

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

Civil Action No. 4961

Tract No. G-741

FILED

FEB 1962

U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

J U D G M E N T

1.

Now, on this 5th day of February, 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. G-741, as such estate and tract are described in the declaration of taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in Paragraph 2 of the complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described in Paragraph 2 herein. Pursuant thereto, on July 8, 1960, the United States of America has filed its declaration of taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the declaration of taking.

6.

On filing of the declaration of taking, there was deposited in the registry of this Court, as estimated compensation for the taking of a certain estate in the subject tract a certain sum of money, and all of this deposit has been disbursed, as set out in Paragraph 12 below.

7.

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

8.

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

9.

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

10.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tract named in Paragraph 2 herein, as such tract is particularly described in the complaint and declaration of taking filed herein; and such tract, to the extent of the estate described and for the uses and purposes described in such declaration of taking, is condemned and title thereto is vested in the United States of America, 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 owners of the estate condemned herein in subject tract were the defendants whose names appear below in Paragraph 12, and the right to just compensation for the estate taken herein in this tract is vested in the parties so named.

12.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the stipulation as to just compensation, mentioned in Paragraph 8 above, 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. G-741

Owners: Herbert H. Bussman and
Carmen Bussman

Award of just compensation pursuant to stipulation	\$925.00	\$925.00
Deposited as estimated compensation	<u>725.00</u>	
Deposit deficiency	<u>\$200.00</u>	
Disbursed to owners		<u>725.00</u>
Balance due to owners		<u>\$200.00</u>

13.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United States of America shall deposit in the registry of this Court, in this Civil Action, to the credit of Tract No. G-741, the deficiency sum of \$200.00, and the Clerk of this Court then shall disburse from the deposit for subject tract, jointly to Herbert H. Bussman and Carmen Bussman the sum of \$200.00.

Fred Daugherty

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.)
)
 315.27 Acres of Land, More or Less,)
 Situate in Nowata County, Oklahoma,)
 and Elna Couch, et al,)
)
 Defendants.)

Civil Action No. 4976
Tract No. 5708-9
(Original Tract No. N-1416)

FILED

MAR - 1 1962

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

J U D G M E N T

1.

NOW, on this Friday of March, 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 Tract No. N-1416 as such tract is described in the Declaration of Taking filed in this action, and to a portion of Tract No. N-1416, which portion is now designated as Tract No. 5708-9, described as Indian Meridian, T. 25 N., R. 17 E., Section 8, all that part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ lying below elevation 651.0' m.s.l. The area described aggregates 25.00 acres, more or less, situate in Nowata County, Oklahoma.

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 property described in paragraph 2 herein. Pursuant thereto, on August 1, 1960, the United States of America filed its Declaration of Taking of such described property, and title to the estate

in such property as described by stipulation of the parties 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 Tract No. N-1416 a certain sum of money and none of this deposit has been disbursed, as set out in Paragraph 12 below.

7.

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

8.

On August 3, 1961 the owners of the mineral estate in subject property and the United States of America filed herein a stipulation wherein they agreed that the acreage acquired in Tract No. N-1416 would be reduced to 25 acres, that the estate taken in such 25 acres would be changed from all interest in the subsurface estate to a subordination of the oil, gas and other minerals to the rights of the government in connection with the Oologah Project, that the 25 acres so subordinated would be designated Tract No. 5708-9, that title to the balance of original Tract No. N-1416 would be revested in the former owners and that just compensation should be the total sum of \$1,075.00. Such stipulation should be approved.

9.

The money originally deposited in this civil action as estimated compensation for Tract No. N-1416 should be used to pay the award of just compensation for the new tract designated as Tract No. 5708-9. Such payment will leave a surplus in this deposit as shown in Paragraph 12.

10.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the stipulation of the parties filed herein on August 3, 1961 is confirmed, and the land described in such stipulation as, "Indian Meridian, T. 25 N., R. 17 E., Section 8, all that part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ lying below elevation 651.0' m.s.l., the area described aggregates 25.0 acres, more or less, situate in Nowata, County, Oklahoma," is hereby designated Tract No. 5708-9.

The United States of America has the right, power, and authority to condemn for public use Tract No. 5708-9, described above, and the following described estate in such tract to-wit: the subordination of the oil, gas and other minerals to the right of the United States to flood and submerge the land as may be necessary in connection with the operation and maintenance of the Oologah Dam and Reservoir Project as authorized by the Act of Congress approved June 28, 1938 (52 Stat. 1215) and July 24, 1946 (60 Stat. 634), reserving to the owner or owners of the subsurface estate, or any interest therein, his or their heirs, administrators, executors, successors or assigns, all mineral rights and privileges which may be used and enjoyed without interfering with the aforesaid right of the United States, provided, however, that the type and location of any structures and/or appurtenances thereto now existing or to be erected or constructed in connection with the exercise of said mineral rights shall be subject to the prior written approval of the representative of the United States in charge of the project, for the uses and purposes described in the Declaration of Taking, is condemned, and title thereto is vested in the United States of America as of August 1, 1960, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim thereto.

All right, title, and interest of the defendant owners, in and to any and all portions of the original Tract No. N-1416, (as described in the Declaration of Taking filed herein) which are not included in the area now designated Tract No. 5708-9, hereby is revested in such defendants to the extent held by them immediately prior to the filing of the Declaration of Taking.

11.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owners of the estate condemned herein in subject tract were the defendants whose names appear below in paragraph 12, and the right to just compensation for the estate taken herein in this tract is vested in the parties so named.

12.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the sum fixed in the stipulation above confirmed, hereby is adopted as the award of just compensation for the estate taken in Tract No. 5708-9 and for the Government's use of the property, which in paragraph 10 above was revested in the former owners, as shown in the following schedule:

Owners - Of both original Tract No. N-1416 and New Tract No. 5708-9:

Elna Couch and
V. C. Couch

Deposited as estimated compensation for original Tract No. N-1416 . . .	\$3,225.00	
Award of just compensation for Tract No. 5708-9 and use of property revested, pursuant to stipulation	<u>\$1,075.00</u>	\$1,075.00
Deposit surplus as to Tract No. N-1416	<u>\$2,150.00</u>	
Disbursed to owners		<u>none</u>
Balance due to owners		<u>\$1,075.00</u>

13.

IT IS FURTHER ORDERED, ~~that~~ the Clerk of this Court shall disburse from the sum on deposit in this case for the original Tract No. N-1416, the sum of \$1,075.00, jointly, to Elna Couch and V. C. Couch.

Fred Daugherty

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,
Flaintiff,
vs.
301.00 Acres of Land, More or Less,
Situate in Nowata and Rogers
Counties, Oklahoma, and Delbert L.
Boatman, et al, and Unknown Owners,
Defendants.

Civil Action No. 4980
Tract No. 5610-4

FILED

MAR 29 1962
NORIS C. HOOD
Clk. U.S. District Court

J U D G M E N T

1.

NOW, on this Sunday of March, 1962, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on stipulations agreeing upon just compensation, and the court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies only to the estate condemned in Tract No. 5610-4, as such estate and tract are described in the declaration of taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in Paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described in Paragraph 2 herein. Pursuant thereto, on August 3, 1960, the United States of America filed its declaration of taking of such property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the registry of this Court, as estimated compensation for the taking of a certain estate in subject tract a certain sum of money, and all of this deposit has been disbursed, as set out in Paragraph 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 such estate taken in such tract, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the estate taken in this tract.

8.

The owners of subject tract and the United States of America have executed and filed herein stipulations 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 stipulations 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.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the stipulations as to just compensation, mentioned in Paragraph 8 above, hereby are 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. 5610-4

Owners:

Fernan Van Winkle 3/4
L. M. Holland, a/k/a
Lola M. Holland and
Lela M. Holland 1/8
George W. Van Winkle. 1/8

Award of just compensation pursuant to stipulations	\$200.00	\$200.00
Depcsited as estimated compensation	<u>200.00</u>	
Disbursed to owners		<u>200.00</u>

Fred Daugherty

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

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

Bessie Potter, . . . Plaintiff,)
)
vs.)
)
J. C. Penney Company, . . . Defendant.)

No. 5171 Civil

FILE

ORDER OF DISMISSAL WITH PREJUDICE

On this 5th day of March, 1962, the plaintiff herein having made application for leave to dismiss and having filed with the court a dismissal with prejudice approved by counsel for the defendant, the court orders the above styled matter dismissed with prejudice to the refileing of another action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this case is dismissed with prejudice to the filing of another action.

19 Fred Daugherty

United States District Judge

A true and correct copy of the foregoing order of dismissal with prejudice was this 5th day of March, 1962, mailed to Sterling N. Grubbs, P. O. Box 423, Cushing, Oklahoma, attorney for plaintiff.

Sterling N. Grubbs

Attorney for Defendant

TRB:el
3-5-62

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

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

Defendants.

Civil Action No. 4754

Tracts Nos. G-709 and
N-1421

FILED

MAR 1962

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

J U D G M E N T

1.

Now, on this 7th day of March 1962, this matter comes on for disposition on application of the plaintiff, United States of America for entry of judgment on an option contract and a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies only to the estates condemned in the tracts enumerated in the caption above as such estates and tracts are described in the declaration of taking filed herein.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the complaint herein give the United States of America the right, power, and authority to condemn for public use the land described in paragraph 2 herein. Pursuant thereto, on August 10, 1959, the United States of America has filed its declaration of taking of such described property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

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

7.

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

8.

The owners of each of the subject tracts and the United States of America have executed a contract of option for the purchase of land, as alleged in the complaint, or have executed and filed herein a stipulation as to just compensation wherein they have agreed that just compensation for the estates condemned in such tracts is in the amounts shown as compensation in paragraph 11 herein, and such option and 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 tracts named in paragraph 2 herein, as such tracts are particularly described in the complaint and declaration of taking filed herein; and such tracts, to the extent of the estates described and for the uses and purposes described in such declaration of taking, are condemned and title thereto is vested in the United States of America, and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto.

10.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owners of the estates condemned herein in subject tracts were the persons whose names appear below in paragraph 11, and the right to just compensation for the respective estates taken in these tracts is vested in the parties so named as their respective interests appear therein.

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

TRACT NO. G-709

Owners:

Dorothy D. Frates 1/3
 Virginia F. Dunn 2/9
 Rex D. Frates 2/9
 J. S. Frates III 2/9

Award of just compensation pursuant to option contract	\$495.00	\$495.00
Deposited as estimated compensation	<u>495.00</u>	
Disbursed to owners		<u>none</u>
Balance due to owners		<u>\$495.00</u>

TRACT NO. N-1421

Owners:

Heirs of G. W. Albert and Sally Ann Crisp Albert, deceased, which heirs are:

George Francis Albert
 Wilbie Van Albert
 Alta Mae Randall Bowman
 Martha Randall Kurtz
 Jennie May Albert Crisp
 Betty Marie Albert Napier
 Ara Faye Randall Reed
 Lucy Albert Boley
 Lewis Albert
 John L. Albert
 Freda Randall Franska

County Treasurer of Nowata County, Oklahoma had a valid claim for \$36.89 for taxes and penalty.

Award of just compensation pursuant to stipulation	\$6,250.00	\$6,250.00
Deposited as estimated compensation	<u>6,250.00</u>	
Disbursed to owners		<u>\$6,250.00</u>

IT IS FURTHER ORDERED, that the Clerk of this Court shall disburse from the deposit for Tract No. G-709, in this Civil Action, to:

Dorothy D. Frates	\$165.00
Virginia F. Dunn	110.00
Rex D. Frates	110.00
J. S. Frates III	110.00

Fred Daugherty

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.

600.26 Acres of Land, More or Less
Situate in Rogers and Nowata
Counties, Oklahoma, and Fred
Barger, et al, and Unknown Owners

Defendants.

Civil Action No. 4758

Tracts Nos. E-511
E-511E
F-616E
F-633E-1 and
F-633E-2

FILED

MAR - 7 1962

J U D G M E N T

1.

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

Now, on this 7th day of March 1962, this matter

comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on an option contract and on stipulations agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff finds:

2.

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

3.

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

4.

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

5.

The Acts of Congress set out in Paragraph 2 of the Complaint herein give the United States of America the right, power and authority to condemn for public use the land described in Paragraph 2 herein. Pursuant thereto, on August 14, 1959, the United States of America has filed its Declaration of Taking of such described property and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

On filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of certain estates in the subject tracts, a certain sum of money, and part of this deposit has been disbursed as set out in Paragraph 12 below.

7.

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

8.

The owners of each of the subject tracts and the United States of America have executed a Contract of Option for Flowage Easement as alleged in the Complaint, or have executed and filed herein Stipulations As To Just Compensation wherein they have agreed that just compensation for the estates condemned in such tracts is in the amount shown as compensation in Paragraph 12 herein and have agreed upon the distribution of the award among the owners, and such Option and Stipulations 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 tracts named in Paragraph 2 herein, as such tracts are particularly described in the Complaint and Declaration of Taking filed herein; and such tracts, to the extent of the estates described and for the uses and purposes described in such Declaration of Taking, are condemned and title thereto is vested in the United States of America and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto.

10.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in the subject tracts were the persons whose names appear below in Paragraph 11, and the right to just compensation for the respective estates taken in these tracts is vested in the parties so named, as their respective interests appear therein.

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

TRACTS NOS. E-511 and E-511E

Owners: Heirs of the estate of Mayme Levine, deceased.
(Harold Morton Levine has been appointed executor of this estate.)

Award of just compensation pursuant to stipulation	\$5,950.00	\$5,950.00
Deposited as estimated compensation	<u>5,950.00</u>	
Disbursed to owners		<u>5,950.00</u>

TRACT NO. F-616E

Owner: Marie Pointer

Award of just compensation pursuant to stipulation	\$52.00	\$52.00
Deposited as estimated compensation	<u>52.00</u>	
Disbursed to owner		<u>52.00</u>

TRACTS NOS. F-633E-1 and F-633E-2

Owner: William Elbert Dawson

Award of just compensation pursuant to option contract	\$443.00	\$443.00
Deposited as estimated compensation	<u>443.00</u>	
Disbursed to owner		<u>none</u>
Balance due to owner		\$443.00

It Is Further ORDERED that the Clerk of this Court shall disburse from the deposit for Tracts Nos. F-633E and F-633E-2, to William Elbert Dawson, the sum of \$443.00.

Fred Dougherty

 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.

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

Defendants.

Civil Action No. 4792

Tract No. L-1209

FILED

MAR 7 1962

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

J U D G M E N T

1.

NOW, on this 6 day of March 1962, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on stipulations agreeing upon just compensation, and the court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies only to the estate condemned in Tract No. L-1209, as such estate and tract are described in the declaration of taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in Paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described in Paragraph 2 herein. Pursuant thereto, on October 21, 1959, the United States of America filed its declaration of taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

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

7.

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

8.

The owners of subject tract and the United States of America have executed and filed herein stipulations 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 stipulations should be approved.

9.

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

10.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tract named in Paragraph 2 herein, as such tract is particularly described in the complaint and declaration of taking filed herein; and such tract, to the extent of the estate described and for the uses and purposes described in such declaration of taking, is condemned and title thereto is vested in the United States of America, 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 owners of the estate condemned herein in subject tract were the defendants whose names appear below in Paragraph 12, and the right to just compensation for the estate taken herein in this tract is vested in the parties so named.

12.

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

TRACT NO. L-1209

Owners:

Surface:

L. A. Terrell, who is now deceased and his heirs are:

Ruby Stegall
Foster Terrell and
Leona Pearce

J. S. Todd

Minerals:

Surface owners owned minerals, except American Climax Petroleum Corporation owned an oil and gas lease on an undivided 1/2 interest in this tract.

Award of just compensation
pursuant to stipulations:

For American Climax Petroleum

Company interest \$ 6.25

For all other interests . . . 693.75

Total Award \$700.00 \$700.00

Deposited as estimated com-
pensation 500.00 500.00

Deposit deficiency. \$200.00

Disbursed to owners:

To American Climax Petro-
leum Corporation \$ 6.25

To L. A. Terrell 250.00

Total Disbursed 256.25 256.25

Balance on deposit \$243.75

Balance due to owners other than American
Climax Petroleum Corporation \$443.75

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 Tract No. L-1209, the deficiency sum of \$200.00 and the Clerk of this Court then shall disburse from the deposit for Tract L-1209 to:

J. S. Todd	\$343.75
Ruby Stegall	33.34
Foster Terrell	33.33
Leona Pearce	33.33

Frederick D. Davenport
UNITED STATES DISTRICT JUDGE

APPROVED:

Hufert A. Marlow
HUFERT 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
Situating in Nowata County, Oklahoma
and Emma E. Mortlock, et al, and
Unknown Owners,

Defendants.

Civil Action No. 4990

Tracts Nos. R-1828 and
R-1828M

J U D G M E N T

FILED
1962 MAR 11
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

1.

NOW, on this 11th day of March 1962, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on an Option Contract agreeing upon just compensation, and the court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies only to the lessee interest in the estates condemned in the tracts enumerated in the caption above, as such estates and tracts are described in the declaration of taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in Paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estates described in Paragraph 2 herein. Pursuant thereto, on August 11, 1960, the United States of America has, filed its declaration of taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the registry of this Court, as estimated compensation for the taking of the lessee interest in the estates taken in subject tracts a certain sum of money, and all of this deposit has been disbursed, as set out in Paragraph 11 below.

7.

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

8.

The owners of the lessee interest in the estates taken in subject tracts and the United States of America have executed a Contract of Option for Purchase of Subordination of Mineral Estate, as alleged in the Complaint, wherein they have agreed that just compensation for all their right, title and interest in the estates condemned in subject tracts is in the amount shown as compensation in Paragraph 11 below, 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 tracts named in Paragraph 2 herein, as such tracts are particularly described in the complaint and declaration of taking as amended filed herein; and such tracts, to the extent of the lessee interest in the estates 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 lessee interest in the estates condemned herein in subject tracts were the defendants whose names appear below in

Paragraph 11, and the right to just compensation for such interest taken herein in these tracts is vested in the parties so named.

11.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Option Contract mentioned in Paragraph 8 above, is hereby confirmed; and the sum therein fixed is adopted as the award of just compensation for the lessee interest in the estates condemned in subject tracts as follows:

TRACTS NOS. R-1828 and R-1828M

Owners of lessee interest in estate taken:

W. G. Phillips	1/2
Hinman Stuart Milam	1/6
Mildred Viles	1/6
Mary Stevenson	1/6

Award of just compensation for lessee interest, pursuant to Option Contract	\$22,417.00	\$22,417.00
Deposited as estimated com- pensation for lessee interest .	<u>22,417.00</u>	
Distursed to owners		<u>22,417.00</u>

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the Court shall retain jurisdiction of this proceeding for disposition of the lessor interest in the subject tracts.

Fred Daugherty
UNITED STATES DISTRICT JUDGE

APPROVED:

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

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

Annie Mary Muzzo,

Plaintiff

vs.

J. L. Garner, et al.

Defendants.

Civil No. 1223

THOMAS J. HENNING
Clerk, U.S. District Court

JUDGMENT

This action came on for trial before the court and a jury, the Honorable Fred Daugherty presiding, and the issues having been duly tried and the jury on March 7, 1932, having rendered a verdict for the plaintiff to recover of the defendants damages in the amount of Eighteen Thousand, Four Hundred Ninety-Two Dollars and sixty-seven cents (\$18,492.67).

IT IS ORDERED AND ADJUDGED that the plaintiff, Annie Mary Muzzo, recover of the defendants, J. L. Garner and Herbert L. Dillon, Jr., the sum of Eighteen Thousand, Four Hundred Ninety-Two Dollars and sixty-seven cents (\$18,492.67), with interest thereon at the rate of 6% per annum from the date hereof until paid, and her cost of action.

Dated at Tulsa, Oklahoma, this 7th day of March, 1932.

NOBLE C. HOOD, CLERK

By M. J. Ewing
Deputy

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

FILED

Ruth Brann,

Plaintiff,

vs.

A. L. Gerner, et al.,

Defendants.)

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

Civil No. 5300

JUDGMENT

This action came on for trial before the court and a jury, the Honorable Fred Daugherty, presiding, and the issues having been duly tried and the jury on March 7, 1908, having rendered a verdict for the plaintiff to recover of the defendants damages in the amount of Four Thousand Five Hundred (\$4,500.00) Dollars.

IT IS ORDERED AND ADJUDGED that the plaintiff, Ruth Brann, recover of the defendants, A. L. Gerner and Herbert L. Dillon, Jr., the sum of Four Thousand, Five Hundred (\$4,500.00) Dollars, with interest thereon at the rate of 6% per annum from the date hereof until paid, and her cost of action.

Dated at Tulsa, Oklahoma, this 7th day of March, 1908.

NOBLE C. HOOD, CLERK

By M. M. Ewing
Deputy

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

ALLSTATE INSURANCE COMPANY,
a corporation,)
Plaintiff,)
vs.)
OHIO CASUALTY INSURANCE COMPANY,
a corporation, et al.,)
Defendants.)

Civil No. 4995

JUDGMENT

This action came on for trial before the court and a jury, the Honorable Fred Daugherty presiding, and the issues having been duly tried and the jury on March 3, 1962, having rendered verdicts that the plaintiffs, Linda Pennington, Mary J. Harbison, Ray Hartgrave and James Mayes each shall have and recover of the defendant, John Fender, the sum of Five Thousand (\$5,000.00) Dollars; and that the plaintiff, Ronald Martin, shall have and recover of the defendant, John Fender, the sum of Two Thousand, Five Hundred (\$2,500.00) Dollars, and that John Fender as cross complainant is not entitled to recover on his cross complaint against Ray Hartgrave, the defendant;

IT IS THEREFORE ORDERED AND ADJUDGED that the plaintiffs, Linda Pennington, Mary J. Harbison, Ray Hartgrave and James Mayes, each shall have and recover of the defendant, John Fender, the sum of Five Thousand (\$5,000.00) Dollars, with interest thereon at the rate of 6% per annum from the date hereof until paid, and their cost of action; and that the plaintiff, Ronald Martin, shall have and recover of the defendant, John Fender, the sum of Two Thousand, Five Hundred (\$2,500.00) Dollars, with interest thereon at the rate of 6% per annum from the date hereof until paid, and his cost of action; and that John Fender as cross complainant take nothing on his cross complaint against Ray Hartgrave, defendant.

Dated at Tulsa, Oklahoma, this 5th day of March, 1962

NOBLE C. HOOD, CLERK

By *Eden B. Halling*
Deputy

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

Clea Carl Wright, . . . Plaintiff,)
)
vs.)
)
Safeway Stores, a)
corporation, . . . Defendant.)

No. 5162 CIVIL

FILED

MAR 31 1962

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

ORDER

This cause came on for trial on this 7th day of March, 1962, having been continued from its regular setting on March 5, 1962, at the request of counsel for the plaintiff; the plaintiff appearing by and through Roehm West, his counsel of record, and the defendant appearing through W. F. Kyle, its counsel of record. And the defendant having at all times announced ready for trial and being present in court with its witnesses and the attorneys, Charles I. Ope and William W. Biddle, who heretofore had appeared for the plaintiff being called and not being present, and counsel for the plaintiff announcing that he was not ready for trial, the case was thereupon dismissed by the court for failure on the part of the plaintiff to prosecute his action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the cause of the plaintiff be and the same is hereby dismissed for failure diligently to prosecute his cause of action.

15/ Fred Daugherty
UNITED STATES DISTRICT JUDGE

WFK:el
3-7-62

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

JOE DAVIS, a minor by and through
his parent and natural guardian,
ROY W. DAVIS,

Plaintiff,

-vs-

ERNEST KINGSLEY and
ERNEST KINGSLEY, JR.,

Defendant.

No. 5195

FILED

JOURNAL ENTRY OF JUDGMENT

W. H. H. H. H. H.
1962, 3 2 1962

This cause came on to be heard this 6th day
of March, 1962, plaintiff appearing by his attorneys, Dickey & Richard,
the defendants appearing by their attorneys, Rucker, Taber, West, Sharp
& Shepherd, and both parties announcing ready for trial and a jury being
waived, evidence was introduced, and the court being fully advised on
consideration finds that plaintiff has sustained the allegation of his
petition and is entitled to judgment accordingly.

IT IS THEREFORE ORDERED, ADJUDGED AND
DECREED by the court that the plaintiff have and recover of said defendants
the sum of Two Thousand Five Hundred Dollars (\$2,500.00) and for his
costs herein expended.

15/ Fred Daugherty
JUDGE

BY: _____

Richard
Attorney for Plaintiff

[Signature]
Attorney for Defendant

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

RAYMOND GRESS, }
Plaintiff, }
vs. }
MISSOURI-KANSAS-TEXAS }
RAILROAD COMPANY, a corpor- }
ation. }
Defendant. }

Civil No. 9278

JUDGMENT

This action came on for trial before the Court and a jury, the Honorable Fred Daugherty presiding, and the issues having been duly tried and the jury on March 9, 1962, having rendered a verdict for the defendant,

IT IS ORDERED AND ADJUDGED that the plaintiff, Raymond Gress, take nothing, that the action is dismissed on the merits, and the defendant, Missouri-Kansas-Texas Railroad Company, recover of the plaintiff, Raymond Gress, their costs of action.

Dated at Tulsa, Oklahoma, this 9th day of March, 1962.

NOBLE C. HOOD, CLERK

By  Deputy

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

HARTFORD ACCIDENT AND INDEMNITY)
COMPANY, an insurance corporation, Plaintiff)
vs)
L. C. SINOR and O. L. SINOR,)
individuals comprising a partnership)
and doing business as)
SINOR BROTHERS CONSTRUCTION)
COMPANY and SINOR BROTHERS)
MOTOR COMPANY, Defendants)

CIVIL NO. 111 E

MAR 11 1962

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

JUDGMENT BY DEFAULT UPON APPLICATION TO CLERK

In this action the defendant, O. L. Sinor, having been regularly served with summons and complaint, both individually and as a partner d/b/a Sinor Brothers Construction Company and Sinor Brothers Motor Company, and having failed to plead or otherwise defend, the legal time for pleading or otherwise defending having expired, and the default of said defendant in the premises having been duly entered according to law; upon the application of said plaintiff, judgment is hereby entered against said defendant, O. L. Sinor, an individual and the defendant partnerships of which said O. L. Sinor is a partner, in pursuance of the prayer of said complaint.

WHEREFORE, by virtue of the law and by reason of the premises aforesaid,

IT IS ORDERED, ADJUDGED AND DECREED that said plaintiff do have and recover from said defendants the sum of Fourteen Thousand Nine Hundred Six Dollars (\$14,906.00), with interest thereon at the rate of six percent (6%) from the date hereof until paid, together with plaintiff's costs and disbursements incurred in this action amounting to the sum of Forty Dollars (\$40.00), and that plaintiff have execution therefor.

Judgment rendered March 12, 1962.

Noble C. Horn
Clerk
By M. M. [Signature]

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Bobby Dean Hildebrand and
Lucille Hildebrand,

Defendants.

Civil No. 5303

FILED

MAR 13 1962

U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

DEFAULT JUDGMENT

The default of the defendants, Bobby Dean Hildebrand and Lucille Hildebrand, having heretofore been entered for failure to plead, or otherwise defend, in accordance with the Federal Rules of Civil Procedure; and it appearing that the defendants are indebted to the plaintiff for the sum of \$5,218.96, plus interest at the rate of six per cent (6%) per annum from March 13, 1962, until paid, together with costs,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff have judgment against the defendants, Bobby Dean Hildebrand and Lucille Hildebrand, for the sum of \$5,218.96, plus interest at the rate of six per cent (6%) per annum from March 13, 1962, until paid, together with the costs of this action, and for further judgment directing the levying of execution upon the property described in the plaintiff's complaint herein.

Noble C. Hood

Noble C. Hood
Clerk, United States District Court for
the Northern District of Oklahoma
W. M. ... Deputy

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Civil No. 5292

Sidney S. Edward Garbey
and Wanda Lee Garbey,

Defendants.

DEFAULT JUDGMENT

The default of the defendants, Sidney S. Edward Garbey and Wanda Lee Garbey, having heretofore been entered for failure to plead, or otherwise defend, in accordance with the Federal Rules of Civil Procedure; and it appearing that the defendants are indebted to plaintiff for the sum of \$695, plus interest at the rate of six per cent (6%) per annum from March 14, 1962, until paid, together with costs,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff have judgment against the defendants, Sidney S. Edward Garbey and Wanda Lee Garbey, for the sum of \$695, plus interest at the rate of six per cent (6%) per annum from March 14, 1962, until paid, together with the costs of this action.

Noble C. Hood
Clerk, United States District Court
for the Northern District of Oklahoma

Margaret Garrison

Deputy

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Barbara LANG,

Defendant.

Civil No. 5331

DEFAULT JUDGMENT

The default of the defendant, Barbara Lang, having heretofore been entered for failure to plead, or otherwise defend, in accordance with the Federal Rules of Civil Procedure; and it appearing that the defendant is indebted to plaintiff for the sum of \$1,436.82, plus interest thereon at the rate of six per cent (6%) per annum from January 8, 1960, until paid, together with costs,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff have judgment against the defendant, Barbara Lang, for the sum of \$1,436.82, plus interest thereon at the rate of six per cent (6%) per annum from January 8, 1960, until paid, together with the costs of this action, and for further judgment directing the levying of execution upon the property described in the plaintiff's complaint herein.

Noble C. Hood
Clark, United States District Court
for the Northern District of Oklahoma

Majorie Garrison

Deputy Clerk

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

TRAVELERS INSURANCE COMPANY and)
AMERICAN PHOTOGRAPH CORPORATION,)
)
Plaintiff,)
)
vs.)
)
DON A. HASSE, Administrator of the)
Estate of Frances Hasse, Deceased,)
)
Defendant.)

CASE NO. 5152 CIVIL

FILED

MAR 1 1962

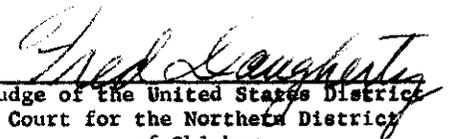
ORDER

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

NOW on this 14 day of March, 1962, there came on for hearing

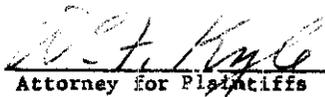
the Defendant's Motion to Reconsider Defendant's Motion to Quash Service of Summons and to Dismiss. Plaintiff appeared by and through their attorney, William F. Kyle, and Defendant appeared and through his attorney, Alfred B. Knight. After oral argument, the Court being fully advised of the premises, the Court finds that said Motion to Reconsider should be sustained, and that the defendant's Motion to Quash Service Summons and to Dismiss should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Defendant's Motion to Quash Service of Summons should be and hereby is sustained and the cause dismissed.



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

APPROVAL BY:



Attorney for Plaintiffs

APPROVAL BY:



Attorney for Defendant

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

T. O. T. COMPANY, INC.,)
)
 Plaintiff,)
)
 -VS-)
)
 THE PREFERRED FIRE INSURANCE)
 COMPANY, Topeka, Kansas,)
)
 Defendant.)

No. 5161

FILED ✓
MAR 22 1962
AM
U.S. DISTRICT COURT

JUDGMENT

In line with the findings of fact and conclusions of law by the special master, which has been accepted and approved by the Court, Judgment is hereby ordered in favor of Plaintiff and against the Defendant, The Preferred Fire Insurance Company of Topeka, Kansas, in the sum of \$170.00 and costs.

Dated this 17 day of March, 1962.

Fred Daugherty
JUDGE

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

T. O. T. COMPANY, INC.,)
)
 Plaintiff,)
)
 -VS-)
)
 MARYLAND CASUALTY COMPANY, INC.,)
)
 Defendant.)

No. 5162

MAR 28 1962 ✓

SPRINGFIELD
AM
SHERMAN G. MOORE
U.S. District Court

JUDGMENT

In line with the findings of fact and conclusions of law by the Special Master, which has been accepted and approved by the Court, Judgment is hereby ordered in favor of Plaintiff and against the Defendant, Maryland Casualty Company, Inc., in the sum of \$340.00 and costs.

Dated this 17 day of March, 1962.

181 Fred Daugherty
JUDGE

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

HARTFORD ACCIDENT AND INDEMNITY)
COMPANY, an insurance corporation, Plaintiff)
vs)
L. C. SINOR and O. L. SINOR,) CIVIL NO. 5 3 1 5
individuals comprising a partnership)
and doing business as)
SINOR BROTHERS CONSTRUCTION)
COMPANY and SINOR BROTHERS)
MOTOR COMPANY, Defendants)

FILED

042 23 1962

AMENDED JUDGMENT BY DEFAULT UPON
APPLICATION TO CLERK

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

In this action the defendant, O. L. Sinor, having been regularly served with summons and complaint, both individually and as a partner d/b/a Sinor Brothers Construction Company and Sinor Brothers Motor Company, and having failed to plead or otherwise defend, the legal time for pleading or otherwise defending having expired, and the default of said defendant in the premises having been duly entered according to law; upon the application of said plaintiff, judgment is hereby entered against said defendant, O. L. Sinor, an individual and the defendant partnerships of which said O. L. Sinor is a partner, in pursuance of the prayer of said complaint.

WHEREFORE, by virtue of the law and by reason of the premises aforesaid,

IT IS ORDERED, ADJUDGED AND DECREED that said plaintiff do have and recover from said defendants served with summons and complaint and now in default, the sum of Two Thousand Two Hundred Fifty Dollars (\$2250.00) plus interest at ten per cent (10%) per annum on the sum of Two Thousand Dollars (\$2000.00) from May 1, 1961 until such sum of Two Thousand Dollars (\$2000.00) be paid to plaintiff, and the sum of Fourteen Thousand Nine Hundred Six Dollars (\$14,906.00) plus interest at six per cent (6%) per annum, together with plaintiff's costs and disbursements

Page 2.

incurred in this action amounting to Forty Dollars (\$40.00), and that plaintiff have execution therefor.

Judgment rendered Nov 23, 1962.

Robert J. Hurd
Clerk

By M. W. [Signature]

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

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

Civil No. 5056

Mar 27 1962

Tract(x) No(x). 2138

JUDGMENT ON STIPULATION AND ORDER OF DISTRIBUTION

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

The Court finds that plaintiff and **Carolyn Jennie Lynn and George William West and Evelyn West, his wife,** defendant(s) herein, (has) (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. 2138, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$50.00, inclusive of interest, which amount was deposited into the registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein. The Court has jurisdiction of the parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract. The Court further finds that the above-named defendant(s) (was) (were) the sole owner(s) of the captioned tract 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 tract (is) (was) described therein, is hereby confirmed;

(B) The just compensation to be paid by the plaintiff for the taking of Tract No. 2138 is the sum of \$ 50.00, inclusive of interest; and that the sum of \$25.00 has heretofore been disbursed to George William West and Evelyn West, owners of an undivided 1/2 interest.

(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 hereinafter set forth, payable to the order of the following named payee and to mail the check (s) to said payee (s) at the following address (es):

Carolyn Jennie Lynn
Box 1234
Pawhuska, Oklahoma \$25.00

Entered this 6 day of Mar, 1962.

Fred Daugherty

JUDGE, United States District Court

APPROVED:

Hubert A. Nailow

HUBERT A. NAILOW, Asslt. U.S. Attorney

Dept of Justice

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

United States of America,)
Plaintiff,)
vs.)
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,)
Defendants.)

Civil No. 5139

APR 27 1962

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

Tract(s) No(s). 4106E

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) tendered herewith for filing herein.

The Court finds that plaintiff and **Glenn M. Cook**

, 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). 4106E, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$175.00, inclusive of interest. The sum of \$ 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). 4106E, is the sum of \$ 175.00, inclusive of interest; and

(C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$ 25.00, without interest.

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

Entered this 25 day of March 1962.

Fred Daugherty

APPROVED:

JUDGE, United States District Court

Robert M. McKee
ROBERT M. MCKEE, Ass't U.S. Attorney
Dep't of Justice

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

United States of America,)
Plaintiff,)
vs.)
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,)
Defendants.)

Civil No. 5139

Tract(s) No(s). 4109E

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

The Court finds that plaintiff and **Glenn M. Cook**

, 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). **4109E**, 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 \$ **175.00**, 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). **4109E**, 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 \$ **25.00**, without interest.

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

Entered this 20 day of Mar 1962.

Fred Daugherty

APPROVED:

JUDGE, United States District Court

Robert A. Nardin
~~ROBERT A. NARDIN, ASST U.S. Attorney~~

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

NATIONAL TRAILER CONVOY, INC.,)
a corporation,)

Plaintiff,)

-vs-

CENTRAL CASUALTY COMPANY,)
a corporation,)

Defendant,)

No. 5326

FILED

APR 25 1962

ORDER OF DISMISSAL

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

NOW on this 29 day of March, 1962, the above

styled and numbered cause coming on for hearing before the undersigned Judge of the United States District Court in and for the Northern District of Oklahoma, upon the Stipulation for Dismissal of the plaintiff and defendant herein; and the Court having examined the pleadings and being well and fully advised in the premises is of the opinion that said cause should be dismissed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the above styled and numbered cause be and the same is hereby dismissed with prejudice at the cost of the defendant.



JUDGE

FILED

APR 19 1962

Handwritten initials

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

United States of America,)	
	)	Civil No. 4806
Plaintiff,)	
	)	Tracts Nos. G-702 and G-702E-1
vs.	)	through E-6, Incl. (Lessee's
	)	Interest in NW $\frac{1}{4}$, Sec. 33, T20N,
796.08 Acres of Land, More or Less,	)	R8E of IM)
Situate in Creek and Pawnee Counties,)	
Oklahoma, and Forrest Adsit, et al,)	
and Unknown Owners,)	
)	
Defendants.)	

JUDGMENT (PARTIAL INTEREST) AND ORDER OF DISTRIBUTION

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 L. W. Young, 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 estates in Tracts No. G-702, G-702E-1, E-2, E-3, E-4, E-5 and E-6 as the lessee's interest in NW $\frac{1}{4}$, Sec. 33, T20N, R8E, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$1,300.00 for the interest of L. W. Young, lessee, in NW $\frac{1}{4}$, Sec. 33, T20N, R8E, inclusive of interest. The sum of \$6,085.00 (total for all interests taken) 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.

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. G-702 and G-702E-1 through E-6, as to lessee's interest in NW $\frac{1}{4}$, Sec. 33, T20N, R8E, is \$1,300.00, inclusive of interest; and
- (C) The clerk is directed to pay L. W. Young the sum of \$1,300.00. Jurisdiction of this cause is retained for the entry of further and appropriate orders and decrees.

Entered this 3rd day of ~~November 1961~~ April, 1962

APPROVED:

19 Fred F. ...
JUDGE, United States District Court

17 Robert M. McKee
Robert M. McKee Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

Civil Action No. 4703

Tracts Nos. U-2112 and
U-2112E

FILED

JAN 13 1962

J U D G M E N T

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

1.

Now, on this 4 day of April 1962, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of judgment on the report of commissioners, filed herein on December 19, 1961, and the Court, after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

The judgment applies only to the estates taken in the tracts enumerated in the caption above, as such estates and tracts are described in the Complaint and Declaration of Taking filed herein.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tracts of land. Pursuant thereto, on June 9, 1959, the United States of America filed its Declaration of Taking of such tracts of land, and title to the estates taken in such tracts should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with the filing of the Declaration of Taking, there was deposited in the registry of this Court as estimated compensation for the taking of the described interest in subject tracts, certain sums of money, all of which has been disbursed, as set out in paragraph 11 below.

7.

The report of commissioners, filed herein on December 19, 1961, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to subject tracts, as fixed by the Commission, is set out in paragraph 11 below.

8.

The amount of money deposited and disbursed to the owner, as estimated compensation for the estate taken in the subject tracts is larger than the award of just compensation as shown in paragraph 11 herein. The amount of the overpayment should be refunded to the registry of the court by the owner of the subject tracts.

9.

The defendants named in paragraph 11 as owners of subject tracts are the only defendants asserting any interest in the estates condemned herein, all other defendants having either disclaimed or defaulted. The named defendants are the owners of the estate condemned herein, and as such, are entitled to distribution of just compensation therefor.

10.

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

11.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the right to just compensation for the estate taken herein in subject tracts is vested in the defendants whose names appear below in this paragraph. The report of commissioners of December 19, 1961, is hereby confirmed and the sum

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

Tracts Nos. U-2112 and U-2112E

Owners: Elmer Howell was owner;

John Hancock Mutual Life Insurance Company held a mortgage;

Everett H. Welborn, Attorney, had a valid claim for attorney's fees in connection with such mortgage.

Deposited as estimated compensation . . . \$38,750.00

Disbursed for benefit of owner:

To Elmer Howell \$23,836.98

To John Hancock
Mutual Life Ins.Co. 14,663.02

To Everett H. Welborn 250.00

Total Disbursed 38,750.00 \$38,750.00

Award of just compensation
pursuant to commissioners
report 35,000.00

Overpayment \$ 3,750.00

12.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Plaintiff, United States of America have judgment against the Defendant, Elmer Howell, in the amount of \$3,750.00 and such defendant shall deliver such sum to the Clerk of this Court for deposit into the registry of the Court, to the credit of the subject tracts.

Fred Daugherty

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

R. D. Hudson
R. D. HUDSON

Def. Jdgm't
with res.
of imp.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Civil No. 4774

19.12 Acres of Land, More or Less,
Situate in Creek County, Oklahoma, and
Robert M. Bahnsen, et al, and Unknown
Owners,

Defendants.

Tract(s) No(s). 1773

FILED

APR -6 1962

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

JUDGMENT ON STIPULATION

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

The Court finds that plaintiff and **RAY SPESS AND HIS WIFE, RUBY SPESS**, 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). 1773, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ 2,100.00, inclusive of interest. The sum of \$ 1,500.00 was deposited into the registry of this Court as estimated just compensation for said tract(s) upon the filing of the Declaration of Taking herein. The Court has jurisdiction of the parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract(s). The additional amount of \$600.00 was deposited on November 7, 1961.

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). 1773, is the sum of \$ 2,100.00, inclusive of interest, and the reservation by the above-named defendant(s) of the right to remove or before **May 1, 1962**, (the)(all)(building(s)) improvement(s) located thereon, ~~having a value of \$1,500.00 and~~

(C) The amount of \$2,100.00 has heretofore been disbursed to the proper parties. ~~(S) DO NOT TAKE ANY MORE MONEY FROM THE COURT OR FROM THE DEPARTMENT OF JUSTICE~~

(D) This judgment amends the judgment entered herein on October 12, 1961. Jurisdiction of this cause is retained for the entry of further and appropriate orders and decrees.

Entered this day of 196__.

APPROVED:

15/ Fred Dougherty
JUDGE, United States District Court

Robert M. McKee
Robert M. McKee Attorney
Department of Justice

Charles P. ...

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Jdgm't for Amt
of Deposit

United States of America,

Plaintiff,

vs.

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

Defendants.

Civil No. 4616

Tracts Nos. D-421E and
D-421E-2

FILED ✓

APR 11 1962

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

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

The Court finds that plaintiff and Fred D. Brady, Ralph J. Brady, S. P. Oates, Eileen Chaffin, Mary Crowe, Rhoda Jane Guffy, Robert B. Keenan, Paul G. Webb, W. F. Thompson, E. Alice Wilson, and Arthur J. Stanley, 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 estates in Tracts Nos. D-421E and D-421E-2, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$6,746.00, 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 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. D-421E and D-421E-2, is the sum of \$6,746.00, inclusive of interest, which sum has heretofore been disbursed by Orders of this Court.

Entered this 7 day of April 1962.

Fred Dougherty

UNITED STATES DISTRICT JUDGE

APPROVED:

Robert M. McKee

ROBERT M. MCKEE
Attorney, Department of Justice

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Jdgm't for Amount
of Deposit

United States of America,
Plaintiff,
vs.
18.20 Acres of Land, More or Less,
Situate in Creek, Pawnee and Tulsa
Counties, Oklahoma, & W. T. Selvidge,
et al, and Unknown Owners
Defendants.

Civil No. 4624

Tract(s) No(s). C-317

JUDGMENT ON STIPULATION

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

The Court finds that plaintiff and **Mrs. J. P. Brennan,**

defendant(x) herein, (has), (~~been~~), by the stipulation(x) above referred to, agreed that the just compensation to be paid by the plaintiff for the taking of the estate(s) in Tract(x) No(x). **C-317**, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of **\$1,150.00**, inclusive of interest, which amount was deposited into the Registry of this Court as estimated just compensation for said tract(x) 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(x). The Court further finds that the above-named defendant(x) (was)(~~was~~) the sole owner(x) of the captioned tract(x) 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(s) set forth in the Complaint and Declaration of Taking in and to the land(x) hereinabove referred to, as said tract(x) (is)(~~was~~) described therein, is hereby confirmed;

(B) The just compensation to be paid by the plaintiff for the taking of Tract(x) No(x). **C-317** is the sum of **\$1,150.00**, inclusive of interest, which sum has heretofore been disbursed by Order(x) of this Court.

FILED ✓

APR - 8 1962

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

Entered this 9 day of April 1962.

Fred Daugherty

JUDGE, United States District Court

APPROVED:

Robert M. McKee
ROBERT M. MCKEE Attorney
Department of Justice

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

Civil Action No. 4709

-vs-

Tracts Nos. U-2128
U-2128-1
U-2128-2

EDWARD ALBION DE LAKE, MORE OR LESS,
JAMES EARL RUSSELL, JR.,
JAMES EARL RUSSELL, JR.,
JAMES EARL RUSSELL, JR.,
JAMES EARL RUSSELL, JR.,

Defendants.

FILED ✓

APR 19 1962

JUDGMENT

NOBLE C. HOOD
Clerk U. S. District Court

As this 7 day of April, 1962, this matter, having been regularly set, came on for final disposition on the motion of defendant, E. G. Cartwright, for entry of judgment, and the Court, having examined the files in this action and being advised by Robert A. Corbin, Assistant United States Attorney, attorney for Plaintiff, and James F. Hagleton, attorney for E. G. Cartwright, finds that

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

II.

This judgment applies only to the estates taken in the tracts enumerated in the caption above, as such estates are described in the Complaint and Declaration of Taking filed herein and as such tracts are described in the Complaint, Declaration of Taking and as made more definite and certain by the said Deeds of Conveyance filed herein on June 26, 1961, by Plaintiff.

III.

Service of process has been perfected either personally and publication notice, as provided by Rule 71B of Federal Rules of Civil Procedure on all persons who are interested in the subject tracts.

IV.

The Acts of Congress set out in Paragraph 2 of the Complaint

Filed herein gives the United States of America the right, power, and authority to condemn for public use the subject tracts of land. Pursuant thereto, on June 15, 1959, the United States of America filed its Declaration of Taking of such tracts of land, and title to the estates taken in such tracts should be vested in the United States of America, as of the date of filing such instrument.

VI.

Simultaneously with the filing of the Declaration of Taking, there was deposited in the registry of this Court as estimated compensation for the taking of the described interest in subject tracts, certain sums of money, part of which has been disbursed, as set out in paragraph XI below.

VII.

The Supplemental Report of Commissioners, filed herein on February 2, 1962, has been confirmed and approved by order of Court, and the said findings and conclusions of the Commission are adopted as the findings and conclusions of this Court. The award of just compensation, as to subject tracts, fixed in said report is set out in Paragraph XI below.

VIII.

When this case was filed certain improvements situated on the owner's farm were believed to be within the boundaries of the subject tracts and the original deposit for these tracts included an amount for such improvements. Later such improvements were determined to be outside the boundaries of the subject tracts and not taken by the government. Consequently, this judgment will result in a surplus in the deposit for the subject tracts and such surplus should be returned to the Plaintiff.

IX.

The defendant named in Paragraph II, as owner of subject tracts, is the only defendant asserting any interest in the estate condemned herein, all other defendants having either disclaimed or defaulted. The named defendant is the owner of the estate condemned herein in the subject tracts, and, as such,

is entitled to receive the award of just compensation.

II.

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

III.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the right to just compensation for the estates taken herein in subject tracts is vested in the defendant whose name appears below in this paragraph. The sum fixed in the Supplemental Report of Commissioners filed herein on February 2, 1962, is adopted as the award of just compensation for subject tracts as shown by the following schedule:

Tracts Nos. U-2128, U-2128E-1, and U-2128E-2

Owner: W. C. Cartwright

Deposited as estimated compensation	\$12,500.00	
Award of just compensation	<u>10,700.00</u>	\$10,700.00
Deposit surplus	<u>1,800.00</u>	
Disbursed to owner		<u>10,195.00</u>
Balance due to owner		<u>505.00</u>

IV.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the defendant, W. C. Cartwright have judgment against the plaintiff, United States of America in the sum of \$505.00, together with interest thereon at the rate of 6% per annum from June 15, 1959, until the date that the Court Clerk's check is mailed to him, in care of his attorney, James L. Hagleton, 608 National Bank of Commerce Building, Tulsa, Oklahoma, and the Clerk of this

... Court will ... for
the subject herein the sum necessary to satisfy this judgment.

XIII.

... COURT ORDERED that the clerk of this Court forth-
with disburse all surplus of the deposit for the subject
... of the ...

Fred Daugherty

UNITED STATES DISTRICT JUDGE

APPEARED AS TO FORM:

Hubert A. Maxwell

Assistant U. S. Attorney

James R. Eagleton
Attorney for Defendant,

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Jdgm't for Amount
of Deposit

United States of America,
Plaintiff,
vs.
**21.30 Acres of Land, More or Less,
Situate in Fawcett County, Oklahoma,
and N. B. Hawley, et al, and Unknown
Owners,**
Defendants.

Civil No. **5126**
Tract(s) No(s).
1239 and 1241

JUDGMENT ON STIPULATION

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 **Fred Amen and Verba I. Amen,**

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). **1239 and 1241**, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ **50.00**, 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.

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). **1239 and 1241** is the sum of \$ **50.00**, inclusive of interest, which sum has heretofore been disbursed by Order(s) of this Court.

FILED ✓

APR - 1 1962

NS
NOBLE C. GOOD
Clerk, U. S. District Court

Entered this 9 day of **April** 1962.

Fred Daugherty
JUDGE, United States District Court

APPROVED:

Robert M. McKee
ROBERT M. MCKEE Attorney
Department of Justice

FILED ✓

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Jdgm't for Amount
of Deposit

United States of America,)
Plaintiff,)
vs.)
514.12 Acres of Land, More or Less,)
Situate in Tulsa, Creek and Pawnee)
Counties, Oklahoma, and D. H. Cramer,)
et al, and Unknown Owners,)
Defendants.)

NOBLE C. BOND
Clerk, U. S. District Court
Civil No. 5208
Tract(s) No(s).
I-938E-2, I-938E-3,
I-938E-4, I-938E-5
and I-938E-6

JUDGMENT ON STIPULATION
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 the Creek Nation, by and through its designated attorney, Donald S. Leecraft

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). I-938E-2 through I-938E-6, 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, 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.

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-938E-2, I-938E-3, I-938E-4, I-938E-5 and I-938E-6, is the sum of \$ 300.00, inclusive of interest, which sum shall be paid to the defendant(s) as ordered by the Court.

(C) The clerk of this court is authorized and directed to draw a check on the funds in the registry of this court in the amount hereinafter set forth payable to the order of the payee named below and to mail the check to said payee at the following address:
The Area Director, Muskogee Area Office, for deposit to the credit of the Creek Nation the amount of \$300.00 -- c/o Donald S. Leecraft, Attorney, Office of the Regional Solicitor, 712 Petroleum Building, Tulsa 3, Oklahoma

Entered this 9 day of April 1962.

Fred Daugherty

JUDGE, United States District Court

APPROVED:

Robert N. McKee
Robert N. McKee Attorney
Department of Justice

Donald S. Leecraft
Donald S. Leecraft, Attorney for Defendant

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

MARGARET RAY TAYLOR RATCHLEFF)
Plaintiff)
vs.)
LEE O. MOORE CORPORATION)
Defendant)

No. 220 CIV-1 FILED

1967

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

ORDER SUSTAINING MOTION TO DISMISS

Upon consideration of the defendant's motion to dismiss and briefs in support and opposition thereto, the Court finds as follows:

1. Limitations upon bringing a death action in Oklahoma are procedural, even though contained in the death action statute itself. *Bronshire v. Burchard*, 23 Pac. 571.

2. The law of Oklahoma decides whether statutes of limitations in death actions are procedural or substantive. 21 OJS §21, p. 117; Restatement, Conflict of Laws, §44, p. 701.

3. It is the local policy in Oklahoma that death actions must be brought in such jurisdiction within two years or be barred. *Gardner & Stron Millinery Co. v. Hilliker*, 12 Pac. 511. Affirmative law is required. 21 OJS §21, p. 17.

4. The law of the forum (Oklahoma) applies to the procedural matter of limitations. *Wells, Alex. v. Simpson Abrasive Co.*, 10 U. S. 510.

5. For the above reasons, and since the action was not filed in Oklahoma within the Oklahoma period of limitations, law applied to bar it should be sustained.

IT IS THEREFORE ORDERED that the defendant's motion to dismiss be and the same is hereby sustained and the complaint is dismissed.

DATED this 10th day of April, 1921.

Bl. J. and Daugherty
United States District Judge

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

The United States of America for the use and benefit of R. A. Young & Son Of Oklahoma, Inc., a corporation,	::
	::
Plaintiff,	::
	::
vs.	::
	::
Smith Road Construction Co., Inc., a corporation; Woods Construction Co., Inc., a corporation; and American Casualty Company, a corporation,	::
	::
Defendants.	::

APR 13, 1962
 AMW
 THOMAS A. HOOD
 Clerk, U.S. District Court
 No. 5285

STIPULATION OF DISMISSAL

Comes now the plaintiff, United States of America for the use and benefit of R. A. Young & Son of Oklahoma, Inc., a corporation, and Smith Road Construction Company, a corporation, Woods Construction Co., Inc., a corporation, and American Casualty Company, a corporation and hereby stipulate and agree to by and between the parties hereto, subject to the approval of the Court that the above entitled cause of action is hereby dismissed with prejudice for the reason that a satisfactory settlement has been agreed upon among the parties.

United States of America for the use and benefit of R. A. Young & Son of Oklahoma, Inc., a corporation

By: John J. Wheeler
Wheeler & Wheeler, its attorneys

Woods Construction Co., Inc., a corporation

By: Robert Davidson
Houston, Klein & Davidson
its attorneys

APPROVED:
Arthur M. [Signature]
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,	Plaintiff,)	
vs.		)	Civil No. 4720
)	
191.39 Acres of Land, More or Less,)	
Situate in Creek and Pawnee Counties,)	
Oklahoma, and Leslie M. Yarbrough, et al,)	
and Unknown Owners,	Defendants.	)	Tract(s) No(s). 1862

JUDGMENT ON STIPULATION

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

The Court finds that plaintiff and **Nettie Hesterlee,** 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) **1862** and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ **2,650.00**, inclusive of interest. The sum of \$ **2,400.00** 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) **1862**, is the sum of \$ **2,650.00**, inclusive of interest, and the reservation by the above-named defendant(s) of the right to remove on or before **June 30, 1961**, (the)(all)(building(s)) improvement(s)) located thereon, having a (total) salvage value of \$ **175.00**; and

(C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$ **75.00**, without interest.

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

Entered this 10 day of April 1962.

FILED ✓

APR 11 1962

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

APPROVED:

51 Fred Raughter
JUDGE, United States District Court

Robert M. McKe
Department of Justice Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.)
170.01 Acres of Land, More or Less,)
Situate in Tulsa And Osage Counties,)
Oklahoma, and Clyde Jacobs, Jr., et al,)
and Unknown Owners,)
Defendants.)

Civil No. 5205

Tract No. 2849E

FILED

APR 11 1964

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

JUDGMENT ON STIPULATION AND ORDER OF DISTRIBUTION

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 James H. L. Tilley, aka Leo Tilley, and wife, Jewell Tilley, 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. 2849E, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$275.00, inclusive of interest. The Court has jurisdiction of the parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract. The Court further finds that the above-named defendants were the sole owners of the captioned tract 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 tract is described therein, is hereby confirmed;

(B) The just compensation to be paid by the plaintiff for the taking of Tract No. 2849E is the sum of \$275.00, inclusive of interest; and

(C) The plaintiff shall forthwith deposit in the registry of this Court the deficiency in the amount of \$175.00, without interest.

(D) After such additional deposit is made as aforesaid, 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 \$275.00, payable to the order of the following named payees and to mail the check to said payees at the following address:

James H. L. Tilley, aka Leo Tilley and wife,
Jewell Tilley
2513 Glennview Drive Alvin, Texas

Entered this 11th day of April, ~~1964~~, 1964.

Fred Daugherty

JUDGE, United States District Court

APPROVED:

By Robert M. McKee

Attorney

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

APR 11 1962

NOBLE C. HOOD
U.S. District Court

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 J. L. Pierce,)
)
 Defendant.)

Civil No. 5330

J U D G M E N T

On this 11 day of April 1962, the above-entitled action coming on for hearing, the plaintiff, by Sam W. Taylor, Assistant U. S. Attorney for the Northern District of Oklahoma, and defendant appearing note, the Court, having heard the evidence of plaintiff and having examined the file, finds that defendant was duly served with summons herein more than twenty (20) days prior to this date, and having failed to appear or answer is and should be adjudged in default.

The Court further finds that all allegations of plaintiff's complaint are true. On November 5, 1957, for a valuable consideration and in accordance with provisions of the Federal Housing Administration Act, defendant executed a written promissory note in the sum of \$4,910.68 to Fourth National Bank of Tulsa, Oklahoma. Defendant defaulted in the payments on the note, and the note was assigned thereafter to plaintiff in accordance with provisions of the aforementioned Act. There is now due and owing on the note the sum of \$2,827.25, plus interest at the rate of six per cent (6%) per annum from September 16, 1959.

The Court further finds that the note was given for the purpose of paying for permanent improvements on property located at 1010 North Boston, Tulsa, Oklahoma, and by reason thereof, plaintiff is entitled to levy execution upon the premises for the collection of the judgment.

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

HEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED that this plaintiff have judgment against the defendant, J. L. Pierce, for the sum of \$2,827.25, with interest thereon at the rate of six per cent (6%) per annum from September 16, 1959, and for its costs; and for further judgment directing the levying of execution upon the above-described premises.

Paul Laughlin
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 Willis D. Huxtable,)
)
 Defendant.)

Civil No. 5333

FILED

APR 11 1960

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

J U D G M E N T

On this 11th day of April 1960, the above-entitled action coming on for hearing, the plaintiff, by Sam E. Taylor, Assistant U. S. Attorney for the Northern District of Oklahoma, and the defendant appearing not, the Court finds that defendant was duly served with summons herein more than 20 days prior to this date, and having failed to appear, or answer, is and should be adjudged in default.

The Court further finds that all allegations of plaintiff's complaint are true; that defendant is indebted to plaintiff in the amount of \$218.75 after allowance of all just credits and set-offs.

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

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED by the Court that this plaintiff have judgment against the defendant, Willis D. Huxtable, in the sum of \$218.75, with interest thereon at the rate of six per cent (6%) from date of judgment, and the costs of this action.

Fred Laugherty
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Ernest J. Frye,

Defendant.

Civil No. 5346

FILED

APR 11 1962

CHARLES G. MOON
CLERK, U.S. District Court

J U D G M E N T

On this 11th day of April 1962, the above-entitled action coming on for hearing, the plaintiff, by Sam E. Taylor, Assistant U. S. Attorney for the Northern District of Oklahoma, and the defendant appearing not, the Court finds that defendant was duly served with summons herein more than 20 days prior to this date, and having failed to appear, or answer, is and should be adjudged in default.

The Court further finds that all allegations of plaintiff's complaint are true; that defendant is indebted to plaintiff in the amount of \$237.53 after allowance of all just credits and set-offs.

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

THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED by the Court that this plaintiff have judgment against the defendant, Ernest J. Frye, for the sum of \$237.53 with interest thereon at the rate of six per cent (6%) per annum from date of judgment until paid, and for the costs of this action.

Fred Laugherty
United States District Judge

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Plaintiff,

Defendant,

-vs-

Plaintiff,

Defendant.

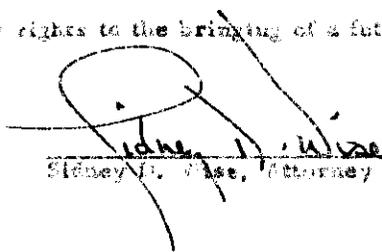
No. 1234567

FILED

DISMISSED WITHOUT PREJUDICE

9/12/53
SOLICITOR GENERAL
Clerk, U.S. District Court

Pursuant to a request made to this court by the plaintiff in the above styled case, which request was granted on September 11, 1953, the plaintiff is hereby dismissed from these proceedings without prejudice to his rights to the bringing of a future action.


Sidney H. East, Attorney for Plaintiff

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
FILED
SEP 12 1953
CLERK

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

United States of America,)
Plaintiff,)
vs.)
1,334.58 Acres of Land, More or Less,)
Situate in Tulsa County, Oklahoma,)
and J. O. Alexander, et al., and)
Unknown Owners,)
Defendants.)

Civil No. 4335

NOBLE G. ROOT
Clerk U. S. District Court

Tract(s) No(s). A-113

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) rendered herewith for filing herein.

The Court finds that plaintiff and Sand Springs Home, 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). A-113, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ 1,200.00, 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.

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

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

(B) The just compensation to be paid by the plaintiff for the taking of Tract(s) No(s). A-113 is the sum of \$ 1,200.00, 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):

To: Sand Springs Home the sum of \$1,200.00

Entered this 13 day of April, 1962.

Fred Daugherty

APPROVED:

JUDGE, United States District Court

/s/ Robert M. McKee

Robert M. McKee Attorney
Department of Justice

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Judgment on Motion
(Option)

APR 11 1962

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

Civil No. 4724 NOBLE C. HOOT
Clerk, U. S. District Ct.

Tract(s) No(s) 1838

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) **Chester W. Bartlett and his wife, Jane Bartlett**

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 \$ **275.00**, inclusive of interest, would be awarded as just compensation for the taking of the estate(s) to be condemned in Tract(s) No(s) **1838**

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). **1838**

is the sum of \$ **275.00**, inclusive of interest, which sum has heretofore been disbursed by order(s) of this Court.

(C) This proceeding is closed on the dockets of this Court insofar as Tract No. **1838** is concerned.

Entered this *11* day of *April* 1962.
Fred Daugherty

APPROVED:

Robert M. McKee

JUDGE, United States District Court

Robert M. McKee Attorney
Department of Justice

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Judgment on Motion
(Option) FILED

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

Civil No. 4724

APR 17 1962
NOBLE C. HIGGINS
Clerk, U. S. District Court

Tract(s) No(s) 1641
1726

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) Myrtle Gibbs, Eva Hall, Aubrey E. Hall, Ethel P. Vaught and H. C. Vaught 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 \$ 1,100.00 & \$4,000.00 for Tracts 1641 and 1726, respectively, inclusive of interest, would be awarded as just compensation for the taking of the estate(s) to be condemned in Tract(s) No(s) 1641 and 1726

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) 1641 and 1726 total is the/sum of \$ 5,100.00, inclusive of interest, which sum has heretofore been disbursed by order(s) of this Court.

(C) This proceeding is closed on the dockets of this Court insofar as Tracts Nos. 1641 and 1726 are concerned.

Entered this 16 day of April 1962 .

Fred Daugherty

APPROVED:

JUDGE, United States District Court

Robert M. McKee

Robert M. McKee, Attorney
Department of Justice

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Judgment on Motion
(Option)

APR 17 1962

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

Civil No. 4734
Tract(s) No(s) G-706 and E-1,
E-2, E-3 and E-4

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) **James N. Wise and Maggie M. Wise, his wife,** 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 \$ 1,000.00 , inclusive of interest, would be awarded as just compensation for the taking of the estate(s) to be condemned in Tract(s) No(s) **G-706, G-706E-1, G-706E-2, G-706E-3 and G-706E-4** 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). **G-706, E-1, E-2, E-3 and E-4** is the sum of \$ 1,000.00 , inclusive of interest, which sum has heretofore been disbursed by order(s) of this Court.

(C) This proceeding is closed on the dockets of this Court insofar as the above-mentioned tracts are concerned.

Entered this 16 day of April 1962 .

Fred Daugherty

APPROVED:

JUDGE, United States District Court

/s/ Robert M. McKee

Robert M. McKee, Attorney
Department of Justice

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

United States of America,
Plaintiff,
vs.
330.43 Acres of Land, More or Less,
Situate in Osage and Pawnee Counties,
Oklahoma, and Elzie M. Findley, et al,
and Unknown Owners,
Defendants.

Civil No. 5172 MAR 17 1962

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

Tract(x) No(x). 3307

JUDGMENT ON STIPULATION

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

The Court finds that plaintiff and the persons named in Exhibit "A", below, defendant(s) herein, have, by the stipulation(x) above referred to, agreed that the just compensation to be paid by the plaintiff for the taking of the estate(x) in Tract(x) No(x). 3307, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ 12,120.00, inclusive of interest. The sum of \$ 10,500.00 was deposited into the registry of this Court as estimated just compensation for said tract(x) 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(x).

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

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

(B) The just compensation to be paid by the plaintiff for the taking of Tract(x) No(x). 3307, is the sum of \$11,500.00, inclusive of interest, and the reservation by the above-named defendant(s) of the right to remove on or before June 30, 1962, ~~(was)(all)(reservations)(s)~~ improvement(s) located thereon, having a (total) salvage value of \$ 620.00; and

(C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$ 1,000.00, without interest.

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

Entered this 13 day of April 1962.

EXHIBIT "A"

- Ithel Stout Robb
- Jettie Stout Robinson
- Susie Stout Linberg
- Tillie Stout Schwieger, now Pennington
- Gaines Halford Stout
- Beatrice Stout Roche, now young
- Georgia Locke Stout
- Rose Stout Skelley
- Frieda Allene Snell

Fred Daugherty

APPROVED:

JUDGE, United States District Court

/s/ Robert M. McKee

Robert M. McKee Attorney
Department of Justice

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

v.

~~12.00~~ Acres of Land, More or Less,
Situate in Pawnee and ~~Creek~~ Counties,
Oklahoma, and Gene E. Allen, et al,
and Unknown Owners,

Defendants.

Civil No. 5363

Tract No. 3110

FILED ✓

MAY 1962

AM
MICHAEL C. HIGHT
Clerk, U. S. District Court

JUDGMENT ON STIPULATION AND ORDER OF DISTRIBUTION

On ~~XXXXXX~~ 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 Kate Whitehorn Barker, Lawrence Stanley and the Superintendent of the Osage Agency 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. 3110, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the total sum of \$650.00, inclusive of interest, which amount was deposited into the registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein. The parties further stipulated that there will be reserved to the defendant Lawrence Stanley the right to the use and occupancy of the land through December 31, 1962, and that the award of just compensation shall be paid to the Superintendent of the Osage Agency. The Court has jurisdiction of the parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract. The Court further finds that the above-named defendant Kate Whitehorn Barker was the sole owner of the captioned tract on the date of taking, subject only to the reservation of minerals to the Osage Tribe of Indians by the act of Congress of June 28, 1906 (34 Stat. 539), which mineral interest or any part thereof is not being acquired in this proceeding, and subject to the right to the use and occupancy of

Lawrence Stanley under a lease expiring December 31, 1962, and subject further to the right of the Superintendent of the Osage Agency to receive and hold for the benefit of the defendant Kate Whitehorn Barker the award of just compensation.

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

(A) There is reserved to the defendant Lawrence Stanley the right to the use and occupancy of the land through December 31, 1962.

(B) Otherwise, 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.

(C) The just compensation to be paid by the plaintiff for the taking of Tract No. 3110 is the sum of \$650.00, inclusive of interest.

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

Superintendent of the Osage Agency to be held for the benefit of Kate Whitehorn Barker the amount of \$650.00.

Entered this *16* day of *April* 1962.

Fred Daugherty

JUDGE, United States District Court

APPROVED:

Robert M. McKee
Robert M. McKee, Attorney
Department of Justice

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.)
4.99 Acres of Land, More or Less,)
Situate in Pawnee and Tulsa Counties,)
Oklahoma, and Joe E. Brown, et al,)
and Unknown Owners,)
Defendants.)

Civil No. 4552

FILED

APR 11 1962

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

Tract(s) No(s). B-256

JUDGMENT ON STIPULATION AND ORDER OF DISTRIBUTION

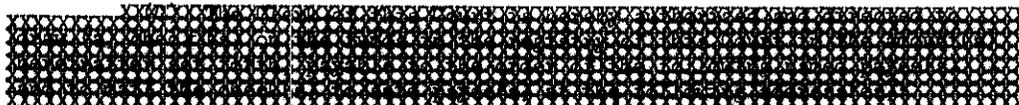
On this day this cause comes on for consideration on the stipulation(s) entered into by and between the plaintiff and the defendant(s) therein named, which stipulation(s) (is)(are) rendered herewith for filing herein.

The Court finds that plaintiff and J. L. Saunders & Agnes Saunders (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). B-256, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ 5,730.00, 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.

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; except for the reservation of the right to remove improvements;

(B) The just compensation to be paid by the plaintiff for the taking of Tract(s) No(s). B-256 is the sum of \$ 5,730.00, inclusive of interest; and



(C) There is excluded from the proceeding the right to remove on or before June 30, 1958, or within such extension granted by the Department of the Army, the following improvements: 5-rm dwelling 26'x44'; 1-car garage & storage 18'x20'; wash-room-chicken house 12'x16' less 5'x6' plus 8'x12'; barn 19'x19' & well-electric pump below ground

(D) This award having been distributed, the above proceeding is closed as to this tract.

Entered this 2 day of *April*, 1962.

Robert C. Hood

APPROVED:

JUDGE, United States District Court

/s/ Robert M. McKee

Robert M. McKee
Department of Justice

Attorney

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

ALLSTATE INSURANCE COMPANY,
a corporation,

Plaintiff,

-vs-

OHIO CASUALTY INSURANCE COMPANY,
a corporation, WEST AMERICAN INSURANCE
COMPANY, a corporation, RAY HARTGRAVE,
JAMES MAYES, RONALD MARTIN, VICTOR
HOLMAN, JOHN GOSS, LINDA BENNINGTON,
ROY BOTTOMS, DANNY RATLIFF, WILLIAM
FENDER, MARY J. HARVISON, GEORGE
BRANDT, JOHN FENDER and LAWRENCE
BLEVINS,

Defendants.

Civil No. 4995

FILED

APR 11 1962

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

J U D G M E N T

This action came on for trial before the Court and a jury, the Honorable Fred Daugherty presiding, and it being stipulated that the claim of defendant and cross-petitioner John Goss as to liability only shall be as determined as to the liability of the defendant John Fender to Ronald Martin and James Mayes, as they are co-passengers in the identical position with John Goss and that the liability of Ray Hartgraves and John Fender as to Lawrence E. Blevins shall be determined in keeping with the liability adjudicated in favor or against Ray Hartgraves and John Fender. The jury having found the issues in favor of Ray Hartgraves, Ronald Martin, James Mayes and against John Fender only, the Court finds that judgment should be entered as to liability only in favor of John Goss and against John Fender with the issue as to the amount of damages to be determined at a later date and a judgment should be entered in favor of Lawrence E. Blevins and against John Fender for the sum of \$1,410.00.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the question of liability in favor of John Goss and against the

defendant John Fender, be and the same is hereby adjudicated to be in favor of John Goss and against the defendant John Fender and that the amount thereof be determined at further trial at a later date.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Lawrence E. Blevins have and recover judgment of and from the defendant John Fender for the sum of \$1,410.00.

Dated at Tulsa, Oklahoma, this 5th day of March, 1962.

Fred Daugherty
FRED DAUGHERTY, JUDGE OF THE DISTRICT COURT WITHIN AND FOR THE NORTHERN DISTRICT OF OKLAHOMA.

A. LEVINE, ATTORNEY AT LAW
GENERAL INVESTMENT, REAL ESTATE & FINANCIAL
AND INSURANCE COMPANY

BY: *B. W. Tabor*

AND BY: *David H. Sanders*

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,
v.
54.21 Acres of Land, More or Less,
Situate in Pawnee, Osage and Creek
Counties, Oklahoma, and M. B. Scule,
et al, and Unknown Owners,
Defendants.

CIVIL NO. 5208

TRACT NO. 2561E

FILED

APR 19 1952

NORTH DISTRICT
CLERK, U. S. DISTRICT COURT

JUDGMENT ON STIPULATION

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

The Court finds that plaintiff and Ella Comozzie, Pat Badger, Caroline Finnell, Jarret Clark and Mary Louise Hudgins, 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. 2561E, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the sum of \$1,350.00, inclusive of interest. The sum of \$1,000.00 was deposited into the registry of this Court as estimated 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. 2561E is the sum of \$1,350.00, inclusive of interest;
- (C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$350.00, without interest; and

(D) There has already been distributed to the defendant Ella Comozzie the amount of \$337.50, her pro rata part of the above award, and upon the deposit of the aforesaid deficiency the Clerk of this Court is authorized to distribute the amount of \$662.50 now in the registry of the Court and the \$350.00 deficiency, the total being \$1,012.60, as follows:

TO:

Fat Badger the amount of \$337.50

Mary Louise Huóbins the amount of \$337.50

Caroline Finnell the amount of \$168.75

Jarret Clark the amount of \$168.75

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

Entered this *18* day of *April* 1962.

Fred Daugherty

Judge, United States District Court

APPROVED:

Robert M. McKee
Robert M. McKee, Attorney
Department of Justice

LEU:lg
4/17/62

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

IN THE MATTER OF:)
)
THURMAN E. C. LOYD,)
)
Bankrupt)

In Bankruptcy
No. 9472

JOURNAL ENTRY OF JUDGMENT

RECORDED & INDEXED
APR 18 1962
U.S. DISTRICT COURT

AWA

Now on this 19 day of April, 1962, there having been presented to the undersigned United States District Judge sitting in and for the Northern District of Oklahoma, the matter of the mandate having been filed in the above styled and numbered action setting forth an affirmance of a judgment as modified by the United States Court of Appeals for the Tenth Circuit in cause No. 6709 and as filed in said Court on the 14th day of November, 1961, and the Court having reviewed the same finds that said judgment as previously entered herein should be modified to the extent of reducing same down to the sum of \$1,428.15.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THIS COURT that the judgment previously entered in the above styled and numbered action be and the same is hereby modified and reduced down to the sum of \$1,428.15 and the mandate heretofore received from the United States Court of Appeals, Tenth Circuit, be and it is hereby ordered spread of record and judgment entered thereon.

15/ Luther Bohanon
United States District Judge

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

approximately eight months ago, as the result on the death
of said Mrs. Wayne Husband on November 1, 1961, when the
pickup truck which he was driving on a public highway near
Collinsville, Oklahoma, where it crosses the tracks of the
defendant, was struck by a train of said defendant railway
company.

IT IS, THEREFORE, ORDERED, CONSIDERED, ADJUDGED
AND DECREED by the court that the plaintiff have and recover
of and from the defendant, The Atchison, Topeka and Santa Fe
Railway Company, a corporation, a judgment in the sum of
Six Thousand Seven Hundred Fifty Dollars (\$6,750.00) and the
costs of this action, and the defendant is ordered and directed
to pay the said sum of six thousand seven hundred fifty dollars
(\$6,750.00) to the plaintiff, Dolores Husband, and hereafter
be released from any and all further liability on the cause of
action set up in plaintiff's petition, and for all injuries
sustained by plaintiff on behalf of herself as survivor and
of Alvin Wayne Husband, deceased, and the surviving children
of said deceased.

DONE AND ENTERED this 19 day of April, 1962.

19/ Luther Bohannon
JUDGE OF THE UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

DEPOSED AND SWORN:

DEPOSED AND SWORN:

Attorney for Plaintiff

DEPOSED AND SWORN:

DEPOSED AND SWORN:

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

EARLENE R. STRONG,)
)
 Plaintiff,)
)
 vs.)
)
 SIMAN LEBOW COMPANY, an)
 Oklahoma Corporation, and)
 SIMAN LEBOW, an individual,)
)
 Defendants.)

NO. 5329 CIVIL

FILED

APR 11 1962

HOWARD G. HOOD
U.S. District Court

ORDER OF DISMISSAL

NOW, on this 14 day of April, 1962, parties herein join and
move the Court to dismiss the above captioned matter with prejudice, for
the reason that settlement has been effected between the parties.

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

by Iris Daugherty
JUDGE

APPROVAL BY:

S. E. ...
Attorney for Plaintiff
Richard B. ...
Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Jdgm't for Amount
of Deposit

United States of America,
Plaintiff,
vs.
1.42 Acres of Land, More or Less Situate
in Creek and Pawnee Counties, Oklahoma,
and Gertrude Hambley et al. and Unknown
Owners.
Defendants.

Civil No. 4724

Tract(s) No(s). B-205

FILED

JUDGMENT ON STIPULATION

APR 20 1962

NOBLE C. HOOD
Clerk of the Court

On this day this cause comes on for consideration of 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 H. D. Hanchley and Gertrude Hambley

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). B-205, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ 5,475.00, 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.

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

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

(B) The just compensation to be paid by the plaintiff for the taking of Tract(s) No(s). B-205 is the sum of \$ 5,475.00, inclusive of interest, which sum has heretofore been disbursed by Order(s) of this Court.

(C) The right to remove a 5-rm dwelling 22.5 x 27, 1 car garage 10.5 x 10, 5-rm dwelling 22.5 x 30.5, 1 car garage 10.5 x 10, is excluded from the above proceeding and reverted in the former owners, provided such removal occurs on or before June 30, 1959, or such further period as may be extended by the Corps of Engineers, U.S. Army, and with the further provision that on failure to remove within such period or extended period the title to such improvements will vest in the U. S. A.

(D) The full amount of just compensation has heretofore been distributed and this proceeding is closed on the docket of this Court insofar as Tract No. B-205 is concerned.

Entered this 16 day of April 1962.

Frank Dougherty

JUDGE, United States District Court

APPROVED:

Robert M. McKee

Robert M. McKee, Attorney
Department of Justice

Curtis F. Harris
Curtis F. Harris, Attorney for Defendants

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Judgment on Motion
(Option)

FILED

United States of America,)
)
Plaintiff,)
)
v.)
)
1.42 Acres of Land, More or Less,)
Situate in Creek and Pawnee Counties,)
Oklahoma, and Gertrude Hambley, et)
al. and Unknown Owners,)
)
Defendants.)

Civil No. 4724

APR 20 1962

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

Tract(s) No(s) B-234
B-239

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) **H. D. Hambley and Gertrude Hambley**

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 \$ 350.00 & 625.00 for Tracts B-234 & B-239, respectively inclusive of interest, would be awarded as just compensation for the taking of the estate(s) to be condemned in Tract(s) No(s) **B-234 and B-239**

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). **B-234 and B-239**
total
is the sum of \$ 975.00, inclusive of interest, which sum has heretofore been disbursed by order(s) of this Court.

(C) This proceeding is closed on the dockets of this Court insofar as Tracts Nos. B-234 and B-239 are concerned.

Entered this 16 day of April 1962

APPROVED:

Robert M. McKee

ROBERT M. MCKEE, Attorney
Department of Justice

Fred Daugherty
JUDGE, United States District Court

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED ✓

APR 23 1962

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

United States of America,)
)
Plaintiff,)
)
vs.)
)
St. Louis-San Francisco Railway)
Company,)
)
Defendant.)

Civil No. 5337

JOURNAL ENTRY OF JUDGMENT

This matter coming on before me, the undersigned Judge, this 18
day of April, 1962, and the plaintiff appearing by Phillips Breckinridge, As-
sistant United States Attorney, and the defendant appearing by its counsel of
record, Dickson M. Saunders, and it having been stipulated by and between the
parties hereto through their respective counsel that the issues herein should
be found generally for the plaintiff and that the plaintiff should have judg-
ment from and against said defendant in the sum of \$200.00, and for its costs
herein expended, and the court being fully advised in the premises,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the issues in this
cause be and they hereby are found in favor of the plaintiff; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff have
and it hereby has judgment against the defendant hereto in the sum of \$200.00
and for its costs herein expended.

W. Fred Naughton
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

United States of America,)	
Plaintiff,	)	Civil No. 4731
vs.)	
12.40 Acres of Land, More or Less,)	
Situate in Creek and Pawnee Counties,)	
Oklahoma, and Gertrude Hambloy,)	
et al., and Unknown Owners,)	
Defendants.	)	Tract(s) No(s). 1863

APR 27 1962

APR 27 1962
CLERK, 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) (are)(is) tendered herewith for filing herein.

The Court finds that plaintiff and **Faye Day** and **Mrs. L. C. Applegate**

, 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). 1863, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ 3,500.00, inclusive of interest. The sum of \$ 3,250.00, 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). 1863, is the sum of \$ 3,500.00, inclusive of interest; and

(C) The plaintiff shall forthwith deposit into the registry of this Court the deficiency in the amount of \$ 250.00, without interest.

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

Entered this _____ day of _____ 1962

(D) Upon the deposit of said deficiency of \$250.00, the clerk of this Court is authorized and directed to distribute to **Faye Day** the amount of \$250.00.

(E) Upon the distribution of said amount, this proceeding will be closed on the dockets of this Court insofar as Tract No. 1863 is concerned.

Entered this 27 day of April 1962.

Luther Bohanan

APPROVED:

JUDGE, United States District Court

Robert M. McKee,
Department of Justice

Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

v.

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. E-523

FILED

MAR 27 1961

NORMAN C. BOOTH
Clerk, U. S. District Court

JUDGMENT DETERMINING JUST COMPENSATION

On the 17th day of April 1961, came on to be heard the matter of determining just compensation for the taking of the estate condemned by and described in the declaration of taking on file herein in Tract No. E-523, before the Honorable Royce H. Savage, then United States District Judge, and in connection therewith the Court, after hearing the testimony of witnesses and the statement of counsel, finds as follows:

1. Service of process has been perfected prior to said hearing either personally or by publication of notice on all parties defendant having compensable interests in the subject tract, and notice of said hearing was served on all parties making an appearance and demanding notice of said proceedings.

2. There appeared for plaintiff, United States of America, the United States Attorney, and it appearing that the defendant Willie Darisaw was a mentally incompetent and restricted Indian, the Court appointed Robert L. Cox, an attorney and also representative of the Area Solicitor of the Department of the Interior, as guardian ad litem for said defendant.

3. The defendant Willie Darisaw was the owner of said Tract No. E-523 at the time of the filing of the declaration of taking, and is entitled to receive the award of just compensation.

4. After hearing testimony as to the fair market value of the estate condemned it is determined that the amount of \$1,600.00, inclusive of interest, is just compensation.

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. E-523 is the sum of \$1,600.00, inclusive of interest.

(C) The clerk of this Court is directed to pay the amount of \$1,600.00 to the Area Director, Bureau of Indian Affairs, Muskogee, Oklahoma, for the account and benefit of Willie Darisaw. Upon the distribution of the above amount, the above proceeding will be closed insofar as Tract No. E-523 is concerned.

Entered this 26 day of August 1962.

J. W. Dougherty

JUDGE, United States District Court

APPROVED:

Robert M. McKee

Robert M. McKee, Attorney
Department of Justice

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,) CIVIL NO. 4740
)
 v.)
) Tract No. 1789
 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.)

FILED

MAR 27 1962

NOBLE C. HOOK
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 Edwin C. Ward and Mrs. Velma Whittenburg, a/k/a Mrs. Ralph W. Whittenburg, 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 \$3,300.00, inclusive of interest, would be awarded as just compensation for the taking of the estate to be condemned in Tract No. 1789, as such estate and said tract are described in the complaint and declaration of taking heretofore filed in this cause, and the parties thereto agreed that there would be reserved the right to remove the following improvements: 4-room dwelling, 36 x 14, 2-G-L-K-util, wtr,-gas, Elect. pl, & Plywd. walls and ceiling, SS enamel tub, sink,-20 gal, T&H pine floors, chickenbarn 27 x 13, storage 6 x 10, shed 6 x 8, storm cellar 8 x 10, cellar 14 x 14, provided that in the event the improvements are not removed on or before December 31, 1959, the right of removal shall terminate automatically and the United States shall have a good and indefeasible title to same without notice to the vendor.

The Court further finds that the above-named parties and the

defendants George W. Moore, Clarence O. Moore, Earl A. Moore, Lee Roy Moore, Mrs. Irvin A. Owen and Mrs. Hiram M. Hamilton filed herein their motion agreeing to the validity of said option and to the terms thereof; and that plaintiff, United States of America, has filed its motion and acceptance of stipulation for the exclusion of the above-described improvements, and that the amount of \$3,300.00 is just compensation for the taking of the estate condemned in Tract No. 1789, subject to the exclusion of the right to remove improvements.

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 right to remove the above-described improvements is excluded from the above proceeding and such right is vested in the former owners,

(B) Otherwise, 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,

(C) The just compensation to be paid by the plaintiff for the taking of Tract No. 1789 is the sum of \$3,300.00, inclusive of interest, which sum has heretofore been disbursed by order of this Court,

(D) There remains in the registry of the Court the amount of \$200.00, and the clerk of this Court is directed to refund said amount to the Treasurer of the United States.

Entered this 26 day of August 1962.

APPROVED:

Fred Daugherty

JUDGE, United States District
Court

Robert M. McKee
Robert M. McKee, Attorney
Department of Justice

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Jdgm't for Amount
of Deposit

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

Civil No. 4762

Tract(s) No(s). G-704 and
G-704E

FILED
APR 27 1962

ROBERT G. WOOD
Clerk, U.S. District Court

JUDGMENT ON STIPULATION

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 **James W. Greer**

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). **G-704 and G-704E**, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ **1,525.00**, 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.

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). **G-704 and G-704E** is the sum of \$ **1,525.00**, inclusive of interest, which sum has heretofore been disbursed by Order(s) of this Court.

(C) The above proceeding is closed on the dockets of this Court insofar as Tracts Nos. **G-704 and G-704E** are concerned.

Entered this 27 day of April 1962.

Luther Bohanan

JUDGE, United States District Court

APPROVED:

Robert M. McKee
Robert M. McKee, Attorney
Department of Justice

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Judgment on Motion
(Option)

United States of America,
Plaintiff,
v.

Civil No. 4762

225.44 Acres of Land, More or Less,
Situate in Creek and Pawnee Counties,
Oklahoma, and General Half BLMed
et al., the Defendant Owners,

Tract(s) No(s) G-709, G-709E-1
through G-709E-4

Defendants.

FILED

JUDGMENT ON MOTION

APR 27 1962

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) W. E. Greer and Pearl Greer, his wife

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 \$1,150.00 inclusive of interest, would be awarded as just compensation for the taking of the estate(s) to be condemned in Tract(s) No(s) G-709, G-709E-1 through G-709E-4

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). G-709, G-709E-1 through E-4

is the sum of \$ 1,150.00 , inclusive of interest, which sum has heretofore been disbursed by order(s) of this Court.

(C) This proceeding is closed on the dockets of this Court insofar as Tracts Nos. G-709, G-709E-1 through G-709E-4 are concerned.

Entered this 27 day of April 1962

APPROVED:

Robert M. McKee
Robert M. McKee

JUDGE, United States District Court

By, Robert M. McKee

ROBERT M. MCKEE, Attorney
Department of Justice

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Judgment on Motion
(Option)

United States of America,
Plaintiff,
v.
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(s) No(s) I-919E

FILED
APR 27 1962
MAUDIE G. HOOVER
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(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) Harold V. Weaver and Maudie Weaver

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) I-919E

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). I-919E

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

(C) The above proceeding is closed on the dockets of this Court insofar as Tract No. I-919E is concerned

Entered this 26 day of April 1962.

APPROVED:

/s/ Robert M. McKee

Fred Daugherty

JUDGE, United States District Court

Robert M. McKee, Attorney
Department of Justice

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 v.)
)
 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. E-541

JUDGMENT DETERMINING JUST COMPENSATION

FILED
APR 19 1961
NORTON
Clerk, U.S. District Court

On the 17th day of April 1961, came on to be heard the matter of determining just compensation for the taking of the estate condemned by and described in the declaration of taking on file herein in Tract No. E-541, before the Honorable Royce H. Savage, then United States District Judge, and in connection therewith the Court finds as follows:

1. Service of Process has been perfected prior to said hearing either personally or by publication of notice on all parties defendant having compensable interests in the subject tract, and notice of said hearing was served on all parties making an appearance and demanding notice of said proceedings.

2. There appeared the United States Attorney for plaintiff, United States of America, and Robert L. Cox for the defendant Mitchell Boudinot, a restricted Indian.

3. The defendant Mitchell Boudinot was the owner of said Tract No. E-541 at the time of the filing of the declaration of taking, and is entitled to receive the award of just compensation.

4. It was announced in open court that the parties had agreed that the amount of \$648.00, inclusive of interest, is just compensation.

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. E-541 is the sum of \$648.00, inclusive of interest, which sum has heretofore been disbursed by order of this Court;

(C) The above proceeding is closed on the dockets of this Court insofar as Tract No. E-541 is concerned.

Entered this 26 day of August 1962.

Fred Daugherty
JUDGE, United States District Court

APPROVED:

Robert M. McKee
Robert M. McKee, Attorney
Department of Justice

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

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

Civil No. 5056 APR 27 1962
NOBLE C. HOOD
Clerk, U. S. District Court
Tract(s) No(s). 2717 and 2717E-1
thru 2717E-5, Incl.

JUDGMENT ON STIPULATION AND ORDER OF DISTRIBUTION

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

The Court finds that plaintiff and **Edith Gaddis and N. C. Gaddis, / and her husband, Virginia S. Cooper and K. C. Cooper, her husband**, 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). **2717, 2717E-1 thru E-5, inclusive**, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ **1,150.00**, 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.

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). **2717, 2717E-1 thru E-5, inclusive**, is the sum of \$ **1,150.00**, inclusive of interest; and

(C) The Clerk of this Court is hereby authorized and directed to draw (x) 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):

Edith Gaddis and N. C. Gaddis, her husband - - - - - \$575.00
Virginia S. Cooper and K. C. Cooper, her husband - - - - - \$575.00

Entered this 27 day of April, 1962.

APPROVED:

15/ Robert M. McKee
Attorney
ROBERT M. MCKEE
Department of Justice

Luther Bohanan
JUDGE, United States District Court

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Civil No. 5080

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

Defendants.

FILED

APR 27 1962

ORDER CONFIRMING MARSHAL'S SALE

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

Now, on this 27th day of April 1962, there coming on for hearing the motion of plaintiff herein to confirm the sale of real property made by the U. S. Marshal for the Northern District of Oklahoma on April 16, 1962, under an order of sale issued in this cause out of the office of the Court Clerk for the U. S. District Court for the Northern District of Oklahoma, dated March 20, 1962, of the following-described real property, to-wit:

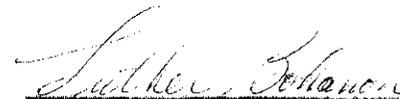
Lot Nine (9), Block Four (4), Nancy Lee Addition to the City of Miami, Ottawa County, State of Oklahoma, according to the amended plat thereof,

and the Court, having examined the proceedings of the Marshal under the order of sale and no one appearing in objection thereto and no exceptions having been filed, finds that due and legal notice of the sale was given by publication once a week for at least four (4) weeks prior to the date of sale in the Miami News Record, a newspaper published and of general circulation in Ottawa County, State of Oklahoma, as shown by the proof of publication on file herein, and that on the day fixed therein, April 16, 1962, the above-described real property was sold to the Federal Housing Administration, it being the highest and best bidder therefor.

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

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

IT IS FURTHER ORDERED that Doyle W. Foreman, as U. S. Marshal for the Northern District of Oklahoma, make and execute to the purchaser, Federal Housing Administration, a good and sufficient deed for such premises so sold.


Luther Johnson
United States District Judge

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

D. B. HARRIGILL,

Plaintiff,

v.

WILLIAM SYLVESTER PRICE,

Defendant,

DAVID C. ELLIOTT and
PAULINE C. ELLIOTT,

Third Party Defendants.

CIVIL NO. 5138

FILED
IN OPEN COURT

APR 27 1962

ORDER CONFIRMING SALE

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

On this 27th day of April, 1962, there comes on for hearing the motion of Morris L. Bradford, Special Master herein, that the Court approve and confirm the public sale of 23,000 shares of Bankers Trust Company common stock to plaintiff D. B. Harrigill; and the Court having examined the Return of the Special Master and being fully advised in the premises, finds:

1. That notice of sale was given by the Special Master in compliance with the terms and conditions with regard thereto set forth in the judgment entered in this cause on January 22, 1962.

2. That on March 27, 1962, at 2 P.M. in the center North door of the County Courthouse of Tulsa County, Tulsa, Oklahoma, the Special Master did offer for sale to the highest bidder 23,000 shares of Bankers Trust Company common stock; that the Special Master accepted the highest and only bid offered in the amount of \$5,000.00 made by plaintiff in this cause, D. B. Harrigill.

3. That the \$5,000.00 offer of the plaintiff is the greatest amount that can be obtained for such stock, and the sale to D. B. Harrigill should therefore be confirmed.

4. That the Special Master, Morris L. Bradford, is entitled to a fee in the amount of \$150.00 for his services in connection with the sale.

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

1. That the sale of 23,000 shares of Bankers Trust Company common stock made by the Special Master herein, to D. B. Harrigill, the highest bidder at public sale, for the sum of \$5,000.00 be and it is confirmed.

2. That the Special Master execute such assignments and other instruments as may be necessary to effect the transfer of said stock to D. B. Harrigill.

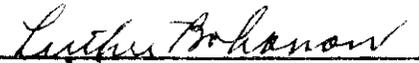
3. The Special Master is awarded a fee in the sum of \$150.00 for his services herein, payable from the proceeds of the sale.

4. The Special Master shall file with the Clerk of this Court in this case the Receipt of D. B. Harrigill crediting Third Party Defendants, David C. Elliott and Pauline C. Elliott with payment in the amount of \$4,015.65 on the judgment entered against them in this cause, and shall provide said Third Party Defendants with a certified copy of such receipt.

5. The Special Master shall disburse the \$984.35 cash proceeds from the sale of the stock as follows:

Jack N. Hays, Attorney at Law, Tulsa, Oklahoma - Attorney's fee	\$	750.00
Morris L. Bradford, Special Master's Fee		150.00
Tulsa Legal News, Publication costs		38.25
Martin, Logan, Moyers, Martin & Conway, Reimbursement for costs		46.10
	\$	<u>984.35</u>

DATED this 27th day of April, 1962.


Judge

FILED

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

APR 27 1962

WASHINGTON NATIONAL INSURANCE COMPANY, a corporation,	}	JOE W. WILCOX et al.,
	}	
Plaintiff,	}	
	}	
vs.	}	No. 5167
	}	
JOE W. WILCOX, et al.,	}	
	}	
Defendants.	}	

DEFICIENCY JUDGMENT

On this 27th day of April, 1962, there came on for hearing the motion of the Plaintiff for leave to enter a Deficiency Judgment herein, which motion was filed herein on March 12, 1962, and duly served upon Joe W. Wilcox and Hollie L. Wilcox, Defendants herein, on that date.

The Court, upon consideration of said motion and of the evidence produced in open Court, finds that the fair and reasonable market value of the mortgaged premises as of the date of the Marshal's sale herein, to wit, the 26th day of February, 1962, was \$10,500.00. The Court further finds that the aggregate amount of the judgment rendered herein together with interest, attorney fees, and costs amounts to \$13,262.44, and that said Plaintiff is accordingly entitled to a Deficiency Judgment against said Defendants for the sum of \$2,762.44.

It is accordingly ordered, adjudged and decreed that said Plaintiff have and recover from said Defendants, Joe W. Wilcox and Hollie E. Wilcox, a Deficiency Judgment in the sum of \$2,762.44.

Luther Bohannon

Judge of the United States District
Court

FILED

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

APR 27 1962

WASHINGTON NATIONAL INSURANCE COMPANY,
a corporation,

Plaintiff,

-vs-

JOE L. WILSON, et al.,

Defendants.

MORLEY C. HOOD
Clerk U. S. District Court

No. 5167

ORDER APPROVING MARSHALL'S SALE

Now, on this 27th day of April, 1962, the Plaintiff, Washington National Insurance Company, a corporation, appeared by its attorneys and moved the Court to confirm the sale of real estate made by the Marshall of the United States District Court for the Northern District of Oklahoma, on the 26th day of February, 1962, to Washington National Insurance Company, a corporation, Plaintiff herein, under an order of sale and execution issued out of the office of the Court Clerk of the United States District Court for the Northern District of Oklahoma, dated the 28th day of December, 1961, of the following described property, to wit:

Lot Seven (7), Block Four (4),
Pennington Hills Addition to the
City of Bartlesville, Washington
County, Oklahoma, according to the
recorded plat thereof.

And the Court, having carefully examined the proceedings of said Marshall under said execution and order of sale is satisfied that the same have been performed in all respects in conformity to law, that due and legal notice of said sale was given by publication as required by law and as shown by the proof of

said publication on file herein, and that on the date fixed therein, to wit, the 26th day of February, 1962, said property was sold to Washington National Insurance Company, a corporation, it being the highest and best bidder therefor. The Clerk is accordingly directed to make an entry on the Journal of said Court that the Court is satisfied of the legality of said sale. That no exceptions being filed nor objections made, it is ordered and adjudged by the Court, that said sale and the proceedings be, and the same are hereby approved and confirmed and it is ordered that Doyle W. Foreman, United States Marshall for the Northern District of Oklahoma, make and execute to the said purchaser at said sale, Washington National Insurance Company, a corporation, a good and sufficient deed for said premises so sold.

Judge

The Court finds that plaintiff has dismissed with prejudice any claims or causes of action against the United Pacific Insurance Company of Tacoma, Washington, or the Imperial Paving Company. The Court finds that the defendant, Smith Road Construction Company, is a corporation, doing business within the Northern Judicial District of the State of Oklahoma. The Court finds that it has jurisdiction of the parties hereto. The Court finds that the Imperial Paving Company was and is the general contractor on Highway Project 34-066-CIDENG-59-1115, which is a Highway Project 4 miles north of the City of Nowata, Oklahoma, within the Northern Judicial District of the State of Oklahoma. The Court finds that the Imperial Paving Company, in order to carry out its contract with the plaintiff, entered into a sub-contract with the defendant Smith Road Construction Company to complete said Highway Project. The Court finds that the Imperial Paving Company sub-contracted with the defendant Smith Road Construction Company to do the asphalt work on said highway project. The Court finds that the plaintiff, McPherson Brothers Transports, thereupon did furnish the transportation for the asphalt material used in the construction of this highway project in conjunction with the sub-contract work performed by Smith Road Construction Company from and after August 20, 1960, until August 31, 1960. A copy of the invoice covering the delivery of this asphalt material for the project and the charges therefor was introduced into evidence, marked "Exhibit A", for the plaintiff, and fully examined by the Court. The Court finds that the use plaintiff fully performed the delivery set forth in Exhibit A and that there became due and owing on the 31st day of August, 1960, from the defendant Smith Road Construction Company to your use plaintiff, the total sum of \$269.04. The Court finds that more than 90 days has elapsed since demand has been made by the use plaintiff upon the defendant Smith Road Construction Company to pay said amount, and therefore, the use plaintiff is entitled to 6% interest on the sum of \$269.04 from and after August 31, 1960, until paid in full.

The Court finds that there are no just offsets to the sum now due

and owing from the defendant Smith Road Construction Company to the use plaintiff and that said amount is just, due, owing and unpaid. The Court further finds that all taxes, including intangible taxes have been paid, as, if and when due and owing.

Whereupon, after making the above and foregoing findings of fact, based upon the testimony of witnesses sworn and examined in open Court, the Court finds that plaintiff should recover judgment in this cause.

BE IT THEREFORE, ORDERED, ADJUDGED AND DECREED that the plaintiff, United States of America, for the use of McPherson Brothers Transports, brings this action pursuant to the terms of the act of August, 1935, 49 Stat. 793, U.S.C.A. Title 40 Section 270-A and 270-B, known as the Miller Act, and that this Court has jurisdiction of the subject matter hereof and the parties hereto.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff, The United States of America, for the use of McPherson Brothers Transports, have and recover a judgment of and from the defendant Smith Road Construction Company, for the sum of \$269.04, with interest thereon at the rate of 6% per annum from August 31, 1960, until paid in full, and for the costs expended herein and all accruing costs.

For all of which let execution issue.

B. Fred Klaugherly
JUDGE OF THE UNITED STATES DISTRICT
COURT IN AND FOR THE NORTHERN DISTRICT
OF OKLAHOMA.

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

THE UNITED STATES OF AMERICA)
FOR THE USE AND BENEFIT OF POOL)
CONSTRUCTION COMPANY, a partner-)
ship composed of VERNON L. POOL)
and JESSE T. POOL)

Plaintiff)

vs.)

No. 5286 Civil

SMITH ROAD CONSTRUCTION CO., INC.,)
a corporation, WOODS CONSTRUCTION)
CO., INC., a corporation, and)
AMERICAN CASUALTY COMPANY, a)
corporation)

Defendants)

FILED ✓

APR 17 1962

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

JOURNAL ENTRY OF JUDGMENT

This cause came on regularly for trial before the Court on the 10th day of April, 1962, Messrs. John Wheeler, Jr. and Max Feldner appearing as counsel for the use plaintiff, Pool Construction Company, and Mr. Robert L. Davidson, Jr. appearing as counsel for the defendants, Woods Construction Co., Inc. and American Casualty Company, and Mr. Bill Smith appearing pro se for the defendant, Smith Road Construction Co., Inc. After hearing the evidence and the arguments of counsel, the case was taken under advisement by the Court.

Now on this 26 day of April, 1962, the Court finds the following:

1. That the letter from Pool Construction Company to Mr. Ila Woods, dated February 20, 1961, constituted sufficient notice of the indebtedness to comply with the provisions of 40 USCA 270(b). *McWaters & Bartlett vs. United States*, 10 Cir., 272 F2d 291; *United States for Hopper Bros Quarries v. Peerless Casualty Co.*, 8 Cir., 255 F2d 137.

2. In regard to the defense of accord and satisfaction, the Court finds:

(a) That the cashing by Pool Construction Company of the check from Smith Road Construction Company, dated May 3, 1961, which check contained the notation, "5-31-61, Royalty through 4-28-61 not including chips - \$2239.98", did not amount to an accord and satisfaction. In view of the arrangement between Pool Construction Company, Smith Road Construction Co., Inc. and Noland Smith, the manner in which Smith Road Construction Co., Inc. had made prior payments to Pool Construction Company and the source of the money for making such payments, Pool Construction Company was justified in treating the check for \$2,239.98 as Noland Smith money in payment of material furnished to him, and not as payment in full of the Smith Road Construction Co., Inc. account. *Saulsbury Oil Co. v. Phillips Petroleum Co.*, 10 Cir., 142 F2d 27.

(b). The evidence does not establish a bona fide dispute or controversy over the amount of material furnished Smith Road Construction Co., Inc. or the amount due therefor, and a mutual intention and agreement that Pool Construction Company would accept in settlement a lesser amount than it considered it was entitled to, and the execution or satisfaction of such agreement. *Salisbury v. Tibbetts*, 10 Cir., 259 F2d 59; *Marshall v. Amos*, Okla., 300 P2d 390.

3. In regard to the defense of account stated, the Court finds:

(a). That the cashing of the check of May 3, 1961, by Pool Construction Company cannot be construed to

be an account stated for the reason that under the circumstances of the entire transaction, Pool Construction Company was justified in considering the check a payment for materials furnished to Smith Road Construction Co., Inc. for Noland Smith.

(b). That the evidence does not establish that the statement of the "Pool Account" (Plaintiff's Exhibit 2), was delivered to Pool Construction Company with the check of May 3, 1961, or prior thereto.

(c). The letter of June 24, 1961, with copy of "Pool Account" enclosed was not accepted or agreed to by Pool Construction Company to be an account stated, but rather the evidence is to the effect that immediately after receipt thereof the letter was turned over to its attorney and this suit was thereafter filed. *Roadway Express v. Gordon, Okla., 277 F2d 140.*

(d). The evidence does not establish that there was ever an agreement, express or implied, between Smith Road Construction Co., Inc. and Pool Construction Company fixing and adjusting the respective demands between them. *Givens v. Parker, Okla., 258 F2d 936; Federal Security Insurance Company v. Smith, 10 Cir., 259 F2d 294.*

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the use plaintiff, Pool Construction Company, recover of and from the defendants, Smith Road Construction Co., Inc., Wood Construction Co. and American Casualty Company the sum of \$4,802.53, stipulated to be the value of the materials furnished to Highway Project No. 26, which remain unpaid, together with interest thereon at 6% per annum from February 21, 1961, until paid.

United States District Judge

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

VALLEY STEEL PRODUCTS COMPANY,
A corporation,

Plaintiff,

Vs.

NO. 5344

L. C. JONES TRUCKING COMPANY, INC.,
a corporation,

and

JACK MORRIDE, alias JOE MILLER,

Defendants.

FILED

APR 27 1962

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

ORDER SUSTAINING MOTION TO DISMISS

NOW on this 27th day of April, 1962, this cause comes on for hearing on the Motion to Dismiss of the Defendant, L. C. Jones Trucking Company.

Plaintiffs appeared by their attorney, Robert J. Woolsey, and the Defendant, L. C. Jones Trucking Company appeared by its attorney, Louis Levy,

AND the Court having heard argument of the Counsel, finds that the Motion to Dismiss should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Motion to Dismiss be sustained, and the same is hereby sustained, and the Clerk of this Court is ordered to pay to the Plaintiffs, the monies deposited with the Clerk of this Court at the time of filing of Plaintiff's Complaint.

Lucas DeLamson

Judge of the District Court
Northern District of Oklahoma

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Jdgm't for Amount
of Deposit

United States of America,
vs.
160.03 Acres of Land, More or Less,
Situate in Pawnee and Creek Counties,
Oklahoma, and W. J. Chidcutt, et al,
and Unknown Owners.
Defendants.

Civil No. 5374
Tract(s) No(s). 1603

FILED

JUDGMENT ON STIPULATION

APR 27 1962

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.

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

The Court finds that plaintiff and Clara M. Greenwood

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). 1603, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ 17,000.00, 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.

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; except for the exclusion of the right to remove improvements;
- (B) The just compensation to be paid by the plaintiff for the taking of Tract(s) No(s). 1603 is the sum of \$ 17,000.00, inclusive of interest, which sum has heretofore been disbursed by Order(s) of this Court.
- (C) There is excluded from the above proceeding the following improvements: 6-rm dwg 144 sq.ft., 4-rm dwg 624 sq.ft., 2 car gar. 30x20 with 10' lean-to, brooder hs. 8x22, barn & granary 22.5x30, poultry hs. 14x40, hay barn 20x48, stg. shed 6x6, steel granary 10' dia x 10' high, provided that if the improvements are not removed on or before Dec. 31, 1962, the right of removal shall terminate automatically, and the U.S.A. shall have a good and indefeasible title to same.
- (D) The clerk of this Court is directed to issue a check in the amount of \$17,000.00 to Clara M. Greenwood.

Entered this day of 1962.

APPROVED:

L. Fred Langhite

JUDGE, United States District Court

/s/ Robert M. McKee

Robert M. McKee, Attorney
Department of Justice

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

MAY 1 1952

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

United States of America,

Plaintiff,

vs.

Civil No. 5100

237.72 Acres of Land, More or Less,
Situate in Creek and Pawnee Counties,
Oklahoma, and Joe I. Hart, et al, and
Unknown Owners,

Tract No. 9905-3M

Defendants.

JUDGMENT ON STIPULATION

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

The Court finds that the defendants Robert L. Briggs, Jr., Dale Shaffer Briggs, and Charles W. Briggs, executors of the estate of Robert L. Briggs, deceased, were the owners of the lessees' interest in the oil, gas and other minerals under that portion of Lot 6, Block 10, Town of Mannford, Oklahoma, lying south of the railway right-of-way, which land is a portion of Tract No. 9905-3M.

The Court further finds that the plaintiff, United States of America, and the above-named 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 above-named defendants' interest in the estate in Tract No. 9905-3M, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$127.00, inclusive of interest. The sum of \$4,375.00 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 total amount of the estimated compensation, however, will be required to satisfy judgments as to other interests in Tract No. 9905-3M. 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 the above-named defendants' interest in Tract No. 9905-3M is the sum of \$127.00, inclusive of interest;

(C) Since the total amount of the estimated compensation will be required to satisfy judgments as to the remaining interests in said Tract No. 9905-3M, the plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$127.00, without interest; and

(D) Upon the deposit of said amount of \$127.00, the Clerk of this Court is authorized and directed to pay said amount to Robert L. Briggs, Jr., Dale Shaffer Briggs, and Charles W. Briggs, executors of the estate of Robert L. Briggs, deceased.

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

Entered this 7 day of August 1962.

Luther Bohanan

JUDGE, United States District Court

APPROVED:

Robert M. McKee

ROBERT M. MCKEE, Attorney
Department of Justice

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

NAOMI CLAUDINE COLBERT, a minor, under 21
years of age who sues by ERNEST COLBERT,
his father and next friend,

Plaintiff,

-vs-

MISSOURI-KANSAS-TEXAS RAILROAD COMPANY,
a corporation,

Defendant.

No. 5302

JOURNAL ENTRY OF JUDGMENT

Now on this May 15, 1962, the above entitled matter came on for hearing upon agreement of the parties, the Plaintiff, Naomi Claudine Colbert, appearing in person and by her father and next friend, Ernest Colbert, and by her attorneys of record, Baker & Baker and Goodwin & Owens, and the Defendant, Missouri-Kansas-Texas Railroad Company, a corporation, appearing by its representative, and its attorneys, Doerner, Stuart, Moreland, Campbell & Saunders, the parties by their respective attorneys waived the formal setting of the case for trial and waived the jury and agreed to try the case to the Court without the intervention of a jury.

The Plaintiff thereupon introduced evidence in support of the allegations of her Petition and Defendant introduced evidence in support of its defense. The Court thereupon examined the files, records and pleadings in the case and the medical report of the physician who attended and treated Plaintiff and after so doing, and hearing the evidence and listening to the argument of counsel, is of the opinion and finds as follows:

1. That the allegations of Plaintiff's Petition are true, that Defendant was guilty of an act of negligence which was the direct and proximate cause of the injury sustained by Plaintiff.
2. That Plaintiff has been damaged in the sum of Nine Thousand and no/100 (\$9,000.00) Dollars as the result of the negligence of Defendant.
3. That Plaintiff should have judgment against Defendant for the sum of Nine Thousand and no/100 (\$9,000.00) Dollars,

together with the cost of the action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Naomi Claudine Colbert, a minor, under the age of twenty one years, who sues through her father and next friend, Ernest Colbert, should have judgment against defendant, Missouri-Kansas-Texas Railroad Company, for the sum of Nine Thousand and no/100 (\$9,000.00) Dollars, together with the cost of this action.

IT IS FURTHER ORDERED AND DIRECTED that Defendant pay the judgment herein rendered in favor of such minor Plaintiff to Ernest Colbert, father and next friend of such minor Plaintiff and that upon such payment Defendant be released of and from any and all liability to the minor Plaintiff whatsoever.

/s/ LUTHER BOHANON
District Judge

O.K.

/s/ BAKER & BAKER by E. L. Goodwin
Baker & Baker

/s/ E. L. Goodwin
Goodwin & Owens

Attorneys for Plaintiff

O.K.

/s/ DOERNER, STUART, MORELAND, CAMPBELL & SAUNDERS
Doerner, Stuart, Moreland, By Jack E. Campbell
Campbell & Saunders

Attorneys for Defendant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 440.75 Acres of Land, More or Less,)
 Situate in Rogers County, Oklahoma,)
 and Glenn H. Chappell, et al, and)
 Unknown Owners,)
)
 Defendants.)

Civil Action 5116
Tracts Nos. G-714 and
G-716

FILED

MAY 17 1962

J U D G M E N T

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

(Partial)

1.

NOW, on this 10th day of May, 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 an undivided 1/2 interest in the lessor interest in the estates condemned in the tracts enumerated in the caption above, as such estates and tracts 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 subject tracts.

5.

The Acts of Congress set out in Paragraph 2 of the Complaint herein give the United States of America the right, power and authority to condemn for public use the estates described in Paragraph 2 herein. Pursuant thereto on January 31, 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 certain estates in subject tracts 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 estates taken in subject tracts as described in Paragraph 2 herein was the defendant whose name is shown in Paragraph 12 below. Such named defendant is the only person asserting any interest in the estates taken in such tracts, all other persons having either disclaimed or defaulted, and such named defendant is entitled to receive the just compensation for the estates taken in these tracts.

8.

The owner of the interest described in paragraph 2 and the United States of America have executed and filed herein a stipulation as to just compensation, wherein they have agreed that just compensation for such described interest in subject tracts is in the amount shown as compensation in Paragraph 12, and such stipulation should be approved.

9.

A deficiency exists between the amount deposited as estimated compensation for the interest described in paragraph 2 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 owner. Such deficiency is set out in Paragraph 12 below.

10.

It Is Therefore ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in Paragraph 2 herein, as such tracts are particularly described in the Complaint and Declaration of Taking filed herein; and an undivided 1/2 interest in the lessor interest in such tracts, to the extent of the estates described in such Complaint and 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 estates are forever barred from asserting any claim thereto.

11.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owner of the interest covered by this judgment was the party whose name appears below in Paragraph 12, and the right to just compensation for such interest in these tracts is vested in the party so named.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulation As To Just Compensation, mentioned in Paragraph 8 above, is hereby confirmed; and the sum therein fixed is adopted as the award of just compensation for the interest covered by this judgment as follows:

TRACTS NOS. G-714 and G-716

Owner: Wiser Oil Company was the owner of an undivided 1/2 interest in the lessor interest in the estate taken.

Award of just compensation for an undivided 1/2 interest in the lessor interest in the estate taken	\$6,000.00	\$6,000.00
(pursuant to stipulation)		

Deposited as estimated compensation for the subject 1/2 lessor interest:

Tract No. G-714	\$2,500.00	
Tract No. G-716	<u>2,500.00</u>	
Total		<u>\$5,000.00</u>

Deposit deficiency \$1,000.00

Disbursed to owner:

Tract No. G-714	\$2,500.00	
Tract No. G-716	<u>2,500.00</u>	
Total		<u>5,000.00</u>

Balance due to owner \$1,000.00

13.

It is further Ordered that the United States of America shall deposit in the Registry of this Court in this Civil Action the total deposit deficiency, created by this judgment, in the amount of \$1,000.00 and such sum shall be placed in the deposits for the subject tracts as follows:

Tract No. G-714 \$500.00

Tract No. G-716 500.00

The Clerk of this Court then shall disburse from the deposits for subject tracts the sum of \$1,000.00 to Wiser Oil Company.

Luther Bohannon
UNITED STATES DISTRICT JUDGE

APPROVED:

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

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

SUN INDUSTRIAL, INC.,
Plaintiff,

vs.

PLASTIC HOLDING COMPANY, INC.
and
CLARENCE E. CANADY,

Defendants.

CIVIL ACTION 5307

FILED

1957

CONSENT DECREE

Noted and
Filed for Court

Upon consent of the parties to the above entitled action, it is hereby ordered, adjudged and decreed:

1. The Court has jurisdiction of the parties and of the subject matter of the action.
2. Plaintiff is the owner of the legal title to Letters Patent of the United States No. 3,000,527, which is good and valid in law.
3. Defendants have infringed said Patent No. 3,000,527 by making and selling container handles embodying the invention of said patent within this District and elsewhere within the United States.
4. An injunction shall be issued by this Court enjoining the defendants and each of them, their officers, agents, employees and all those in privity with them from further manufacturing and selling or using container handles embodying the invention of said Patent No. 3,000,527.
5. Defendants shall, within five (5) days hereof and in the presence of the Marshal of this Court, destroy all of their dies for making said handles, all unsold handles and all circulars and brochures which are owned by defendants and are used for advertising said handles.

6. Plaintiff hereby waives an accounting and releases defendants and their customers from all liability for past infringement of said Patent No. 3,000,527.

7. Defendants shall forthwith deliver to Plaintiff a statement showing the amounts of sales of Defendants' handles.

8. Defendants' counterclaim is hereby dismissed with prejudice.

9. Each party shall pay its own court costs heretofore incurred.

181 Luther Bohanon
U. S. District Judge

We hereby consent to the entry of the foregoing
Consent Decree.

Harold Ballain

Attorneys for Plaintiff

Frank H. Johnson

Attorneys for Defendants

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

HARTFORD ACCIDENT AND INDEMNITY)
COMPANY, an insurance corporation, Plaintiff)
)
vs)
) CIVIL NO. 5315
L. C. SINOR and O. L. SINOR,)
individuals comprising a partnership)
and doing business as)
SINOR BROTHERS CONSTRUCTION)
COMPANY and SINOR BROTHERS)
MOTOR COMPANY, Defendants)

JUDGMENT BY DEFAULT UPON APPLICATION TO CLERK

In this action the defendant, L. C. Sinor, having been regularly served with summons and complaint, both individually and as a partner d/b/a Sinor Brothers Construction Company and Sinor Brothers Motor Company, and having failed to plead or otherwise defend, the legal time for pleading or otherwise defending having expired, and the default of said defendant in the premises having been duly entered according to law; upon the application of said plaintiff, judgment is hereby entered against said defendant, L. C. Sinor, an individual and the defendant partnerships of which said L. C. Sinor is a partner, in pursuance of the prayer of said complaint.

WHEREFORE, by virtue of the law and by reason of the premises aforesaid,

IT IS ORDERED, ADJUDGED AND DECREED that said plaintiff do have and recover from said defendants served with summons and complaint and now in default, the sum of Two Thousand Two Hundred Fifty Dollars (\$2250.00) plus interest at ten per cent (10%) per annum on the sum of Two Thousand Dollars (\$2000.00) from May 1, 1961 until such sum of Two Thousand Dollars (\$2000.00) be paid to plaintiff, and the sum of Fourteen Thousand Nine Hundred Six Dollars (\$14,906.00) plus interest at six per cent (6%) per annum, attorney fees of Two Hundred Fifty Dollars (\$250.00), together with plaintiff's costs and disbursements incurred in this action amounting to Forty Dollars (\$40.00), and that plaintiff have execution therefor.

Judgment rendered _____, 1962.

Walter S. Howell
Clerk

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

UNITED STATES FIDELITY & GUARANTY)
COMPANY, a corporation)

Plaintiff)

vs.)

ALMA RUTH HEROD, LINVIAL LEE)
HEROD, a minor by and through)
Alma Ruth Herod, LEONARD E.)
HEROD, and CHARLEY DELCOURE)

Defendants)

No. 4613 Civil

FILED

JUN 11 1962

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

JOURNAL ENTRY OF JUDGMENT

This cause came on regularly for trial before the Court on the 5th day of June, 1962, upon the counterclaim and amendment to counterclaim of Charley Delcoure, by his trustee in bankruptcy, Thomas E. Moore, against the plaintiff, United States Fidelity & Guaranty Company. Mr. George W. Owens appeared as counsel for Thomas E. Moore, trustee in bankruptcy, and Mr. Alfred B. Knight appeared as counsel for the United States Fidelity & Guaranty Company.

After hearing the evidence, the case was taken under advisement by the Court.

Now on this 9 day of June, 1962, the Court finds as follows:

1. Counsel for Alma Ruth Herod and Leonard Herod never offered to settle the action of Alma Ruth Herod against Charley Delcoure in the District Court of Creek County, Oklahoma, and the derivative action of her husband, Leonard Herod, within the limits of Mr. Delcoure's liability policy.

2. The attorney for Mr. Delcoure's insurer, United States Fidelity & Guaranty Company, on several occasions orally offered to settle the two actions for \$5,000, being the policy limits for said actions, which offers were not

accepted. These offers did not include the claim of Leonard Herod for property damage.

3. Insured, Charley Delcoure, was advised both by letter from his insurer and verbally by its counsel that the law suits brought against him by the Herods sought judgment in excess of the coverage of his liability policy, and that he could secure counsel of his own choosing to assist in the defense of the actions.

4. The refusal of Maurice Lampton, attorney for insurer, to discuss the Herod law suits with Leonard Herod was not an attempt to influence Mr. Herod to dismiss his attorneys but was a proper refusal to discuss the law suits with an opposing party without his counsel being present.

5. Although insured knew that various offers of settlement had been made by counsel for the Herods, he never made demand on insured to settle the suits.

6. Insured has always been and is now satisfied with the manner in which the insurer handled the defense of the cases, and does not believe that insurer was guilty of bad faith in failing to settle.

7. Insured's salary has been garnisheed on several occasions as a result of the judgment rendered in the Alma Ruth Herod action in the amount of \$25,000. To relieve himself of liability for the amount remaining unpaid on the judgment, insured has taken bankruptcy and has paid or become obligated for court costs and attorney fees in the bankruptcy proceedings. He has therefore suffered damage by reason of the excess judgment.

8. Upon appointment of a trustee in the bankruptcy proceeding, authority to maintain counterclaim against the insurer passed to and vested in insured's trustee. *Brown v. Guarantee Insurance Co., Cal., 319 P2d 69.*

9. Under the facts found in this case, the insurer was not guilty of bad faith in its handling of the defense of the Alma Ruth Herod law suit or in rejecting the offers of settlement made before trial thereof. St. Paul Mercury Indemnity Co. v. Martin, 10 Cir., 190 F2d 455, 457; American Casualty Co. v. Howard, 4 Cir., 187 F2d 322, 326; National Mutual Casualty Co. v. Britt, Okla., 200 F2d 407, 411.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Trustee in Bankruptcy recover nothing under his counterclaim, and that judgment be entered for the plaintiff, United States Fidelity & Guaranty Company.

A handwritten signature in cursive script, appearing to read "Leonard D. ...", is written over a horizontal line. Below the line, the text "United States District Judge" is printed.

United States District Judge

FILED

JUN 12 1962

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

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

V. F. WEAVER,	Plaintiff)	
)	
vs)	
		)	NO. 5111 CIVIL
IDEAL TIRE SHOP, INC.,)	
LEON SPARKMAN,)	
BOB MICHAEL and)	
J. W. ROOKSTOOL,	Defendants)	

O R D E R

On this 12 day of ~~May~~^{June}, 1962, this matter coming on to be heard upon the motion of the plaintiff to dismiss the above cause with prejudice to a future action, and the Court being fully advised in the premises and finding that the matter has been fully settled and compromised,

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

151 Luther Robinson
Judge

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

MILDRED L. McMENAMY,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

CIVIL ACTION NO. 5133

FILED

JUN 13 1962

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

J U D G M E N T

NOW on this 13 day of June, 1962, the Court, having
filed herein on the 13 day of June, 1962 its Findings of Fact
and Conclusions of Law,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, based
upon the Findings of Fact and Conclusions of Law filed herein,
that judgment be and the same is hereby entered for the defendant,
and the costs taxed against the plaintiff.

GUTHER JOHNSON

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 17 1962

United States of America,

Plaintiff,

vs.

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

Defendants.

ROBERT L. HOOD
Clerk, U.S. District Court

Civil No. 4740

Tract No. I-919E

ORDER TO VACATE AND SET ASIDE JUDGMENT

On this 17 day of July 1962, there came on for hearing a motion of the United States of America, plaintiff, to vacate and set aside a judgment heretofore entered, whereupon the plaintiff obtained said judgment against defendants Harold V. Weaver and Maudie Weaver, purported owners of the estate taken in Tract No. I-919E, which was based upon an option contract entered into between said defendants and the United States Army Engineers.

The Court finds that:

1. The Declaration of Taking in the above-styled case was filed on July 17, 1959, and that the title and ownership of the estates taken in said case was vested in the plaintiff effective that date.

2. The estate taken in Tract No. I-919E consisted of a temporary easement and right-of-way for a period not to exceed December 31, 1963, in, on, over and across said land for the location, construction, operation, maintenance, replacement and/or removal of a temporary roadway, for the removal of borrow material and/or the deposit of waste material thereon, or as more particularly set forth in the Declaration of Taking.

3. The purported owners of the estate taken in Tract No. I-919E were Harold V. Weaver and Maudie Weaver.

4. Subsequent to the filing of the Declaration of Taking on July 17, 1959, an option contract was entered into between the afore-mentioned parties and that the option contract is voidable due to the prior filing of the Declaration of Taking which vested title to the estate taken in the plaintiff, therefore precluding any lawful option contract between said parties.

5. Said option contract was entered into by mistake, inadvertence and excusable negligence.

6. Judgment on Motion was entered into by and through mistake, inadvertence and excusable negligence based upon the option contract and said judgment should be vacated and set aside.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Judgment on Motion hereinabove referred to be, and it is hereby vacated and set aside and held for naught, this Court retaining jurisdiction over this cause for the entry of such further orders and decrees as may be necessary.

Fred Daugherty
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA:

W. R. THIXTON, JR.

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 1,663.10 Acres of Land, More)
 or Less, Situate in Nowata and)
 Rogers Counties, Oklahoma, and)
 Katherine J. Steil, et al,)
)
 Defendants.)

Civil Action No. 4643
Tracts Nos. S-1989E
S-1989E-2
S-1989E-3

FILED

JUN 13 1962

J U D G M E N T
(Partial)

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

1.

NOW, on this 18th day of June, 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 interest owned by Matilda Ann McSpadden in the estates condemned in Tracts S-1989E, S-1989E-2 and S-1989E-3 as such estates and tracts are described in the Declaration of Taking and the amendment thereto filed in this action. Such interest is described as follows: the fee simple title in the estates taken, subject only to the following:

- (a) Outstanding oil, gas and mineral rights as reserved by G. P. Robertson, grantor in Warranty Deed to W. H. Robertson, dated February 5, 1925, recorded in Book 189, Page 489 of the land records of Nowata County, Oklahoma, being all of such interests of said grantor which were owned of record, viz: Undivided 5/24ths interest in $E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$ & $SE\frac{1}{4}SE\frac{1}{4}$ Section 21, Township 26 North, Range 17 East, and Undivided 1/4th interest in $NW\frac{1}{4}NW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$ & $E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$ of Section 21, Township 26 North, Range 17 East, and the $SW\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$ of Section 22, Township 26 North, Range 17 East.
- (b) Outstanding oil, gas and mineral rights as reserved by B. H. Robertson, grantor in Warranty Deed to W. H. Robertson, dated August 16, 1935, recorded in Book 252, Page 449 of the land records of Nowata County, Oklahoma, which interests owned of record and so reserved were: All interest in $SE\frac{1}{4}NW\frac{1}{4}$ of Section 21, Township 26 North, Range 17 East; 5/12ths interest in $E\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$ & $SE\frac{1}{4}SE\frac{1}{4}$ of Section 21, Township 26 North, Range 17 East; 1/2 interest in $NE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}$ & $SE\frac{1}{4}NE\frac{1}{4}$ of Section 21, Township 26 North, Range 17 East; and $SW\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$ of Section 22, Township 26 North, Range 17 East, said interests being now owned of record by Alice L. Robertson, Benjamin L. Robertson and John L. Robertson equally.

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 estates described in paragraph 2 herein. Pursuant thereto, on February 19, 1959, the United States of America filed its Declaration of Taking of such described property, and on June 26, 1961 filed an amendment thereto, and title to the described estates in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the registry of this court as estimated compensation for the taking of certain estates in subject tracts a certain sum of money and part of this deposit has been disbursed, as set out in Paragraph 12 below.

7.

On the date of taking in this action, the owner of the interest described in paragraph 2 above was Matilda Ann McSpadden. Such named defendant is the only person asserting any interest in the interest described in paragraph 2, all other persons having either disclaimed or defaulted, and such named defendant is entitled to receive the just compensation for such interest.

8.

Matilda Ann McSpadden 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 interest described in paragraph 2 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 the interest described in paragraph 2 and the amount fixed by the stipulation as to just compensation, and the amount of such deficiency should be deposited for the benefit of the landowner. Such deficiency is set out in paragraph 12 below.

10.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in paragraph 2 herein, as such tracts are particularly described in the Complaint and Declaration of Taking, as amended, filed herein; and the interest described in paragraph 2 is condemned and title thereto is vested in the United States of America as of February 19, 1959, and all defendants herein and all other persons interested in such interest are forever barred from asserting any claim thereto.

11.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owner of the interest described in paragraph 2 was the defendant whose name appears below in paragraph 12, and the right to just compensation for such described interest 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 interest which is the subject of this judgment, as follows:

TRACTS NOS. S-1989E, S-1989E-2 and S-1989

Owner of interest described in Paragraph 2: Matilda Ann McSpadden

Award of just compensation for interest described in paragraph 2 pursuant to stipulation	\$8,500.00	\$8,500.00
--	------------	------------

Deposited as estimated compensation for interest described in paragraph 2:

Surface	\$7,650.00
Minerals	46.85

Total \$7,696.85

Deposit Deficiency \$ 803.15

Disbursed to owner \$7,220.00

Balance due to owner \$1,280.00

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 tracts, the deficiency sum of \$803.15, and the Clerk of this Court then shall disburse from the deposit for subject tracts, to Matilda Ann McSpadden, the sum of \$1,280.00.

(s) Luther Bolanon
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.)
)
 534.00 Acres of Land, More or Less,)
 Situate in Nowata County, Oklahoma,)
 and W. G. Phillips, et al, and)
 Unknown Owners,)
)
 Defendants.)

Civil Action No. 4859
Tracts Nos. K-1121
K-1122
K-1123
K-1186

FILED

JUN 18 1962

J U D G M E N T

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

1.

NOW on this 18th day of June, 1962, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on stipulations agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff finds:

2.

This Judgment applies only to the estates condemned in the tracts enumerated in the caption above, as such estates and tracts are described in the Declaration of Taking filed in this Civil Action.

3.

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

4.

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

5.

The Acts of Congress set out in Paragraph 2 of the Complaint herein give the United States of America the right, power and authority to condemn for public use the estates described in Paragraph 2 herein. Pursuant thereto on February 25, 1960, the United States of America has filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of certain estates in the subject tracts, certain sums of money, and all of these deposits have been disbursed, as set out in Paragraph 12 below.

7.

On the date of taking in this action, the owners of the estates taken in the subject tracts were the defendants whose names are shown in Paragraph 12 below. Subsequent to filing of the Declaration of Taking, the defendant W. G. Phillips died, and his wife Maude H. Phillips was appointed executrix of his estate. The defendants named in paragraph 12, together with Maude H. Phillips are the only persons asserting any interest in the estates taken in such tracts, all other persons having either disclaimed or defaulted, and such named defendants and Maude H. Phillips are entitled to receive the just compensation for the estates taken in these tracts.

8.

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

9.

Deficiencies exist between the amounts deposited as estimated compensation for subject tracts and the amounts fixed by the Stipulations As To Just Compensation, and the amounts of such deficiencies should be deposited for the benefit of the owners. Such deficiencies are set out in Paragraph 12 below.

10.

It Is Therefore ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in Paragraph 2 herein, as such tracts are particularly described in the Complaint and Declaration of Taking filed herein; and such tracts, to the extent of the estates described and for the uses and purposes described in such Declaration of Taking, are condemned and title thereto is vested in the United States of America as of the date of filing the Declaration of Taking, and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto.

11.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in the subject tracts were the persons whose names appear below in Paragraph 12, and the right to just compensation for the respective estates taken herein in these tracts is vested in the parties so named, with the exception that the right to receive the just compensation for the interest of W. G. Phillips, is vested in Maude H. Phillips, executrix of the estate of W. G. Phillips, deceased.

12.

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

TRACT NO. K-1121

Owners:

W. G. Phillips	1/2
Hinman Stuart Milam	1/6
Mary Stevenson	1/6
Mildred Viles	1/6

Award of just compensation pursuant to stipulation	\$.1,375.00	\$1,375.00
Deposited as estimated compensation	<u>1,250.00</u>	
Deposit deficiency	<u>\$ 125.00</u>	
Disbursed to owners		<u>\$1,250.00</u>
Balance due to owners		<u>\$ 125.00</u>

TRACT NO. K-1122

Owners:

W. G. Phillips	1/2
Hinman Stuart Milam	1/6
Mary Stevenson	1/6
Mildred Viles	1/6

Award of just compensation pursuant to stipulation	\$.2,500.00	\$2,500.00
Deposited as estimated compensation	<u>2,200.00</u>	
Deposit Deficiency	<u>\$ 300.00</u>	
Disbursed to owners		<u>\$2,200.00</u>
Balance due to owners		<u>\$ 300.00</u>

TRACT NO. K-1123

Owners:

W. G. Phillips	1/2		
Hinman Stuart Milam	1/6		
Mary Stevenson	1/6		
Mildred Viles	1/6		
Award of just compensation pursuant to stipulation		\$4,700.00	\$4,700.00
Deposited as estimated compensation		<u>3,950.00</u>	
Deposit Deficiency		<u>\$ 750.00</u>	
Disbursed to owners			<u>\$3,950.00</u>
Balance due to owners			<u>\$ 750.00</u>

TRACT NO. K-1186

Owners:

W. G. Phillips	1/2		
Hinman Stuart Milam	1/6		
Mary Stevenson	1/6		
Mildred Viles	1/6		
Award of just compensation pursuant to stipulation		\$9,630.00	\$9,630.00
Deposited as estimated compensation		<u>6,550.00</u>	
Deposit deficiency		<u>\$3,080.00</u>	
Disbursed to owners			<u>\$6,550.00</u>
Balance due to owners			<u>\$3,080.00</u>

13.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the Registry of this Court in this Civil Action the total deposit deficiency for subject tracts in the sum of \$4,255.00 and such sum shall be allocated and placed in the deposits for the respective tracts in the amounts of the deposit deficiencies for such tracts as shown in paragraph 12 above.

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

To Maude H. Phillips, executrix of the estate of
W. G. Phillips, deceased \$2,127.50
To Hinman Stuart Milam 709.16
To Mary Stevenson 709.17
To Mildred Viles 709.17

(S) Luther Bohannon
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, More or Less,)
 Situate in Nowata and Rogers)
 Counties, Oklahoma, and P. L. Hayes)
 et al, and Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 4900
Tracts Nos. L-1251 (surface only)
L-1282
L-1283 and
L-1287

FILED

JUN 18 1962

J U D G M E N T

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

1.

NOW on this 18th day of June, 1962, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on stipulations agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff finds:

2.

This judgment applies to the entire estate taken in Tracts Nos. L-1282, L-1283 and L-1287 and to the surface interest only in Tract No. L-1251, as such estates and tracts are described in the Complaint and Declaration of Taking filed herein.

3.

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

4.

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

5.

The Acts of Congress set out in Paragraph 2 of the Complaint herein give the United States of America the right, power and authority to condemn for public use the estates described in Paragraph 2 herein. Pursuant thereto on March 28, 1960, the United States of America has filed its Declaration of Taking of such described property, and title to the described estates in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of certain estates in the subject tracts, certain sums of money, and part of these deposits have been disbursed, as set out in Paragraph 12 below.

7.

On the date of taking in this action, the owners of the estates described in paragraph 2 above were the defendants whose names are shown in Paragraph 12 below. Since the filing of this case, W. G. Phillips has died and Maude H. Phillips has been appointed executrix of his estate. Such named defendants and Maude H. Phillips are the only persons asserting any interest in the described estates taken in such tracts, all other persons having either disclaimed or defaulted, and such named defendants together with Maude H. Phillips, executrix of the estate of W. G. Phillips, deceased, are entitled to receive the just compensation for such estates taken in these tracts.

8.

The owners of the estates described in paragraph 2 above and the United States of America have executed and filed herein Stipulations As to Just Compensation, wherein they have agreed that just compensation for such described estates condemned in subject tracts is in the amounts shown as compensation in Paragraph 12, and such Stipulations should be approved.

9.

Deficiencies exist between the amounts deposited as estimated compensation for the estates described in paragraph 2 above and the amounts fixed by the Stipulations As To Just Compensation, and the amounts of such deficiencies should be deposited for the benefit of the landowners. Such deficiencies are set out in Paragraph 12 below.

10.

It Is Therefore ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in Paragraph 2 herein, as such tracts are particularly described in the Complaint and Declaration of Taking filed herein; and the surface interest only in Tract L-1251 and the entire interest in Tracts L-1282, L-1283 and L-1287, to the extent of the estates described and for the uses and purposes described in such Declaration of Taking, are condemned

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

11.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of Taking, the owners of the estates condemned herein in the subject tracts were the persons whose names appear below in Paragraph 12, and the right to just compensation for the estates taken herein in these tracts is vested in the parties so named, and that Maude H. Phillips, executrix of the estate of W. G. Phillips, deceased, is entitled to receive the W. G. Phillips share of such just compensation.

12.

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

TRACT NO. L-1251

Owners of surface interest:

W. G. Phillips	1/2
Hinman Stuart Milam	1/6
Mildred M. Viles	1/6
Mary M. Stevenson	1/6

Award of just compensation for surface interest only, pursuant to stipulation . . . . .	.\$8,500.00	\$8,500.00
Deposited as estimated compensation for surface interest . . . . .	.\$7,000.00	
Deficiency in deposit for surface interest	<u>\$1,500.00</u>	
Disbursed to owners from deposit for surface interest		<u>\$7,000.00</u>
Balance due to owners		<u>\$1,500.00</u>

TRACT NO. L-1282

Owners of entire estate taken:

W. G. Phillips 1/2
Hinman Stuart Milam 1/6
Mildred Viles 1/6
Mary Stevenson 1/6

Award of just compensation
for entire estate taken
pursuant to stipulation \$1,170.00 \$1,170.00
Deposited as estimated compensation \$ 850.00
Deposit Deficiency \$ 320.00
Disbursed to owners \$ 850.00
Balance due to owners \$ 320.00

TRACT NO. L-1283

Owners of entire estate taken:

W. G. Phillips 1/2
Hinman Stuart Milam 1/6
Mildred M. Viles 1/6
Mary M. Stevenson 1/6

Award of just compensation
for entire estate taken,
pursuant to stipulation \$ 925.00 \$ 925.00
Deposited as estimated compensation 850.00
Deposit deficiency \$ 75.00
Disbursed to owners \$ 850.00
Balance due to owners \$ 75.00

TRACT NO. L-1287

Owners of entire estate taken:

W. G. Phillips 1/2
Hinman Stuart Milam 1/6
Mildred M. Viles 1/6
Mary M. Stevenson 1/6

Award of just compensation for entire
estate taken pursuant to stipulation \$4,900.00 \$4,900.00
Deposited as estimated compensation \$3,900.00
Deposit deficiency \$1,000.00
Disbursed to owners \$3,900.00
Balance due to owners \$1,000.00

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 the total deposit deficiency of \$2,895.00, and such sum shall be allocated and placed in the deposits for the respective tracts in the amounts of the deposit deficiencies for such tracts as shown in paragraph 12 above.

The Clerk of this Court then shall disburse certain sums as follows:

From the deposit for Tract L-1251	\$1,500.00
From the deposit for Tract L-1282	320.00
From the deposit for Tract L-1283	75.00
From the deposit for Tract L-1287	<u>1,000.00</u>
Total	<u>\$2,895.00</u>

The total disbursal of \$2,895.00 shall be paid to the owners of the subject tracts as follows:

To Maude H. Phillips, executrix of the estate of W. G. Phillips, deceased	\$1,447.50
To Hinman Stuart Milam	482.50
To Mildred M. Viles	482.50
To Mary M. Stevenson	482.50

Luther Bodanon
UNITED STATES DISTRICT JUDGE

APPROVED:

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

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

STANDARD ACCIDENT INSURANCE)
COMPANY, a corporation,)
)
Plaintiff,)
)
vs.)
)
J. C. JOHNSON; J. C. JOHNSON, d/b/a)
JOHNSON CONSTRUCTION COMPANY)
NATIONAL BANK OF COMMERCE OF)
TULSA, a banking corporation,)
)
Defendants.)

No. 5068

FILED

JUN 13 1952

JOURNAL ENTRY OF JUDGMENT

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

This cause being heard on May 15, 1952 before Honorable Luther Bohanon, the plaintiff and the defendant, J. C. Johnson, d/b/a Johnson Construction Company appearing by their counsel of record, and having submitted this cause to the court without a jury, the court finds:

- 1) The court finds generally in favor of plaintiff upon the allegations of plaintiff's Complaint.
- 2) On August 17, 1959, plaintiff, as Surety for the defendant, J. C. Johnson, d/b/a J. C. Johnson Construction Company, executed and delivered to the United States of America, Obligee, separate statutory performance and payment bonds, as more fully described in plaintiff's Complaint, covering a construction contract between J. C. Johnson Construction Company and the United States of America, through the U. S. Army Corps of Engineers, Tulsa District.
- 3) By reason of default in performance of the bonded contract in payment of bills incurred in the prosecution thereof by J. C. Johnson, liability was imposed upon plaintiff, Standard Accident Insurance Company, in a net sum, over and above all available salvage, exceeding \$100,000.00.

4) In plaintiff's Complaint, a cause of action was asserted against the National Bank of Commerce of Tulsa, and against Col. Howard W. Penny, District Engineer, Corps of Engineers, U. S. Army, to determine the respective rights and claims of the plaintiff and the said bank as to funds held by the United States of America as proceeds from the above described bonded contract.

5) The cause of action asserted by plaintiff against the National Bank of Commerce of Tulsa and Col. Howard W. Penny, District Engineer, Corps of Engineers has been dismissed from this action, without prejudice, and re-filed in the U. S. Court of Claims as #59-61, wherein the cause is now pending for recovery by Standard Accident Insurance Company from the United States of America of the balance of the contract price under contract DA-668-CIV ENG-60-817.

6) Plaintiff, as Surety for the defendant, J. C. Johnson, d/b/a J. C. Johnson Construction Company, executed to ABC Construction Company, as Obligee, a Sub-contractor's performance and payment bond, which was conditioned that J. C. Johnson would faithfully perform the sub-contract and pay bills for labor and materials incurred in the prosecution thereof. J. C. Johnson defaulted in performance of that contract; and the plaintiff, as Surety for J. C. Johnson was required to expend funds for the completion of the performance thereof and payment of bills for labor and materials.

7) The court finds that by stipulation and agreement, between plaintiff and J. C. Johnson, it has been determined and agreed that J. C. Johnson, as principal, and indemnitor of plaintiff, is indebted to plaintiff, over and above all recoveries and potential salvage which plaintiff may collect, including plaintiff's cost of

action in the Court of Claims, as above set forth, in a net sum of \$100,000.00, for which defendant is indebted to plaintiff, and for which judgment should be rendered herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiff recover from defendant the sum of \$100,000.00 and the costs of this action.


DISTRICT COURT JUDGE

O. K.
LOONEY, WATTS, LOONEY
NICHOLS & JOHNSON

BY: 
Attorneys for plaintiff

O. K.

FRANK R. HECKMAN,
Attorney for defendant,
J. C. Johnson

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUN 12 1911

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 186.63 Acres of Land, more or)
 Less, Situate in Pawnee and Creek)
 Counties, Oklahoma, and W. J.)
 Chilcutt, et al, and Unknown Owners,)
)
 Defendants.)

NOBLE C. HOOD
Clerk, U. S. District Court
Civil No. 5374

Tract No. 2311E-5

JUDGMENT ON OPTIONS AND STIPULATIONS AND ORDER OF DISTRIBUTION

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

The Court finds that plaintiff and T. R. Crane, Bessie Lawmaster Ross, Rachel Reynolds McCrackin, Ralph L. Reynolds, and Ranson Reynolds, defendants herein, have by the options and stipulations above referred to, agreed that the just compensation to be paid by the plaintiff for the taking of the estate in Tract No. 2311E-5, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the total sum of \$252.00, inclusive of interest, which amount was deposited into the registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein. The Court has jurisdiction of the parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract. The Court further finds that the above-named defendants were the sole owners of the captioned tract 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 tract is described therein, is hereby confirmed;

(B) The just compensation to be paid by the plaintiff for the taking of Tract No. 2311E-5, is the sum of \$252.00, inclusive of interest; and

(C) The Clerk of this Court is hereby authorized and directed to draw checks on the funds in the registry of this Court in the amounts hereinafter set forth, payable to the order of the following named payees:

	<u>Interest</u>	<u>Amount</u>
T. R. Crane	2/3	\$168.00
Bessie Lawmaster Ross	1/6	42.00
Rachel Reynolds McCrackin	3/36	21.00
Ralph L. Reynolds	1/36	7.00
Ranson Reynolds	1/36	7.00
Ray R. Reynolds	1/36	<u>7.00</u>
Total		<u>\$252.00</u>

Entered this 8 day of June, 1962.

Luther Bohanan
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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 289.34 Acres of Land, More or)
 Less, Situate in Nowata County,)
 Oklahoma, and J. T. Phillips,)
 et al, and Unknown Owners,)
)
 Defendants.)

Civil Action No. 4818
Tract No. L-1294

FILED

JUN 19 1962

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

ORDER

On the 31st day of May, 1962 and again on the 1st day of June, 1962, this matter came on for a hearing to determine the ownership of the mineral estate in Tract No. L-1294 as of December 17, 1959, the date of taking in this civil action. Ervin Kulchinski, Hallie Kulchinski and Pearl A. Orenduff appeared in person. Preston M. Floyd III appeared by his attorney Mr. David Milsten. The Trustee in Bankruptcy for Pearl A. Orenduff, George M. Tyler, appeared by his attorneys Ungerman, Grabel, Ungerman and Leiter. Hubert A. Marlow, Assistant United States Attorney, for the Northern District of Oklahoma, appeared for the plaintiff, United States of America.

After hearing the sworn testimony of William Robert Bass, Irvin Kulchinski, Hallie Kulchinski, and Pearl A. Orenduff and having examined all the exhibits admitted in evidence by all the parties the court makes findings and enters the orders as follows:

1. Tract No. L-1294, as such tract is described in the Complaint and the Declaration of Taking filed herein, actually consists of two separate units of ownership insofar as the mineral estate is concerned, and for the purposes of this order, and of trial, determination of compensation, and allocation and distribution of the award the two units should be separately identified and separately considered.

It is therefore ORDERED that one part of such Tract No. L-1294, to-wit, 70 acres, described as $E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$, and $NE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$ of Section 14, Township 25 North, Range 16 East, hereafter in this action shall be designated as Part 1 of Tract L-1294. The balance of Tract L-1294, to-wit, 24.34 acres, described as the part of the $E\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$, and $W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$ of Section 14, Township 25 North,

Range 16 East, lying north and west of the center line of the Verdigris River, hereafter in this action shall be designated as Part 2 of Tract L-1294.

2. One certain oil and gas lease dated December 23, 1919, made by J. J. Smith, Guardian of Garley, Hallie and Ernestine Hall, minors, to the Katheryne Oil Co., recorded in Book 162, page 304 of the land records of Nowata County, Oklahoma, covering the $NW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$ and $NE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$ of Section 14, Township 25 North, Range 16 East, applies to Part 1 of Tract L-1294 in this civil action. The term of this lease was for five years and as long thereafter as oil or gas or either of them is produced from said land by the lessee. The lessee had for several years prior to 1956 failed to produce oil or gas in commercial quantities from said lands, and this lease therefore has expired by its own terms and should be removed as a cloud on the title.

It is therefore ORDERED that as of the date of taking in this case the above described oil and gas lease had expired by its own terms for lack of production of oil or gas and is hereby cancelled, set aside, and removed as a cloud on the title to the described property.

3. One certain oil and gas lease dated April 25, 1956 made by Ervin Kulchinski and Hallie Kulchinski, his wife, Ernestine Demoss and Harold Demoss, her husband; and Minnie Mae Hall, a widow, to Pearl A. Orenduff, recorded in Book 387, page 158 of the land records of Nowata County, Oklahoma, covering the $NW\frac{1}{4}NE\frac{1}{4}$, $NE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$ of Section 14, Township 25 North, Range 16 East, applies to Part 1 of Tract L-1294 in this civil action. The term of this lease was for 90 days and as long thereafter as oil or gas or either of them is produced from said land by lessee. Oil was being produced from this land by the lessee on December 17, 1959, the date of taking by the Government, and the royalty owners recognize it as a valid oil and gas lease, therefore this lease should be considered in full force and effect on the date of taking.

It is therefore ORDERED that the above described lease to Pearl A. Orenduff was, on the date of taking by the government, in full force and effect and a valid and subsisting oil and gas lease on Part 1 of Tract L-1294.

4. On the date of taking, the land records of Nowata County, Oklahoma reflected that the oil and gas lease on Part 1 of Tract L-1294 was owned 12/64 by Dr. C. E. Hayes and 52/64 by Pearl A. Orenduff. Numerous assignments of fractional interests in the leasehold interest in this 70 acres

had been made by Pearl A. Orenduff but none of such assignments had been recorded as of the date of taking.

The government was entitled to rely on the land records and therefore was justified and acted in good faith, in disbursing \$7,446.40, representing 52/64 of the deposit for the leasehold interest in Part 1, to Pearl A. Orenduff.

The defendant Pearl A. Orenduff as operator of the lease was acting in a representative capacity for the owners of 52/64 of the leasehold interest in this 70 acres and acted in good faith in receiving said \$7,446.40, unless controverted by evidence at any future hearing of this cause.

It is therefore ORDERED that the various owners of the leasehold interest, in Part 1 of Tract L-1294, who received their interests by assignments from Pearl A. Orenduff, have no claim against the United States of America by reason of payment to said Pearl A. Orenduff of \$7,446.40 of the deposit for the subject tract. Their claims to any part of such sum disbursed shall be satisfied by an accounting with Pearl A. Orenduff.

5. All owners of the mineral estate in Part 1 of Tract L-1294 are entitled to share in any further distribution of monies as compensation for the taking by the United States of America of such property. Since many of the assignments by Pearl A. Orenduff were not recorded and the number of assignments and the identity of the assignees were unknown to the government when this case was filed, many of these assignees were not made parties to this action. Such assignees should be brought into this action and should be properly notified of all further proceedings herein.

It is therefore ORDERED that the defendant Pearl A. Orenduff, forthwith, shall provide the government with a correct list of all persons to whom she assigned any interest in her oil and gas lease on Part 1 of Tract L-1294. The government then shall take whatever action is necessary to join these persons as parties in this action and to notify them of all further proceedings herein.

6. On the date of taking the royalty or lessor interest in Part 1 of Tract L-1294, was owned by the heirs of the estate of Garlie Hall, deceased, and Ervin Kulchinski, and Hallie Kulchinski. There is no controversy among the owners of said royalty interest as to how the award for their interest should be divided and such allocation should be made by agreement of the owners. It is so ORDERED.

7. One certain oil and gas lease dated March 20, 1928, made by E. L. Graham to Blythe Dunn and C. T. Daugherty, recorded in Book 205, Page 378, of the land records of Nowata County, Oklahoma, and owned of record by J. C. Fairbanks, covers Part 2 of Tract L-1294. As of the date of taking no oil or gas was being produced from this land. Mr. F. J. Lucas, attorney for J. C. Fairbanks, did not appear at the subject hearings but did advise the attorney for the government by telephone that Mr. J. C. Fairbanks made no claim to the subject tract by reason of the above described oil and gas lease.

It is therefore ORDERED that the above described oil and gas lease on Part 2 of Tract L-1294 has expired for lack of production of oil or gas and is hereby cancelled, and set aside, and removed as a cloud on the title to such property.

It is therefore further ORDERED that as of the date of taking the entire estate taken in Part 2 of Tract L-1294, was owned as follows:

W. R. Bowman	1/2
P. O. Denham	1/12
D. L. Connelly	1/4
Ervin Kulchinski and Hallie Kulchinski	1/6

8. It is ORDERED that trial of the issue of just compensation for the estate taken by the government in Tract L-1294 shall be by trial to the Court without a jury. Part 1 and Part 2 of such tract shall be tried separately. That is, evidence to show the fair market value of Part 1 of Tract L-1294 as of the date of taking, shall first be presented and then the evidence to show the fair market value of Part 2 of Tract L-1294 shall be presented. The Court will fix a date for such trial in the later part of July or early in August of 1962.

(s) Luther Bohanon
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

389.50 Acres, More or Less,
Situate in Nowata and Rogers
Counties, Oklahoma, and American
Climax Petroleum Corporation,
et al,

Defendants.

CIVIL ACTION NO. 4822

Tracts Nos. 4636-S
P-1614
P-1616 and
P-1637

FILED

JUN 19 1962

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

ORDER

Now on the 31st day of May, 1962 this matter came on for a hearing to determine the ownership of the estate taken by the government in Tracts Nos. 4636-S, P-1614, P-1616 and P-1637 as of December 22, 1959, the date of taking in this civil action. Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma, appeared for the United States of America. Al Knight appeared as attorney for W. A. Loy, Barbara Ellen Barnes, Calvin H. Loy, and Myron I. Loy. Warren Watkins appeared as attorney for Ralph G. Johnson, Robert J. Fox, Peter L. Fox, Paul M. Fox, Claire M. Kelly and B. D. Ralston. Glenn H. Chappell appeared as attorney for Lewis P. Kell, Heirs of Willella Dale, deceased, William A. Estlin, Harold Boyd and Dorothy Boyd. Herbert F. Couch, Jr. appeared in person. James C. Hamill appeared as attorney for Lillian M. Coker, now Sweaney, and Xenoclea Jenson, now Wilkinson. No other defendants or owners of property involved in the subject tracts appeared at this hearing.

After hearing the sworn testimony of Lewis P. Kell, and Harold Boyd, and having examined the pleadings in this case and all exhibits admitted in evidence by all of the parties, and having listened to and considered the statements made by counsel, the court makes findings and enters the Orders as follows:

1. Tract No. 4636-S.

Both claimants have entered into and filed in the case a stipulation as to the facts concerning ownership of this tract. Both claimants have agreed to have the matter determined by the court on the basis of the stipulation and without presenting any further evidence. Both claimants

desire to reserve the right to submit to the court, by letter, any authorities which they feel relevant to any questions of law arising out of the facts so presented.

It is therefore ORDERED that determination of the ownership of the estate taken in Tract No. 4636-S shall be made by the court upon the basis agreed upon by the claimants as set forth above. This matter is therefore continued and the court will enter its order determining the ownership of this tract after due consideration of the claimants stipulation and authorities.

2. Tract No. P-1614.

One certain oil and gas lease, dated the 4th of May, 1951, made by Lewis P. Kell and Betty S. Kell, his wife, to R. D. Jameson, recorded in Book 346, Page 241 of the land records of Nowata County, Oklahoma, covers Tract P-1614 in this civil action. The term of this lease was for five years from its date and as long thereafter as oil or gas, or either of them, is produced from said land by the lessee. The lease provided for extension of the term by payment of delay rentals. The evidence reveals that there has been no production of oil or gas under this lease and that no delay rentals have been paid to the lessor.

It is therefore ORDERED that on the date of taking in this case the above described oil and gas lease covering Tract P-1614, had expired by its own terms for lack of production and failure to pay delay rentals, and it is hereby cancelled, set aside and removed as a cloud on the title to such property. As a result, as of the date of taking, Lewis P. Kell was the owner of the entire estate taken in this tract.

3. Tract No. P-1616.

One certain oil and gas lease, dated April 4, 1951, made by Willella Dale, formerly Myers, and J. F. Dale, wife and husband, to Clarence Miller, recorded in Book 343, Page 274 of the land records of Nowata County, Oklahoma; and a certain oil and gas lease dated January 9, 1952, made by Harold Boyd and Dorothy E. Boyd, husband and wife and William A. Estlin and Allene Estlin, husband and wife, to Clarence Miller and R. D. Jameson, recorded in Book 349, Page 377 of the land records of Nowata County, Oklahoma, both cover tract No. P-1616 in this civil action. The term of the lease dated April 4, 1951 was for 1 year and during production of oil or gas but provided for extension of the term by payment of delay rentals. The term of the lease dated January 9, 1952 was for 5 years and during

production, and also provided for extension of the term by payment of delay rentals. Production of oil or gas from this property ceased at the end of May of 1955 and there were no delay rentals paid to the lessors.

It is therefore ORDERED that as of the date of taking by the Government the above described oil and gas leases and any extensions thereof had expired by their own terms for lack of production and failure to pay delay rentals, and such leases are hereby cancelled, set aside and removed as a cloud on the title to such property. As a result, as of the date of taking, the entire estate taken in Tract P-1616 in this case, was owned as follows:

Heirs of the estate of Wilella Dale, deceased	1/2
William A. Estlin	1/4
Harold Boyd	1/8
Dorothy Boyd	1/8

4. Tract No. P-1637.

One certain oil and gas lease, dated March 19, 1952, made by Lillian Coker Sweaney and Jerry Sweaney, her husband, Xenoclea Coker Wilkinson and Sam F. Wilkinson, Jr., her husband, V. C. Couch and Pauline Couch, his wife, and Herbert F. Couch, a single man, to E. L. Chastain, Mark Chastain and J. W. Schwaller, recorded in Book 352, Page 291 of the land records of Nowata County, Oklahoma, covers Tract P-1637 in this civil action. The term of this lease was for five years and during production of oil or gas from said lands. The lease provided for extension of the term by payment of delay rentals. There has been no production of oil or gas under this lease and no delay rentals have been paid to the lessors.

It is therefore ORDERED that, as of the date of taking in this case, the above described oil and gas lease covering tract No. P-1637, had expired by its own terms for lack of production and failure to pay delay rentals and it is hereby cancelled, set aside and removed as a cloud on the title to such property. As a result, as of the date of taking, the entire estate taken in Tract P-1637 in this case, was owned as follows:

Herbert F. Couch, Jr.	1/4
V. C. Couch and Pauline Couch	1/4
Lillian M. Coker, now Sweaney	1/4
Xenoclea Jenson, now Wilkinson	1/4

June 19, 1962.

19 Luther Bohannon
UNITED STATES DISTRICT JUDGE