

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America

Plaintiff

vs.

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

Defendants,

Civil Action No. 4713

Tracts Nos. E-508 and
E-549E

FILED

MAY 15 1961

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

J U D G M E N T

1.

NOW on this 15th day of April 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. 4713.

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 22, 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 certain estates in the subject tracts, certain sums of money, and none 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.

Deficiencies exist between the amounts deposited as estimated compensation for subject tracts and the amounts fixed by the Stipulations As To Just Compensation, and the amounts of such deficiencies should be deposited for the benefit of the landowners. Such deficiencies are 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 as of the date of filing the Declaration of Taking, 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.

12.

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

TRACT NO. E-508

Owner: Henry Snook

Award of Just Compensation Pursuant

to Approved Stipulation	\$1,000.00	\$1,000.00
Deposited as Estimated Compensation	<u>800.00</u>	
Deposit Deficiency	<u>\$. 200.00</u>	
Disbursed to Owner		<u>None</u>
Balance due to Owner		<u>\$.1,000.00</u>

TRACT NO. E-549E

Owner: L. E. Martin

Award Of Just Compensation Pursuant

to Approved Stipulation	\$ 150.00	\$150.00
Deposited as Estimated Compensation	<u>100.00</u>	
Deposit Deficiency	<u>\$ 50.00</u>	
Disbursed to Owner		<u>None</u>
Balance Due to Owner		<u>\$150.00</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. 4713 the total deposit deficiency of \$250.00, and such sum shall be placed in the deposits for subject tracts as follows: \$200.00 in the deposit for Tract No. E-508 and \$50.00 in the deposit for Tract No. E-549E.

The Clerk of this Court then shall disburse certain sums as follows: From the deposit for Tract No. E-508, to Henry Snook, the sum of \$1,000.00. From the deposit for Tract E-549E, to L. E. Martin, the sum of \$150.00.

George H. Savage
UNITED STATES DISTRICT JUDGE

APPROVED:

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

United States of America,

Plaintiff,

Civil Action No. 1961

FILED

Wayne H. Bradley, et al.,

Defendants.

MAY 11 1961

J U D G M E N T

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

That on this 15th day of May, 1961, the above entitled action came on for hearing, plaintiff, United States of America, appearing by James L. Barton, Assistant United States Attorney for the Northern District of Oklahoma, and the defendants, Wayne H. Bradley, Linda L. Bradley, Eugene E. Shere and Mary E. Shere, appearing not, and it appearing to the court that this is a well known mortgage note for foreclosure of a mortgage upon real estate securing said note, which real estate is located in Ottawa County, Oklahoma, within the Northern Judicial District of Oklahoma.

It further appearing that personal service on the defendants is not practicable and that an order of this court directing the defendants to appear or plead in this action by April 15, 1960 was entered on the 7th day of February, 1960, which order has been published once a week for six consecutive weeks in the Okla. News Record, all in accordance with 16 O.S. 1655, and it further appearing that such defendants have failed to file their answers or appear herein, the court finds that the defendants should be and are adjudged in default and plaintiff's mortgage should be foreclosed.

The court further finds that all allegations of plaintiff's complaint are true and that there is due from the defendants, Eugene E. Shere and Mary E. Shere and Wayne H. Bradley, to plaintiff, United States of America, on the note and mortgage the following amounts:

- 1) The principal sum of \$5,000.00, plus
- 2) Interest thereon at the rate of 1 1/2% per annum from June 1, 1955 to October 31, 1960, totaling \$321.00
- 3) ...
- 4) Interest on the total due as of October 31, 1960 at the rate of 1 1/2% per day to date of judgment of \$128.25.

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

Lot 18, Block 3, in Nancy Lee Addition to the City of Miami, Ottawa County, State of Oklahoma, according to the amended plat thereof.

The court further finds and adjudges that the lien of plaintiff is first and prior over any interest the defendants Eugene E. and Mary E. Shere might have obtained in the deed given by defendants, Wayne M. and Linda L. Bradley, as set forth in the complaint herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the mortgage of plaintiff is foreclosed and in case defendants, Eugene E. and Mary E. Shere and Wayne M. and Linda L. Bradley fail to pay the plaintiff the aforesaid sum and the costs of this action within unpaid after the expiration of six (6) months from the date of this judgment, that an order of sale shall issue to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell according to law, without appraisement, the lands and tenements described in the mortgage, to-wit:

Lot 18, Block 3, in Nancy Lee Addition to the city of Miami, Ottawa County, State of Oklahoma, according to the amended plat thereof,

and apply the proceeds as follows:

- 1) In payment of the costs of the suit and of this action;
- 2) In payment of any unpaid taxes due;
- 3) In payment to plaintiff of the sum due from the defendants of \$5,511.86, plus interest at the rate of 6% from date of this judgment;
- 4) The residue, if any, to be paid to the Clerk of this Court to await the further order of the court.

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

Goyce H. Savage
United States District Judge

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

Jack M. Simpson,)
)
 Plaintiff,)
)
 vs.)
)
 Safeway Stores, Inc., a)
 corporation, and H. L.)
 Holmes,)
)
 Defendants.)

No. 5092 Civil

FILED

MAY 15 1961

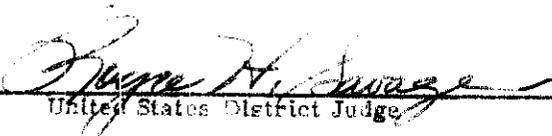
NOBLE C. HOOD
Clerk, U. S. District Court

ORDER OF DISMISSAL WITHOUT PREJUDICE

This cause came on this day to be heard for disposition.

And it appearing to the court that the cause had heretofore been continued by reason of the death of the plaintiff and no revivor of the action having been had, and after having heard the statement of counsel and on due consideration thereof, IT IS ORDERED that plaintiff's action be and it is hereby dismissed without prejudice at the cost of the plaintiff.

Dated this 16th day of May, 1961.


United States District Judge

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

THE UNITED STATES OF AMERICA,
Plaintiff,

v.

ST. LOUIS-SAN FRANCISCO RAILWAY
COMPANY,
Defendant.

Civil No. 5118

FILED

MAY 15 1961

FINAL JUDGMENT

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

It appearing to the Court that defendant has
filed in this cause its consent to entry of final judg-
ment and has consented that judgment be entered for the
plaintiff as prayed for in the complaint, it is, upon
consideration:

ORDERED AND ADJUDGED that the plaintiff, The
United States of America, do have and recover of and
from the defendant, St. Louis-San Francisco Railway
Company, the sum of \$2,000, together with its costs in
the amount of \$37⁰⁰ incurred herein to be taxed
by the Clerk of this Court for which sum let execution
issue this date.

DONE AND ORDERED at Tulsa, Oklahoma, May , 1961.


UNITED STATES DISTRICT JUDGE

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

CONNIE WEAVER,)
)
 Plaintiff,)
)
 vs.)
)
 GERMAN SERRANO, EDWARD)
 DeLAZERDA, and GOODYEAR TIRE)
 & RUBBER CO., a corporation)
)
 Defendants.)

No. 5135

FILED

MAY 15 1961

ORDER

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

NOW on this 15th day of May, 1961, there came on for hearing the oral motion of Connie Weaver, German Serrano and Edward DeLazerda, to dismiss their above cause only as against German Serrano and Edward DeLazerda, The Court was advised in the premises and the Court finds that Connie Weaver has entered into an agreement and Covenant Not to Sue German Serrano and Edward DeLazerda, for the sum of \$5,000.00, reserving unto herself any and all claims, demands, and causes of action she may have against Goodyear Tire & Rubber Co., a corporation, and co-defendant in said cause. The Court specifically finds that this is a reasonable settlement and compromise of the issues by and between Connie Weaver and against German Serrano and Edward DeLazerda.

It is therefore ordered, adjudged and decreed that the cause be dismissed against only German Serrano and Edward DeLazerda, reserving unto the plaintiff any and all actions, causes of action and litigation which she may have against Goodyear Tire & Rubber Co., a corporation.

APPROVAL BY:
[Signature]
Attorney for Plaintiff

[Signature]
Judge

APPROVAL BY:
[Signature]
Attorney for German Serrano & Edward DeLazerda

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

Paul Sisk, Irvine L. Ungerman, Parke Davis,
Chris E. Rhodes, Co-trustees of Stekoll
Insurance Agency,
Plaintiffs,

vs.

United States of America, Earl R. Wiseman,
District Director of Internal Revenue for the
District of Oklahoma, and Citizens State Bank,
an Oklahoma banking corporation,
Defendants,

No. 4860 Civil

FILED

MAY 16 1961

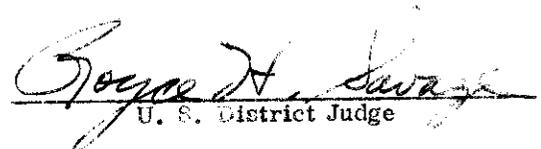
JUDGMENT ON FINDINGS BY COURT
AGAINST UNITED STATES OF AMERICA

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

The Court having filed its Findings of Fact and Conclusions of Law herein directing the entry of judgment in favor of the plaintiffs and against the defendant, United States of America,

IT IS ADJUDGED that the levies made by the United States of America and the District Director of Internal Revenue on the funds in Citizens State Bank belonging to plaintiffs be, and the same are hereby, canceled.

DATED this 16 day of May, 1961.


U. S. District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

Civil Action No. 4697
Tract No. J-1026

FILED

MAY 18 1961

J U D C M E N T

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

1.

On April 7, 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. Plaintiff, United States of America, appeared by Eubert A. Marlow, First Assistant United States Attorney, for the Northern District of Oklahoma. Defendants appeared by their attorney, Mr. Tom Kight, Jr. 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 Tract No. J-1026, as such tract and estates are described in the Declaration of Taking and the amendment thereto 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 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 on October 26 1960 filed an amendment to the Declaration

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 subject tract, certain sums of money, all of which has been disbursed as shown in Paragraph 11.

6.

Fair market value of the estates condemned herein in subject tract is \$2,100.00 and such sum should be adopted as the award of just compensation for such estates.

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 sufficient to cover such deficiency should be deposited by the Government. Such deficiency is set out in Paragraph 11 below.

8.

The defendants named in Paragraph 11 as owners of subject tract are the only defendants asserting any interest in the estates condemned in subject tract, 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 for such estates.

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 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 estates indicated and for the uses and purposes described in such Declaration of Taking, as amended, is condemned and title thereto is vested in the United States of America as of the dates of filing the Declaration of Taking and the amendment thereto, and all defendants herein and all other persons interested in such estates 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 subject tract were the defendants whose names appear in the schedule below; the right to just compensation for the estates taken in this tract is vested in the parties so named.

11.

It Is Further ORDERED, ADJUDGED AND DECREED that the sum of \$2,100.00 hereby is adopted as the award of just compensation for the estates condemned herein in subject tract, as shown in the schedule as follows, to-wit:

TRACT NO. J-1026

Owners: Bob Chiles and C. Lea Hogue

Award of Just Compensation	\$2,100.00	\$2,100.00
Deposited as estimated compensation	<u>1,390.00</u>	
Deposit deficiency	<u>710.00</u>	
Disbursed to Owners		<u>1,390.00</u>
Balance due to Owners		<u>710.00</u>

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 named owners the deficiency amount of \$710.00, 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 subject tract in this Civil Action. The Clerk shall then disburse such sum, jointly to Bob Chiles and C. Lea Hogue.

J. Lynn H. ...
UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlon
HUBERT A. MARLON
First Assistant U.S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

Civil Action No. 4709

Tract No. T-2069E

FILED

MAY 18 1961

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

J U D G M E N T

1.

NOW, on this 18 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-2069E, 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 June 15, 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 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 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, 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 estate condemned in subject tract as follows:

TRACT NO. T-2069E

Owners: Joe L. Hayes and Gladys Hayes

Award of Just Compensation pursuant to approved stipulation	\$425.00	425.00
Deposited as estimated compensation	100.00	
Deposit deficiency	<u>\$325.00</u>	
Disbursed to owners		<u>\$100.00</u>
Balance due to owners		<u>325.00</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. 4709, to the credit of Tract No. T-2069E, the deficiency sum of \$325.00 and the Clerk of this Court then shall disburse such sum, JOINTLY, to Joe L. Hayes and Gladys Hayes.

By David D. [Signature]
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.

283.77 Acres of Land, More or Less,
Situate in Nowata County, Oklahoma,
and Lillian M. Coker Sweaney and
Unknown Owners,

Defendants.

Civil Action No. 4867

Tract No. N-1447

FILED

MAY 18 1961

J U D G M E N T

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

NOW, on this 17 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:

1.

This judgment applies only to the estate condemned in Tract No. N-1447, 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 the 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 estate described in paragraph 2 herein. Pursuant thereto, on March 1, 1960, the United States of America 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 subject tract 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 owner of the estate taken in subject tract was the defendant whose name is shown in paragraph 12 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 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 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 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 as of March 10, 1960, 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 estate condemned herein in subject tract was the defendant whose name appears below in paragraph 12, and the right to just compensation for the estate taken herein in this tract is vested in the party so named.

12.

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. M-1447

Owner: Kenoclea Coker Wilkinson

Award of Just compensation pursuant to approved stipulation	\$3,900.00	\$3,900.00
Deposit of estimated compensation	<u>3,550.00</u>	
Deposit deficiency	<u>\$ 350.00</u>	
Disbursed to owner		<u>None</u>
Balance due to owner		\$3,900.00

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. 4867, to the credit of subject tract, the deficiency sum of \$350.00, and the Clerk of this Court then shall disburse to Kenoclea Coker Wilkinson the sum of \$3,900.00.

J. August Young
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

A. W. (Herb) Layton,
Plaintiff,
vs.

Readers Digest Ass'n., Inc.,
a Foreign Corporation, and Robert
Glenn White and J. I. Everest, a
co-partnership doing business under
the fictitious name of Oklahoma
News Company,

Defendants.

Civil No. 5137

FILED

MAY 1 1961

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

ORDER REMANDING

The motion of plaintiffs to remand this suit to the Superior Court of Creek County, Oklahoma, came on for hearing before the court, the Honorable Roger H. Savage presiding, on this 10th day of May, 1961, pursuant to regular setting and notice to parties, and the Court having heard the argument of counsel, and being fully advised, upon consideration entered an order remanding the cause to the Superior Court of Creek County, Oklahoma.

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

Dated at Tulsa, Oklahoma, this 10th day of May, 1961.

NOBLE C. HOOD, CLERK

By *Sam H. Williams*
Deputy.

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

GROSE-FERRAULT EQUIPMENT CORPORATION,
a corporation,

Plaintiff,

vs

SEABOARD SURETY COMPANY, a
corporation,

Defendant.

No. 5165 Civil

FILED

MAY 22 1961

ORDER OF DISMISSAL WITHOUT PREJUDICE NOBLE C. HOOD
Clark, U. S. District

Pursuant to Rule 41(a)(1), the Plaintiff having filed
Notice of Dismissal Without Prejudice, prior to service by the
Defendant of an answer or of a motion for summary judgment;

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

181 Royce H. Savage
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,

vs.

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

Defendants.

Civil Action No. 4643

Tracts Nos. F-639E-1, F-639E-2
and F-639E-3

FILED

MAY 23 1961

J U D G M E N T

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

1.

NOW, on this 17th 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 surface estate and an undivided one-half (1/2) interest in the mineral estate in 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. 4643.

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 estates described in Paragraph 2 herein. Pursuant thereto on February 19, 1959, the United States of America has filed its Declaration of Taking of such described property and title 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 owner of the estates taken in subject tracts as described in Paragraph 2 herein was the defendant whose name is shown in Paragraph 12 below. Such named defendant is the only person asserting any interest in the estates taken in such tracts, all other persons having either disclaimed or defaulted, and such named defendant is entitled to receive the just compensation for the estates taken in these tracts.

8.

The owner of 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, and such stipulation should be approved.

9.

A deficiency exists between the amount deposited as estimated compensation for Tracts Nos. F-639E-1, F-639E-2 and F-638E-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 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 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 the date of filing the Declaration of Taking, 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 owner of the estates described in Paragraph 2 herein, condemned herein in subject tracts, was the person whose name appears below in Paragraph 12, and the right to just compensation for the estates taken herein in these tracts is vested in the party 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 tracts as follows:

TRACTS NOS. F-639E-1, F-639E-2 and F-639E-3

Owner: H. W. Mitchell - subject to an outstanding undivided 1/2 interest in all oil, gas and other minerals

Award of Just Compensation pursuant to stipulation for H.W. Mitchell interest	\$575.00	\$575.00
Deposited as estimated compensation for H.W. Mitchell interest	240.00	
Deposit Deficiency	<u>335.00</u>	
Disbursed to owner		<u>None</u>
Balance due to owner		\$575.00

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. 4643 to the credit of Tracts Nos. F-639E-1, F-639E-2 and F-639E-3 the total deposit deficiency in the sum of \$335.00, and the Clerk of this Court shall then disburse from the deposit for such tracts the sum of \$575.00 to H.W. Mitchell.

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

Tracts Nos. R-1879, S-1948
and T-2039E

FILED

MAY 23 1961

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

J U D G M E N T

1.

NOW, on this 23rd day of May, 1961, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on April 12, 1961, and the court after having examined the files in this action and being advised by counsel for plaintiff finds:

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 Declaration 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 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 9, 1959, the United States of America filed its Declaration of Taking of such tracts of land, and title to such tracts should be vested in the United States of America.

6.

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

7.

The Report of Commissioners filed herein on April 12, 1961 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 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 receive the just compensation therefor.

10.

A Stipulation for Exclusion of Property, executed by James R. Gibson, Lola R. Gibson, and the United States of America, was filed herein on September 9, 1959, whereby certain improvements situated on Tract No. T-2039E 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 subject tracts, described in the Declaration of Taking filed herein and such property (with the exception of the improvements excluded by Paragraph 12), 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 forever barred from asserting any claim thereto.

12.

I 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 date of taking, title to the estates taken herein in subject tracts was vested in the defendants whose names appear below in this paragraph; the right to receive the just compensation for the estates taken herein is vested in the parties so named; the Report of Commissioners of April 12, 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. R-1879

Owners:	Leslie J. Coffman and Mrs. Leslie J. Coffman . . .	3/4	
	Charlie N. Coffman	1/8	
	Estate of John Lorraine Coffman, deceased	1/8	
Award of Just Compensation	\$1,300.00 . . .		\$1,300.00
Deposited as estimated compensation	<u>1,225.00</u>		
Deposit deficiency	<u>\$ 75.00</u>		
Disbursed to owners			<u>1,225.00</u>
Balance due to owners			<u>\$ 75.00</u>

TRACT NO. S-1948

Owners:	Lucille G. Vinitam subject to mortgage to the First National Bank of Nowata, Oklahoma		
Award of Just Compensation	\$1,000.00 . . .		\$1,000.00
Deposited as estimated compensation	<u>1,000.00</u>		
Disbursed to owners			<u>\$ 1,000.00</u>

FILED ✓

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

MAY 24 1961

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

United States of America,

Plaintiff,

vs.

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

Defendants.

Civil Action No. 4713
Tract No. F-602

J U D G M E N T

1.

On May 1, 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. Plaintiff, United States of America, appeared by Hubert A. Marlow, First Assistant United States Attorney for the Northern District of Oklahoma. 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 estates condemned in Tract No. F-602, as such tract 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 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 22, 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 subject tract, a certain sum of money, part of which has been disbursed as shown in Paragraph 15.

6.

Fair market value for the mineral estate condemned herein in subject tract is \$225.00 and such sum should be adopted as the award of just compensation for such estate.

7.

Mary Ketchum, the principal owner of subject tract, and the United States of America have executed and filed herein, on December 4, 1959, a Stipulation as to just compensation wherein they have agreed upon the amount of just compensation for subject tract. Such stipulation should be approved as to the surface interest only in the estate condemned in subject tract.

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 15 below.

9.

The defendants named in Paragraph 15 as owners of subject tract are the only defendants asserting any interest in the estates condemned in subject tract, 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.

10.

A Stipulation for Exclusion of Property, executed by the defendant, Mary Ketchum, and the United States of America, was filed herein on December 4, 1959, whereby certain improvements situated on subject tract were excluded from the taking in this case. The requirements of such stipulation were not met by the defendant, therefore it should not be approved by the court.

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, to the extent of

the estates indicated, and for the uses and purposes described in the Declaration of taking, is condemned and title thereto is vested in the United States of America as of June 22, 1959, 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 owners of the estate condemned herein in subject tract were the defendants whose names appear in the schedule below; the right to receive the just compensation for the estates taken in this tract is vested in the parties so named.

13.

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulation for Exclusion of Property, described in Paragraph 10 above, is of no force and effect and the improvements mentioned in such stipulation are not excluded from the taking in this case.

14.

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulation as to Just Compensation mentioned in Paragraph 7 above, hereby is confirmed insofar as it applies to the surface interest only in the estate herein condemned in subject tract, and the sum of \$6,620.00 is adopted as the award of just compensation for such surface interest, all as shown in Paragraph 15.

15.

It is Further ORDERED, ADJUDGED AND DECREED that the sum of \$225.00 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. F-602

Owners:

Surface Estate:	Mary Ketchum, subject to mortgage to Homer Adams or Ella Adams.	
Mineral Estate:	Mary Ketchum	Undivided 1/2 interest
	J.W. Alexander and	-
	Neva B. Alexander	- Undivided 1/2 interest

Awards of Just Compensation:

1. Surface Estate:

Award of Just Compensation pursuant to approved stipulation	\$6,620.00	\$6,620.00
Deposited as estimated compensation	<u>6,620.00</u>	
Disbursed to surface owners		<u>\$6,620.00</u>

2. Mineral Estate:

Award of just compensation upon Court trial	\$ 225.00
Deposited as estimated compensation	<u>100.00</u>
Deposit deficiency	<u>\$ 125.00</u>

Distribution of award for minerals:

Mary Ketchum share of award	\$112.50
Disbursed to Mary Ketchum	<u>93.75</u>
Balance due to Mary Ketchum	<u>\$18.75</u>
Alexanders share of award	\$112.50
Disbursed to J.W. and Neva B. Alexander	<u>None</u>
Balance due J.W. and Neva B. Alexander	<u>\$112.50</u>

16.

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 15, together with interest thereon at the rate of 6% per annum from June 22, 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. The Clerk of this Court shall then disburse from the deposit for subject tract to Mary Ketchum the sum of \$18.75 plus one-half of the accrued interest on the deposit deficiency.

Since the addresses of J. W. Alexander and Neva B. Alexander are presently unknown, their share of the award shall not be disbursed at this time. The court will enter an appropriate order of distribution if said parties be located.

/s/ Royce H. George
UNITED STATES DISTRICT JUDGE

APPROVED:

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

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

UNITED STATES OF AMERICA for the)
use of BEARDEN PLUMBING & HEATING CO.,)
a corporation; BEARDEN PLUMBING & HEAT-)
ING COMPANY, a corporation,)
Plaintiffs,)
vs)
THE TRANE COMPANY, a Wisconsin corpora)
tion, et al,)
Involuntary Plaintiffs,)
and)
MANHATTAN CONSTRUCTION COMPANY, an)
Oklahoma corporation, et al,)
Defendants.)

CIVIL NO. 5012

FILED

MAY 23 1961

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

J U D G M E N T

Judgment is hereby entered in favor of Oklahoma Electrical Sup-
ply Company, a corporation, against Bearden Plumbing & Heating Company,
a corporation, Manhattan Construction Company, a corporation, and Stan-
dard Accident Insurance Company, jointly, in the amount of Three Thousand
Nine Hundred Fifty-seven and 80/100ths Dollars (\$3,957.80), in accordance
with the Report of Special Master dated March 28, 1961; which Judgment
shall bear interest at the rate of six per cent (6%) per annum from this date
until paid

DATED this 19th day of May, 1961.

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

Ok: Thornton & Weaver
H. E. Weaver

Ok John W. Sublett
Okla. Elec. Supply

Ok

IN UNITED STATES DISTRICT COURT FOR
THE NORTHEAST 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
Standard Accident Insurance Company, a Michigan
corporation, et. al.

Defendants

CIVIL NO. 5012

FILED

MAY 24 1961

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

JUDGMENT AND DECREE

This cause coming on for hearing on this 19th day of May, 1961, upon the findings of fact and conclusion of law of the Special Master Robert P. Santee, filed herein on the 4th day of April, 1961, on issues joined between the Use Plaintiff, Bearden Plumbing & Heating Company, a corporation, the Defendants, Manhattan Construction Company, an Oklahoma corporation, Standard Accident Insurance Company, a Michigan corporation and the Defendant and Cross-Complainant, General Sheet Metal Company, an Oklahoma corporation;

The Use Plaintiff, Bearden Plumbing & Heating Company, being present by and through its said attorneys of record, John M. Preese and Ungerman, Grabel, Ungerman, Leiter & Unruh; and the Defendants, Manhattan Construction Company and Standard Accident Insurance Company, being present by their said attorneys of record, Thornton & Weaver; and the Defendant and Cross-Complainant, General Sheet Metal Company, being present by their said attorneys of record, Marion J. Elmer and Edwin A. Ellinghausen; and

All parties present having announced ready for further proceedings herein;

whereupon, the Court adopts and approves the findings of fact and conclusions of law of the Special Master and finds:

That the Defendant and Cross-Complainant, General Sheet Metal Company, as secondary subcontractor, on August 12th, 1958, entered into a written contract with the Use Plaintiff, Bearden Plumbing & Heating Company, as subcontractor, to furnish labor and material on a certain project known as "Air National Guard Facilities, Tulsa, Oklahoma";

That the Defendant, Manhattan Construction Company, was the prime contractor on said project, and the Defendant, Standard Accident Insurance Company, furnished the payment and performance bond as surety for the prime contractor, Manhattan Construction Company.

The Court further finds; that the General Sheet Metal Company fully performed all of the terms and provisions of its said contract, and that there is due and owing on said contract the principal sum of \$5,025.40 together with interest thereon at the rate of 6% per annum from February 1st, 1960, until paid.

The Court further finds; that the General Sheet Metal Company, within the time and in the manner provided by Title 40, Section 270-b U.S.C.A., known as the Miller Act, served due notice on the aforesaid prime contractor of the said sum so due and owing from the Bearden Plumbing & Heating Company as aforesaid, and said cross-complainant pursuant thereto, is entitled to a statutory lien against the said prime contractor and said surety for the payment of the said sum so due and owing as aforesaid, and further that the General Sheet Metal Company is entitled to a joint and several judgment against the Bearden Plumbing & Heating Company, the Manhattan Construction Company and the Standard Accident Insurance Company for the aforesaid principal sum of \$ 5,025.40, with interest thereon at the rate of 6% per annum from February 1st, 1960, until paid, and for costs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Defendant and Cross-Complainant, General Sheet Metal Company, do have and recover of and from the Use Plaintiff, Bearden Plumbing & Heating Company, and the Defendants, Manhattan Construction Company and Standard Accident Insurance Company, and each of them, a joint and several judgment in the principal sum of

\$ 5,025.40, with interest at the rate of 6% per annum from February 1st, 1960,
until paid; and all costs of this action.

For all of which let execution issue.

B. H. Savage
Judge

OK AS TO FORM:

THORNTON & WEAVER

BY: Hayden E. Weaver
Attorneys for Manhattan Construction Co.
and Standard Accident Insurance Co.

John M. Freese

and

UNGERMAN, GRABEL, UNGERMAN, LEITCH & UNGER

BY: B. James Smith
Attorneys for Bearden Plumbing & Heating Co.

MARION J. BLAKE & EDWIN A. ELLINGHAUSEN

BY: Edwin A. Ellinghausen
Attorneys for General Sheet Metal Co.

FILED

MAY 24 1961

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

ORDER CONFIRMING MARSHALL'S SALE

NOW on this 24 day of May, 1961, the same being one of the legal court days of the United States District Court for the Northern District of Oklahoma, this cause comes on to be heard upon the motion of Blackwell Zinc Company, Inc., for an Order of this Court confirming the sale of certain oil and gas leasehold interests in certain property located in the County of Rogers, State of Oklahoma, said interests being more fully described in Exhibit A attached hereto and made a part hereof, made by the United States Marshall for the Northern District of Oklahoma on the 5th day of May, 1961, to Blackwell Zinc Company, Inc. under an execution issued out of the office of the Clerk of the United States District Court for the Northern District of Oklahoma, dated the 17th day of March, 1961 and the Court having carefully examined the proceedings of the said United States Marshall under said execution finds that the same have been performed in all respects in conformity to law, that due and legal notice of the time and place of said sale was given by publication for more than thirty (30) days next preceding the day of sale in the Claremore Progress, a daily newspaper printed in the City of Claremore, County of Rogers, State of Oklahoma, and having general circulation in Rogers County, Oklahoma, as shown by the proof of publication attached

to the Marshall's Return of Sale filed herein, and that on the 25th of May, 1961 at the hour of 10:00 o'clock A.M. at the front door of the Rogers County Court House in the City of Claremore, Oklahoma, the same being the date, time and place fixed in said legal notice for such sale, said property was sold and struck off by said United States Marshall at public sale to Blackwell Zinc Company, Inc., the judgment creditor, for the sum of \$800.00, said Blackwell Zinc Company, Inc. having been the highest and best bidder and that having been the highest and best bid made therefor and no exceptions having been filed or objections made;

IT IS ORDERED AND ADJUDGED by the Court that said sale and the proceedings of said United States Marshall be and the same are hereby approved and confirmed and the Clerk is directed to make an entry on the Journal that the Court is satisfied with the legality of said sale.

IT IS FURTHER ORDERED AND ADJUDGED by the Court that James Y. Victor, United States Marshall for the Northern District of Oklahoma, make and execute to Blackwell Zinc Company, Inc., a corporation, the purchaser at said sale, a good and sufficient conveyance of the interests so sold.

IT IS FURTHER ORDERED AND ADJUDGED by the Court that Blackwell Zinc Company, Inc., be immediately let into possession thereof and each and every part thereof and the Clerk of this Court is ordered to issue a writ of assistance directed to the United States Marshall for the Northern District of Oklahoma, commanding him to place said Blackwell Zinc Company, Inc. in full possession thereof and the defendant, W. J. Bechtel, also known as Frank Bechtel, and every person who has come into possession of said interests or any part thereof under him since the commencement of this action shall upon presentation of said writ of assistance immediately deliver possession

thereof to said Blackwell Zinc Company, Inc. and the refusal of said defendant or anyone in possession of said interests under him as aforesaid to deliver immediate possession of said interests to Blackwell Zinc Company, Inc. shall constitute contempt of this Court.

Royce H. Savage

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

EXHIBIT A

Oil and Gas Leases

1. W. T. H. Waller No. 1 & No. 2

Oil and gas lease dated August 10, 1951, from Harold Boyd and Dorothy E. Boyd, his wife; Frank M. Engle and Bob Chiles, as Lessors, to The Whitehill Oil Corporation, et al., as Lessees, recorded in Book 242 at Page 332 of the records of Rogers County, Oklahoma, covering the following described land:

NW $\frac{1}{4}$ SE $\frac{1}{4}$ and W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$
and SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$
SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 24
North, Range 17 East, Rogers County,
Oklahoma.

2. Bertha Waller No. 2 & No. 3

Oil and gas lease dated April 25, 1914, from George W. Waller, Guardian of the Estate of Bertha M. Waller, a minor, as Lessor, to Earl K. Scott, as Lessee, recorded in Book 97 at Page 63 of the records of Rogers County, Oklahoma, covering the following described land:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$
and NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township
24 North, Range 17 East, Rogers County,
Oklahoma,

as extended and amended by Agreement dated July 13, 1951, executed by L. C. Colter to and in favor of Shell Oil Company, Incorporated, recorded in Book 290 at Page 241 of the records of Rogers County, Oklahoma.

3. Bessie O. Waller No. 2

Oil and gas lease dated January 27, 1919, from Susie L. Waller, Guardian of Bessie O. W. Waller, a minor, as Lessor, to S. W. Smith, as Lessee, recorded in Book 121 at Page 642 of the records of Rogers County, Oklahoma, covering the following described land:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township
24 North, Range 17 East, Rogers
County, Oklahoma,

as extended and amended by Agreement dated July 13, 1951, executed by L. C. Colter to and in favor of Shell Oil Company, Incorporated, recorded in Book 290 at Page 243 of the records of Rogers County, Oklahoma.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

0.43 of an Acre of Land, More or Less,
Situate in Rogers County, Oklahoma, and
Consumers Cooperative Electric Company,
Inc., and Russell Hester,

Defendants.

Civil Action No. 4833

FILED ✓

MAY 25 1961

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

J U D G M E N T

1.

Now, on this 25th 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 to the estate condemned in Parcel A, as such estate and parcel are described in the Complaint 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 estate described in Paragraph 2 herein. Pursuant thereto, on Jan. 14, 1960, the United States of America has filed its complaint, requesting a judgment condemning such described property, and title to the described estate in such property should be vested in the United States of America.

6.

On the date of filing the complaint in this action, the owners of the estate taken in subject parcel were Consumers Cooperative Electric Company, Inc. and Russell Hester. 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.

7.

The owners of the subject parcel 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 of \$50.00, and such stipulation should be approved. The conditions of this stipulation have been complied with by the Plaintiff and the Defendants have approved the work performed.

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 parcel named in Paragraph 2 herein, as such parcel is particularly described in the complaint filed herein; and such parcel to the extent of the estate described and for the uses and purposes described in such complaint, is condemned and title thereto is vested in the United States of America, as of the date of filing such complaint, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim thereto.

9.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that on the date of filing the complaint herein, the owners of the estate condemned herein in subject tract were Consumers Cooperative Electric Company, Inc. and Russell Hester, and the right to just compensation for the estate taken herein in this tract is vested in the parties so named.

10.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the stipulation as to just compensation, mentioned in Paragraph 7 above, is hereby confirmed and the sum of \$50.00 is adopted as the award of just compensation for the estate condemned in subject parcel.

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. 4833, to the credit of Parcel A, the sum of \$50.00, and the Clerk of this Court then shall disburse such sum, JOINTLY, to Consumers Cooperative Electric Company and Russell Hester.

W. Royce A. Savage
UNITED STATES DISTRICT JUDGE

APPROVED:

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

W. Jack F. Karaschick
ATTORNEY FOR DEFENDANTS

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

James William Gritts,
Plaintiff, }
vs. }
James L. Reeves,
Defendant. }

Civil No. 5129

FILED

MAY 25 1961

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 May 25, 1961 having rendered a verdict for the defendant on his counter-claim to recover of the plaintiff damages in the amount of Four Hundred Two (\$402.00) Dollars,

IT IS ORDERED AND ADJUDGED that the defendant, James L. Reeves, recover of the plaintiff, James William Gritts, the sum of Four Hundred Two (\$402.00) Dollars, with interest thereon at the rate of 6% per annum from the date hereof until paid, and his cost of action.

Dated at Tulsa, Oklahoma, this 25th day of May, 1961.

NOBLE C. HOOD, CLERK.

By *Ben B. Hallen*
Deputy

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)	
)	
Plaintiff,	)	Civil No. 4732
)	
vs.)	
)	
3.57 Acres of Land, More	)	Tract No. 1610
or Less, Situate in Creek)	
County, Oklahoma, and)	
Robert R. Austin, et al.,)	
)	
Defendants.)	

FILED

MAY 1931

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

DEFICIENCY JUDGMENT ON STIPULATION

On this day this cause comes on for consideration on the stipulation executed by Wheeler and Wheeler, Attorneys for Robert R. Austin and Minnie M. Austin, his wife, defendants herein, and the plaintiff, the United States of America, appearing by Perry A. Krohn, Assistant United States Attorney, which stipulation is tendered herewith for filing herein.

The Court finds that plaintiff and the above-named defendants have, by the stipulation above referred to, agreed that the just compensation to be paid by the plaintiff for the taking of the estate in Tract No. 1610, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause is the sum of \$6,175.00, inclusive of interest. The sum of \$3,600.00 was deposited into the registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein. The Court has jurisdiction of ^{the} parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract.

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

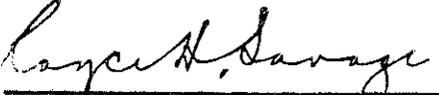
(A) The vesting in plaintiff of title to the estate, set forth in the Complaint and Declaration of Taking in and to the land hereinabove referred to, as said tract is described therein, is hereby confirmed;

(B) The just compensation to be paid by the plaintiff for the taking of Tract No. 1610 is the sum of \$5,175.00, inclusive of interest, and the reservation by Robert R. Austin and Minnie M. Austin, his wife, defendants above named, of the right to remove on or before August 1, 1964, the building located thereon, having a salvage value of \$1,000.00; and

(C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$1,575.00, without interest.

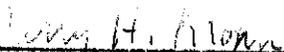
Jurisdiction of this cause is retained for the entry of further and appropriate orders and decrees.

Entered this 24 day of May, 1961.



Judge, United States District Court

APPROVED:



Perry A. Krohn
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

Civil No. 4740

vs.

200.20 Acres of Land, More or Less,
Situate in Creek and Pottawatomie Counties,
Oklahoma, and Ruth I. Kase, et al.,
and Unknown Owners,

Tract No. D-403

Defendants.

FILED

MAR 17 1961

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

DEFICIENT JUDGMENT ON STIPULATION

On this day this cause comes on for consideration on the stipulation executed by Jesse B. Swift, Attorney for William G. Troser and Bobby Jo Troser, his wife, defendants herein, and the plaintiff, the United States of America, appearing by Perry A. Krohn, Assistant United States Attorney, which stipulation is tendered herewith for filing herein.

The Court finds that plaintiff and the above-named defendants have, by the stipulation above referred to, agreed that the just compensation to be paid by the plaintiff for the taking of the estate in Tract No. D-403, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause is the sum of \$6,500.00, inclusive of interest. The sum of \$5,400.00 was deposited into the registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein. The Court has jurisdiction of ^{the} parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract.

IT IS THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

(1) The vesting in plaintiff of title to the estate set forth in the Complaint and Declaration of Taking in and to the land hereinabove referred to, as said tract is described therein, is hereby confirmed:

(B) The just compensation to be paid by the plaintiff for the taking of Tract No. 1-403 is the sum of \$6,500.00, inclusive of interest, less the salvage value of all improvements located thereon in the sum of \$1,000.00, thereby reducing the agreed award for Tract No. 1-403 to \$5,500.00; and

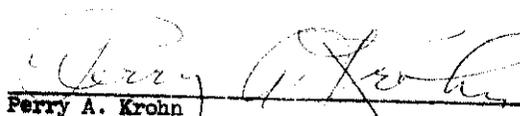
(C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$100.00, without interest.

Jurisdiction of this cause is retained for the entry of further and appropriate orders and decrees.

Entered this 26 day of May, 1961.


Judge, United States District Court

APPROVED:


Perry A. Krohn
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

244.20 Acres of Land, More or Less,
Situate in Creek and Pawnee Counties,
Oklahoma, and Ruth I. Knee, et al.,
and Unknown Owners,

Defendants.)

Civil No. 4740

Tract No. 1736

FILED

MAY 21 1961

DEFICIENCY JUDGMENT ON STIPULATION

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

On this day this cause comes on for consideration on the stipulations executed by Wheeler and Wheeler, attorneys for J. R. Wright, and by Ted R. Fisher, attorney for C. E. Winninger and Alice R. Winninger, his wife, defendants herein, and the plaintiff, the United States of America, appearing by Perry A. Krohn, assistant United States Attorney, which stipulations are tendered herewith for filing herein.

The Court finds that plaintiff and the above-named defendants have, by the stipulations above referred to, agreed that the just compensation to be paid by the plaintiff for the taking of the estate in Tract No. 1736, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause is the total sum of \$6,030.00, inclusive of interest. The sum of \$400.00 was deposited into the registry of this Court as estimated just compensation for the said tract upon the filing of the Declaration of Taking herein. The Court has jurisdiction of the parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract.

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

(A) The vesting in plaintiff of title to the estate set forth in the Complaint and Declaration of Taking in and to the Land hereinabove referred to, as said tract is described therein, is hereby confirmed;

(B) The just compensation to be paid by the plaintiff for the taking of Tract No. 1736 is the sum of \$3,530.00, inclusive of interest, and the reservation by the defendants, C. E. Winninger and Alice R. Winninger, his wife, of the right to remove on or before August 1, 1964, the building located thereon, having a salvage value of \$2,500.00;

(C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of ~~\$5,000.00~~ without interest; and

(D) The clerk of this Court is hereby authorized and directed to issue a check in the sum of \$30.00, payable to the order of J. R. Wright and mail the check to:

Mr. J. R. Wright
c/o Wheeler and Wheeler, Attorneys,
920 First National Building
Tulsa, Oklahoma.

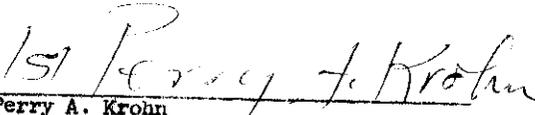
Jurisdiction of this cause is retained for the entry of further and appropriate orders and decrees.

Entered this 7th day of May, 1961.



Judge, U. S. District Court

APPROVED:



Perry A. Krohn
Assistant United States Attorney

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 Pawnee and Creek Counties,
Oklahoma, and Fred Brady, , et al,
and Unknown Owners,
Defendants.

Civil No. 4775

Tract No. F-622

FILED

MAY 11 1961

JUDGMENT

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

Now on this 8th day of May 1961, there comes on for hearing pursuant to regular assignment, the trial as to just compensation involving the above designated tract. The United States of America waived jury trial and agreed to submit all issues to the Court, and the defendant, Amanda Bruner Gwathney, waived jury trial and agreed to submit all issues to the Court, the said defendant appearing by counsel, Curtis P. Harris, and the United States of America appearing by counsel, Perry A. Krohn, Assistant United States Attorney. All parties announce ready for trial.

The defendant puts on her evidence in the case and rests, whereupon the plaintiff puts on its evidence in the case and rests. The Court, after due consideration of all evidence and issues involved in said proceeding as to said tract, finds and fixes just compensation for the taking of said tract by plaintiff to be in the total sum of \$18,000.00.

The Court examines the files and pleadings and agreements filed in the case and finds as follows, to wit: This proceeding was commenced by filing of the Complaint and Declaration of Taking herein on September 9, 1959, and the plaintiff deposited estimated compensation for the above designated tract in the total sum of \$15,200.00.

The plaintiff is entitled to acquire said tract by eminent domain under the authority set forth in the Declaration of Taking and the Complaint in condemnation and for the uses and purposes therein set forth.

All persons or legal entities interested directly or indirectly have been personally served with notice of condemnation proceedings or by publication and the lands and estates, together with all claimants and parties interested therein, are within the jurisdiction of this Court which has power and authority to enter this judgment.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the defendant, Amanda Bruner Gwathney, does have and recover of and from the plaintiff, United States of America, for the tract listed in the caption hereinabove, judgment in the total sum of \$18,000.00; and, it appearing that the plaintiff heretofore deposited \$15,200.00 into the Registry of this Court upon the filing of the Declaration of Taking to the credit of said defendant, which said last sum, when deducted from the sum of \$18,000.00, leaves a balance of \$2,800.00, for which sum of \$2,800.00 the defendant is given a deficiency judgment against the United States of America, together with interest thereon at the rate of 6% per annum from September 9, 1959, until paid into the Registry of this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this case is held open for the purpose of entry of proper orders of distribution to the proper owners and in the proper amounts as determined by this judgment.

(s) Royce H. Sledge
UNITED STATES DISTRICT JUDGE

APPROVED:

Perry A. Krohn
PERRY A. KROHN
ASSISTANT UNITED STATES ATTORNEY

(s) Curtis P. Harris
CURTIS P. HARRIS, ATTORNEY FOR DEFENDANT
AMANDA BRUNER GWATNEY

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,
vs.
1,584.09 Acres of Land, More or Less,
Situate in Creech and Pawnee Counties,
Oklahoma, and F. M. Coonrod Estate,
et al, and Unknown Owners,
Defendants.

Civil No. 4819

Tract Nos. I-939, I-939E
and I-939E-2

FILED

MAY 11 1961

JUDGMENT

NOBLE C. HOOD

Now on this 8th day of May 1961, there comes ~~Curtis P. Harris~~ ~~plaintiff~~ pursuant to regular assignment, the trial as to just compensation involving the above designated tracts. The United States of America waived jury trial and agreed to submit all issues to the Court, and the defendant, Jessa Coonrod, waived jury trial and agreed to submit all issues to the Court, the said defendant appearing by counsel, Curtis P. Harris, and the United States of America appearing by counsel, Perry A. Krohn, Assistant United States Attorney. All parties announce ready for trial.

The defendant puts on her evidence in the case and rests, whereupon the plaintiff puts on its evidence in the case and rests. The Court, after due consideration of all evidence and issues involved in said proceeding as to said tracts, finds and fixes just compensation for the taking of said tracts by plaintiff to be in the total sum of \$27,000.00, inclusive of interest.

The Court examines the files and pleadings and agreements filed in the case and finds as follows, to wit: This proceeding was commenced by filing of the Complaint and Declaration of Taking herein on December 18, 1959, and the plaintiff deposited estimated compensation for the above designated tracts in the total sum of \$25,950.00.

The plaintiff is entitled to acquire said tract by eminent domain under the authority set forth in the Declaration of Taking and the Complaint in condemnation and for the uses and purposes therein set forth.

All persons or legal entities interested directly or indirectly have been personally served with notice of condemnation proceedings or by publication and the lands and estates, together with all claimants and parties interested therein, are within the jurisdiction of this Court which has power and authority to enter this judgment.

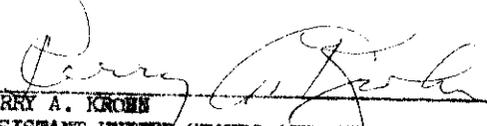
The plaintiff and Jessa Coonrod have entered into a stipulation and agreement for exclusion of property, whereby the defendant, Jessa Coonrod, reserved all improvements on the land at a salvage value of \$847.00.

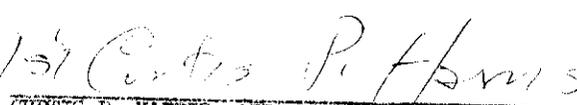
IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the defendant, Jessa Coonrod, does have and recover of and from the plaintiff, United States of America, for the tracts listed in the caption hereinabove, judgment in the total sum of \$27,000.00; and, it appearing that the plaintiff heretofore deposited \$25,950.00 into the Registry of this Court upon the filing of the Declaration of Taking to the credit of said defendant, which said last sum, when deducted from the sum of \$27,000.00, leaves a balance of \$1,050.00, which said balance, when reduced by the sum of \$847.00 pursuant to the stipulation for exclusion of property filed herein, leaves a balance of \$203.00, for which sum of \$203.00 the defendant is given a deficiency judgment against the United States of America.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this case is held open for the purpose of entry of proper orders of distribution to the proper owners and in the proper amounts as determined by this judgment.


LOYCE H. SAVAGE
UNITED STATES DISTRICT JUDGE

APPROVED:


PERRY A. KROHN
ASSISTANT UNITED STATES ATTORNEY

137 
CURTIS P. HARRIS, ATTORNEY FOR DEFENDANT,
JESSA COONROD

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,
vs.
1,584.09 Acres of Land, More or Less,
Situate in Creek and Pawnee Counties,
Oklahoma, and F. M. Coarod Estate,
et al, and Unknown Owners,
Defendants.

Civil No. 4819

FILED Tract No. F-612 and
F-613 thru E-7, incl.

MAY 23 1961

JUDGMENT

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

Now on this 8th day of May 1961, there comes on for hearing pursuant to regular assignment, the trial as to just compensation involving the above designated tracts. The United States of America waived jury trial and agreed to submit all issues to the Court, and the defendants, Robert R. Hinton, Vernon H. Hinton, L. J. Hinton, Florence Anna Hinton, Paul Hinton, Phil Hinton, Ruby Clegg, Christine Todd and Guy Hinton, waived jury trial and agreed to submit all issues to the Court, the said defendants appearing by counsel, Curtis P. Harris, and the United States of America appearing by counsel, Perry A. Krohn, Assistant United States Attorney. All parties announce ready for trial.

The defendants put on their evidence in the case and rest, whereupon the plaintiff puts on its evidence in the case and rests. The Court, after due consideration of all evidence and issues involved in said proceeding as to said tracts, finds and fixes just compensation for the taking of said tracts by plaintiff to be in the total sum of \$35,000.00.

The Court examines the files and pleadings and agreements filed in the case and finds as follows, to wit: This proceeding was commenced by filing of the Complaint and Declaration of Taking herein on December 18, 1959, and the plaintiff deposited estimated compensation for the above designated tracts in the total sum of \$32,275.00.

The plaintiff is entitled to acquire said tracts by eminent domain under the authority set forth in the Declaration of Taking and the Complaint in condemnation and for the uses and purposes therein set forth.

All persons or legal entities interested directly or indirectly have been personally served with notice of condemnation proceedings or by publication and the lands and estates, together with all claimants and parties interested therein, are within the jurisdiction of this Court which has power and authority to enter this judgment.

The plaintiff and defendants, Robert R. Hinton, Vernon H. Hinton, L. J. Hinton, Florence Anna Hinton, Paul Hinton, Phil Hinton, Ruby Clegg, Christine Todd and Guy Hinton, have entered into a stipulation and agreement for exclusion of property, whereby the defendants reserved all improvements on the land at a salvage value of \$800.00.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the defendants, Robert R. Hinton, Vernon H. Hinton, L. J. Hinton, Florence Anna Hinton, Paul Hinton, Phil Hinton, Ruby Clegg, Christine Todd and Guy Hinton, do have and recover of and from the plaintiff, United States of America, for the tracts listed in the caption hereinabove, judgment in the total sum of \$35,000.00; and, it appearing that the plaintiff heretofore deposited \$32,275.00 into the Registry of this Court upon the filing of the Declaration of Taking to the credit of said defendant, which said last sum, when deducted from the sum of \$35,000.00, leaves a balance of \$2,725.00, which said balance, when reduced by the sum of \$800.00 pursuant to the stipulation for exclusion of property filed herein, leaves a balance of \$1,925.00, for which sum of \$1,925.00 the defendant is given a deficiency judgment against the United States of America, together with interest thereon at the rate of 6% per annum from December 18, 1959, until paid into the Registry of this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this case is held open for the purpose of entry of proper orders of distribution to the proper owners and in the proper amounts as determined by this judgment.

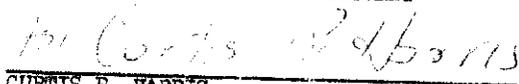


UNITED STATES DISTRICT JUDGE

APPROVED:



PERRY A. KROHN
ASSISTANT UNITED STATES ATTORNEY



CURTIS P. HARRIS
ATTORNEY FOR DEFENDANTS

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

771.88 Acres of Land, More or Less,
Situate in Pawnee and Creek Counties,
Oklahoma, and Helen W. Kenyon, et al,
and Unknown Owners,

Defendants.

Civil No. 4882

Tract No. 2508

FILED

MAY 11 1961

JUDGMENT

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

Now on this 8th day of May 1961, there comes on for hearing pursuant to regular assignment, the trial as to just compensation involving the above designated tract. The United States of America waived jury trial and agreed to submit all issues to the Court, and the defendant, J. W. Studebaker, waived jury trial and agreed to submit all issues to the Court, the said defendant appearing by counsel, Curtis P. Harris, and the United States of America appearing by counsel, Perry A. Krohn, Assistant United States Attorney. All parties announce ready for trial.

The defendant puts on his evidence in the case and rests, whereupon the plaintiff puts on its evidence in the case and rests. The Court, after due consideration of all evidence and issues involved in said proceeding as to said tract, finds and fixes just compensation for the taking of said tract by plaintiff to be in the total sum of \$25,000.00.

The Court examines the files and pleadings and agreements filed in the case and finds as follows, to wit: This proceeding was commenced by filing of the Complaint and Declaration of Taking herein on March 8, 1960, and the plaintiff deposited estimated compensation for the above designated tract in the total sum of \$21,750.00.

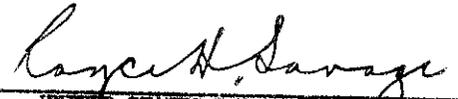
The plaintiff is entitled to acquire said tract by eminent domain under the authority set forth in the Declaration of Taking and the Complaint in condemnation and for the uses and purposes therein set forth.

All persons or legal entities interested directly or indirectly have been personally served with notice of condemnation proceedings or by publication and the lands and estates, together with all claimants and parties interested therein, are within the jurisdiction of this Court which has power and authority to enter this judgment.

The plaintiff and J. W. Studebaker have entered into a stipulation and agreement for exclusion of property, whereby the defendant, J. W. Studebaker, reserved all improvements on the land at a salvage value of \$800.00.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the defendant, J. W. Studebaker, does have and recover of and from the plaintiff, United States of America, for the tract listed in the caption hereinabove, judgment in the total sum of \$25,000.00; and, it appearing that the plaintiff heretofore deposited \$21,750.00 into the Registry of this Court upon the filing of the Declaration of Taking to the credit of said defendant, which said last sum, when deducted from the sum of \$25,000.00, leaves a balance of \$3,250.00, which said balance, when reduced by the sum of \$800.00 pursuant to the stipulation for exclusion of property filed herein, leaves a balance of \$2,450.00, for which sum of \$2,450.00 the defendant is given a deficiency judgment against the United States of America, together with interest thereon at the rate of 6% per annum from March 8, 1960 until paid into the Registry of this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this case is held open for the purpose of entry of proper orders of distribution to the proper owners and in the proper amounts as determined by this judgment.


UNITED STATES DISTRICT JUDGE

APPROVED:


PERRY A. KROHN
ASSISTANT UNITED STATES ATTORNEY


CURTIS P. HARRIS
ATTORNEY FOR DEFENDANT, J. W. STUDEBAKER

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

FILED

MAY 26 1961

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

MODIFIED JOURNAL ENTRY OF JUDGMENT

It appearing to the Court that under date of April 6, 1961, a journal entry of judgment was entered in this cause in favor of the defendant, Armstrong Contracting and Supply Corporation, a Delaware corporation, against the plaintiff, Bearden Plumbing & Heating Company, a corporation, and the defendant, Standard Accident Insurance Company, a Michigan corporation, in the principal sum of \$9,238.00, with interest thereon at 6% from March 18, 1961; and thereafter on the 25th day of April, 1961, a motion to modify journal entry of judgment was filed on behalf of Standard Accident Insurance Company and Manhattan Construction Company.

Said motion to modify came on for hearing on the 19th day of May, 1961, and upon consideration thereof, the Court found that the motion to modify should be sustained in part in that the judgment should be entered jointly against Bearden Plumbing & Heating Company, a corporation, Manhattan Construction Company, a corporation, and Standard Accident Insurance Company, a Michigan corporation; in all other respects, the motion to modify was overruled.

IT IS, THEREFORE, BY THE COURT ORDERED, ADJUDGED AND DECREED that the judgment entered herein on the 6th day of April, 1961, be, and the same is hereby modified to read as follows:

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 plaintiff, Bearden Plumbing & Heating Company, a corporation, and the defendants, Manhattan Construction Company, an Oklahoma corporation, and Standard Accident Insurance Company, a Michigan corporation, a judgment in the principal sum of \$9,238.00, with interest thereon at 6% from March 18, 1961, until paid, and that it have and recover its costs herein laid out and expended."

DATED this 14 day of May, 1961.

Royce H. Savage
Judge of the United States District Court
for the Northern District of Oklahoma

APPROVED AS TO FORM:

Thornton & Weaver

By Harold E. Weaver
Attorneys for Manhattan Construction Company, a corporation and Standard Accident Insurance Company, a Mich. corporation

Ungerman, Grabel, Ungerman, Leiter & Unruh
By [Signature]
Attorneys for Bearden Plumbing & Heating Company, a corporation

Houston, Klein & Davidson

By [Signature]
Attorneys for Armstrong Contracting and Supply Company, a corporation

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

McMICHAEL CONCRETE COMPANY,
a corporation,

Plaintiff,

vs.

STANDARD ACCIDENT INSURANCE
COMPANY, a corporation,

Defendant.)

Civil Action

No. 5043

FILED

MAY 28 1961

J U D G M E N T

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

This action came on for trial before the Court and a jury, Honorable Royce H. Savage presiding, and the issues submitted having been duly tried, the jury on the 24th day of May, 1961, returned a verdict for the Plaintiff to recover of the Defendant the sum of \$10,099.50.

IT IS ORDERED AND ADJUDGED that the Plaintiff recover of the Defendant the sum of \$10,099.50 with interest thereon at the rate of 8 per cent per annum from September 1, 1960, and its cost of this action.

Dated at Tulsa, Oklahoma, this 25th day of May, 1961.

Noble C. Hood
CLERK OF THE COURT

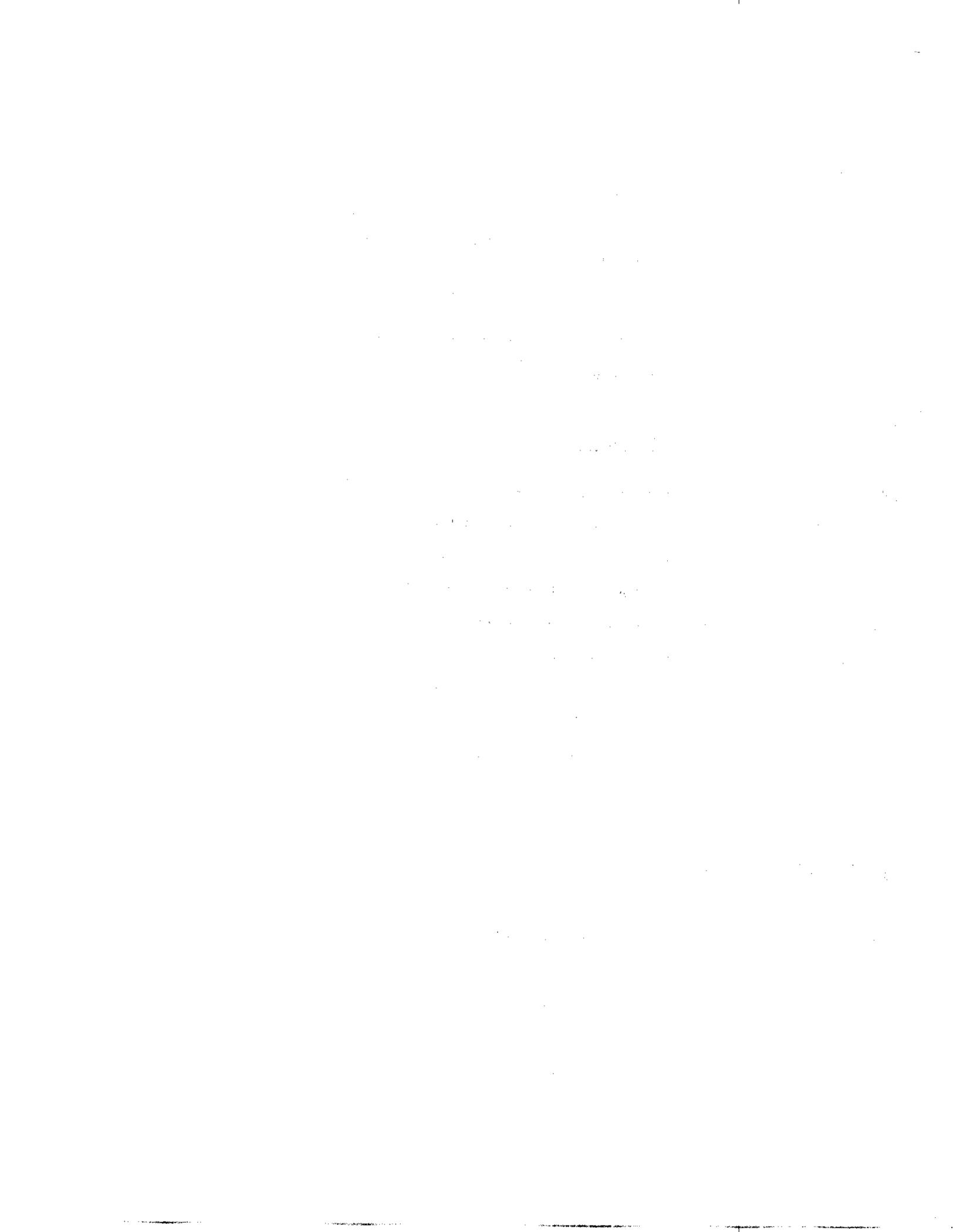
Approved:

May 25, 1961
Date

Robert J. Scott
ATTORNEY FOR PLAINTIFF

May 25, 1961
Date

Paul E. Johnson
ATTORNEY FOR DEFENDANT



FILED

MAY 20 1961

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

U. S. DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA

UNITED STATES OF AMERICA,

vs.

ANNA B. HAYES,

Plaintiff,)

(

)

Defendant.)

Civil No. 4679

J U D G E M E N T

The above cause heretofore having been submitted to the Court on stipulated facts, the same came on for decision, and the Court having this day taken herein the findings of fact and conclusions of law, thereupon, upon consideration of said cause, it is

ORDERED, ADJUDGED AND DECREED that plaintiff's complaint be denied, and that defendant have judgment in her favor against plaintiff.

Dated this 29 day of May, 1961.



Joyce T. Savage, Judge

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

FILED

MAY 23 1961

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

United States of America,)	
vs.	)	Civil No. 4739
John O. Ramsey, et al.)	
United States of America,)	
vs.	)	Civil No. 4741
Charles F. Hoffman, et al.)	
United States of America,)	
vs.	)	Civil No. 4766
George A. Romich, et al.)	
United States of America,)	
vs.	)	Civil No. 4767
Robert A. Whitebird, et al.)	
United States of America,)	
vs.	)	Civil No. 4768
Walter King, Jr., et al.)	
United States of America,)	
vs.	)	Civil No. 4769
Irvin Wilson, et al.)	
United States of America,)	
vs.	)	Civil No. 4773
Ida Louise Killough, et al.)	
United States of America,)	
vs.	)	Civil No. 4784
Mary Leo Wilson.)	
United States of America,)	
vs.	)	Civil No. 4813
Homer Gilmore, et al.)	
United States of America,)	
vs.	)	Civil No. 4814
Billy J. Downum, et al.)	

United States of America,)	
vs.	)	Civil No. 4815
Thomas E. Crawfish.)	
United States of America,)	
vs.	)	Civil No. 4846
Jess L. DeHanas, et al.)	
United States of America,)	
vs.	)	Civil No. 4848
E. H. Williams, et al.)	
United States of America,)	
vs.	)	Civil No. 4850
Pearl C. Whitecrow.)	
United States of America,)	
vs.	)	Civil No. 4852
Arthur R. Stanley, et al.)	
United States of America,)	
vs.	)	Civil No. 4879
Charley Works, et al.)	
United States of America,)	
vs.	)	Civil No. 4880
Wayman D. Jackson.)	
United States of America,)	
vs.	)	Civil No. 4909
Amy Greenback.)	
United States of America,)	
vs.	)	Civil No. 4910
W. J. Supernaw, et al.)	
United States of America,)	
vs.	)	Civil No. 4738
Henry E. Hoffman, Jr.)	

J U D G M E N T

The above causes heretofore having been submitted to the Court on stipulated facts, the same came on for decision, and the Court having this day filed herein its findings of fact and conclusions of law, thereupon, upon consideration of said cause, it is

ORDERED, ADJUDGED AND DECREED that plaintiff's complaint be denied, and that defendants have judgment in their favor against plaintiff.

Dated this 29th day of May, 1961.

/s/ Royce H. Savage
Royce H. Savage, Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,) Civil No. 4871
)
vs.) Tract No. S-1913
)
608.34 Acres of Land, More or Less,)
Situat e in Nowata and Rogers Counties,)
Oklahoma, and Jennie M. Faulkner, et al)
and Unknown Owners,)
)
Defendants.)

FILED

MAY 29 1961

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

J U D G M E N T

1.

Now, on this 19 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. S-1913, 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 estate described in paragraph 2 herein. Pursuant thereto, on March 2, 1960, 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 all of this deposit has been disbursed, as set out in Paragraph 11 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 12 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 11 below, and such stipulation should be approved.

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 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, as of March 2, 1960, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim thereto.

10.

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 11, and the right to just compensation for the estate taken herein in this tract is vested in the party so named.

11.

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. S-1913

Owner: Blackwell Zinc Company, Inc.

Award of just compensation	\$500.00	\$500.00
Deposit of estimated compensation	<u>500.00</u>	
Disbursed to owner		<u>500.00</u>

By Royce H. 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
EASTERN DISTRICT OF OKLAHOMA

Mrs. E. H. Meador,

Plaintiff,

vs.

No. 5144 Civil

Lafeway Stores, Inc., a
corporation, and Bert Simms,
Manager of Lafeway Stores, Inc.,
at 509 North Denver Avenue,
Tulsa, Oklahoma,

Defendants.

FILED

JUN 29 1961

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

ORDER TO DISMISS

The motion of the plaintiff to dismiss this suit coming on for hearing the 19th Day of May, 1961, and the Court having heard the arguments of counsel, and being fully advised, upon consideration finds that the said motion should be sustained, provided the plaintiff pay an attorney fee of One Hundred Dollars (\$100.00) to the defendants, and the court costs.

IT IS THEREFORE ORDERED that the motion of the plaintiff to dismiss, on the payment of the aforementioned sums, be, and the same is hereby, granted, and this cause dismissed, *without prejudice.*

Royce H. Savage

R. H. Savage, Judge of the United States District Court.

A true and correct copy of the foregoing order to dismiss was this 26th day of May, 1961, mailed to Hudson, Hudson, Cheaster & Kyle, attorneys for defendants.

John H. Thurg, Jr.
Attorney for Plaintiff
257 West 10th Street
Tulsa, Oklahoma

JUN - 7 1961

United States of America,)
Plaintiff,)
vs.)
24.25 Acres of Land, more or Less,)
situate in Creek and Pawnee Counties,)
Oklahoma, and Ruth I. Knee, et al.,)
and Unknown Owners,)
Defendants.)

NOBLE C. HOOD
Clerk, U. S. District Court
Civil No. 5712
Tract No. 1736

AMENDMENT OF DEFICIENCY JUDGMENT ON STIPULATION

On this day this cause comes on for consideration of the joint request of the Plaintiff, appearing by Perry A. Krohn, Assistant U. S. Attorney, and the Defendants, C. E. Waininger and Alice K. Waininger, by their Attorney, Ted R. Fisher, for Amendment of the Deficiency Judgment on Stipulation entered herein on May 26, 1961.

THE COURT FINDS that the Plaintiff and the above named Defendants, through their respective Attorneys of Record, have agreed in Open Court that the time for removal of the buildings located upon Tract No. 1736, reserved by said Defendants, should be August 1, 1961, instead of August 1, 1960, and that said Judgment should be amended accordingly.

IT IS THEREFORE, BY THE COURT ORDERED AND ADJUDGED, that the above described Judgment be and the same is hereby amended in Paragraph (C) thereof by changing the date therein from August 1, 1960, to August 1, 1961, and that in all other respects, said Judgment remain in full force and effect.

Entered this 7th day of June, 1961.

Royce H. Savage

United States District Judge

Perry A. Krohn
Perry A. Krohn
Assistant U. S. Attorney
Room 11, Federal Building, Tulsa, Oklahoma

Ted R. Fisher
Ted R. Fisher
Attorney for the Defendants,
C. E. Waininger and Alice K. Waininger

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Libelant,

vs.

Civil No. 5168

11 Cartons, More or Less, 31 Cartons,
More or Less, each containing a card-
board case containing 12 Packages of
an Article of Food and Drug Labeled
in Part, "El Molino Kitchens*** best
... from the land! ...El Molino
Kitchens Mineralized Cookies... In
each 3 cookies the added Minerals and
Trace Elements supply...", etc.,

Claimant.

FILED ✓

JUN 8 1951

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

ORDER OF TRANSFER

The parties herein having stipulated pursuant to the provisions of 21 U.S.C. 334(a), that this cause, the records pertaining thereto, and the materials and items seized by monition of this Court may be transferred to the U. S. District Court for the Northern District of California at San Francisco, which is a district of reasonable proximity to the claimant's present place of business,

IT IS ORDERED that the Clerk of the U. S. District Court for the Northern District of Oklahoma transmit to the U. S. District Court for the Northern District of California at San Francisco those records and files necessary to effect the transfer of this cause to that district.

IT IS FURTHER ORDERED that the U. S. Marshal for the Northern District of Oklahoma ship to the U. S. Marshal for the Northern District of California at San Francisco those materials and items previously seized by him, as directed by the monition of this Court, and that such shipment be made: Charges Collect.

151 Royce H. ...
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

Civil Action No. 4709 ✓
Tracts Nos. T-2020E¹ and
T-2020E-2

FILED

JUN 13 1961

J U D G M E N T

NOBLE C. HOOD
Clerk, U. S. District Court
6

1.

On April 21, 1961, this cause as to the captioned tracts, 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 tracts appeared by their Attorney Glenn H. Chappell. 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 the tracts enumerated in the caption above, as such tracts 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 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 15, 1959, the

United States of America filed its Declaration of Taking of a certain estate 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 described estate in subject tracts, a certain sum of money, all of which has been disbursed as shown in Paragraph 10.

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 estate condemned in subject tracts would be the sum of \$747.50, and counsel for defendants stated that the defendants would agree that such sum would be just compensation for the estate taken. The Court thereupon found that the Fair Market Value of such tract, as of the date of taking, was \$747.50 and such sum should be adopted as the award of just compensation for the taking of the described estate in subject tracts.

7.

The defendants named in Paragraph 10 as owners of subject tracts are the only defendants asserting any interest in the estate condemned in the subject tracts, 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. Four of the defendant owners, to-wit: George Riley, Jessie Riley, Billy Riley, Maxine Riley, are minor children, and Glenn H. Chappell has been appointed Guardian Ad Litem for such minors.

8.

A deficiency exists between the amount deposited as estimated compensation and the amount fixed herein as the award of just compensation for the estate taken in 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.

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 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 estate indicated and for the uses and purposes described in such Declaration of Taking, are condemned and title thereto is vested in the United States of America as of June 15, 1959, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claims thereto.

10.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estate condemned herein in the subject tracts were the defendants whose names appear in the schedule below; the right to just compensation for the estate taken in these tracts is vested in the parties so named, as their interests appear therein; and the sum of \$747.50 hereby is adopted as the award of just compensation for the estate herein taken in subject tracts, all as follows, to-wit:

TRACTS NOS. T-2020E¹ and T-2020E-2

Owners:

John R. Riley - 262/270ths interest

George Riley)	
Jessie Riley	)	8/270ths interest
Billy Riley)	
Maxine Riley)	

Award of Just Compensation	\$747.50	\$747.50
Deposit of estimated compensation	<u>650.00</u>	
Deposit deficiency	<u>\$ 97.50</u>	
Disbursed to Owners:		<u>650.00</u>
Balance due to owners		<u>\$ 97.50</u>

11.

It is further ORDERED, ADJUDGED AND DECREED that the United States of America, shall pay into the registry of the Court for the benefit of the landowners the deficiency sum of \$97.50 and such sum shall be placed in the deposit for subject tracts in this civil action.

The Clerk of this Court then shall disburse from the deposit
for subject tracts:

To John R. Riley the sum of \$94.61.

To Glenn H. Chappell, Guardian Ad Litem for George Riley,

Jessie Riley, Billy Riley and Maxine Riley, the sum of \$2.89.

151 Royal H. Savage
UNITED STATES DISTRICT JUDGE

APPROVED:

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

151 Glenn H. Chappell
GLENN H. CHAPPELL

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 vs.) Plaintiff,)
)
 3.57 Acres of Land, More or Less,)
 Situate in Creek County, Oklahoma, and)
 Robert R. Austin, et al, and Unknown)
 Owners,)
) Defendants.)

Civil No. 4732

Tract No. 1610

FILED

JUN 15 1961

AMENDMENT OF DEFICIENCY JUDGMENT ON STIPULATION

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

On this day this cause comes on for consideration of the joint request of the Plaintiff, appearing by Perry A. Krohn, Assistant U. S. Attorney, and the Defendants, Robert R. Austin and Minnie M. Austin, his wife, by their Attorneys, Wheeler and Wheeler, for Amendment of the Deficiency Judgment on Stipulation entered herein on May 26, 1961.

THE COURT FINDS that the Plaintiff and the above-named Defendants, through their respective Attorneys of Record, have agreed in Open Court that the time for removal of the building located upon Tract No. 1610, reserved by said Defendants, should be August 1, 1961, instead of August 1, 1964, and that said Judgment should be Amended accordingly.

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED, that the above described Judgment be and the same is hereby Amended in Paragraph (B) thereof by changing the date therein from August 1, 1964 to August 1, 1961, and that in all other respects, said Judgment remain in full force and effect.

Entered this 15th day of June 1961.


UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

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

/s/ John Wheeler, Jr.
Wheeler and Wheeler, Attorneys for
Defendants, Robert R. Austin and
Minnie M. Austin,
By: John M. Wheeler, Jr.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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.)

Civil No. 4792

Tracts Nos. W-2337E-1
W-2337E-2
W-2337E-3
W-2337E-4

FILED

JUN 11 1961

J U D G M E N T

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

1.

Now, on this 11 day of June 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 Tracts Nos. W-2337E-1, W-2337E-2, W-2337E-3 and W-2337E-4, 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 the property covered by the subject stipulation.

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 October 21, 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 certain estates in subject tracts, a certain sum of money, and part 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.

Bob B. Cook and Joy C. Cook 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 such owners' interest in 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, as of the date of filing such Declaration of Taking, 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 these tracts is vested in the parties so named.

12.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the stipulation as to just compensation, mentioned in paragraph 8 above, is hereby confirmed; and the sum therein fixed is adopted as the award of just compensation for the interest of Bob B. Cook and Joy C. Cook in the estates condemned in subject tract as follows:

TRACTS NOS. W-2337E-1, W-2337E-2, W-2337E-3 and W-2337E-4

Owners: Bob B. Cook and Joy C. Cook, subject to a game lease held by the State of Oklahoma, by the State Game and Fish Commission.

Award of just compensation for the interest owned by Bob B. Cook and Joy C. Cook	\$1,550.00	\$1,550.00
Deposited as estimated compensation for all interests	<u>950.00</u>	
Deposit deficiency	<u>\$ 600.00</u>	
Disbursed to owners (Cook)		<u>950.00</u>
Balance due to owners (Cook)		<u>\$ 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. 4792, to the credit of subject tracts, the deficiency sum of \$600.00, and the Clerk of this Court then shall disburse from the total deposit for subject tracts to Bob B. Cook and Joy C. Cook jointly the sum of \$600.00.

[Signature]
UNITED STATES DISTRICT JUDGE

APPROVED:

[Signature]
HUBERT A. MARLOW
First Assistant U. S. Attorney

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

FILED

JUN 14 1901

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

Standard Accident Insurance Company,

Plaintiff

vs.

Civil No. 2079

J. Roy Smith,

Defendant.

J U D G M E N T

This action came on for trial before the court and a jury, the Honorable Royce H. Swago, Judge, presiding, on May 11, 1901, and the issues having been tried, the Court sustained the plaintiff's motion for a directed verdict, and on June 14, 1901, entered judgment for the plaintiff in the amount of Thirty-three Thousand, Four Hundred Sixty-Nine and twenty-five cents (\$33,469.25).

IT IS ORDERED AND ADJUDGED that the plaintiff recover of J. Roy Smith, defendant, damages in the amount of \$33,469.25, together with interest thereon from May 11, 1901 until paid, and its cost of action.

Done at Tulsa, Oklahoma, this 14th day of June, 1901.

NOBLE C. HOOD, CLERK

By W. J. [Signature]

LSH:lg
6/2/61

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

TRANSPORT WORKERS UNION OF AMERICA,
AFL-CIO, LOCAL NO. 514, A. R. BOLLE,
J. OSBORN and J. C. PETERS,

Plaintiffs

vs.

AMERICAN AIRLINES, INC., a Corporation,
Defendant,

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

Additional Defendant on
Counterclaim

FILED ✓

JUN 11 1961

NOBLE C. HOOD
Civil Action
U.S. District Court
No. 472

ORDER DISMISSING ACTION WITHOUT PREJUDICE

By virtue of the Stipulation filed herein between the parties hereto and for good cause shown:

IT IS HEREBY ORDERED BY THIS COURT that the above styled and numbered action, and actions on counter-claim, be and the same are hereby dismissed without prejudice and each of the respective parties bear their own respective costs to date.

Dated this 15 day of June, 1961.

Raymond A. Savage
United States District Judge

APPROVED:

UNGERMAN, GRABEL, UNGERMAN, LEITER & UNRUH

Raymond A. Savage
Attorneys for plaintiff and additional
defendant on counter-claim

SAVAGE, GIBSON, BENEFIELD & SHELTON

Raymond A. Savage
Attorneys for defendant

LAW OFFICES
UNGERMAN,
GRABEL,
UNGERMAN,
LEITER &
UNRUH

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA

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

J. J. FLASCO,

Plaintiff,

vs

THE GENERAL TIRE AND RUBBER
COMPANY, a corporation,

Defendant.

Civil
No. 5037

FILED

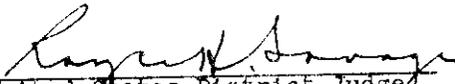
JUN 15 1961

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

ORDER SUSTAINING MOTION FOR
SUMMARY JUDGMENT OF DISMISSAL AND DISMISSING CAUSE

On this 13th day of June, 1961, the Court having considered defendant's Motion For Summary Judgment of Dismissal, the affidavit and attachment supporting same and the argument and briefs thereon, has concluded that said Motion should be sustained and the above cause dismissed.

It is therefore ordered and adjudged that defendants said Motion For Summary Judgment of Dismissal be and the same is hereby sustained and the above styled and numbered cause including the Complaint therein as amended is hereby dismissed at the cost of the plaintiff.


United States District Judge

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OKLAHOMA

NORTHERN DISTRICT OF OKLAHOMA ROBLE C. HOOD
Clerk, U. S. District Court

United States of America,)
)
Plaintiff,)
)
vs.)
)
\$7.21 Acres of Land, More or Less,)
Situat e in Nowata County, Oklahoma,)
and Claude E. McClendon, et al, and)
Unknown Owners,)
)
Defendants.)

Civil Action No. 4704
Tracts Nos. W-2333E
W-2334E-1
W-2334E-2
W-2334E-3
W-2346E-1
W-2346E-2
W-2339E
W-2353E-1
W-2353E-2

J U D G M E N T

1.

NOW, on this 7 day of June, 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 April 25, 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 Declaration 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 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 9, 1959, the United States of America filed its Declaration of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such Declaration of Taking.

6.

On the filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estates in subject tracts, certain sums of money and part of these deposits has been disbursed as set out in Paragraph 11 below.

7.

The Report of Commissioners filed herein on April 25, 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 the 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 receive the 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 filed herein, and such property to the extent of the estates indicated and for the uses and purposes described in the Declaration of Taking filed herein, is CONDEMNED, and title thereto is vested in the United States of America, as of the date of filing the Declaration of Taking, 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 receive 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 April 25, 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. W-2333E

Owners: Floyd Collins and Bertha Collins		
Award of Just Compensation:	\$800.00	\$800.00
Deposited as estimated compensation	<u>375.00</u>	
Deposit deficiency	<u>\$425.00</u>	
Disbursed to owners		<u>None</u>
Balance due to owners		<u>\$800.00</u>

TRACTS NOS. W-2334E-1, W-2334E-2, W-2334E-3

Owners: Hugh O. Bowden and Leola D. Bowden		
Award of Just Compensation:	\$500.00	\$500.00
Deposited as estimated compensation	<u>425.00</u>	
Deposit deficiency	<u>\$ 75.00</u>	
Disbursed to owners		<u>425.00</u>
Balance due to owners		<u>\$ 75.00</u>

TRACTS NOS. W-2346E-1 and W-2346E-2

Owners: Hugh O. Bowden and Leola D. Bowden		
Award of Just Compensation:	\$1500.00	\$1500.00
Deposited As estimated compensation	<u>950.00</u>	
Deposit deficiency	<u>\$ 550.00</u>	
Disbursed to owners		<u>950.00</u>
Balance due to owners		<u>\$ 550.00</u>

TRACT NO. W-2339E

Owner: Claud Davis

Award of Just Compensation:	\$200.00	\$200.00
Deposited As estimated compensation	<u>50.00</u>	
Deposit deficiency	<u>\$150.00</u>	
Disbursed to owners		<u>none</u>
Balance due to owner		<u>\$200.00</u>

TRACTS NOS. W-2353E-1 & W-2353E-2

Owner: E. E. Tully

Award of Just Compensation	\$660.00	\$660.00
Deposited as estimated compensation	<u>660.00</u>	
Disbursed to owners		<u>none</u>
Balance due to owners		<u>\$660.00</u>

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 6% per annum from June 9, 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. Upon receipt of such sums, the Clerk of this Court shall disburse certain sums as follows:

1. From the deposit for tract W-2333E, the sum of \$800.00 plus all accrued interest on the deposit deficiency for this tract, jointly to Floyd Collins and Bertha Collins.
2. From the deposit for tracts W-2334E-1, W-2334E-2, and W-2334E-3, the sum of \$75.00 plus all accrued interest on the deposit deficiency for these tracts jointly to Hugh O. Bowden and Leola D. Bowden.

3. From the deposit for tracts W-2346E-1 and W-2346E-2, the sum of \$550.00 plus all accrued interest on the deposit deficiency for these tracts, jointly to Hugh O. Bowden and Leola D. Bowden.
4. From the deposit for tract W-2339E, the sum of \$200.00 plus all accrued interest on the deposit deficiency for this tract to Claud Davis.
5. From the deposit for tracts W-2353E-1 and W-2353E-2, the sum of \$660.00 to B. E. Tully.

[Handwritten Signature]
UNITED STATES DISTRICT JUDGE

APPROVED:

[Handwritten Signature]
HUBERT A. MARLOW
First Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

T. M. Yoder and Gladys Yoder,

Defendants.

Civil No. 5036

FILED
IN COURT

JUN 20 1951

J U D G E M E N T

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

On this 20th day of June 1951, the above-entitled action coming on for hearing, the plaintiff, appearing by Rodney G. Buckles, Assistant United States Attorney for the Northern District of Oklahoma, and the defendants appearing not, the Court finds that defendants were duly served with summons herein more than 20 days prior to this date, and having failed to appear, or answer and should be adjudged in default.

The Court further finds that all allegations of plaintiff's complaint are true; that defendants are indebted to plaintiff in the amount of \$792.37, after credit for all setoffs and allowances, plus interest at the rate of six per cent (6%) from the date of judgment on the sum of \$792.37, until paid.

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

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED by the Court that this plaintiff have judgment against the defendants, T. M. Yoder and Gladys Yoder, for the sum of \$792.37, plus interest at the rate of six per cent (6%) per annum from the date of judgment on the sum of \$792.37, until paid.



United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Civil No. 5045

Bettye Jeanne Moore,

Defendant.

FILED
IN CLERK'S OFFICE

JUN 20 1961

JUDGMENT

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

On this 20th day of June 1961, the above-entitled action being on for hearing, the plaintiff, appearing by Rodney G. Buckles, Assistant United States Attorney for the Northern District of Oklahoma, and the defendant appearing not, the Court finds that defendant was duly served with summons herein more than 20 days prior to this date, and having failed to appear, or answer, is and should be adjudged in default.

The Court finds all allegations of this complaint are true; that the defendant is indebted to plaintiff in the sum of \$1,675.36, plus interest on \$961.63 thereof at six per cent (6%) per annum from December 15, 1958, until paid, and interest on \$713.73 thereof at six per cent (6%) per annum from June 17, 1959, until paid.

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

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED by the Court that this plaintiff have judgment against the defendant, Bettye Jeanne Moore, for the sum of \$1,675.36, plus interest on \$961.63 thereof at six per cent (6%) per annum from December 15, 1958, until paid, and interest on \$713.73 thereof at six per cent (6%) per annum from June 17, 1959, until paid, and for costs of this action.

Royce H. Savage
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Civil No. 5080

Harry Dunsmore, Carrie
Dunsmore, Kenneth W.
Dewett and Louise M. Dewett,

Defendants.

FILED

JUN 20 1961

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

J U D G M E N T

Now on this 20th day of June, 1961, the above cause coming on for hearing pursuant to regular assignment, the plaintiff, United States of America, appearing by Russell H. Smith, United States Attorney, and L. K. Smith, Assistant United States Attorney, for the Northern District of Oklahoma, and the defendants appearing not in person or by attorney, the court finds that this is a suit on a promissory note and for foreclosure of a mortgage on real estate securing the note, which real estate is located in the County of Ottawa, State of Oklahoma, within the Northern Judicial District of Oklahoma.

The court further finds that due and legal personal service of summons has been made upon the defendants, Kenneth W. Dewett and Louise M. Dewett, pursuant to an order of this court allowing service upon absent defendant which service was obtained by delivering a copy of the summons and complaint upon said parties at Crestwell, Oregon, and requiring that they answer the complaint filed herein not more than twenty (20) days after service of summons upon them; and the court further finds that all of the above defendants have failed and neglected to answer or otherwise plead to the complaint, and the defendants and each of them are therefore adjudged in default, and the court being fully advised finds that all of the allegations and averments in the complaint are true.

The court further finds that the defendants, Harry Dunsmore and Louise Dunsmore, on February 27, 1952, for a valuable consideration, made, executed and delivered to Franklin D. Richards, Federal Housing Commission, his successors and assigns, their certain mortgage note in the principal sum of \$5900.00, with interest thereon at the rate of 4% per annum; that on or about February 27, 1952, as part of the same transaction and for the purpose of securing the payment of the mortgage note, the defendants, Harry Dunsmore and Carrie Dunsmore, made, executed

and delivered to Franklin D. Richards, Federal Housing Commission, his successors and assigns, a certain written mortgage covering the following described real estate, to-wit:

Lot 9, Block 4, Nancy Lee Addition to the City of Miami,
Ottawa County, State of Oklahoma, according to the amended
plat thereof.

This mortgage was duly recorded on March 11, 1952, in Book 236, at page 850, in the office of the County Clerk of Ottawa County, Oklahoma, after the required mortgage tax had been paid.

The court further finds that on or about July 9, 1956, Harry Dunsmore and Carrie Dunsmore, husband and wife, conveyed the above described property by warranty deed, with survivorship clause, to Kenneth N. Dewett and Louise^{M.}Dewett, husband and wife, duly accepting the above described mortgage from the warranty.

The court further finds that the defendants, Harry Dunsmore and Carrie Dunsmore, made default in payment of the above described mortgage note in that they failed to pay the note according to its terms, and there is now due and owing on the note an unpaid balance of \$4,883.96, with interest thereon at the rate of \$.50789 per day from March 16, 1959, to date of judgment herein, together with interest on the judgment at the rate of 6% per annum from the date judgment is entered herein until paid, together with attorney's fees as provided in said mortgage note at the rate of 10% of the amount due on said note at the time of default, or the sum of \$488.00; and together with the sum of \$23.50 for abstract and title expenses incurred by plaintiff herein in securing a supplemental abstract upon the property covered by the mortgage.

The court further finds that on July 9, 1956, Kenneth N. Dewett and Louise M. Dewett executed a second mortgage in the amount of \$250.00 to Harry Dunsmore and Carrie Dunsmore, husband and wife, said mortgage being recorded on November 19, 1956, in Book 259, page 41, of the records of Ottawa County, Oklahoma, covering the hereinabove described property.

The court further finds that this plaintiff has a first and prior lien upon the real estate and premises described herein and in its complaint by virtue of the mortgage held as security for the payment of the above described indebtedness, and specifically finds that the mortgage of plaintiff herein is superior to and has priority over the above described second mortgage.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that plaintiff

have and recover judgment against the defendants for the sum of \$4,883.96, with interest at the rate of 4% per annum, or \$.50789 from March 16, 1959, to date of judgment herein, together with interest on the judgment at the rate of 6% per annum from the date judgment is entered herein until paid; together with attorney's fees in the amount of \$488.00, and together with abstracting costs in the amount of \$23.50, and together with the costs of this action, both accrued and accruing.

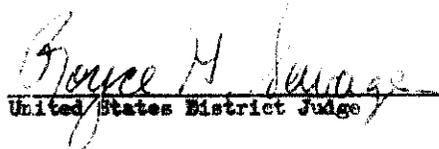
IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the court that if this judgment remains unpaid after the expiration of six months from the date of this judgment, an order of sale shall issue to the United States Marshal for the Northern District of Oklahoma commanding him to advertise and sell, according to law, without appraisalment, the lands and tenements described in the mortgage, to-wit:

Lot 9, Block 4, Nancy Lee Addition to the City of Miami, Ottawa County, State of Oklahoma, according to the amended plat thereof,

and apply the proceeds as follows:

1. In payment of the costs of the sale and of this action.
2. In payment of any unpaid taxes due.
3. In payment to the plaintiff of the sum of its judgment herein.
4. The residue, if any, to be paid to the Clerk of this court to await the further order of the court.

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


United States District Judge

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

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION,
of Coffeyville, Kansas,)
)
 Plaintiff,)
)
 vs.)
)
 PAULINE E. THOMAS and HOWARD L. THOMAS, Joint)
 Administrators of the Estate of Harold Thomas, Deceased;)
 PAULINE THOMAS, also known as Pauline E. Thomas;)
 DEWARD J. PITTS and PAULINE H. PITTS; HORACE W.)
 ANDERSON and JEANETTE ANDERSON; LIMESTONE)
 LUMBER COMPANY; RAYMOND B. MAGANA and)
 MILLER ELECTRIC SHOP, INC.,)
 Defendants.)

NO. 5102

FILED ✓

JUN 20 1961

DECREE OF FORECLOSURE

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

This cause comes on for trial this 20th day of June 1961, before
Royce Savage, Judge of this Court. The plaintiff, First Federal Savings and Loan Association,
of Coffeyville, Kansas, appear by its officers and by its attorneys, Lamb & Lamb and Holliman,
Brewer & Worten; the defendants, Pauline E. Thomas, also known as Pauline Thomas, as an
individual, and Pauline E. Thomas and Howard L. Thomas, Joint Administrators of the estate
of Harold Thomas, Deceased, appear in person and by their attorneys, Jack L. Rorschach and
Harold D. Morgan; the defendants and cross-complainants, Horace W. Anderson and Jeanette
Anderson, appear by their attorney, Robert Booth; the defendants and cross-petitioners,
Deward J. Pitts and Pauline H. Pitts, appear by their attorneys, Jack L. Rorschach and
Harold D. Morgan; the defendant and cross-petitioner, Limestone Lumber Company, appears
by its officers and Richard K. Harris, its attorney; the defendant and cross-petitioner, Raymond
B. Magana, appears in person and with his attorneys, Selby & Garrison; and the defendant and
cross-petitioner, Miller Electric Shop, Inc., appears by its officers in person and by its attorney,
William W. Bailey. The plaintiff and defendants in open Court waive Jury, and the Court,
after hearing the evidence and arguments, finds that the jurisdictional allegations contained
in plaintiff's Complaint are true and that this Court has jurisdiction of the parties and of these
causes of action.

The Court further finds that in plaintiff's Complaint it elected, under the terms of the Mortgages in Counts One, Two, Three and Four of said Complaint, to have said property sold at Foreclosure Sale, without appraisalment. The Court further finds that on trial of this matter and prior to submission of this cause to the Court for judgment, the plaintiff, with the consent of all of the defendants and cross-petitioners, withdraws its former election to sell without appraisalment and elects in Counts One, Two, Three and Four of the Complaint, under the terms of the respective Mortgages, to have said real estate sold with appraisalment.

The Court further finds that the property described in the Complaint situated in Craig County, Oklahoma, hereafter referred to as Tract No. 1, was owned by Harold Thomas, who died, intestate, a resident of Craig County, Oklahoma, on or about June 9, 1960, and that Pauline E. Thomas and Howard L. Thomas, were duly and legally appointed, and are now acting as Joint Administrators of the estate of Harold Thomas, Deceased.

The Court further finds that the property described in plaintiff's Complaint situated in Washington County, Oklahoma, hereafter referred to as Tract No. 2, was owned by Harold Thomas and Pauline Thomas, who is one and the same person as Pauline E. Thomas, husband and wife, as joint tenants and not as tenants in common, with right of survivorship, and that upon the death of Harold Thomas, which the Court finds occurred on June 9, 1960, all the right, title and interest of Harold Thomas passed to the surviving joint tenant, Pauline Thomas, who is one and the same person as Pauline E. Thomas.

- 1 -

The Court further finds that the allegations and averments contained in Count One of the plaintiff's Complaint herein filed are true. That the Note and Mortgage securing the same were given by Harold Thomas and Pauline E. Thomas covering Tract No. 1 being the following described real estate in Craig County, Oklahoma, to wit:

All that part of the SW/4 SW/4 SW/4 of Section 22, Township 25 North, Range 20 East of the Indian Meridian, that lies and is located on the South and East side of U. S. Highway No. 66, which is described as follows:

A strip, piece or parcel of land lying in the V/2 SW/4 SW/4 SW/4 of Section 22, Township 25 North, Range 20 East in Craig

County, Oklahoma, said parcel of land being a right of way 100 feet in width, 50 feet on either side of the center line of the survey for Oklahoma Federal Aid Project No. E-185-D. Said parcel of land being further described by its center line as follows: Beginning at a point on the North line of said W/2 SW/4 SW/4 SW/4 approximately 261 feet East of the West line of said Section 22, Station 13 / 15 of said survey; thence Southwesterly along a curve to the right, having a radius of 1910.1 feet, a distance of 360.5 feet, to a point on the West line of said Section 22, approximately 410 feet North of the SW corner of said Section 22, Station / 75.5 of said survey. Containing 0.91 acres, more or less, in addition to the present right of way."

AND, That lies North and West of Public Road and/or South Wilson Street of the City of Vinita, Oklahoma, if extended, described as follows:

A tract for public roadway, described as follows:

"A strip, piece or parcel of land lying in the said 10 acres and beginning at a point 15 feet North of the Southwest corner of said Section 22, thence North along the West line of Section 22, a distance of 90 feet, thence Northeasterly on a curve to the left having a radius of 370 feet a distance of 194.0 feet, thence North 25 degrees 10 minutes East a distance of 432 feet to a point on the North line of said SW/4 SW/4 SW/4, thence East along said North line a distance of 92 feet, thence South 25 degrees 10 minutes West a distance of 470 feet, thence Southwesterly on a curve to the right having a radius of 450 feet, a distance of 288 feet to point of beginning."

Said Mortgage was dated May 15, 1958 and recorded on May 19, 1958 in the Office of the County Clerk of Craig County, Oklahoma, in Book 233, page 77; that said Note and Mortgage are not paid, and default was made thereon on June 15, 1960, and that \$64.00 has been expended by plaintiff in abstracting expenses which became a part of the amount due under the terms of said Note and Mortgage, and that there was due to the plaintiff from the defendants on the date of default the sum of \$21,023.78; that said Note and Mortgage specifies that said indebtedness shall bear interest at the rate of 10% per annum until paid; that the sum of \$2,218.03 be added as cost thereto as attorneys' fees in the event of bringing suit. The Court further finds that the said plaintiff has a lien for said amount on the lands and tenements above described as Tract No. 1, by virtue of the First Mortgage described in Count One to secure payment of said indebtedness, interest and cost.

It is FOUND, CONSIDERED, ORDERED, ADJUDGED AND DECREED that the defendants and cross-petitioners, Deward J. Pitts and Pauline H. Pitts, asserted interest by reason of contract with Pauline E. Thomas and Howard L. Thomas, as Joint Administrators of the estate of Harold Thomas, Deceased, wherein said estate contracted to sell to Deward J. Pitts and Pauline H. Pitts a portion of Tract No. 1, is subordinate and inferior to plaintiff's

Mortgage lien on said property; that the judgment lien of the defendants and cross-complainants, Horace W. Anderson and Jeanette Anderson, obtained in Cases No. 11315 and 11312 in the District Court of Craig County, Oklahoma, on December 8, 1960, is subordinate to the Mortgage lien of plaintiff on the land above described as Tract No. 1.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff have and recover of and from the defendants, Pauline E. Thomas, as an individual, and Pauline E. Thomas and Howard L. Thomas, Joint Administrators of the estate of Harold Thomas, Deceased, on its first Count, the sum of \$21,023.78, with interest at the rate of 10% per annum from June 15, 1960, and the further sum of \$2,218.03 as attorneys' fees, together with the costs of this action accrued and accruing, which judgment is a First Lien on Tract No. 1, and for which let execution issue.

It is FURTHER FOUND, CONSIDERED, ORDERED, ADJUDGED AND DECREED that upon failure of said defendants to satisfy said judgment, interest, attorneys' fees and costs, the United States Marshal shall levy upon the above described real estate, being Tract No. 1, and after having the same appraised as provided by law, shall proceed to advertise and sell the same according to law, and apply the proceeds arising from said sale, first, to the payment of cost of said sale and of this action; second, in payment to the plaintiff of the sum of \$21,023.78 together with interest thereon from June 15, 1960, until paid, and attorneys' fees in the sum of \$2,218.03; third, that the residue, if any there be, be applied to the payment of the Second and Third Mortgage judgment liens against Tract No. 1, in favor of the plaintiff, and the residue thereafter, if any there be, be retained by the Marshal until further Order of the Court.

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The Court further finds that the allegations and averments contained in Count Two of plaintiff's Complaint filed herein are true; that the Note and Second Mortgage securing the same were given by Harold Thomas and Pauline E. Thomas covering Tract No. 1 as hereinbefore described, said Mortgage being dated January 6, 1959, filed for record in the Office of the County Clerk of Craig County, Oklahoma on January 8, 1959, recorded in Book 235, page 555; that said Note and Mortgage are unpaid and default was made thereon on August 15, 1960; that there was due to the plaintiff from the defendants, Harold Thomas and Pauline E. Thomas on the

date of default the sum of \$4,329.65 and that said Note and Mortgage specifies that the said indebtedness shall bear interest at the rate of 10% per annum until paid; that the sum of \$451.00 be added as cost thereto as attorneys' fees in the event of bringing of suit. The Court further finds that said plaintiff has a lien for said amount on the lands and tenements above described as Tract No. 1 by virtue of the Second Mortgage to secure payment of said indebtedness, interest and costs.

It is FOUND, CONSIDERED, ORDERED, ADJUDGED AND DECREED by the Court, that the defendants and cross-petitioners, Deward J. Pitts and Pauline M. Pitts, asserted interest by reason of contract with Pauline E. Thomas and Howard L. Thomas, Joint Administrators of the estate of Harold Thomas, Deceased, wherein the said estate contracted to sell to Deward J. Pitts and Pauline E. Pitts a portion of Tract No. 1, is subordinate and inferior to plaintiff's Mortgage lien on said property; that the judgment lien of the defendants and cross-complainants, Horace W. Anderson and Jeanette Anderson, obtained in Cases No. 11315 and 11312 in the District Court of Craig County, Oklahoma, on December 8, 1960, is subordinate to the mortgage lien of plaintiff on the land above described as Tract No. 1.

It is FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff have and recover from the defendants, Pauline E. Thomas, as an individual, and Pauline E. Thomas and Howard L. Thomas, as Joint Administrators of the estate of Harold Thomas, Deceased, on its second Count, the sum of \$4,329.65 with interest at the rate of 10% per annum from August 15, 1960 and the further sum of \$451.00 attorneys' fees together with the costs of this action accrued and accruing, which judgment is a Second lien on Tract No. 1, for which let execution issue.

It is FURTHER FOUND, CONSIDERED, ORDERED, ADJUDGED AND DECREED that upon failure of said defendants to satisfy said judgment, interest, attorneys' fees and costs, the United States Marshal shall levy upon the hereinabove described real estate being Tract No. 1, and after having the same appraised as provided by law, shall proceed to advertise and sell the same according to law and apply the proceeds derived from said sale, first, to the payment of the judgment herein rendered in favor of plaintiff on the First Count; second, to the payment of the costs of said sale and of this action on the Second Count; third, in payment to the plaintiff of the sum of \$4,329.65 together with interest thereon at the rate of 10% from August 15, 1960 until paid, and attorneys' fees in the sum of \$451.00; fourth,

that the residue, if any there be, be applied to the payment of judgment foreclosing the Third Mortgage lien in favor of plaintiff on Tract No. 1, and the residue thereafter, if any, be retained by the Marshal until further order of the Court.

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The Court further finds that the allegations and averments contained in Count Four of plaintiff's Complaint filed herein are true; that the Note and Mortgage securing the same were given by Harold Thomas and Pauline E. Thomas covering Tract No. 1 hereinbefore described, and also Tract No. 2, hereinafter described, said Mortgage being dated November 23, 1959, filed for record November 27, 1959, in the Office of the County Clerk of Craig County, Oklahoma, in Book 238, at page 408, and also filed for record in the Office of the County Clerk of Washington County, Oklahoma on January 18, 1961, in Book 404, at page 464; that said Mortgage was a Third Mortgage on Tract No. 1, covering land in Craig County, Oklahoma, as hereinbefore described, and a Second Mortgage on Tract No. 2, being land situated in Washington County, Oklahoma, hereinafter described; that said Note and Mortgage was not paid and default was made thereon on June 1, 1960 and that there was due to the plaintiff from the mortgagors, to wit: Harold Thomas and Pauline E. Thomas, defendants, on the day of default the sum of \$9,616.26, and that said Note and Mortgage specifies that said indebtedness shall bear interest from the date of default at the rate of 10% per annum until paid; that the sum of \$1,021.72 be added as cost thereto as attorneys' fees in event of foreclosure suit.

The Court further finds that said plaintiff has a lien for the amount due on default on the lands and tenements described as Tract No. 1 and also Tract No. 2 by virtue of the Mortgage to secure payment of said indebtedness, interest and cost.

The Court further finds that the defendants and cross-petitioners, Deward J. Pitts and Pauline H. Pitts, asserted interest by reason of contract with Pauline E. Thomas and Howard L. Thomas, Joint Administrators of the estate of Harold Thomas, Deceased, wherein the said estate contracted to sell to Deward J. Pitts and Pauline H. Pitts a portion of Tract No. 1, is subordinate and inferior to plaintiff's Mortgage lien on said property; that the judgment lien of the defendants and cross-complainants, Horace W. Anderson and Jeanette Anderson, obtained

In Cases No. 11315 and 11312 in the District Court of Craig County, Oklahoma, on December 3, 1950, is subordinate to the Mortgage Lien of plaintiff on the land above described as Tract No. 1.

The Court further finds that the Mortgage last above mentioned also covered lands situated in Washington County, Oklahoma, said property in Washington County being above and hereinafter referred to as Tract No. 2, and covering the following described property, to wit:

The East 60 feet of the West 335 feet of the South 250 feet of the North 280 feet of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of the Northwest Quarter (NW/4) of Section Nine (9), Township Twenty-six (26) North, Range Thirteen (13) East.

The Court further finds that said Mortgage, in so far as it covers Tract No. 2, is subordinate and inferior to the First Mortgage owned by plaintiff on said Tract No. 2, and is also subordinate and inferior to the Lien claim of the Limestone Lumber Company for the furnishing of materials in construction of improvements on said property, said Lien claim being Lien No. 6146, dated March 8, 1960, filed for record the same date, in the Office of the District Court Clerk of Washington County, Oklahoma in Lien Docket No. 186, in the unpaid principal amount of \$7,146.51. The Court finds that the cross-complainant, Limestone Lumber Company, should have judgment against the defendants, Pauline E. Thomas, as an individual, and the Joint Administrators of the estate of Harold Thomas, Deceased, in the sum of \$7,146.51, with interest at 6% from June 6, 1960, and judgment for attorneys' fees in the sum of \$700.00, and that said judgment is a lien upon Tract No. 2, superior to the judgment of plaintiff foreclosing its Second Mortgage on Tract No. 2 but inferior and subordinate to plaintiff's judgment foreclosing the First Mortgage on Tract No. 2. That the judgment for Limestone Lumber Company, foreclosing its materialman's lien is co-equal with judgment Lien of Raymond B. Magana and of Miller Electric Shop, Inc.

The Court further finds that the cross-complainant, Raymond B. Magana, furnished labor and materials in improvement of structure on Tract No. 2 in accordance with Lien Statement No. 6182, filed by Raymond B. Magana on August 5, 1960 in the Office of the District Court Clerk of Washington County, Oklahoma, in Lien Docket No. 2, at page 188, in the sum of \$334.12 and that the said Raymond B. Magana should have judgment fore-

closing said lien, with interest thereon at 6% from April 19, 1960, and judgment in the additional sum of \$100.00 for attorneys' fees; that the judgment in favor of Raymond B. Magana, and the lien thereby created on Tract No. 2, is subordinate to the judgment foreclosing plaintiff's First Mortgage on said Tract No. 2, but superior to the judgment foreclosing plaintiff's Second Mortgage on said Tract No. 2, and should be co-equal with the judgment foreclosing the liens of Limestone Lumber Company and Miller Electric Shop, Inc.

The Court further finds that the cross-complainant, Miller Electric Shop, Inc., furnished labor and materials in the improvement of property on said Tract No. 2, in accordance with a contract with the owners thereof, and no payment has been made therefor; that the said cross-petitioner, Miller Electric Shop, Inc., should have judgment against the defendants, Pauline E. Thomas, and the Joint Administrators of the estate of Harold Thomas, Deceased, in the sum of \$1,629.95 with interest at 6% per annum from October 26, 1960, and the further sum of \$200.00 for attorneys fees, and that said judgment should be a lien on Tract No. 2, superior to the judgment of plaintiff foreclosing its Second Mortgage on Tract No. 2, but inferior to plaintiff's judgment foreclosing the First Mortgage on said Tract No. 2, but co-equal with the judgment liens of the Limestone Lumber Company and Raymond B. Magana; the said lien of Miller Electric Shop, Inc., having been filed in the Office of the District Court Clerk of Washington County, Oklahoma, on October 26, 1960, and recorded in Lien Docket No. 2, at page 198, being Lien No. 6218.

It is, therefore, ORDERED, ADJUDGED AND DECREED by the Court that plaintiff have and recover from the defendants, Pauline E. Thomas, as an individual, and Pauline E. Thomas and Howard L. Thomas, Joint Administrators of the estate of Harold Thomas, Deceased, the sum of \$9,615.26 with interest at the rate of 10% from June 1, 1960, and the further sum of \$1,021.72 attorneys' fees, together with costs accrued and accruing, for which let execution issue.

It is, further FOUND, CONSIDERED, ORDERED, ADJUDGED AND DECREED that said judgment be and is hereby determined to be a lien on Tract No. 1 subordinate only to the mortgage foreclosure judgment liens foreclosing the First and Second Mortgages of plaintiff against said Tract No. 1, and that upon failure of said defendants to satisfy said

judgment, interest, attorneys' fees and costs, the United States Marshal shall levy upon the land described in Tract No. 1, and after having the same appraised as provided by law, shall proceed to advertise and sell the same according to law, and apply the proceeds derived from said sale, first, to the payment of the judgment herein rendered in favor of the plaintiff on the First Count; second, to the payment of the judgment herein rendered in favor of the plaintiff on the Second Count; third, to the payment of the costs of said sale and of this action on the Fourth Count; fourth, in payment to the plaintiff of the sum of \$9,616.26 together with interest at 10% from June 1, 1960 until paid, and attorneys' fees in the sum of \$1,021.72; that the residue, if any there be, be retained by the Marshal until the further order of the Court.

It is further ORDERED, ADJUDGED AND DECREED that the defendant and cross-petitioner, Limestone Lumber Company, have judgment in the sum of \$7,146.51 with interest at 6% from June 6, 1960, and the additional sum of \$700.00 attorneys' fees; and the defendant and cross-petitioner, Raymond B. Magana, have judgment in the sum of \$804.12 with interest at 6% from April 19, 1960, and the additional sum of \$150.00 attorneys' fees; and the defendant and cross-petitioner, Miller Electric Shop, Inc., have judgment in the sum of \$1,629.95 with interest at 6% from October 26, 1960, and the additional sum of \$200.00 attorneys' fees; all of said judgments in favor of the foregoing cross-petitioners being against the defendants, Pauline E. Thomas, also known as Pauline Thomas, as an individual, and also Pauline E. Thomas and Howard L. Thomas, Joint Administrators of the estate of Harold Thomas, Deceased, said judgments to be co-equal with each other and are a lien upon Tract No. 2, subordinate to the First Mortgage judgment lien in favor of the plaintiff rendered on Count Three of the Complaint, but superior to the Second Mortgage judgment lien against Tract No. 2 in favor of the plaintiff against the defendants rendered on Count Four of the Complaint. For which let execution issue.

It is further FOUND, CONSIDERED, ORDERED, ADJUDGED AND DECREED that said judgment on Count Four in favor of plaintiff is a lien on Tract No. 2 to the extent that sale of Tract No. 1 is insufficient to pay the total amount of said judgment, and upon failure of the defendants to satisfy the judgment foreclosing the Third Mortgage lien against Tract No. 1, interest, attorneys' fees and costs, and failure of Marshal's Sale to pay the

entire indebtedness due under the said judgment, and upon failure of the defendants to satisfy judgments of cross-complaining materialman lien judgment creditors, the United States Marshal shall levy upon the hereinabove described real estate situated in Washington County, Oklahoma, being Tract No. 2, and after having the same appraised as provided by law, shall proceed to advertise and sell the same according to law, and apply the proceeds derived from said sale, first, to the payment of the judgment herein rendered in favor of plaintiff on Count Three; second, to the payment of the costs of said sale and of this action on Count Four; third, in payment, co-equally on a prorata basis, to the defendants and cross-complainants, Limestone Lumber Company the sum of \$7,146.51 with interest at 6% from June 6, 1960 until paid, plus an additional sum of \$700.00 attorneys' fee; to Raymond B. Magana the sum of \$804.12 with interest at 6% from April 19, 1960, plus \$150.00 attorneys' fee; and to Miller Electric Shop, Inc. the sum of \$1,629.95 with interest at 6% from October 26, 1960, plus \$200.00 attorneys' fee; fourth, to the payment of the unpaid portion of the judgment in favor of plaintiff foreclosing its Third Mortgage on Tract No. 1, if any, which was not realized from Marshal's Sale of said Tract No. 1; and the residue thereafter, if any, be retained by the Marshal until further order of the Court.

- 4 -

The Court further finds that the allegations and averments contained in Count Three of plaintiff's Complaint herein are true; that the Note and Mortgage securing the same were given by Harold Thomas and Pauline Thomas covering Tract No. 2, as hereinbefore described, said Mortgage being dated July 7, 1959, and filed for record in the Office of the County Clerk of Washington County, Oklahoma, on July 21, 1959, and recorded in Book 382, at page 361; that said Note and Mortgage are unpaid and default was made thereon on June 15, 1960; that there was due to the plaintiff from the defendants, Harold Thomas and Pauline E. Thomas, on the date of default, the sum of \$30,557.28, and that the plaintiff has expended the sum of \$16.50 in abstracting costs which became a part of the amount due under the terms of said Note and Mortgage, and that there was thus due to the plaintiff from the defendants on the date of default, the sum of \$30,573.78; that said Note and Mortgage specifies that said indebtedness shall bear interest from the date of default at the rate of 10% per annum until paid; that the sum of \$3,233.97 be added as cost thereto as attorneys' fees in the event of bringing suit.

The Court further finds that said plaintiff has a first lien for said amount on the lands and tenements hereinafore described as Tract No. 2, by virtue of the Mortgage to secure payment of said indebtedness, interest and cost.

The Court further finds that the lien claims of Limestone Lumber Company, Raymond B. Magana and Miller Electric Shop, Inc., are inferior and subordinate to the First Mortgage lien of the plaintiff as alleged in Count Three of the Complaint.

It is, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff have and recover from the defendants, Pauline E. Thomas, as an individual, and Pauline E. Thomas and Howard L. Thomas, as Joint Administrators of the estate of Harold Thomas, Deceased, the sum of \$30,573.78 with interest at 10% per annum from June 15, 1960, and the further sum of \$3,233.97 attorneys' fees, together with costs of this action accrued and accruing, for which let execution issue, and which judgment is determined to be a first and prior lien on property hereinbefore described as Tract No. 2.

It is further FOUND, CONSIDERED, ORDERED, ADJUDGED AND DECREED that upon failure of said defendants to satisfy said judgment, interest, attorneys' fees and costs, the United States Marshal shall levy upon the hereinbefore described real estate, being Tract No. 2, and after having the same appraised as provided by law, shall proceed to advertise and sell the same according to law, and apply the proceeds derived from said sale, first, to the payment of costs of said sale and of this action; second, in payment to the plaintiff of the sum of \$30,573.78, together with interest thereon from June 15, 1960 until paid, and attorneys' fees in the sum of \$3,233.97; third, that the residue, if any there be, be applied to the payment of the judgment liens of the Limestone Lumber Company, Raymond B. Magana and Miller Electric Shop, Inc., co-equally on a prorata basis; and the residue thereafter, if any, be applied to the payment of the unpaid portion of the Second Mortgage judgment on Tract No. 2 in favor of plaintiff; and the residue thereafter, if any, be retained by the United States Marshal until the further order of the Court.

- 5 -

It is FURTHER ORDERED, ADJUDGED AND DECREED, by this Court, that the land hereinabove described as Tract No. 2, being situated in Washington County, Oklahoma, was owned by Harold Thomas and Pauline Thomas, who is one and the same person as Pauline

E. Thomas, husband and wife, as joint tenants and not as tenants in common, with right of survivorship, and that Harold Thomas died on June 7, 1960, and that as surviving joint tenant all right, title and interest in and to said Tract No. 2 became vested in and the property of Pauline E. Thomas, subject to any indebtedness against said Tract No. 2.

It is further ORDERED, ADJUDGED AND DECREED by the Court, that from and after the sale of said lands and tenements hereinbefore described as Tract No. 1 and Tract No. 2, under and by virtue of this judgment and decree, that the defendants and cross-petitioners in this cause, and each and all of said defendants and cross-petitioners, and all persons claiming under them or any of them since the commencement of this action, be and are forever barred and foreclosed of and from all liens upon, right, title, interest, estate or equity of, in or to said lands and tenements, being Tract No. 1 and Tract No. 2, or any part thereof.

/s/ ROYCE H. SAVAGE

Royce Savage, Judge of the U. S. District Court, Northern District of Oklahoma.

O. K.

/s/ LAMB & LAMB

/s/ HOLLIMAN, BREWER & WORTEN

Attorneys for the Plaintiff

/s/ JACK L. RORSCHACH

HAROLD D. MORGAN, by J.L.R.

Attorneys for the defendants, Pauline E. Thomas, also known as Pauline Thomas, as an individual, and Pauline E. Thomas and Howard L. Thomas, as Joint Administrators of the estate of Harold Thomas, Deceased.

/s/ ROBERT W. BOOTH

Attorneys for the defendants and cross-petitioners
Horace W. Anderson and Jeanette Anderson

/s/ JACK L. RORSCHACH

HAROLD D. MORGAN, by JLR

Attorneys for the defendants and cross-petitioners,
Edward J. Pitts and Pauline E. Pitts

/s/ RICHARD K. HARRIS

Attorneys for the defendant and cross-petitioner,
Limestone Lumber Company

/s/ SELBY & GARRISON, by Denzil D. Garrison

Attorneys for the defendant and cross-petitioner,
Raymond B. Morgan

/s/ WILLIAM W. BAILEY

Attorney for the defendant and cross-petitioner,
Miller Electric Sho., Inc.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
IN OPEN COURT

JUN 20 1961

United States of America,

Plaintiff,

vs.

Fred Arthur Wilson,

Defendant.

NOBLE C. HOOD
Clerk, U. S. District Court
Civil No. 3884

JUDGMENT

On this 20th day of June 1961, the above-entitled action coming on for hearing, the plaintiff, appearing by Rodney G. Buckles, Assistant United States Attorney for the Northern District of Oklahoma, and the defendant appearing not, the Court finds that defendant was duly served with summons herein more than 20 days prior to this date, and having failed to appear, or answer, is and should be adjudged in default.

The Court further finds that all allegations of plaintiff's complaint are true; that defendant is indebted to plaintiff in the amount of \$271.64, after crediting all setoffs and allowances, with interest on the sum of \$215.96 thereof at the rate of four per cent (4%) per annum from July 9, 1960, until paid.

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

WHEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED by the Court that the plaintiff have judgment against the defendant, Fred Arthur Wilson, for the sum of \$271.64, plus interest at the rate of four per cent (4%) on the sum of \$215.96 thereof from July 9, 1960, until paid, and for costs of this action.

George H. Savary
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 Billy D. Kloehr,)
)
 Defendant.)

Civil No. 5136

FILED
IN COURT COURT

JUN 20 1961

J U D G E M E N T

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

On this 20th day of June 1961, the above-entitled action coming

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

The Court further finds that all allegations of plaintiff's complaint are true; that defendant is indebted to plaintiff in the amount of \$182.73, plus interest at the rate of six per cent (6%) per annum from the date of judgment on the principal sum of \$182.73, until paid.

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

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED by the Court that this plaintiff have judgment against the defendant, Billy D. Kloehr, for the sum of \$182.73, plus interest at the rate of six per cent (6%) per annum from the date of judgment on the principal sum of \$182.73, until paid, and for costs of this action.

Wayne H. Savage
United States District Judge

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

ELECTRIC WHEEL COMPANY, A Division
of Firestone Tire & Rubber Company,
A Corporation,

Plaintiff,

vs.

MIDWEST ENGINEERING & CONSTRUCTION
COMPANY, A Corporation,

Defendant.

No. 5156

FILED
IN COURT

JUN 20 1961

J U D G M E N T

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

At Tulsa, within the Northern District of Oklahoma, on this
20 day of June, 1961, comes plaintiff by its attorneys,
Threadgill & Jennings, Mr. Threadgill appearing, and moves the
court for an order adjudging defendant in default, and for grounds
therefor show unto the court that the defendant, although duly
and legally served with summons herein more than 20 days prior
to this date, has wholly failed to plead or answer within such
time, or within any extension granted by the court.

From an examination of the files the court finds that the
defendant is in default and the allegations of plaintiff's
petition should be taken as true and confessed as against the
defendant.

Thereupon plaintiff announced ready for trial, waived trial
by jury, introduced its evidence and rests. The court finds the
issues for the plaintiff and against the defendant and finds that
defendant is justly indebted to plaintiff in the sum of
\$18,641.46 and judgment should be entered accordingly.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that plaintiff
have and recover judgment of and from the defendant in the sum
of \$18,641.46, with interest at 6% from this day forward until
paid, together with costs.

Rayce M. Savage
J U D G E

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

ALLIED PAINT MANUFACTURING COMPANY,
A Division of H. K. Porter Company, Inc.,
A Corporation,

Plaintiff,

vs.

MIDWEST ENGINEERING & CONSTRUCTION
COMPANY, A Corporation,

Defendant.

No. 5157

FILED
IN C

JUN 20 1961

J U D G M E N T

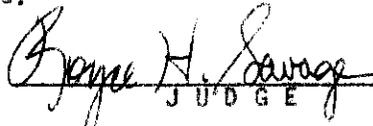
NOBLE C. HOOD
Clerk, U. S. District Court

At Tulsa, within the Northern District of Oklahoma, on this
20th day of June, 1961, comes plaintiff by its attorneys,
Threadgill & Jennings, Mr. Threadgill appearing, and moves the
court for an order adjudging defendant in default, and for grounds
therefor show unto the court that the defendant, although duly
and legally served with summons herein more than 20 days prior
to this date, has wholly failed to plead or answer within such
time, or within any extension granted by the court.

From an examination of the files the court finds that the
defendant is in default and the allegations of plaintiff's
petition should be taken as true and confessed as against the
defendant.

Thereupon plaintiff announces ready for trial, waives trial
by jury, introduces its evidence and rests. The court finds the
issues for the plaintiff and against the defendant and finds that
defendant is justly indebted to plaintiff in the sum of
\$16,327.43 and judgment should be entered accordingly.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that plaintiff
have and recover judgment of and from the defendant in the sum of
\$16,327.43, with interest at 6% from this day forward until
paid, together with costs.


JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Harvard Apartments, Inc.,

Defendant.

Civil Action No. 5159
FILED
IN CLERK'S OFFICE

JUN 20 1961

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

JOURNAL ENTRY OF JUDGMENT

NOW, on this 20th day of June, 1961, the above entitled matter coming on for hearing, plaintiff, United States of America appearing by Rodney G. Buckles, Assistant United States Attorney for the Northern District of Oklahoma, and the defendant, Harvard Apartments, Inc., having failed to answer, but appearing specially by its attorney, Paul R. Garrison, and it appearing to the court that this is a suit based upon a mortgage note and for foreclosure of a real property mortgage and two chattel mortgages securing said mortgage note, and it further appearing that the real estate covered by the real property mortgage and the property covered by the chattel mortgages are located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma.

It further appearing that due and legal personal service of summons has been made on the defendant on April 20, 1961 in this state requiring them to answer the complaint filed herein not more than twenty (20) days after date of service of summons and it further appearing that this defendant has failed to file its answer herein but appeared specially by its attorney, Paul R. Garrison, and admitted the execution of the notes and mortgages sued upon and also that it was in default in the installment due under the notes and further admitted that the amounts/due as set forth in the complaint herein, and the court being fully advised finds that all the allegations and averments in the complaint of plaintiff are true and that there is due from the defendant, Harvard Apartments, Inc., to the plaintiff, United States of America, on the note and mortgages the following amounts:

- 1) \$1,240,536.91 unpaid principal.
- 2) \$10,660.48 accrued interest on the unpaid principal as of February 28, 1961.
- 3) Interest at the rate of 4% per annum on the unpaid principal from March 1, 1961 until paid.

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

Lots 1 and 2 in Harvard Apartments Addition to Tulsa, Oklahoma, situated in the County of Tulsa, State of Oklahoma according to the recorded plat thereof, being Plat No. 1362 recorded July 25, 1947 in the office of the County Clerk of Tulsa County, Oklahoma.

The court further finds that plaintiff has a first and prior lien on the personal property described in the complaint by virtue of the mortgages numbered 133066 and 135140 as security for the payment of the indebtedness, interest and costs, which property is described as follows:

86 LG 10 E 11, Gas Fired Warm Air Conditioner
86 25 LG 20 E 11, Gas Fired warm Air Conditioner
86 MC 6 General Electric Refrigerators
86 MC 6 LGH General Electric Refrigerators
172 AP 1 General Electric Range

Also including, but not limited to, the following easily removable real estate items, namely all metal kitchen cabinets, sink units, plumbing equipment of every kind and nature, hot water heaters and water heating equipment, space heaters, chimes and door-bells, electrical fixtures, screens, shades, clothes lines, and all other operating equipment of every kind and nature used in the operation of said rental housing project located on Lots 1 and 2, Harvard Apartments Addition, Tulsa, Tulsa County, State of Oklahoma.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the plaintiff, United States of America, do have and recover from the defendant, Harvard Apartments, Inc., the sum of \$1,249,536.01 principal, with interest in the sum of \$16,660.48 as of February 28, 1961 and interest on the unpaid principal at the rate of 4% per annum from March 1, 1961 until paid, together with the costs of this action accrued and accruing; and

It further appearing to the court that the mortgage contains the words "mortgagor hereby waives all benefits of the stay, valuation or appraisal and exemption laws of the State of Oklahoma;"

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

Lots 1 and 2 in Harvard Apartments Addition to Tulsa, Oklahoma, situated in the County of Tulsa, State of Oklahoma according to the recorded plat thereof, being Plat No. 1362 recorded July 25, 1947 in the office of the County Clerk of Tulsa County, Oklahoma,

86 AC 10 E 11, Gas Fired Warm Air Conditioner
86 AC 10 20 E 11, Gas Fired Warm Air Conditioner
86 AC 6 General Electric Refrigerators
86 AC 6 GEH General Electric Refrigerators
172 AP 1 General Electric Range

Also including, but not limited to, the following easily removable real estate items, namely all metal kitchen cabinets, sink units, plumbing equipment of every kind and nature, hot water heaters and water heating equipment, space heaters, chimes and door-bells, electrical fixtures, screens, shades, clothes lines, and all other operating equipment of every kind and nature used in the operation of said rental housing project located on Lots 1 and 2, Harvard Apartments Addition, Tulsa, Tulsa County, State of Oklahoma,

and apply the proceeds arising from the sale as follows:

- 1) In payment of the costs of the sale and of this action.
- 2) In payment of any unpaid taxes due.
- 3) In payment to plaintiff the sum of \$1,249,536.91 principal and \$16,660.48 accrued interest on the unpaid principal as of February 28, 1961, and interest at the rate of 4% per annum on the unpaid principal from March 1, 1961 until paid.
- 4) The residue, if any, to be paid to the Clerk of the Court to await the further order of the court.

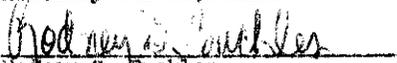
If the amount derived from the sale is insufficient to satisfy the judgment, interest and costs that execution issue against the defendant, Harvard Apartments, Inc., for the remainder unpaid.

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


UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:


Paul E. Garrison
Attorney for Defendant


Rodney G. Buckles
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America

Plaintiff,

vs.

760.42 Acres of Land, More or Less,
Situate in Nowata and Rogers
Counties, Oklahoma, and Mrs. O. C.
(Corrinne) Cash, et al, and
Unknown Owners.

Defendants.

Civil Action No. 4856

Tracts Nos. T-2023 and
T-2027

FILED

JUN 21 1961

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

J U D G M E N T

1.

NOW on this 21 day of June 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 estate condemned in the leasehold interest in the mineral estate in Tract No. T-2023, and to the estate condemned in an undivided 13/16 interest in the leasehold interest in the mineral estate in Tract No. T-2027, as such estates and tracts are described in the Declaration of Taking filed in this Civil Action.

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 February 19, 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 the subject tracts, certain sums of money, and part of these deposits has been disbursed, as set out in Paragraph 12 below.

7.

On the date of taking in this action, Harold E. Epperson was the owner of the interest in the subject tracts described in paragraph 2 herein. Such named defendant is the only person asserting any claim to such interest, all other persons having either disclaimed or defaulted, and he is entitled to receive the just compensation for the estate taken in such interest.

8.

Harold E. Epperson and the United States of America have executed and filed herein Stipulations As To Just Compensation, wherein they have agreed that just compensation for all of such defendant's interest in 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 T-2023 and the amount fixed by the Stipulation As To Just Compensation, relative to such tract, and the amount of such deficiency should be deposited for the benefit of the owner. 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 and interests designated in paragraph 2 herein, 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 the date of filing the Declaration of Taking, 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 owner of the interest in subject tracts, designated in paragraph 2 herein, was Harold E. Epperson, and the right to just compensation for the estates taken herein in such described interest in these tracts is vested in such named defendant.

12.

It is Further ORDERED, ADJUDGED AND DECREED that the Stipulations As To Just Compensation, mentioned in paragraph 8 above, hereby are confirmed; and the sums therein fixed are adopted as the awards of just compensation for all of Harold E. Epperson's interest in the estates condemned in subject tracts as follows:

TRACT NO. T-2023

Owner: Harold E. Epperson is the owner of the entire leasehold interest in the mineral estate in this tract.

Award of Just Compensation Pursuant

to Approved Stipulation	\$10,715.00	\$10,715.00
Deposited as Estimated Compensation		
for leasehold interest	<u>6,898.00</u>	
Deposit Deficiency	<u>\$ 3,817.00</u>	
Disbursed to Owner		<u>6,898.00</u>
Balance due to Owner		<u>\$ 3,817.00</u>

TRACT NO. T-2027

Owner: Harold E. Epperson is the owner of 13/16 of the leasehold interest in the mineral estate in this tract.

Award of Just Compensation Pursuant

to Approved Stipulation	\$1,124.06	\$1,124.06
Deposited as Estimated Compensation for the		
above described interest	<u>\$1,124.06</u>	
Deposit Deficiency	<u>None</u>	
Disbursed to Owner		<u>\$1,124.06</u>
Balance Due to Owner		<u>None</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. 4856 the deposit deficiency of \$3,817.00, and such sum shall be placed in the deposit for Tract No. T-2023.

The Clerk of this Court then shall disburse from the deposit for Tract No. T-2023, to Harold E. Epperson, the sum of \$3,817.00.

13/ Royce W. Savage
UNITED STATES DISTRICT JUDGE

APPROVED:

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

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

ARTNELL COMPANY,

Plaintiff,

NO. 4981

v.

WILLIAM A. BURNS,

Defendant.

FILED

JUN 23 1961

STIPULATION ON DISMISSAL

NOBLE W. GOOD
Clerk, U. S. District Court

IT IS HEREBY STIPULATED that the above entitled action
may be dismissed with prejudice, each party to bear his own cost.

DATED this 21st day of June, 1961.

MARTIN, LOGAN, MOYERS, MARTIN & HULL
Attorneys for Plaintiff

By Jack H. Santee

HOUSTON, KLEIN & DAVIDSON
Attorneys for Defendant

By [Signature]

So ordered.
19/ R. W. Savage

FILED ✓

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUN 20 1961

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 989.66 Acres of Land, More or Less,)
 Situate in Nowata County, Oklahoma,)
 and H. T. Stanart, et al, and)
 Unknown Owners,)
)
 Defendants.)

WALTER C. HOWARD
Clerk, U.S. District Court
Civil Action No. 4857

(All Tracts)

JUDGMENT ON STIPULATION

THIS matter comes on for hearing this 26 day of June, 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 N. Y. K. Oil Company, defendant herein, was filed herein on June 15, 1961. The Defendant, N. Y. K. Oil Company, 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 \$608.27.

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 \$608.27, and when such sum has been deposited, the Clerk of this Court shall disburse such sum to N. Y. K. Oil Company.

Walter C. Howard
UNITED STATES DISTRICT JUDGE

APPROVED:

H
HUBERT A. MARLOW
First Assistant U. S. Attorney

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JOHNIE LEE CHONIN,

Plaintiff,

vs.

SECURITIES INVESTMENT COMPANY OF
ST. LOUIS, d/b/a SECURITIES CREDIT
COMPANY, a Corporation,

Defendant

Civil Action

No. 5117

FILED

JUN 27 1961

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

ORDER OF DISMISSAL

This cause came on for trial before the Court, pursuant to regular setting and notice to parties; the plaintiff not being present nor represented by counsel, and the defendant not being represented by counsel,

IT IS ORDERED that this action be and it is hereby dismissed for failure to prosecute.

Dated at Tulsa, Oklahoma this 26th day of June, 1961.

NOBLE C. HOOD, CLERK

By *Ben B. Ballenger*
Ben B. Ballenger,
Deputy

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

United States of America,)
Plaintiff,)
vs.)
914.83 Acres of Land, More or Less,)
Situate in Tulsa, Osage and Pawnee)
Counties, Oklahoma, and R. W. Hubbard)
et al, and Unknown Owners,)
Defendants.)

Civil No. 4948

JUN 28 1961

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

Tract(s) No(s). 2817-1, 2817-2 and
2817E-1 thru E-6

JUDGMENT ON STIPULATION

On this day this cause comes on for consideration on the stipulation(s) entered into by the defendant(s) therein named and the plaintiff, which stipulation(s) (are)(is) tendered herewith for filing herein.

The Court finds that plaintiff and **Leona Beatrice Lindsey and W. H. Noel, as Guardian for Effie Myrtle Rogers**

, defendant(s) herein, have, by the stipulation(s) above referred to, agreed that the just compensation to be paid by the plaintiff for the taking of the estate(s) in Tract(s) No(s). **2817-1, 2817-2 and 2817E-1 thru E-6, inclusive**, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ **14,750.00**, inclusive of interest. The sum of \$ **12,525.00**, was deposited into the registry of this Court as estimated just compensation for said tract(s) upon the filing of the Declaration of Taking herein. The Court has jurisdiction of the parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract(s).

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

(A) The vesting in plaintiff of title to the estate(s) set forth in the Complaint and Declaration of Taking in and to the land(s) hereinabove referred to, as said tract(s) (is)(are) described therein, is hereby confirmed;

(B) The just compensation to be paid by the plaintiff for the taking of Tract(s) No(s). **2817-1, 2817-2 & 2817E-1 thru E-6**, is the sum of \$ **14,750.00**, inclusive of interest; and

(C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$ **2,225.00**, without interest.

Jurisdiction of this cause is retained for the entry of further and appropriate orders and decrees.

Entered this 28th day of June 1961.

APPROVED:

15/ Royce H. Savage
JUDGE, United States District Court

Perry A. Krojan
Perry A. Krojan, Ass't U.S. Attorney

FILED

JUN 29 1961

NOBLE C. HOOD
Clerk U.S. District Court

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

EDITH A. WOOD,	Plaintiff)
)
vs)
)
THOSE UNDERWRITERS AT)
LLOYD'S, LONDON,)
SIGNATORY TO CERTIFICATE)
NO. C-81775-2, REPRESENTED)
HEREIN BY)
EDWARD ERNEST NELSON,	Defendant)

NO. 4953 CIVIL

O R D E R

On this 28th day of June, 1961, this matter coming on to be heard upon the motion of the plaintiff to dismiss the above cause with prejudice to a future action, and the Court being fully advised in the premises and finding that the matter has been fully settled and compromised for the sum of Thirty-three Thousand Three Hundred Thirty-three Dollars (\$33,333.00),

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

(s) Royce A. Savage

Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

United States of America,)
Plaintiff,)
vs.)
529.99 Acres of Land, More or Less,)
Situate in Creek, Osage and Pawnee)
Counties, Oklahoma, and J. O. Stith,)
et al, and Unknown Owners)
Defendants.)

Civil No. 5021

JUN 23 1961

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

Tract(s) No(s). F-623E-4

JUDGMENT ON STIPULATION

On this day this cause comes on for consideration on the stipulation(s) entered into by the defendant(s) therein named and the plaintiff, which stipulation(s) (are)(is) tendered herewith for filing herein.

The Court finds that plaintiff and **Allen V. and Ruby R. Clegg, his wife**

, defendant(s) herein, have, by the stipulation(s) above referred to, agreed that the just compensation to be paid by the plaintiff for the taking of the estate(s) in Tract(s) No(s). **F-623E-4**, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ **650.00**, inclusive of interest. The sum of \$ **350.00**, was deposited into the registry of this Court as estimated just compensation for said tract(s) upon the filing of the Declaration of Taking herein. The Court has jurisdiction of the parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract(s).

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

(A) The vesting in plaintiff of title to the estate(s) set forth in the Complaint and Declaration of Taking in and to the land(s) hereinabove referred to, as said tract(s) (is)(are) described therein, is hereby confirmed;

(B) The just compensation to be paid by the plaintiff for the taking of Tract(s) No(s). **F-623E-4**, is the sum of \$ **650.00**, inclusive of interest; and

(C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$ **300.00**, without interest.

Jurisdiction of this cause is retained for the entry of further and appropriate orders and decrees.

Entered this 28th day of June 1961.

APPROVED:

Ferry A. Krohn
Ferry A. Krohn, Ass't U.S. Attorney

Bryce H. Savage
JUDGE, United States District Court

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

JUN 1 1961

NOBLE J. ...
Clerk U.S. District Court

UNITED STATES OF AMERICA

VS.

Civil No. 5141

161 cases of 4 1-gallon bottles;
118 cases of 24 16-ounce bottles;
and 64 cases of 12 32-ounce bottles;
more or less, labeled in part:
(bottle) ***Sterling Cider Vinegar
***Made Exclusively From the Juice
of Fresh Whole Apples *** (For Dietary
use" on 32-ounce bottle only) Made Only
By Sterling Cider Co., Inc. Sterling,
Mass." and 3900 leaflets entitled
"Saving Lives With Vinegar", which were
shipped by Sterling Cider Co., Inc.,
Sterling, Massachusetts

DECREE OF CONDEMNATION

On March 16, 1961, a Libel of Information against the above described articles was filed in this Court on behalf of the United States of America by the United States Attorney for this district. The libel alleged that the articles proceeded against were drugs which were misbranded when introduced into, while in, and while held for sale after shipment in interstate commerce, in violation of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352 (a)). Pursuant to Monition issued by this Court, the United States Marshall for this district seized said articles of cider vinegar on March 17, 1961. Thereafter, Sterling Cider Co., Inc., of Waushacum Avenue, Sterling, Massachusetts, intervened and filed claim to said articles. Claimant consents that a Decree, as prayed for in the libel, be entered condemning the articles under seizure.

On the 16th day of May, 1961, this matter came for hearing before this Court at its regular setting of pre-trial conferences at which time the United States of America appeared by the United States District Attorney for the Northern District of Oklahoma by Russell H. Smith; the claiming, Sterling Cider Co., Inc., appeared by and through its attorney, Lawrence Johnson. The Court having heard evidence tendered by both parties finds that the Court has jurisdiction of the subject matter and of the seized articles herein.

The Court further finds that the seized vinegar product of itself is not misbranded or is it an adulterated or deleterious in and of itself. The Court finds that the cider vinegar, so seized under the Monition of March 17, 1961,

is misbranded by virtue of its association with 3900 leaflets entitled "Saving Lives With Vinegar." The Court finds that the sole basis for the label of information filed herein alleging misbranding of said cider vinegar products is by virtue of its association with the aforesaid leaflets entitled "Saving Lives With Vinegar" and that by virtue of said association, said cider vinegar products, so seized, is misbranded.

Claimant, by and through its attorney, stipulated and agreed to condemnation of said articles as being misbranded, in violation of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 353(a)), and for that reason said articles of cider vinegar should be brought into compliance with the standards as set forth in the Federal Food, Drug and Cosmetic Act.

Claimant, through its attorney, announced to the Court that all of the leaflets entitled "Saving Lives With Vinegar" have been destroyed and it was further agreed by claimant that it would henceforth refrain and desist from the further circulation of said leaflets in connection with its cider vinegar product. In addition, claimant prayed for the return of said cider vinegar products to Akin Distributors, Inc., Tulsa, Oklahoma, from whence these cider vinegar products have been seized. The United States of America issued objection to return of the cider vinegar products to Akin Distributors, Inc., as long as there were any pamphlets located on the premises of Akin Distributors, Inc., which would relate to, describe, refer to or advertise a therapeutic, medicinal, dietary properties or characteristics of the products so distributed by Sterling Cider Company of Sterling, Massachusetts. The claimant by and through its attorney, agreed to supply the Court with an Affidavit from Akin Distributors, Inc., to the effect that there were no such advertising pamphlets or literature on the premises which could be construed as describing, referring to or advertising a therapeutic, dietary or medicinal characteristic of cider vinegar as distributed by Sterling Cider Company, Inc., claimant herein.

The Court being fully advised in the premises after having heard all of the evidence tendered at this conference, finds that the articles which were seized pursuant to Requisition, should be condemned as misbranded. However, the Court finding that the misbranding of said seized articles is by virtue of its association with 3900 leaflets entitled "Saving Lives With Vinegar" and finding that these pamphlets have been destroyed and further finding that the claimant herein has consented to an order enjoining claimant from the further distribution of said leaflets in interstate commerce, in association with its vinegar

products, the Court finds that said vinegar products, so seized by Wemition, should be returned to Akin Distributors, Inc., upon condition that said Akin Distributors, Inc., files before this Court an Affidavit to the effect that there are no articles, literature, books, pamphlets, or leaflets on the premises of said Akin Distributors, Inc. which in any way allude to, refer to, describe, or advertise a therapeutic, dietary or medicinal characteristic or feature of cider vinegar which could reasonably infer to be descriptive or labeling of any vinegar product which is now, or which in the future would be in the possession of Akin Distributors, Inc.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the said articles under seizure were misbranded in violation of (21 U.S.C. 353(a)). The Court finds that said articles are condemned as being misbranded.

IT IS FURTHER the order of this Court that the 3900 leaflets entitled "Saving Lives With Vinegar" should be destroyed and it is further the order of this Court that Sterling Cider Company, Inc., claimant herein is hereby and by these presents enjoined from further distributing, publishing, or circulating in association with its cider products, the leaflets entitled "Saving Lives With Vinegar".

IT IS FURTHER the order of this Court that the articles under seizure be returned by the Marshall of the United States to Akin Distributors, Inc., after Akin Distributors, Inc., has filed before this Court an Affidavit to the effect that there is no literature, books, pamphlets, leaflets, or advertising matter which in any way alludes to, refers to, describes, or advertises a therapeutic, dietary or medicinal characteristic or feature of the cider vinegar as distributed by Sterling Cider Company, Inc., of Sterling, Massachusetts.

IT IS ORDERED, ADJUDGED AND DECREED that the United States of America shall recover from said claimant court costs and fees and other proper expenses as taxes herein as court costs, to-wit the sum of \$ 38⁵⁰.

IT IS ORDERED, ADJUDGED AND DECREED that the claimant shall not, at any time, store or hold the said articles upon the premises where any written, printed or graphic matter is located which would result in the misbranding of the said article and shall not transport or deliver or cause to be delivered the said articles to any person or firm on whose premises or in whose possession written, printed or graphic matter is located which would result in their misbranding.

DATED AND MADE PUBLIC BY ORDER OF MAY, 1951.

/s/ Royal H. Savage
UNITED STATES DISTRICT JUDGE

We hereby consent the entry of the foregoing decree.

UNITED STATES DISTRICT ATTORNEY

BY /s/ Russell H. Smith

STERLING CIDER CO., INC., Claimant

BY /s/ Lawrence Johnson

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

IN THE MATTER OF)
MIDWEST WHOLESALE COMPANY,)
a co-partnership composed of E. H.)
Spreen and Florence Spreen,)
)
Alleged Bankrupts,)

In Bankruptcy No. 10264

FILED

JUN 29 1961

ORDER DISMISSING INVOLUNTARY PETITION

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

Now on this 24 day of June, 1961 the motion of Sessions Clock

Company, a corporation, Gerringer & Sons Mfg. Corporation, a corporation, and Slater Electric Mfg. Company, Inc., a corporation, to dismiss the involuntary petition in bankruptcy heretofore filed by said corporations against Midwest Wholesale Company, a partnership composed of E. H. Spreen and Florence Spreen. William J. Threadgill, attorney at law, appeared on behalf of said petitioning creditors, and Jack Fine, attorney at law, appeared on behalf of Midwest Wholesale Company.

The Court thereupon examined the pleadings filed in the case and the list of creditors of Midwest Wholesale Company, filed under oath, and being fully advised in the premises finds:

1. That heretofore on the 14th day of March, 1961 Sessions Clock Company, Gerringer & Sons Mfg. Corporation and Slater Electric Mfg. Company, Inc., by and through their attorney, William J. Threadgill, filed an involuntary petition in bankruptcy to have Midwest Wholesale Company adjudged a bankrupt.
2. That since said date the creditors have accepted an offer of settlement settling their claims against Midwest Wholesale Company in full.
3. That said claims have been settled and therefore no notice of this proceeding need be given.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the involuntary petition in bankruptcy heretofore filed by Sessions Clock Company, Gerringer & Sons Mfg. Corporation and Slater Electric Mfg. Company, Inc.

against Midwest Wholesale Company, a partnership composed of E. S. Spreen and Florence Spreen, be and the same is dismissed with prejudice to future action.

Done at Tulsa, Oklahoma, this the 26 day of June, 1961.



JUDGE

JUN 30 1961

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Civil No. 4624

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

Defendants.

Tract(s) No(s). C-334

JUDGMENT ON STIPULATION

On this day this cause comes on for consideration on the stipulation(s) entered into by the plaintiff and the defendant(s) therein named, which stipulation(s) (is)(are) tendered herewith for filing herein.

The Court finds that plaintiff and **Charles L. Bellow and Mazie D. Bellow, his wife,** defendant(s) herein, have, by the stipulation(s) above referred to, agreed that the just compensation to be paid by the plaintiff for the taking of the estate(s) in Tract(s) No(s). **C-334**, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ **5,500.00**, inclusive of interest. The sum of \$ **4,000.00** was deposited into the registry of this Court as estimated just compensation for said tract(s) upon the filing of the Declaration of Taking herein. The Court has jurisdiction of the parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract(s).

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

(A) The vesting in plaintiff of title to the estate(s) set forth in the Complaint and Declaration of Taking in and to the land(s) hereinabove referred to, as said tract(s) (is)(are) described therein, is hereby confirmed;

(B) The just compensation to be paid by the plaintiff for the taking of Tract(s) No(s). **C-334**, is the sum of \$ **5,500.00**, inclusive of interest, and the reservation by the above-named defendant(s) of the right to remove on or before **August 1, 1961**, (~~time~~) (all) (building(s)) and improvement(s)) located thereon, having a (total) salvage value of \$ **360.00**; ~~and~~ but without deduction therefor from the award of just compensation.

(C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$ **1,500.00**, without interest.

Jurisdiction of this cause is retained for the entry of further and appropriate orders and decrees.

Entered this 30 day of June 1961.

APPROVED:

101 R. H. Sawyer
JUDGE, United States District Court

Perry A. Krohn
Perry A. Krohn, Ass't U. S. Attorney

Def. Jdgm't
with res.
of imp.
JUN 30 1961

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

United States of America,

Plaintiff,

vs.

Civil No. 4720

191.39 Acres of Land, More or Less,
Situate in Creek and Pawnee Counties,
Oklahoma, and Leslie M. Yarbrough, et
al, and Unknown Owners,

Defendants.

Tract(s) No(s). B-229

JUDGMENT ON STIPULATION

On this day this cause comes on for consideration on the stipulation(s) entered into by the plaintiff and the defendant(s) therein named, which stipulation(s) (is)(are) tendered herewith for filing herein.

The Court finds that plaintiff and **Leslie M. Yarbrough and Clyde H. Yarbrough, a/k/a Clyde A. Yarbrough**, defendant(s) herein, have, by the stipulation(s) above referred to, agreed that the just compensation to be paid by the plaintiff for the taking of the estate(s) in Tract(s) No(s). **B-229**, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ **6,800.00**, inclusive of interest. The sum of \$ **5,500.00** was deposited into the registry of this Court as estimated just compensation for said tract(s) upon the filing of the Declaration of Taking herein. The Court has jurisdiction of the parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract(s).

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

(A) The vesting in plaintiff of title to the estate(s) set forth in the Complaint and Declaration of Taking in and to the land(s) hereinabove referred to, as said tract(s) (is)(are) described therein, is hereby confirmed;

(B) The just compensation to be paid by the plaintiff for the taking of Tract(s) No(s). **B-229**, is the sum of \$ **6,800.00**, inclusive of interest, and the reservation by the above-named defendant(s) of the right to remove on or before **August 1, 1961**, ~~xxx~~(all)(building(s)) and improvement(s)) located thereon, having a (total) salvage value of \$ **420.00**; and

(C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$ **800.00**, without interest.

Jurisdiction of this cause is retained for the entry of further and appropriate orders and decrees.

Entered this _____ day of _____ 1961.

APPROVED:

N. B. H. Hood
JUDGE, United States District Court

Ferry A. Krohn
Ferry A. Krohn, Asst U.S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,
vs.
3.57 Acres of Land, More or Less,
Situate in Creek County, Oklahoma,
and Robert R. Austin, et al, and
Unknown Owners,
Defendants.

Civil No. 4732

FILED

Tract(s) No(s). 1624

JUDGMENT ON STIPULATION JUN 30 1961

NOBLE C. HOOD

On this day this cause comes on for consideration of the stipulation(s) entered into by the plaintiff and the defendant(s) therein named, which stipulation(s) (is)(are) tendered herewith for filing herein.

The Court finds that plaintiff and **Drew Yeager and Flossie Yeager, his wife,** defendant(s) herein, have, by the stipulation(s) above referred to, agreed that the just compensation to be paid by the plaintiff for the taking of the estate(s) in Tract(s) No(s). **1624**, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ **4,250.00**, inclusive of interest. The sum of \$ **3,300.00** was deposited into the registry of this Court as estimated just compensation for said tract(s) upon the filing of the Declaration of Taking herein. The Court has jurisdiction of the parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract(s).

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

(A) The vesting in plaintiff of title to the estate(s) set forth in the Complaint and Declaration of Taking in and to the land(s) hereinabove referred to, as said tract(s) (is)(are) described therein, is hereby confirmed;

(B) The just compensation to be paid by the plaintiff for the taking of Tract(s) No(s). **1624**, is the sum of \$ **4,250.00**, inclusive of interest, and the reservation by the above-named defendant(s) of the right to remove on or before **August 1, 1961**, (~~not~~(all)(~~including~~(~~any~~ improvement(s)) located thereon, having a (total) salvage value of \$ **250.00**; and

(C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$ **700.00**, without interest.

Jurisdiction of this cause is retained for the entry of further and appropriate orders and decrees.

Entered this 30 day of June 1961.

APPROVED:

Royce H. Savage
JUDGE, United States District Court

Perry A. Krohn

Perry A. Krohn, Ass't U.S. Attorney

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUN 10 1961

United States of America,)
Plaintiff,)
vs.)
244.20 Acres of Land, More or Less,)
Situat in Creek and Pawnee Counties,)
Oklahoma, and Ruth I. Kree, et al,)
and Unknown Owners,)
Defendants.)

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

Civil No. 4740

Tract No. F-642

JUDGMENT ON STIPULATION AND ORDER OF DISTRIBUTION

On this day this cause comes on for consideration on the stipulations entered into by and between the plaintiff and the defendants therein named, which stipulations are tendered herewith for filing herein.

The Court finds that plaintiff and B. F. Moak, as Administrator of the estate of Mary H. Morton, nee Harjo, deceased, Lois Harjo, now Ball, and Joseph (Sam) Harjo, defendants herein, have by the stipulations above referred to, agreed that the just compensation to be paid by the plaintiff for the taking of the estate in Tract No. F-642, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause is the (total) sum of \$600.00, inclusive of interest, which amount was deposited into the registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein. The Court has jurisdiction of the parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract. The Court further finds that the above-named defendants and John B. Godwin were the sole owners of the captioned tract on the date of taking, and they are entitled to the entire award therefor.

The Court further finds that the above-named defendants were the owners of an undivided 1/4 interest each in the estate taken in the captioned tract on the date of taking, and they were entitled to their proportionate part of the entire award of just compensation therefore, \$450.00 of which amount has heretofore been disbursed by order of this Court. Whereas, by finding of this Court, on April 14, 1961, on presentation of evidence by the plaintiff, the defendant, John B. Godwin, owner of an undivided 1/4 interest in said tract, not having appeared, and just compensation for the undivided 1/4 interest of said defendant, John B. Godwin, having been determined to be \$150.00, which is the amount remaining on deposit in the Registry of this Court, and whereas, by motion for distribution for Tract No. 4740, dated June 7, 1961, the said defendant, John B. Godwin, requested that his proportionate part of the just compensation remaining on deposit herein, to wit, \$150.00, be disbursed to W. E. Bigbie,

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

(A) The vesting in plaintiff of title to the estate set forth in the Complaint and Declaration of Taking in and to the lands hereinabove referred to, as said Tract is described therein, is hereby confirmed;

(B) The just compensation to be paid by the plaintiff for the taking of Tract No. F-642 is the sum of \$600.00, inclusive of interest; and

(C) The Clerk of this Court is hereby authorized and directed to draw a check on the funds in the registry of this Court in the amount hereinafter set forth, payable to the order of the following named payee and to mail the check to said payee at the following address:

W. E. Bigbie, Ardmore, Oklahoma, \$150.00
% Milor and Thomas, Attorneys
107 1/2 West Main
Ardmore, Oklahoma

Entered this day of

1961.

10 3 11
JUDGE, United States District Court

APPROVED:

12/ 11/ 1961
Perry A. Krohn
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,
vs.
225.11 Acres of Land, More or Less,
Situate in Creek and Pawnee Counties,
Oklahoma, and Selena Mary O'Kief, et
al, and Unknown Owners,
Defendants.

Civil No. 4762

FILED

Tract(s), No(s). B-201
JUN 30 1961

JUDGMENT ON STIPULATION NOBLE C. HOOD
Clerk, U. S. District Court

On this day this cause comes on for consideration on the stipulation(s) entered into by the plaintiff and the defendant(s) therein named, which stipulation(s) (is)(are) tendered herewith for filing herein.

The Court finds that plaintiff and **Leslie M. Yarbrough and Katherine A. Yarbrough**, defendant(s) herein, have, by the stipulation(s) above referred to, agreed that the just compensation to be paid by the plaintiff for the taking of the estate(s) in Tract(s) No(s). **B-201**, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ **6,050.00**, inclusive of interest. The sum of \$ **4,350.00**, was deposited into the registry of this Court as estimated just compensation for said tract(s) upon the filing of the Declaration of Taking herein. The Court has jurisdiction of the parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract(s).

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

(A) The vesting in plaintiff of title to the estate(s) set forth in the Complaint and Declaration of Taking in and to the land(s) hereinabove referred to, as said tract(s) (is)(are) described therein, is hereby confirmed;

(B) The just compensation to be paid by the plaintiff for the taking of Tract(s) No(s). **B-201**, is the sum of \$ **6,050.00**, inclusive of interest, and the reservation by the above-named defendant(s) of the right to remove on or before **August 1, 1961**, (~~the~~(all)(~~under~~(~~the~~ improvement(s)) located thereon, having a (total) salvage value of \$ **395.00**; and

(C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$ **1,305.00**, without interest.

Jurisdiction of this cause is retained for the entry of further and appropriate orders and decrees.

Entered this _____ day of **June** 1961.

APPROVED:

R. H. Savage
JUDGE, United States District Court

Ferry A. Krohn
Ferry A. Krohn, Ass't U.S. Attorney

JUN 30 1961
Def. Jdgm't
with res.
of imps.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

United States of America,
vs.
225.11 Acres of Land, More or Less,
Situate in Creek and Pawnee Counties,
Oklahoma, and Selena Mary O'Kief, et
al, and Unknown Owners,
Plaintiff,
Defendants.

Civil No. 4762
Tract(s) No(s). B-276

JUDGMENT ON STIPULATION

On this day this cause comes on for consideration on the stipulation(s) entered into by the plaintiff and the defendant(s) therein named, which stipulation(s) (is)(are) tendered herewith for filing herein.

The Court finds that plaintiff and **Leslie M. Yarbrough and Katherine A. Yarbrough**, defendant(s) herein, have, by the stipulation(s) above referred to, agreed that the just compensation to be paid by the plaintiff for the taking of the estate(s) in Tract(s) No(s). **B-276**, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$**7,750.00**, inclusive of interest. The sum of \$**7,750.00**, was deposited into the registry of this Court as estimated just compensation for said tract(s) upon the filing of the Declaration of Taking herein. The Court has jurisdiction of the parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract(s).

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

(A) The vesting in plaintiff of title to the estate(s) set forth in the Complaint and Declaration of Taking in and to the land(s) hereinabove referred to, as said tract(s) (is)(are) described therein, is hereby confirmed;

(B) The just compensation to be paid by the plaintiff for the taking of Tract(s) No(s). **B-276**, is the sum of \$**7,080.00**, inclusive of interest, and the reservation by the above-named defendant(s) of the right to remove on or before **August 1, 1961**, ~~(the)(all)(said)(said)~~ improvement(s) located thereon, having a (total) salvage value of \$ **670.00**; and

(C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$ **None**, without interest.

Jurisdiction of this cause is retained for the entry of further and appropriate orders and decrees.

Entered this day of **June** 1961.

APPROVED:

B. H. ...
JUDGE, United States District Court

Ferry A. Krohn
Ferry A. Krohn, Ass't U.S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Def. Judgment
Without Res. **FILED**

JUN 20 1961

United States of America,)
Plaintiff,)
vs.)
368.84 Acres of Land, More or Less,)
Situate in Creek and Tulsa Counties,)
Oklahoma, and Joe Wilson, et al, and)
Unknown Owners,)
Defendants.)

Civil No. 4791

ROBERT C. HIGHT
Clerk, U. S. District Court

Tract(s) No(s). A-141E-3 and
A-141E-4

JUDGMENT ON STIPULATION

On this day this cause comes on for consideration on the stipulation(s) entered into by the defendant(s) therein named and the plaintiff, which stipulation(s) (are)(is) tendered herewith for filing herein.

The Court finds that plaintiff and **Tom Stanford and Amanda Stanford, his wife**

, defendant(s) herein, have, by the stipulation(s) above referred to, agreed that the just compensation to be paid by the plaintiff for the taking of the estate(s) in Tract(s) No(s). **A-141E-3 and E-4**, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ **2,000.00**, inclusive of interest. The sum of \$ **1,350.00**, was deposited into the registry of this Court as estimated just compensation for said tract(s) upon the filing of the Declaration of Taking herein. The Court has jurisdiction of the parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract(s).

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

(A) The vesting in plaintiff of title to the estate(s) set forth in the Complaint and Declaration of Taking in and to the land(s) hereinabove referred to, as said tract(s) (is)(are) described therein, is hereby confirmed;

(B) The just compensation to be paid by the plaintiff for the taking of Tract(s) No(s). **A-141E-3 and E-4**, is the sum of \$ **2,000.00**, inclusive of interest; and

(C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$ **650.00**, without interest.

Jurisdiction of this cause is retained for the entry of further and appropriate orders and decrees.

Entered this 14 day of June 1961.

APPROVED:

Robert C. Hight
JUDGE, United States District Court

Perry A. Krohn
Perry A. Krohn, Ass't U.S. Attorney

Def. Judgment
Without Res. of Imps

FILED
JUN 30 1961

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.)
234.10 Acres of Land, More or Less,)
Situat in Tulsa and Pawnee Counties,)
Oklahoma, and Joe Wilson, et al, and)
Unknown Owners,)
Defendants.)

Civil No. 4897
NOBLE C. HOOD
Clerk, U. S. District Court

Tract(s) No(s). A-171E

JUDGMENT ON STIPULATION

On this day this cause comes on for consideration on the stipulation(s) entered into by the defendant(s) therein named and the plaintiff, which stipulation(s) (are)(is) tendered herewith for filing herein.

The Court finds that plaintiff and **G. E. Swift and Esta Swift, his wife,**

, defendant(s) herein, have, by the stipulation(s) above referred to, agreed that the just compensation to be paid by the plaintiff for the taking of the estate(s) in Tract(s) No(s). **A-171E**, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ **350.00**, inclusive of interest. The sum of \$ **275.00**, was deposited into the registry of this Court as estimated just compensation for said tract(s) upon the filing of the Declaration of Taking herein. The Court has jurisdiction of the parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract(s).

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

- (A) The vesting in plaintiff of title to the estate(s) set forth in the Complaint and Declaration of Taking in and to the land(s) hereinabove referred to, as said tract(s) (is)(are) described therein, is hereby confirmed;
- (B) The just compensation to be paid by the plaintiff for the taking of Tract(s) No(s). **A-171E**, is the sum of \$ **350.00**, inclusive of interest; and
- (C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$ **75.00**, without interest.

Jurisdiction of this cause is retained for the entry of further and appropriate orders and decrees.

Entered this day of 1961.

APPROVED: Royce H. Dawsey
JUDGE, United States District Court

Perry A. Krohn
Perry A. Krohn, Ass't U.S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
) Plaintiff,)
)
 vs.)
)
 435.41 Acres of Land, More or Less,)
 Situate in Rogers County, Oklahoma,)
 and Lillie Benbow, et al, and)
 Unknown Owners,)
)
) Defendants)

Civil Action No. 4906

Tract No. J-1013

FILED

JUN 30 1961

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

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, heirs of Mayme Levine, deceased, appeared by their attorney Max Feldner. 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. J-1013, 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 April 5, 1960, 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

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, the sum of \$6,025.00. On May 6, 1960, the sum of \$4,612.89 was disbursed to H. L. Marcus and Southmoor Bank and Trust Company, Co-Trustees under Trust No. 8444 and Transcontinental Oil Company. The Clerk's check, payable to the above-named parties, was delivered in person to Mr. Frank Buffum, President of the Transcontinental Oil Company. Delivery of the check was made in the office of the Clerk of this Court, at Tulsa, Oklahoma.

On October 27, 1960, the sum of \$1,412.11 was disbursed to Harold Morton Levine, Executor of the estate of Mayme Levine, deceased.

6.

On October 19, 1960, a hearing was held to determine the ownership of the mineral estate in the subject tract. After hearing the evidence, this court found that a certain oil and gas lease, recorded in Book 214, Page 356, in the Office of the County Clerk of Rogers County, Oklahoma, and assigned to H. L. Marcus and Southmoor Bank and Trust Company, Co-Trustees under Trust No. 8444, and Transcontinental Oil Company, had expired by its own terms, and that the Heirs of Mayme Levine, deceased, were the sole owners of the subsurface estate in subject tract. The disbursement made on May 6, 1960, as described in Paragraph 5, therefore, should not have been made, and the sum of \$4,612.89 should be returned, by the parties receiving it, to the registry of this court.

Harold Morton Levine has been appointed by the probate court as Executor of the estate of Mayme Levine, deceased, and in such capacity he is entitled to receive the just compensation for the taking of the subject tract.

7.

The fair market value of the estate taken herein in subject tract, as of the date of taking, was \$5,025.00, and the award of just compensation should be in such amount.

8.

There is a difference of \$3,612.89 between the amount disbursed to the owners of the subject tract and the award of just compensation for such tract and the Plaintiff should deposit in the registry of this court such sum together with interest thereon at the rate of 6% per annum from May 6, 1960, until the date of such deposit.

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 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 April 5, 1960, and all defendants herein and all other persons interested in such estate 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 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 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. J-1013

Owners: Heirs of Mayme Levine, deceased

Award of Just Compensation \$5,025.00

Deposited As Estimated Compensation \$6,025.00

Disbursed:

To H. L. Marcus and Southmoor Bank and Trust Company, Co-Trustees under Trust No. 8444 and Transcontinental Oil Company.	\$4,612.89	
To Harold Morton Levine, Esecutor of the estate of Mayme Levine deceased	<u>\$1,412.11</u>	1,412.11
Total Disbursed		<u>\$6,025.00</u>
Balance on deposit	None	<u> </u>
Balance due to owners		<u>\$3,612.89</u>

11.

It is Further ORDERED, ADJUDGED AND DECREED that the United States of America, shall pay into the Registry of this Court the balance due to the owners shown in Paragraph 10 together with interest thereon at the rate of 6% per annum from May 6, 1960, 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 from the deposit for Tract No. J-1013 in this Civil Action, to Harold Morton Levine, executor of the estate of Mayme Levine, the sum of \$3,612.89 plus all accrued interest.

12.

It is Further ORDERED, ADJUDGED AND DECREED that the Plaintiff, United States of America shall have judgment against H. L. Marcus and Southmoor Bank and Trust Company, Co-Trustees under Trust No. 8444, Transcontinental Oil Company and Frank Buffum in the sum of \$4,612.89 plus interest thereon at 6% per annum until the date of payment of such sum.

Frank Buffum hereby is ORDERED to return to the registry of this court immediately the sum of money necessary to satisfy this judgment.

(s) Raymond K. Savage
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

United States of America,)
Plaintiff,)
vs.)
1,699.52 Acres of Land, More or Less,)
Situate in Tulsa, Creek and Pawnee)
Counties, Oklahoma, and Lillie S.)
Mathews, et al, and Unknown Owners,)
Defendants.)

Civil No. 4967

JUL 20 1961
U.S. District Court

Tract(s) No(s). A-162

JUDGMENT ON STIPULATION

On this day this cause comes on for consideration on the stipulation(s) entered into by the defendant(s) therein named and the plaintiff, which stipulation(s) (are)(is) tendered herewith for filing herein.

The Court finds that plaintiff and **Joseph E. Studebaker and Sadako Studebaker, his wife, and Margaret V. Walls and Jessie Walls, her husband, and Mrs. Emma B. Freeze Comstock**, defendant(s) herein, have, by the stipulation(s) above referred to, agreed that the just compensation to be paid by the plaintiff for the taking of the estate(s) in Tract(s) No(s). **A-162**, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ **375.00**, inclusive of interest. The sum of \$ **148.00**, was deposited into the registry of this Court as estimated just compensation for said tract(s) upon the filing of the Declaration of Taking herein. The Court has jurisdiction of the parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract(s).

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED:

(A) The vesting in plaintiff of title to the estate(s) set forth in the Complaint and Declaration of Taking in and to the land(s) hereinabove referred to, as said tract(s) (is)(are) described therein, is hereby confirmed;

(B) The just compensation to be paid by the plaintiff for the taking of Tract(s) No(s). **A-162**, is the sum of \$ **375.00**, inclusive of interest; and

(C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$ **227.00**, without interest.

Jurisdiction of this cause is retained for the entry of further and appropriate orders and decrees.

Entered this _____ day of _____ 1961.

APPROVED:

12 George W. ...
JUDGE, United States District Court

15 Perry A. Krohn
Perry A. Krohn, Ass't U.S. Attorney