

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

MAR 1 1961

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 55.32 Acres of Land, More or Less, )  
 Situate in Nowata and Rogers Counties, )  
 Oklahoma, and Rachel Kell Swimmer, )  
 et al, and Unknown Owners, )  
 )  
 Defendants. )

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

Civil No. 4939

Tracts Nos. 0-1584E-1  
0-1584E-2

J U D G M E N T

1.

Now, on this 1st day of March 1961, this matter comes on for disposition on application of 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 Tracts Nos. 0-1584E-1 and 0-1584E-2, as such estates and tracts are described in the declaration of taking filed in this action.

3.

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

4.

Service of process has been perfected either personally, or by publication notice, as provided by Rule 71A of Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in 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 June 3, 1960, the United States of America has filed its declaration of taking of such described property, and title to the described estates in such property should be vested in the United States of America as of the date of filing the declaration of taking.

6.

On 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 subject tracts, a certain sum of money, and none of this deposit has been disbursed, as set out in paragraph 12 below.

7.

On the date of taking in this action, the owners of the estates taken in subject tracts were the defendants whose names are shown in paragraph 12 below. Such named defendants are the only persons asserting any interest in the estates taken in such tracts, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the estates taken in these tracts.

8.

The owners of the subject tracts and the United States of America have executed and filed herein a stipulation as to just compensation wherein they have agreed that just compensation for the estates condemned in subject tracts is in the amount shown as compensation in paragraph 12 below, and such stipulation should be approved.

9.

A deficiency exists between the amount deposited as estimated compensation for subject tracts and the amount fixed by the stipulation as to just compensation, and the amount of such deficiency should be deposited for the benefit of the landowners. Such deficiency is set out in paragraph 12 below.

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 estates described 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.

11.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owners of the estates condemned herein in subject tracts were the defendants whose names appear below in paragraph 12, and the right to just compensation for the respective estates taken herein in those 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 estates condemned in subject tract as follows:

Tracts Nos. O-1584E-1 and O-1584E-2

Owners: W. G. Phillips  
Maude H. Phillips  
Donald H. Phillips  
Ross M. Phillips  
Lawrence G. Phillips  
Paul M. Phillips  
John W. Phillips

Award of just compensation pursuant to approved stipulation. . . . .	\$1,600.00	\$1,600.00
Deposited as estimated compensation. . . . .	<u>1,250.00</u>	
Deposit deficiency	\$ 350.00	
Disbursed to owners. . . . .		None
Balance due to owners. . . . .		<u>\$1,600.00</u>

13.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United States of America shall deposit in the registry of this Court, in Civil Action No. 4939, to the credit of Tracts Nos. O-1584E-1 and O-1584E-2, the deficiency sum of \$350, and the Clerk of this Court then shall disburse to the owners jointly the sum of \$1,600.00.

*by Royce A. Savage*  
United States District Judge

APPROVED:

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

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

FILE - 1961

DELORES BARKLEY and  
L. W. BARKLEY,  
  
Plaintiffs,  
  
vs.  
  
STATE FARM INSURANCE COMPANY,  
  
Defendant.

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

Civil No. 5058

JUDGMENT

This action came on for trial before the Court and a jury, the Honorable Royce H. Savage, presiding, and the issues having been duly tried and the jury on February 28, 1961, having rendered a verdict for the defendant, and the court further not allowing the jury to render a verdict in respect to the medical payment of the defendant's insurance policy, it was and is ordered, adjudged and decreed that the plaintiffs, Deloris Barkley and L. W. Barkley, be paid the sum of \$1,000.00 for medical payments according to the policy issued by the defendant.

Dated at Tulsa, Oklahoma, this 1st day of <sup>March</sup> ~~February~~, 1961.

Royce H. Savage  
JUDGE OF THE DISTRICT COURT,  
NORTHERN DISTRICT OF OKLAHOMA

John D. Harris  
Thomas L. Palmer

Howard, Carr & Harris  
900 Enterprise Building  
Tulsa, Oklahoma  
Tel. MU 7-6741

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

AVIS MARIE LONG,

Plaintiff,

vs.

STATE FARM INSURANCE COMPANY,

Defendant.

Civil No. 5069

**FILED**

1961 - 1

JUDGMENT

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

This action came on for trial before the court and a jury, the Honorable Royce H. Savage, presiding, and the issues having been duly tried and the jury on February 22, 1961, having rendered a verdict for the defendant, and the court further not allowing the jury to render a verdict in respect to the medical payment of the defendant's insurance policy, it was and is ordered, adjudged and decreed that the plaintiff, Avis Marie Long, be paid the sum of \$1,000.00 for medical payments according to the policy issued by the defendant.

Dated at Tulsa, Oklahoma, this 1st day of <sup>March</sup> ~~February~~, 1961.

*Royce H. Savage*  
\_\_\_\_\_  
JUDGE OF THE DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

*John D. Harris*  
*Thomas L. Palmer*

Howard, Carr & Harris  
300 Enterprise Building  
Tulsa, Oklahoma  
Tel. LU 7-6741

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FEB 23 1961

United States of America,	)	
	)	NOBLE C. HOOD
Plaintiff,	)	Clerk, U. S. District Court
	)	
vs.	)	Civil No. 4645
	)	
1,299.58 Acres of Land, More or Less,	)	Tracts Nos. D-4114
Situate in Rogers County, Oklahoma,	)	D-4114E-1
and Valdo Ellison, et al, and Unknown	)	D-4114E-2
Owners,	)	D-4114E-3
	)	E-543
Defendants.	)	

J U D G M E N T

1.

Now, on this \_\_\_\_\_ day of \_\_\_\_\_ 1961, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of judgment on an option contract and 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 tracts enumerated in the caption above 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 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 land described in paragraph 2 herein. Pursuant thereto, on February 26, 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, as of the date of filing such instrument.

6.

On filing the declaration of taking, there was deposited in the registry of this Court as estimated compensation for the taking of certain estates in subject tracts, certain sums of money, and portions of these deposits have been disbursed as set out in paragraph 12 below.

7.

On the date of taking in this action, the owners of the estates taken in subject tracts were the defendants whose names are shown in paragraph 12 below. Such named defendants are the only persons asserting any interest in the estates taken in such tracts, all other persons either having disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the estates taken in these tracts.

8.

The owners of each of the subject tracts and the United States of America have either executed a contract of option for the purchase of land, as alleged in the complaint, or have executed and filed herein a stipulation as to just compensation wherein they have agreed that just compensation for the estates condemned in such tracts is in the amounts shown as compensation in paragraph 12 herein, and such option and stipulation should be approved.

9.

A deficiency exists between the amounts deposited as estimated just compensation for subject tracts and the amount fixed by the option and stipulation as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out in paragraph 12 below.

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 estates described 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.

11.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owners of the estates condemned herein in subject tracts were the persons whose names appear below in paragraph 12, and the right to just compensation for the respective estates taken in these tracts is vested in the parties so named as their respective interests appear therein.

12.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the stipulation and the contract of option for the purchase of land, as to just compensation/mentioned in paragraph 8 above, are hereby confirmed, and the sums therein fixed are adopted as the awards of just compensation for the estates condemned in subject tracts as follows:

Tracts Nos. D-414, D-414E-1, D-414E-2, and D-414E-3

Owners: Charles E. Mabry  
Occidental Life Insurance Company of California, Mortgagee

Award of Just compensation pursuant to approved option contract. . . . .	\$30,705.00	\$30,705.00
Deposited as estimated compensation. . . . .	<u>30,705.00</u>	
Disbursed to owners. . . . .		\$30,705.00

Tract No. E-543

Owners: Andy Payne and M. D. Payne

Award of just compensation pursuant to approved stipulation. . . . .	\$10,000.00	\$10,000.00
Deposited as estimated compensation. . . . .	<u>8,850.00</u>	
Deposit deficiency . . . . .	\$ 1,150.00	
Disbursed to owners. . . . .		<u>8,850.00</u>
Balance due to owners. . . . .		\$1,150.00

13.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United States of America shall deposit in the registry of this Court in Civil Action No. 4645, to the credit of Tract No. E-543, the total deposit deficiency in the sum of \$1,150. Upon deposit of this sum, the Clerk of the Court shall disburse from the deposit for Tract No. E-543 to:

Andy Payne . . . \$575.00                      M. D. Payne . . . \$575.00

APPROVED:

United States District Judge

Hubert A. Marlow  
First Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

991.51 Acres of Land, More or Less,  
Situate in Rogers and Nowata Counties,  
Oklahoma, and Henard C. Andrews, et al,  
and Unknown Owners,

Defendants.

Civil Action No. 4697

Tracts Nos. E-559,  
E-564E-1, and  
E-564E-2

**FILED**

MAR - 3 1961

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

J U D G M E N T

1.

NOW on this 30 day of March, 1961, 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:

2.

This Judgment applies only to the estates condemned in the tracts enumerated in the caption above, as such estates and tracts are described in the Declaration of Taking filed in Civil Action No. 4697.

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 May 29, 1959, the United States of America has filed its Declaration of Taking of such described property, and title to the described estates in such property should be vested in the United States of America as of the date of the Declaration of Taking.

6.

On 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 all of these deposits have been disbursed, as set out in Paragraph 12 below.

7.

On the date of taking in this action, the owners of the estates taken in the subject tracts were the defendants whose names are shown in Paragraph 12 below. Such named defendants are the only persons asserting any interest in the estates taken in such tracts, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the estates taken in these tracts.

8.

The owners of the subject tracts and the United States of America have executed and filed herein Stipulations As To Just Compensation, wherein they have agreed that just compensation for the estates condemned in subject tracts is in the amounts shown as compensation in Paragraph 12, and such Stipulations should be approved.

9.

A deficiency exists between the amount deposited as estimated compensation for Tract No. E-559 and the amount fixed by the Stipulation As To Just Compensation, and the amount of such deficiency should be deposited for the benefit of the landowner. Such deficiency is set out in Paragraph 12 below.

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 tract; to the extent of the estates described and for the uses and purposes described in such Declaration of Taking, <sup>and</sup> ~~is~~ 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.

11.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in the subject tracts were the persons whose names appear below in Paragraph 12, and the right to just compensation for the respective estates taken herein in these tracts is vested in the parties so named.



UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

MAR - 3 1961

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 1,083.63 Acres of Land, More or Less, )  
 Situate in Nowata County, Oklahoma, )  
 and Edith M. Hayden, et al, and )  
 Unknown Owners, )  
 )  
 Defendants. )

NOBLE C. HOOD  
Clerk U. S. District Court  
Civil No. 4661  
Tracts Nos. S-1932  
S-1932E-1  
S-1932E-2

J U D G M E N T

1.

Now, on this 3rd day of March 1961, this matter comes on for disposition on application of 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 cause and being advised by counsel for plaintiff, finds:

2.

This judgment applies only to the estates condemned in Tracts Nos. S-1932, S-1932E-1, and S-1932E-2, as such estates and tracts are described in the declaration of taking filed in this action.

3.

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

4.

Service of process has been perfected either personally, or by publication notice, as provided by Rule 71A of Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in 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 February 26, 1960, the United States of America has filed its declaration of taking of such described property, and title to the described estates in such property should be vested in the United States of America as of the date of filing the declaration of taking.

6.

On 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 subject tracts, a certain sum of money, and none of this deposit has been disbursed, as set out in paragraph 12 below.

7.

On the date of taking in this action, the owners of the estates taken in subject tracts were the defendants whose names are shown in paragraph 12 below. Such named defendants are the only persons asserting any interest in the estates taken in such tracts, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the estates taken in these tracts.

8.

The owners of the subject tracts and the United States of America have executed and filed herein a stipulation as to just compensation wherein they have agreed that just compensation for the estates condemned in subject tracts is in the amount shown as compensation in paragraph 12 below, and such stipulation should be approved.

9.

A deficiency exists between the amount deposited as estimated compensation for subject tracts and the amount fixed by the stipulation as to just compensation, and the amount of such deficiency should be deposited for the benefit of the landowners. Such deficiency is set out in paragraph 12 below.

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 estates described 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.



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

Elizabeth Paclawski,  
Plaintiff,  
vs.  
Bristol Laboratories, Inc.,  
et al.,  
Defendants.

Civil No. 5003

FILED

MAR 11 1961

ORDER REMANDING

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

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 December 12, 1960, pursuant to regular setting and notice to parties, and was taken under advisement.

NOW, on this 3rd day of March, 1961, the court upon consideration entered an order remanding the cause to the District Court of Tulsa County, Oklahoma.

IT IS ORDERED AND ADJUDGED that the motion of 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 3rd day of March, 1961.

NOBLE C. HOOD, CLERK

BY   
Deputy

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

Walter Paolanski,  
Plaintiff,  
vs.  
Bristol Laboratories, Inc.,  
et al.,  
Defendants.

Civil No. 5004

FILED

MAR 3 1961

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

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 December 12, 1960, pursuant to regular setting and notice to parties, and was taken under advisement.

NOW, this 3rd day of March, 1961, the court upon consideration entered an order remanding the cause to the District Court of Tulsa County, Oklahoma.

IT IS ORDERED AND ADJUDGED that the motion of 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 3rd day of March, 1961.

NOBLE C. HOOD, CLERK

By   
Deputy

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
2,551.48 Acres of Land, More or Less, )  
Situata in Nowata and Rogers Counties, )  
Oklahoma, and W. F. Graham, et al, and )  
Unknown Owners, )  
 )  
Defendants. )

Civil No. 4726

Tracts Nos: J-1051  
J-1052  
K-1188

**FILED**

MAR 6 1961

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

J U D G M E N T

1.

Now, on this 6th day of March 1961, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of judgment on the report of commissioners, filed herein on February 7, 1961, and the Court, after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

This judgment applies only to the tracts enumerated in the caption above, as such tracts are described in the complaint filed herein.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tracts of land. Pursuant thereto, on June 30, 1959, the United States of America filed its declaration of taking of such tracts of land, and on August 19, 1960, filed an amendment thereto, and title to such tracts should be vested in the United States of America, as of the dates of filing such instruments.

6.

Simultaneously with the filing of the declaration of taking and the amendment thereto, there was deposited in the registry of this Court, as estimated compensation for the taking of subject tracts, certain sums of money, and certain portions of these deposits have been disbursed, as set out in paragraph 13 below.

7.

The report of commissioners filed herein on February 7, 1961, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to subject tracts, as fixed by the Commission, is set out in paragraph 13 below.

8.

Certain deficiencies exist between the amounts deposited as estimated just compensation for subject tracts and the amounts fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiencies should be deposited by the Government. These deficiencies are set out in paragraph 13 below.

9.

The defendants named in paragraph 13 as owners of 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 of the respective interests in such estates as designated, and, as such, are entitled to distribution of just compensation therefor.

10.

A stipulation for exclusion of property, executed by Amos J. Nichols, Irene Nichols, and the United States of America, was filed herein on January 5, 1960, whereby certain improvements situated on Tract No. K-1188 were excluded from the taking in this case, and it was agreed that the award of compensation for such tract would be reduced by the salvage value of such improvements, and such stipulation should be approved.

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 subject tracts, described in the complaint filed herein, and such property, with the exception of the improvements excluded by paragraph 12,

to the extent of the estates indicated and for the uses and purposes described in the declaration of taking, as amended and filed herein, is CONDEMNED, and title thereto is vested in the United States of America as of the date of the declaration of taking and amendment thereto, and all defendants herein and all other persons are forever barred from asserting any claim thereto.

12.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the stipulation for exclusion of property, referred to in paragraph 10, is hereby confirmed, and title to such improvements remains vested in the landowners.

13.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the right to just compensation for the respective estates taken herein in subject tracts is vested in the defendants whose names appear below in this paragraph. The report of commissioners of February 7, 1961, is hereby confirmed, and the sums therein fixed are adopted as just compensation for subject tracts, as shown by the following schedule:

Tract No. J-1051

Owner: Lena Slocter

Award of just compensation . . . . .	\$8,000.00	\$8,000.00
Deposit of estimated compensation. . .	<u>7,000.00</u>	
Deposit deficiency . . . . .	<u>1,000.00</u>	
Disbursed to owner . . . . .		<u>7,000.00</u>
Balance due to owner . . . . .		\$1,000.00

Tract No. J-1052

Owner: Edward C. Lawson

Award of just compensation

For surface: \$2,650.00		
For minerals: <u>3,600.00</u>		
Total . . . . .	\$6,250.00	\$6,250.00
Deposit of estimated compensation		
With original declaration..\$2,400.00		
With amendment..... <u>600.00</u>		
Total . . . . .	<u>\$3,000.00</u>	
Deposit deficiency . . . . .	<u>\$3,250.00</u>	
Disbursed to owner . . . . .		<u>\$3,000.00</u>
Balance due to owner . . . . .		\$3,250.00

Tract No. K-1188

Owners: Amos J. Nichols and Irene Nichols

Award of just compensation. . . . .	\$28,000.00	
Less salvage value of improvements. . . . .	<u>705.00</u>	
Net award of just compensation. . . . .	27,295.00	\$27,295.00
Deposit of estimated compensation . . . . .	<u>24,000.00</u>	
Deposit deficiency. . . . .	<u>\$ 3,295.00</u>	
Disbursed to owners:		
By order, dated September 4, 1959. . . . .	24,000.00	
Less amount deposited on January 1, 1960, by Amos Nichols to cover improvements reserved. . . . .	<u>705.00</u>	
Net disbursal . . . . .		<u>\$23,295.00</u>
Balance due to owners . . . . .		\$ 4,000.00

14.

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 the deposit deficiencies for the various tracts as shown in paragraph 13, together with interest on such deficiencies at the rate of six per cent (6%) per annum from June 30, 1959, until the date of deposit of such deficiency sums; and such sums shall be placed in the respective deposits for subject tracts in this civil action. The Clerk of this Court then shall disburse certain sums as follows:

1. From the deposit for Tract No. J-1051, the sum of \$1,000.00, plus accrued interest on the deposit deficiency for such tract, to: LENA SLOCTER.
2. From the deposit for Tract No. J-1052, the sum of \$3,250.00, plus accrued interest on the deposit deficiency for such tract, to: EDWARD C. LAWSON.
3. From the deposit for Tract No. K-1188, the sum of \$4,000.00, plus accrued interest on the deposit deficiency for such tract JOINTLY to:

Amos J. Nichols and Irene Nichols.

APPROVED:

Lo Russell Sawa  
United States District Judge

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

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

Russel Johnson,

Plaintiff,

vs.

United States of America,

Defendant.

Civil No. 4969

FILED  
IN COURT

MAR 28 1961

J U D G M E N T

NOBLE C. HOOD  
Clerk U.S. District Court

In accordance with and pursuant to the findings of fact and conclusions of law filed herein,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the determination of the Oklahoma State A.S.C. Committee finding that Conservation Reserve Contract was violated in that the acreage reserved was knowingly and willfully grazed and requiring a refund of compensation paid under such agreement and assessing a 50% penalty should be and said determination is hereby set aside.

DATED this 9<sup>th</sup> day of March, 1961.

Royce H. Savage  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

Fred S. Victor,

Plaintiff,

vs.

United States of America,

Defendant.

Civil No. 1005

FILED  
IN COURT

MAR - 9 1901

J U D G E M E N T

NOELE C. HOOD  
Clerk U. S. District Court

In accordance with and pursuant to the findings of fact and conclusions of law filed herein,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the determination of the Oklahoma State A.S.C. Committee finding that Conservation Reserve Contract was violated in that the acreage reserved was knowingly and willfully grazed and requiring a refund of compensation paid under such agreement and assessing a 50% penalty should be and said determination is hereby set aside.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the cross-claim of defendant, United States of America, should be and is hereby denied.

DATED this 9 day of March, 1901.

19 Royce H. Savage  
UNITED STATES DISTRICT JUDGE

FILED  
MAR 1 1961  
NORBERT S. ROSS  
U.S. District Court

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

HERBERT S. SELBY, VERNA ROSS ORNDORFF and HARVEY H. ORNDORFF, TRUSTEES OF THE FRANK P. ROSS TRUST,	}	CIVIL ACTION
Plaintiffs,		No. 5019
vs		
PEARL A. ORENDUFF,	}	
Defendant.		

JUDGMENT BY DEFAULT

On this 31st day of March, 1961, the plaintiffs in the above captioned cause having presented to the Court evidence in support of the Complaint filed herein by them and of the amount of damages suffered by them as alleged in the Complaint, and the Court having on March 3, 1961, ordered the Answer of the defendant to be stricken and having adjudged her to be in default, the Court now finds that all of the allegations of the Complaint are true and correct and that the plaintiffs are entitled to have judgment by default entered in their favor and against the defendant, Pearl Orenduff, for the sum of Twenty-five thousand dollars (\$25,000.00) with interest thereon at the rate of six per cent (6%) per annum from November 14, 1959, and costs.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiffs, Herbert S. Selby, Verna Ross Orndorff and Harvey H. Orndorff, Trustees of the Frank P. Ross Trust, do have and recover judgment against the defendant, Pearl A. Orenduff, in the sum of Twenty-five thousand dollars (\$25,000.00) with interest thereon at the rate of six per cent (6%) per annum from November 14, 1959, and costs of this action.

*Ray H. Savage*  
United States District Judge

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

BLACKWELL ZINC COMPANY, INC.,  
a corporation,

Plaintiff,

vs.

W. J. BECHTEL, also known as  
FRANK BECHTEL,

Defendant.

CIVIL ACTION NO. 5064  
FILED  
MAR 10 1961  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

JOURNAL ENTRY OF JUDGMENT

This action having been regularly brought on for trial before the Court without a jury, the parties having appeared by their respective counsel, and the issues having been duly tried, and the evidence adduced by the parties having been heard, and the Court having made its findings of fact and conclusions of law, it is hereby,

ORDERED, ADJUDGED AND DECREED that plaintiff recover of defendant the sum of \$80,616.15 with interest thereon at the rate of six per cent (6%) per annum from the 6th day of March, 1961, and its costs in this action.

DATED this 7<sup>th</sup> day of March, 1961.

NOBLE C. HOOD, Clerk of the United  
States District Court for the Northern  
District of Oklahoma

By [Signature]  
Deputy Court Clerk

APPROVED:

[Signature]

Attorney for Plaintiff

[Signature]

Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 389.50 Acres of Land, More or Less, )  
 Situate in Nowata and Rogers Counties, )  
 Oklahoma, and American Climax Petroleum )  
 Corporation, et al, and Unknown Owners, )  
 )  
 Defendants. )

Civil No. 4822

Tract No. 5706-A

**FILED**

MAR 10 1961

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

JUDGMENT ON STIPULATION

This matter comes on for hearing this 10 day of March 1961, upon application of the plaintiff for entry of a judgment on a stipulation filed herein, and the Court being advised by Hubert A. Marlow, First Assistant United States Attorney for the Northern District of Oklahoma, finds that:

A stipulation between the United States of America and Blackwell Zinc Company, Inc., successor in interest to American Climax Petroleum Corporation, was filed herein on March 7, 1961. This defendant 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 \$680.71.

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 \$680.71, and when such sum has been deposited, the Clerk of this Court shall disburse this sum to: Blackwell Zinc Company, Inc.

APPROVED:

W. Raymond Sawyer  
United States District Judge

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

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

United States of America, )  
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Plaintiff, )  
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vs. )  
 )  
430.00 Acres of Land, More or Less, )  
Situete in Nowata County, Oklahoma, )  
and Alva A. Cole, et al, and )  
Unknown Owners, )  
 )  
Defendants. )

MAR 10 1961

NOBLE C. HOOD  
Clerk, U. S. District Court  
Civil No. 4986

Tracts Nos. 6626-H, 6626-F,  
6625-B, 6626-J,  
6626-G, 5707-E,  
5708-P, 6626-19,  
and 6626-E

JUDGMENT ON STIPULATION

This matter comes on for hearing this 10 day of March 1961, upon application of the plaintiff for entry of a judgment on a stipulation filed herein, and the Court being advised by Hubert A. Marlow, First Assistant United States Attorney for the Northern District of Oklahoma, finds that:

A stipulation between the United States of America and Hinman Stuart Milam, Mildred Viles, Mary Stevenson, and P. I. C. Management Company, Inc., was filed herein on March 7, 1961. These defendants incurred expenses in the amount and for the reasons set forth in the stipulation for which they are 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 \$216.75.

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 \$216.75, and when such sum has been deposited, the Clerk of this Court shall disburse this sum JOINTLY to:

- Hinman Stuart Milam
- Mildred Viles
- Mary Stevenson
- P. I. C. Management Company, Inc.

APPROVED:

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

Noble C. Hood  
United States District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA

Louis J. Robison,

Plaintiff,

vs.

Civil No. 4596

The United States of America and  
Arthur W. Fleming, Secretary of  
Health, Education, and Welfare  
of the United States of America,

Defendants.

J U D G M E N T

The above-entitled matter having come on before the Court on  
the 2d day of March 1961, and the matter having been submitted to the  
Court upon the record and the Court being fully advised in the premises,

IT IS ORDERED that the decision of the Secretary of Health,  
Education, and Welfare be and it is hereby affirmed and the plaintiff's  
complaint be and it hereby is dismissed.

Signed and entered this 16<sup>th</sup> day of March 1961.

*Raymond S. ...*  
United States District Judge

APPROVED:

(s) *William G. Harrington*  
Attorney for Plaintiff

(s) *James L. Benton*  
Assistant U. S. Atty.

FILED

*In Open Court*

1961 15 1961

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

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

WELL SURVEYS, INCORPORATED,  
Plaintiff,

v.

McCULLOUGH TOOL COMPANY,  
Defendant.

Civil Action No. 4271

McCULLOUGH TOOL COMPANY,  
ROBERT W. PRINGLE,  
KENNETH I. ROULSTON,  
GEORGE M. BROWNELL, and  
PHILIP W. MARTIN,  
Plaintiffs,

v.

WELL SURVEYS, INCORPORATED, and  
DRESSER INDUSTRIES, INC. (substituted  
for Lane-Wells Company),  
Defendants.

Civil Action No. 3956

J U D G M E N T

These consolidated causes having come on regularly to be heard and the respective Plaintiffs and Defendants having presented their evidence and arguments, and the Court having entered its Findings of Fact and Conclusions of Law,

IT IS HEREBY ADJUDGED AND DECREED:

1.

This Court has jurisdiction of the subject matter of these actions and of the parties hereto.

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2.

The Bender Reissue Patent No. 23,226 as to claims 14, 15, 16, 19 and 20 thereof is good and valid in law.

3.

Claim 16 of the Bender Reissue Patent No. Re. 23,226 has been infringed by the manufacture, use and sale by McCullough Tool Company of apparatus for performing natural gamma ray logging and claims 14, 15, 16, 19 and 20 of said patent have been infringed by all of the natural gamma ray logging operations performed directly or indirectly for hire by the McCullough Tool Company prior to the expiration of said Bender patent.

4.

The Fearon Patent No. 2,308,361 as to claims 2 and 3 thereof is good and valid in law.

5.

Claim 3 of the Fearon Patent No. 2,308,361 has been infringed by the manufacture, use and sale by McCullough Tool Company of apparatus for performing neutron logging and claims 2 and 3 of said patent have been infringed by all of the neutron logging operations performed directly or indirectly for hire by the McCullough Tool Company prior to the expiration of said Fearon patent.

6.

The Fearon Patent No. 2,390,433 as to claims 1, 4, 5, 10 and 13 thereof is invalid and void.

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7.

If valid, claims 4 and 5 of Fearon Patent No. 2,390,433 would have been infringed by the manufacture, use and sale by McCullough Tool Company of apparatus for performing gamma ray and neutron logging simultaneously and if valid, claims 1, 4, 5, 10 and 13 of said patent would have been infringed by all well logging operations performed by McCullough Tool Company directly or indirectly for hire wherein a gamma ray log and a neutron log were obtained simultaneously with the same subsurface logging tool.

8.

The Swift Patent No. 2,554,844 as to claims 1 to 6 inclusive thereof is good and valid in law.

9.

Claims 1 to 6 inclusive of the Swift Patent No. 2,554,844 have been infringed by the manufacture, use and sale by McCullough Tool Company of apparatus for simultaneously making radioactivity measurements and locating the casing collars in a cased well and by all radioactivity well logging operations performed directly or indirectly for hire by McCullough Tool Company wherein radiation measurements and casing collar locations were made simultaneously with the same subsurface logging tool.

10.

The Fearon Reissue Patent No. Re. 24,226 is good and valid in law as to claims 5 and 6 thereof, but reissue claims 9, 10 and 11 of said patent are invalid and void.

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11.

Claims 5 and 6 of the Fearon Reissue Patent No. Re. 24,226 must be construed to cover exactly what is shown in said patent, and as so construed, said claims have not been infringed by the McCullough Tool Company.

12.

The Pringle et al. Patent No. 2,686,266, as to claims 1, 2, 5-10, 13, 14, 20, 21 and 22 thereof, is good and valid in law, but only if limited to scintillation counter apparatus used for the determination of energy characteristics of gamma rays by analyzing the electrical pulses generated by the gamma rays to determine energy characteristics either by variation of an integral discriminator setting or by use of a differential discriminator.

13.

Claims 1, 2, 5-10, 13, 14, 20, 21 and 22 of the Pringle, et al. Patent No. 2,686,266 have not been infringed by any apparatus made, used or sold by Well Surveys, Inc., Lane-Wells Company or Dresser Industries, Inc., except as used by Dresser Industries, Inc. in making that form of Chlorinilog which comprises a conventional neutron-gamma ray log made with a scintillation counter at a given discrimination level and a second neutron-gamma ray log made with the scintillation counter at a different discrimination level.

14.

Claim 23 of the Pringle et al. Patent No. 2,686,266 has not been infringed by any apparatus made, used or sold by Well Surveys, Inc., Lane-Wells Company or Dresser Industries, Inc.

15.

The Martin et al. Patent No. 2,686,268 as to claims 1, 2, 3, 6, 8, 15, 16, 17 and 18 is invalid and void.

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16.

If valid, claims 1, 2, 3, 6, 8, 15, 16, 17 and 18 of the Martin et al. Patent No. 2,686,268 would be infringed by the manufacture and sale by Well Surveys, Inc. and the sale and use by Lane-Wells Company and Dresser Industries, Inc. directly or indirectly for hire, of the scintillation counter radioactivity well logging apparatus in which refrigeration means in the subsurface tool is used for stabilizing the temperature of the scintillation counter.

17.

Well Surveys, Incorporated misused its patents in suit for the period beginning June 11, 1940 and continuing until June 1, 1956, in violation of the policy of the United States relating to the grant, holding and exploitation of patents.

18.

By reason of the misuse of its patents Well Surveys, Incorporated is precluded and barred from any recovery or relief against McCullough Tool Company for infringement of the patents in suit occurring prior to June 1, 1956.

19.

Well Surveys, Incorporated has not misused its patents since June 1, 1956.

20.

In view of the purge found to have been effected by Well Surveys, Incorporated as of June 1, 1956, the said corporation is entitled to enforce its valid patents against infringement occurring subsequent to the said date, notwithstanding the misuse found to have existed prior thereto.

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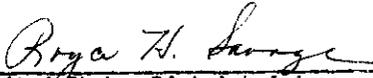
Well Surveys, Inc. shall have judgment against McCullough Tool Company for damages, to be assessed following an accounting, for infringement of Patents No. Re. 23,226, No. 2,308,361 and No. 2,554,844 since June 1, 1956 and for an injunction in usual form against further infringement of Patent No. 2,554,844. Said accounting and injunction are stayed pending appeal if any in either of these actions.

22.

The individual parties Pringle, Roulston and Brownell and their licensee McCullough Tool Company, as their interests may appear, shall have judgment against Dresser Industries, Inc. for damages, to be assessed following an accounting, for infringement of Patent No. 2,686,266 and for an injunction in usual form against further infringement of said patent. Said accounting and injunction are stayed pending appeal if any in either of these actions.

23.

The first cause of action (for declaratory relief) alleged in the amended complaint in Civil Action No. 3956 is dismissed as to all patents of Well Surveys, Inc. mentioned therein except those patents as to which a dismissal has heretofore been entered and except those patents herein adjudicated as set forth above.

  
United States District Judge

Dated: March 16, 1961.

IN RE: [Illegible]

[Illegible text, likely names of parties and their addresses]

Civil Action No. 4471

**FILED**

APR 18 1934

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

Civil Action No. 4471

**ORDER OF THE COURT**  
IN RE: [Illegible]

It is ordered that the motion of [Illegible] for  
summary judgment be denied, and that the [Illegible]  
of law be [Illegible] and that the  
court [Illegible] and [Illegible] and  
[Illegible] and [Illegible] and [Illegible] and [Illegible]

Accordingly the court orders that [Illegible] be  
[Illegible] as follows:

That [Illegible] be [Illegible] and [Illegible]  
[Illegible] and [Illegible] and [Illegible] and [Illegible]  
[Illegible] and [Illegible] and [Illegible] and [Illegible]  
[Illegible] and [Illegible] and [Illegible] and [Illegible]

and apparatus available since the holders of the revised royalty licenses will be also granted a license, including all exceptions of radioactivity well known patents applied for prior to January 1, 1950.

To carry further under an additional finding of fact as an inherent finding (12), as follows:

It has continued to the date of this finding to grant licenses in which the royalty base is all of the licensee's receipts from radioactivity well known operations, including those covered by the patents under the Eastern process patents, except where the licensee has accepted their offer to grant a license on an individual patent basis or on some other narrower basis. It continues to the date of this finding to receive royalty payments from one or more of its licensees calculated on a royalty base which includes receipts of the licensee from operations covered by the said expired, pending and issued patents.

The said action of applicant, Paul Geppan, to obtain and vacate findings of fact and conclusions of law regarding the above issue in all or in respect to overline.

Done at Tulsa, Oklahoma, this 1st day of March, 1951.

*Royce H. George*

United States District Judge

For the defendant is approved,

*Richard M. Donaldson*  
Attorney at Law, Tulsa, Oklahoma

*R. B. McDermott*  
Attorney at Law, Tulsa, Oklahoma

6.

Simultaneously with the filing of the declaration of taking, there was deposited in the registry of this Court as estimated compensation for the taking of subject tracts certain sums of money, none of which has been disbursed, as set out in paragraph 11 below.

7.

The report of commissioners, filed herein on January 23, 1961, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to subject tracts, as fixed by the Commission, is set out in paragraph 11 below.

8.

A deficiency exists between the amounts deposited as estimated just compensation for subject tracts and the amounts fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out in paragraph 11 below.

9.

The defendant named in paragraph 11 as owner of subject tracts is the only defendant asserting any interest in the estates condemned herein, all other defendants having either disclaimed or defaulted. The named defendant is the owner of the respective interests in such estates as designated, and as such is entitled to distribution of just compensation therefor.

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 subject tracts described in the complaint filed herein, and such property, to the extent of the estate indicated and for the uses and purposes described in the declaration of taking filed herein, is CONDEMNED, and title thereto is vested in the United States of America as of the date of the declaration of taking, and all defendants herein and all other persons are barred forever from asserting any claim thereto.

11.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED THAT the right to just compensation for the respective estates taken herein in subject tracts is vested in the defendant whose name appears below in this paragraph. The report of commissioners of January 23, 1961, is hereby confirmed and the sums

therein fixed are adopted as just compensation for subject tracts as shown by the following schedule:

Tract No. D-452

Owner: C. W. Mobley		
Award of just compensation. . . . .	\$175.00	\$175.00
Deposit of estimated compensation . .	<u>150.00</u>	
Deposit deficiency. . . . .	25.00	
Disbursed to owner. . . . .		None
Balance due to owner. . . . .		\$175.00

Tract No. G-748E

Owner: C. W. Mobley		
Award of just compensation. . . . .	\$25.00	\$25.00
Deposit of estimated compensation . . .	25.00	
Disbursed to owner. . . . .		None
Balance due to owner. . . . .		\$25.00

12.

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 landowner the deposit deficiency for Tract No. D-452, as shown in paragraph 11, together with interest on such deficiency at the rate of six per cent (6%) per annum from February 26, 1959, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for Tract No. D-452 in this civil action. The Clerk of this Court then shall disburse the total amount on deposit herein for tracts Nos. D-452 and G-748E to: C. W. Mobley.

Raymond H. Savage  
United States District Judge

APPROVED:

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

FILED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

MAR 16 1961

United States of America,	)
	)
Plaintiff,	)
	)
vs.	)
	)
1,299.58 Acres of Land, More or Less, Situat in Rogers County, Oklahoma, and Valdo Ellisoa, et al, and Unknown Owners,	)
	)
Defendants.	)

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

Civil Action No. 4645  
Tract No. G-711

J U D G M E N T

1.

On February 17, 1961, this cause, as to the captioned tract, 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, Daniel M. Rice, appeared by his attorney, James C. Hamill. After hearing the evidence and being fully advised in the premises, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estate condemned in Tract No. G-711, as such tract and estate are described in the Declaration of Taking filed herein.

3.

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.

4.

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 such Complaint. Pursuant thereto, on February 26, 1959, the United States of America filed its Declaration of Taking of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject tract, a certain sum of money, a portion of which has been disbursed as shown in Paragraph 12.

6.

Just compensation for the estate condemned herein in Tract No. G-711 is \$42,000.00.

7.

A deficiency exists between the amount deposited as estimated compensation and the amount fixed herein as the award of just compensation for subject tract, and a sum of money sufficiently to cover such deficiency should be deposited by the Government. Such deficiency is set out in Paragraph 12 below.

8.

The defendants named in Paragraph 12 as owners of subject tract are the only defendants asserting any interest in the estate condemned in the subject tract, all other defendants having either disclaimed or defaulted; the named defendants are the owners of such estate, as of the date of taking, and as such, are entitled to receive the award of just compensation.

9.

A Stipulation for Exclusion of Property, executed by Daniel M. Rice and the United States of America, has been filed herein on April 2, 1959, 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 12 below, and such Stipulation should be approved.

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 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 9 herein, is condemned and title thereto is vested in the United States of America as of February 27, 1959, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim thereto.

2.

11.

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulation for Exclusion of Property, referred to in Paragraph 9 above, is confirmed; the improvements covered by such Stipulation are excluded from the taking herein, and title thereto remains vested in the defendant owner.

12.

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 defendants whose names appear in the schedule below; the right to just compensation for the estate taken in this tract is vested in the parties so named, as their interests appear therein; and the sum hereby adopted as the award of just compensation for the estate herein taken in subject tract is the sum following the designation "Award of Just Compensation" in the schedule as follows, to-wit:

TRACT NO. G-711

Owners: Daniel M. Rice, and

State of Oklahoma, ex rel, Commissioners of the Land Office,  
Mortgagee.

Award of Just Compensation: . . . . . \$42,000.00

Less Salvage Value of  
Improvements Reserved . . . . . 115.00

Net Award of Just Compensation: \$41,885.00      \$41,885.00

Deposit of Estimated Compensation . . . . . \$32,750.00

Deposit Deficiency. . . . . \$ 9,135.00

Disbursed to Owners:

To Daniel M. Rice . . . . . \$27,983.99

To Commissioners of the Land Office \$ 4,651.01

Total Disbursed. . . . . \$32,635.00

Balance Due to Owner Rice . . . . . \$ 9,250.00

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 named owner the deficiency amount shown in Paragraph 12 together with interest thereon at the rate of 6% per annum from February 26, 1959, until the date of deposit of such deficiency amount, and such sum shall be placed in the deposit for the subject tract in this Civil Action. When such deposit has been made, the Clerk of this Court shall disburse the total deposit for Tract No. G-711 in this Civil Action to Daniel M. Rice.

APPROVED:

*Hubert A. Marlow*  
HUBERT A. MARLOW  
FIRST ASSISTANT U. S. ATTORNEY

*Roy A. Terry*  
ROY A. TERRY  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

MAR 16 1961

United States of America,  
 )  
 Plaintiff,  
 )  
 vs.  
 )  
 462.07 Acres of Land, More or Less,  
 Situate in Nowata County, Oklahoma,  
 and Ruth Parks, et al., and Unknown  
 Owners,  
 )  
 Defendants. )

NOBLE C. K...  
 Clerk, U.S. Dist...

Civil Action No. 4691  
 Tracts Nos. K-1173  
 L-1212  
 M-1337E-1  
 M-1337E-2  
 L-1237  
 M-1316E

J U D G M E N T

1.

Now, on this 16<sup>th</sup> day of March, 1961, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Report of Commissioners, filed herein on January 23, 1961, and the Court, after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

This Judgment applies only to the tracts enumerated in the caption above, as such tracts are described in the Complaint and the Declaration of Taking, as amended, filed herein.

4.

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

5.

The Acts of Congress set out in Paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tracts of land. Pursuant thereto, on May 25, 1959, the United States of America filed its Declaration of Taking of such tracts of land, and on October 26, 1960, filed an Amendment thereto, and title to such tracts should be vested in the United States of America, as of the dates of filing such instruments.

6.

Simultaneously with the filing of the Declaration of Taking and the Amendment thereto, there was deposited in the Registry of this Court, as estimated compensation for the taking of subject tracts, certain sums of money, and certain portions of these deposits have been disbursed, as set out in Paragraph 11 below.

7.

The Report of Commissioners filed herein on January 23, 1961, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to subject tracts, as fixed by the Commission, is set out in Paragraph 11 below.

8.

Certain deficiencies exist between the amounts deposited as estimated just compensation for subject tracts and the amounts fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiencies should be deposited by the Government. These deficiencies are set out in Paragraph 11 below.

9.

The defendants named in Paragraph 11 as owners of 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 of the respective interests in such estates as designated, and, as such, are entitled to distribution of just compensation therefor.

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 subject tracts, described in the Declaration of Taking, as amended, filed herein, and such property, to the extent of the estates indicated and for the uses and purposes described in the Declaration of Taking, as amended and filed herein, is CONDEMNED, and title thereto is vested in the United States of America as of the date of the Declaration of Taking and Amendment thereto, and all defendants herein and all other persons are forever barred from asserting any claim thereto.

11.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the right to just compensation for the respective estates taken herein in subject tracts is

vested in the defendants whose names appear below in this paragraph. The Report of Commissioners of January 23, 1961, is hereby confirmed, and the sums therein fixed are adopted as just compensation for subject tracts, as shown by the following schedule:

TRACT NO. K-1173

Owners:	Charles E. Bratcher . . . . .	1/7		
	Nettie Bratcher . . . . .	1/7		
	Olena Bratcher . . . . .	1/7		
	Earnest Bratcher . . . . .	3/14		
	Myrtle Bratcher Lawton . . . . .	3/14		
	Betty Alice Van Horn . . . . .	1/14		
	Joan Frances Ross . . . . .	1/14		
	Award of Just Compensation . . . . .	\$3,000.00		\$3,000.00
	Deposit of Estimated Compensation . . . . .	<u>\$2,000.00</u>		
	Deposit Deficiency . . . . .	<u>\$1,000.00</u>		
	Disbursed to Owners . . . . .			<u>\$2,000.00</u>
	Balance Due to Owners . . . . .			<u>\$1,000.00</u>

TRACT NO. L-1212

Owner:	Fairy Daily Jenkins			
Award of Just Compensation:				
	For Surface . . . . .	\$350.00		
	For Minerals . . . . .	<u>\$ 50.00</u>		
	Total . . . . .	\$400.00		\$400.00
	Deposit of Estimated Compensation . . . . .	<u>\$400.00</u>		
	Disbursed to Owner . . . . .			<u>None</u>
	Balance Due to Owner . . . . .			<u>\$400.00</u>

TRACT NO. L-1237

Owners:	O. N. Fenner and Buelah Fenner, his wife			
	Award of Just Compensation . . . . .	\$500.00		\$500.00
	Deposit of Estimated Compensation . . . . .	<u>\$400.00</u>		
	Deposit Deficiency . . . . .	<u>\$100.00</u>		
	Disbursed to Owners . . . . .			<u>\$400.00</u>
	Balance Due to Owners . . . . .			<u>\$100.00</u>

TRACTS NOS. M-1337E-1 AND M-1337E-2

Owners:

Surface: Owner is Fairy Dally Jenkins  
Minerals: Owner is Paul L. Dally

Award of Just Compensation:

Surface . . . . . \$650.00

Minerals: Being all  
damage done to the  
mineral estate under  
both tracts by im-  
position of the  
flowage easement  
on such tracts . . . \$ 42.00

Total Award . . . . . \$692.00                      \$692.00

Deposited as Estimated Compensation  
for surface only. . . . . \$600.00

Deposit Deficiency:

As to Surface . . . . \$ 50.00

As to Minerals. . . . \$ 42.00

Total . . . . . \$ 92.00

Disbursed to Owners . . . . . None

Balance Due to Owners . . . . . \$692.00

TRACT NO. M-1316E

Owners: Arthur Turner and Anabel Turner, his wife . . . . 1/2

Andrew Turner and Agnes Turner, his wife . . . . 1/2

Award of Just Compensation . . . . . \$2,000.00                      \$2,000.00

Deposit of Estimated Compensation. . . . . \$1,370.00

Deposit Deficiency . . . . . \$ 630.00

Disbursed to Owners. . . . . \$1,370.00

Balance Due to Owners. . . . . \$ 630.00

12.

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 the deposit deficiencies for the various tracts as shown in Paragraph 11, together with interest on such deficiencies at the rate of six per cent (6%) per annum from May 25, 1959, until the date of deposit of such deficiency sums; and such sums shall be placed in the respective deposits for subject tracts in this civil action. The Clerk of this Court then shall disburse certain sums as follows:

1. From the deposit for Tract No. K-1173, to:

Charles E. Bratcher, the sum of \$142.86 plus 1/7 of the accrued interest on the deposit deficiency for such tract.

Nettie Bratcher, the sum of \$142.86 plus 1/7 of the accrued interest on the deposit deficiency for such tract.

Olena Bratcher, the sum of \$142.86 plus 1/7 of the accrued interest on the deposit deficiency for such tract.

Earnest Bratcher, the sum of \$214.28 plus 3/14 of the accrued interest on the deposit deficiency for such tract.

Myrtle Bratcher Lawton, the sum of \$214.28 plus 3/14 of the accrued interest on the deposit deficiency for such tract.

Betty Alice Van Horn, the sum of \$71.43 plus 1/14 of the accrued interest on the deposit deficiency for such tract.

Joan Frances Ross, the sum of \$71.43 plus 1/14 of the accrued interest on the deposit deficiency for such tract.

2. All of the deposit for Tract No. L-1212 to Fairy Daily Jenkins.

3. All of the deposit for Tract No. L-1237, JOINTLY to O. N. Penner and Beulah Penner.

4. From the deposit for Tracts Nos. M-1337E-1 and M-1337E-2, to:

Fairy Daily Jenkins, the sum of \$650.00 plus all accrued interest on \$50.00 of the deposit deficiency for such tract.

The balance of the deposit for these two tracts shall not be disbursed at this time, because the whereabouts of the defendant, Paul L. Daily, is Unknown.

5. From the deposit for Tract No. M-1316E, to:

Arthur Turner and Anabel Turner, JOINTLY, the sum of \$315.00 plus 1/2 the accrued interest on the deposit deficiency for such tract.

Andrew Turner and Agnes Turner, JOINTLY, the sum of \$315.00 plus 1/2 the accrued interest on the deposit deficiency for such tract.

APPROVED:

Raymond H. Savage  
UNITED STATES DISTRICT JUDGE

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

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

MAR 16 1961

United States of America,	)
	)
Plaintiff,	)
	)
vs.	)
	)
462.07 Acres of Land, More or Less,	)
Situate in Nowata County, Oklahoma, and	)
Ruth Parks, et al., and Unknown Owners,	)
	)
Defendants.	)

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

Civil Action No. 4691

Tract No. L-1216

J U D G M E N T

1.

Now, or this 16<sup>th</sup> day of March, 1961, this matter comes on for disposition on application of 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 estate condemned in Tract No. L-1216, as such estate and tract are described in the declaration of taking filed in this action.

3.

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

4.

Service of process has been perfected either personally, or by publication notice, as provided by Rule 71A of Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in 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 estates described in Paragraph 2 herein. Pursuant thereto, on May 25, 1959, the United States of America has filed its declaration of taking of such described property, and title to the described estates in such property should be vested in the United States of America as of the date of filing the declaration of taking.

6.

On 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 certain sum of money, and all of this deposit has been disbursed, as set out in Paragraph 12 below.

7.

On the date of taking in this action, the owners of the estate taken in subject tract were the defendants whose names are shown in Paragraph 12 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.

8.

The owners of the subject tract and the United States of America have executed and filed herein a stipulation as to just compensation wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in Paragraph 12 below, and such stipulation should be approved.

9.

A deficiency exists between the amount deposited as estimated compensation for subject tract and the amount fixed by the stipulation as to just compensation, and the amount of such deficiency should be deposited for the benefit of the landowners. Such deficiency is set out in Paragraph 12 below.

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 complaint and declaration of taking filed herein; and such tract, to the extent of the estate described 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 subject tract were the defendants whose names appear below in Paragraph 12, and the right to just compensation for the estate taken herein in this tract is vested in the parties so named.

12.

IT IS FURTHER ORDERED, ADJUGED, AND DECREED that the stipulation as to just comepnsation, mentioned in Paragraph 8 above, is hereby confirmed; and the sum therein fixed is adopted as the award of just compensation for the estate condemned in subject tract as follows:

TRACT NO. L-1216

Owners: James B. Brooks and  
Genevieve Brooks, his wife.

Award of Just Compensation pursuant

to approved stipulation. . . . .	\$23,885.00	\$23,885.00
Deposit of Estimated Compensation. . . . .	<u>\$21,800.00</u>	
Deposit Deficiency . . . . .	<u>\$ 2,085.00</u>	
Disbursed to Owners. . . . .		<u>\$21,800.00</u>
Balance Due to Owners. . . . .		<u>\$ 2,085.00</u>

13.

IT IS FURTHER ORDERED, ADJUGED, AND DECREED that the United States of America shall deposit in the registry of this Court, in Civil Action No. 4691, to the credit of Tract No. L-1216, the deficiency sum of \$2,085.00, and the Clerk of this Court then shall disburse such sum, JOINTLY, to James B. Brooks and Genevieve Brooks.

WLRHS  
UNITED STATES DISTRICT JUDGE

APPROVED:

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

FILED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

MAR 16 1961

United States of America,

Plaintiff,

vs.

462.07 Acres of Land, More or Less,  
Situat e in Nowata County, Oklahoma,  
and Ruth Parks, et al., and Unknown  
Owners,

Defendants.

NOBLE C. E.  
Clerk, U. S. Dist.

Civil Action No. 4691

Tracts Nos. K-1144,  
L-1217,  
L-1233,  
M-1357E-1 and  
M-1357E-2

J U D G M E N T

1.

Now, on this 16<sup>th</sup> day of March, 1961, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of judgment on option contracts in which the parties agree 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 tracts enumerated in the caption above 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 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 land described in Paragraph 2 herein. Pursuant thereto, on May 25, 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, as of the date of filing such instrument.

6.

On filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of certain estates in subject tracts, certain sums of money, and portions of these deposits have been disbursed as set out in Paragraph 13 below.

7.

On the date of taking in this action, the owners of the estates taken in subject tracts were the defendants whose names are shown in Paragraph 13 below. Such named defendants are the only persons asserting any interest in the estates taken in such tracts, all other persons either having disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the estates taken in these tracts.

8.

The owners of Tracts Nos. K-1144 and L-1233 and the United States of America have executed Contracts of Option for the Purchase of Land, as alleged in the Complaint, wherein the parties have agreed that just compensation for the estates condemned in such tracts is in the amounts shown as compensation in Paragraph 13 herein, and such Option Contracts should be approved.

9.

At the Pretrial Conference in this case, the Court was advised by counsel for plaintiff that, in the event of a trial, plaintiff's evidence as to the value of three of subject tracts would be as follows:

For L-1217 the sum of \$350.00;

For M-1357E-1 and M-1357E-2, combined, the sum of \$125.00.

The Court then found that the Fair Market Value of such tracts as of the date of taking was the sums recited above and such sums should be adopted as the just compensation for the taking of such tracts.

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 estates described 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, as of May 25, 1959, and all defendants herein and all other persons interested 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 estates condemned herein in subject tracts were the persons whose names appear below in Paragraph 13, and the right to just compensation for the respective estates taken in these tracts is vested in the parties so named as their respective interests appear therein.

12.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Contracts of Option for the Purchase of Land, mentioned in Paragraph 8 above, are hereby confirmed, and the sums therein fixed are adopted as the awards of just compensation for the estates condemned in Tracts Nos. K-1144 and L-1233 as shown in Paragraph 13.

13.

The sums found by the Court, in Paragraph 9 herein, to be the Fair Market Value of Tracts Nos. L-1217 and of M-1357E-1 and M-1357E-2, combined, are hereby adopted as the awards of just compensation, inclusive of interest, for the estates condemned in such tracts, as follows:

TRACT NO. K-1144

Owners:	Ruth Parks . . . . .	1/3		
	Lucy Parks Blalock . . . . .	1/3		
	Edith Waters . . . . .	1/3		
Award of Just Compensation	pursuant to approved Option Contract . . . . .	\$8,000.00		\$8,000.00
Deposited as Estimated Compensation . . . . .		<u>\$8,000.00</u>		
Disbursed to owners (1/3 to each) . . . . .				<u>\$8,000.00</u>

TRACT NO. L-1217

Owners:	Allen C. Webster and			
	Mary F. Webster, his wife . . . . .	15/16		
	Drewella Welch . . . . .	1/32		
	Nellie Welch . . . . .	1/32		
Award of Just Compensation	by the Court . . . . .	\$350.00		\$350.00
Deposit of Estimated Compensation . . . . .		<u>\$350.00</u>		
Disbursed to Owners Webster . . . . .				<u>\$328.12</u>
Balance Due to Owners Welch . . . . .				<u>\$ 21.88</u>

TRACT NO. L-1233

Owner: J. T. Phillips

Award of Just Compensation pursuant to Approved Option Contract . .	\$4,600.00	\$4,600.00
Deposited as Estimated Compensation. . . . .	<u>\$4,600.00</u>	
Disbursed to Owner . . . . .		<u>\$4,600.00</u>

TRACTS NOS. M-1357E-1 AND M-1357E-2

Owners: J. S. Nix and Laura Nix, his wife

Award of Just Compensation by the Court . . . . .	\$125.00	\$125.00
Deposited as Estimated Compensation. . . . .	<u>\$125.00</u>	
Disbursed to Owners. . . . .		<u>None</u>
Balance Due to Owners. . . . .		\$125.00

14.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the Clerk of this Court shall disburse from the deposit in the Civil Action for Tracts Nos. M-1357E-1 and M-1357E-2 the sum of \$125.00, JOINTLY to J. S. Nix and Laura Nix.

Since the whereabouts of Drewella Welch and Nellie Welch is unknown, the balance due to such owners shall not be disbursed at this time.

Bl. R. Savage  
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

MAR 16 1961

United States of America,

Plaintiff,

vs.

991.51 Acres of Land, More or Less,  
Situat e in Nowata and Rogers Counties,  
Oklahoma, and Henard O. Andrews, et al,  
and Unknown Owners,

Defendants.

NUMBER C-4697  
Case, U.S. District Court

Civil Action No. 4697

Tracts Nos. C-323 and  
C-323E

J U D G M E N T

1.

On February 16, 1961, this cause, as to the captioned tracts, came on for trial, and the parties having waived a jury, the case was tried to the Court, before the Honcrable 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 defendants appeared by their attorney, Curtis P. Harris. After hearing the evidence and being fully advised in the premises, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in Tracts Nos. C-323 and C-323E, as such tracts and estates are described in the Declarations of Taking filed herein.

3.

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 case who are interested in the subject tracts.

4.

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 such Complaint. Pursuant thereto, on May 29, 1959, the United States of America filed its Declaration of Taking of certain estates in such described land, and on October 28, 1960, filed an Amendment to the Declaration of Taking, and title to such property should be vested in the United States of America, as of the dates of filing such instruments.

5.

Simultaneously with filing herein the Declaration of Taking, and the Amendment thereto, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject tracts, certain sums of money, none of which has been disbursed as shown in Paragraph 10.

6.

Just compensation for the estates condemned herein in Tracts Nos. C-323 and C-323E combined is \$3,500.00, which sum is allocated \$2,500.00 for the surface estate and \$1,000.00 for the subsurface estate, including all coal rights. The sum designated for the subsurface estate includes compensation for all damage done to the subsurface estate by the imposition of the flowage easement on Tract No. C-323E.

7.

A deficiency exists between the amount 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 10 below.

8.

The defendants named in Paragraph 10 as owners of subject tracts are the only defendants asserting any interest in the estates condemned in the subject tracts, all other defendants having either disclaimed or defaulted; the named defendants are the owners of such estates, as of the date of taking, and as such, are entitled to receive the award of just compensation.

9.

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 2, as such tracts are described in the Declaration of Taking, filed herein, and such tracts, to the extent of the estates described and for the uses and purposes indicated in such Declaration of Taking, as amended, are condemned and title thereto is vested in the United States of America, as of the dates of the aforesaid instruments and all defendants herein and all other persons interested in the described estates in such tracts are forever barred from asserting any claim thereto.

10.

It Is Further ORDERED, ADJUDGED AND DECREED, that on the date of taking, the owners of the estates condemned herein in the subject tracts were

the defendants whose names appear in the schedule below; the right to just compensation for the estates taken in these tracts is vested in the parties so named, as their respective interests appear therein; and the sum hereby adopted as the award of just compensation for the estates herein taken in subject tracts is the sum following the designation "Award of Just Compensation" in the schedule as follows, to-wit:

TRACTS NOS. C-323 and C-323E

Owners: Mrs. Spencer D. Eastep,  
Lawson Eastep, and  
~~State of Oklahoma, ex-rel, Commissioners of the Land Office.~~

Award of Just Compensation:

Surface . . . . .	\$2,500.00	
Minerals. . . . .	<u>1,000.00</u>	
Total. . . . .	\$3,500.00	\$3,500.00
Deposit of Estimated Compensation . . . . .	<u>\$1,236.25</u>	
Deposit Deficiency. . . . .	<u>\$2,263.75</u>	
Disbursed to owners . . . . .		<u>None</u>
Balance Due to Owners . . . . .		<u>\$3,500.00</u>

11.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America, shall pay into the Registry of this Court for the benefit of the named owners the deficiency amount shown in Paragraph 10, together with interest thereon at the rate of 6% per annum from May 29, 1959, until the date of deposit of such deficiency amount, and such sum shall be placed in the deposit for the subject tract in this Civil Action. When such deposit has been made, the Clerk of this Court shall disburse the total sum then on deposit for subject tracts, JOINTLY, to:

Mrs. Spencer D. Eastep, Lawson Eastep and  
~~State of Oklahoma, ex-rel, Commissioners of the Land Office.~~

G. Robert H. Searcy  
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.

374.10 Acres of Land, More or Less,  
Situat in Rogers and Nowata Counties,  
Oklahoma, and Garland G. Boyd, et al,  
and Unknown Owners,

Defendants.

Civil Action No. 4702

Tract No. G-722

FILED

MAR 18 1961

NOBLE C. HOUND  
Clk. U.S. District Court

United States of America,  
Plaintiff,

vs.

458.26 Acres of Land, More or Less,  
Situat in Rogers and Nowata Counties,  
Oklahoma, and Thomas D. Bard, Jr.,  
et al, and Unknown Owners,

Defendants.

Civil Action No. 4754

Tracts Nos. G-712  
G-724  
G-739

J U D G M E N T

1.

On February 17, 1961, this matter, as to the captioned tracts, 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 defendant, Daniel M. Rice, appeared by his attorney, James C. Hamill. After hearing the evidence and being fully advised in the premises, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of these actions.

3.

This Judgment applies only to the surface estate in the estates condemned in the tracts enumerated in the caption above, as such estates and tracts are described in the Complaints and Declarations of Taking filed herein.

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 these actions, who are interested in subject tracts.

5.

The Acts of Congress set out in Paragraph 2 of the Complaints filed herein give the United States of America the right, power and authority to condemn for public use the subject tracts of land. Pursuant thereto, on June 8, 1959, as to Civil Action No. 4702 and on August 10, 1959, as to Civil Action No. 4754, the United States of America filed its Declarations of Taking of such tracts of land, and title to the tracts included in the respective cases should be vested in the United States of America, as of the dates of the respective Declarations of Taking.

6.

Simultaneously with filing of the Declarations of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the subject tracts certain sums of money and all of these deposits have been disbursed as set out in Paragraph 13 below.

7.

The Fair Cash Market Value, as of the dates of taking, of the surface estate only, condemned in the subject tracts is as follows:

Tract No. G-722 . . . . .	\$ 5,800.00
Tract No. G-712 . . . . .	\$ 4,680.00
Tract No. G-724 . . . . .	\$11,700.00
Tract No. G-739 . . . . .	\$ 250.00, and

such amounts should be adopted as the awards of just compensation for the taking of such estates.

8.

Certain deficiencies exist between the amounts deposited as estimated just compensation for subject tracts and the amounts fixed by the Court as just compensation, and a sum of money sufficient to cover such deficiencies should be deposited by the Government. These deficiencies are set out in Paragraph 13 below.

9.

The defendants named in Paragraph 13 as owners of 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 of such estates, as of the dates of taking, and, as such, are entitled to receive the awards of just compensation.

10.

A Stipulation for Exclusion of Property, executed by C. C. Boyd and Clara Dell Boyd and the United States of America, was filed herein on October 19, 1959, whereby certain improvements situated on Tract No. G-724 were excluded from the taking in Civil Action No. 4754 and it was agreed that the award of just compensation would be reduced by the salvage value of such improvements, and such stipulation should be approved.

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 subject tracts, described in the Complaints and Declarations of Taking filed herein, and such property (with the exception of the improvements excluded by Paragraph 12), to the extent of the surface estate only as such estate is described in the Declarations of Taking filed herein, is CONDEMNED, and title thereto is vested in the United States of America, as of the dates of the respective Declarations of Taking, and all defendants herein and all other persons are forever barred from asserting any claim thereto.

12.

It Is Further ORDERED, ADJUDGED, AND DECREED that the Stipulation for Exclusion of Property referred to in Paragraph 10 is hereby confirmed and title to such improvements remains vested in the landowners.

13.

It Is Further ORDERED, ADJUDGED AND DECREED that on the dates of taking, the owners of the estates condemned herein in subject tracts were the defendants whose names appear in the schedule below; the right to just compensation for the estates taken herein in subject tracts is vested in the defendants so named, and the sums hereby adopted as the awards of just compensation for the surface estate only taken herein in subject tracts are the sums following the designation "Award of Just Compensation" in the schedule as follows, to-wit:

Owners: C. C. Boyd and Clara Dell Boyd, his wife.

Award of Just Compensation:

Tract No. G-722 . . . . .	\$ 5,800.00	
Tract No. G-712 . . . . .	\$ 4,680.00	
Tract No. G-724 . . . . .	\$11,700.00	
Less Salvage value of Improvements Reserved . . . . .	<u>\$ 1,080.00</u>	
	\$10,620.00	
Tract No. G-739 . . . . .	<u>\$ 250.00</u>	
Total Net Award. . . . .	\$21,350.00	\$21,350.00

Deposited as Estimated Compensation for  
both surface and minerals:

Tract No. G-722 . . . . .	\$ 4,700.00
Tract No. G-712 . . . . .	\$ 4,060.00
Tract No. G-724 . . . . .	\$10,510.00
Tract No. G-739 . . . . .	<u>\$ 125.00</u>
Total Deposit. . . . .	<u>\$19,395.00</u>

Deposit Deficiency as to all Tracts . . . . . \$ 1,955.00

Disbursed to Owners for all Tracts. . . . . \$19,395.00

Balance Due to Owners . . . . . \$ 1,955.00

14.

It Is Further ORDERED, ADJUDGED, AND DECREED that the United States of America shall deposit in the Registry of this Court for the benefit of the landowners the total deficiency amount of \$1,955.00, together with interest thereon at the rate of 6 percent per annum from June 8, 1959, until the date of deposit of such deficiency amount, together with interest, and such sum shall be placed in the deposit for Tract No. G-724 in Civil Action No. 4754. The Clerk of this Court then shall disburse the total deposit for Tract No. G-724 in Civil Action No. 4754, JOINTLY, to C. C. Boyd and Clara Dell Boyd.

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

APPROVED:

*15/ Hubert A. Marlow*  
HUBERT A. MARLOW  
First Assistant United States Attorney

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

HARRY S. BOYD, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 B. E. SANDERS, d/b/a B. E. SANDERS )  
 COMPANY, SANDERS-GARLAND MANUFACTURING )  
 COMPANY, David H. Sanders, Tom Garland, )  
 and Bert McElroy, )  
 )  
 Defendants. )

No. 4831

FILED

MAR 10 1961

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

JOURNAL ENTRY OF JUDGMENT

NOW, on this 7th day of March, 1961, the above action came regularly on for trial before the Court, the plaintiff appearing in person and by his attorneys, James R. Head and John A. Cochran, both of Tulsa, Oklahoma, and the defendant B. E. Sanders, dba B. E. Sanders Co., appearing in person, and said defendant and all other defendants also appearing by and through their attorneys, Charles M. McKnight and John Ladner, both of Tulsa, Oklahoma. Whereupon, after opening statements of counsel for plaintiff and defendants, the plaintiff presented his evidence and rested. Whereupon the defendants moved for a dismissal of plaintiff's complaint (as amended) and said action upon the ground that under the facts in evidence and the law the plaintiff had not shown any right to relief, especially in that under the evidence and the law no infringement by any of the defendants of the plaintiff's patent in this suit had been proved.

WHEREUPON, after arguments of counsel of the respective parties, and upon due consideration thereof, and the Court being fully advised in the premises, finds that the defendants' said motion should be sustained, and finds that the printing paper perforating strips, generally referred to by the trade-name "Perfo-Strip", which have been and are now being used, manufactured and sold by defendant B. E. Sanders, dba B. E. Sanders Co., and the other defendants, do not infringe upon plaintiff's United States Letters Patent No. 2842202, issued to Harry S. Boyd July 6, 1956, and that plaintiff's said complaint and action should be dismissed and judgment rendered in favor of all defendants and against the plaintiff, for the reason that under the evidence,

facts and law none of said defendants have been guilty of infringing plaintiff's said letters Patent.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that defendants' said motion to dismiss plaintiff's complaint and cause of action be, and the same is hereby, sustained, and plaintiff's said complaint and action be, and is hereby, dismissed and judgment rendered in favor of all defendants and against the plaintiff, with court costs adjudged against the plaintiff.

18/ Royce H. Savage  
UNITED STATES DISTRICT JUDGE.

APPROVED AS TO FORM:

James R. Head  
James R. Head

John A. Cochran  
John A. Cochran

Attorneys for Plaintiff

Charles M. McKnight  
Charles M. McKnight

John Laeuer  
John Laeuer

Attorneys for Defendants.

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

William C. Mobley,  
Plaintiff,  
vs.  
Arthur S. Fleming,  
Defendant.

Civil No. 4960

WILLIAM C. MOBLEY  
Plaintiff

J U D G M E N T

The above-entitled matter having come on before the Court on the 2d day of March 1961, and the matter having been submitted to the Court upon the record and written briefs, and the Court being fully advised in the premises,

IT IS ORDERED that the decision of the Secretary of Health, Education, and Welfare be and it is hereby affirmed and the plaintiff's complaint be and it hereby is dismissed.

Signed and entered this 16<sup>th</sup> day of March 1961.

151 RAS Savage  
United States District Judge

APPROVED:

151 Wesley A. Whittlesey  
Attorney for Plaintiff

151 James L. Burton  
Asst. U. S. Atty.

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

ARNOLD H. UNGERMAN,

Plaintiff

vs

WEL LEE KNAPP,

Defendant

CIVIL NO. 3041

MOTION FOR DISMISSAL WITH PREJUDICE

Comes now the plaintiff and for good cause shown moves the court to dismiss this cause with prejudice.

*by Ungerman, Grabel, Ungerman Lutz & Thurnell*  
*By James E. Ungerman*  
\_\_\_\_\_  
Attorney for Plaintiff

ORDER

For good cause shown it is hereby ordered that the above styled case is herewith dismissed with prejudice.

*by Roy A. Savage*  
\_\_\_\_\_  
Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 Plaintiff, )  
 vs. ) Civil No. 2092  
 )  
 O. O. Owens, )  
 )  
 Defendant. )

ORDER

WHEREAS, a judgment was rendered herein on September 27, 1948, for the plaintiff against the defendant, O. O. Owens, in the sum of \$53,783, principal, together with interest on \$54,133.00, from May 29, 1941, to December 6, 1946, and interest on the sum of \$53,783, from December 6, 1946, until paid, together with the costs of this action, and this judgment being wholly unsatisfied and executions issued thereon being returned unsatisfied, and this Court, therefore, on February 16, 1961, having ordered the defendant, O. O. Owens, to appear before this Court and answer as to his property and assets, and the defendant so appeared on March 17, 1961, in person and by counsel, Harry D. Moreland, and the plaintiff appeared by Rodney G. Buckles, Assistant United States Attorney for the Northern District of Oklahoma.

The defendant at this hearing presented evidence and warranted that he is the sole owner of the following-described real estate:

- Tract No. 1: North 75 feet of Lot 1, Block 181, original town, now City of Tulsa (southwest corner lot at the intersection of 8th and Boston Streets in the City of Tulsa).
- Tract No. 2: South 25 feet of Lot 1 and the north 50 feet of Lot 2, Block 181, original town, now City of Tulsa (the lot immediately south of and adjoining the southwest corner lot at the intersection of 8th and Boston Streets, Tulsa, Oklahoma, and which is covered by a one-story building 75 feet by 140 feet in dimension).

The defendant further warranted to the Court that the property, described above, was unencumbered except: Tract No. 1: The ad valorem taxes for 1960 have not yet been paid, but all ad valorem taxes for prior years have been paid. Tract No. 2: The Kansas City Life Insurance Company of Kansas City, Missouri, holds a mortgage with an outstanding balance due on the debt secured of \$1,000, which amount the mortgagee refuses to accept in advance and which the defendant will pay on the due date, July 1, 1961.

The Court was further advised that a reasonable valuation of this property is \$277,500. Defendant also informed the Court that he has had introduced into the House of Representatives of the United States Congress a bill entitled, "House Resolution No. 5612, 87th Congress, First Session", which bill, if passed, would relieve the defendant of liability for payment of the taxes which are the subject matter of this action.

The Court finds that the plaintiff is entitled to levy execution upon the above-described property and to sell this property in satisfaction of its judgment herein.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the Clerk of this Court issue execution directing the United States Marshal for the Northern District of Oklahoma to levy upon the real property described above and to take those further steps necessary, in accordance with provisions of Title 28, U.S.C., section 2001, et seq., for the sale of said property to satisfy the plaintiff's judgment herein.

IT IS FURTHER ORDERED that further proceedings after levy, pertaining to the sale of this property, be suspended until the day following the date upon which the First Session of the 87th Congress adjourns, sine die, at which time the United States Marshal shall proceed to sell this property, as set forth above, unless ordered to the contrary by this Court.

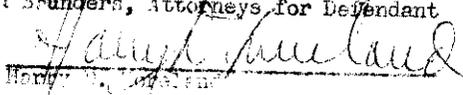
IT IS FURTHER ORDERED that the defendant may deposit, at any time prior to the sale of the property, into the Registry of the Court the full amount then due and owing on the judgment herein plus interest, as provided in the judgment, for a period of one year in advance of the date of the deposit, whereupon the levy ordered above shall be released as to the real property described herein, and such levy shall immediately attach to the monies deposited, which monies shall be distributed and disbursed in accordance with future orders of the Court herein.

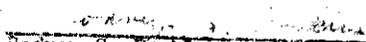
SO ORDERED this 17th day of March 1961.

  
United States District Judge

APPROVED AS TO FORM AND CONTENT:

Doerner, Stuart, Moreland, Campbell,  
and Brundens, Attorneys for Defendant

By   
Harry W. Bucklos

  
Rodney G. Bucklos  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

991.51 Acres of Land, More or Less,  
Situate in Nowata and Rogers Counties,  
Oklahoma, and Herard C. Andrews, et  
al, and Unknown Owners,

Defendants.

Civil Action No. 4697

Tracts Nos. C-308,  
C-308E-1,  
C-308E-2,  
C-308E-3,  
G-749,  
G-751, and  
J-1008

J U D G M E N T

1.

Now, on this 17<sup>th</sup> day of March, 1961, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Report of Commissioners, filed herein on January 23, 1961, and the Court, after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

This Judgment applies only to the tracts enumerated in the caption above, as such tracts are described in the Complaint and the Declaration of Taking, as amended, filed herein.

4.

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

5.

The Acts of Congress set out in Paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject tracts of land. Pursuant thereto, on May 29, 1959, the United States of America filed its Declaration of Taking of such tracts of land, and on October 28, 1960, filed an Amendment thereto, and title to such tracts should be vested in the United States of America, as of the dates of filing such instruments.

6.

Simultaneously with the filing of the Declaration of Taking and the Amendment thereto, there was deposited in the Registry of this Court, as estimated compensation for the taking of subject tracts, certain sums of money, and certain portions of these deposits have been disbursed, as set out in Paragraph 11 below.

7.

The Report of Commissioners filed herein on January 23, 1961, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to subject tracts, as fixed by the Commission, is set out in Paragraph 11 below.

8.

Certain deficiencies exist between the amounts deposited as estimated just compensation for some of subject tracts and the amounts fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiencies should be deposited by the Government. The awards of compensation have created a surplus in the deposit for some of subject tracts and such surplus should be applied on the deficiencies mentioned above. The deficiencies or surplus for the various tracts are set out in Paragraph 11 below.

9.

The defendants named in Paragraph 11 as owners of 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 of the respective interests in such estates as designated, and, as such, are entitled to distribution of just compensation therefor.

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 subject tracts, described in the Declaration of Taking, as amended, filed herein, and such property, to the extent of the estates indicated and for the uses and purposes described in the Declaration of Taking, as amended and filed herein, is CONDEMNED, and title thereto is vested in the United States of America as of the date of the Declaration of Taking and Amendment thereto, and all defendants herein and all other persons are forever barred from asserting any claim thereto.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the right to just compensation for the respective estates taken herein in subject tracts is vested in the defendants whose names appear below in this paragraph. The Report of Commissioners of January 23, 1961, is hereby confirmed, and the sums therein fixed are adopted as just compensation for subject tracts, as shown by the following schedule:

TRACTS NOS. C-308, C-308E-1, C-308E-2, AND C-308E-3

Owners:

- A. That part, to-wit: 5.63 acres, of Tract No. C-308, which lies in the West  $\frac{1}{2}$  of the SW $\frac{1}{4}$  of Section 27, T. 23 N., R. 16 E., and all of Tract No. C-308E-2 and all of Tract No. C-308E-3 was owned by Henard O. Andrews, and Argie Andrews.
- B. That part, to-wit: 81.25 acres, of Tract No. C-308, which lies in the East  $\frac{1}{2}$  of the SW $\frac{1}{4}$  and in the West  $\frac{1}{2}$  of the SE $\frac{1}{4}$  of Section 27, T. 23 N., R. 16 E., and all of Tract No. C-308E-1, was owned by Sentry Royalty Company.

Deposited as Estimated Compensation . . . . .	\$6,820.00	
Award of Just Compensation:		
(Including all coal rights)		
A. For the portion owned by Henard O. Andrews and Argie Andrews . . . . .	\$ 965.00	
B. For the portion owned by Sentry Royalty Company . . . . .	<u>\$4,627.00</u>	
Total Award . . . . .	<u>\$5,592.00</u>	\$5,592.00
Deposit Surplus . . . . .	<u>\$1,228.00</u>	
Disbursed to Owners . . . . .		<u>None</u>
Balance Due to Owners . . . . .		<u>\$5,592.00</u>

TRACTS NOS. G-749 and G-751, COMBINED

Owners: Clarence S. Kornegay, Trustee for the Stockholders of Security Investment Company.  
 Jeanette Kornegay  
 Clarence Kornegay  
 Wade Kornegay  
 Louise Confer

Award of Just Compensation:		
For Surface . . . . .	\$3,250.00	
For Minerals. . . . .	<u>\$ 500.00</u>	
Total Award . . . . .	\$3,750.00	\$3,750.00
Deposited as Estimated Compensation:		
With Original D. T.: \$2,500.00		
With Amendment. . . . .	<u>\$ 250.00</u>	
Total . . . . .	<u>\$2,750.00</u>	
Deposit Deficiency . . . . .	<u>\$1,000.00</u>	
Disbursed to Owners . . . . .		<u>None</u>
Balance Due to Owners . . . . .		<u>\$3,750.00</u>

TRACT NO. J-1008

Owners:

Minnie Dye, owner  
M. C. Dye, owner of gravel easement  
Frank L. Walls, mortgagee

Award of Just Compensation . . . . .	\$6,000.00	\$6,000.00
Deposit of Estimated Compensation. . . . .	<u>\$4,750.00</u>	
Deposit Deficiency. . . . .	<u>\$1,250.00</u>	
Disbursed to Owners . . . . .		<u>\$4,750.00</u>
Balance Due to Owners . . . . .		<u>\$1,250.00</u>

12.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that:

1. The Clerk of this Court, forthwith, shall disburse from the deposit for Tracts Nos. C-308, C-308E-1, C-308E-2, and C-308E-3 herein, certain sums as follows:

TO: Harold O. Andrews and Argie Andrews, JOINTLY,  
the sum of \$965.00

TO: Sentry Royalty Company the sum of \$4,627.00.

The Clerk then shall transfer the balance of this deposit in the amount of \$1,228.00 to the deposit for Tract No. J-1008, herein.

2. The United States of America shall pay into the Registry of this Court for the benefit of the landowners, the net deposit deficiency for subject tracts in the amount of \$1,022.00, together with interest on \$2,250.00 (the gross deposit deficiency for subject tracts) at the rate of 6% per annum from May 29, 1959, until the date of deposit of such deficiency sum; and such sums shall be allocated and placed in the deposits for the respective tracts herein as follows:

Tracts Nos. G-749 and G-751, the sum of \$1,000.00, plus all accrued interest on \$1,000.00 of the gross deposit deficiency.

Tract No. J-1008, the sum of \$22.00, plus all accrued interest on \$1,250.00 of the gross deposit deficiency.

3. After the transfer of funds and the deposit by the Government have been made, the Clerk then shall disburse certain sums as follows:

From the deposit for Tracts Nos. G-749 and G-751, JOINTLY, to Clarence S. Kornegay, Trustee, Jeanette Kornegay, Clarence Kornegay, Wade Kornegay, and Louise Confer, the sum of \$3,750.00, plus all accrued interest in such deposit.

From the deposit for Tract No. J-1008, JOINTLY, to Minnie Dye, M. C. Dye and Frank L. Walls, the sum of \$1,250.00, plus all accrued interest in such deposit.

APPROVED:

*Royce H. Savage*  
UNITED STATES DISTRICT JUDGE

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

FILED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

MAR 17 1961

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

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 685.86 Acres of Land, More or Less, )  
 Situate in Osage and Pawnee Counties, )  
 Oklahoma, and Albert Perkins, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

Civil No. 5056

JUDGMENT ON STIPULATION AS TO GROWING CROPS  
ON TRACT NO. 3115

Now on this 17 day of March 1961, the United States of America, plaintiff herein, and Dora Johnson and Jack Johnson, defendants herein, stipulate and agree as to the just compensation which said defendants are entitled to receive, as the owners of the growing crops on the real estate involved in this proceeding and designated as Tract No. 3115. The parties hereby stipulate and agree that just compensation for the taking of the growing crops on said tract is the sum of Six Hundred Dollars (\$600.00). The Court finds that said agreement should be approved and judgment entered thereon.

The Court further finds that upon filing of the declaration of taking herein, the United States of America deposited \$4,400.00 as estimated just compensation and that the agreement and stipulation herein fixes the just compensation for the growing crops only in the amount of Six Hundred Dollars, (\$600.00), that there exists a deficiency of Six Hundred Dollars, (\$600.00).

The Court finds that the United States of America has, and had the right to acquire by these condemnation proceedings, the real estate involved in said proceedings, together with the growing crops thereon, designated as Tract No. 3115, as described in the declaration of taking on file herein.

The Court further finds that just compensation for the growing crops on said real estate as fixed herein, is determined and fixed as of the date of filing of the declaration of taking herein, and that the right to receive just compensation vested in the defendants named herein on said date.

Title to the said lands and the growing crops thereon vested in the United States of America upon filing of the declaration of taking herein, and

that the sum of Six Hundred Dollars, (\$600.00), is a just compensation for the growing crops on said land.

IT IS THEREFORE, ADJUDGED AND DECREED that the agreement fixing just compensation herein as above set out is approved.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that a deficiency judgment is hereby entered against the United States in favor of said defendants in the sum of Six Hundred Dollars (\$600.00), and that the United States is ordered to pay in the Registry of this Court, the said deficiency of Six Hundred Dollars (\$600.00), without interest, and upon such payment, the United States shall have discharged all liability for the payment of just compensation for the growing crops on the real estate involved in this proceeding designated as Tract No. 3115, and title to said growing crops is hereby vested in the United States of America.

*By Russell H. ...*  
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 ) Plaintiff, )  
 -vs- )  
 )  
 191.39 ACRES OF LAND, MORE )  
 OR LESS, SITUATE IN CREEK AND )  
 PAWNEE COUNTIES, OKLAHOMA, AND )  
 LESLIE N. YARBROUGH, ET AL., )  
 AND UNKNOWN OWNERS, )  
 ) Defendants. )

CIVIL NO. 4720

**FILED**

SEP 22 1950

J U D G M E N T  
(As to Tract No. 1856)

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

I

Now on this \_\_\_\_\_ day of \_\_\_\_\_, 1950, 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 estate condemned in Tract No. 1856, as such estate and tract is described in the Declarations of Taking filed in Civil Action 4720.

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 estates in the subject tract, certain sums of money, and certain portion of this deposit has been disbursed as set out in Paragraph XIV below.

VII

On the date of taking these actions, the owners of the estates taken in the subject tract were the persons whose names are shown in Paragraph XIV 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 XIV 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, 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 XIV herein, and such stipulations should be approved.

X

Certain deficiencies exist between the amounts deposited as estimated compensation for subject tract and the amount fixed by the Stipulation as just compensation, and the amount of such deficiency should be deposited for the benefit of the landowners. Such deficiency is set out in Paragraph XIV below.

XI

It is therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in Paragraph III herein, as such 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 XIII herein, are condemned and title thereto is vested in the United States of America and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim thereto.

XII

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

XIII

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

XIV

It is further ORDERED, ADJUDGED AND DECREED that the 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 estates condemned in subject tract as follows:

AWARD OF JUST COMPENSATION:

By stipulation with Tommy R. Crane, Golda F. Crane and Dean F. Crane .....	\$3,775.00	
Less salvage value of improvements excluded.....	275.00	
		<u>\$3,500.00</u>
Total award of just compensation for subject tract.....		\$3,500.00
Deposited as Estimated Compensation for subject tract.....		<u>3,050.00</u>
Deposit Deficiency:.....		<u>450.00</u>

DISTRIBUTION AND DISBURSAL OF AWARD:

Tommy R. Crane, Golda F. Crane and Dean F. Crane share of award:.....	\$3,500.00
Disbursed to owners by prior orders.....	<u>2,775.00</u>
Balance due to Crane, et al.....	<u>\$ 725.00</u>

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. 1856, for the benefit of the landowners, the total deficiency amount of \$450.00. Upon deposit of this sum the Clerk of the Court shall disburse

To Tommy B. Crane, Golda F. Crane and Dean  
F. Crane.....\$725.00

*Roger H. Savage*  
UNITED STATES DISTRICT JUDGE

APPROVED:

*[Signature]*  
Assistant U. S. Attorney

*[Signature]*  
Attorney for Defendants

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

MAR 24 1961

United States of America,	)	
	Plaintiff,	)
vs.	)	Civil Action No. 4726
2,551.48 Acres of Land, More or Less,	)	Tracts Nos. J-1009-1,
Situate in Nowata and Rogers Counties,	)	J-1009-2, and
Oklahoma, and W. F. Graham, et al, and	)	J-1009E
Unknown Owners,	)	
	Defendants.	)
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United States of America,	)	
	Plaintiff,	)
vs.	)	Civil Action No. 4671
76.95 Acres of Land, More or Less,	)	Tracts Nos. J-1009E-2,
Situate in Rogers County, Oklahoma,	)	J-1009E-3, and
and John Corlett, et al., and	)	J-1009E-4
Unknown Owners,	)	
	Defendants.	)

J U D G M E N T

1.

NOW on this 24 day of March, 1961, 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 Tracts enumerated in the caption above as such estates and tracts are described in the Declarations of Taking filed in Civil Actions Nos. 4671 and 4726.

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 Complaints 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 April 20, 1959, as to Civil Action No. 4671 and on June 30, 1959, as to Civil Action No. 4726, the United States of America has filed its Declarations of Taking of such described property, and title to the described estates in such property should be vested in the United States of America as of the dates of the respective Declarations of Taking.

6.

On the filing of the respective Declarations of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of 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 4 below.

7.

On the dates of taking in these actions, the owners of the estates taken in the subject tracts were Mr. Russell Boyd and Mrs. Russell Boyd. Such named defendants are the only persons asserting any interest in the estates taken in such tracts, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the estates taken in these tracts.

8.

The owners of the subject tracts and the United States of America have executed and filed herein, on July 23, 1959, a Stipulation for Exclusion of Property, whereby certain improvements situated on the subject tracts were excluded from the taking in this case, and it was agreed that the award of just compensation for such tracts would be reduced by the sum of \$900.00, and such Stipulation should be approved.

9.

The owners of the subject tracts and the United States of America have executed and filed herein a Stipulation As To Just Compensation, wherein they have agreed that just compensation for the estates condemned in subject tracts is in the total sum of \$35,000.00, inclusive of interest, provided that such Stipulation is subject to the terms of the Stipulation mentioned in Paragraph 8 above, and such Stipulation As To Just Compensation should be approved.

10.

A deficiency exists between the amounts deposited as estimated compensation for subject tracts and the amount fixed by the Stipulation As To

Just Compensation, and the amount of such deficiency should be deposited for the benefit of the landowners. Such deficiency is set out in Paragraph 14 below.

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 Complaints and Declarations of Taking filed herein; and such tracts, to the extent of the estates indicated and for the uses and purposes described in such Declarations of Taking, with the exception of the property excluded in Paragraph 13 herein, are condemned and title thereto is vested in the United States of America and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto.

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 were the persons whose names appear below in Paragraph 14, and the right to just compensation for the respective estates taken herein in these tracts is vested in the parties so named.

13.

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulation for Exclusion of Property mentioned in Paragraph 8 above is hereby confirmed, and title to the property covered by such Stipulation remains vested in the defendant owners.

14.

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulation As To Just Compensation mentioned in Paragraph 9 above is hereby confirmed; and the sum therein fixed is adopted as the award of just compensation for the estates condemned in subject tracts as follows:

Owners: Russell Boyd and Mrs. Russell Boyd

Award of Just Compensation:

As Fixed by Stipulation . . . \$35,000.00  
Less Salvage Value of  
Improvements . . . . . \$ 900.00

Net Award of Just Compensation . . . \$34,100.00 \$34,100.00

Deposited As Estimated Compensation:

Civil Action No. 4726 . . . . \$30,350.00  
Civil Action No. 4671 . . . . \$ 525.00

Total. . . . . \$30,875.00

Deposit Deficiency . . . . . \$ 3,225.00

Disbursed to Owners:

Civil Action No. 4726 . . . . \$29,450.00  
Civil Action No. 4671 . . . . \$ 525.00

Total. . . . . \$29,975.00

Balance Due to Owners . . . . . \$ 4,125.00

15.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the Registry of this Court in Civil Action No. 4726, to the credit of Tracts Nos. J-1009-1, J-1009-2, and J-1009E, the total deposit deficiency in the sum of \$3,225.00. Upon deposit of this sum the Clerk of the Court shall disburse from the total sum on deposit for the above-named tracts in Civil Action No. 4726, to Russell Boyd and Mrs. Russell Boyd the sum of \$4,125.00.

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

APPROVED:

*18/ 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.

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

Defendants.

Civil Action No. 4599

FILED

MAR 24 1961

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

J U D G M E N T

Tracts Nos. R-1803, B-Portion of R-1803, R-1804, B-Portion of R-1804,  
R-1806, B-Portion of R-1806, R-1807, B-Portion of R-1807,  
B-Portion of R-1808, R-1809, B-Portion of R-1809, R-1811,  
B-Portion of R-1811, R-1812, B-Portion of R-1812, R-1816,  
B-Portion of R-1816, R-1817, B-Portion of R-1817, R-1818,  
B-Portion of R-1818, R-1819, B-Portion of R-1819, R-1821,  
B-Portion of R-1821, R-1826, B-Portion of R-1826, R-1827,  
B-Portion of R-1827, R-1829, B-Portion of R-1829, R-1831,  
B-Portion of R-1831, R-1832, B-Portion of R-1832

Now, on this 24th day of March, 1961, this matter comes on for  
disposition on application of the plaintiff, United States of America, for  
entry of Judgment on the Report of Commissioners, filed herein on September 14,  
1960, and the Supplemental Report of Commissioners filed herein on  
November 28, 1960, and the Court, after having examined the files in this  
action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

This Judgment applies only to the estates taken in the tracts  
enumerated under the heading "Judgment" above, as such estates and tracts  
are described in the Complaint and Declaration of Taking filed herein.

4.

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

5.

The Acts of Congress set out in Paragraph 2 of the Complaint filed  
herein give the United States of America the right, power, and authority to  
condemn for public use the subject tracts of land. Pursuant thereto, on

December 5, 1958, the United States of America filed its Declaration of Taking of such tracts of land, and title to the estates taken in such tracts should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with 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 interest in subject tracts certain sums of money, portions of which have been disbursed, as set out in Paragraph 11 below.

7.

The Report of Commissioners, filed herein on September 14, 1960, as amended by the Supplemental Report of Commissioners filed herein on November 28, 1960, is hereby accepted and adopted as a finding of fact as to all tracts covered by such Report. The amounts of just compensation as to subject tracts, as fixed by the Commission, are set out in Paragraph 11 below.

8.

The awards fixed by the Commission have created deficiencies in the deposits for certain ones of the subject tracts and have created surpluses in the deposits for other ones of the subject tracts. These deficiencies and surpluses are set out in Paragraph 11 below. The surpluses should be applied toward satisfaction of the deficiencies, and a sum of money sufficient to cover the balance of such deficiencies should be deposited by the plaintiff.

9.

The ownership of the subject tracts, in so far as it has been determined to date is set out in Paragraph 11. The defendants named therein are the owners of certain interests, as designated, in the respective tracts under which they are listed, and as an owner each is entitled to receive his proportionate share of the just compensation. The ownership of the balance of the subject tracts has not been determined and a separate hearing for that purpose should be held at a later date.

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 subject tracts described in the complaint filed herein, and such property, to the extent of the estate indicated and for the uses and purposes described in the Declaration of Taking filed herein, is CONDEMNED, and title thereto is

vested in the United States of America as of the date of filing the Declaration of Taking, and all defendants herein and all other persons are barred forever from asserting any claim thereto.

11.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the defendants named below in this paragraph are the owners of the designated interests in the respective tracts under which they are named, and each such owner is entitled to receive his proportionate share of the just compensation for the tract in which he is interested. The Report of Commissioners of September 14, 1960, as amended by the Supplemental Report of Commissioners filed herein on November 28, 1960, is hereby confirmed and the sums therein fixed are adopted as just compensation for subject tracts as shown by the following schedule:

TRACT NO. R-1803

Owners:	Daphne Boop . . . . .	5/12		
	Oliver C. Boop, Jr. . . . .	1/4	(incompetent, Daphne Boop is Guardian)	
	Foster Boop . . . . .	1/3		
Award of Just Compensation. . . . .			\$3,630.00	\$3,630.00
Deposited as Estimated Compensation . . . . .			<u>1.00</u>	
Deposit Deficiency. . . . .			<u>\$3,629.00</u>	
Disbursed to Owners . . . . .				<u>None</u>
Balance Due to Owners . . . . .				<u>\$3,630.00</u>

"B" PORTION OF TRACT NO. R-1803

Owners:	Daphne Boop . . . . .	5/12		
	Oliver C. Boop, Jr. . . . .	1/4	(incompetent, Daphne Boop is Guardian)	
	Foster Boop . . . . .	1/3		
Award of Just Compensation. . . . .			\$75.00	\$75.00
Deposited as Estimated Compensation . . . . .			<u>1.00</u>	
Deposit Deficiency. . . . .			<u>\$74.00</u>	
Disbursed to Owners . . . . .				<u>None</u>
Balance Due to Owners . . . . .				<u>\$75.00</u>

TRACT NO. R-1804

Owner: Kate V. Briggs

Award of Just Compensation. . . . .	\$625.00	\$625.00
Deposit of Estimated Compensation . . . . .	<u>1.00</u>	
Deposit Deficiency. . . . .	<u>\$624.00</u>	
Disbursed to Owner. . . . .		<u>None</u>
Balance Due to Owner. . . . .		<u>\$625.00</u>

"B" PORTION OF TRACT NO. R-1804

Owner: Kate V. Briggs

Award of Just Compensation. . . . .	\$175.00	\$175.00
Deposited as Estimated Compensation . . . . .	<u>104.00</u>	
Deposit Deficiency. . . . .	<u>\$ 71.00</u>	
Disbursed to Owner. . . . .		<u>None</u>
Balance Due to Owner. . . . .		<u>\$175.00</u>

TRACTS NOS. R-1806 AND R-1807, COMBINED

Ownership: Undetermined

Award of Just Compensation. . . . .	\$592.00	\$592.00
Deposited as Estimated Compensation . . . . .	<u>2.00</u>	
Deposit Deficiency. . . . .	<u>\$590.00</u>	
Disbursed to Owners . . . . .		<u>None</u>
Balance Due to Owners . . . . .		<u>\$592.00</u>

"B" PORTION OF TRACTS NOS. R-1806 AND R-1807, COMBINED

Ownership: Undetermined

Deposited as Estimated Compensation

For "B" Portion of R-1806 . . . . .	\$ 1.00	
For "B" Portion of R-1807 . . . . .	<u>\$208.00</u>	
Total Deposit. . . . .	\$209.00	
Award of Just Compensation. . . . .	<u>\$108.00</u>	\$108.00
Deposit Surplus . . . . .	<u>\$101.00</u>	
Disbursed to Owners . . . . .		<u>None</u>
Balance Due to Owners . . . . .		<u>\$108.00</u>

ALL OF "B" PORTION OF TRACT NO. R-1808, and  
 ALL OF "B" PORTION OF TRACT NO. R-1809, and  
 30 ACRES OF TRACT NO. R-1809, described as  
 N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ , and SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 25, T. 26 N.,  
 R. 16 E.

Ownership: Undetermined

Award of Just Compensation. . . . . \$1,780.00      \$1,780.00  
 (This includes \$440.00 for equipment)

Deposited as Estimated Compensation:

For "B" Portion of R-1808 . . \$832.00  
 For "B" Portion of R-1809 . . \$520.00  
 For Area Described above  
 in R-1809 . . . . . .37

Total Deposit. . . . . \$1,352.37

Deposit Deficiency. . . . . \$ 427.63

Disbursed to four of defendants for leasehold interest:

For "B" Portion of R-1808 . . \$520.00  
 For "B" Portion of R-1809 . . \$520.00  
 For Area Described above  
 in R-1809 . . . . . .37

Total Disbursed which should be  
 allocated to area covered by this  
 award. . . . . \$1,040.37

Balance Due to Owners . . . . . \$ 739.63

50 ACRES OF TRACT NO. R-1809, described as  
 E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , and E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
 Section 25, T. 26 N., R. 16 E.

Ownership: Undetermined

Award of Just Compensation. . . . . \$938.00      \$938.00

Deposited as Estimated Compensation . . . . . .63

Deposit Deficiency. . . . . \$937.37

Disbursed to four of defendants for leasehold interest. . . . . .63

Balance Due to Owners . . . . . \$937.37

TRACT NO. R-1811

Owners: George B. Schwabe, Jr.  
 Robert V. Schwabe  
 John Leonard Schwabe  
 William Henry Schwabe  
 Emily Jeanette Bailey

Award of Just Compensation. . . . . \$540.00      \$540.00

Deposited as Estimated Compensation . . . . . 1.00

Deposit Deficiency. . . . . \$539.00

Disbursed to Owners . . . . . None

Balance Due to Owners . . . . . \$540.00

"B" PORTION OF TRACT NO. R-1811

Owners: George B. Schwabe, Jr.  
Robert V. Schwabe  
John Leonard Schwabe  
William Henry Schwabe  
Emily Jeanette Bailey

Award of Just Compensation. . . . .	\$1,220.00	\$1,220.00
(Includes \$440.00 for Equipment)		
Deposited as Estimated Compensation . . . . .	<u>1,144.00</u>	
Deposit Deficiency. . . . .	<u>\$ 76.00</u>	
Disbursed to Owners . . . . .		<u>None</u>
Balance Due to Owners . . . . .		<u>\$1,220.00</u>

TRACT NO. R-1812

Owners: Jay Robertson  
Cecil G. Bateman  
Oklahoma Employment Security Commission holds a  
lien against the Bateman interest.

Award of Just Compensation. . . . .	\$2,240.00	\$2,240.00
(Includes \$1,370.00 for Equipment)		
Deposited as Estimated Compensation . . . . .	<u>1.00</u>	
Deposit Deficiency. . . . .	<u>\$2,239.00</u>	
Disbursed to Owners . . . . .		<u>None</u>
Balance Due to Owners . . . . .		<u>\$2,240.00</u>

"B" PORTION OF TRACT NO. R-1812

Owners: Jay Robertson  
Cecil G. Bateman  
Oklahoma Employment Security Commission holds a  
lien against the Bateman interest.

Deposited as Estimated Compensation. . . . .	\$728.00	
Award of Just Compensation . . . . .	<u>330.00</u>	\$330.00
Deposit Surplus. . . . .	<u>\$398.00</u>	
Disbursed to Owners. . . . .		<u>None</u>
Balance Due to Owners. . . . .		\$330.00

TRACT NO. R-1816

Ownership: Undetermined

Award of Just Compensation. . . . .	\$960.00	\$960.00
Deposited as Estimated Compensation . . . . .	<u>1.00</u>	
Deposit Deficiency. . . . .	<u>\$959.00</u>	
Disbursed to Owners . . . . .		<u>None</u>
Balance Due to Owners . . . . .		<u>\$960.00</u>

"B" PORTION OF TRACT NO. R-1816

Ownership: Undetermined

Deposit of Estimated Compensation . . . . .	\$832.00	
Award of Just Compensation . . . . .	<u>370.00</u>	\$370.00
Deposit Surplus . . . . .	<u>\$462.00</u>	
Disbursed to Owners . . . . .		<u>None</u>
Balance Due to Owners . . . . .		<u>\$370.00</u>

TRACT NO. R-1817

Ownership: Undetermined

Award of Just Compensation . . . . .	\$600.00	\$600.00
Deposited as Estimated Compensation . . . . .	<u>1.00</u>	
Deposit Deficiency . . . . .	<u>\$599.00</u>	
Disbursed to Owners . . . . .		<u>None</u>
Balance Due to Owners . . . . .		<u>\$600.00</u>

"B" PORTION OF TRACT NO. R-1817

Ownership: Undetermined

Deposited as Estimated Compensation . . . . .	\$312.00	
Award of Just Compensation . . . . . (Includes \$160.00 for Equipment)	<u>260.00</u>	\$260.00
Deposit Surplus . . . . .	<u>\$ 52.00</u>	
Disbursed to Owners . . . . .		<u>None</u>
Balance Due to Owners . . . . .		<u>\$260.00</u>

TRACT NO. R-1818

Ownership: Undetermined

Award of Just Compensation . . . . .	\$1,400.00	\$1,400.00
Deposited as Estimated Compensation . . . . .	<u>1,022.00</u>	
Deposit Deficiency . . . . .	<u>\$ 378.00</u>	
Disbursed to Owners . . . . .		<u>None</u>
Balance Due to Owners . . . . .		<u>\$1,400.00</u>

"B" PORTION OF TRACT NO. R-1818

Ownership: Undetermined

Award of Just Compensation . . . . .	\$2,100.00	\$2,100.00
(Includes \$2,080.00 for Equipment)		
Deposited as Estimated Compensation. . . . .	<u>556.00</u>	
Deposit Deficiency . . . . .	<u>\$1,544.00</u>	
Disbursed to Owners. . . . .		<u>None</u>
Balance Due to Owners. . . . .		<u>\$2,100.00</u>

TRACT NO. R-1819

Ownership: Undetermined

Award of Just Compensation . . . . .	\$1,150.00	\$1,150.00
Deposited as Estimated Compensation. . . . .	<u>561.00</u>	
Deposit Deficiency . . . . .	<u>\$ 589.00</u>	
Disbursed to Owners. . . . .		<u>None</u>
Balance Due to Owners. . . . .		<u>\$1,150.00</u>

"B" PORTION OF TRACT NO. R-1819

Ownership: Undetermined

Award of Just Compensation . . . . .	\$130.00	\$130.00
(Includes \$80.00 for Equipment)		
Deposited as Estimated Compensation. . . . .	<u>\$104.00</u>	
Deposit Deficiency . . . . .	<u>\$ 26.00</u>	
Disbursed to Owners. . . . .		<u>None</u>
Balance Due to Owners. . . . .		<u>\$130.00</u>

TRACT NO. R-1821

Ownership: Undetermined

Award of Just Compensation . . . . .	\$2,350.00	\$2,350.00
(Includes \$50.00 for Equipment)		
Deposited as Estimated Compensation. . . . .	<u>461.00</u>	
Deposit Deficiency . . . . .	<u>\$1,889.00</u>	
Disbursed to Owners. . . . .		<u>None</u>
Balance Due to Owners. . . . .		<u>\$2,350.00</u>

'B' PORTION OF TRACT NO. R-1821

Ownership: Undetermined

Award of Just Compensation . . . . .	\$3,240.00	\$3,240.00
(all of which is for Equipment)		
Deposited as Estimated Compensation. . . . .	<u>\$2,178.00</u>	
Deposit Deficiency . . . . .	<u>\$1,062.00</u>	
Disbursed to Owners. . . . .		<u>None</u>
Balance Due to Owners. . . . .		<u>\$3,240.00</u>

TRACT NO. R-1826

Ownership: Undetermined

Award of Just Compensation . . . . .	\$135.00	\$135.00
Deposited as Estimated Compensation. . . . .	<u>1.00</u>	
Deposit Deficiency . . . . .	<u>\$134.00</u>	
Disbursed to Owners. . . . .		<u>None</u>
Balance Due to Owners. . . . .		<u>\$135.00</u>

"B" PORTION OF TRACT NO. R-1826

Ownership: Undetermined

Deposited as Estimated Compensation . . . . .	\$208.00	
Award of Just Compensation. . . . .	<u>75.00</u>	\$75.00
Deposit Surplus. . . . .	<u>\$133.00</u>	
Disbursed to Owners . . . . .		<u>None</u>
Balance Due to Owners . . . . .		\$75.00

TRACT NO. R-1827

Ownership: Undetermined

Award of Just Compensation. . . . .	\$50.00	\$50.00
Deposited as Estimated Compensation . . . . .	<u>1.00</u>	
Deposit Deficiency . . . . .	<u>\$49.00</u>	
Disbursed to Owners . . . . .		<u>None</u>
Balance Due to Owners . . . . .		<u>\$50.00</u>

"B" PORTION OF TRACT NO. R-1827

Ownership: Undetermined

Deposited as Estimated Compensation . . . . .	\$104.00	
Award of Just Compensation . . . . .	<u>40.00</u>	\$40.00
Deposit Surplus . . . . .	<u>\$ 64.00</u>	
Disbursed to Owners . . . . .		<u>None</u>
Balance Due to Owners . . . . .		<u>\$40.00</u>

TRACT NO. R-1829

Ownership: Undetermined

Deposited as Estimated Compensation: \$1,700.00	\$1,700.00	
Disbursed to Defendants:		
P.I.C. Management Company, Inc.		
Hinman Stuart Milam		
Katherine I. Milam		
Mildred Viles		
Phillip H. Viles		
Mary Stevenson, and		
Joseph Stevenson, Jointly . . . . .	<u>\$1,700.00</u>	\$1,700.00
Award of Just Compensation . . . . .	<u>\$1,035.00</u>	\$1,035.00
Deposit Surplus . . . . .	<u>\$ 665.00</u>	
Overpayment to above-named Defendants . . . . .		<u>\$ 665.00</u>

"B" PORTION OF TRACT NO. R-1829

Ownership: Undetermined

Award of Just Compensation . . . . .	\$90.00	\$90.00
Deposited as Estimated Compensation . . . . .	<u>1.00</u>	
Deposit Deficiency . . . . .	<u>\$89.00</u>	
Disbursed to Owners . . . . .		<u>None</u>
Balance Due to Owners . . . . .		<u>\$90.00</u>

TRACT NO. R-1831

Ownership: Undetermined

Award of Just Compensation . . . . .	\$155.00	\$155.00
Deposited as Estimated Compensation . . . . .	<u>\$150.00</u>	
Deposit Deficiency . . . . .	<u>\$ 5.00</u>	
Disbursed to Owners . . . . .		<u>None</u>
Balance Due to Owners . . . . .		<u>\$155.00</u>

"B" PORTION OF TRACT NO. R-1831

Ownership: Undetermined

Deposited as Estimated Compensation: \$717.00                      \$717.00

Disbursed to Defendants:

P.I.C. Management Company, Inc.

Hinman Stuart Milam

Katherine I. Milam

Mildred Viles

Phillip H. Viles

Mary Stevenson, and

Joseph Stevenson, Jointly. . .    \$510.00

\$510.00

Balance on Deposit. . . . .    \$207.00

Award of Just Compensation. . . . .    \$ 90.00

90.00

Deposit Surplus . . . . .    \$627.00

Overpayment to above-named Defendants . . . . .    \$420.00

TRACT NO. R-1832

Ownership: Undetermined

Award of Just Compensation. . . . .    \$180.00

\$180.00

Deposited as Estimated Compensation . . . . .    1.00

Deposit Deficiency. . . . .    \$179.00

Disbursed to Owners . . . . .    None

Balance Due to Owners . . . . .    \$180.00

"B" PORTION OF TRACT NO. R-1832

Ownership: Undetermined

Award of Just Compensation. . . . .    \$135.00

\$135.00

Deposited as Estimated Compensation . . . . .    \$104.00

Deposit Deficiency. . . . .    \$ 31.00

Disbursed to Owners . . . . .    None

Balance Due to Owners . . . . .    \$135.00

12.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the surplus in the various deposits for the subject tracts as shown in Paragraph 11 shall be applied toward the satisfaction of the deficiencies in the deposits for the other tracts. The Clerk, therefore, forthwith shall make certain transfers of such surplus deposits as follows:

<u>FROM THE DEPOSIT FOR TRACT NO.</u>		<u>TO THE DEPOSIT FOR TRACT NO.</u>	<u>THE SUM OF:</u>
"B" Portion of R-1807	to	R-1804	\$101.00
"B" Portion of R-1816	to	R-1804	\$462.00
"B" Portion of R-1817	to	R-1804	\$ 52.00
"B" Portion of R-1826	to	R-1804	\$ 9.00
"B" Portion of R-1826	to	"B" Portion of R-1804	\$ 71.00
"B" Portion of R-1826	to	R-1811	\$ 53.00
"B" Portion of R-1827	to	R-1811	\$ 64.00
"B" Portion of R-1831	to	R-1811	\$207.00
"B" Portion of R-1812	to	R-1812	\$398.00

13.

IT IS FURTHER ORDERED that, after the above-named transfers in the deposits have been made, the Clerk shall disburse to Kate V. Briggs, from the deposit for Tract No. R-1804 the sum of \$625.00, and from the deposit for "B" Portion of Tract No. R-1804 the sum of \$175.00.

14.

The defendants, P.I.C. Management Company, Inc.,  
 Hinman Stuart Milam,  
 Katherine I. Milam,  
 Mildred Viles,  
 Phillip H. Viles,  
 Mary Stevenson, and  
 Joseph Stevenson,

forthwith, shall pay into the Registry of this Court the overpayment to them from the deposits for Tract No. R-1829 and "B" Portion of Tract No. R-1831, as shown above in Paragraph 11, in the total amount of \$1,085.00. Such sum shall be placed in the deposit for Tract No. R-1803, and shall be used to help satisfy the deficiency in the deposit for such tract.

15.

IT IS FURTHER ORDERED, that the Plaintiff, United States of America shall pay into Registry of this Court the net deficiency in the deposits for the subject tracts in the total sum of \$14,238.00 together with interest on \$16,740.00 (the gross deficiency sum), at the rate of 6% per annum from December 5, 1958, to the date of deposit of such deficiency. Upon receipt of the total sum of money from the Plaintiff, the Clerk shall place it in the deposits for certain ones of the subject tracts as follows:

Tract No. R-1803. . . . . \$2,544.00, plus  
 all accrued interest on the gross deficiency in this deposit.

"B" Portion of Tract No. R-1803 . . . . . \$ 74.00, plus  
 all accrued interest on the gross deficiency in this deposit.

Tract No. R-1804 . . . . . all accrued interest on the gross deficiency in this deposit.

"B" Portion of Tract No. R-1804 . . . . . all accrued interest on the gross deficiency in this deposit.

Tract No. R-1806 . . . . . \$ 590.00, plus all accrued interest on the gross deficiency in the deposit for Tracts Nos. R-1806 and R-1807, combined.

"B" Portion of Tract No. R-1808 . . . . . \$ 427.63, plus all accrued interest on the gross deficiency in the deposit for all of "B" Portion of Tract No. R-1808, and all of "B" Portion of Tract No. R-1809 and 30 acres of Tract No. R-1809, described as  $N\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$ , and  $SW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$  of Section 25, T. 26 N., R. 16 E.

Tract No. R-1809 . . . . . \$ 937.39, plus all accrued interest on the gross deficiency in the deposit for 50 acres of Tract No. R-1809 described as  $E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$ , and  $NW\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$ , and  $E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ , Section 25, T. 26 N., R. 16 E.

Tract No. R-1811 . . . . . \$ 215.00, plus all accrued interest on the gross deficiency in this deposit.

"B" Portion of Tract No. R-1811 . . . . . \$ 76.00, plus all accrued interest on the gross deficiency in this deposit.

Tract No. R-1812 . . . . . \$1,841.00, plus all accrued interest in the gross deficiency in this deposit.

Tract No. R-1816 . . . . . \$ 959.00, plus all accrued interest on the gross deficiency in this deposit.

Tract No. R-1817 . . . . . \$ 599.00, plus all accrued interest on the gross deficiency in this deposit.

Tract No. R-1818 . . . . . \$ 378.00, plus all accrued interest on the gross deficiency in this deposit.

"B" Portion of Tract No. R-1818 . . . . . \$1,544.00, plus all accrued interest on the gross deficiency in this deposit.

Tract No. R-1819 . . . . . \$ 589.00, plus all accrued interest on the gross deficiency in this deposit.

"B" Portion of Tract No. R-1819 . . . . . \$ 26.00, plus all accrued interest on the gross deficiency in this deposit.

Tract No. R-1821 . . . . . \$1,889.00, plus all accrued interest on the gross deficiency in this deposit.

"B" Portion of Tract No. R-1821 . . . . . \$1,062.00, plus all accrued interest on the gross deficiency in this deposit.

Tract No. R-1826 . . . . . \$ 134.00, plus  
all accrued interest on the gross deficiency in this deposit.

Tract No. R-1827 . . . . . \$ 49.00, plus  
all accrued interest on the gross deficiency in this deposit.

"B" Portion of Tract No. R-1829. . . . . . \$ 89.00, plus  
all accrued interest on the gross deficiency in this deposit.

Tract No. R-1831 . . . . . \$ 5.00, plus  
all accrued interest on the gross deficiency in this deposit.

Tract No. R-1832 . . . . . \$ 179.00, plus  
all accrued interest on the gross deficiency in this deposit.

"B" Portion of Tract No. R-1832. . . . . . \$ 31.00, plus  
all accrued interest on the gross deficiency in this deposit.

16.

IT IS FURTHER ORDERED that, after the deposit deficiencies and interest have been placed in their respective deposits, the Clerk shall disburse certain sums as follows:

1. From the deposit for Tract No. R-1803, the sum of \$3,630.00, and all accrued interest on the gross deficiency in this deposit, and  
From the deposit for "B" Portion of Tract No. R-1803, the sum of \$75.00, and all accrued interest on the gross deficiency in this deposit, Jointly to:

Daphne Boop,  
Daphne Boop, Guardian of Oliver C. Boop, Jr., and  
Foster Boop.

2. From the deposits for Tract No. R-1804 and for "B" Portion of Tract No. R-1804, all accrued interest on the gross deficiency in these deposits, to Kate V. Briggs.
3. From the deposit for Tract No. R-1811 the sum of \$540.00 and all accrued interest on the gross deficiency in this deposit, and  
From the deposit for "B" Portion of Tract No. R-1811 the sum of \$1,220.00 and all accrued interest on the gross deficiency in this deposit; in five equal parts to:

George B. Schwabe, Jr.  
Robert V. Schwabe,  
John Leonard Schwabe,  
William Henry Schwabe,  
Emily Jeannette Bailey.

Orders of Distribution of the deposits for the balance of subject tracts will be entered by the Court after hearings have been held to determine the ownership of such tracts.

(s) Royce H. Savage  
UNITED STATES DISTRICT JUDGE

APPROVED:

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

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

HARVEY E. SWINGS and  
JAMES A. ROGERS, et al.,  
Plaintiffs,  
vs.  
TULSA WHITE SERVICE COMPANY,  
A Corporation,  
Defendant.

Civil Actions  
No. 4985 and No. 4992

**FILED**

MAR 27 1961

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

D E C R E E

The above matters coming before the court upon stipulations of counsel and upon consideration of briefs and arguments and statements of counsel;

It is Ordered, Adjudged and Decreed that plaintiffs in each of the above-entitled causes take nothing and that judgment be entered for Defendant, Tulsa White Service Company, in each of said causes.

Dated this 24 day of March, 1961.

Royce A. Savage  
United States District Judge.

Approved as to form:

Wm. S. Hall  
Attorney for Plaintiffs.

Wm. S. Hall  
Attorney for Defendant.

FILED ✓

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

APR -6 1961

SECURITIES CREDIT COMPANY, a corporation,	}
Plaintiff,	
vs.	
KLEIN R. RIDDLE AND MEREDITH RIDDLE,	}
Defendants.	

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

No. 4940

FINDINGS OF FACT AND CONCLUSIONS OF LAW

On the 14th day of November, 1960, the above entitled and numbered cause came on regularly for trial, a jury trial having been waived, the plaintiff appearing by its attorneys, Rogers, Litchfield & Rogers and Louis Karey, by E. P. Litchfield, Jr. and Louis Karey, and the defendants appearing in person and by their attorneys, Tucker, Boyd & Parks, by W. F. Tucker, Jr.; and the Court, having heard the oral testimony of witnesses together with stipulations of facts by the parties, and after hearing and duly considering the evidence introduced by both parties and being fully advised in the premises, did take the matter under consideration until the 17th day of March, 1961, at which time the Court finds the facts and states the conclusions of law as follows:

Findings of Fact

I.

That the plaintiff is a corporation created and duly organized by and under the laws of the State of Maryland, and has its principal place of business in St. Louis, Missouri. That the defendants are husband and wife and citizens of the State of Oklahoma, residing at Pawnee, Oklahoma. That the sum in controversy at the time of filing of this cause, exclusive of interest and costs, exceeded the sum of \$10,000.00. That there is a diversity of citizenship of the parties to this action and that this Court has jurisdiction and venue of this cause.

II.

That prior to the trial of this cause, all of the automobiles and trailettes were paid for by the defendants with the exception of the following items:

<u>Year</u>	<u>Make</u>	<u>Motor or Serial No.</u>	<u>.Amount Due</u>
1959	Hillman	1924936	\$1,743.65
1959	Hillman	1838530	1,900.94
1959	Trailette	9307	3,540.00
1959	Trailette	9445	<u>2,735.00</u>
T o t a l			\$9,919.59

III.

That on or about the 29th day of September, 1958, the defendants signed an instrument entitled "Wholesale Guaranty Agreement" whereby the defendants agreed to guarantee loans made by Securities Credit Company to Bill Newport Motor Company, which Wholesale Guaranty Agreement recited in part as follows:

"WHOLESALE GUARANTY AGREEMENT

"Whereas, Bill Newport Motor Company, herein-after called Dealer, may from time to time apply to Securities Credit Company, hereinafter called Company, for loans or discounts for the purpose of enabling Dealer to purchase motor vehicles for sale in its business or for other purposes;

"NOW, FOR VALUE RECEIVED and for the purposes of enabling Dealer to obtain credit from Company, and for other good and valuable consideration, the undersigned, for himself, his heirs, executors and assigns, hereby guarantees to Company, its successors and assigns, the prompt payment as they may severally mature of any and all loans made or which may be made to the Dealer by said Company, as well as any and all renewals thereof.

"This instrument is intended to be, and shall be a continuing guaranty and agreement and shall apply to and cover all loans or renewals thereof made by said Company and all indebtedness of any kind due to said Company from said Dealer, prior to notice in writing given to the Secretary of said Company by the undersigned that he will not be liable upon any further loans or indebtedness incurred after receipt of such written notice."

It was stipulated by the parties that the agreement was only a wholesale guaranty agreement.

IV.

That at the time the agreement was executed, the Bill Newport Motor Company was not in the trailer business and that the agreement was not intended to cover any transactions in which the sale

of trailers was involved; that there was no sale of trailers contemplated at the time of the execution of the agreement, and that the only thing actually discussed was the sale of automobiles, which was the only business Bill Newport was engaged in at that time or had been engaged in for many years.

V.

That the car referred to in the evidence presented in the case as the "Cronin" car was a 1959 Hillman, Motor No. 1838530, which car was sold by the Bill Newport Motor Company to one John Lee Cronin sometime in the early part of 1959; that when Newport sold the car he received from the purchaser a conditional sale contract and promissory note, which was subsequently assigned to the plaintiff. At a later date the purchaser, John Lee Cronin, brought the car back to the place of business of Bill Newport Motor Company at 4616 E. Admiral Place, where the car continuously remained to the date of trial. At the time the car was returned to the lot of the Bill Newport Motor Company, the obligation of the said John Lee Cronin was by virtue of a conditional sale contract and a note and was classified as retail paper, and as such the defendants had no liability to the plaintiff in the event the said John Lee Cronin did not pay for the car as provided. That the evidence of the plaintiff was that this car was repossessed sometime prior to November 16, 1959, and refloored with the Bill Newport Motor Company for the sum of \$1,994.00, but that title to the automobile was never transferred to the Bill Newport Motor Company. That the so-called "Cronin" car was never actually refloored with the Bill Newport Motor Company.

VI.

That the car referred to in the evidence as the "Court" car was a 1959 Hillman, Motor Serial No. 1924936, which automobile was at the time of bankruptcy floor-planned to the Bill Newport Motor Company for \$1,743.65; that this automobile was subject to a chattel mortgage filed by the plaintiff at the time the automobile was floor-planned, and that the bankruptcy court in the

bankruptcy of Bill Newport Motor Company took possession of the automobile by virtue of the fact that only one witness had signed the chattel mortgage and the mortgage was not, therefore, entitled to recordation and constituted no notice to the trustee in bankruptcy, who took it free and clear of the chattel mortgage. That the plaintiff agreed to record all chattel mortgages securing cars that were floor-planned, but that in the case of the "Court" car the plaintiff failed to protect the defendants by properly recording the chattel mortgage. That the only evidence presented to the Court as to the value of the "Court" car was \$1,000.00.

Conclusions of Law

I.

That the Court has jurisdiction and venue of this action.

II.

That the "Wholesale Guaranty Agreement" entered into by and between the parties on September 29, 1958, was ambiguous and as such was subject to construction by the Court, and witnesses were properly examined to determine the true meaning of the agreement.

III.

That due to a mutual mistake of the parties, the Wholesale Guaranty Agreement did not express the meaning the parties intended to express and did not express the true agreement of the parties.

IV.

That the defendants were entitled to introduce parole evidence to show the true agreement of the parties.

V.

That judgment should be entered in favor of the defendants and against the plaintiff with reference to the two trailettes.

VI.

That the so-called "Cronin" car was never refloored with the Bill Newport Motor Company and there was no liability on the part of the defendants with reference to this car under the Wholesale Guaranty Agreement.

VII.

That judgment is entered in favor of the defendants and against the plaintiff with reference to the "Cronin" car.

VIII.

That the plaintiffs had a legal duty to protect the defendants by properly recording all chattel mortgages held by them, which duty the plaintiff failed to perform, whereby the defendants were injured to the extent of the value of the car at the time that the so-called "Court" car was taken by the trustee in bankruptcy, which was the sum of \$1,000.00.

IX.

That judgment should be entered for the plaintiff and against the defendants in the amount of \$743.65, being the difference between the full amount due on the "Court" car of \$1,743.65 and the damage occasioned to the defendants as a result of plaintiff's failure to record, in the amount of \$1,000.00.

Let judgment be entered accordingly.

Dated this 1<sup>st</sup> day of March, 1961.

Royce H. Savage,  
United States District Judge

APPROVED AS TO FORM:

ROGERS, LITCHFIELD & ROGERS

By [Signature]  
Attorneys for Plaintiff

TUCKER, BOYD & PARKS

By [Signature]  
Attorneys for Defendants

Judgment

This cause came on to be heard on the 14th day of November, 1960, and was argued by counsel and thereafter taken under consideration by this Court until the 17th day of March, 1961; and

IT IS ORDERED, ADJUDGED AND DECREED that the plaintiff recover from the defendants the sum of \$743.65 together with interest at the rate of 6% per annum from the 20th day of May, 1960, and for the costs of this action.

15/ Royal H. Savage  
Judge

APPROVED AS TO FORM:

ROGERS, LITCHFIELD & ROGERS

By E. P. Litchfield  
Attorneys for Plaintiff

TUCKER, BOYD & PARKS

By W. T. Parks  
Attorneys for Defendants

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America, for the use of  
Bearden Plumbing & Heating Company, a  
corporation;  
Bearden Plumbing & Heating Company, a  
corporation;

Plaintiffs,

vs.

The Trane Company, a Wisconsin  
corporation; Johnson Service Control  
Company, a Wisconsin Corporation;

Involuntary Plaintiffs,

AND

Manhattan Construction Company, an  
Oklahoma Corporation;  
General Sheet Metal Company, an Oklahoma  
Corporation;  
Oklahoma Electrical Supply Company, Inc.,  
an Oklahoma corporation;  
Monty Wise, doing business as Wise Electric  
Company;  
Star Electric Supply Company, a partnership  
of Carl C. Beesley, Fred Mitchell and W. Ray Cox;  
Standard Accident Insurance Company, a Michigan  
Corporation;  
Armstrong Contracting and Supply Corporation, a  
Delaware Corporation;

Defendants.

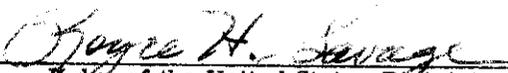
CIVIL NO. 5012

JOURNAL ENTRY OF JUDGMENT

On this 16<sup>th</sup> day of April, 1961, this cause coming on for consideration,  
having heretofore been submitted on statement of account of the defendant,  
Armstrong Contracting and Supply Corporation, a Delaware corporation, and  
statement of account of Bearden Plumbing & Heating Company, a corporation,  
and it appearing to the Court that said parties have agreed that the amount due  
the Armstrong Contracting and Supply Corporation, a corporation, by the said  
Bearden Plumbing & Heating Company, a corporation, is \$9, 238.00, including  
interest to March 18, 1961, the same being due upon a contract between the  
parties.

It appearing to the Court that Armstrong Contracting and Supply Corporation, a corporation, has fully complied with and established its lien rights as required by Section 270 (b) of the Miller Act; that said compliance was by notice to the defendant, Manhattan Construction Company, a corporation, under date of December 31, 1959; and it further appearing to the Court that the defendant, The Standard Accident Insurance Company, a Michigan corporation, has furnished the performance and payment bond for the contractor, Manhattan Construction Company, a corporation, and is a party to this action;

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that the defendant, Armstrong Contracting and Supply Corporation, a Delaware Corporation, have and recover of and from the <sup>plaintiff,</sup> ~~defendants,~~ Bearden Plumbing & Heating Company, a corporation and <sup>defendant,</sup> Standard Accident Insurance Company, a Michigan corporation, a judgment in the sum of \$9,238.00 as principal, with interest thereon at 6% from March 18, 1961, until paid, and that it have and recover its costs herein laid out and expended.

  
\_\_\_\_\_  
Judge of the United States District  
Court for the Northern District  
of Oklahoma

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF OKLAHOMA

TRAILERCOACH, INC.,

Plaintiff,

vs.

AMERICAN HOME ASSURANCE  
COMPANY and AMERICAN  
UNIVERSAL INSURANCE  
COMPANY,

Defendants.

No. 4855

FILED

APR 17 1961

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF OKLAHOMA

ORDER OVERRULING MOTION FOR NEW TRIAL

On this 7th day of April, 1961, this cause came on regularly for hearing pursuant to previous assignment upon American Home Assurance Company's, defendant herein, motion for new Trial. Plaintiff, Trailercoach, Inc., appeared by its attorneys of record, J. C. Pinkerton and James H. Sagleton; defendant, American Home Assurance Company, appeared by its attorneys of record, Rhodes, Crowe, Hieronymus & Solloway, by Philip F. Landa. The Court, having considered the motion for new Trial and argument of counsel, finds that the defendant is not entitled to a new trial.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED and DECIDED that the motion for New Trial filed by American Home Assurance Company, defendant herein, is overruled and denied.

*Philip F. Landa*  
United States District Judge

APPROVED AS TO FORM:

TRAILERCOACH, INC.

By *James H. Sagleton*

AMERICAN HOME ASSURANCE COMPANY

By *Philip F. Landa*

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

VICTORY SUPPLY COMPANY, INC., )  
a Corporation, )  
Plaintiff, )  
vs. )  
VOSS TRUCK LINES, INC., a )  
Corporation, )  
RISS & COMPANY, INC., a )  
Corporation, )  
and )  
GILLETTE MOTOR TRANSPORT, INC., )  
a Corporation, )  
Defendants )

No. 5074 - Civil

**FILED**

APR 17 1961

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

DISMISSAL WITH PREJUDICE AND REQUEST  
FOR ORDER OF THE COURT DISMISSING  
WITH PREJUDICE

COMES NOW the Plaintiff and dismisses this, its cause of action against the Defendants herein and each of them with prejudice to its further right to prosecute this cause for the following reasons and upon the following grounds, to-wit:

I.

That the Plaintiff herein and the Defendants herein have agreed to a settlement of this case by payment by the two Defendants, Voss Truck Lines, Inc. and Riss & Company, Inc. of the sum of \$5,284.50 and that this sum has been paid by the Defendants, as follows:

Voss Truck Lines, Inc., Check No. 3518 payable to Victory Supply Company, Inc. and Charles A. Whitebook, their attorney	\$ 3,161.35
Riss & Company, Inc. by its check No. G282203, payable to Victory Supply Company, Inc. and Charles A. Whitebook, their attorney	<u>2,023.15</u>
<u>TOTAL</u>	<u>\$ 5,284.50</u>

and that this \$5,284.50 is the payment of the amount sued for less the freight which had not been paid by the Plaintiff and that a full and complete accord and satisfaction has been reached between the Plaintiff and the Defendants by this payment, and Plaintiff no longer has a suit, demand, claim or cause of action against the Defendants or either of them and, therefore, dismisses

this suit with prejudice and asks the court to approve this act by the parties and enter its order dismissing same with prejudice.

VICTORY SUPPLY COMPANY, INC.  
By Charles A. Whitebook  
Charles A. Whitebook  
Its attorney

O.K.  
GREEN & FELDMAN  
By W. E. Green  
W. E. Green  
Attorneys for the Defendants

ORDER

The court has examined the above Dismissal and has been advised that the facts stated therein are true and the request for this court's approval and order is granted.

BE IT, THEREFORE, ORDERED, ADJUDGED, and DECREED that Plaintiff's cause of action against the Defendants be, and the same is dismissed with prejudice.

DATED this, the 17 day of March, 1961.

Royce N. Savage  
Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 971.81 Acres of Land, More or Less, )  
 Situate in Nowata County, Oklahoma; )  
 and Board of County Commissioners of )  
 Nowata County, Oklahoma, et al, and )  
 Unknown Owners, )  
 )  
 Defendants. )

Civil Action No. 4599

FILED

APR 13

NOEL D. HIGHT  
Clerk, U.S. District Court

AMENDMENT TO

J U D G M E N T

On this 18<sup>th</sup> day of April, 1961, this matter came on for hearing on application of the plaintiff, United States of America, for an Amendment to the Judgment filed herein on March 27, 1961, and the Court being advised by counsel for plaintiff and having examined such Judgment finds:

Barbara Y. Schwabe is one of the owners of Tract No. R-1811 and of "B" Portion of Tract No. R-1811, but her name was left out of the list of owners of such tracts shown on pages 5, 6 and 14 of the above-mentioned Judgment and her name, therefore, should be inserted in such list of owners.

There are six owners of Tract No. R-1811 and "B" Portion thereof, instead of five, as appears on Page 14 of such Judgment. Therefore, the word "five" appearing in the sixth line from the bottom of page 14 of such Judgment should be changed to "six".

On page 13 of the Judgment, there is an error of two cents in the sum following Tract No. R-1809. Such sum should be changed to \$937.37.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Judgment filed herein on March 27, 1961 is amended in the following particulars only:

1. Insert the name "Barbara Y. Schwabe" in the list of owners of Tract No. R-1811 shown on page 5 of the Judgment.
2. Insert the name "Barbara Y. Schwabe" in the list of owners of "B" Portion of Tract No. R-1811 shown on page 6 of the Judgment.
3. Insert the name "Barbara Y. Schwabe" in the list of owners of the "B" Portion of Tract No. R-1811 shown in paragraph 16 on page 14 of the Judgment.
4. In the sixth line from the bottom of page 14 of the Judgment, change the word "five" to "six".

5. On page 13 of the Judgment, change the sum following Tract  
No. R-1809 to \$937.37.

*1st Rayne H. Savage*  
UNITED STATES DISTRICT JUDGE

APPROVED:

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

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

Jo Anna Thompson White, )  
Executrix of the Estate of )  
Robert F. White, Deceased, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
American Photograph Corpora- )  
tion, et al., )  
 )  
Defendants, )  
 )  
Don A. Hasse, Administrator of the )  
Estate of Frances Hasse, Deceased, )  
 )  
Third Party Defendants. )

No. 4929 Civil

**FILED**  
APR 18 1961  
NOBLE C. HOOD  
Clerk, U. S. District

J U D G M E N T

This cause came on for hearing before the Court, the Honorable Royce H. Savage presiding, upon the motion of American Photograph Corporation, third party plaintiff, for judgment against Don A. Hasse, Administrator of the Estate of Frances Hasse, Deceased, third party defendant.

And the court having considered the argument and briefs of counsel, the evidence adduced at the trial of the original action between Jo Anna Thompson White, Executrix of the Estate of Robert F. White, Deceased, and being fully advised in the premises, finds that the motion of American Photograph Corporation should be and the same is hereby sustained.

IT IS THEREFORE ORDERED AND ADJUDGED that American Photograph Corporation, third party plaintiff, have and recover from Don A. Hasse, Administrator of the Estate of Frances Hasse, Deceased, the sum of Forty One Thousand Five Hundred Eighty Three and No/100 (\$41,583.00) Dollars, with interest thereon at the rate of 6% per annum from the date hereof until paid and for its cost of action.

Dated at Tulsa, Oklahoma, this 18th day of April, 1961.

NOBLE C. HOOD, CLERK

By Noble C. Hood Deputy

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Irene Essley,

Defendant.

Civil No. 4647

JUDGMENT ON MANDATE

Plaintiff having appealed to the United States Court of Appeals for the Tenth Circuit from the judgment of this court, dated September 29, 1959, allowing recovery of the sum of \$2.93 from the defendant and said court having issued its mandate dated the 14th day of December, 1960, wherein it was ordered and decreed that the judgment of this court be reversed and that judgment be entered in accordance with the views expressed in the opinion rendered by the Court of Appeals for the Tenth Circuit and such Mandate having been received and filed by the Clerk of this Court on the 16th day of December, 1960,

NOW, upon the mandate of the United States Court of Appeals for the Tenth Circuit, dated the 14th day of December, 1960,

ORDERED, ADJUDGED AND DECREED:

1. That the final judgment of this court heretofore entered in this cause be and the same is vacated.
2. That plaintiff have and recover from the defendant on the first cause of action set forth in the plaintiff's complaint the sum of \$480.00, together with interest thereon at the rate of six percent (6%) per annum on the sum of \$240.00 from November 1, 1947, and interest at the same rate on the further sum of \$240.00, from November 1, 1948, until paid.
3. That the plaintiff have and recover from the defendant on the second cause of action set forth in the plaintiff's complaint the sum of \$1,061.00, together with interest thereon at the rate of six percent (6%) per annum on the sum of \$530.50 from January 1, 1948, until paid and interest at the same rate on the further sum of \$530.50 from January 1, 1949, until paid.
4. That the plaintiff have and recover from the defendant on the third cause of action set forth in plaintiff's complaint the sum of \$204.50, together with interest thereon at the rate of six percent (6%) per annum on the sum of \$102.25 from January 1, 1948, until paid and interest at the same rate on the further sum of \$102.25, from January 1, 1949, until paid.

5. That plaintiff have and recover from defendant on the fourth cause of action set forth in plaintiff's complaint the sum of \$230.00, together with interest thereon at the rate of six percent (6%) per annum from September 1, 1948, until paid.

6. That plaintiff, United States of America, shall have and recover from defendant, Irene Essley, its costs incurred in this action in the sum of \$37.60.

S. Royce H. Long  
UNITED STATES DISTRICT JUDGE

No objection as to form:

Isaac H. Smith  
Attorney for Plaintiff

*[Faint handwritten text, possibly a signature or note]*

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

ROY H. STONE, et al, )  
 )  
 Plaintiff, )  
 )  
 -vs- )  
 )  
 ST. LOUIS-SAN FRANCISCO )  
 RAILWAY COMPANY, )  
 )  
 Defendant. )

✓  
NO. 4797

**FILED**

APR 21 1961

ORDER

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

NOW, on this 17 day of Apr, 1960, the above entitled matter coming on for hearing upon the Stipulation of the parties for dismissal with prejudice and it appearing to the Court that the parties have settled said cause out of Court and have filed their written Stipulation herein for dismissal with prejudice to a new action at the cost of the defendant, but without attorneys' fees to either side, and the Court being well and sufficiently advised in the premises,

IT IS ORDERED, ADJUDGED AND DECREED, That the above entitled matter be and the same is hereby dismissed with prejudice to a new action at the cost of the defendant, but without attorneys' fees to either side.

*Raymond H. Savage*  
JUDGE

APPROVED:  
*Charles L. Glendon*  
Attorney for Plaintiff  
*Tom Quinn*  
Attorney for Defendant

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

Dock Woody,

Plaintiff

-vs-

St. Louis-San Francisco Railway  
Company, a foreign corporation,

Defendant

✓  
No. 4950 Civil

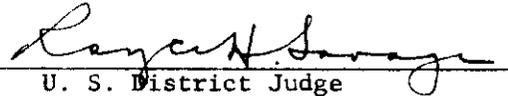
**FILED**

APR 21 1961

ORDER OF DISMISSAL

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

On this 17 day of Apr, 1961, on application  
of plaintiff herein, the above entitled cause is dismissed with  
prejudice.

  
U. S. District Judge

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

OKLAHOMA NATURAL GAS COMPANY,  
a corporation,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

Civil No. 4592

ORDER CORRECTING JUDGMENT

Plaintiff and Defendant having filed herein a Stipulation and Joint Motion for Correction of the Findings of Fact and Conclusions of Law and Order for Judgment entered herein on December 30, 1959, pursuant to Rule 60 of the Federal Rules of Civil Procedure, it is therefore ordered by the Court as follows:

1. Paragraph No. 4 of the "Findings of Fact" made herein by the Court on December 30, 1959, is hereby changed to read as follows:

"4. Suit was brought for the recovery of federal income taxes allegedly erroneously and illegally collected from plaintiff for the fiscal year ended August 31, 1964, with interest as provided by law. When this suit was instituted, all taxes assessed to plaintiff for its fiscal year ending August 31, 1964 (including \$29,502.25 net deficiency consented to by plaintiff and \$6,621.43 in interest on such deficiency) had been paid and the appropriate procedural and jurisdictional steps antecedent to the filing of suit had all been timely taken. This action was timely brought."

2. Paragraph No. 7 of the "Conclusions of Law" made herein by this Court on December 30, 1959, is hereby changed to read as follows:

"7. The plaintiff is entitled to recover against the defendant the sum of \$72,836.26, with interest thereon as provided by law at the rate of six per cent (6%) per annum to a date preceding the date of the refund check by not more than thirty (30) days, such date to be determined by the Commissioner of Internal Revenue."

3. The "Order for Judgment" entered herein by this Court on December 30, 1959, is hereby changed to read as follows:

"Wherefore, it is considered by this Court that the plaintiff have judgment against the defendant for the sum of \$72,836.26, with interest thereon as provided by law at the rate of six per cent (6%) per annum to a date preceding the date of the refund check by not more than thirty (30) days, such date to be determined by the Commissioner of Internal Revenue."

DATED this 28 day of April, 1961.

Royce H. Savage  
District Judge

APPROVED AS TO FORM:

[Signature]  
Attorney for Plaintiff

[Signature]  
Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

991.51 Acres of Land, More or Less,  
Situate in Nowata and Rogers Counties,  
Oklahoma, and Herard O. Andrews, et al,

Defendants.

Civil Action No. 4697

Tract No. H-888

J U D G M E N T

1.

On November 10, 1960, this cause as to the captioned tract, came on for pre-trial conference 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 owners of the captioned tract did not appear. After being advised by counsel for Plaintiff, and having examined the files in the case the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estate condemned in Tract No. H-888, as such tract and estate are described in the Declaration of Taking filed herein.

3.

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.

4.

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 such Complaint. Pursuant thereto, on May 29, 1959, the United States of America filed its Declaration of Taking of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject tract, a certain sum of money, none of which has been disbursed as shown in Paragraph 12.

6.

At the above-mentioned pre-trial conference the Court was advised by Counsel for Plaintiff that in the event of a trial Plaintiff's evidence as to the value of the subject tract would be the sum of \$75.00. The Court thereupon found that the Fair Market Value of such tract, as of the date of taking, was \$75.00, and such sum should be adopted as the award of just compensation for the taking of such tract.

7.

The defendants named in Paragraph 11 as owners of subject tract are the only defendants asserting any interest in the estate condemned in the subject tract, all other defendants having either disclaimed or defaulted; the named defendants are the owners of such estate, as of the date of taking, and as such, are entitled to receive the award of just compensation.

8.

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 Complaint and Declaration of Taking filed herein; and such tract, to the extent of the estate indicated and for the uses and purposes described in such Declaration of Taking, is condemned and title thereto is vested in the United States of America as of May 29, 1959, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim thereto.

9.

It Is Furthered ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estate condemned herein in the subject tract were the defendants whose names appear in the schedule below; the right to just compensation for the estate taken in this tract is vested in the parties so named, as their interests appear therein; and the sum of \$75.00 hereby is adopted as the award of just compensation for the estate herein taken in subject tract; all as follows, to-wit:

TRACT NO. H-888

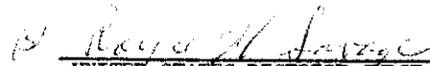
Owners: Trustees of the Church of God, Alluwe, Oklahoma

Award of Just Compensation	\$75.00	\$75.00
Deposit of Estimated Compensation	<u>75.00</u>	

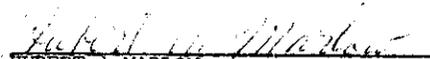
Disbursed to Owners:	<u>None</u>
Balance due to Owners	<u>\$75.00</u>

10.

It is Further ORDERED, that the Clerk of this Court shall disburse, from the deposit for subject tract, the sum of \$75.00, to Trustees of the Church of God, Alluwe, Oklahoma.

  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
HUBERT A. MARLOW  
First Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

351.76 Acres of Land, More or Less,  
Situate in Nowata County, Oklahoma,  
and School District No. 40, Nowata County,  
Oklahoma, et al, and Unknown Owners,

Defendants.

Civil Action No. 4703

Tract No. R-1827

J U D G M E N T

1.

On March 17, 1961, this cause, as to the captioned tract, 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 defendants did not appear. After hearing the evidence and being fully advised in the premises, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estate condemned in Tract No. R-1827, as such tract and estate are described in the Declaration of Taking filed herein.

3.

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.

4.

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 such Complaint. Pursuant thereto, on June 9, 1959, the United States of America filed its Declaration of Taking of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject tract, a certain sum of money, none of which has been disbursed as shown in Paragraph 13.

6.

Fair market value for the mineral estate condemned herein in subject tract is \$2.00 and such sum should be adopted as the award of just compensation for such estate.

7.

The owner of the surface estate in subject tract and the United States of America have executed a contract of Option for the Purchase of Land, as alleged in the Complaint, wherein they have agreed that just compensation for the surface estate condemned in subject tract is in the amount shown as compensation in Paragraph 13 herein, and such option should be approved.

8.

A deficiency exists between the amount deposited as estimated compensation and the amount fixed herein as the award of just compensation for subject tract, and a sum of money sufficient to cover such deficiency should be deposited by the Government. Such deficiency is set out in Paragraph 13 below.

9.

The defendant named in Paragraph 13 as owner of the surface estate in subject tract is the only defendant asserting any interest in the surface estate condemned in the subject tract, all other defendants having either disclaimed or defaulted; the named defendant is the owner of such estate, as of the date of taking, and as such, is entitled to receive the award of just compensation for such estate. The ownership of the mineral estate condemned in subject tract has not yet been determined and a hearing for such purpose should be held at a later date.

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 Complaint and Declaration of Taking filed herein; and such tract,

to the extent of the estate indicated and for the uses and purposes described in such Declaration of Taking, is condemned and title thereto is vested in the United States of America as of June 9, 1959, 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 owner of the surface estate condemned herein in the subject tract was the defendant whose name appears in the schedule below; the right to just compensation for the surface estate taken in this tract is vested in the party so named. A hearing to determine the ownership of the mineral estate condemned herein in subject tract will be held upon application of any of the parties hereto.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the Contract of Option for the Purchase of Land, mentioned in Paragraph 7 above, hereby is confirmed, and the sum therein fixed is adopted as the award of just compensation for the surface estate condemned in subject tract, as shown in Paragraph 13.

13.

It is further ORDERED, ADJUDGED AND DECREED that the sum of \$2.00 hereby is adopted as the award of just compensation for the mineral estate condemned herein in subject tract, as shown in the schedule as follows, to-wit:

TRACT NO. R-1827

Owners:

Surface estate: Nowata School District No. 40

Mineral estate: Undetermined

Awards of Just Compensation:

1. Surface:		
Award for surface estate . . . . .	\$200.00	\$200.00
Deposited as estimated compensation	<u>200.00</u>	
Disbursed to owner . . . . .		<u>None</u>
Balance due to surface owner . . . . .		<u>\$200.00</u>

2. Minerals:		
Award for mineral estate . . . . .	\$2.00	\$2.00
Deposited as estimated compensation. . . . .	<u>none</u>	
Deposit deficiency . . . . .	\$2.00	
Disbursed to owners . . . . .		<u>none</u>
Balance due to mineral owners . . . . .		<u>\$2.00</u>

14.

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 the deficiency amount shown in Paragraph 13 together with interest thereon at the rate of 6% per annum from June 9, 1959, until the date of deposit of such deficiency amount, and such sum shall be placed in the deposit for the subject tract in this Civil Action. An appropriate Order for the distribution of this sum shall be entered after the ownership of the mineral estate in subject tract has been determined.

*Royal H. Lawrence*  
 \_\_\_\_\_  
 UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
Plaintiff,

vs.

351.76 Acres of Land, More or Less,  
Situate in Nowata County, Oklahoma,  
and School District No. 40, Nowata County,  
Oklahoma, et al, and Unknown Owners,  
Defendants.

Civil Action No. 4703

Tract No. T-2021E

FILED

J U D G M E N T

1.

Now, on this 3 day of May 1961, this matter comes on for disposition on application of 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 estate condemned in Tract No. T-2021E, as such estate and tract are described in the declaration of taking filed in this action.

3.

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

4.

Service of process has been perfected either personally, or by publication notice, as provided by Rule 71A of Federal Rules of Civil Procedure on all parties defendant in this case who are interested in 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 June 9, 1959, the United States of America has filed its declaration of taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the declaration of taking.

6.

On 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 certain sum of money, and none of this deposit has been disbursed, as set out in Paragraph 14 below.

7.

On the date of taking in this action, the owner of the estate taken in subject tract was the defendant whose name is shown in Paragraph 14 below. Such named defendant is the only person asserting any interest in the estate taken in such tract, all other persons having either disclaimed or defaulted, and such named defendant is entitled to receive the just compensation for the estate taken in this tract.

8.

The owner of the subject tract and the United States of America have executed and filed herein a stipulation as to just compensation wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in Paragraph 14 below, and such stipulation should be approved.

9.

A Stipulation for Exclusion of Property, executed by James E. Riley and the United States of America, was filed herein on December 22, 1960, whereby certain improvements, situated on the subject tract, were excluded from the taking in this case and it was agreed that the award of compensation for such tract would be reduced by the salvage value of such improvements, and such stipulation should be approved.

10.

A deficiency exists between the amount deposited as estimated compensation for subject tract and the amount fixed by the stipulation as to just compensation, and the amount of such deficiency should be deposited for the benefit of the landowner. Such deficiency is set out in Paragraph 14 below.

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 tract named in Paragraph 2 herein, as such tract is particularly described in the Complaint and Declaration of Taking filed herein; and such tract, with the exception of the property excluded by Paragraph 13, to the extent of the estate described 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.

12.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owner of the estate condemned herein in subject tract was the defendant whose name appears below in Paragraph 14, and the right to just compensation for the estate taken herein in this tract is vested in the party so named.

13.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that the Stipulation for Exclusion of Property mentioned in Paragraph 9 above is hereby confirmed, and title to the property covered by such Stipulation remains vested in the defendant owner.

14.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the stipulation as to just compensation, mentioned in Paragraph 8 above, hereby is confirmed; and the sum therein fixed is adopted as the award of just compensation for the estate condemned in subject tract as follows:

Tract No. T-2021E

Owner: James E. Riley

Award of just compensation pursuant to stipulation . . . . .	\$675.00	
Less salvage value of improvements . . . . .	<u>5.00</u>	
Net Award of just compensation . . . . .	\$670.00	\$670.00
Deposited as estimated compensation . . . . .	<u>460.00</u>	
Deposit Deficiency . . . . .	<u>\$210.00</u>	
Disbursed to owner . . . . .		<u>None</u>
Balance due to owner . . . . .		<u>\$670.00</u>

15.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United States of America shall deposit in the registry of this Court, in Civil Action No. 4703, to the credit of subject tract, the deficiency sum of \$210, and the Clerk of this Court then shall disburse the sum of \$670.00 to James E. Riley.

APPROVED:

*[Signature]*

*[Signature]*  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

NOV 13 1961

United States of America,

Plaintiff,

vs.

87.21 Acres of Land, More or Less,  
Situate in Nowata County, Oklahoma,  
and Claude H. McCleendon, et al, and  
Unknown Owners.

Defendants.

Civil Action No. 4704

Tracts Nos. O-1564E-1  
O-1564E-2  
O-1564E-3  
O-1578E-1  
O-1578E-2  
O-1578E-3  
W-2351E

J U D G M E N T

1.

NOW on this 3rd day of May 1961, 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:

2.

This Judgment applies only to the estates condemned in the tracts enumerated in the caption above, as such estates and tracts are described in the Declaration of Taking filed in Civil Action No. 4704, and the amendment thereto.

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 June 9, 1959, the United States of America has filed its Declaration of Taking of such described property and on March 1, 1961, has filed an amendment to such Declaration of Taking, and title to the described estates in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On 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 portions of these deposits have been disbursed, as set out in Paragraph 12 below.

7.

On the date of taking in this action, the owners of the estates taken in the subject tracts were the defendants whose names are shown in Paragraph 12 below. Such named defendants are the only persons asserting any interest in the estates taken in such tracts, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the estates taken in these tracts.

8.

The owners of the subject tracts and the United States of America have executed and filed herein Stipulations As To Just Compensation, wherein they have agreed that just compensation for the estates condemned in subject tracts is in the amounts shown as compensation in Paragraph 12, and such Stipulations should be approved.

9.

A deficiency exists between the amount deposited as estimated compensation for Tracts Nos. O-1564E-1, O-1564E-2 and O-1564E-3 and the amount fixed by the Stipulation As To Just Compensation, and the amount of such deficiency should be deposited for the benefit of the landowners. Such deficiency is set out in Paragraph 12 below.

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, <sup>as amended,</sup> and such tracts, to the extent of the estates described and for the uses and purposes described in such Declaration of Taking, <sup>as amended,</sup> are condemned and title thereto is vested in the United States of America as of the date of filing the Declaration of Taking, as amended, and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto.

1.

11.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in the subject tracts were the persons whose names appear below in Paragraph 12, and the right to just compensation for the respective estates taken herein<sup>in</sup>/these tracts is vested in the parties so named.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulations As To Just Compensation, mentioned in Paragraph 8 above, are hereby confirmed; and the sums therein fixed are adopted as the awards of just compensation for the estates condemned in subject tracts as follows:

TRACTS NOS. O-1564E-1, O-1564E-2, and O-1564E-3

Owners: Claude H. McClendon and Bessie McClendon

Award of Just Compensation Pursuant

to Approved Stipulation . . . . .	\$ 600.00	\$ 600.00
Deposited as estimated compensation . . . . .	<u>350.00</u>	
Deposit Deficiency . . . . .	\$ <u>250.00</u>	
Disbursed to Owners . . . . .		<u>None</u>
Balance due to owners . . . . .		\$ <u>600.00</u>

TRACTS NOS. O-1578E-1, O-1578E-2, and O-1578E-3

Owners: Johnny William Ryan and Lucy Ryan

Award of Just Compensation pursuant

to approved stipulation . . . . .	\$ 175.00	\$ 175.00
Deposited as estimated compensation . . . . .	<u>175.00</u>	
Disbursed to owners . . . . .		\$ <u>175.00</u>

TRACT NO. W-2351E

Owner: E. J. Wattenbarger

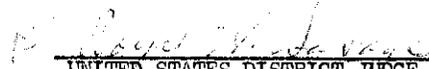
Award of Just Compensation pursuant

to approved stipulation . . . . .	\$ 460.00	\$ 460.00
Deposited as estimated compensation . . . . .	<u>460.00</u>	
Disbursed to owner . . . . .		\$ <u>460.00</u>

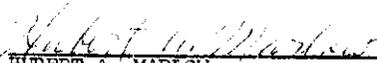
13.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the Registry of this Court in Civil Action

No. 4704 to the credit of Tracts Nos. O-1564E-1, O-1564E-2 and O-1564E-3 the total deposit deficiency in the sum of \$250.00, and the Clerk of this Court then shall disburse from the deposit for such tracts, the sum of \$600.00, to Claude H. McClendon and Essie McClendon.

  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
HUBERT A. MARLOW  
First Assistant U. S. Attorney

FILED

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

MAY -5 1961

United States of America

v.

52 8-ounce cans ... "Deturge"  
etc.

Civil No. 4913

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

CONSENT DECREE OF CONDEMNATION

To The Honorable Judge of the United States District Court  
For The Northern District of Oklahoma:

On January 18, 1960, a Libel of Information against the above-described article was filed in the United States District Court for the Southern District of California. The Libel prays condemnation of the article and alleges that the article is a drug which was shipped in interstate commerce and which was misbranded when introduced into and while in interstate commerce, within the meaning of 21 U.S.C. 352(a) in that its labeling, namely, the can label and placards entitled "Deturge for Removing Accumulations", the wall charts entitled "Deturge Time Table" and the pamphlets entitled "Deturge for Removing Accumulations," contains statements which represent and suggest that the article is adequate and effective for the self-treatment of other than occasional constipation; that continued use of the article will maintain good health by keeping the intestinal tract free of toxic accumulations; that use of the article "For Removing Accumulations of Mucus and Putrefaction From the Small Intestine and Colon" is an adequate and effective treatment for all conditions of the small intestine and colon; that directions for continued use unwarrantedly imply use for other than the temporary relief of occasional constipation; and reference to continued use for reducing inflammation and soothing irritated surfaces imply that the article has other

than simple laxative properties; which statements are false and misleading since such statements are contrary to fact.

Pursuant to motion issued by the United States District Court for the Southern District of California, the United States Marshal for that District seized said article. Thereafter, Earle G. Hastings and E. Grant Hastings, Jr., associated as partners in business under the firm name of the Detergen Company, intervened and filed claim to the article and answered the Libel. Pursuant to stipulation, the case was removed to this District for trial.

Without admitting the alleged misbranding, claimant now consents that a decree of condemnation as prayed for in the Libel be entered against the article under seizure. The Court being fully advised in the premises, it is on motion of the parties hereto --

ORDERED, ADJUDGED, AND DECREED that the said article under seizure was misbranded when introduced into and while in interstate commerce within the meaning of 21 U.S.C. 352(a) and is therefore hereby condemned pursuant to 21 U.S.C. 334(a); and it is further

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

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

ORDERED, ADJUDGED, AND DECREED that the United States Marshal for the Southern District of California, Central Division, shall

destroy the pamphlets seized with the article and shall release the article from his custody to the custody of claimant for the purpose of bringing said article into compliance with the provisions of the Federal Food, Drug, and Cosmetic Act, if claimant, within 20 days from the date of this decree, (a) pays in full the aforementioned court costs and fees, and storage and other proper expenses of the proceeding herein, and (b) executes and files with the Clerk of this Court a good and sufficient penal bond with surety in the sum of One Hundred dollars (\$100.00), approved by this Court, payable to the United States of America, and conditioned on the claimant's abiding by and performing all the terms and conditions of this decree and of such further orders and decrees as may be entered in this proceeding; and it is further

ORDERED, ADJUDGED AND DECREED that:

1. After the filing of the bond in this Court the claimant shall, at its own expense, cause the article to be shipped to its plant at Tulsa, Oklahoma. When the article arrives at the Tulsa plant, claimant shall give written notice to the Dallas District of the Food and Drug Administration, Department of Health, Education and Welfare that the article has arrived and that the claimant is prepared to bring the article into compliance with the Act under the supervision of a duly authorized representative of the Secretary of Health, Education and Welfare by the utilization of labeling approved by the Food and Drug Administration as the sole labeling for said article.

2. The claimant shall at all times, until the article has been released by a duly authorized representative of the Secretary of Health, Education and Welfare, retain intact the entire lot of

goods comprising the article for examination or inspection by said representative, and shall maintain the records or other proof necessary to establish the identity of said lot to the satisfaction of said representative.

3. The claimant shall not commence operations to bring the article into compliance with the Act until it has received authorization to do so from a duly authorized representative of the Secretary of Health, Education and Welfare.

4. The claimant shall at no time, and under no circumstances whatsoever, ship, sell, offer for sale, or otherwise dispose of any part of said article until a duly authorized representative of the Secretary of Health, Education and Welfare shall have had free access thereto in order to take any samples or make any tests or examinations that are deemed necessary, and shall in writing have released such articles for shipment, sale, or other disposition.

5. Within 30 days from the date of the filing of the bond in this Court, claimant shall complete the process of bringing said article into compliance with the law under the supervision of a duly authorized representative of the Secretary of Health, Education and Welfare.

6. The claimant shall abide by the decisions of said duly authorized representative of the Secretary of Health, Education and Welfare and the decisions of such representative shall be final, insofar as the provisions of this decree are concerned.

7. The claimant shall not sell or dispose of said article or any part thereof in any manner contrary to the provisions of the Federal Food, Drug, and Cosmetic Act or the laws of any State or Territory (as defined in said Act) in which they are sold or disposed of.

8. If the claimant breaches any of the conditions stated in this decree or in any subsequent Decree or Order of this Court in this proceeding, claimant shall return the said article immediately to the United States Marshal for this district at claimant's expense or shall otherwise dispose of it pursuant to an order of this Court.

9. The claimant shall compensate the United States of America for the cost of supervision at the rate of \$6.00 per hour per representative for each hour or portion thereof actually employed in supervising the process of bringing the article into compliance with the law; and, where laboratory work is necessary, at the rate of \$7.00 per hour per person for such laboratory work. Claimant shall also compensate the United States of America for necessary travelling expenses and for any other necessary expenses which may be incurred in connection with the supervisory responsibilities of the Secretary of Health, Education and Welfare.

The United States Attorney for this District, on being advised by a duly authorized representative of the Secretary of Health, Education and Welfare that the conditions of this Decree have been performed, shall transmit such information to the Clerk of this Court, whereupon the bond given in the proceeding shall be cancelled and discharged; and it is further

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

ORDERED, ADJUDGED, AND DECREED that this Court expressly retains jurisdiction to issue such further Decrees and Orders as may be necessary to the proper disposition of this proceeding,

and that should claimant fail to abide by and perform all the terms and conditions of this Decree or of such further Order or Decree as may be entered in this proceeding, or of the aforesaid bond, then said bond shall on motion of the United States of America in this proceeding be forfeited and judgment entered thereon.

Dated at Tulsa, Oklahoma this fifth  
day of May, 1961.

Boya H. Savage  
United States District Judge

We hereby consent to the entry of the foregoing decree.

Burrell H. Smith  
United States Attorney

James L. Burton  
Assistant United States Attorney

Dickson M. Sanders  
Proctor for Claimant

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

FILED

The Atchison, Topeka and Santa Fe )  
Railway Company, a corporation, )  
 )  
Plaintiff, )  
-vs- )  
 )  
McNamar Boiler and Tank Company, )  
an Oklahoma corporation, )  
 )  
Defendant. )

MAY - 5 1961

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

No. 4925

ORDER OF DISMISSAL

Now on this 5<sup>th</sup> day of May, 1961, there  
comes on for hearing the oral Motion of the defendant  
herein to Dismiss this action for the reasons and on  
the grounds as follows:

That on the 31st day of May, 1960, there  
was filed herein a stipulation by and between the parties  
hereto, as follows: "That there is on file in this Court an  
action styled The Atchison, Topeka and Santa Fe Railway Company,  
a corporation, vs. McNamar Boiler and Tank Company, an Oklahoma  
corporation, being number 4644 Civil, in which action proceedings  
have been stayed pending the application of plaintiff therein to  
the Interstate Commerce Commission for a determination of the  
correct classification and tariffs to be applied to the  
shipments therein involved; that the character of the alleged  
undercharge involved in the present action is similar to that  
alleged in the above mentioned suit, now pending on application  
to the Interstate Commerce Commission; and that the ruling and  
determination by the Interstate Commerce Commission should  
be given the same effect in both cases;" that the Interstate



UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

707.70 Acres of Land, More or Less,  
Situate in Creek and Tulsa Counties,  
Oklahoma, and Fred Brady, et al, and  
Unknown Owners,

Defendants.

Civil No. 4775

FILED

JUDGMENT ON STIPULATION

MAY -9 1961

As to Tract No. A-128

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

Now on this 9<sup>th</sup> day of May 1961, this matter comes  
on for disposition on application of the plaintiff, United States of America,  
for entry of Judgment on Stipulation, and the Court, after having been fully  
advised by counsel for plaintiff finds:

II

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

III

This judgment applies only to the estate condemned in Tract No.  
A-128, as such tract and the estate taken therein are described in the  
Declaration of Taking and Complaint filed herein.

IV

Service of Process has been perfected personally as provided by  
Rule 71A of the Federal Rules of Civil Procedure on all the parties defendant  
in this cause who have or claim an interest in the estate taken in the tract  
named in Paragraph III, above.

V

The Acts of Congress set out in Paragraph 2 of the Complaint herein  
give the United States of America the right, power and authority to condemn  
for public use the land described in Paragraph III herein. Pursuant thereto,  
and on September 9, 1959, the United States of America filed its Declaration  
of Taking of such described property and title thereto should be vested in the  
United States of America.

VI

On September 9, 1959, there was deposited in the Registry of this  
Court, as estimated compensation for the taking of the estate in Tract No.  
A-128, the sum of \$1,060.00, none of which sum has been disbursed from the  
Registry of this Court.

VII

On the date of taking in this action, the owner of the estate taken in the tract named in Paragraph III herein, as such estate and the tract are particularly described in the Complaint filed herein, was the person whose name is shown in Paragraph XI below. Such named defendant is the only person asserting any interest in the estate taken in such tract, and such defendant is entitled to receive the just compensation for the estate taken in this tract.

VIII

The owner of the subject tract stipulated with the United States of America in open court on April 11, 1961, that just compensation for the estate taken in said Tract No. A-128 herein, was agreed to be in the amount of \$2,360.00, together with interest on the sum of \$1,300.00 thereof at the rate of 6% per annum from and after September 9, 1959, the date of filing of the Declaration of Taking herein, until paid, which stipulation was thereupon approved by the Court in the manner and terms as aforesaid.

IX

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tract named in Paragraph III herein, as such tract is particularly described in the Complaint and Declaration of Taking 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 the defendant herein and all other persons interested in such estate are forever barred from asserting any claim thereto.

X

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that on the date of taking, the owner of the estate condemned herein in the tract named in Paragraph III herein, was the person whose name appears below in Paragraph XI, and the right to just compensation for the estate in this tract is vested in the party so named.

XI

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the stipulation as to just compensation referred to in Paragraph VIII above is confirmed as just compensation for the estate taken in Tract No. A-128 herein, in which the owner, on the date of taking herein, was George Campbell; that the award of just compensation by approved stipulation is \$2,360.00, together with interest on the sum of \$1,300.00 from September 9, 1959, until paid, there being a

deposit deficiency . due the said landowner of \$1,300.00, together with interest as aforesaid.

Award of compensation (by approved stipulation) - - - - -	\$2,360.00
Deposit as estimated compensation - - - - -	\$1,060.00
Deposit deficiency - - - - -	\$1,300.00
Distribution and disbursement of award to:	
George Campbell - - - - -	\$2,360.00,
	together with interest on the
	sum of \$1,300 at 6% per annum
	from 9-9-59 until paid.

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 George Campbell, landowner, the deficiency amount as to Tract No. A-128 shown in Paragraph XI above, to wit, \$1,300.00, together with interest thereon at the rate of 6% per annum from September 9, 1959, until paid. Upon deposit into the Registry of this Court of the deposit deficiency as aforesaid, the Clerk of this Court shall distribute to the said George Campbell the sum of \$2,360.00, together with interest on the sum of \$1,300.00 at 6% per annum from September 9, 1959, until paid.

13/ Royce N. Savage  
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

87.21 Acres of Land, More or Less,  
Situate in Nowata County, Oklahoma,  
and Claude H. McClendon, et al, and  
Unknown Owners,

Defendants.

Civil Action No. 4704

Tracts Nos. W-2338E-1  
and W-2338E-2

**FILED**

**MAY 15 1961**

J U D G M E N T

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

1.

On April 14, 1961, this cause, as to the captioned tracts, came on for trial, and the parties having waived a jury, the case was tried to the Court, before the Honorable Royce H. Savage, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendants appeared not. After hearing the evidence and being fully advised in the premises, the court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This judgment applies only to the estates condemned in the tracts enumerated in the caption above, as such tracts and estates are described in the Declaration of Taking filed herein.

3.

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

4.

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 such Complaint. Pursuant thereto, on June 9, 1959, the United States of America filed its Declaration of Taking of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of subject tracts, certain sums of money, none of which has been disbursed.

6.

Just compensation for the estates condemned herein in subject tracts is \$450.00.

7.

The defendants named in Paragraph 9 as owners of subject tracts are the only defendants asserting any interest in the estates condemned in the subject tracts, all other defendants having either disclaimed or defaulted; the named defendants are the owners of such estates, as of the date of taking, and as such, are entitled to receive the award of just compensation.

8.

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 the caption above, as such tracts are described in the Declaration of Taking filed herein, and such tracts, to the extent of the estates described and for the uses and purposes indicated in such Declaration of Taking are condemned and title thereto is vested in the United States of America, as of June 9, 1959, and all defendants herein and all other persons interested in the described estates in such tracts are forever barred from asserting any claim thereto.

9.

It Is Further ORDERED, ADJUDGED AND DECREED, that on the date of taking, the owners of the estates condemned herein in subject tracts were the defendants whose names appear in the schedule below; the right to just compensation for the estates taken in these tracts is vested in the parties so named, as their respective interests appear therein; and the sum of \$450.00 hereby is adopted as the award of just compensation for the estates herein taken in subject tracts, as shown in the schedule as follows:

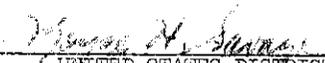
TRACTS NOS. W-2338E-1 and W-2338E-2

Owners:	Winnifred Wattenbarger Rose	1/3		
	Jerry Lee Wattenbarger, a minor	2/9		
	Larry Jerome Wattenbarger, a minor	2/9		
	Barbara Sue Wattenbarger, a minor	2/9		
Award of Just Compensation:			\$450.00	\$450.00
Deposited as Estimated Compensation			450.00	
Disbursed to Owners:				None
Balance due Owners:				<u>\$450.00</u>

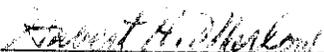
It is further ORDERED, that the Clerk of this Court shall disburse  
the deposit for subject tracts as follows:

To Winnifred Wattenbarger Rose, the sum of \$150.00

To Winnifred Wattenbarger Rose, Guardian ad  
Litem for Jerry Lee Wattenbarger, Larry  
Jerome Wattenbarger and Barbara Sue  
Wattenbarger, the sum of \$300.00

  
\_\_\_\_\_  
WILLIAM H. SULLIVAN  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
\_\_\_\_\_  
HUBERT A. MARLOW  
First Assistant U.S. Attorney