

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

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

United States of America,

Plaintiff,

vs.

Civil No. 4858

350.45 Acres of Land, More or Less,
Situate in Tulsa, and Creek Counties,
Oklahoma, and Randall Ashley Sanger,
et al, and Unknown Owners,

Tract No. F-638
(Subordination of
Mineral Estate)

Defendants.

JUDGMENT ON STIPULATION

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

The Court finds that plaintiff and C. E. McGuire, Floyd Wilson, guardian for E. J. McGuire; and Amanda Gwathney, Ryder W. Chronic, Billie Lorraine Talbot and Bonnie Jean Urell, 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-638, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the sum of \$1,937.50 for the 1/2 interest of C. E. McGuire and Floyd Wilson, and \$2,227.50 for the 1/2 interest of Amanda Gwathney, Ryder W. Chronic, Billie Lorraine Talbot and Bonnie Jean Urell, the total of which is \$4,165.00, inclusive of interest. The sum of \$3,875.00 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. F-638 is the sum of \$4,165.00, inclusive of interest; and of this amount the sum of \$1,937.50, the interest of McGuire, et al, and \$2,227.50 to the interest of Gwathney, et al;

3. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$290.00, without interest, and upon receipt of this amount, the Clerk of the Court is hereby authorized and directed to draw checks as follows, made payable to each respective owner for his remaining part of the award:

Amanda Gwathney - - - - -	\$145.00
Ryder W. Chronic - - - - -	36.25
Billie Lorraine Talbot - - - - -	54.37
Bonnie Jean Urell - - - - -	<u>54.38</u>
Total	\$290.00

Entered this 10th day of December 1962.

ALLEN E. CARSON

UNITED STATES DISTRICT JUDGE

APPROVED:

W. R. THIXTON, JR.
Assistant United States Attorney

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

HONORABLE CLERK
U.S. DISTRICT COURT

United States of America,
vs.
387.90 Acres of Land, More or Less,
Situate in Creek County, Oklahoma,
and John L. Collins, et al, and
Unknown Owners,
Plaintiff,
Defendants.

Civil No. 4908

Tracts Nos. I-947-1, 2
3, & E-1 Through E-7

J U D G M E N T

On this day this cause comes on for consideration on the motion of plaintiff for a judgment on the option granted by a certain defendant and accepted by the Corps of Engineers, Department of the Army, on behalf of the United States of America, plaintiff herein, and the judgment upon a stipulation entered into by and between certain other defendants and the plaintiff, which stipulation is on file in this cause.

The Court finds that prior to the institution of the above proceeding the United States of America and the defendant, L. J. Pundt, entered into a contract and agreement, as evidenced by an option for the purchase of land granted by said defendant and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$1,755.00, inclusive of interest, would be awarded as just compensation for the taking of the estates to be condemned in Tracts Nos. I-947-1, 2, 3, and E-1 through E-7, as such estates and said tracts are described in the Complaint and Declaration of Taking heretofore filed in this cause, the net sum payable to L. J. Pundt for his interest being the sum of \$1,554.00.

The Court finds that plaintiff and Villard Martin, individually and as Trustee for Kathryn Cornell Maxey, and Garret Logan, defendants herein have by the stipulation above referred to agreed that the just compensation to be paid by the plaintiff for the taking of the estates in Tracts Nos. I-947-1, 2, 3, and E-1 through E-7, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the sum of \$201.00, inclusive of interest, for their respective interests in these tracts.

The Court further finds that the above-named defendants were the sole owners of the above-captioned tracts on the date of taking; that they are entitled to the entire award therefor; and that the contract and agreement is a valid one, and that the stipulation is valid and binding upon the parties thereto.

The Court further finds that service of process has been perfected, either personally or by publication of notice, on all parties defendant having compensable interests in the subject tracts and that a copy of a motion for judgment has been served on all parties making an appearance and demanding notice of all proceedings.

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

A. The vesting in plaintiff of title to the estates set forth in the Complaint and Declaration of Taking in and to the lands hereinabove referred to, as said tracts are described therein, is hereby confirmed;

B. The just compensation to be paid by the plaintiff for the taking of Tracts Nos. 1-947-1, 2, 3 and E-1 through E-7, is the sum of \$1,755.00, inclusive of interest, of which sum the amount of \$1,554.00 has been heretofore disbursed to previous order of this Court, there remaining on balance the sum of \$201.00 to be disbursed to the proper parties;

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 of \$201.00, and made payable to the order of Villard Martin, individually and as Trustee for Katheryn Cornell Maxey, and Garrett Logan, and cause payment to be made.

Entered this 10th day of December 1962.

ALLEN E. BARNOW

UNITED STATES DISTRICT JUDGE

APPROVED:

W. R. THIXTON, JR.
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Def. Judgment
Without Res. of Imps.

FILED

United States of America,)
Plaintiff,)
vs.)
479.40 Acres of Land, More or Less,)
Situate in Creek, Osage and Pawnee)
Counties, Oklahoma, and Janet)
Cunningham, et al, and Unknown Owners,)
Defendants.)

Civil No. 4957

Tract(x) No(x). 1459

NOV 10 1966
U.S. DISTRICT COURT

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) (is) (are) (is) tendered herewith for filing herein.

The Court finds that plaintiff and **E. W. Pogue,**

, 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). 1459, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ 35.00, inclusive of interest. The sum of \$ 15.00, 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). 1459, is the sum of \$ 35.00, inclusive of interest; and

(C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$ 20.00, without interest.

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

Entered this 20 day of **December** 1962.

ALLEN E. BARROW

APPROVED:

JUDGE, United States District Court

W. R. THIXTON, JR.

W. R. THIXTON, JR. ~~ASSISTANT~~
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

1.36 Acres of Land, More or Less,
Situate in Mayes County, Oklahoma,
and Elizabeth Hammons, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4998

Tract No. 1967E

FILED

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J U D G M E N T

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

1.

Now, on this 10th day of December, 1962, 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. 1967E, as such estate and tract are described in the Complaint and 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 August 17, 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 the 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 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 described in such Declaration of Taking, is 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 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. 1967E

Owner:

Elizabeth Hammons

Award of just compensation pursuant to stipulation - - - - -	\$500.00	\$500.00
Deposited as estimated compensation - - - - -		\$250.00
Disbursed to owner - - - - -	<u>\$250.00</u>	
Balance due to owner - - - - -	\$250.00	
Deposit deficiency - - - - -		\$250.00

13.

It Is Further ORDERED, ADJUDGED, AND DECREED that the United States of America shall deposit in the Registry of this Court, in this Civil Action, to the credit of subject tract, the deficiency sum of \$250.00, and the Clerk of this Court then shall disburse to Elizabeth Hammons the sum of \$250.00.

ALLEN L. SARKOW
UNITED STATES DISTRICT JUDGE

APPROVED:

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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United States of America,)
)
) Plaintiff,)
 vs.)
)
 63.09 Acres of Land, More or Less,)
 Situate in Tulsa, Creek and Pawnee)
 Counties, Oklahoma, & D. W. Franchot)
 & Co., et al, and Unknown Owners,)
)
) Defendants.)

NOBLE C. FENDER
Clerk, U. S. District Court
Civil No. 5042
Tracts Nos. 1325, 1331,
1333, 1338, 1342, 1346,
1347, 1351, 1352, 1354,
1358, 1359, 1364, 1366,
1368, 1373, 1376, 1377,
1382, 1383, 1384, 1386,
1387, 1388, 1389, 1392,
1393, 1548, 1574 & 1578

JUDGMENT ON STIPULATION

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

The Court finds that plaintiff and George E. Fender, individually and as attorney-in-fact for Sarah E. Fender, Waneta Costillo, Alfred R. Fender, and Nancy Ellen Fender, all heirs of W. A. Fender, deceased, defendants herein, 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 the tracts set forth below, the amount of compensation being set forth next to each tract number:

<u>Tract No.</u>	<u>Amount</u>	<u>Tract No.</u>	<u>Amount</u>	<u>Tract No.</u>	<u>Amount</u>
1325	\$15.00	1358	\$20.00	1384	\$15.00
1331	20.00	1359	20.00	1386	15.00
1333	20.00	1364	20.00	1387	15.00
1338	50.00	1366	20.00	1388	15.00
1342	20.00	1368	20.00	1389	15.00
1346	65.00	1373	15.00	1392	30.00
1347	40.00	1376	15.00	1393	65.00
1351	40.00	1377	15.00	1548	70.00
1352	50.00	1382	15.00	1574	55.00
1354	20.00	1383	15.00	1578	55.00

all of these tracts being set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the total sum of \$865.00, inclusive of interest, which amount was deposited into the Registry of this Court as estimated just compensation for said tracts 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 tracts. The Court further finds that the above-named defendants were the sole owners of the captioned tracts on the date of taking and they are entitled to the entire award therefor.

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 tracts are described therein, is hereby confirmed;

B. The just compensation to be paid by the plaintiff for the taking of each of the tracts as listed above is the sum of \$865.00, inclusive of interest, which sum has heretofore been disbursed by order of this Court.

Entered this 10th day of December 1962.

UNITED STATES DISTRICT JUDGE

APPROVED:

W. R. THIXTON, JR.

W. R. THIXTON, JR.
Assistant United States Attorney

FILED

Def. Judgment
Without Res. Off. Imps.

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.)
63.09 Acres of Land, More or Less,)
Situate in Tulsa, Creek and Pawnee)
Counties, Oklahoma, & D. W. Franchot)
& Co., et al, and Unknown Owners,)
Defendants.)

Civil No. 5042

Tract(s) No(s). 1511

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)(are) tendered herewith for filing herein.

The Court finds that plaintiff and **Emory and Nora Hambley**

, 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). 1511, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$35.00, inclusive of interest. The sum of \$15.00, 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). 1511, is the sum of \$35.00, inclusive of interest; and

(C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$ 20.00, without interest.

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

Entered this 2 day of **December** 1962.

APPROVED:

JUDGE, United States District Court

W. R. BILKTON, JR. ~~XXXXXXXX~~
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

494.35 Acres of Land, More or Less,
Situate in Pawnee and Creek Counties,
Oklahoma, and E. W. Pogue, et al,
and Unknown Owners,

Defendants.

Civil No. 5051
Tract No. 1832

FILED

DEC 11 1962

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

JUDGMENT ON MOTION

On this day this cause comes on for consideration on the motion of plaintiff for a judgment on the option granted by the defendants and accepted by the Corps of Engineers, Department of the Army, on behalf of the United States of America, plaintiff herein.

The Court finds that prior to the institution of the above proceeding the United States of America and the defendants, the heirs of R. B. Boone, deceased; namely, S. W. Boone, David W. Boone, Ella P. Hill, Myrtle T. Murray, Other F. Boone, Mrs. Pearl F. Boone, J. R. Boone, Melba J. Spurlock entered into a contract and agreement, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$2,050.00, inclusive of interest, would be awarded as just compensation for the taking of the estate to be condemned in Tract No. 1832 as such estate and said tract are described in the complaint and declaration of taking heretofore filed in this cause. The Court also finds that Ralph E. Boone has ratified and adopted the option agreement the same as though he had signed the same, as set forth in the Motion for Distribution on file herein.

The Court further finds that the above-named defendants were the sole owners of the above-captioned tract on the date of taking; that they are entitled to the entire award therefor; and that the contract and agreement is a valid one.

The Court further finds that service of process has been perfected, either personally or by publication of notice, on all parties defendant having compensable interests in the subject tract and that a copy of a motion for judgment has been served on all parties making an appearance and demanding notice of all proceedings.

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. 1832 is the sum of \$2,050.00, inclusive of interest, which sum has heretofore been disbursed by order of this Court.

Entered this 16th day of December 1962.

ALLEN E. BARROW

JUDGE, United States District Court

APPROVED:

W. R. THIXTON, JR.

W. R. THIXTON, JR.
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Def. Jdgm't with res.
of Imps.

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. I-919E

FILED

DEC 13 1962

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

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

The Court finds that plaintiff and Harold V. Weaver and Maudie Weaver, defendants herein, 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. I-919E, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the total sum of \$200.00, inclusive of interest. The sum of \$100.00, 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. I-919E, is the sum of \$200.00, inclusive of interest; and

(C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$100.00, without interest and upon receipt of this deficiency, the Clerk of the Court is directed and authorized to draw a check on the funds in the Registry of this Court in the amount of \$100.00 made payable to Harold V. Weaver and Maudie Weaver and cause payment to be made.

Entered this 12th day of December 1962.

ALLEN E. BARROW

JUDGE, United States District Court

APPROVED:

W. R. THIXTON, JR.

W. R. THIXTON, JR.
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

United States of America,)
Plaintiff,)
vs.)
40.00 Acres of Land, More or Less,)
Situate in Creek, Cossage and Pawnee)
Counties, Oklahoma, and G. B. Cooper,)
et al and Unknown Owners,)
Defendants.)

Civil No. 5139

DEC 13 1962

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

Tract No. 2851E

JUDGMENT ON STIPULATION

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

The Court finds that plaintiff and **Virginia D. Waller and Logan B. Waller**

, defendant(s) herein, 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. 2851E, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ 300.00... inclusive of interest. The sum of \$ 100.00... 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. 2851E, is the sum of \$ 300.00... inclusive of interest; and

(C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$ 200.00... without interest.

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

Entered this 13th day of December 1962.

APPROVED:
W. R. THIXTON, JR.
W. R. THIXTON, JR.
Assistant U. S. Attorney

ALLEN E. BARKOW
JUDGE, United States District Court

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Judgment on Motion
(Option)

FILED

DEC 13 1962

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

United States of America,
Plaintiff,
v.

Civil No. 5139

40.80 Acres of Land, More or Less,
Situate in Creek, Osage and Pawnee
Counties, Oklahoma and G. B. Cooper,
et al, and Unknown Owners,

Tract(s) No(s) 1340

Defendants.

JUDGMENT ON MOTION

On this day this cause comes on for consideration on the motion of plaintiff for a judgment on the option(s) granted by the defendant(s) and accepted by the Corps of Engineers, Department of the Army, on behalf of the United States of America, plaintiff herein.

The Court finds that prior to the institution of the above proceeding the United States of America and the defendant(s) **Milton D. Overholser, & Virnell Overholser & Grace E. Overholser (Mrs. E. L. Overholser) sole heirs of M. P. Overholser and Leila Britt Overholser, both deceased** entered into a contract and agreement, as evidenced by (an) option(s) for the purchase of land granted by said defendant(s) and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$ 100.00..... inclusive of interest, would be awarded as just compensation for the taking of the estate(s) to be condemned in Tract(s) No(s) 1340

as such estate(s) and said tract(s) are described in the complaint and declaration of taking heretofore filed in this cause.

The Court further finds that the above-named defendant(s) ~~(was)~~ (were) the sole owner(s) of the above-captioned tract(s) on the date of taking; that ~~(he)~~ (they) ~~(is)~~ (are) entitled to the entire award therefor; and that the contract and agreement is a valid one.

The Court further finds that service of process has been perfected, either personally or by publication of notice, on all parties defendant having compensable interests in the subject tract(s) and that a copy of a motion for judgment has been served on all parties making an appearance and demanding notice of all proceedings.

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) 1340

is the sum of \$ 100.00....., inclusive of interest, which sum has heretofore been disbursed by order(s) of this Court.

Entered this 13th day of November 1962.

APPROVED:
W. R. THIXTON, JR.
W. R. THIXTON, JR.
Assistant U. S. Attorney

ALLEN E. BARROW
JUDGE, United States District Court

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Def. Judgment
Without Res. of Imps.

FILED

DEC 13 1962

NOBLE C. HO
Clerk, U. S. District

United States of America,)
Plaintiff,)
vs.)
165.79 Acres of Land, More or)
Less, Situate in Tulsa, Pawnee,)
Osage and Creek Counties, Oklahoma,)
and John B. Anderson, et al, and)
Unknown Owners,)
Defendants.)

Civil No. 5402

Tract(s) No(s). 1310

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) ~~(s)~~ (is) tendered herewith for filing herein.

The Court finds that plaintiff and Jimmy A. Bowen and Shirley

J. Bowen, 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) 1310, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ 11,600.00, inclusive of interest. The sum of \$ 10,150.00, 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) 1310, is the sum of \$ 11,600.00, inclusive of interest; and

(C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$ 1,450.00, without interest.

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

Entered this th 13 day of December 1962.

ALLEN E. DARGOW

JUDGE, United States District Court

APPROVED:

W. R. THIXTON, JR.

Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,)
)
vs.)
)
Certain Land in the City of Tulsa,)
County of Tulsa, State of Oklahoma,)
and Consumers Oil Stations, Inc.,)
et al and Unknown Owners,)
)
Defendants.)

Civil No. 5514

PARCEL NO. 5

FILED ✓

DEC 13 1962

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

JUDGMENT ON STIPULATION

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

The Court finds that plaintiff and R. H. Rackleff, Ruby E. Phillips now Rackleff and Fred A. Losey defendants herein, 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 Parcel No. 5, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the total sum of \$20,000.00, inclusive of interest, which amount was deposited into the Registry of this Court as estimated just compensation for said parcel 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 parcel. The Court further finds that the above-named defendants were the sole owners of the captioned parcel on the date of taking, and they are entitled to the entire award therefor.

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 parcel is described therein, is hereby confirmed;

(B) The just compensation to be paid by the plaintiff for the taking of Parcel No. 5, is the sum of \$20,000.00, inclusive of interest, which sum is hereby ordered to be disbursed by the Clerk of the Court to the defendants herein, as follows:

R. H. Rackleff, Ruby E. Phillips now Rackleff and
Fred A. Losey.....\$20,000.00

Entered this 12 day of December, 1962.

ALLEN E. BARROW

JUDGE, United States District Court

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Certain Land in the City of Tulsa,
County of Tulsa, State of Oklahoma,
and Consumers Oil Stations, Inc.,
et al and Unknown Owners,

Defendants.

Civil No. 5514

Parcel No. 6

FILED

DEC 13 1962

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

JUDGMENT ON STIPULATION

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

The Court finds that plaintiff and Robert Earl Phillips, Mary Lou Phillips, R. H. Rackleff a/k/a Richard H. Rackleff, Ruby E. Phillips now Rackleff and Fourth National Bank of Tulsa defendants herein, have, by the stipulation above referred to, agreed that the just compensation be paid by the plaintiff for the taking of the estate in Parcel No. 6, as set forth and described in the Complaint and Declaration of Taking hereto fore filed in this cause, is the total sum of \$72,000.00, inclusive of interest, which amount was deposited into the Registry of this Court as estimated just compensation for said parcel 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 parcel. The Court further finds that the above-named defendants were the sole owners of the captioned parcel on the date of taking, and they are entitled to the entire award therefor.

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 parcel is described therein, is hereby confirmed;

(B) The just compensation to be paid by the plaintiff for the taking of Parcel No. 6, is the sum of \$72,000.00, inclusive of interest, which sum is hereby ordered to be disbursed by the Clerk of the Court to the defendants herein, as follows:

Robert Earl Phillips, Mary Lou Phillips, R. H. Rackleff
e/k/a Richard H. Rackleff, Ruby E. Phillips now Rackleff
and Fourth National Bank of Tulsa.....\$72,000.00

Entered this 13 day of December, 1962.

ALLEN E. BARROW

JUDGE, United States District Court

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Certain Land in the City of Tulsa,
County of Tulsa, State of Oklahoma,
and Consumers Oil Stations, Inc.,
et al and Unknown Owners,

Defendants.

Civil No. 5514

Parcel No. 17 & 18

FILED ✓

DEC 13 1962

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

JUDGMENT ON STIPULATION

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

The Court finds that plaintiff and A. Markovitz a/k/a Allic Markovitz and Ida Markovitz defendants herein, 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 Parcels Nos. 17 and 18, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the total sum of \$45,750.00, inclusive of interest, which amount was deposited into the Registry of this Court as estimated just compensation for said parcels 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 parcels. The Court further finds that the above-named defendants were the sole owners of the captioned parcels on the date of taking, and they are entitled to the entire award therefor.

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 parcels are described therein, is hereby confirmed;

(B) The just compensation to be paid by the plaintiff for the taking of Parcels Nos. 17 and 18, is the sum of \$45,750.00, inclusive of interest, which sum is hereby ordered to be disbursed by the Clerk of the Court to the defendants herein, as follows:

A. Markovitz a/k/a Allic Markovitz and Ida Markovitz...\$45,750.00

Entered this 13 day of December, 1962.

ALLEN E. BARROW

JUDGE, United States District Court

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Judgment on Motion
(Option)

FILED

DEC 14 1962

NOBLE C. HOOD
U. S. District Court

United States of America,
Plaintiff,
v.
127.72 Acres of Land, More or Less,
Situate in Creek and Pawnee Counties,
Oklahoma, and Walter Holmes, et al,
and Unknown Owners,
Defendants.

Civil No. 5093

Tract No. 1559

JUDGMENT ON MOTION

On this day this cause comes on for consideration on the motion of plaintiff for a judgment on the option granted by the defendant(s) and accepted by the Corps of Engineers, Department of the Army, on behalf of the United States of America, plaintiff herein.

The Court finds that prior to the institution of the above proceeding the United States of America and the defendant(s) **Walter Holmes and Susan Holmes**

entered into a contract and agreement, as evidenced by (an) option for the purchase of land granted by said defendant(s) and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$ 7,025.00..... inclusive of interest, would be awarded as just compensation for the taking of the estate to be condemned in Tract No. 1559

as such estate and said tract are described in the complaint and declaration of taking heretofore filed in this cause.

The Court further finds that the above-named defendant(s) (were) the sole owner(s) of the above-captioned tract on the date of taking; that (he) (they) (she) (are) entitled to the entire award therefor; and that the contract and agreement is a valid one.

The Court further finds that service of process has been perfected, either personally or by publication of notice, on all parties defendant having compensable interests in the subject tract and that a copy of a motion for judgment has been served on all parties making an appearance and demanding notice of all proceedings.

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 hereinafore 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. 1559

is the sum of \$ 7,025.00....., inclusive of interest, which sum has heretofore been disbursed by order(s) of this Court.

Entered this 14 day of November 1962.

APPROVED:

ALLEN E. BARROW

JUDGE, United States District Court

E. R. THURTON, Jr.
Assistant U. S. Attorney

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

UNITED STATES OF AMERICA
For the use of ALBERT E.
KAYLOR, INC., a corporation.

Plaintiff.

vs.

MID-CONTINENT CASUALTY COMPANY,
a corporation; EARTHOVERS, INC.,
a corporation, and A. M. BENNETT,
an individual

Defendants.

No. 5277 Civil

FILED

DEC 14 1967

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

MOTION TO DISMISS COMPLAINT

Upon consideration of the Motion to Dismiss Filed by the defendants in the above cause briefs submitted thereon the stipulation on file herein and statements made of record in open court at the hearing of said Motion to Dismiss the Court finds:

That the Motion to Dismiss the Complaint should be sustained for the reason that the Complaint in the light of said stipulation and statements in open court, fails to state a cause of action against the defendants.

The Court finds that the project for which the contract was awarded the defendant, Earthovers, Inc., was a project of a subdivision of the State of Oklahoma forced pursuant to 40 U. S., Sec. 531, et seq. Federal assistance was furnished as authorized by the Act of August 4, 1954 63 Stat. 666 U.S.C.A. Title 16, Sec. 1901-1903. This assistance did not change the essential nature or ownership of this project nor change its character so as to bring it into the category of a "public work of the United States" under the Act of August 24, 1955 49 Stat. 798, U.S.C.A. Title 49, Sec. 270 (a) and 270 (b). The Little Deep Fork Water and Soil Conservation District #1 is not an agent of the United States under the pleadings and said open court statements. The contract for the construction of the project was not entered into by or on behalf of the United States under the pleadings and said open court statements nor was it to be constructed on land of the United States. The provisions of the Act of August 24 1955 49 Stat. U.S.C.A.

Title 40, Sec. 270 (a) and 270 (5) are to be liberally construed to protect those whose labor and materials go into public projects of the United States. Fleisher Engineering and Construction Co. vs. United States, 311 U. S. 15, 34 L. Ed. 12; United States to the use of Moland Co. v. Irwin, 316 U. S. 23, 86 Kl. Ed. 1241; Coffee vs. United States to the use of Gordon, 159 F. 2nd 268. However it must first be determined that the public project was one of the United States. The project here, in spite of its broad public nature, was not a public work of the United States but one of the said conservancy district.

Further the bond in question here was not made payable to the United States of America as obligee as called for in the statute. There is authority to the effect that the failure to name the United States of America as sole obligee does not meet the technical requirements of a "Miller Act" bond under the statute. United States of America to the use of Acme Furnace Fitting Co. vs. St. George G. Heade Defense Housing Corp., 186 F. Supp. 639. In considering the problem as to whether or not a construction project was or was not a public work of the United States, the Tenth Circuit Court of Appeals in a recent case said a rational approach to the problem requires that an obligee in a performance bond be the entity which owns the project or is in a position to enforce the construction contract; and in this regard points out that the failure to name the United States of America as obligee under such bond is a significant departure from a "Miller Act" bond and indicates the non-federal nature of the projects. United States of America for the use of Miles Lumber Inc. vs. Harrison and Gainshaw Construction Co., June Term, 1962. Such is also the case here.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the defendants' Motion to Dismiss the Complaint is sustained and that the Complaint is hereby dismissed.

Dated, this 14 day of December, 1962.


Fred Laugherty
United States District Judge.

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA **FILED**

DISTRICT OF COLUMBIA

DEC 14 1962

B. J. BELLICOT AND W. C. ...
a partnership d/b/a GRAD ...
...

Plaintiff,

-vs-

W. A. ... CONTRACTING CO.,
A CORPORATION OF MISSOURI, and
NATIONAL ... CORPORATION,
corporation,

Defendants.

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

No. 5345

ORDER

This matter comes on for hearing this 14th day of December,
1962, upon application of the plaintiff to dismiss with prejudice.

Court finds that the case has been settled and that it should
be dismissed with prejudice.

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

Allen E. Barrow
Judge of the District Court

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

United States of America,)
Plaintiff,)
vs.)
6.17 Acres of Land, More or Less,)
Situate in Pawnee County, Oklahoma,)
and R. B. Sullivan, et al, and)
Unknown Owners,)
Defendants.)

Civil No. 4835

DEC 17 1962

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

Tract(s) No(s). 1273

JUDGMENT ON STIPULATION AND ORDER OF DISTRIBUTION

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

The Court finds that plaintiff and **Erna Herrera, Flora Heinritz, and Luhlo Miller, heirs of Louisa Knernschild**, defendant(s) herein, ~~(has)~~ (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). 1273, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ 20.00...., inclusive of interest, which amount 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). The Court further finds that the above-named defendant(s) ~~(was)~~ (were) the sole owner(s) of the captioned tract(s) on the date of taking, and they are entitled to the entire award therefor, the parties having requested and authorized payment to be made to Flora Heinritz.

IT IS, WHEREFORE, 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). 1273 is the sum of \$ 20.00....., inclusive of interest; and

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

Flora Heinritz.....\$20.00
3801 South 31 West Avenue
Tulsa 7, Oklahoma

Entered this 17 day of December, 1962.

ALLEN E. BARR

APPROVED:

JUDGE, United States District Court

W. R. THIXTON, JR.

Attorney

W. R. THIXTON, JR.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

360.48 Acres of Land, More or Less,
Situate in Creek, Osage, and Pawnee
Counties, Oklahoma, and Eli Post oak,
et al., and Unknown Owners,

Defendants.

Civil No. 4916

Tract No. H-838E

FILED

DEC 17 1962

J U D G M E N T

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

On this day this cause came on for hearing upon the application of the United States of America, by its attorney, and in accordance with its Complaint in condemnation, for a judgment determining the ownership and the just compensation to be awarded the former owners of Tract No. H-838E, which is more particularly described in the Declaration of Taking filed herein;

The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the parties and the subject matter of this action, that 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, that none of said parties defendant nor their attorneys have appeared or answered, and said parties defendant are in default at this time. The Court also finds that the plaintiff is unable to locate said parties defendant, reasonable diligence and inquiry having been made.

The Court further finds, upon the evidence presented that Maxine Nunnallee, Pauline Hindman, William L. Adams, Albert A. Adams, Verna Blair and Lester Edwards were the sole owners of the above-captioned tract on the date of taking, and are entitled to receive the entire award therefor, and that N. C. Adams and Sara M. Adams are deceased, the above-named defendant being the heirs and proper parties entitled to the award.

The Court further finds, upon the evidence presented, that the amount of \$50.00, inclusive of interest, is just compensation for the taking of the estate by the plaintiff in Tract No. H-838E, as such estate and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause.

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

A. The vesting in the 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 sole record owners of the estate taken in Tract No. H-838E were:

<u>Owner:</u>	<u>Interest</u>	<u>Amount</u>
Maxine Nunnallee	8/45	\$8.89
Pauline Hindman	8/45	8.89
William L. Adams	8/45	8.89
Albert A. Adams	8/45	8.89
Verna Blair	8/45	8.89
Lester Edwards	5/45	5.55
	Total	<u>\$50.00</u>

and as such are entitled to receive that portion of the award applied to his respective interest, as set forth above;

C. The just compensation to be paid by the plaintiff for the taking of Tract No. H-838E is the sum of \$50.00, inclusive of interest;

D. The Clerk of the Court is hereby authorized and directed to distribute the funds on deposit to the respective owners as set forth above, drawing checks made payable to each for his respective portion of the award, and to cause payment to be made.

Entered this 17th day of November 1962.

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

APPROVED:

W. R. THIXTON, JR.
W. R. THIXTON, JR.
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

DEC 18 1962

United States of America,

Plaintiff,

vs.

63.09 Acres of Land, More or Less,
Situate in Creek, Tulsa and Pawnee
Counties, Oklahoma, and D. W. Franchot
& Co., et al, and Unknown Owners,

Defendants.

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

Civil No. 5042

Tract No. 1512

JUDGMENT ON STIPULATION

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

The Court finds that plaintiff and General Baptist Church, Keystone, Oklahoma, by its Board of Trustees, James Walker, Vester Pace, James Merriman, Carl Zickefoose, and Jerry Cunningham, and Jerry Cunningham, individually and Camille Cunningham, defendants herein, 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. 1512, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$10,110.00, inclusive of interest, less the salvage value of improvements reserved, which is \$530.00, the net sum payable by the plaintiff being \$9,580.00. The sum of \$10,110.00 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. 1512, is the sum of \$10,110.00, inclusive of interest, and the reservation by the above-named defendants of the right to remove on or before

a date to be determined, the improvements located thereon, having a total salvage value of \$530.00; which is to be deducted from the total amount of just compensation, the net amount payable by the plaintiff being \$9,580.00, which sum has heretofore been disbursed by previous order of this Court.

C. The Clerk of the Court is hereby authorized and directed to refund the balance of the original deposit unto the taking agency by drawing a check made payable unto the United States Treasury, in the amount of \$530.00, and to forward said refunded amount unto the taking agency, Corps of Engineers, U. S. Army.

Entered this 17 day of December 1962.

ALLEN R. BARNOW

UNITED STATES DISTRICT JUDGE

APPROVED:

W. R. THIXTON, JR.

W. R. THIXTON, JR.
Assistant United States Attorney

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

FILED

DEC 17 1962

DIVISION NO. 892. AMALGAMATED
ASSOCIATION OF STREET, ELECTRIC
RAILWAY AND MOTOR COACH EMPLOYEES
OF AMERICA,

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

Plaintiff,

vs.

CIVIL ACTION No. 5429

M. K. & O. TRANSIT LINES, INC.,

Defendant.

ORDER DENYING MOTION FOR NEW TRIAL OR REHEARING

On this 21st day of November, 1962, came on to be heard
the motion of defendant for a new trial or rehearing and after
argument of counsel and due consideration.

IT IS ORDERED that the motion be denied.

Luther Bohannon

JUDGE OF THE DISTRICT COURT

IN SENATE
JANUARY 1962

UNITED STATES OF AMERICA
vs.
SALVATORE J. PENNINO
and
FRANK R.

Defendants

OFFICIALS
DISMISSAL WITH PREJUDICE

Comes now the plaintiff, JOHN J. HANCOCK-DEWANE, and moves for a dismissal, with prejudice, of the within captioned complaint with prejudice.

ROBERT J. HANCOCK, District Attorney,
Southern District of New York,
100 Wall Street, New York 5, New York,
attorney for plaintiff.

By _____
SALVATORE J. PENNINO

and _____
FRANK R.

U. S. DISTRICT COURT, DISTRICT OF COLUMBIA
SOUTHERN DIVISION OF DISTRICT OF COLUMBIA

Case No. 82-1000
vs.
The American Telephone and Telegraph Company, Inc.
Plaintiff, vs. American Telephone and Telegraph Company, Inc.
Defendant.

No. 5500
CIVIL

FILED

DEC 17 1982

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

Plaintiff's motion for summary judgment is denied. The case will proceed to trial on the merits.

[Signature]
Plaintiff

KANNIKS & LARIS
Attorneys for Plaintiff

[Signature]

APPROVED:

[Signature]
Judge

[Signature]
Alfred P. Harrah, Jr.
of Rainey, Flynn & Welch
Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

99.21 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and Edith Rose, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4895

Tract No. E-567E-2

FILED

DEC 21 1962

J U D G M E N T

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

1.

On December 4, 1962, this cause as to the captioned tract, came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owners of the captioned tract did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in the tract shown in the caption above, as such tract and estate are described in the Complaint and 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 March 24, 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 filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, a certain sum of money, none of which has been disbursed as shown in paragraph 9.

6.

At the pretrial conference the Court considered the evidence offered by the plaintiff and then found that the decrease in fair market value of the ownership under consideration, caused by this action, was in the amount of \$50.00. Such sum should be adopted as the award of just compensation for the estate taken in the subject property, and such award should be allocated to the various owners as shown in paragraph 9.

7.

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

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, 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 the date of filing such Declaration of Taking, 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 taking, the owners of the estate condemned herein in the subject property were the defendants whose names appear in the schedule below; the right to just compensation for the estate taken in this property is vested in the parties so named, as their interests appear therein; and the sum of \$50.00 hereby is adopted as the award of just compensation for the estate herein taken in subject property; all as follows, to-wit:

TRACT NO. E-567E-2

Owners:

Lessor interest: Delbert L. Boatman

Lessee interest:

C. R. Quinlisk and
Nan Quinlisk - - - - - 51%

William H. Anderson - - - - - 45%

John W. Brophy and
Ann E. Brophy - - - - - 4%

Award of just compensation	- - - - -	\$50.00	\$50.00
(based on Court's findings)			
Allocated: To lessor	- -	\$25.00	
To lessee	- -	<u>\$25.00</u>	

Deposited as estimated compensation - - - - - \$50.00

Disbursed to owners - - - - - None

Balance due to owners - - - - - \$50.00

- - - - - 10.

It Is Further ORDERED that the Clerk of this Court shall disburse from the deposit for Tract No. E-567E-2 certain sums as follows:

To: Delbert L. Boatman	- - - - -	\$25.00
C. R. Quinlisk and Nan Quinlisk, jointly	- - - - -	\$12.75
William H. Anderson	- - - - -	\$11.25
John W. Brophy and Ann E. Brophy	- - - - -	\$1.00

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

432.94 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and P. L. Hayes, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4900

Tract No. 5615-98

FILED

DEC 21 1962

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

J U D G M E N T

1.

On December 4, 1962, this cause as to the captioned tract, came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owner of the captioned tract did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in the tract shown in the caption above, as such tract and estate are described in the Complaint and 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 March 28, 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 filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of the Court, as estimated compensation for the taking of the described estate in subject property, a certain sum of money, none of which has been disbursed as shown in paragraph 9.

6.

At the pretrial conference the Court considered the evidence offered by the plaintiff and then found that the fair market value of the subject property as of the date of taking was \$100.00, and such sum should be adopted as the award of just compensation for the taking of the described estate in the subject property.

7.

The defendant named in paragraph 9 as owner of subject property is the only defendant asserting any interest in the estate condemned in the subject property, all other defendants having either disclaimed or defaulted; the named defendant was the owner of such estate, as of the date of taking, and as such, is entitled to receive the award of just compensation.

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property named in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, to the extent of the estates 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 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.

9.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owner of the estate condemned herein in the subject property was the defendant whose name appears in the schedule below; the right to just compensation for the estate taken in this property is vested in the party so named; and the sum of \$100.00 hereby is adopted as the award of just compensation for the estate herein taken in subject property, all as follows, to-wit:

TRACT NO. 5615-9S

Owner:

Fairy Daily Jenkins

Award of just compensation - - - - -	\$100.00	\$100.00
(based on Court's findings)		
Deposited as estimated compensation - - - - -	<u>\$100.00</u>	
Disbursed to owner - - - - -		<u>None</u>
Balance due to owner - - - - -		\$100.00

- - - - -

10.

It Is Further ORDERED that the Clerk of this Court shall disburse from the funds on deposit for Tract No. 5615-9S, the sum of \$100.00 to Fairy Daily Jenkins.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

432.94 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and P. L. Hayes, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4900

Tract No. J-1036E-2

FILED

DEC 21 1962

J U D G M E N T

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

1.

On December 4, 1962, this cause as to the captioned tract, came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owners of the captioned tract did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in the tract shown in the caption above, as such tract and estate are described in the Complaint and 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 March 28, 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 filing such instrument.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, a certain sum of money, none of which has been disbursed as shown in paragraph 9.

6.

At the pretrial conference the Court considered the evidence offered by the plaintiff and then found that the decrease in fair market value of the ownership under consideration, caused by this action, was in the amount of \$177.00. Such sum should be adopted as the award of just compensation for the estate taken in the subject property, and such award should be allocated to the various owners as shown in paragraph 9.

7.

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

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, 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 the date of filing such Declaration of Taking, 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 taking, the owners of the estate condemned herein in the subject property were the defendants whose names appear in the schedule below; the right to just compensation for the estate taken in this property is vested in the parties so named, as their interests appear therein; and the sum of \$177.00 hereby is adopted as the award of just compensation for the estate herein taken in subject property; all as follows, to-wit:

Owners:

Lessor interest:

C. C. Harmon - - - - - 1/2
Ruth Whitehill - - - - - 1/2

Lessee interest:

Myron G. Jensen - - - - - Working Interest
J. V. Leffler - - - - - Overriding Royalty

Award of just compensation - - - - - \$177.00 \$177.00
(pursuant to Court's findings)

To be allocated:
Lessor interest - - - \$ 35.00
Working interest - - - \$134.00
Overriding Royalty - - \$ 8.00

Deposited as estimated compensation - - - - - \$177.00

Disbursed - - - - - None

Balance due to owners - - - - - \$177.00

It is further ORDERED that the Clerk of this Court shall disburse from the deposit for Tract No. J-1036E-2 certain sums as follows:

To:

C. C. Harmon - - - - - \$17.50
Ruth Whitehill - - - - - \$17.50
Myron G. Jensen - - - - - \$134.00
J. V. Leffler - - - - - \$8.00

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

435.41 Acres of Land, More or Less,
Situating in Rogers County, Oklahoma,
and Lillie Benbow, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4905

Tract No. J-1030

FILED

DEC 21 1962

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

J U D G M E N T

1.

On December 4, 1962, this cause as to the captioned tract, came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owners of the captioned tract did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in the tract shown in the caption above, as such tract and estate are described in the Complaint and 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 filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, a certain sum of money, part of which has been disbursed as shown in paragraph 9.

6.

At the above-mentioned pretrial conference the Court considered the evidence offered by plaintiff and then found that the fair market value of the subject property, as of the date of taking, was \$50.00, and such sum should be adopted as the award of just compensation for the taking of the described estate in the subject property, and such award should be allocated to the various owners as shown in paragraph 9.

7.

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

8.

It is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, 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 the date of filing such Declaration of Taking, 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 taking, the owners of the estate condemned herein in the subject property were the defendants whose names appear in the schedule below; the right to just compensation for the estate taken in this property is vested in the parties so named, as their interests appear therein; and the sum of \$50.00 hereby is adopted as the award of just compensation for the estate herein taken in subject property; all as follows, to-wit:

TRACT NO. J-1030

Owners:

Clifford L. House and
Wanda M. House - - - - - 3/4
Lena Slocter - - - - - 1/4
First National Bank of Nowata - - - Mortgagee on House interest.

Award of just compensation
(pursuant to Court's findings) - - - - \$50.00

To be allocated:
To House interest - - - - - \$37.50
To Slocter interest - - - - - \$12.50

Deposited as estimated compensation - - - - \$50.00

Disbursed:

To House - - - - - \$31.25
To Slocter - - - - - None

Balance due to owners:

To House interest - - - - - \$ 6.25
To Slocter interest - - - - - \$12.50

- - - - -

10.

It Is Further ORDERED that the Clerk of this Court shall disburse
from the deposit for Tract No. J-1030 certain sums as follows:

To:

Clifford L. House, Wanda M. House and the
First National Bank of Nowata - - - - - \$ 6.25
Lena Slocter - - - - - \$12.50

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

79.99 Acres of Land, More or Less,
Situate in Rogers County, Oklahoma,
and The Cherokee Nation, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4921

Tract No. B-289

FILED

DEC 21 1962

J U D G M E N T

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

1.

On December 4, 1962, this cause as to the captioned tract, came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owner of the captioned tract did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in the tract shown in the caption above, as such tract and estate are described in the Complaint and the Declaration of Taking filed herein.

3.

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

4.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tract, as such tract is particularly described in such Complaint. Pursuant thereto, on May 4, 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 filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of the Court, as estimated compensation for the taking of the described estate in subject property, a certain sum of money, none of which has been disbursed as shown in paragraph 9.

6.

At the pretrial conference the Court considered the evidence offered by the plaintiff and then found that the fair market value of the subject property as of the date of taking was \$102.25, and such sum should be adopted as the award of just compensation for the taking of the described estate in the subject property.

7.

The defendant named in paragraph 9 as owner of subject property is the only defendant asserting any interest in the estate condemned in the subject property, all other defendants having either disclaimed or defaulted; the named defendant was the owner of such estate, as of the date of taking, and as such, is entitled to receive the award of just compensation.

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property named in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, to the extent of the estates 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 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.

9.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owner of the estate condemned herein in the subject property was the defendant whose name appears in the schedule below; the right to just compensation for the estate taken in this property is vested in the party so named; and the sum of \$102.25 hereby is adopted as the award of just compensation for the estate herein taken in subject property, all as follows, to-wit:

Owner:

The Cherokee Nation

Award of just compensation - - - - -	\$102.25	\$102.25
(pursuant to Court's findings)		
Deposited as estimated compensation - - - - -	<u>\$102.25</u>	
Disbursed - - - - -		<u>None</u>
Balance due to owner - - - - -		\$102.25

- - - - -

10.

It Is Further ORDERED that the Clerk of this Court shall disburse, from the deposit for Tract No. B-289, the sum of \$102.25 to the U. S. Bureau of Indian Affairs, Muskogee Area Office, for deposit in the account of The Cherokee Nation.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

109.05 Acres of Land, More or Less,
Situat in Nowata County, Oklahoma,
and Charles F. Russell, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4922

Tract No. S-1941M

FILED

DEC 21 1962

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

J U D G M E N T

1.

On December 4, 1962, this cause as to the captioned tract, came on for pretrial conference before the Honorable Allen E. Parrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owner of the captioned tract did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in the tract shown in the caption above, as such tract and estate are described in the Complaint and the Declaration of Taking filed herein.

3.

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

4.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tract, as such tract is particularly described in such Complaint. Pursuant thereto, on May 10, 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 filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, a certain sum of money, none of which has been disbursed as shown in paragraph 9.

6.

At the pretrial conference the Court considered the evidence offered by the plaintiff and then found that the decrease in fair market value, of the ownership under consideration, caused by this action, was in the amount of \$25.00. Such sum should be adopted as the award of just compensation for the estate taken in the subject property.

7.

The defendant named in paragraph 9 as owner of subject property is the only defendant asserting any interest in the estate condemned in the subject property, all other defendants having either disclaimed or defaulted; the named defendant was the owner of such estate, as of the date of taking, and as such is entitled to receive the award of just compensation.

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, 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 the date of filing such Declaration of Taking, 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 taking, the owner of the estate condemned herein in the subject property was the defendant whose name appears in the schedule below; the right to just compensation for the estate taken in this property is vested in the party so named; and the sum of \$25.00 hereby is adopted as the award of just compensation for the estate herein taken in subject property; all as follows, to-wit:

Owner:

Norman E. Haner

Award of just compensation - - - - -	\$25.00	\$25.00
(pursuant to Court's findings)		
Deposited as estimated compensation - - - - -	<u>\$25.00</u>	
Disbursed - - - - -		None
Balance due to owner - - - - -		\$25.00
- - - - -		

10.

It Is Further ORDERED that the Clerk of this Court shall disburse, from the deposit for Tract No. S-1941M, the sum of \$25.00, to Norman E. Haner.

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

109.05 Acres of Land, More or Less,
Situate in Nowata County, Oklahoma,
and Charles F. Russell, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4922

Tracts Nos.: R-1867E-2
R-1867E-3

FILED

DEC 21 1962

J U D G M E N T

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

1.

On December 4, 1962, this cause as to the captioned tracts, came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owners of the captioned tracts did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in the tracts shown in the caption above, as such tracts and estates are described in the Complaint and 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 May 10, 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 filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, a certain sum of money, **all** of which has been disbursed as shown in paragraph 9.

6.

At the pretrial conference the Court considered the evidence offered by the plaintiff and then found that the decrease in fair market value of the ownership under consideration, caused by this action, was in the amount of \$125.00. Such sum should be adopted as the award of just compensation for the estate taken in the subject property, and such award should be allocated to the various owners as shown in paragraph 9.

7.

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

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, 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 the date of filing such Declaration of Taking, 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 taking, the owners of the estate condemned herein in the subject property were the defendants whose names appear in the schedule below; the right to just compensation for the estate taken in this property is vested in the parties so named, as their interests appear therein; and the sum of \$125.00 hereby is adopted as the award of just compensation for the estate herein taken in subject property; all as follows, to-wit:

TRACTS NOS. R-1867E-2 AND R-1867E-3

Owners:

Homer W. Rigdon and
Esther W. Rigdon

Award of just compensation - - - - -	\$125.00	\$125.00
(pursuant to Court's findings)		
Deposited as estimated compensation - - - - -	<u>\$125.00</u>	
Disbursed to owners - - - - -		<u>\$125.00</u>

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

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 ACTION NO. 4939

Tracts Nos.: J-1030E-3
J-1030E-4

FILED

DEC 21 1962

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

J U D G M E N T

1.

On December 4, 1962, this cause as to the captioned tracts, came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owners of the captioned tracts did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in the tracts shown in the caption above, as such tracts and estates are described in the Complaint and 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 3, 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 filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, a certain sum of money, part of which has been disbursed as shown in paragraph 9.

6.

At the pretrial conference the Court considered the evidence offered by the plaintiff and then found that the decrease in fair market value of the ownership under consideration, caused by this action, was in the amount of \$250.00. Such sum should be adopted as the award of just compensation for the estate taken in the subject property, and such award should be allocated to the various owners as shown in paragraph 9.

7.

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

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, 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 the date of filing such Declaration of Taking, 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 taking, the owners of the estate condemned herein in the subject property were the defendants whose names appear in the schedule below; the right to just compensation for the estate taken in this property is vested in the parties so named, as their interests appear therein; and the sum of \$250.00 hereby is adopted as the award of just compensation for the estate herein taken in subject property; all as follows, to-wit:

TRACTS NCS. J-1030E-3 and J-1030E-4

Owners:

Surface estate: Clifford L. House and Wanda M. House

Mineral estate:

1. All "oil, gas and other minerals":

Lessor interest: Sinclair Oil & Gas Co.

Lessee interest: LaSalle Petroleum Co.

2. Residual mineral interest: owned by surface owners
(meaning all minerals except all "oil,
gas and other minerals".)

Award of just compensation - - - - - \$250.00
(pursuant to Court's findings)

To be allocated:

To surface and residual
mineral interest - - - - - \$50.00

To "oil, gas and other
minerals" interest:

Lessor - - - - - \$100.00

Lessee - - - - - \$100.00

Deposited as estimated compensation - - - - - \$225.00

Disbursed:

To surface owners - - - - - \$25.00

Balance due to owners:

To owners of surface and residual minerals - - - - - \$25.00

To owners of "oil, gas and other minerals":

To Lessor - - - - - \$100.00

To Lessee - - - - - \$100.00

Deposit deficiency - - - - - \$25.00

10.

It Is Further ORDERED that the United States of America shall de-
posit in the Registry of this Court the deposit deficiency in the amount of
\$25.00, and such sum shall be placed in the deposit for Tracts Nos. J-1030E-3
and J-1030E-4.

The Clerk of this Court then shall disburse from the deposit for the
subject tracts certain sums as follows:

To Clifford L. House and Wanda M. House - - - - - \$25.00

To Sinclair Oil and Gas Co. - - - - - \$100.00

To LaSalle Petroleum Co. - - - - - \$100.00

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

55.32 Acres of Land, More or Less,
Situat in Nowata and Rogers Counties,
Oklahoma, and Rachel Kell Swimmer,
et al, and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4939

Tract No. S-1954E

FILED

DEC 21 1962

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

J U D G M E N T

1.

On December 4, 1962, this cause as to the captioned tract, came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owners of the captioned tract did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in the tract shown in the caption above, as such tract and estate are described in the Complaint and the Declaration of Taking filed herein.

3.

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

4.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tract, as such tract is particularly described in such Complaint. Pursuant thereto, on June 3, 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 filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, a certain sum of money, none of which has been disbursed as shown in paragraph 9.

6.

At the pretrial conference the Court considered the evidence offered by the plaintiff and then found that the decrease in fair market value of the ownership under consideration, caused by this action, was in the amount of \$100.00. Such sum should be adopted as the award of just compensation for the estate taken in the subject property, and such award should be allocated to the various owners as shown in paragraph 9.

7.

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

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, 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 the date of filing such Declaration of Taking, 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 taking, the owners of the estate condemned herein in the subject property were the defendants whose names appear in the schedule below; the right to just compensation for the estate taken in this property is vested in the parties so named, as their interests appear therein; and the sum of \$100.00 hereby is adopted as the award of just compensation for the estate herein taken in subject property; all as follows, to-wit:

Owners:

Lessor interest:

Estate of Edward Lawson,
deceased, and Roberta Lawson - - - - - 5/8

(Edward C. Lawson, Jr., as executor for the
above estate, is entitled to receive
the award)

Lawson Petroleum Company - - - - - 1/8

First National Bank of Coffeyville,
Kansas, as Trustee for the estate
of Herbert L. Campbell, deceased - - - - 1/4

Lessee interest:

Forest Oil Corporation

Award of just compensation - - - - - \$100.00
(pursuant to court's findings)

To be allocated:

Lessor interest - - - - - \$25.00
Lessee interest - - - - - \$75.00

Deposited as estimated compensation - - - - \$100.00

Disbursed - - - - - None None

Balance due to owners

To lessors - - - - - \$25.00
To lessee - - - - - \$75.00

10.

It Is Further ORDERED that the Clerk of this Court shall disburse from the deposit for Tract No. S-1954E certain sums as follows:

To Edward C. Lawson, Jr., executor of the
estate of Edward Lawson, deceased, and
Roberta Lawson, jointly - - - - - \$15.63

To Lawson Petroleum Company - - - - - \$3.12

To First National Bank of Coffeyville,
Kansas, as Trustee for the estate of
Herbert L. Campbell, deceased - - - - - \$6.25

To Forest Oil Corporation - - - - - \$75.00

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

APPROVED:

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

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 ACTION NO. 4939

Tract No. C-335E

FILED

DEC 21 1962

J U D G M E N T

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

1.

On December 4, 1962, this cause as to the captioned tract, came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owners of the captioned tract did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in the tract shown in the caption above, as such tract and estate are described in the Complaint and the Declaration of Taking filed herein.

3.

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

4.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tract, as such tract is particularly described in such Complaint. Pursuant thereto, on June 3, 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 filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, a certain sum of money, all of which has been disbursed as shown in paragraph 9.

6.

At the pretrial conference the Court considered the evidence offered by the plaintiff and then found that the decrease in fair market value of the ownership under consideration, caused by this action, was in the amount of \$50.00. Such sum should be adopted as the award of just compensation for the estate taken in the subject property, and such award should be allocated to the various owners as shown in paragraph 9.

7.

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

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, 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 the date of filing such Declaration of Taking, 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 taking, the owners of the estate condemned herein in the subject property were the defendants whose names appear in the schedule below; the right to just compensation for the estate taken in this property is vested in the parties so named, as their interests appear therein; and the sum of \$50.00 hereby is adopted as the award of just compensation for the estate herein taken in subject property; all as follows, to-wit:

Owners:

Alta V. Ketcher Coon
Ella Shell Coon Nichols
Richard Coon, Jr.

Award of just compensation - - - - -	\$50.00	\$50.00
(pursuant to Court's findings)		
Deposited as estimated compensation - - - - -	<u>\$50.00</u>	
Disbursed to owners - - - - -		<u>\$50.00</u>

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

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 ACTION NO. 4939

Tract No. C-320E

FILED

DEC 21 1962

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

J U D G M E N T

1.

On December 4, 1962, this cause as to the captioned tract, came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owners of the captioned tract did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in the tract shown in the caption above, as such tract and estate are described in the Complaint and the Declaration of Taking filed herein.

3.

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

4.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tract, as such tract is particularly described in such Complaint. Pursuant thereto, on June 3, 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 filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, a certain sum of money, all of which has been disbursed as shown in paragraph 9.

6.

At the pretrial conference the Court considered the evidence offered by the plaintiff and then found that the decrease in fair market value of the ownership under consideration, caused by this action, was in the amount of \$50.00. Such sum should be adopted as the award of just compensation for the estate taken in the subject property, and such award should be allocated to the various owners as shown in paragraph 9.

7.

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

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, 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 the date of filing such Declaration of Taking, 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 taking, the owners of the estate condemned herein in the subject property were the defendants whose names appear in the schedule below; the right to just compensation for the estate taken in this property is vested in the parties so named, as their interests appear therein; and the sum of \$50.00 hereby is adopted as the award of just compensation for the estate herein taken in subject property; all as follows, to-wit:

Owners:

Rachel Kell Swimmer - - - - -	1/6		
Cusie Swimmer - - - - -	5/12		
Luanna Swimmer Oliver - - - - -	5/12		
Award of just compensation - - - - -		\$50.00	\$50.00
(pursuant to Court's findings)			
Deposited as estimated compensation - - - - -		<u>\$50.00</u>	
Disbursed to owners - - - - -			<u>\$50.00</u>

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

47.94 Acres of Land, More or Less,
Situate in Nowata County, Oklahoma,
and Gabriel A. Blackburn, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4947

Tract No. R-1840E

FILED

DEC 21 1962

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

J U D G M E N T

1.

On December 4, 1962, this cause as to the captioned tract, came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owner of the captioned tract did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in the tract shown in the caption above, as such tract and estate are described in the Complaint and the Declaration of Taking filed herein.

3.

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

4.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tract, as such tract is particularly described in such Complaint. Pursuant thereto, on June 9, 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 filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, a certain sum of money, all of which has been disbursed as shown in paragraph 9.

6.

At the pretrial conference the Court considered the evidence offered by the plaintiff and then found that the decrease in fair market value, of the ownership under consideration, caused by this action, was in the amount of \$75.00. Such sum should be adopted as the award of just compensation for the estate taken in the subject property.

7.

The defendant named in paragraph 9 as owner of subject property is the only defendant asserting any interest in the estate condemned in the subject property, all other defendants having either disclaimed or defaulted; the named defendant was the owner of such estate, as of the date of taking, and as such is entitled to receive the award of just compensation.

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, 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 the date of filing such Declaration of Taking, 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 taking, the owner of the estate condemned herein in the subject property was the defendant whose name appears in the schedule below; the right to just compensation for the estate taken in this property is vested in the party so named; and the sum of \$75.00 hereby is adopted as the award of just compensation for the estate herein taken in subject property; all as follows, to-wit:

TRACT NO. R-1840E

Owner:

Jackoline A. Quinton

Award of just compensation - - - - -	\$75.00	\$75.00
(pursuant to Court's findings)		
Deposited as estimated compensation - - - - -	<u>\$75.00</u>	
Disbursed to owner - - - - -		<u>\$75.00</u>

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

144.17 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and Eugene Simpson, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4952

Tract No. G-709

FILED

DEC 21 1962

J U D G M E N T

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

1.

On December 4, 1962, this cause as to the captioned tract, came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owners of the captioned tract did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in the tract shown in the caption above, as such tract and estate are described in the Complaint and the Declaration of Taking filed herein.

3.

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

4.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tract, as such tract is particularly described in such Complaint. Pursuant thereto, on June 17, 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 filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, a certain sum of money, none of which has been disbursed as shown in paragraph 9.

6.

At the above-mentioned pretrial conference the Court considered the evidence offered by plaintiff and then found that the fair market value of the subject property, as of the date of taking, was \$54.00, and such sum should be adopted as the award of just compensation for the taking of the described estate in the subject property, and such award should be allocated to the various owners as shown in paragraph 9.

7.

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

8.

It is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, 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 the date of filing such Declaration of Taking, 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 taking, the owners of the estate condemned herein in the subject property were the defendants whose names appear in the schedule below; the right to just compensation for the estate taken in this property is vested in the parties so named, as their interests appear therein; and the sum of \$54.00 hereby is adopted as the award of just compensation for the estate herein taken in subject property; all as follows, to-wit:

TRACT NO. G-709

Owners:

Heirs of the estate of

J. A. Frates, Jr., who are:

Dorothy D. Frates	- - - - -	1/6	
Virginia F. Dunn	- - - - -	1/9	
Rex D. Frates	- - - - -	1/9	
J. A. Frates, III	- - - - -	1/9	
Frates Investment Company	- - - - -	1/2	
Award of just compensation	- - - - -	\$54.00	\$54.00
(pursuant to Court's findings)			
Deposited as estimated compensation	- - - - -	\$15.00	
Disbursed	- - - - -		<u>None</u>
Balance due to owners	- - - - -		\$54.00
Deposit deficiency	- - - - -	<u>\$39.00</u>	
- - - - -	- - - - -	- - - - -	- - - - -

10.

It is further ORDERED that the United States of America shall deposit in the Registry of this Court the deposit deficiency in the amount of \$39.00, and such sum shall be placed in the deposit for Tract No. G-709.

The Clerk of this Court then shall disburse from the deposit for the subject tract certain sums as follows:

To:

Dorothy D. Frates	- - - - -	\$9.00
Virginia F. Dunn	- - - - -	\$6.00
Rex D. Frates	- - - - -	\$6.00
J. A. Frates, III	- - - - -	\$6.00
Frates Investment Company	- - - - -	\$27.00

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

321.86 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and L. G. Thomason, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4955

Tract No. S-1909

FILED

DEC 21 1962

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

J U D G M E N T

1.

On December 4, 1962, this cause as to the captioned tract, came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owners of the captioned tract ~~did not appear~~ appeared by their attorney, Charles A. Steele. 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 estates condemned in the tract shown in the caption above, as such tract and estate are described in the Complaint and the Declaration of Taking filed herein.

3.

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

4.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tract, as such tract is particularly described in such Complaint. Pursuant thereto, on June 28, 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 filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, a certain sum of money, none of which has been disbursed as shown in paragraph 9.

6.

At the above-mentioned pretrial conference the Court considered the evidence offered by plaintiff and then found that the fair market value of the subject property, as of the date of taking, was \$200.00, and such sum should be adopted as the award of just compensation for the taking of the described estate in the subject property, and such award should be allocated to the various owners as shown in paragraph 9.

7.

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

8.

It is, therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, 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 the date of filing such Declaration of Taking, 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 taking, the owners of the estate condemned herein in the subject property were the defendants whose names appear in the schedule below; the right to just compensation for the estate taken in this property is vested in the parties so named, as their interests appear therein; and the sum of \$200.00 hereby is adopted as the award of just compensation for the estate herein taken in subject property; all as follows, to-wit:

TRACT NO. S-1909

Owners:

June H. Collins - - - - -	1/2	
H. M. McMillan - - - - -	1/4	
Estate of H. B. Fell - - - - -	35% of 1/4	
(Mrs. Elizabeth Fell Oven, as executrix of the estate of H. B. Fell, deceased, is entitled to receive this share of the award)		
Georgie S. Fell - - - - -	28% of 1/4	
John W. Nichols, Trustee - - - - -	37% of 1/4	
Award of just compensation - - - - -	\$200.00	\$200.00
Deposited as estimated compensation - - - - -	<u>\$200.00</u>	
Disbursed - - - - -		<u>None</u>
Balance due to owners - - - - -		\$200.00
- - - - -		- - - - -

10.

It Is Further ORDERED that the Clerk of this Court shall disburse from the deposit for Tract S-1909 certain sums as follows:

To: June H. Collins - - - - -	\$100.00
H. M. McMillan - - - - -	\$50.00
Mrs. Elizabeth Fell Oven, Executrix of the estate of H. B. Fell, deceased - - - - -	\$17.50
Georgie S. Fell - - - - -	\$14.00
John W. Nichols, Trustee - - - - -	\$18.50

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

13.70 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and Ray H. Ward, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4983

Tracts Nos.: T-2049E-2
T-2049E-3

FILED

DEC 21 1962

J U D G M E N T

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

1.

On December 4, 1962, this cause as to the captioned tracts, came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owners of the captioned tracts did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in the tracts shown in the caption above, as such tracts and estates are described in the Complaint and 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 August 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 filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, a certain sum of money, all of which has been disbursed as shown in paragraph 9.

6.

At the pretrial conference the Court considered the evidence offered by the plaintiff and then found that the decrease in fair market value of the ownership under consideration, caused by this action, was in the amount of \$250.00. Such sum should be adopted as the award of just compensation for the estate taken in the subject property, and such award should be allocated to the various owners as shown in paragraph 9.

7.

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

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, 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 the date of filing such Declaration of Taking, 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 taking, the owners of the estate condemned herein in the subject property were the defendants whose names appear in the schedule below; the right to just compensation for the estate taken in this property is vested in the parties so named, as their interests appear therein; and the sum of \$250.00 hereby is adopted as the award of just compensation for the estate herein taken in subject property; all as follows, to-wit:

TRACTS NOS. T-2049E-2 AND T-2049E-3

Owners:

Surface estate: Edward Stand

Mineral estate:

1. Simon Lebow - owns an oil and gas lease
2. Edward Stand - owns balance of mineral estate

Award of just compensation - - - - - \$250.00
(pursuant to Court's findings)

To be allocated:

To surface estate - - - - - \$200.00

To mineral estate:

 Lessor interest - - - - - \$25.00

 Lessee interest - - - - - \$25.00

Deposited as estimated compensation - - - - - \$250.00

Disbursed to owners:

To Edward Stand - - - - - \$225.00

To Simon Lebow - - - - - \$25.00

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

164.01 Acres of Land, More or Less,
Situate in Rogers and Nowata Counties,
Oklahoma, and A. L. Bradshaw, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4987

Tract No. V-2257E

FILED

DEC 21 1962

J U D G M E N T

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

1.

On December 4, 1962, this cause as to the captioned tract, came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owner of the captioned tract did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in the tract shown in the caption above, as such tract and estate are described in the Complaint and 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 August 9, 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 filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, a certain sum of money, all of which has been disbursed as shown in paragraph 9.

6.

At the pretrial conference the Court considered the evidence offered by the plaintiff and then found that the decrease in fair market value, of the ownership under consideration, caused by this action, was in the amount of \$150.00. Such sum should be adopted as the award of just compensation for the estate taken in the subject property.

7.

The defendant named in paragraph 9 as owner of subject property is the only defendant asserting any interest in the estate condemned in the subject property, all other defendants having either disclaimed or defaulted; the named defendant was the owner of such estate, as of the date of taking, and as such is entitled to receive the award of just compensation.

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, 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 the date of filing such Declaration of Taking, 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 taking, the owner of the estate condemned herein in the subject property was the defendant whose name appears in the schedule below; the right to just compensation for the estate taken in this property is vested in the party so named; and the sum of \$150.00 hereby is adopted as the award of just compensation for the estate herein taken in subject property; all as follows, to-wit:

Owner:

Joseph Lucas

Award of just compensation - - - - -	\$150.00	\$150.00
(pursuant to Court's findings)		
Deposited as estimated compensation - - - - -	<u>\$150.00</u>	
Disbursed to owner - - - - -		<u>\$150.00</u>

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

413.36 Acres of Land, More or Less,
Situate in Nowata County, Oklahoma,
and Emma E. Mortlock, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4990

Tract No. 5601-8

FILED

DEC 21 1962

J U D G M E N T

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

1.

On December 4, 1962, this cause as to the captioned tract, came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owner of the captioned tract did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in the tract shown in the caption above, as such tract and estate are described in the Complaint and 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 August 11, 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 filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of the Court, as estimated compensation for the taking of the described estate in subject property, a certain sum of money, all of which has been disbursed as shown in paragraph 9.

6.

At the pretrial conference the Court considered the evidence offered by the plaintiff and then found that the fair market value of the subject property as of the date of taking was \$700.00, and such sum should be adopted as the award of just compensation for the taking of the described estate in the subject property.

7.

The defendant named in paragraph 9 as owner of subject property is the only defendant asserting any interest in the estate condemned in the subject property, all other defendants having either disclaimed or defaulted; the named defendant was the owner of such estate, as of the date of taking, and as such, is entitled to receive the award of just compensation.

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property named in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, to the extent of the estates 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 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.

9.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owner of the estate condemned herein in the subject property was the defendant whose name appears in the schedule below; the right to just compensation for the estate taken in this property is vested in the party so named; and the sum of \$700.00 hereby is adopted as the award of just compensation for the estate herein taken in subject property, all as follows, to-wit:

TRACT NO. 5601-8

Owner:

Charles Roach

Award of just compensation - - - - -	\$700.00	\$700.00
(pursuant to Court's findings)		
Deposited as estimated compensation - - - - -	<u>\$700.00</u>	
Disbursed to owner - - - - -		<u>\$700.00</u>

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

413.36 Acres of Land, More or Less,
Situate in Nowata County, Oklahoma,
and Emma E. Mortlock, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4990

Tract No. R-1842

FILED

DEC 21 1962

J U D G M E N T

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

1.

On December 4, 1962, this cause as to the captioned tract, came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owner of the captioned tract did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in the tract shown in the caption above, as such tract and estate are described in the Complaint and 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 August 11, 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 filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, a certain sum of money, all of which has been disbursed as shown in paragraph 9.

6.

At the pretrial conference the Court considered the evidence offered by the plaintiff and then found that the decrease in fair market value, of the ownership under consideration, caused by this action, was in the amount of \$850.00. Such sum should be adopted as the award of just compensation for the estate taken in the subject property.

7.

The defendant named in paragraph 9 as owner of subject property is the only defendant asserting any interest in the estate condemned in the subject property, all other defendants having either disclaimed or defaulted; the named defendant was the owner of such estate, as of the date of taking, and as such is entitled to receive the award of just compensation.

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, 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 the date of filing such Declaration of Taking, 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 taking, the owner of the estate condemned herein in the subject property was the defendant whose name appears in the schedule below; the right to just compensation for the estate taken in this property is vested in the party so named; and the sum of \$850.00 hereby is adopted as the award of just compensation for the estate herein taken in subject property; all as follows, to-wit:

TRACT NO. R-1842

Owner:

Thomas F. Elders

Award of just compensation - - - - -	\$850.00	\$850.00
(pursuant to Court's findings)		
Deposited as estimated compensation - - - - -	<u>\$850.00</u>	
Disbursed to owner - - - - -		<u>\$850.00</u>

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

DEC 21 1962

United States of America, Plaintiff, v.

NOBLE C. HOOD Clerk, U. S. District Court Civil No. 5042

63.09 Acres of Land, More or Less, Situate in Tulsa, Creek and Pawnee Counties, Oklahoma, and D. W. Franchot & Co., et al, and Unknown Owners,

Tract(s) No(s) 1809

Defendants.

JUDGMENT ON MOTION

On this day this cause comes on for consideration on the motion of plaintiff for a judgment on the option(s) granted by the defendant(s) and accepted by the Corps of Engineers, Department of the Army, on behalf of the United States of America, plaintiff herein.

The Court finds that prior to the institution of the above proceeding the United States of America and the defendant(s) G. O. Housley, Ava L. Housley Bowen, Dorothy Housley Hamilton, Cletus Housley Hernandez, C. J. Housley and Agnes Housley Peacock, some heirs of G. W. Housley, deceased, entered into a contract and agreement, as evidenced by (an) option(s) for the purchase of land granted by said defendant(s) and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$ 1,800.00..... inclusive of interest, would be awarded as just compensation for the taking of the estate(s) to be condemned in Tract(s) No(s) 1809

as such estate(s) and said tract(s) are described in the complaint and declaration of taking heretofore filed in this cause. The Court also finds that Mary Housley, widow of G. W. Housley, deceased, is also deceased and that her interest passed by succession to the above parties, as her lawful heirs. The Court further finds that the above-named defendant(s) (was) (were) the sole owner(s) of the above-captioned tract(s) on the date of taking; that (she) (they) (has) (are) entitled to the entire award therefor; and that the contract and agreement is a valid one.

The Court further finds that service of process has been perfected, either personally or by publication of notice, on all parties defendant having compensable interests in the subject tract(s) and that a copy of a motion for judgment has been served on all parties making an appearance and demanding notice of all proceedings.

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) (was) described therein, is hereby confirmed;

(B) The just compensation to be paid by the plaintiff for the taking of Tract(s) No(s). 1809

is the sum of \$ 1,800.00....., inclusive of interest, which sum has heretofore been disbursed by order(s) of this Court.

Entered this 16 day of December 1962

APPROVED:

ALLEN E. DARROW JUDGE, United States District Court

W. R. TRIXTON, JR. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

279.50 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and Charles F. Dominy, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 5113

Tract No. 4625-5S

FILED

DEC 21 1962

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

J U D G M E N T

1.

On December 4, 1962, this cause as to the captioned tract, came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owner of the captioned tract did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in the tract shown in the caption above, as such tract and estate are described in the Complaint and 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 January 31, 1961, the United States of America filed its Declaration of Taking of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, a certain sum of money, none of which has been disbursed as shown in paragraph 9.

6.

At the pretrial conference the Court considered the evidence offered by the plaintiff and then found that the decrease in fair market value, of the ownership under consideration, caused by this action, was in the amount of \$110.00. Such sum should be adopted as the award of just compensation for the estate taken in the subject property.

7.

The defendant named in paragraph 9 as owner of subject property is the only defendant asserting any interest in the estate condemned in the subject property, all other defendants having either disclaimed or defaulted; the named defendant was the owner of such estate, as of the date of taking, and as such is entitled to receive the award of just compensation.

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, 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 the date of filing such Declaration of Taking, 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 taking, the owner of the estate condemned herein in the subject property was the defendant whose name appears in the schedule below; the right to just compensation for the estate taken in this property is vested in the party so named; and the sum of \$110.00 hereby is adopted as the award of just compensation for the estate herein taken in subject property; all as follows, to-wit:

TRACT NO. 4625-58

Owner:

Charles F. Dominy

Award of Just Compensation - - - - -	\$110.00	\$110.00
(pursuant to Court's findings)		
Deposited as estimated compensation - - - - -	<u>\$110.00</u>	
Disbursed - - - - -		<u>None</u>
Balance due to owner - - - - -		\$110.00
- - - - -		- - - - -

10.

It Is Further ORDERED that the Clerk of this Court shall disburse, from the deposit for Tract No.4625-58, the sum of \$110.00 to Charles F. Dominy.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

345.00 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and Harry E. Bagby, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 5115

Tracts Nos.: 4614-68 and
4614-88

FILED

DEC 21 1962

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

J U D G M E N T

1.

On December 4, 1962, this cause, as to the captioned tracts, came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owner of the captioned tracts appeared by her attorney, Jack L. Rorschach. After being advised by counsel for the parties, 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 an undivided one-half interest in the estates condemned in the tracts enumerated in the caption above, as such tracts and estates are described in the Declaration of Taking filed herein.

3.

Service of Process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in 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 January 31, 1961, the United States of America filed its Declaration of Taking of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the described estates in subject tracts, a certain sum of money, none of which has been disbursed as shown in paragraph 9.

6.

At the pretrial conference the Court considered the evidence offered by the plaintiff and then found that the fair market value of the subject property as of the date of taking was as follows:

Undivided 1/2 interest in Tract No. 4614-6S - - - - - \$400.00

Undivided 1/2 interest in Tract No. 4614-8S - - - - - \$225.00,

and such sums should be adopted as the awards of just compensation for the subject interest in the estate taken in the respective tracts.

7.

The defendant named in paragraph 9 as owner of subject tracts is the only defendant asserting any interest in an undivided one-half interest in the estates condemned in the subject tracts, all other defendants having either disclaimed or defaulted; the named defendant is the owner of an undivided one-half interest in such estates, as of the date of taking, and as such, is entitled to receive the award of just compensation.

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in paragraph 2 herein, as such tracts are particularly described in the Complaint and Declaration of Taking filed herein; and an undivided one-half interest in such tracts, to the extent of the estates 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 January 31, 1961, and all defendants herein and all other persons interested in such undivided one-half interest in such estates are forever barred from asserting any claim thereto.

9.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owner of an undivided one-half interest in the estates condemned herein in the subject tracts was the defendant whose name appears in the schedule below; the right to just compensation for an undivided one-half

interest in the estates taken in these tracts is vested in the party so named; and the sums of \$400.00 as to Tract No. 4614-6S and \$225.00 as to Tract No. 4614-8S, hereby are adopted as the awards of just compensation for such undivided one-half interest in the estates herein taken in subject tracts, all as follows, to-wit:

TRACT NO. 4614-6S

Owner of an undivided one-half interest:

Jeanetta K. Thomason

Award of just compensation for an undivided one-half interest (pursuant to Court's findings)	- - - - - \$400.00	\$400.00
Deposited as estimated compensation for an undivided one-half interest	- - - - - <u>\$400.00</u>	
Disbursed to owner	- - - - -	<u>None</u>
Balance due to owner	- - - - -	\$400.00
- - - - -	- - - - -	- - - - -

TRACT NO. 4614-8S

Owner of an undivided one-half interest:

Jeanetta K. Thomason

Award of just compensation for an undivided one-half interest (pursuant to Court's findings)	- - - - - \$225.00	\$225.00
Deposited as estimated compensation for an undivided one-half interest	- - - - - <u>\$225.00</u>	
Disbursed to owner	- - - - -	<u>None</u>
Balance due to owner	- - - - -	\$225.00
- - - - -	- - - - -	- - - - -

It Is Further ORDERED that the Clerk of this Court shall disburse, from the deposit for Tract No. 4614-6S, the sum of \$400.00, and from the deposit for Tract No. 4614-8S, the sum of \$225.00, to Jeanetta K. Thomason.

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

84.56 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and James Rogers, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 5223

Tract No. C-336E

FILED

DEC 21 1962

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

J U D G M E N T

1.

Now, on this 14th day of Dec., 1962, 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. C-336E, as such estate and tract are described in the Complaint and 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 August 7, 1961, the United States of America has filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of a certain estate in the subject tract, a certain sum of money, and none of this deposit has been disbursed, as set out in paragraph 11 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 11 below. Such named defendants are the only persons asserting any interest in the estate taken in such tract, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the estate taken in this tract.

8.

The owners of the subject tract and the United States of America have executed and filed herein a Stipulation As To Just Compensation wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in paragraph 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 the date of filing such Declaration of Taking, 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 subject tract were the defendants whose names appear below in paragraph 11, and the right to just compensation for the estate taken herein in this tract is vested in the parties so named.

11.

It Is Further ORDERED, ADJUDGED, AND DECREED that the Stipulation As To Just Compensation, mentioned in paragraph 8, 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, to-wit:

TRACT NO. C-336E

Owners:

Unie Valdo Ellison and
Lewis Bibb Ellison

Award of just compensation, pursuant to stipulation	-----	\$405.00	\$405.00
Deposited as estimated compensation	-----	<u>\$405.00</u>	
Disbursed	-----		<u>None</u>
Balance due to owners	-----		\$405.00
- - - - -	- - - - -	- - - - -	- - - - -

12.

It Is Further ORDERED that the Clerk of this Court shall disburse, from the deposit for Tract No. C-336E, the sum of \$405.00, to Unie Valdo Ellison and Lewis Bibb Ellison, jointly.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

84.56 Acres of Land, More or Less,
Situat in Nowata and Rogers Counties,
Oklahoma, and James Rogers, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 5223

Tract No. 6707-3

FILED

DEC 21 1962

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

J U D G M E N T

1.

On December 4, 1962, this cause as to the captioned tract, came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owners of an undivided one-half interest in the captioned tract appeared by their attorney, Charles A. Steele. The owner of the other one-half interest did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in the tract shown in the caption above, as such tract and estate are described in the Complaint and 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 August 7, 1961, the United States of America filed its Declaration of Taking of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, a certain sum of money, none of which has been disbursed as shown in paragraph 9.

6.

At the pretrial conference the Court considered the evidence offered by the plaintiff and then found that the decrease in fair market value of the ownership under consideration, caused by this action, was in the amount of \$50.00. Such sum should be adopted as the award of just compensation for the estate taken in the subject property, and such award should be allocated to the various owners as shown in paragraph 9.

7.

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

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, 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 the date of filing such Declaration of Taking, 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 taking, the owners of the estate condemned herein in the subject property were the defendants whose names appear in the schedule below; the right to just compensation for the estate taken in this property is vested in the parties so named, as their interests appear therein; and the sum of \$50.00 hereby is adopted as the award of just compensation for the estate herein taken in subject property; all as follows, to-wit:

Owners:

Della M. Balentine	- - - - -	50%	
John W. Nichols, Trustee	- - - - -	18 $\frac{1}{2}$ %	
Georgie S. Fell	- - - - -	14%	
Heirs of the estate of H. B. Fell, deceased (Elizabeth Fell Oven, as executrix of this estate is entitled to re- ceive the award.)	- - - - -	17 $\frac{1}{2}$ %	
Award of just compensation (pursuant to Court's findings)	- - - - -	\$50.00	\$50.00
Deposited as estimated compensation	- - - - -	<u>\$50.00</u>	
Disbursed	- - - - -		<u>None</u>
Balance due to owners	- - - - -		\$50.00
- - - - -	- - - - -	- - - - -	- - - - -

10.

It Is Further ORDERED that the Clerk of this Court shall disburse,
from the deposit for Tract No. 6707-3, certain sums as follows:

To:

Della M. Balentine	- - - - -	\$25.00
John W. Nichols, Trustee	- - - - -	\$9.25
Georgie S. Fell	- - - - -	\$7.00
Elizabeth Fell Oven	- - - - -	\$8.75

ALLEN E. BARROW

 UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

 HUBERT A. MARLOW
 Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

84.56 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and James Rogers, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 5223

Tract No. S-1956-1M

FILED

DEC 21 1962

J U D G M E N T

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

1.

On December 4, 1962, this cause as to the captioned tract, came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owner of the captioned tract did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in the tract shown in the caption above, as such tract and estate are described in the Complaint and 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 August 7, 1961, the United States of America filed its Declaration of Taking of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, a certain sum of money, none of which has been disbursed as shown in paragraph 9.

6.

At the pretrial conference the Court considered the evidence offered by the plaintiff and then found that the decrease in fair market value, of the ownership under consideration, caused by this action, was in the amount of \$25.00. Such sum should be adopted as the award of just compensation for the estate taken in the subject property.

7.

The defendant named in paragraph 9 as owner of subject property is the only defendant asserting any interest in the estate condemned in the subject property, all other defendants having either disclaimed or defaulted; the named defendant was the owner of such estate, as of the date of taking, and as such is entitled to receive the award of just compensation.

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, 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 the date of filing such Declaration of Taking, 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 taking, the owner of the estate condemned herein in the subject property was the defendant whose name appears in the schedule below; the right to just compensation for the estate taken in this property is vested in the party so named; and the sum of \$25.00 hereby is adopted as the award of just compensation for the estate herein taken in subject property; all as follows, to-wit:

Owner:

Della M. Balentine

Award of just compensation	-----	\$25.00	\$25.00
(pursuant to Court's findings)			
Deposited as estimated compensation	-----	<u>\$25.00</u>	
Disbursed to owner	-----		<u>None</u>
Balance due to owner	-----		\$25.00

10.

It Is Further ORDERED that the Clerk of this Court shall disburse, from the deposit for Tract No. S-1956-1M, the sum of \$25.00 to Della M. Balentine.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

84.56 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and James Rogers, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 5223

Tract No. V-2258E

FILED

DEC 21 1962

J U D G M E N T

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

1.

Now, on this 19th day of Dec., 1962, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on an option contract, wherein the owners have agreed upon the amount of 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 tract enumerated in the caption above, as such estate and tract are described in the Complaint and 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 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 August 7, 1961, the United States of America has filed its Declaration of Taking of such described property, and title to the described estates in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of a certain estate in the subject tract, a certain sum of money, all of which has been disbursed, as set out in paragraph 11 below.

7.

On the date of taking in this action, the owners of the estate taken in the subject tract were the defendants whose names are shown in paragraph 11 below. Such named defendants are the only persons asserting any interest in the estate taken in such tract, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the estate taken in this tract.

8.

The owners of the subject tract and the United States of America have executed an option contract, as alleged in the Complaint, wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in paragraph 11, and such option contract 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 the date of filing the Declaration of Taking, 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 persons whose names appear below in paragraph 11, and the right to just compensation for the estate taken herein in this tract is vested in the parties so named.

It Is Further ORDERED, ADJUDGED AND DECREED that the option contract, 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. V-2258E

Owners:

Hubert C. Howard and
Kathleen V. Howard

Award of just compensation, pursuant to option contract - - - - -	\$500.00	\$500.00
Deposited as estimated compensation - - - - -	<u>\$500.00</u>	
Disbursed to owners - - - - -		<u>\$500.00</u>

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Judgment on Motion
(Option) **FILED**

United States of America,
Plaintiff,
v.

DEC 26 1962

Civil No. 4982
NOBLE C. HOOD
Clerk, U. S. District Court

1,033.72 Acres of Land, More or Less,
Situate in Tulsa, Creek and Pawnee
Counties, Oklahoma, and Pearl B.
Jackson, et al and Unknown Owners,

Tract(s) No(s) I-958, & E-1 thru E-3

Defendants.

JUDGMENT ON MOTION

On this day this cause comes on for consideration on the motion of plaintiff for a judgment on the option(s) granted by the defendant(s) and accepted by the Corps of Engineers, Department of the Army, on behalf of the United States of America, plaintiff herein.

The Court finds that prior to the institution of the above proceeding the United States of America and the defendant(s) **Leila Mae Neifey and H. M. Cobbs**

entered into a contract and agreement, as evidenced by (an) option(s) for the purchase of land granted by said defendant(s) and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$ 150.00.... inclusive of interest, would be awarded as just compensation for the taking of the estate(s) to be condemned in Tract(s) No(s) **I-958 and E-1 thru E-3**

as such estate(s) and said tract(s) are described in the complaint and declaration of taking heretofore filed in this cause.

The Court further finds that the above-named defendant(s) ~~was~~ (were) the sole owner(s) of the above-captioned tract(s) on the date of taking; that ~~she~~ (they) ~~was~~ (are) entitled to the entire award therefor; and that the contract and agreement is a valid one.

The Court further finds that service of process has been perfected, either personally or by publication of notice, on all parties defendant having compensable interests in the subject tract(s) and that a copy of a motion for judgment has been served on all parties making an appearance and demanding notice of all proceedings.

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). **I-958 and E-1 thru E-3**

is the sum of \$ 150.00....., inclusive of interest, which sum has heretofore been disbursed by order(s) of this Court.

Entered this 26th day of December 1962.

ALLEN E. BARROW

APPROVED:

JUDGE, United States District Court

W. R. THIXTON, JR.

W. R. THIXTON, JR. Attorney

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

MARY S. DUNN, a widow, etc.)
McCULLOUGH TOOL COMPANY, a)
corporation)
VS.)
ST. LOUIS SAN FRANCISCO RAILWAY)
COMPANY, (foreign corporation,))
et al)

NO. 5290 - CIVIL
FILED

DEC 26 1967

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

ORDER

Upon consideration of the defendant's motion to dismiss filed herein and briefs filed in support and opposition thereto, the Court finds that said motion should be sustained.

This case arose out of an inter-sectional collision between a truck travelling upon a regular highway and a travelling train in a railroad-highway crossing. As between a railroad company and the travelers who cross its track, both are charged with the duty of keeping a careful lookout for danger, and to use such diligence as a prudent man would exercise under the circumstances in endeavoring fairly to perform his duty. Missouri, Kansas & Texas Railroad Co. v. Horton 119 P 233.

The railroad company has a legal right to have its train block a crossing while in the conduct of its business, assuming that the blocking is not for an unreasonable length of time. Under Oklahoma law the presence of a train or cars upon a crossing is sufficient notice to a driver of a vehicle of such obstruction, and, in the absence of unusual circumstances, the railroad company is not under a duty to provide any other notice or warning. Holt v. Thompson 115 F2nd 1013.

A railroad company may assure motorists with due care when operating their vehicles approaching a railroad crossing. If conditions are such that a motorist exercising due care for his own safety in operating a vehicle with proper brakes and lights will see the obstruction in time to avoid an accident, the railroad company and its employees may assure that the driver will do so and is not obliged to take precautions to avoid a collision. Wa. A. Smith Construction Co. v. Brundley 88 F. 2d 803; Korn v. Jones 103 P₂ 242.

In this case the crossing involved must have been unusually dangerous or hazardous at the time of the collision before the defendant is burdened with the duty to give other notice or warning. Thompson v. Carter 137 P₂ 956; Raley v. Thompson 225 P₂ 171.

The lights from an oncoming vehicle do not make the crossing unusually dangerous. Holt v. Thompson, supra. The view of the crossing was in no other way obstructed in this case.

The signal erected at the crossing was for the purpose of warning of approaching trains, as is the requirement of ringing a bell and sounding a whistle. St. Louis-San Francisco Railway Co. v. Withers 270 P₂ 341; Fleming v. Lock 195 P₂ 947. The fact that the signal did not work in this instance does not alter the fact that the standing train itself is ordinarily sufficient notice of the crossing and that it is occupied.

The fact that the crossing was only half blocked does not change the result herein for the crossing under the conditions existing was not unusually dangerous or hazardous.

The cases relied upon by plaintiff's moving primarily upon the failure of an automatic signal to work are not applicable here. Plaintiff has not plead a reliance upon and a failure of a customary warning.

It is therefore ordered that the defendant's Motion to Dismiss is sustained and that the Plaintiff's complaint herein is dismissed.

Dated this 26 day of December, 1962.



FRED DAUGHERTY
UNITED STATES DISTRICT JUDGE

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

MARY S. MOSE, a widow, etc.)
McCULLOUGH TOOL COMPANY, a)
corporation)
vs.)
ST. LOUIS AND FIDELITY RAILWAY)
COMPANY, a foreign corporation,)
et al.)

No. 5291 - Civil

FILED

DEC 26 1937

ORDER

NOTICE OF FILING
CLERK, U.S. DISTRICT

Upon consideration of the defendant's motion to dismiss filed hereto and briefs filed in support and opposition thereto, the court finds that said motion should be sustained.

This case arose out of an intersectional collision between a truck travelling upon a regular highway and a straggling train in a railroad-highway crossing. As between a railroad company and the travelers who cross its track, both are charged with the duty of keeping a careful lookout for danger, and to use such diligence as a prudent man would exercise under the circumstances in endeavoring fairly to perform his duty. Missouri, Kansas & Texas Railroad Co. v. Horton 19 P 233.

The railroad company has a legal right to have its train block a crossing while in the conduct of its business, assuming that the blocking is not for an unreasonable length of time. Under Oklahoma law the presence of a train or cars upon a crossing is sufficient notice to a driver of a vehicle of such obstruction, and, in the absence of unusual circumstances, the railroad company is not under a duty to provide any other notice or warning. Holt v. Thompson 111 P. 2nd 501.

A railroad company may assume the duty of care the care when operating their vehicles approaching a railroad crossing. If conditions are such that a prudent exercising due care for his own safety in operating a vehicle with proper brakes and lights will see the obstruction in time to avoid an accident, the railroad company and its employees may assume that the driver will do so and is not obliged to take precautions to avoid a collision. Wm. A. Smith Construction Co. v. Brunley 38 F. 2d 703; Rain v. Jones 101 F. 242,

In this case the crossing involved must have been unusually dangerous or hazardous at the time of the collision before the defendant is burdened with the duty to give other notice or warning. Thompson v. Carter 137 F. 956; Raley v. Thompson 225 F. 171.

The lights from an oncoming vehicle do not make the crossing unusually dangerous. Holt v. Thompson supra. The view of the crossing was in no other way obstructed in this case.

The signal erected at the crossing was for the purpose of warning of approaching trains, as is the requirement of ringing a bell and sounding a whistle. St. Louis-San Francisco Railway Co. v. Withers 270 F. 341; Fleming v. Lock 195 F. 942. The fact that the signal did not work in this instance does not alter the fact that the standing train itself is ordinarily sufficient notice of the crossing and that it is occupied.

The fact that the crossing was only half blocked does not change the result herein for the crossing under the conditions existing was not unusually dangerous or hazardous.

Def. Judgment Without
Res. of Imps.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

382.36 Acres of Land, More or Less,
Situate in Tulsa, Creek and Pawnee
Counties, Oklahoma, and Winnie Enriques,
et al, and Unknown Owners,

Defendants.

Civil No. 5371

Tract No. A-129

FILED

DEC 26 1962

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

JUDGMENT ON STIPULATION

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

The Court finds that plaintiff and Winnie Enriques Patton, restricted, Creek Indian, Roll No. 90, defendant herein, 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. A-129, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the total sum of \$750.00, inclusive of interest. The sum of \$525.00, was deposited into the registry of this Court as estimated just compensation for said tracts 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 also finds that the stipulation referred to has been approved by the Area Director, Bureau of Indian Affairs, Department of the Interior.

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. A-129, is the sum of \$750.00, inclusive of interest; and

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

(D) Upon receipt of the deficiency of \$225.00, the Clerk of the Court is hereby authorized and directed to draw a check upon the funds in the Registry of this Court in the amount of \$750.00, made payable to the Bureau of Indian Affairs, to the account of Winnie Enriques Patton, restricted Creek Indian, Roll No. 90 and to cause payment to be made.

Entered this 24th day of December 1962.

ALLEN E. BARROW
JUDGE, United States District Court

APPROVED:

W. R. THIXTON, JR.
W. R. THIXTON, JR.
Assistant U. S. Attorney

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

WILLIAM F. DUCKER, ADMINISTRATOR)
with Will annexed of the Estate of)
HARRY L. FITZGERALD, SR., deceased,)
VS.)
THE TEXAS COMPANY, a corporation.)

NO. 4614 - CIVIL
FILED

DEC 21 1962

JOURNAL ENTRY OF JUDGMENT

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

The Court makes the following Findings of Fact, Conclusion of Law and enters the following Decision upon the evidence, arguments and briefs submitted herein:

FINDINGS OF FACT

1. Mrs. Harry L. Fitzgerald, Sr., died in February, 1956.
2. Thereafter in the same month Harry L. Fitzgerald, Sr., gave his son Harry L. Fitzgerald, Jr., the key to his lock box, made him a deputy authorized to enter the box and made him a joint owner of his bank accounts.
3. Thereafter the son as only child and sole heir undertook the complete care of his aged father, then apparently 78 years of age and invalidated with Parkinson's disease, and hired nurses and paid all bills.
4. Under the evidence and all the circumstances herein Harry L. Fitzgerald, Sr. intended to and did give The Texas Company stock involved herein to his son and effected the delivery thereof to his son by authorizing his entry into the lock box and delivery to him of the key thereto. Such is the testimony of the son, produced as a witness by the

plaintiff's complaint. The court found that the defendant's actions were not fraudulent.

6. On the day immediately after such gift and ending on April 1, 1934, the defendant placed the entire title to the stock in the name of Harry L. Fitzgerald, Jr. and transferred all the stock.

7. The stock was issued in the name of Harry L. Fitzgerald, Jr. and was owned by the son at that time.

8. The stock was brokered by the defendant Merritt Lynch and Company and the company was later transferred to the defendant Texas Company who issued new shares to the purchasers.

9. The defendant Merritt Lynch and the Texas Company handled the transactions in the usual course of trade which involved the name of Harry L. Fitzgerald, Sr. and neither were guilty of any acts of fraud in the matter.

10. The evidence in the case does not establish a principal-agent relationship between Harry L. Fitzgerald, Sr. and Harry L. Fitzgerald, Jr. Rather the evidence supports a gift and normal father-son relationship. The only evidence pertaining to a principal-agent relationship is limited to the father authorizing the son to transfer his name to the stock in furtherance of a gift of the stock.

11. Harry L. Fitzgerald, Jr. using the accountants of his father caused a gift tax return on the Texas Company stock to be made and signed by Harry L. Fitzgerald, Sr. as donor with Harry L. Fitzgerald, Sr. as donee and Harry L. Fitzgerald, Jr. paid gift taxes on the Texas Company stock

and he also caused income tax returns to be filed for his father.

11. Prior to September 8, 1958 Harry L. Fitzgerald, Jr. told W. F. Sample that he had gone through The Texas Company stock and on September 8, 1958 Harry L. Fitzgerald, Sr. with Joel Wolfe and W. F. Sample entered the lock box by having the same drilled. No Texas Company stock was found.

12. On November 18, 1958 at the instance of the sister of Harry L. Fitzgerald, Sr., Joel Wolfe was appointed as Guardian of Harry L. Fitzgerald, Sr. and W. F. Sample undertook to do legal work for the estate.

13. On November 27, 1958 Harry L. Fitzgerald, Sr. made a recorded statement to Harry L. Fitzgerald, Jr. to the effect that he wanted his son to have all the Texas Company stock; that such was his intention; that he wanted his son to endorse the stock and that whatever his son did with the stock was approved and ratified. This statement was later verified on November 26, 1958 by Harry L. Fitzgerald, Sr. who signed the same before a minister, Reverend Milton W. Castrodale, Jr. as witness.

14. Even though Harry L. Fitzgerald, Sr. had a legally appointed guardian he was not an insane person at any time but suffered with Parkinson's disease and was unable to look after his physical needs for the most part. He knew at all times the natural objects of his bounty and the nature and consequences of his acts.

15. In January, 1959, Harry L. Fitzgerald, Sr. died

at the age of 22 years without having been legally restored to competency. Harry M. Fitzgerald, Jr. was his sole heir upon death.

16. Wife's litigation was commenced on December 29, 1958 and the defendant Merrill Lynch was made a party on June 17, 1966.

CONCLUSIONS OF LAW

1. A valid inter vivos gift is effected when there is present an intent to give accompanied by delivery. HAYDON v. Kerns 100 Okla 290 36 P² 591.

2. Delivery of stock in a lock box may be effected by delivering the key to the box to the donee and authority to enter the box granted to the donee followed by the donee, under such authority, taking possession of the stock. Thompson v. First National Bank (Va 1936) 186 SW 77; Harrison v. Foley (CCA 8th Cir) 206 F. 57; 127 ALR 781.

3. The statute of limitations in Oklahoma on a conversion based on conversion is two years. 19 O.S.A. 95; Reardon vs. Bagwell (Okla 1948) 198 P² 215.

4. The statute of limitations on a converted portion begins to run from the time of the conversion. WILLIAMS v. Harper Bros. Auto Dealers (Okla 1956) 276 P² 217.

5. Fraud may toll the running of the statute of limitations until discovery of the fraud. However, the statute is not tolled against one who purchases the property in good faith and is not guilty of fraud in the conversion. Holly v. Lynch 107 Okla 117 1 205; Ward v. Bolding & Stanley Co. v. Bivens-Corbin Co. (Okla 1941) 119 P² 58; Christie The Transfer of Stock, Section 246, page 245 and Fleckenstein v. Franklin

National Bank of Long Island 208 200-1511

DECISION

In view of the foregoing findings of fact and conclusions of law judgment is rendered in favor of the defendant Harry L. Fitzgerald, Jr. against the plaintiff by reason of said defendant having been given the stock involved by his father by valid inter vivos gift. Judgment is rendered in favor of the defendants Donald Lynch and The Texas Company for the same reason also given and in addition the statute of limitations barred any action herein against these defendants. Accordingly, judgments are entered in favor of the defendants and the complaint is dismissed.

Dated this 7th day of December, 1927.

Fred Daugherty
Fred Daugherty
United States District Judge

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

Sains Store,

Plaintiff,

-vs-

St. Louis-San Francisco Railway
Company, a corporation, et al.,

Defendants.

No. 5432-C

FILED

DEC 27 1962

ORDER DISMISSING CAUSE WITH PREJUDICE

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

Upon joint application of the plaintiff and defendant,
and no good cause shown, Court finds that said action should be
dismissed with prejudice at costs of plaintiff.

IT IS THEREFORE ORDERED that this action be, and is
hereby dismissed with prejudice to future action at cost of
plaintiff.

Dated this 27th day of December, 1962.

Allen E. Tarrow
Judge

O.K.

W. Williams & Evans
Attorney for Plaintiff

Ben Furbush
Attorney for Defendant

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,	Plaintiff,	}	Civil No. 4731
vs.			
12.40 Acres of Land, More or Less, Situatc in Creek and Pawnee Counties, Oklahoma, and Gertrude Hambley, et al, and Unknown Owners,	Defendants.	}	Tracts Nos. I-957E-1 and E-2

J U D G M E N T

On this day this cause came on for hearing upon the application of the United States of America, by its attorney, and in accordance with its Complaint in condemnation, for a judgment determining the ownership and the just compensation to be awarded the former owners of Tracts Nos. I-957E-1 and E-2, which is more particularly described in the Declaration of Taking filed herein;

The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the parties and the subject matter of this action, that 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 tracts.

The Court further finds, upon the evidence presented that the following party defendants were the record owners of certain interests in the above captioned tracts as set forth below, on the date of taking, and are entitled to receive their part of the award therefor:

<u>Tract No. I-957E-1</u>	<u>Surface</u>	<u>Mineral</u>	<u>Total</u>
Roy B. Davidson	1/2 - \$ 12.50	1/4 - \$ 6.25	\$ 18.75
Constance McArthur	1/2 - 12.50	1/2 - 12.50	25.00
St. Germain, et al		1/4 - 6.25	6.25
Roger H. Davis (lessee)		7/8 WI - 10.00	10.00
Total	\$ 25.00	\$ 35.00	\$ 60.00
 <u>Tract No. I-957E-2</u>			
Roy B. Davidson	1/2 - \$175.00	1/4 - \$ 27.50	\$ 202.50
Constance McArthur	1/2 175.00	1/2 - 55.00	230.00
St. Germain, et al		1/4 - 27.50	27.50
Roger H. Davis (lessee)		7/8 WI - 35.00	35.00
Total	\$350.00	\$145.00	\$ 495.00
Total both tracts	\$375.00	\$180.00	\$ 555.00

The Court further finds that, St. Germain Company, et al, as set forth above, includes the following defendants and the respective interest owned by each, all of whom are in default, having neither answered nor appeared in this cause, the plaintiff being unable to locate said defendants, reasonable diligence and inquiry having been made:

St. Germain Company	5/192 of 1/8 lessor's interest
Home Steaks Royalty Company	1/16 of 1/8 lessor's interest
Home State Oil and Gas Company	1/16 of 1/8 lessor's interest
R. A. MacDonnell	1/48 of 1/8 lessor's interest
S. H. Davis Company	5/192 of 1/8 lessor's interest
W. M. Smith Company	5/192 of 1/8 lessor's interest
R. A. MacDonnell Company	1/192 of 1/8 lessor's interest
Marian Ball	1/96 of 1/8 lessor's interest
Helen Ball Schnerwind	1/96 of 1/8 lessor's interest
Total	1/4 of 1/8 interest in the oil, gas and other minerals, lessor's interest

The Court finds that plaintiff and Roy B. Davidson, Constance R. McArthur, and Roger H. Davis, defendants herein, have, by stipulations and option contracts on file herein, agreed that the just compensation to be paid by the plaintiff for the taking of the estates in Tracts Nos. I-957E-1 and E-2, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the total sum of \$555.00, inclusive of interest, which amount was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

The Court further finds, upon the evidence presented, that the amount of \$555.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in Tracts Nos. I-957E-1 and E-2, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause.

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

A. The vesting in the plaintiff of title to the estates set forth in the Complaint and Declaration of Taking in and to the lands hereinabove referred to, as said tracts are described therein, is hereby confirmed;

B. The record owners of the estates taken in Tracts Nos. I-957E-1 and E-2, are properly set forth as indicated above with the correct interest that each defendant owned properly set forth adjacent to the name, and as such are entitled to receive that portion of the award applied to their respective interest;

C. The just compensation to be paid by the plaintiff for the taking of Tracts Nos. I-957E-1 and E-2 is the sum of \$555.00, inclusive of interest, of which sum the amount of \$521.25 has heretofore been disbursed by order of this Court, leaving a balance on deposit of \$33.75.

D. The Clerk of the Court is hereby authorized and directed to retain the funds on deposit, \$33.75, which is applied to the one-fourth undivided interest in the oil, gas and other minerals owned by St. Germain Company, et al, defaulting defendants in these tracts, for a period of five years from the date of this Judgment, unless said deposit is properly claimed by the defendant owners set forth above, and in event said deposit is not claimed, the Court Clerk is directed, without further order of this Court, to return said deposit, five years from this date, into the United States Treasury.

Entered this 28 day of

Dec.

1962.

ALICE J. GARDNER
UNITED STATES DISTRICT JUDGE

APPROVED:

W. R. THIXTON, JR.

W. R. THIXTON, JR.
Assistant United States Attorney

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

ROTO-ROOTER CORPORATION,)
)
 Plaintiff,)
)
 vs.)
)
 JAMES ROSE and INA T. RUSSELL,)
)
 Defendants.)

FILED

Civil Action
No. 5405

JUDGMENT

This cause, having come on for trial, and a stipulation being on file herein, and in accordance with said stipulation:

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

1. That the United States Trade-Mark Registration No. 344,958 and the United States Service Mark Registration No. 597,721 granted to the plaintiff, are good and valid in law, and the Registration and Trade-marks covered thereby are the exclusive property of the plaintiff.

2. That the defendants by doing business under the trade-name of "Rotary Rooter Sewer Service" is infringing upon plaintiff's trade and service marks; that the defendants, and each of them, are hereby enjoined from further use of said name "Rotary Rooter Sewer Service".

3. IT IS FURTHER ORDERED that the defendants, or either of them, may do business under and use the name "Advance Rotary Sewerooter" provided that in so doing said defendants are to use the same in any and all advertising media including but not limited to advertising signs on trucks and in the City and Telephone Directories, all three words "Advance Rotary Sewerooter" in combination, with all three words grouped together with the same style, size and type of lettering, so that one word will not be in bold face type and the other word or words of a lesser or smaller type; provided further, the defendants, or either of them, may if they so desire, drop the word "Rotary" but may not drop the word "Advance" therefrom.

The plaintiff having waived its claim for damages, the Court orders that no damages be awarded either of the parties hereto.

The costs of this action shall be taxed against the plaintiff as per agreement of the parties.

Dated this 31st day of December, 1962.

[Handwritten signatures and notes]

(s) Allen E. Carson
DISTRICT JUDGE