798.

8. That the constitution and by-laws of Local Union No. 798, Tulsa, Oklahoma, provides that any candidate shall have the right to have an observer at the polls and at the counting of the ballots; that in addition to the foregoing constitutional guarantee, counsel for the defendant has assured the Court that observers

representing bona fide candidates will have the right to make records and notations and keep a tally of the number participating in the election so that an accurate computation of the exact number of votes cast may be kept and tabulated; that in addition thereto counsel for defendant has assured the Court that observers duly authorized will be permitted to examine the voter's qualifications as a valid voter participating in such election.

9. The Court further finds that the union has enacted and adopted comprehensive and valid election procedures as set out in the constitution and by-laws of said union which was amended and adopted April 8, 1960 and that the Election Board pursuant to said constitution and by-laws has adopted comprehensive and elaborate rules and regulations which the Court finds to be reasonable rules and regulations necessary to carry out the election.

10. The Court further finds that such rules and regulations are in accordance with the constitution and by-laws of such organization and that they are not inconsistent with the terms and provisions of the Labor Management Reporting and Disclosure Act of 1959.

11. The Court further finds that said labor organization has adopted adequate safeguards to insure that a fair election shall be provided and that as a matter of fact the procedures adopted herein are not only comprehensive and elaborate, but appear to be procedures that will guarantee to the membership a fair and impartial election.

12. The Court further finds that the plaintiffs herein as bona fide candidates do not have the right to have furnished them or to copy any record or list of the membership of said Local Union or of its qualified voters therein together with their last known home address.

13. The Court further finds that the plaintiffs herein

shall not be permitted or allowed, either themselves or through their observers, to prepare a list of names and ballot numbers of all persons who are to vote or to participate in said election.

CONCLUSIONS OF LAW

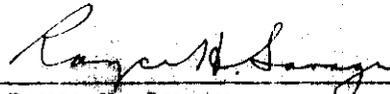
Based upon the foregoing Findings of Fact, the Court makes the following Conclusions of Law:

1. That the plaintiffs herein are not entitled to a preliminary injunction to be issued against said defendants as prayed for herein and said plaintiffs' prayer for a mandatory injunction should be and the same is hereby denied.

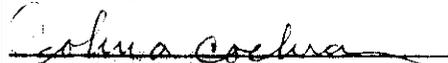
2. The Court further concludes that said action at this time should not be dismissed but should be held open so that plaintiffs may reapply to this Court if any action by the defendants infringes upon the rights guaranteed them by either the Labor Management Reporting and Disclosure Act of 1959 or the constitution and by-laws of said organization prior to the conduct of said election on December 7, 1960.

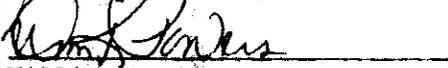
ORDER

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiffs' prayer for mandatory injunction be and the same is hereby denied.

  
\_\_\_\_\_  
Royce H. Savage,  
United States District Judge.

APPROVED:

  
\_\_\_\_\_  
John A. Cochran  
Attorney for Plaintiffs herein

  
\_\_\_\_\_  
William K. Powers  
Attorney for Defendants herein

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

JAMES B. COPPEDGE, TRUSTEE of the  
Estate of Everett Boat & Motor Company,  
A Corporation, Bankrupt.,

Plaintiff,

vs.

L. E. COPELIN,

Defendant.

No. 4896

FILED ✓

DEC -7 1960

NOBIE C. HOWE *NH*  
Clark, U. S. District Court

J U D G M E N T

At Tulsa, within the Northern District of Oklahoma, on this 20th day of October, 1960, this cause comes on for decision pursuant to regular setting and the plaintiff appears by his attorney, Wm. J. Threadgill, but the defendant appears neither in person nor by counsel.

Upon consideration of the evidence and briefs on file herein, the court finds as follows:

1. The transaction in question herein comes within the terms of the Bulk Sales Law of the State of Oklahoma and constituted a violation thereof.

2. The value of the merchandise transferred from the Everett Boat & Motor Company to the defendant, L. E. Copelin, was the sum of \$4,300.00.

3. That L. E. Copelin, defendant, paid to the Everett Boat & Motor Company the sum of \$4,300.00 which said sum of money was paid to the Evinrude Motor Company who was then a creditor of the Everett Boat & Motor Company in excess of said amount.

The court concludes:

1. That judgment should be entered for the plaintiff against the defendant.

2. That defendant is entitled to be subrogated to the claim of the creditor paid with his money and recovery against him should be reduced by an allowance of the pro rata share of the assets of the Everett Boat & Motor Company which the creditor paid would have received had it not so been paid.

3. That the pro rata share, based upon claims filed, in percentage points equals .2662.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against the defendant in the amount of \$3,155.34.

*15/ Royce H. Savage*  
\_\_\_\_\_  
DISTRICT JUDGE

*Ok. for plaintiff  
Wm. J. Shreeve*

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

GERALD EUBANKS, a minor, by Virginia  
Eubanks, his mother and next friend,  
  
Plaintiff,  
  
vs.  
  
J. C. PENNEY COMPANY, a Corp.,  
  
Defendant.

No. 4935 Civil

FILED

DEC -7 1960

JUDGMENT

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

This cause having been considered by this court upon the  
pleadings and evidence presented on trial and upon the findings of fact and  
conclusions of law set forth <sup>AND</sup> in the opinion filed in this court on the 7<sup>th</sup>  
day of December, 1960,

IT IS ORDERED, ADJUDGED AND DECREED that the plaintiff  
recover from the defendant herein the sum of Two Thousand (\$2,000.00)  
Dollars, her costs and disbursements in this suit to be taxed by the court  
clerk.

Dated this 7<sup>th</sup> day of December, 1960.

Raymond H. Savage  
U. S. District Judge

APPROVED AS TO FORM:

E. P. Litchfield, Jr.  
Attorney for Plaintiff

APPROVED AS TO FORM:

Thomas L. Britt  
Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Phyllis J. Newport,  
a/k/a P. J. Newport,

Defendant.

Civil No. 5044

FILED ✓

DEC -7 1960

J U D G M E N T

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

On this 7<sup>th</sup> day of December 1960, the above-entitled action coming on for hearing, the plaintiff, appearing by Rodney G. Buckles, Assistant U. S. Attorney for the Northern District of Oklahoma, and the defendant appearing not, the Court finds that defendant was duly served with summons herein more than 20 days prior to this date, and having failed to appear, or answer, is and should be adjudged in default.

The Court further finds that all allegations of plaintiff's complaint are true; that defendant is indebted to plaintiff in the amount of \$1,632.44, plus interest, after allowance of all just credits and set-offs; and that a balance remains of \$1,632.44 due the plaintiff for which judgment should be rendered against the defendant.

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

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED BY the Court that this plaintiff have judgment against the defendant, Phyllis J. Newport, a/k/a P. J. Newport, for the sum of \$1,632.44, with interest thereon from January 21, 1960, until paid, at the rate of six per cent (6%) per annum, and for the costs of this action.

*Royce A. Savage*  
United States District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Libelant,

vs.

Civil No. 5049

151 Cases of yellow and white Unpopped  
Popcorn in one, two and four-pound Bags  
as follows: 84 Cases of 12 two-pound  
Bags (white); 27 Cases of 24 one-pound  
Bags (white); 5 Cases of 6 four-pound  
Bags (white) and 35 Cases of 12 two-  
pound Bags (yellow) labeled in part:  
(Bag) "\*\*\* Pick Popcorn \*\*\* Pick Popcorn  
Co., Indianapolis, Indiana \*\*\*" (Case)  
"Pick Popcorn Co., Inc. \*\*\* Indianapolis,  
Indiana \*\*\*",

Claimant.

FILED

DEC - 7 1960

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

DECREE OF CONFISCATION

On the 27th day of October, 1960, a Libel of Information against the above-described article was filed on behalf of the United States of America. The libel alleged that the article proceeded against is a food which was held for sale after shipment in interstate commerce in violation of the Federal Food, Drug and Cosmetic Act and is adulterated while held for sale after shipment within the meaning of said Act, 21 U.S.C. 348(a)(3) in that it consists wholly or in part of a filthy substance by reason of the presence therein of insects and insect excreta.

The aforesaid article is in possession of Diamond Transfer and Storage Warehouse, 8th & Yorktown, Tulsa, Oklahoma, or elsewhere, within the jurisdiction of this court.

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

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

The Court being fully advised in the premises, IT IS FURTHER ORDERED, ADJUDGED, AND DECREED on like motion that the above-described article is adulterated while held for sale after shipment in interstate commerce within the meaning of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 342(a)(3) in that it consists wholly or in part of a filthy substance by reason of the presence therein of insects and insect excreta, and is condemned as forfeited to the United States, and the United States Marshal in and for the Northern District of Oklahoma do forthwith destroy the same and make return of his action to this court.

DATED this 7<sup>th</sup> day of December, 1960.

15/ Royce H. Savage  
U. S. DISTRICT JUDGE

Copy

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

UNITED STATES OF AMERICA, )  
 )  
Plaintiff )  
 )  
vs. )  
 )  
18.28 Acres of Land, More or Less, )  
Situat in Creek, Pawnee, and Tulsa )  
Counties, Oklahoma, and W. T. Selvidge, )  
et al, and Unknown Owners, )  
 )  
Defendants. )

CIVIL NO. 4624

FILED

DEC 12 1960

JUDGMENT ON STIPULATION  
As to Tract No. B-268  
NOBLE C. HOOD  
Clerk, U. S. District Court

This cause comes on for disposition of the stipulation of  
United States of America, plaintiff, and Georgia L. Lang, defendant, on  
this 12th day of December, 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. B-268.

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 No. B-268.

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 this tract as the same is described in Schedule  
"A" attached to such Complaint. Pursuant thereto, on January 23, 1959,  
the United States of America has filed its Declaration of Taking of such  
described tracts, and title thereto should be vested in the United States  
of America.

V

On January 23, 1959, there was deposited in the Registry of this Court as estimated compensation for the taking of Tract No. B-268 the sum of \$550.00, which sum has heretofore been disbursed to the landowner by Order of this Court dated September 29, 1960.

VI

On the date of taking, the title to the estate taken in said Tract No. B-268 was vested in Georgia L. Lang, and she is entitled to receive the entire award of just compensation on such tract.

VII

The defendant, Georgia L. Lang, 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 \$700.00, 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.

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, Georgia L. Lang, as follows:

Stipulation as to Just Compensation for such owner .....	\$700.00
Deposit of estimated compensation for benefit of such owner .....	\$550.00
Disbursed to such owner by Order of this Court of September 29, 1960 .....	\$550.00
Balance of Just Compensation due such owner .....	\$150.00
Deposit deficiency .....	\$150.00

IX

It is Therefore ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power and authority to condemn for public use, Tract No. B-268 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, Georgia L. Lang, is forever barred from asserting any further claim in the estate condemned in Tract No. B-268 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 Georgia L. Lang, and the stipulation as to just compensation for the estate taken in Tract No. B-268 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, Georgia L. Lang, the deficiency amount of \$150.00. Upon deposit of such deficiency, the Clerk of this Court shall disburse to Georgia L. Lang the balance of just compensation due her of \$150.00, being inclusive of interest.

*12/ Royce H. George*  
UNITED STATES DISTRICT JUDGE

APPROVED:

*12/ Perry A. Krohn*  
PERRY A. KROHN  
Assistant United States Attorney

Copy

THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
Plaintiff,

vs.

18.28 Acres of Land, More or Less,  
Situate in Creek, Pawnee, and Tulsa  
Counties, Oklahoma, and W. T. Selvidge,  
et al, and Unknown Owners,

Defendants.

Civil No. 4624

**FILED**

**DEC 12 1960**

JUDGMENT ON STIPULATION  
As to Tract No. B-278

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

This cause comes on for disposition of the stipulation of United States of America, plaintiff, and Katie Bookout, defendant, on this 12th day of December, 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. B-278.

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 No. B-278.

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 this tract, as the same is described in Schedule "A" attached to such Complaint. Pursuant thereto, on January 23, 1959, the United States of America has filed its Declaration of Taking of such described tracts, and title thereto should be vested in the United States of America.

V

On January 23, 1959, there was deposited in the Registry of this Court as estimated compensation for the taking of Tract No. B-278, the sum of \$7,650.00, which sum has heretofore been disbursed to the landowner by Order of this Court dated July 2, 1959.

VI

On the date of taking, the title to the estate taken in said Tract No. B-278, was vested in Katie Bookout, A. E. Bookout and Mazie Irene Bookout, and Katie Bookout is entitled to receive the entire award of just compensation for such tract as assignee of the interest of A. E. Bookout and Mazie Irene Bookout, under the terms of the Motion for Distribution, filed July 2, 1959, for Tract No. B-278, herein.

VII

The defendant, Katie Bookout and the plaintiff, United States of America, have entered into a Stipulation As to Just Compensation for this tract, wherein the parties have agreed that the sum of \$7,650.00, inclusive of interest, shall be just compensation for the estate taken in Tract No. B-278, as such tract and the estate taken therein are described in the Declaration of Taking herein, payable by the United States of America in this tract, excluding therefrom the improvements heretofore acquired by the Declaration of Taking filed in this cause as to said Tract No. B-278, and reserving to the defendant, Katie Bookout, the right to remove all improvements situated on Tract No. B-278, without deduction therefore, from the final judgment awarding just compensation in this cause.

VIII

No deficiency in the deposit of compensation for this tract will be created by this judgment.

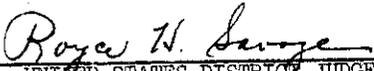
IX

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. B-278 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, excluding therefrom, all improvements on the premises, is vested in the United States of America, and the defendants, Katie Bookout, A. E. Bookout and Mazie Irene Bookout, are forever barred from asserting any further claim in the

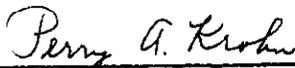
estate condemned in Tract No. B-278, except all right, title and interest of the defendant, Katie Bookout, in and to the improvements located thereon.

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 Katie Bookout, and the Stipulation As to Just Compensation and For Exclusion of Property, as to Tract No. B-278, is hereby confirmed, and the sum therein fixed is adopted as the award of just compensation for her interest in such tract.

  
\_\_\_\_\_  
ROYCE W. SAVAGE  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
\_\_\_\_\_  
PERRY A. KROHN  
Assistant United States Attorney

Eggs

THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

196.20 Acres of Land, More or  
Less, Situate in Pawnee, Creek,  
and Tulsa Counties, Oklahoma,  
and Tom Stanford, et al, and  
Unknown Owners,

Defendants.

CIVIL NO. 4793

**FILED**

**DEC 12 1960**

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

JUDGEMENT ON STIPULATION  
As to Tract No. F-606-E

This cause comes on for disposition of the stipulation of  
United States of America, plaintiff, and G. D. Shoumake and Cloya Mae  
Shoumake, his wife, defendants, on this 12th day of December,  
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. F-606E.

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 No. F-606E.

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 this tract, as the same is described in Schedule  
"A" attached to such Complaint. Pursuant thereto, on October 28, 1959,  
of Taking  
the United States of America has filed its Declaration/ of such described  
tracts, and title thereto should be vested in the United States of  
America.

V

On October 28, 1959, there was deposited in the Registry of this Court as estimated compensation for the taking of Tract No. F-606E, the sum of \$250.00, which sum has heretofore been disbursed to the landowner by Order of this Court dated June 15, 1960.

VI

On the date of taking, the title to the estate taken in said Tract No. F-606E was vested in G. D. Shoumake and Cloya Mae Shoumake, his wife, and they are entitled to receive the entire award of just compensation on such tract.

VII

The defendants, G. D. Shoumake and Cloya Mae Shoumake, 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 \$500.00, inclusive of interest, shall be just compensation for such defendants' 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.

VIII

A deficiency in the deposit of compensation for this tract will be created by this Judgment and a balance will be due the landowners, G. D. Shoumake and Cloya Mae Shoumake, his wife, as follows:

Stipulation as to Just Compensation for such owner .....	\$500.00
Deposit of Estimated Compensation for benefit of such owner.....	\$250.00
Disbursed to such owner by Order of this Court of June 15, 1960.....	\$250.00
Balance of Just Compensation due such owner.....	\$250.00
Deposit deficiency.....	\$250.00

IX

It is Therefore ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power and authority to condemn for public use, Tract No. F-606E 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 defendants, G. D. Shoumake and Cloya Mae Shoumake, his wife, are forever barred from asserting any further claim in the estate condemned in Tract No. F-606E 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 G. D. Shoumake and Cloya Mae Shoumake, his wife, and the stipulation as to just compensation for the estate taken in Tract No. F-606E is hereby confirmed, and the sum therein fixed is adopted as the award of just compensation for their interest in such tract.

XI

It is Further ORDERED, ADJUDGED AND DECREED that the plaintiff, United States of America, shall pay into the registry of this Court for the benefit of the landowners, G. D. Shoumake and Cloya Mae Shoumake, his wife, the deficiency amount of \$250.00. Upon deposit of such deficiency, the Clerk of this Court shall disburse to G. D. Shoumake and Cloya Mae Shoumake, his wife, the balance of just compensation due them of \$250.00, being inclusive of interest.

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

APPROVED:

*18/ Perry A. Krohn*  
PERRY A. KROHN  
Assistant United States Attorney

DEC 15 1960

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

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

United States of America, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
699.00 Acres of Land, More or Less, )  
Situat e in Nowata County, Oklahoma, )  
and Simpson-Fell Oil Company, et al, )  
and Unknown Owners, )  
 )  
Defendants. )

Civil Action No. 4894  
  
Tracts Nos. 5730-E, 5730-F,  
5729-B, 5720-H, 5720-9, 5719-16d,  
5720-10, 5720-10d, 5729-9a, 5729-2,  
5720-10c, 5719-16b, 5719-16,  
5720-10b, 5720-J, 5720-N,  
5720-11, and 5729-C

JUDGMENT ON STIPULATION

THIS matter comes on for hearing this 14 day of December, 1960, upon application of the Plaintiff for entry of a Judgment on a Stipulation filed herein and the Court being advised by Hubert A. Marlow, Assistant United States Attorney, for the Northern District of Oklahoma, finds that:

A Stipulation between the United States of America and Forest Oil Corporation, and defendant herein, was filed herein on December 12, 1960. The Defendant, Forest Oil Corporation, incurred expenses in the amount and for the reasons set forth in the Stipulation for which it is entitled to be paid by the Plaintiff herein and such Stipulation should be approved. Approval of this Stipulation creates a deficiency in the deposit of estimated compensation in this case in the total sum of \$853.20.

It Is Therefore ORDERED, ADJUDGED AND DECREED, that the Stipulation designated herein above, be and hereby is approved. The United States of America shall deposit in the Registry of this Court the sum of \$853.20, and when such sum has been deposited, the Clerk of this Court shall disburse such sum to Forest Oil Corporation.

Royce H. Savage  
UNITED STATES DISTRICT JUDGE

*Approved:*  
Hubert A. Marlow

**FILED**

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

DEC 16 1960

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

Everett Gene Allen, a minor, etc.,  
by and through his father and  
next friend, William R. Allen,

Plaintiff,

vs.

William T. Collins Shows, Inc., a  
Minnesota Corporation, et al.,

Defendants.

Civil No. 5035

**ORDER REMANDING**

The motion of plaintiff to remand this suit to the District Court of Tulsa County, State of Oklahoma, came on for hearing before the court, the Honorable Royce H. Savage presiding, on this 16th day of December, 1960, pursuant to regular setting and notice to parties, and the Court having heard the argument of counsel, and being fully advised, upon consideration entered an order remanding the cause to the District Court of Tulsa County, State of Oklahoma.

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

Dated at Tulsa, Oklahoma, this 16th day of  
December, 1960.

NOBLE C. HOOD, CLERK

By Major Garrison  
Deputy

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 ) Plaintiff, )  
 )  
 ) -vs- )  
 )  
 ) 18.28 ACRES OF LAND, MORE )  
 ) OR LESS, SITUATE IN CREEK, )  
 ) PAWNEE AND TULSA COUNTIES, )  
 ) OKLAHOMA, AND W. T. SELVIDGE, )  
 ) ET AL, AND UNKNOWN OWNERS, )  
 ) Defendants. )

CIVIL NO 4624

**FILED**

DEC 21 1960

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

J U D G M E N T  
(As to Tract No. B-269)

Now on this 21<sup>st</sup> day of Dec., 1960, this matter comes on for disposition on application of the plaintiff, United States of America for entry of Judgment on stipulation 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 Tract No. B-269, as such estate and tract is described in the Declaration of Taking filed in Civil Action 4624.

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 tract.

V

The Acts of Congress set out in the Complaint herein give the United States of America the right, power and authority to condemn for public use the estate described in Paragraph III herein. Pursuant thereto, 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 respective Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of certain estate in the subject tract, certain sums of

money, and certain portions of these deposits have been disbursed as set out in Paragraph XIII below.

VII

On the date of taking these actions, the owners of the estate taken in the subject tract were the persons whose names are shown in Paragraph XIII below. Such named defendants are the only persons asserting any interest in the estate taken in such tract, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the estate taken.

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 excluding from the taking in this case certain improvements situated on subject tract and agreeing to the reduction of the total compensation by the salvage value of such improvements as shown in Paragraph XIII below, and such stipulation should be approved.

IX

The owners of the subject tract has executed, with the United States of America, Stipulations as to Just Compensation, wherein they have agreed that just compensation for their interest in the estate condemned in such tract is in the amount shown as compensation in Paragraph XIII herein, <sup>inclusive of interest,</sup> and such stipulations should be approved.

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 tract named in Paragraph III herein, as such tract is particularly described in the Complaint and Declarations 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, with the exception of the property excluded in Paragraph XII 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 estate 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 estate condemned herein in the tract named in Paragraph III herein, were the persons whose names appear below in Paragraph XIII, and the right to just compensation for the respective estate 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 Stipulation for Exclusion of Property, referred 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.

XIII

It is Further ORDERED, ADJUDGED AND DECREED that the Stipulation 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 estate condemned in subject tract as follows:

AWARD OF JUST COMPENSATION:

By Stipulation with Fred M. Lang.....	\$6,450.00	
Less salvage value of improvements excluded:.....	<u>450.00</u>	
		<u>\$6,000.00</u>
Total award of just compensation for subject tract:.....		6,000.00
Deposited as Estimated Compensation for subject tract:.....		6,000.00
Deposit Deficiency:.....		None

DISTRIBUTION AND DISBURSAL OF AWARD:

Fred M. Lang, share of award.....	\$6,000.00
Disbursed to owner by prior order.....	<u>5,550.00</u>
Balance due to Fred M. Lang.....	<u><u>450.00</u></u>

XIV

It is Further ORDERED, ADJUDGED, AND DECREED that the Clerk of this Court shall disburse to Fred M. Lang the amount on deposit for said tract No. B-269:.....\$450.00

APPROVED:

H. Harry A. Keohm  
Assistant U. S. Attorney

Curtis P. Harris  
Attorney for Defendant

H. Royce A. Savage  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
Plaintiff, )  
-vs- ) CIVIL NO. 4624  
)  
19.28 ACRES OF LAND, MORE OR LESS, )  
SITUATE IN CREEK, BANNER AND TULSA )  
COUNTIES, OKLAHOMA AND W. T. SELVIDGE, )  
ET AL, AND UNKNOWN OWNERS, )  
Defendants. )

FILED

DEC 21 1960

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

J U D G M E N T  
(As to Tract No. C-344)  
I

Now on this ) 21<sup>st</sup> day of Nov., 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, 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.  
C-344, as such estate and tract is described in the Declaration of Taking  
filed in Civil Action 4624.

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 tract.

V

The Acts of Congress set out in the Complaint herein give the  
United States of America the right, power, and authority to condemn for  
public use the estate described in Paragraph III herein. Pursuant thereto  
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 respective Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of certain estate in the subject tract, certain sums of money, and certain portions of these deposits have been disbursed as set out in Paragraph XIII below.

VII

On the date of taking these actions, the owners of the estate taken in the subject tract were the persons whose names are shown in Paragraph XIII below. Such named defendants are the only persons asserting any interest in the estate taken in such 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

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 excluding from the taking in this case certain improvements situated on subject tract and agreeing to the reduction of the total compensation by the salvage value of such improvements as shown in Paragraph XIII, below, and such stipulation should be approved.

IX

The owner of the subject tract have each and all executed, with the United States of America, Stipulation as to Just Compensation, wherein they have agreed that just compensation for their interest in the estate condemned in such tract is in the amount shown as compensation in Paragraph XIII herein, inclusive of interest, and such stipulation should be approved.

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 tract named in Paragraph III herein, 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

decreed.

XI

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estate condemned herein in the tract named in Paragraph III herein, were the persons whose names appear below in Paragraph XIII, and the right to just compensation for the respective estate in this tract is vested in the parties so named, as their respective interest appear therein.

XII

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 owner.

XIII

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Stipulation 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 estate condemned in subject tract as follows:

AWARD OF JUST COMPENSATION

By stipulation with D. L. Selvidge..	\$3,070.00	
Less salvage value of improvements excluded.....	170.00	
		<u>\$2,900.00</u>
Total award of just compensation for subject tract.....		\$2,900.00
Deposited as Estimated Compensation for subject tract.....		<u>\$2,900.00</u>
Deposit Deficiency.....		None

DISTRIBUTION AND DISBURSAL OF AWARD:

D. L. Selvidge share of award.....	\$2,900.00
Disbursed to owner by prior order.....	<u>2,730.00</u>
Balance due to D. L. Selvidge.....	\$ 170.00

XIV

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of this Court shall disburse to D. L. Selvidge the amount of deposit for said Tract No. C-344 the sum of.....\$170.00.

*Royce W. Savage*

*3/ RAS*

**UNITED STATES DISTRICT JUDGE**

**APPROVED:**

*3/ Perry A. Kochm*

**Assistant U. S. Attorney**

*3/ Curtis P. Harris*

**Attorney for Defendant**

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

-vs-

225.11 ACRES OF LAND, MORE OR  
LESS, SITUATE IN CREEK AND  
PAWNEE COUNTIES, OKLAHOMA, AND  
SELENA MARY O'KIEF, ET AL, AND  
UNKNOWN OWNERS,

Plaintiff, )

Defendants. )

CIVIL NO. 4762

FILED

DEC 21 1960

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

J U D G M E N T  
(As to Tract No. C-343)

Now on this 21<sup>st</sup> day of December, 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 to Tract  
No. C-343, as such estate and tract is described in the Declarations of  
Taking filed in Civil Action No. 4762.

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 tract.

V

The Acts of Congress set out in the Complaint herein give the  
United States of America the right, power and authority to condemn for  
public use the estate described in Paragraph III herein. Pursuant  
thereto, 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 respective Declarations of Taking, there  
was deposited in the Registry of this Court an estimated compensation for  
the taking of certain estates in the subject tract. certain sums of money

and certain portions of these deposits have been disbursed as set out in Paragraph XIII below.

VII

On the date of taking these actions, the owners of the estate taken in the subject tract were the persons whose names are shown in Paragraph XIII below. Such named defendants are the only persons asserting any interest in the estate taken in such 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

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 excluding from the taking in this case certain improvements situated on subject tract and agreeing to reduction of the total compensation by the salvage value of such improvements as shown in Paragraph XIII below, and such stipulation should be approved.

IX

The owners of the subject tract have each and all executed, with the United States of America, Stipulation as to Just Compensation, wherein they have agreed that just compensation for their interest in the estate condemned in such tract is in the amount shown as compensation <sup>inclusive of interest,</sup> in Paragraph XIII herein, and such stipulation should be approved.

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 tract named in Paragraph III herein, 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, with the exception of the property excluded in Paragraph XII herein, are condemned and title thereto is vested in the United States of America 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 estate condemned herein in the tract named in Paragraph III herein, were the persons whose names appear below in Paragraph XIII, and the right to just compensation for the respective estate in the tract is vested in the parties so named, as their respective interests appear therein.

XII

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.

XIII

It is Further ORDERED, ADJUDGED AND DECREED that the Stipulation 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 estate condemned in subject tract as follows:

AWARD OF JUST COMPENSATION:

By stipulation with Fred Shaeffer and Muriel Marie Shaeffer.....	\$7,065.00
Less salvage value of improvements excluded:.....	<u>565.00</u>
	<u>6,500.00</u>
Total award of just compensation for subject tract.....	\$6,500.00
Deposited as Estimated Compensation for subject tract.....	6,500.00
Deposit Deficiency.....	<u>none</u>

DISTRIBUTION AND DISBURSAL OF AWARD:

Shaeffer et al., share of award:.....	\$6,500.00
Disbursed to owners by prior order....	<u>5,935.00</u>
Balance due to Shaeffer et.al.....	<u>565.00</u>

XIV

It is Further ORDERED, ADJUDGED, AND DECREED that the Clerk of this Court shall disburse to Fred Shaeffer and Muriel Marie Shaeffer

the amount on deposit for said tract No. C-343.....\$565.00

15 RAS Royce W. George  
UNITED STATES DISTRICT JUDGE

APPROVED:

1-21 Regina A. KROHN  
Assistant U. S. Attorney

67 Curtis B. Harris  
Attorney for Defendant



VI

On the filing of the respective Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of certain estate in the subject tract, certain sums of money, and certain portions of these deposits have been disbursed as set out in Paragraph XII below.

VII

On the date of taking these actions, the owners of the estate taken in the subject tract were the persons whose names are shown in Paragraph XII below. Such named defendants are the only persons asserting any interest in the estate taken in such 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, Stipulation as to Just Compensation, wherein they have agreed that just compensation for their interest in the estate condemned in such tract is in the amount shown as compensation in Paragraph XII herein, <sup>inclusive of interest,</sup> and such stipulation should be approved.

IX

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

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 tract named in Paragraph III herein, 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, are 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.

XI

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

XII

It is Further ORDERED, ADJUDGED AND DECREED that the Stipulation 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 estate condemned in subject tract as follows:

AWARD OF JUST COMPENSATION:

By stipulation with Joe Wilson.....	\$5,500.00
Total award of just compensation for subject tract:.....	\$5,500.00
Deposited as Estimated Compensation for subject tract:.....	5,000.00
Deposit Deficiency:.....	<u>\$ 500.00</u>

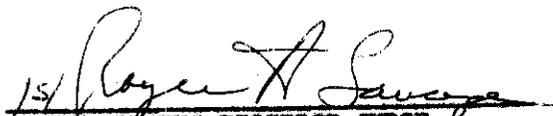
DISTRIBUTION AND DISBURSAL OF AWARD:

Joe Wilson, share of award:.....	\$5,500.00
Disbursed to owners by prior orders:.....	5,000.00
Balance due to Joe Wilson:.....	<u>\$ 500.00</u>

XIII

It is Further, ORDERED ADJUDGED AND DECREED that the United States of America shall deposit in the registry of this Court to the credit of Tract No. B-210, for the benefit of the landowners, the total deficiency amount of \$500.00. Upon deposit of this sum the Clerk of the Court shall disburse

To Joe Wilson the sum of .....\$500.00

  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
Assistant U. S. Attorney

  
Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

1,316.38 Acres of Land, More or Less,  
Situate in Rogers County, Oklahoma,  
and Tim Sharp, et al, and Unknown  
Owners,

Defendants.

Civil Action No. 4961

**FILED** ✓

DEC 21 1960

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

J U D G M E N T

(As to Tract No. G-711)

On November 28, 1960, this cause, as to Tract No. G-711, 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 Rodney G. Buckles, Assistant United States Attorney for the Northern District of Oklahoma, and the defendants, Glenn H. Chappell, Panhandle Producing Corporation, R. G. Goodbar and Colonial Royalties Company, appeared by their attorney, Jack L. Rorschach, and the defendant, Daniel M. Rice, appeared by his attorney, William K. Powers. After hearing the evidence and being fully advised in the premises, the Court finds:

1.

The Court has jurisdiction of the parties and the subject matter of the action. This judgment applies only to Tract No. G-711, as such tract is described in Schedule "A", and the plat attached to the Declaration of Taking filed herein.

2.

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

3.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tract as such tract is particularly described in Schedule "A" attached to such Complaint. Pursuant thereto, on July 8, 1960, the United States of America has filed its Declaration of Taking of a certain estate in the subject tract and title to such estate, as set forth therein, should be vested in the United States of America.

On July 8, 1960, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estate in the subject tract, a certain sum of money, some of which has been disbursed, as shown in Paragraph XII.

5.

At the Pre-Trial Conference, held on November 10, 1960, all parties hereto agreed, and this Agreement was approved by the Court, that just compensation for the entire estate taken in Tract No. G-711, as such estate is set forth in the Declaration of Taking filed herein, is the sum previously deposited as estimated compensation and that the issue to be tried by the Court was to be a question of ownership of the estate being taken.

6.

R. G. Goodbar and Panhandle Producing Corporation are the joint owners of certain oil field equipment located on Tract No. G-711, which equipment was taken by the United States of America in this action and it was stipulated at the trial by all parties that the value of this equipment was the sum of \$2,050.00, that this amount was to be deducted from the amount agreed and determined to be just compensation for the entire estate taken, and that the remainder was to be paid to the owner of the minerals as just compensation therefor. This Stipulation is approved and just compensation for the taking of this equipment is found to be \$2,050.00 to which R. G. Goodbar and Panhandle Producing Corporation are entitled in equal shares.

7.

Daniel M. Rice is the owner of the entire estate taken in Tract No. G-711, less and except that equipment referred to in Paragraph 6, and as such, is entitled to receive the just compensation therefor, and pursuant to the agreement by all parties hereto at the Pre-Trial Conference and at the trial the amount of compensation due Daniel M. Rice is determined to be \$4,384.00, which is the balance remaining of the amount deposited as estimated compensation when the stipulated value of the equipment is subtracted therefrom.

8.

Colonial Royalties Company, Panhandle Producing Corporation, Glenn H. Chappell, Maude E. Chappell, R. G. Goodbar, and Mabel E. Goodbar, executed on December 31, 1959, a contract of Option for Purchase of Mineral Estate with the United States of America, wherein they warranted that they

had title to the leasehold estate in Tract No. G-711, and further agreed upon the amount of compensation to be paid therefor by the United States of America. It was determined at the trial that on the date of execution of this contract, and upon the date of filing of the Declaration of Taking herein these parties to this contract with the United States claimed title to the leasehold estate by virtue of an oil and gas lease which had previously expired by its own terms, and that these parties on these dates had no interest or title in the leasehold or mineral estate in this tract to support the Option Contract, and therefore this contract was void, of no effect and imposed no obligation upon any of the parties thereto.

9.

Those parties named in Paragraphs 6 and 7 above, are, as set forth therein, the sole owners of the estate and equipment taken in this tract, and, as such are entitled to receive the just compensation therefor; all other parties defendant having either disclaimed, defaulted, or been specifically found by the Court to have no interest in this tract.

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. G-711, as such tract is described in Schedule "A" attached to the Complaint and Declaration of Taking filed herein, and such tract, to the extent of the estate indicated and for the uses and purposes described in the Declaration of Taking filed herein, is condemned and title thereto is vested in the United States of America, as of July 8, 1960, and all defendants herein and all other persons interested in such tract are forever barred from asserting any claim thereto.

XI

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

XII

It Is Further ORDERED, ADJUDGED AND DECREED that the findings of ownership and of just compensation referred to in Paragraphs 6 and 7 above

are hereby confirmed. The sums shown below following the designation "Court's Award of Just Compensation" are adopted as the awards of just compensation for the estate condemned in the subject tract, to-wit:

TRACT NO. G-711

Owner:

(Mineral Estate) Daniel M. Rice

Deposited as Estimated Compensation . . . . .	\$4,384.00
Court's Award of Just Compensation . . . . .	<u>\$4,384.00</u>
Deficiency . . . . .	None
Total Award to Daniel M. Rice . . . . .	\$4,384.00
Amount Previously Disbursed to Daniel M. Rice . . . . .	<u>\$4,384.00</u>
Balance due to Owner . . . . .	None

Equipment Located on Tract No. G-711

Owners:

R. G. Goodbar, and  
Panhandle Producing Corporation, Jointly

Deposited as Estimated Compensation . . . . .	\$2,050.00
Court's Award of Just Compensation . . . . .	<u>\$2,050.00</u>
Deficiency . . . . .	None
Total Award to R. G. Goodbar and Panhandle Producing Corporation . . . . .	\$2,050.00
Amount Disbursed to these Owners . . . . .	<u>\$2,050.00</u>
Balance due to Owners . . . . .	None

Royce W. Savage  
UNITED STATES DISTRICT JUDGE

APPROVED:

Rodney G. Buckles  
RODNEY G. BUCKLES  
United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Woody Wilkins,

Defendant.

Civil Action No. 4984

FILED

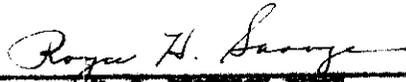
DEC 27 1960

JUDGMENT

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

In accordance with the findings of fact and conclusions of law entered herein, judgment is hereby rendered in favor of plaintiff, United States of America, against defendant, Woody Wilkins, in the sum of \$400.00.

IT IS THE FURTHER ORDER OF THE COURT that defendant, his agents and employees, be and they hereby are permanently enjoined from carrying on the business of buying livestock in commerce as a dealer, within the meaning of the Packers and Stockyards Act of 1911, as amended and supplemented (7 U.S.C. 181, et seq.), (1) without being registered with the Secretary of Agriculture or while his registration with the Secretary of Agriculture is under suspension, and (2) without furnishing a valid bond pursuant to the requirements of the act. Plaintiff shall recover its costs herein.

  
\_\_\_\_\_  
U. S. DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Civil Action No. 4989

6 Cartons, more or less, and  
2 cases, more or less, each  
containing 12 one-pound cartons  
of an article labeled in part:  
(carton) "Hoffman's Hi Protein  
Completely New Instant A \*\*\*  
Health, Energy and Body Building  
Food \*\*\* excellent nerve, muscle  
and tissue builder \*\*\* One lb.  
Net Weight Manufactured by York  
Barbell Co., York, Pa. \*\*\*"

Defendant,

York Barbell Company, Inc.,

Claimant.

FILED

DEC 27 1960

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

ORDER REMOVING CAUSE FOR TRIAL TO THE UNITED  
STATES DISTRICT COURT FOR THE DISTRICT OF NEW  
JERSEY

On motion of the Claimant herein to remove this cause for trial to the  
United States District Court for the District of New Jersey, the district of  
reasonable proximity to the claimant's principal place of business, pursuant  
to Section 304(a) of the Federal Food, Drug, and Cosmetic Act,

IT IS ORDERED that this cause be removed for trial to the United States  
District Court for the District of New Jersey.

*By Royal Savage*  
\_\_\_\_\_  
U. S. DISTRICT JUDGE