

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

WILBERT W. HAASE CO., )  
an Illinois corporation, )  
 )  
Plaintiff )  
 )  
vs )  
 )  
SOUTHWEST WILBERT VAULT COMPANY, )  
an Oklahoma corporation, Individually )  
and doing business as SOUTHWEST )  
WILBERT VAULT COMPANY, CEMSTONE )  
WILBERT VAULT COMPANY, and WILBERT )  
VAULT COMPANY, H. T. ROBB and )  
ROBERT D. SCOTT, Trustee in )  
Bankruptcy of SOUTHWEST WILBERT )  
VAULT COMPANY, )  
 )  
Defendants )

Civil Action No. 5455

**FILED**

APR -1 1963

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

JUDGMENT BY DEFAULT AS TO  
THE INDIVIDUAL DEFENDANT, H. T. ROBB

This cause coming on to be heard on motion of the plaintiff, Wilbert W. Haase Co., an Illinois corporation, for the entry of a final judgment upon default, under the provisions of Rule 55(a)(2) of the Rules of Federal Civil Procedure, as to the individual defendant, H. T. Robb, and the court having been informed and advised that the said defendant, H. T. Robb, did heretofore appear by counsel in this action and did file a motion to dismiss the complaint herein as to him, and that thereafter, counsel for the said individual defendant, H. T. Robb, withdrew his appearance for said individual defendant, and that said individual defendant, H. T. Robb, has not retained other counsel to represent him in this matter although having had ample time in which to do so, and the court having been further advised and informed that notice relative to and a copy of the plaintiff's motion for entry of judgment by default against the said individual defendant, H. T. Robb, together with a copy of this judgment by default against him were in good time duly served upon the said individual defendant by mailing copies of said notice, motion and default judgment to the said individual defendant at his place of residence, namely, 2605 Northwest 76th Street, in Oklahoma City, Oklahoma, and the court having,

on the sixth day of February, 1963, overruled said motion by the said individual defendant, H. T. Robb, to dismiss the complaint as to him and having ordered the said individual defendant, H. T. Robb to file an answer or other pleading responsive to the complaint within fifteen (15) days thereafter, or on or before February 21, 1963, and it appearing to the court that the said individual defendant, H. T. Robb, has failed to file an answer or other pleading responsive to the complaint, in accordance with the court's order of February 6, 1963, as aforesaid, and the court having heard counsel for the plaintiff, and being fully informed and advised in and relative to the matter:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, by default, as to the individual defendant, H. T. Robb, as follows:

1. That the plaintiff's trademark WILBERT and its registrations thereon, as set forth in the complaint, namely, Reg. No. 417,669, registered November 6, 1946 in the United States Patent Office for use of the trademark WILBERT on Burial Vaults; Registration No. 502,902, registered October 12, 1948 in the United States Patent Office for use of the trademark WILBERT on Burial Vaults, with attached Certificate of Correction; and Registration No. 533,495, registered November 14, 1960 in the United States Patent Office for use of the trademark WILBERT on Burial Vaults, with attached Certificate of Correction, are good and valid at law and all right and title in and to said trademark and in and to said registrations thereon are, and have at all times material hereto, been vested in the plaintiff;

2. That the individual defendant, H. T. Robb, has infringed upon plaintiff's rights in and to its trademark WILBERT, and plaintiff's aforesaid Registrations Nos. 417,669, 502,902 and 533,495 thereon, and has competed unfairly with the plaintiff by cooperating with the defendant-corporation, Southwest Wilbert

Vault Company, an Oklahoma corporation, Bankrupt, and by aiding and abetting the said defendant-corporation in infringing the plaintiff's aforesaid trademarks and trademark registrations, and in competing unfairly with the plaintiff in the offering for sale, selling and servicing of burial vaults sold by the defendant-corporation under and bearing the plaintiff's trademark WILBERT, in the Northern Judicial District of Oklahoma, subsequent to May 3, 1962, and prior to the filing of the complaint herein on August 25, 1962, without the license or consent of the plaintiff;

3. That the territorial license agreement granted by the plaintiff to the Southwest Wilbert Vault Company, an Oklahoma corporation, on October 17, 1955, and as amended on September 1, 1959, and the permission at sufferance granted by the plaintiff to the said defendant-corporation, Southwest Wilbert Vault Company, an Oklahoma corporation, Bankrupt, under and by virtue of a letter dated October 9, 1961 from the plaintiff to the individual defendant, H. T. Robb, as referred to in Paragraphs 9(c) and 9(d) of the complaint and in Plaintiff's Request No. 4 for admissions of fact and genuineness of documents under Rule 26, herein, for the right to manufacture burial vaults under the control of quality of the plaintiff and to offer for sale and to sell and to service such burial vaults under the plaintiff's trademark WILBERT in the following counties in the State of Oklahoma, namely, Osage, Washington, Nowata, the City of Cleveland in Pownee County, Tulsa, Rogers, Mayes, Creek, Wagoner, Okmulgee, Muskogee and McIntosh, and any and all trademark license and/or trademark franchise and/or other rights in or to the plaintiff's trademark WILBERT, or to the use of the plaintiff's trademark WILBERT in or as a part of any firm or business name, claimed by the said individual defendant, H. T. Robb, under or by virtue of the said territorial license agreement of October 17, 1955, as amended

September 1, 1959, or under or by virtue of the said letter of October 9, 1961, from the plaintiff to the said individual defendant, H. T. Robb, be, and they are hereby declared, to be null and void and forever cancelled, revoked and terminated as to said individual defendant, H. T. Robb; and it is further declared that they were so cancelled and terminated on May 5, 1962.

4. That the individual defendant, H. T. Robb, his attorneys, heirs, personal representatives, and assigns, and all persons in active concert or participation with them, and who receive actual notice of the order of this court by personal service or otherwise, be, and they are hereby permanently enjoined from directly or indirectly

- (a) using the name or trademark WILBERT in or as a part of any firm or business or trade-name or upon or in reference to concrete burial vaults, or other burial vaults, or upon or in reference to any other article, device, machine, product, or apparatus, used in or relating to the funeral industry or burial vaults sold in connection therewith;
- (b) using the name or trademark WILBERT, or any name or trademark embodying or including the name and trademark WILBERT, upon any delivery truck or other vehicle or upon any other apparatus, device, or thing used in connection with the delivery, transportation, servicing or interment of any burial vault, grave box or other thing used in or relating to the funeral industry or the burial vault industry, or otherwise; and/or
- (c) selling or offering for sale under the name or trademark WILBERT any burial vault, or any other article, device, machine, product or apparatus, sold in the funeral industry or in the burial vault industry;

- (b) using or employing in connection with the sale or offering for sale of any of the aforesaid products any colorable imitation of the registered trademark WILBERT, owned by the plaintiff;
- (c) selling or offering for sale in the funeral industry, or in the burial vault industry, any burial vault or other article, device, machine, product or apparatus under or bearing the plaintiff's trademark WILBERT written in the distinctive style or script as registered to the plaintiff under plaintiff's trademark Registrations Nos. 517,669, 502,902 and 533,495;
- (d) otherwise infringing the common law rights of the plaintiff in and to its aforesaid trademark WILBERT or otherwise infringing plaintiff's statutory rights, in, to and under its aforesaid trademark Registrations Nos. 417,669, 502,902 and 533,495, or any of them, and the plaintiff's trademark as registered thereby;
- (e) notifying the trade, including funeral directors, or the public in general, orally or in writing, directly or indirectly, in the territory recited in Paragraph 3 hereof, or elsewhere, that the said individual defendant, H. T. Robb, or the said defendant-corporation, Southwest Wilbert Vault Company, an Oklahoma corporation, Bankrupt, Individually or doing business as Southwest Wilbert Vault Company, Camstone Wilbert Vault Company or Wilbert Vault Company, or either of them are still an

authorized licensee of the plaintiff or are still authorized to use the name and trademark WILBERT upon or in reference to burial vaults, or any other article, device, machine, product or apparatus or other products, manufactured by or offered for sale by or sold by the defendants or either of them;

- (n) in any way interfering with or in any way attempting to interfere with the sale, resale, delivery or interment of burial vaults manufactured by and offered for sale by and sold by any duly authorized licensee of the plaintiff under the plaintiff's trademark WILBERT in the territory recited in Paragraph 3 hereof, or elsewhere, or otherwise interfering with the activities of the plaintiff or any of its licensees in connection with the manufacture, sale, resale, servicing or delivery of burial vaults sold, offered for sale or advertised for sale under the trademark WILBERT or any trademark of the plaintiff containing or embodying the trademark WILBERT;
- (i) offering to sell or selling any alleged territorial license or franchise rights or other right or rights claimed by the said individual defendant, E. T. Kobb, or by the said defendant-corporation, from the plaintiff, relating to the sale or offering for sale of burial vaults under the plaintiff's trademark WILBERT, and from selling or offering to sell any alleged rights claimed by the defendants, or any of them, in and to the corporate name of the defendant-corporation or in or to any of the assumed business names of the defendant-corporation employing or

embodying the plaintiff's trademark and trade name  
WILBERT; and

(j) committing any act of unfair competition or otherwise  
competing unfairly with the plaintiff or plaintiff's  
licensees; and

5. That no damages, costs or attorneys' fees are awarded  
to the plaintiff or to the said individual defendant, H. T. Robb.

*Fred Daugherty*  
United States District Judge.

Dated this 1 day of April, 1963.

~~Referred to Referee William E.~~  
~~Ratlidge,~~

~~NOBLE C. HOOD, CLERK~~

By Debra



UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

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

Civil No. 4771  
Tract No. 1788

FILED  
APR -4 1963

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

JUDGMENT ON STIPULATION

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

The Court finds that plaintiff and J. R. Wright, by his attorney John Wheeler, Jr., 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. 1788, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$32,275.00, inclusive of interest, less the salvage value of the improvements at \$8,000.00 for a net total amount payable of \$24,275.00, inclusive of interest. The sum of \$14,900.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein. The Court has jurisdiction of the parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract.

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

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

B. The just compensation to be paid by the plaintiff for the taking of Tract No. 1783 is the sum of \$32,275.00, inclusive of interest, and the reservation by the above-named defendant of the right to remove on or before May 1, 1963, the buildings and improvements located thereon, having a (total) salvage value of \$8,000.00 which is to be deducted from the total award, the net amount payable to this owner being the sum of \$24,275.00.

C. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$9,375.00, without interest.

D. Upon receipt of the deficiency of \$9,375.00, the Clerk of the Court is hereby authorized and directed to draw a check in the amount of \$11,075.00 upon the funds in the Registry of this Court, made payable to J. R. Wright, and to cause payment to be made.

Entered this 3 day of April 1963.

*Fred Laughery*

UNITED STATES DISTRICT JUDGE

APPROVED:

W. R. THIXTON, JR.

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

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

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

Civil No. 4791

Tracts Nos. F-623, E-1  
Thru E-3

FILED

APR - 1963

AMENDMENT TO JUDGMENT

NOBLE C. HOOD  
Clerk of Court

On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for an amendment to a judgment entered on March 27, 1963 in the above tracts and case, determining the ownership and just compensation to be awarded the former owners of such tracts, which judgment is based in part upon the stipulations entered into between the plaintiff and certain defendants therein named, and also based in part upon the default of certain defendants named therein.

The Court finds that, through error, the name of Laura Mullaly was omitted from that group of defendants who failed to appear and that said Laura Mullaly is in default at this time. The Court also finds that plaintiff is unable to locate said defendant, reasonable diligence and inquiry having been made.

The Court further finds that Laura Mullaly is included as one of the record owners of the above-captioned tracts on the date of taking and is entitled to receive her proportionate share therefor.

The Court further finds that the amount of \$815.00 was determined to be the just compensation for the taking of the estate by the plaintiff in the above tracts, and that the sum of \$12.50 represents Laura Mullaly's proportionate interest.

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

A. That the just compensation to be paid by the plaintiff for the taking of Tracts Nos. F-623, E-1 through E-3 is the sum of \$815.00, inclusive of interest, of which amount the sum of \$12.50 represents the proportionate interest of Laura Mullaly,

B. The Clerk of the Court is hereby authorized and directed to retain the sum of \$12.50 on deposit, representing the proportionate interest

of Laura Mullaly, for a period of five years from the date of this judgment, unless said deposit is properly claimed by the defendant owner, and in the event said deposit is not claimed, the Court Clerk is directed, without further order of this Court, to return said deposit, five years from this date, into the United States Treasury.

Entered this 5 day of April 1963.

ALLEN E.

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

1,083.63 Acres of Land, More or Less,  
Situat in Nowata County, Oklahoma,  
and Edith M. Hayden, et al, and  
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4861

Tracts Nos.: S-1902  
V-2207E-1  
V-2207E-2

FILED

J U D G M E N T

1.

On March 14, 1963, this cause, as to the captioned tracts, came on for pre-trial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant Edith M. Hayden, appeared by her attorney, Robert Scott. The other defendant owners did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

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

3.

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

4.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tracts, as such tracts are particularly described in such Complaint. Pursuant thereto, on February 26, 1960, the United States of America filed its Declaration of Taking of certain

estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

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

6.

At the pre-trial conference the Court heard the plaintiff's evidence and thereupon found that just compensation for the estates taken in the subject tracts was as follows:

Tract No. S-1902	- - - - -	\$130.00
Tracts Nos. V-2207E-1 and V-2207E-2	- - - - -	\$700.00

7.

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

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in paragraph 2 herein, as such tracts are particularly described in the Complaint and Declaration of Taking filed herein; and such tracts, to the extent of the estates indicated and for the uses and purposes described in such Declaration of Taking, are condemned and title thereto is vested in the United States of America as of February 26, 1960, and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto.

9.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in the subject tracts were the defendants whose names appear in the schedule below; the right

to just compensation for the estates taken in these tracts is vested in the parties so named, as their interests appear therein; and the sums hereby adopted as the awards of just compensation for the estates herein taken in subject tracts are as set out in the schedule which follows, to-wit:

TRACT NO. S-1902

Owners:

Edith M. Hayden	- - - - -	1/3
Estate of C. Lee Hogue, deceased	- - - - -	1/9
J. Clark Hogue	- - - - -	1/9
Erskine Stanberry	- - - - -	1/9
Mary J. Hogue	- - - - -	1/3

Award of just compensation, pursuant to Court hearing	- - - - -	\$130.00	\$130.00
Deposited as estimated compensation	- - - - -	<u>\$130.00</u>	
Disbursed to owners	- - - - -		<u>None</u>
Balance due to owners	- - - - -		\$130.00

TRACTS NOS. V-2207E-1 AND V-2207E-2

Owners:

Estate of Hannah B. Randall, deceased	- - -	2/3
Helena Steadman	- - - - -	1/63
Jimmie Lou Wilson	- - - - -	1/63
Mary Jane Braymer	- - - - -	1/63
R. V. Randall	- - - - -	1/21
Samuel B. Randall	- - - - -	1/21
Floretta Randal Krenz	- - - - -	1/21
Nora Pasco Valaika	- - - - -	1/21
Flora Hough	- - - - -	1/21
Theodore Randall	- - - - -	1/21

Award of just compensation, pursuant to Court hearing	- - - - -	\$700.00	\$700.00
Deposited as estimated compensation	- - - - -	<u>\$700.00</u>	
Disbursed to owners	- - - - -		<u>None</u>
Balance due to owners	- - - - -		\$700.00

10.

It Is Further ORDERED that the Clerk of this Court shall disburse from the deposits for subject tracts certain sums as follows:

From the deposit for Tract No. S-1902:

To Edith M. Hayden	- - - - -	\$43.33
To J. Clark Hogue	- - - - -	\$14.45

From the deposit for Tracts Nos. V-2207E-1 and V-2207E-2:

To R. V. Randall - - - - - \$33.33  
To Samuel B. Randall - - - - - \$33.33  
To Floretta Randal Krenz - - - - \$33.33  
To Flora Hough - - - - - \$33.33

The balance in the deposits for the subject tracts shall remain on deposit subject to further order of this Court when the Court has been advised of the identity of the heirs of Hannah B. Randall and of C. Lee Hogue, and has been advised of the addresses of the balance of the owners.

ALLEN E. BARROW  

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UNITED STATES DISTRICT JUDGE

APPROVED:

*Hubert A. Marlow*

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HUBERT A. MARLOW  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,	)	
	Plaintiff,	)
vs.	)	Civil No. 4927
	)	
780.51 Acres of Land, More or Less,	)	Tract No. I-910E
Situate in Tulsa, Creek and Pawnee	)	
Counties, Oklahoma, and Carl H. Abel,	)	
Jr., et al, and Unknown Owners,	)	
	)	
	Defendants.	)

AMENDMENT TO JUDGMENT

On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for an amendment to a judgment entered March 26, 1963, determining the ownership and the just compensation to be awarded the former owners of Tract No. I-910E.

The Court finds that the judgment should be amended to show the amount agreed upon by stipulations with L. J. Hinton, Juanita Coonrod Hinton, R. K. Holmes, Cornelia Coonrod Holmes, J. R. Wright, George H. Shirk, W. R. Withington, Dale Edward McDevitt and Beverly McDevitt, C. L. McMahon, William Broadhurst, and T. E. Mann, is the sum of \$203.86, rather than \$178.86.

The Court further finds that the amount of just compensation should be the sum of \$220.59, rather than the sum of \$178.86.

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED, that the just compensation to be paid by the plaintiff for the taking of Tract No. I-910E is the sum of \$220.59, inclusive of interest; and the sum of \$20.66 has been heretofore disbursed in equal shares to Dale Edward McDevitt and Beverly McDevitt; and the sum of \$25.00 has been heretofore disbursed to C. L. McMahon (\$12.50), William Broadhurst (\$9.37), and T. E. Mann (\$3.13), the owners of the lessee interest.

The plaintiff shall forthwith deposit into the Registry of the Court the deficiency in the amount of \$133.59. Upon receipt of the last mentioned deficiency, the Clerk of the Court is directed to draw checks in conformance with the judgment entered March 26, 1963.

Entered this 5<sup>th</sup> day of April 1963.

W. R. THIXTON, JR.

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
vs.  
344.42 Acres of Land, More or Less,  
Situat in Creek and Pawnee Counties,  
Oklahoma, and Cornelia C. Holmes,  
et al, and Unknown Owners,  
Plaintiff,  
Defendants.

Civil No. 5414  
Tracts Nos. 4214, E-1  
Thru E-5

AMENDMENT TO JUDGMENT

On this day this cause comes on for consideration on the motion by the plaintiff, by its attorney, for an amendment to the judgment entered March 7, 1963, and a partial judgment entered October 1, 1962.

The Court finds the two judgments should be amended to show that the total just compensation for the above tracts is the sum of \$450.00, of which sum \$37.50, representing a 1/12th interest owned by the National Bank of Tulsa as Executor of the Estate of J. C. Parks, deceased, has been disbursed under the partial judgment entered heretofore on October 1, 1962.

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED, that the just compensation for the above tracts is the sum of \$450.00, of which sum the amount of \$37.50, representing a 1/12th interest owned by the National Bank of Tulsa as Executor of the Estate of J. C. Parks, deceased, has heretofore been disbursed under the partial judgment entered heretofore on October 1, 1962.

Entered this 5<sup>th</sup> day of April 1963.

ALLEN E. BARROW  
UNITED STATES DISTRICT JUDGE

APPROVED:  
  
ROBERT P. SANTEE  
ROBERT P. SANTEE  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

Deficiency Judgment  
Without Res of Imps

FILED  
APR - 1 1963  
NOBLE C. HOOD  
Clerk U. S. District Court

United States of America, )  
Plaintiff, )  
vs. )  
5.02 Acres of Land, More or Less, )  
Situate in Pawnee County, Oklahoma, )  
and C. P. Gray, et al, and Unknown )  
Owners, )  
Defendants. )

Civil No. 5489  
Tract(✕) No(✕). 4156

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 the plaintiff and **Edith E. Flight, Dan W. Flight, Ray A. Flight, Clara M. Ratliff, Irwin L. Flight, June E. Johnson, Johnnie R. Flight, and Otis V. Flight**, 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(✕) in Tract(✕) No(✕) <sup>4156</sup>, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ **2500.00**, inclusive of interest. The sum of \$ **1000.00**, was deposited into the Registry of this Court as estimated just compensation for said tract(✕) upon the filing of the Declaration of Taking herein. The Court has jurisdiction of the parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract(✕).

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

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

B. The just compensation to be paid by the plaintiff for the taking of Tract(✕) No(✕). <sup>4156</sup>, is the sum of \$ **2500.00**, inclusive of interest; and

C. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$ **1500.00**, without interest. Upon receipt of the last mentioned deficiency, 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(s):

Edith E. Flight . . . . . \$2100.00

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

Entered this 26 day of March 196 3.

ALLEN E. BARROW  
UNITED STATES DISTRICT JUDGE

APPROVED:  
W. R. THIXTON, JR.

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

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

W. P. GUNNER and RAYMOND E.  
TODD, Co-Guardians of the  
Estate of Ada V. Todd,

Plaintiffs,

vs.

HELENE CURTIS INDUSTRIES,  
INC., A Foreign Corporation,  
and RUTH MATTS,

Defendants.

FILED

APR 5 1963

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

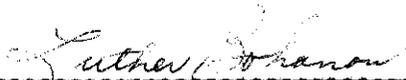
NO. 5 5 3 0 Civil

ORDER

Upon motion of plaintiffs and their counsel, and  
for good cause shown:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the  
Court that the above-styled and numbered cause of action  
is hereby dismissed with prejudice to further action  
against Helene Curtis Industries, Inc., Ruth Matts, and  
all others.

Dated this 5<sup>th</sup> day of April, 1963.

  
JUDGE OF THE U. S. DISTRICT COURT

United States of America,  
Plaintiff,  
vs.  
418.73 Acres of Land, More or Less,  
Situate in Pawnee, Osage and Creek  
Counties, Oklahoma & F. Jerome McVulty,  
et al and Unknown Owners,  
Defendants.

Civil No. 5352  
Tract(s) No(s). ~~2206E-5~~  
thru E-8

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 the plaintiff and **Ray 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). ~~2206E-5 thru E-8~~, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the (total) sum of \$ **1,750.00**, inclusive of interest. The sum of \$**1,375.00**, 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) ~~(are)~~(is) described therein, is hereby confirmed;
- B. The just compensation to be paid by the plaintiff for the taking of Tract(s) No(s). ~~2206E-5 thru E-8~~, is the sum of \$ **1,750.00**, inclusive of interest; and
- C. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$ **375.00**, without interest. Upon receipt of the last mentioned deficiency, 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)~~:

Ray Spess.....\$1,750.00

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

Entered this 5<sup>th</sup> day of April 1963.

ALLEN E. BARROW  
UNITED STATES DISTRICT JUDGE

APPROVED:

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.

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

Defendants.

Civil No. 5514

Parcel No. 14

FILED

APR -8 1953

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

JUDGMENT ON STIPULATION

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

The Court finds that the plaintiff and Gilbert L. Schechtman, Barbara K. Schechtman now Rambach and Rae Schechtman, individually and as executrix of the Estate of Morris Schechtman, deceased, defendants herein, have, by the stipulation above referred to, agreed that the just compensation to be paid by the plaintiff for the taking of the estate in Parcel No. 14, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the total sum of \$60,280.00, inclusive of interest. The sum of \$56,000.00, was deposited into the Registry of this Court as estimated just compensation for said parcel upon the filing of the Declaration of Taking herein. The Court has jurisdiction of the parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject parcel.

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

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

(B) The just compensation to be paid by the plaintiff for the taking of Parcel No. 14, is the sum of \$60,280.00, inclusive of interest; the sum of \$56,000.00 has heretofore been disbursed to the above defendants;

(C) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$4,280.00, without interest. Upon receipt of the last mentioned deficiency, 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 payees:

Gilbert L. Schechtman, Barbara K. Schechtman now Rambach  
and Rae Schechtman, individually and as executrix of the  
Estate of Morris Schechtman, deceased.....\$4,280.00

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

Entered this 5<sup>th</sup> day of April, 1963.

ALLEN E. BARROW  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE  
\_\_\_\_\_  
ROBERT P. SANTEE  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
Plaintiff,

vs.

21.69 Acres of Land, More or Less,  
Situate in Pawnee County, Oklahoma,  
and Frank J. Weinond, et al and  
Unknown Owners,

Defendants.

Civil No. 4837

Tract(s) No(s) 1521

FILED

SEP 10 1953

NORLE C. HORN

Mark, U. S. District Court

JUDGMENT ON DEFAULT AND STIPULATION(s)

On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a judgment determining the ownership and the just compensation to be awarded the former owner(s) of Tract(s) No(s) 1521 which judgment is based in part upon the stipulation(s) entered into by and between the plaintiff and certain defendant(s) therein named, which stipulation(s)(is)(are) tendered herewith for filing herein, and also based in part upon the default of certain defendant(s) named below;

The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the parties and the subject matter of this action, that service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract(s);

The Court finds that plaintiff and D. O. Anderson and Frances Ashley by their attorney, Curtis P. Harris, 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) 1521 as set forth and described in the Complaint and Declaration of Taking, heretofore filed in this cause, is the (total) sum of \$ 30.00, inclusive of interest. The sum of \$ 30.00, 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 finds that defendant(s) Elvira Holmes (has)(have) failed to appear or answer nor (have)(has)(has)(his)(their) attorney(s) appeared or answered in (their)(his)(her) behalf, and that said parties defendant are in default at this time. The Court also finds that the plaintiff is unable to locate said parties defendant, reasonable diligence and inquiry having been made.

The Court further finds, upon the evidence presented that D. O. Anderson and Frances Ashley (was)(were) the sole record owner(s) of the above-captioned tract(s) on the date of taking, and are entitled to receive (all)(part) of the award therefor.

The Court further finds, upon the evidence presented, that the amount of \$ 30.00, inclusive of interest, is just compensation for the taking of the estate(s) by the plaintiff in Tract(s) No(s) 1521 as such estate(s) and said tract(s) are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause.

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) 1521 is the sum of \$ 30.00, inclusive of interest; and

Entered this *9<sup>th</sup>* day of April 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE  
Assistant United States Attorney



UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

170.01 Acres of Land, More or Less,  
Situat in Tulsa and Osage Counties,  
Oklahoma, and Clyde Jacobs, Jr., et  
al, and Unknown Owners,

Defendants.

Civil No. 5205

Tracts Nos. 2629E-1  
2629E-2

FILED

1970

RONALD A. HODD  
Clerk, U. S. District Court

J U D G M E N T

On this day this cause came on for hearing upon the application of the United States of America, by its attorney, and in accordance with its Complaint in condemnation, for a judgment determining the ownership and the just compensation to be awarded the former owners of Tracts Nos. 2629E-1 and 2629E-2, which is more particularly described in the Declaration of Taking filed herein;

The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the parties and the subject matter of this action, that service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tracts;

The Court further finds, upon the evidence presented that Rachel Peery Abrams, (life estate), Charles Warren Supernaw, David Louis Supernaw and Kenneth Peery, remaindermen, were the sole record owners of the above-captioned tracts on the date of taking, and are entitled to receive the entire award therefor.

The Court further finds, upon the evidence presented, that the amount of \$500.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in Tracts Nos. 2629E-1 and 2629E-2, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause.

The Court further finds, upon the evidence presented, that the present value of the interests of the remaindermen in the just compensation, as determined by the Court, is as set out below:

Mrs. Rachel Peery Abrams.....	\$355.16
Charles Warren Supernaw.....	\$ 48.28
David Louis Supernaw.....	\$ 48.28
Kenneth Peery.....	\$ 48.28
	<u>\$500.00</u>

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

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

(B) The sole record owners of the estates taken in Tracts Nos. 2629E-1 and 2629E-2 were Mrs. Rachel Peery Abrams, Charles Warren Supernaw, David Louis Supernaw and Kenneth Peery, and as such are entitled to receive that portion of the award applied to their respective interest;

(C) The just compensation to be paid by the plaintiff for the taking of Tracts Nos. 2629E-1 and 2629E-2 is the sum of \$500.00, inclusive of interest, which sum has heretofore been disbursed in the following manner by order of this Court:

Mrs. Rachel Peery Abrams.....	\$355.16
Charles Warren Supernaw.....	\$ 48.28
David Louis Supernaw.....	\$ 48.28
Kenneth Peery.....	\$ 48.28
	<u>\$500.00</u>

The above disbursements represent the respective interests as determined by this Court upon the evidence presented.

Entered this 7<sup>th</sup> day of April 1963.

ALLEN F. WAPROFF  
UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE  
ROBERT P. SANTEE  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
  
Plaintiff,  
  
vs.  
  
58.43 Acres of Land, More or Less,  
Situat in Creek and Pawnee Counties,  
Oklahoma, and W. L. Eggleton, et al,  
and Unknown Owners,  
  
Defendants.

Civil No. 5295

Tract No. 2540E

FILED

APR 1 1963

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

On this day this cause comes on for consideration on the motion of plaintiff for a judgment on the options granted by the defendants Lela Ouida Cunningham, John Austin Cunningham, Virginia Trimble, Janet Cunningham and Esther Cunningham, and accepted by the Corps of Engineers, Department of the Army, on behalf of the United States of America, plaintiff herein, and on the stipulation entered into by the defendant Jerry Cunningham and the plaintiff, which stipulation is tendered herewith for filing herein or which stipulation has previously been filed and also based in part upon the default of certain defendants named below;

OPTION: The Court finds that prior to the institution of the above proceeding the United States of America and the defendants Lela Ouida Cunningham, John Austin Cunningham, Virginia Trimble, Janet Cunningham and Esther Cunningham, entered into a contract and agreement, as evidenced by options 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 \$25.00, inclusive of interest, would be awarded as just compensation for the taking of the estate to be condemned in Tract No. 2540E as such estate and said tract are described in the Complaint and Declaration of Taking heretofore filed in this cause.

STIPULATION: The Court finds that plaintiff and defendant Jerry Cunningham 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. 2540E, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause is the sum of \$3.12 for his 1/8th proportionate interest, inclusive of interest.

The Court finds that defendants John Goins, C. A. Goins, William J. Comer, Maudie and Isaac Shaeffer, George and Helen Goins, Alpha and Charles Wilson and Opal and J. W. Tatum have failed to appear or answer nor have their attorneys appeared or answered in their behalf, and that said parties defendant are in default at this time. The Court also finds that the plaintiff is unable to locate said parties defendant, reasonable diligence and inquiry having been made.

The Court further finds, upon the evidence presented that all the above named defendants were the sole record owners of the above-captioned tract on the date of taking, and are entitled to receive all of the award therefor.

The Court further finds, upon the evidence presented, that the amount of \$25.00, inclusive of interest, is just compensation for the taking of the estate by the plaintiff in Tract No. 2540E as such estate and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause.

IT IS, THEREFORE, BY THE COURT ORDERED 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. 2540E is the sum of \$25.00, 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 herein-after set forth, payable to the order of the following named payees and to mail the checks to said payees at the following addresses:

Lela Ouida Cunningham, John Austin Cunningham and Virginia Trimble.....1/8th.....	\$3.12
Janet Cunningham.....1/16th.....	\$1.58
Esther Cunningham.....1/16th.....	\$1.58
Jerry M. Cunningham.....1/8th.....	\$3.12
(all of Route 1, Cleveland, Oklahoma)	

(D) The Clerk of the Court is hereby authorized and directed to retain the following funds on deposit for this tract for a period of five years from the date of this Judgment, unless said deposit is properly claimed by the defendant owner set forth below, and in event said deposit is not claimed, the

Court Clerk is directed, without further order of this Court, to return said deposit, five years from this date, into the United States Treasury:

William J. Comer.....	1/8th.....	\$3.12
Maudie and Isaac Shaeffer.....	1/12th.....	\$2.08
George and Helen Goins.....	1/12th.....	\$2.08
Alpha and Charles Wilson.....	1/12th.....	\$2.08
Opal and J. W. Tatum.....	1/12th.....	\$2.08
John Goins.....	1/12th.....	\$2.08
C. A. Goins.....	1/12th.....	\$2.08

Entered this *7<sup>th</sup>* day of April, 1963.

ALLEN E. BARROW

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UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

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ROBERT P. SANTEE  
Assistant United States Attorney

FILED

APR 11 1963

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

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

NORMA JEAN FOWLER,	Plaintiff	)	
		)	
vs		)	NO. 5304 CIVIL
		)	
CLINTON EDWARD DILLON,	Defendant	)	

O R D E R

On this 20<sup>th</sup> day of March, 1963, 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.

15 Luther Bohannon  
Judge

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

GRAND RIVER DAM AUTHORITY,  
a public corporation,

Petitioner,

vs.

CIVIL NO. 5041

8 TRACTS OF LAND CONSISTING OF  
559.58 ACRES, MORE OR LESS, et al.,

Defendants.

**FILED**

APR 11 1963

JUDGMENT  
AS TO

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

TRACT NO. 8 (3 ME 68-146)

Now, on this 11<sup>th</sup> day of April, 1963, there comes on for

hearing, pursuant to regular assignment, the application of the petitioner herein for a judgment approving the commissioners' report heretofore filed in this proceeding, as to the real estate hereinafter specifically described.

Thereupon, the court proceeded to hear and pass upon said application, petition for condemnation, report of commissioners, and all other matters herein, and finds that:

1. Each and all of the allegations of said petition for condemnation are true, and the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes therein set forth.

2. In said petition for condemnation, a statement of the authority under which, and the public use for which the estate in said land was taken, was set forth.

3. A proper description of the land sufficient for the identification thereof is set out in said petition for condemnation and a statement of the estate or interest in said land taken for said public use is set out therein.

4. Due, proper, and legal notice of the application of the Grand River Dam Authority for the appointment of commissioners herein was served upon each and all of the defendants named in said petition for condemnation as required by law and order of this Court.

The Court hears evidence and finds that the returns as filed by the United States Marshal are true and correct, and that the same are in accordance with law.

The Court further finds that the publication notice and affidavit of the publisher, as filed herein, are in all respects in accordance with the law in such cases made and provided and the same are hereby approved by this Court.

5. The Court finds that the commissioners appointed herein to appraise and fix the damages occasioned by the taking of the estate in the lands involved in this proceeding, duly qualified by taking and filing herein their oath of office as such, and said duly qualified commissioners, after inspection of the premises and consideration of the damages sustained occasioned by the taking of said estate, filed their report herein on the 25th day of September, 1962, wherein they fixed the fair cash market value of the estate taken, and all damages to the remainder, if any, as to the land more particularly designated and described as follows, to-wit:

TRACT NO. 8 (3 ME 68-146)  
(Fee Title To)

The following described land in Mayes County, Oklahoma, to-wit: Lots 1 - 6, inclusive, in Block 38, in the original townsite of Salina, together with all those parts of the streets and alley adjacent thereto and incident to the ownership thereof, as shown on the plat of Pryor Engineering Company, April 12, 1947.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (FEE TITLE TO) AND ALL DAMAGES TO THE REMAINDER, IF ANY,

\$ 1,750.00

and that said report and proceedings, as to the above tract, are in all respects regular and in accordance with the law and order of this Court.

6. More than sixty (60) days have elapsed since the filing of the report of commissioners herein, and no written exceptions thereto, nor demands for jury trial are pending as to the tracts above described, and that said report of commissioners filed herein should be confirmed and approved in every respect, as to the tracts above particularly described.

The Court further finds that the just compensation for the estate taken herein for the tract herein designated, as fixed by the report of commissioners, is final just compensation in the total amount of \$1,750.00.

7. That the Grand River Dam Authority did on the 23rd day of October, 1952, pay to the Clerk of this Court for the use and benefit of the estate and the persons entitled thereto, the sum of \$1,750.00.

8. The Court having fully considered the petition for condemnation, and all proceedings had herein, and the provisions of the laws of the State of Oklahoma (Chapter 8, Title 22, O.S.), the laws of the United States, Federal Power Act (Title 16 U.S.C.A. 792-825), Public Law 476, 80th Congress 2d Session (63 Stat. 450), and Federal Power Commission License No. 2112, and, these proceedings are authorized and this Court has jurisdiction by virtue (Title 16 U.S.C.A., Sec. 814, and Title 32 U.S. Sec. 862(f); and Rule 71A(k) of the Federal Rules of Civil Procedure, is of the opinion that the Grand River Dam Authority was and is entitled to take said property and have the title to the estate therein taken vested in it, and that the alleged public purpose and use, as set out in said petition for condemnation, is hereby adjudged to be in truth and in fact a public purpose and use within the meaning and purpose of the above designated laws.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the report of commissioners filed herein is final and the damages sustained as set out and fixed in said report of commissioners and as hereinabove set forth are full and just compensation for the taking of said estate in the land designated as follows, to-wit:

Tract No. 8 (3 NF 6S-146) . . . \$1,750.00

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is the entire and unencumbered fee simple title to the lands designated as "fee title", together with the right to remove, or cause to be removed, such structures and improvements and other objects that may be located thereon and as herein described, reserving unto the owners the right of occupancy and use of said land for any and all purposes that do not interfere with the construction, maintenance and operation of the Karkham Ferry Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition,

and the interest thereon taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 23rd day of October, 1962, upon depositing of the sum of \$1,750.00 with the registry of this Court for the estate taken in and to the above described tract of land, and the right to recover just compensation for the estate taken vested in the persons entitled thereto.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the estate taken as hereinabove specifically set forth, is hereby deemed to be condemned and taken for the uses and purposes of the Grand River Dam Authority, and that the just compensation as determined and fixed herein for the taking of said estate in said tract of land, is vested in the persons lawfully entitled thereto, as the owners of said tract of land, respectively, or of some right, title or interest therein.

This cause is held open for the purpose of entering such further order, judgments, and decrees as may be necessary in the premises.

  
\_\_\_\_\_  
Judge, United States District  
Court, Northern District of  
Oklahoma

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

GRAND RIVER DAM AUTHORITY, )  
a public corporation )  
Petitioner, )  
vs. )  
3 TRACTS OF LAND CONSISTING OF )  
559.5<sup>+</sup> ACRES, MORE OR LESS, et al., )  
Defendants. )

CIVIL NO. 5441 ✓

**FILED**

APR 11 1963

JUDGMENT

NOBLE C. HOOD  
Clerk U. S. District Court

AS TO  
TRACT NO. 2 (2 MF 7 & 3 MF 68-183)

NOT, on this 11<sup>th</sup> day of April, 1963, there comes on for hearing, pursuant to regular assignment, the application of the petitioner herein for a judgment approving the commissioners' report heretofore filed in this proceeding, as to the real estate hereinafter specifically described.

Thereupon, the Court proceeded to hear and pass upon said application, petition for condemnation, report of commissioners, and all other matters herein, and finds that:

1. Each and all of the allegations of said petition for condemnation are true, and the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes therein set forth.
2. In said petition for condemnation, a statement of the authority under which, and the public use for which the estate in said land was taken, was set forth.
3. A proper description of the land sufficient for the identification thereof is set out in said petition for condemnation and a statement of the estate or interest in said land taken for said public use is set out therein.

4. Due, proper, and legal notice of the application of the Grand River Dam Authority for the appointment of commissioners herein was served upon each and all of the defendants named in said petition for condemnation as required by law and order of this Court.

The Court hears evidence and finds that the returns as filed by the United States Marshals are true and correct, and that the same are in accordance with law.

The Court further finds that the publication notice and affidavit of the publisher, as filed herein, are in all respects in accordance with the law in such cases made and provided and the same are hereby approved by this Court.

5. The Court finds that the commissioners appointed herein to appraise and fix the damages occasioned by the taking of the estate in the land involved in this proceeding, duly qualified by taking and filing herein their oath of office as such, and said duly qualified commissioners, after inspection of the premises and consideration of the damages sustained occasioned by the taking of said estate, filed their report herein on the 25th day of September, 1962, wherein they fixed the fair cash market value of the estate taken, and all damages to the remainder, if any, as to the land more particularly designated and described as follows, to-wit:

TRACT NO. 2 (2 MF 7 & 3 MF 6S-183)

2 MF 7

Fee Title No:

The following described land situated in Mayes County, Oklahoma, to-wit: The SE $\frac{1}{4}$ , NE $\frac{1}{4}$  and SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Sec. 27, T 21 N, R 20 E of the Indian Base and Meridian, containing 50 acres.

3 MF 6S-183

Fee Title No:

The following described land in Mayes County, Oklahoma, to-wit: Block or Tract "A", in the W. A. Graham Addition to the original townsite of Salina, together with all those parts of the streets, adjacent thereto and incident to the ownership thereof.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (FEE TITLE NO) AND ALL DAMAGES TO THE REMAINDER, IF ANY . . . \$15,000.00

and that said report and proceedings, as to the above tracts, are in all respects regular and in accordance with the law and orders of this Court.

The Court finds that the Grand River Dam Authority and the owners of said tract of land have stipulated and agreed that said report of commissioners should be modified by fixing the just compensation for said taking in the amount of \$15,850.00.

6. More than sixty (60) days have elapsed since the filing of the report of commissioners herein, and no written exceptions thereto, nor demands for jury trial are pending as to the tract above described, and that said report of commissioners filed herein should be confirmed and approved in every respect, as to the tracts above particularly described.

The Court further finds that the just compensation for the estate taken herein for the tracts herein designated, as fixed by the report of commissioners, as here modified by said stipulation, is final just compensation in the total amount of \$15,850.00.

7. That the Grand River Dam Authority did on the 23rd day of October, 1962, pay to the Clerk of this Court for the use and benefit of the owners and the persons entitled thereto, the sum of \$12,850.00 for said tract of land, and did on the 21st day of March, 1963, pay to the Clerk of this Court the sum of \$3,000.00, the stipulated just compensation.

8. The Court having fully considered the petition for condemnation, and all proceedings had herein, and the provisions of the laws of the State of Oklahoma (Chapter 9, Title 32, O.S.), the laws of the United States, Federal Power Act (Title 16 U.S.C.A. 792-823), Public Law 476, 63rd Congress 2d Session (68 Stat. 450) and Federal Power Commission License No. 2143; and, these proceedings are authorized and this Court has jurisdiction by virtue (Title 16 U.S.C.A., Sec. 814, and Title 32 O.S. Sec. 362(f); and

Rule 21A(1) of the Federal Rules of Civil Procedure, is of the opinion that the Grand River Dam Authority was and is entitled to take said property and have the title to the estate therein taken vested in it, and that the alleged public purpose and use, as set out in said petition for condemnation, is hereby adjudged to be in truth and in fact a public purpose and use within the meaning and purpose of the above designated laws.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the report of commissioners filed herein is final and the damages sustained as set out and fixed in said report of commissioners, as modified by the stipulation, and as hereinabove set forth, are full and just compensation for the taking of said estate in the lands designated as follows, to-wit:

Tract No. 2 (2 MT 7 & 3 MF 68-183) . . . . . \$15,750.00

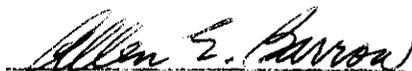
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is the entire and unencumbered fee simple title to the lands designated as "fee title"; that the estate to be taken in and to the lands designated as "perpetual easement" is the perpetual right, privilege and authority to flow the waters impounded by the Markham Ferry Dam thereon, and withdraw the same therefrom, and to inundate intermittently from time to time, free and clear of all liens and encumbrances of whatsoever nature, together with the right to remove, or cause to be removed, such structures and improvements and other objects that may be located thereon and as herein described, reserving unto the owners the right of occupancy and use of said lands for any and all purposes that do not interfere with the construction, maintenance and operation of the Markham Ferry Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by

these eminent domain proceedings, was vested in the Grand River Dam Authority on the 23rd day of October, 1933, upon the depositing of the sum of \$12,750.00 with the registry of this Court for the estate taken in and to the above described tract of land, and the right to recover just compensation for the estate taken vested in the persons entitled thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken as hereinabove specifically set forth, is hereby decreed to be condemned and taken for the uses and purposes of the Grand River Dam Authority, and that the just compensation as determined and fixed herein for the taking of said estate in said tract of land, is vested in the persons lawfully entitled thereto, as the owners of said tract of land, respectively, or of some right, title or interest therein.

This cause is held open for the purpose of entering such further orders, judgments, and decrees as may be necessary in the premises.

  
JUDGE, UNITED STATES DISTRICT  
COURT, NORTHERN DISTRICT OF  
OKLAHOMA



4. Due, proper, and legal notice of the application of the Grand River Dam Authority for the appointment of commissioners herein was served upon each and all of the defendants named in said petition for condemnation as required by law and order of this Court.

The Court hears evidence and finds that the returns as filed by the United States Marshals are true and correct, and that the same are in accordance with law.

The Court further finds that the publication notice and affidavit of the publisher, as filed herein, are in all respects in accordance with the law in such cases made and provided and the same are hereby approved by this Court.

5. The Court finds that the commissioners appointed herein to appraise and fix the damages occasioned by the taking of the estate in the lands involved in this proceeding, duly qualified by taking and filing herein their oath of office as such, and said duly qualified commissioners, after inspection of the premises and consideration of the damages sustained occasioned by the taking of said estate, filed their report herein on the 13th day of November, 1962, wherein they fixed the fair cash market value of the estate taken, and all damages to the remainder, if any, as to the lands more particularly designated and described as follows, to-wit:

Tract No. 1 (3 MF 6S-217)  
(Fee Title To)

The following described land in Mayes County, Oklahoma, to-wit: Lots 1 - 12, inclusive, Lots 14, 15, 16, 21, 22, 23, and 24, in Block 5, in the New Salina Addition to the original Townsite of Salina, together with all those parts of the streets and alley adjacent thereto and incident to the ownership thereof, as shown on the plat of Pryor Engineering Company, April 12, 1947.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (FEE TITLE TO) AND ALL DAMAGES TO THE REMAINDER, IF ANY,

\$ 8,425.00

Tract No. 8 (3 MF 31)  
(Fee Title To)

The following described land situated in Mayes County, Oklahoma, to-wit: S $\frac{1}{2}$  S $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  and S $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 9, T 21 N, R 20 E of the Indian Base and Meridian, containing 15 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (FEE TITLE TO) AND ALL DAMAGES TO THE REMAINDER, IF ANY. \$ 7,400.00

Tract No. 9 (3 MF 32)  
(Fee Title To)

The following described land situated in Mayes County, Oklahoma, to-wit: S $\frac{1}{2}$  SW $\frac{1}{4}$  of Section 9, T 21 N, R 20 E of the Indian Base and Meridian, containing 80 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (FEE TITLE TO) AND ALL DAMAGES TO THE REMAINDER, IF ANY. \$ 10,500.00

and that said report and proceedings, as to the above tracts, are in all respects regular and in accordance with the law and orders of this Court.

6. More than sixty (60) days have elapsed since the filing of the report of commissioners herein, and no written exceptions thereto, nor demands for jury trial are pending as to the tracts above described, and that said report of commissioners filed herein should be confirmed and approved in every respect, as to the tracts above particularly described.

The Court further finds that the just compensation for the estate taken herein for the tracts herein designated, as fixed by the report of commissioners, is final just compensation in the total amount of \$26,325.00.

7. That the Grand River Dam Authority did on the 27th day of November, 1952, pay to the Clerk of this Court for the use and benefit of the owners and the persons entitled thereto, the following sums, to-wit:

Tract No. 1 (3 MF 6S-217)	. . . . .	\$ 8,425.00
Tract No. 8 (3 MF 31)	. . . . .	7,400.00
Tract No. 9 (3 MF 32)	. . . . .	10,500.00
Total	. . . . .	\$ 26,325.00

8. The Court having fully considered the petition for condemnation, and all proceedings had herein, and the provisions of the laws of the State of Oklahoma (Chapter 8, Title 82, O. S.), the laws of the United States, Federal Power Act (Title 16 U.S.C.A. 792-823), Public Law 476, 83rd Congress 2d Session (68 Stat.450), and Federal Power Commission License No. 2183; and, these proceedings are authorized and this Court has jurisdiction by virtue (Title 16 U.S.C.A., Sec. 814, and Title 82 O.S. Sec. 862(f); and Rule 71A(k) of the Federal Rules of Civil Procedure, is of the opinion that the Grand River Dam Authority was and is entitled to take said property and have the title to the estate therein taken vested in it, and that the alleged public purpose and use, as set out in said petition for condemnation, is hereby adjudged to be in truth and in fact a public purpose and use within the meaning and purpose of the above designated laws.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the report of commissioners filed herein is final and the damages sustained as set out and fixed in said report of commissioners and as hereinabove set forth are full and just compensation for the taking of said estate in the lands designated as follows, to-wit:

Tract No. 1 (3 MF 6S-217)	. . .	\$ 8,425.00
Tract No. 8 (3 MF 31)	. . . . .	7,400.00
Tract No. 9 (3 MF 32)	. . . . .	10,500.00
Total	. . . . .	\$ 26,325.00

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is the entire and unencumbered fee simple title to the lands designated as "fee title"; that the estate to be taken in and to the lands designated as "perpetual easement" is the perpetual right, privilege and authority to flow the waters impounded by the Markham Ferry Dam thereon, and withdraw the same therefrom, and to inundate intermittently from time to time, free and clear of all liens and encumbrances of whatsoever nature, together with the right to remove, or cause to be removed, such structures

and improvements and other objects that may be located thereon and as herein described, reserving unto the owners the right of occupancy and use of said lands for any and all purposes that do not interfere with the construction, maintenance and operation of the Markham Ferry Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 27th day of November, 1962, upon the depositing of the sum of \$26,325.00 with the registry of this Court for the estate taken in and to the above described tracts of land, and the right to recover just compensation for the estate taken vested in the persons entitled thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken as hereinabove specifically set forth, is hereby deemed to be condemned and taken for the uses and purposes of the Grand River Dam Authority, and that the just compensation as determined and fixed herein for the taking of said estate in said tracts of land, is vested in the persons lawfully entitled thereto, as the owners of said tracts of land, respectively, or of some right, title or interest therein.

This cause is held open for the purpose of entering such further order, judgments, and decrees as may be necessary in the premises.



JUDGE

UNITED STATES DISTRICT COURT,  
NORTHERN DISTRICT OF OKLAHOMA

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

GRAND RIVER DAM AUTHORITY,  
a public corporation,

Petitioner,

vs.

CASE NO. 5517

4 TRACTS OF LAND CONTAINING  
549.4 ACRES, more or less,  
all in Hayes County, Oklahoma,  
W. T. Frazier, et al.,

Defendants.

**FILED**

APR 11 1963

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

JUDGMENT  
AS TO  
TRACT NO. 4 (8 MP 59 FF REV.)

NOW, on this 11<sup>th</sup> day of April, 1963, there comes on for hearing, pursuant to regular assignment, the application of the petitioner herein for a judgment approving the commissioners' report heretofore filed in this proceeding, as to the real estate hereinafter specifically described.

Thereupon, the Court proceeded to hear and pass upon said application, petition for condemnation, report of commissioners, and all other matters herein, and finds that:

1. Each and all of the allegations of said petition for condemnation are true, and the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes therein set forth.

2. In said petition for condemnation, a statement of the authority under which, and the public use for which the estate in said land was taken, was set forth.

3. A proper description of the land sufficient for the identification thereof is set out in said petition for condemnation and a statement of the estate or interest in said land taken for said public use is set out therein.

4. True, proper, and legal notice of the application of the Grand River Dam Authority for the appointment of commissioners herein was served upon each and all of the defendants named in said petition for condemnation as required by law and order of this Court.

The Court heard evidence and finds that the returns as filed by the United States Marshals are true and correct, and that the same are in accordance with law.

The Court further finds that the publication notice and affidavit of the publisher, as filed herein, are in all respects in accordance with the law in such cases made and provided and the same are hereby approved by this Court.

5. The Court finds that the commissioners appointed herein to appraise and fix the damages occasioned by the taking of the estate in the land involved in this proceeding, duly qualified by taking and filing here-- in their oath of office as such, and said duly qualified commissioners, after inspection of the premises and consideration of the damages sustained occasioned by the taking of said estate, filed their report herein on the 16th day of January, 1963, wherein they fixed the fair cash market value of the estate taken, and all damages to the remainder, if any, as to the lands more particularly designated and described as follows, to-wit:

Tract No. 4 (8 MF 59 PE Rev.)  
(Perpetual Easement Upon)

All of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  except the north 660 feet of the west 495 feet thereof and except the north 330 feet of the east 330 feet thereof; and that part of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  lying north of the following described line: Beginning at a point in the east boundary of said NW $\frac{1}{4}$  SW $\frac{1}{4}$  495 feet south of the northeast corner thereof, thence in a northwesterly direction to the northwest corner of said NW $\frac{1}{4}$  SW $\frac{1}{4}$ ; and all of the E $\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$ ; and those parts of the E $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  and the W $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  lying south and west of the following described line: Beginning at a point in the north boundary of said E $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  330 feet west of the northeast corner thereof, thence in a south-- easterly direction to a point in the east boundary of said E $\frac{1}{2}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  165 feet south of said northeast corner, thence in a southeasterly direction to a point in the east boundary of said W $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  330 feet north of the southeast corner thereof; and all of the NW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  and all of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$ ; and that part of the SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  lying north and east of the following described line: Beginning at a point in the south boundary of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  330 feet east of the southwest corner thereof, thence in a northwesterly direction to a point in the west boundary of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  SE $\frac{1}{4}$  330 feet north of said southwest corner; and all of the E $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$  except the

south 330 feet thereof; and all of the  $W\frac{1}{2}$   $SE\frac{1}{4}$   $SW\frac{1}{4}$  except the north 660 feet of the west 330 feet thereof and except that part lying south and east of the following described line: Beginning at a point in the south boundary of said  $W\frac{1}{2}$   $SE\frac{1}{4}$   $SW\frac{1}{4}$  330 feet west of the southeast corner thereof, thence in a northeasterly direction to a point in the east boundary of said  $W\frac{1}{2}$   $SE\frac{1}{4}$   $SW\frac{1}{4}$  330 feet north of said southeast corner; and all of the  $SE\frac{1}{4}$   $SW\frac{1}{4}$   $SW\frac{1}{4}$  except the south 165 feet thereof and except that part lying north of the following described line: Beginning at a point in the west boundary of said  $SE\frac{1}{4}$   $SW\frac{1}{4}$   $SW\frac{1}{4}$  165 feet south of the northwest corner thereof, thence in a northeasterly direction to the northeast corner thereof; all in Section 14, T 23 N, R 19 E of the Indian Base and Meridian, containing 136.9 acres. No improvements taken.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (PERPETUAL EASEMENT OFFER) AND ALL DAMAGES TO THE REMAINDER, IF ANY - \$ 4,790.00

and that said report and proceedings, as to the above tract, are in all respects regular and in accordance with the law and orders of this Court.

6. More than sixty (60) days have elapsed since the filing of the report of commissioners herein, and no written exceptions thereto, nor demands for jury trial are pending as to the tracts above described, and that said report of commissioners filed herein should be confirmed and approved in every respect, as to the tracts above particularly described.

The Court further finds that the just compensation for the estate taken herein for the tracts herein designated, as fixed by the report of commissioners, is final just compensation in the total amount of \$4,790.00.

7. That the Grand River Dam Authority did on the 28th day of January, 1963, pay to the Clerk of this Court for the use and benefit of the owners and the persons entitled thereto, the sum of \$4,790.00.

8. The Court having fully considered the petition for condemnation, and all proceedings had herein, and the provisions of the laws of the State of Oklahoma (Chapter 8, Title 82, O.S.), the laws of the United States, Federal Power Act (Title 16 U.S.C.A. 792-823), Public Law 476, 83rd Congress 2d Session (68 Stat. 450), and Federal Power Commission License No. 2183; and, these proceedings are authorized and this Court has jurisdiction by virtue (Title 16 U.S.C.A., Sec. 814, and Title 52 O.S. Sec. 662(f); and Rule 71A(1) of the Federal Rules of Civil Procedure, is of the opinion that the Grand River Dam Authority was and is entitled to take said property and have the title to the estate therein taken vested in it, and that the alleged

public purpose and use, as set out in said petition for condemnation, is hereby adjudged to be in truth and in fact a public purpose and use within the meaning and purpose of the above designated laws.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the report of commissioners filed herein is final and the damages sustained as set out and fixed in said report of commissioners and as hereinabove set forth are full and just compensation for the taking of said estate in the land designated as follows, to-wit:

Tract No. 4 (S MF 59 FE Rev.) . . . \$ 4,790.00

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken in and to the land designated as "perpetual easement" is the perpetual right, privilege and authority to flow the waters impounded by the Markham Ferry Dam thereon, and withdraw the same therefrom, and to inundate intermittently from time to time, free and clear of all liens and encumbrances of whatsoever nature, together with the right to remove, or cause to be removed, such structures and improvements and other objects that may be located thereon and as herein described, reserving unto the owners the right of occupancy and use of said lands for any and all purposes that do not interfere with the construction, maintenance and operation of the Markham Ferry Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 28th day of January, 1963, upon the depositing of the sum of \$4,790.00 with the registry of this Court for the estate taken in and to the above described tracts of land, and the right to recover just compensation for the estate taken vested in the persons entitled thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken as hereinabove specifically set forth, is hereby deemed to be conveyed and taken for the uses and purposes of the Grand River Dam Authority, and that the just compensation as determined and fixed herein for the taking of said estate in said tracts of land, is vested in the persons lawfully entitled thereto, as the owners of said tract of land, respectively, or of some right, title or interest therein.

This cause is held open for the purpose of entering such further order, judgments, and decrees, as may be necessary in the premises.

Luther Bohannon  
Judge, United States District Court,  
Northern District of Oklahoma



4. Due, proper, and legal notice of the application of the Grand River Dam Authority for the appointment of commissioners herein was served upon each and all of the defendants named in said petition for condemnation as required by law and order of this Court.

The Court hears evidence and finds that the returns as filed by the United States Marshals are true and correct, and that the same are in accordance with law.

The Court further finds that the publication notice and affidavit of the publisher, as filed herein, are in all respects in accordance with the law in such cases made and provided and the same are hereby approved by this Court.

5. The Court finds that the commissioners appointed herein to appraise and fix the damages occasioned by the taking of the estate in the land involved in this proceeding, duly qualified by taking and filing herein their oath of office as such, and said duly qualified commissioners, after inspection of the premises and consideration of the damages sustained occasioned by the taking of said estate, filed their report herein on the 13th day of November, 1962, wherein they fixed the fair cash market value of the estate taken, and all damages to the remainder, if any, as to the land more particularly designated and described as follows, to-wit:

Tract No. 6 (3 MF 29 + FE Revised)

Fee Title To:

The following described land situated in Mayes County, Oklahoma, to-wit: All of Lot 1 and all that part of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  described as follows: Beginning at a point in the south boundary of said NW $\frac{1}{4}$  NE $\frac{1}{4}$  165 feet east of the southwest corner thereof, thence easterly along the south boundary of said NW $\frac{1}{4}$  NE $\frac{1}{4}$  to the southeast corner thereof, thence northerly along the east boundary of said NW $\frac{1}{4}$  NE $\frac{1}{4}$  to the northeast corner thereof, thence westerly along the north boundary of said NW $\frac{1}{4}$  NE $\frac{1}{4}$  to a point 750 feet east of the northwest corner of said NW $\frac{1}{4}$  NE $\frac{1}{4}$ , thence in a southwesterly direction to a point 500 feet south and 600 feet east of said northwest corner, thence in a northwesterly direction to a point 330 feet south and 330 feet east of said northwest corner, thence westerly parallel to the north boundary of said NW $\frac{1}{4}$  NE $\frac{1}{4}$  to a point in the west boundary thereof, thence southerly along said west boundary a

distance of 170 feet, thence in a southeasterly direction to a point 700 feet south and 500 feet east of the northwest corner of said NW $\frac{1}{4}$  NE $\frac{1}{4}$ , thence in a southwesterly direction to the point of beginning, in Section 9, T 21 N, R 20 E of the Indian Base and Meridian, containing 66.0 acres.

Perpetual Easement Upon:

All of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  except that portion to be taken in fee and described above and except that portion described as beginning at a point in the west boundary of said NW $\frac{1}{4}$  NE $\frac{1}{4}$  165 feet north of the southwest corner thereof, thence in a northeasterly direction to a point 750 feet south and 300 feet east of the northwest corner of said NW $\frac{1}{4}$  NE $\frac{1}{4}$ , thence in a northwesterly direction to a point in the west boundary of said NW $\frac{1}{4}$  NE $\frac{1}{4}$  660 feet south of said northwest corner, thence southerly along said west boundary to the point of beginning; and

That part of the NE $\frac{1}{4}$  NW $\frac{1}{4}$  lying south of the following described line: Beginning at a point in the west boundary of said NE $\frac{1}{4}$  NW $\frac{1}{4}$  330 feet north of the southwest corner thereof, thence easterly parallel to the south boundary of said NE $\frac{1}{4}$  NW $\frac{1}{4}$  a distance of 660 feet, thence in a southeasterly direction to a point in said south boundary 330 feet west of the southeast corner of said NE $\frac{1}{4}$  NW $\frac{1}{4}$ , thence in a northeasterly direction to a point in the east boundary of said NE $\frac{1}{4}$  NW $\frac{1}{4}$  165 feet north of said southeast corner; and

That part of said NE $\frac{1}{4}$  NW $\frac{1}{4}$  described as beginning at the northeast corner of said NE $\frac{1}{4}$  NW $\frac{1}{4}$ , thence westerly along the north boundary of said NE $\frac{1}{4}$  NW $\frac{1}{4}$  a distance of 260 feet, thence in a southwesterly direction to a point 770 feet south and 660 feet west of said northeast corner, thence easterly parallel to the north boundary of said NE $\frac{1}{4}$  NW $\frac{1}{4}$  a distance of 330 feet, thence in a northeasterly direction to a point in the east boundary of said NE $\frac{1}{4}$  NW $\frac{1}{4}$  660 feet north of the southeast corner thereof, thence northerly along said east boundary to the point of beginning; and

That part of the SW $\frac{1}{4}$  NW $\frac{1}{4}$  lying south of the following described line: Beginning at the northwest corner of said SW $\frac{1}{4}$  NW $\frac{1}{4}$ , thence in a southeasterly direction to a point in the east boundary of said SW $\frac{1}{4}$  NW $\frac{1}{4}$  660 feet south of the northeast corner thereof;

All in Section 9, T 21 N, R 20 E of the Indian Base and Meridian, containing 54.7 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (FEE TITLE TO AND PERPETUAL EASEMENT UPON) AND ALL DAMAGES TO THE REMAINDER, IF ANY, . . . \$ 12,155.00

and that said report and proceedings, as to the above tracts, are in all respects regular and in accordance with the law and orders of this Court.

The Court finds that the Grand River Dam Authority and the owners of said tract of land have stipulated and agreed that said report of commissioners should be modified by fixing the just compensation for said taking in the amount of \$15,500.00.

6. More than sixty (60) days have elapsed since the filing of the report of commissioners herein, and no written exceptions thereto, nor demands for jury trial are pending as to the tract above described, and that said report of commissioners filed herein should be confirmed and approved in every respect, as to the tract above particularly described.

The Court further finds that the just compensation for the estate taken herein for the tracts herein designated, as fixed by the report of commissioners, as modified by said stipulation, is final just compensation in the total amount of \$15,500.00.

7. That the Grand River Dam Authority did on the 27th day of November, 1962, pay to the Clerk of this Court for the use and benefit of the owners and the persons entitled thereto, the sum of \$12,155.00 for said tract of land, and did on the 25th day of March, 1963, pay to the Clerk of this Court the sum of \$3,345.00, the stipulated just compensation.

8. The Court having fully considered the petition for condemnation, and all proceedings had herein, and the provisions of the laws of the State of Oklahoma (Chapter 8, Title 82, O.S.), the laws of the United States, Federal Power Act (Title 16 U.S.C.A. 792-823), Public Law 476, 83rd Congress 2d Session (68 Stat. 450) and Federal Power Commission License No. 2183; and, these proceedings are authorized and this Court has jurisdiction by virtue (Title 16 U.S.C.A., Sec. 814, and Title 82 O.S. Sec. 862(f); and Rule 71A(k) of the Federal Rules of Civil Procedure, is of the opinion that the Grand River Dam Authority was and is entitled to take said property and have the title to the estate therein taken vested in it, and that the alleged public purpose and use, as set out in said petition for condemnation, is hereby adjudged to be in truth and in fact a public purpose and use within the meaning and purpose of the above designated laws.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the report of commissioners filed herein is final and the damages sustained as set out and fixed in said report of commissioners, as modified by the stipulation, and as hereinabove set forth, are full and just compensation for the taking of said estate in the lands designated as follows, to-wit:

Tract No. 6 (3 MF 29 + FE Revised) . . . \$ 15,500.00

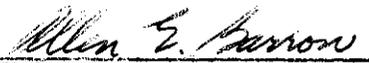
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is the entire and unencumbered fee simple title to the lands designated as "fee title"; that the estate to be taken in and to the lands designated as "perpetual easement" is the perpetual right, privilege and authority to flow the waters impounded by the Markham Ferry Dam thereon, and withdraw the same therefrom, and to inundate intermittently from time to time, free and clear of all liens and encumbrances of whatsoever nature, together with the right to remove, or cause to be removed, such structures and improvements and other objects that may be located thereon and as herein described, reserving unto the owners the right of occupancy and use of said lands for any and all purposes that do not interfere with the construction, maintenance and operation of the Markham Ferry Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 27th day of November, 1962, upon the depositing of the sum of \$12,155.00 with the registry of this Court for the estate taken in and to the above described tract of land, and the right to recover just compensation for the estate taken vested in the persons entitled thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken as hereinabove specifically set forth, is hereby deemed to

be condemned and taken for the uses and purposes of the Grand River Dam Authority, and that the just compensation as determined and fixed herein for the taking of said estate in said tract of land, is vested in the persons lawfully entitled thereto, as the owners of said tract of land, respectively, or of some right, title or interest therein.

This cause is held open for the purpose of entering such further order, judgments, and decrees as may be necessary in the premises.

  
\_\_\_\_\_  
JUDGE, UNITED STATES DISTRICT  
COURT, NORTHERN DISTRICT OF  
OKLAHOMA

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

GRAND RIVER DAM AUTHORITY, )  
a public corporation, )  
 )  
Petitioner, )  
 )  
vs. )  
 )  
11 TRACTS OF LAND, ET AL., )  
 )  
Defendants. )

CIVIL 5471

**FILED**

APR 11 1963

JUDGMENT  
AS TO  
TRACT NO. 7 (3 MF 30)

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

NOW, on this 11<sup>th</sup> day of April, 1963, there comes on for hearing, pursuant to regular assignment, the application of the petitioner herein for a judgment approving the commissioners' report heretofore filed in this proceeding, as to the real estate hereinafter specifically described.

Thereupon, the Court proceeded to hear and pass upon said application, petition for condemnation, report of commissioners, and all other matters herein, and finds that:

1. Each and all of the allegations of said petition for condemnation are true, and the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes therein set forth.
2. In said petition for condemnation, a statement of the authority under which, and the public use for which the estate in said land was taken, was set forth.
3. A proper description of the land sufficient for the identification thereof is set out in said petition for condemnation and a statement of the estate or interest in said land taken for said public use is set out therein.
4. Due, proper, and legal notice of the application of the Grand River Dam Authority for the appointment of commissioners herein was served upon each and all of the defendants named in said petition for condemnation as required by law and order of this Court.

The Court hears evidence and finds that the returns as filed by the United States Marshals are true and correct, and that the same are in accordance with law.

The Court further finds that the publication notice and affidavit of the publisher, as filed herein, are in all respects in accordance with the law in such cases made and provided and the same are hereby approved by this Court.

5. The Court finds that the commissioners appointed herein to appraise and fix the damages occasioned by the taking of the estate in the land involved in this proceeding, duly qualified by taking and filing herein their oath of office as such, and said duly qualified commissioners, after inspection of the premises and consideration of the damages sustained occasioned by the taking of said estate, filed their report herein on the 13th day of November, 1962, wherein they fixed the fair cash market value of the estate taken, and all damages to the remainder, if any, as to the land more particularly designated and described as follows, to-wit:

TRACT NO. 7 (3 MF 30)  
(Fee Title To)

The following described land situated in Mayes County, Oklahoma, to-wit:  $N\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  and  $N\frac{1}{2}$  S $\frac{1}{2}$  NW $\frac{1}{4}$  SW $\frac{1}{4}$  and  $N\frac{1}{2}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 9, T 21 N, R 20 E of the Indian Base and Meridian, containing 35 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (FEE TITLE TO) AND ALL DAMAGES TO THE REMAINDER, IF ANY . . . . . \$ 12,000.00

and that said report and proceedings, as to the above tracts, are in all respects regular and in accordance with the law and orders of this Court.

The Court finds that the Grand River Dam Authority and the owners of said tract of land have stipulated and agreed that said report of commissioners should be modified by fixing the just compensation for said taking in the amount of \$14,000.00.

6. More than sixty (60) days have elapsed since the filing of the report of commissioners herein, and no written exceptions thereto, nor demands for jury trial are pending as to the tract above described, and that said report of commissioners filed herein should be confirmed and approved in every respect, as to the tract above particularly described.

The Court further finds that the just compensation for the estate taken herein for the tract herein designated, as fixed by the report of commissioners, as

modified by said stipulation, is final just compensation in the total amount of \$14,000.00.

7. That the Grand River Dam Authority did on the 27th day of November, 1962, pay to the Clerk of this Court for the use and benefit of the owners and the persons entitled thereto, the sum of \$12,000.00 for said tract of land, and did on the 23rd day of March, 1963, pay to the Clerk of this Court the sum of \$2,000.00, the stipulated just compensation.

8. The Court having fully considered the petition for condemnation, and all proceedings had herein, and the provisions of the laws of the State of Oklahoma (Chapter 8, Title 82, O. S.), the laws of the United States, Federal Power Act (Title 16 U.S.C.A. 792-823), Public Law 476, 83rd Congress 2d Session (68 Stat. 450) and Federal Power Commission License No. 2183; and, these proceedings are authorized and this Court has jurisdiction by virtue (Title 16 U.S.C.A., Sec. 814, and Title 82 O. S. Sec. 862(f); and Rule 71a(k) of the Federal Rules of Civil Procedure, is of the opinion that the Grand River Dam Authority was and is entitled to take said property and have the title to the estate therein taken vested in it, and that the alleged public purpose and use, as set out in said petition for condemnation, is hereby adjudged to be in truth and in fact a public purpose and use within the meaning and purpose of the above designated laws.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the report of commissioners filed herein is final and the damages sustained as set out and fixed in said report of commissioners, as modified by the stipulation, and as hereinabove set forth, are full and just compensation for the taking of said estate in the lands designated as follows, to-wit:

Tract No. 7 (3 MF 30) . . . . . \$ 14,000.00

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is the entire and unencumbered fee simple title to the lands designated as "fee title"; that the estate to be taken in and to lands designated as "perpetual easement" is the perpetual right, privilege and authority to flow the waters impounded by the Markham Ferry Dam thereon, and withdraw the same therefrom, and to inundate intermittently from time to time, free and clear of all liens and encumbrances of whatsoever nature, together with the right to remove, or cause to be

removed, such structures and improvements and other objects that may be located thereon and as herein described, reserving unto the owners the right of occupancy and use of said lands for any and all purposes that do not interfere with the construction, maintenance and operation of the Markham Ferry Project.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 27th day of November, 1962, upon the depositing of the sum of \$12,000.00 with the registry of this Court for the estate taken in and to the above described tract of land, and the right to recover just compensation for the estate taken vested in the persons entitled thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken as hereinabove specifically set forth, is hereby deemed to be condemned and taken for the uses and purposes of the Grand River Dam Authority, and that the just compensation as determined and fixed herein for the taking of said estate in said tract of land, is vested in the persons lawfully entitled thereto, as the owners of said tract of land, respectively, or of some right, title or interest therein.

This cause is held open for the purpose of entering such further order, judgments, and decrees as may be necessary in the premises.

*Allen E. Brown*  
\_\_\_\_\_  
JUDGE, UNITED STATES DISTRICT COURT,  
NORTHERN DISTRICT OF OKLAHOMA

OK  
*H. A. Wilkinson*  
*att'y for Nancy Meyer*

*G. B. Boydston*

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

20.00 Acres of land, More or Less,  
Situat e in Nowata County, Oklahoma,  
and Eliza Triplett, et al, and  
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4853

Tracts Nos.: 5625-14 and  
5625-15

**FILED**

APR 12 1963

J U D G M E N T

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

1.

On July 16, 1962, this cause as to the captioned tracts, came on for pre-trial conference before the Honorable Luther Bohanan, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owners of the captioned tracts did not appear. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This judgment applies only to the estates condemned in Tracts Nos. 5625-14 and 5625-15, as such tracts and estates are described in the Complaint and the Declaration of Taking filed herein.

3.

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

4.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tracts, as such tracts are particularly described in such Complaint. Pursuant thereto, on February 12, 1960, the United States of America filed its Declaration of Taking

of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

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

6.

At the pre-trial conference the Court heard the testimony of W. R. Bass, staff mineral appraiser for the United States Army Corps of Engineers. The Court then found that the fair market value of the estates taken in the subject tracts was:

As to Tract No. 5625-14 - - - - - \$1,000.00

As to Tract No. 5625-15 - - - - - \$1,000.00

Such sums should be adopted as the awards of just compensation for the estates taken in the subject tracts. The awards should be allocated among the owners of the subject tracts in proportion to the interest owned as shown in paragraph 9.

7.

Tract No. 5625-14 consists of 15 separate town lots in the townsite of old Alluwe, Oklahoma. Tract No. 5625-15 consists of 22 separate town lots in the same townsite. Each of these 37 separate lots are outlined on the plat attached to the Declaration of Taking filed in this case and are identified thereon by the letter "E" followed by a number. The names of the owners of each of the town lots included in the subject tracts are shown in paragraph 9. The persons so named are the only persons asserting any interest in the estates condemned in the subject tracts, all other persons having either disclaimed or defaulted, therefore, the persons named in such paragraph 9 are entitled to receive the awards of just compensation.

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in paragraph 2 herein, as such tracts are particularly

described in the Complaint and Declaration of Taking filed herein; and such tracts, to the extent of the estates indicated and for the uses and purposes described in such Declaration of Taking, are condemned and title thereto is vested in the United States of America as of February 12, 1960, and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto.

9.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in the subject tracts were the defendants whose names appear in the schedule below; the right to just compensation for the estates taken in these tracts is vested in the parties so named, as their interests appear therein; the sum of \$1,000.00 is adopted as the award of just compensation for the estate taken in Tract No. 5625-14 and the sum of \$1,000.00 is adopted as the award of just compensation for the estate taken in Tract No. 5625-15. The awards for these tracts are allocated among the various owners of these tracts as shown in the schedule which follows, to-wit:

TRACT NO. 5625-14

<u>Area outlined on the plat attached to the Declaration of Taking and identified as:</u>	<u>Owners</u>	<u>Allocated Share of Award</u>	<u>Disbursed</u>	<u>Balance Due</u>
H-801	Eliza Triplett	\$100.00	None	\$100.00
H-802	Clint Canon & Lizzie Canon	\$100.00	None	\$100.00
H-803	Maynard Stanart and First National Bank of Nowata	\$50.00	None	\$50.00
H-804	Roy George Conner, Mary Adelia Conner and First National Bank of Nowata	\$50.00	\$50.00	None
	<u>Award per lot</u>			
H-806	Heirs of O. C. Chapman, deceased, who are:	\$200.00		
H-822	Ollie Chapman Wallace - 1/3	\$50.00		
H-823	Aura A. Chapman Hawk - 1/6	\$97.00	None	\$149.67
H-827	Guy E. Chapman (a/k/a	\$47.00	"	\$74.83
H-828	Edgar Chapman) - - - 1/6	\$8.00	"	\$74.83
H-831	Ray G. Chapman - - - 1/6	\$4.00	"	\$74.83
H-833	Hazel Chapman Austin - 1/6	\$12.00	"	\$74.83
H-834		\$31.00		\$74.84
Total -		\$449.00		
H-821	A. H. Taylor and Cordelia Taylor	\$100.00	None	\$100.00
H-829	Clara B. Edmondson and Robert W. Edmondson	\$52.00	None	\$52.00

TRACT NO. 5625-14 (Cont'd)

Area outlined on  
the plat attached  
to the Declaration  
of Taking and  
identified as:

	<u>Owners</u>	<u>Allocated Share of Award</u>	<u>Disbursed</u>	<u>Balance Due</u>
H-836	Wm. B. Link, 1/2 interest Heirs of D. A. Link, deceased, who are:	\$49.50	\$49.50	None
	Jessie Jacobs - - - - 1/20	\$4.95	None	\$4.95
	Bessie Murray - - - - 1/20	\$4.95	"	\$4.95
	Ruby Most - - - - - 1/20	\$4.95	"	\$4.95
	Dan Link - - - - - 1/20	\$4.95	"	\$4.95
	Elmer Link - - - - - 1/20	\$4.95	"	\$4.95
	Katherine Johns - - - - 1/20	\$4.95	"	\$4.95
	George Link - - - - - 1/20	\$4.95	"	\$4.95
	Bill Link - - - - - 1/20	\$4.95	"	\$4.95
	Charles Link - - - - 1/20	\$4.95	"	\$4.95
	Juanita Perryman - - - 1/20	\$4.95	"	\$4.95
<hr/>				
Total award for Tract No. 5625-14 - - - - -		\$1,000.00		
Deposited as estimated compensation - - - - -		<u>\$1,000.00</u>		

TRACT NO. 5625-15

Area outlined on  
the plat attached  
to the Declaration  
of Taking and  
identified as:

	<u>Owners</u>	<u>Allocated Share of Award</u>	<u>Disbursed</u>	<u>Balance Due</u>
H-807	J. E. Magness	\$52.00	\$52.00	None
H-808	Vinie Copeland, nee Neel	\$44.00	None	\$44.00
H-809	D. R. Magness and Eleanor Magness	\$69.00	\$69.00	None
H-811	Earl Jordan	\$52.00	None	\$52.00
H-812	A. L. Reed, a/k/a Amos L. Reed	\$52.00	\$52.00	None
H-813	Harrison Standeford and Bonnie G. Standeford	\$52.00	None	\$52.00
H-814	Virgie Bullen	\$56.00	None	\$56.00
H-816	John L. David and Florence David	\$106.00	\$106.00	None
H-817	P. W. Fusselman	\$25.00	None	\$25.00
H-818	Virgie Bullen Hattie Cox	\$4.00 \$4.00	None "	\$4.00 \$4.00
H-819	Heirs of J. H. Holden, deceased	\$9.00	None	\$9.00
H-837	Heirs of J.H. Holden, deceased	\$11.00	None	\$11.00
H-838	Margaret Patterson Calvert	\$108.00	None	\$108.00
H-839	Laura F. Catlin	\$32.00	None	\$32.00
H-841	Beulah B. Pace	\$32.00	None	\$32.00

TRACT NO. 5625-15 (Cont'd)

<u>Area outlined on the plat attached to the Declaration of Taking and identified as:</u>	<u>Owners</u>	<u>Allocated Share of Award</u>	<u>Disbursed</u>	<u>Balance Due</u>
H-843	Virgie Bullen Hattie Cox	\$34.00 \$34.00	None "	\$34.00 \$34.00
H-844	Heirs of J. E. Triplett, deceased, who are: Lester Triplett - - - 19/126 Oral Triplett - - - 19/126 Leatrice T. Blackwell-19/126 Faye Triplett Guthrie-1/21 Curtis Triplett - - - 13/126 Charlie Triplett - - 2/21 Della T. Rooks - - - 2/21 Thelma Bland - - - 1/18 Pete Triplett, 19-126	\$ .45 .45 .45 .14 .31 .29 .29 .17 .45	None " " " " " " " "	\$ .45 .45 .45 .14 .31 .29 .29 .17 .45
H-846	D. A. Coble & Ethel M. Coble	\$5.00	None	\$5.00
H-847	Charles L. Reed, Zela Reed, Amos L. Reed and Mabel Reed	\$105.00	None	\$105.00
H-848	Loyd Pace and Melvena Pace	\$20.00	\$20.00	None
H-849	D. A. Coble and Ethel M. Coble	\$12.00	None	\$12.00
H-870	Grace Overfelt	\$79.00	None	\$79.00
Total award for Tract No. 5625-15 - - - - -		\$1,000.00		
Deposited as estimated compensation - - - - -		<u>\$1,000.00</u>		

It Is Further ORDERED that the Clerk of this Court disburse from the sums on deposit for the subject tracts the balances due to the respective owners as shown in paragraph 9 above, with the exception that the sum due to the Heirs of the estate of J. H. Holden, deceased, shall not be disbursed at this time. An appropriate Order of Distribution of their share of the award will be entered when such heirs have been determined.

*Lester 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.

Tom Childers,

Defendant.

Civil Action No. 5978

J U D G M E N T

On this 9th day of April, 1963, this cause comes on to be heard and presented, the United States of America appearing by its duly appointed United States Attorney, John M. Inel, and the defendant, Tom Childers, appearing in person and represented by his attorney, Stan Szymanski, and upon argument presented by both parties to this cause, the court finds as follows:

1) The United States of America took title to the property described in the complaint filed herein by a general warranty deed dated December 11, 1959, and recorded on March 29, 1960, in Book 128 at page 73 of the records of Osage County, Oklahoma, wherein the United States acquired from one C. M. Livingston the full fee single title to the surface of all real property set forth and described in the complaint filed herein on March 8, 1963, which land lies in Sections 8, 9 and 10, Township 20 North, Range 10 East, Osage County, Oklahoma, and comprises approximately 331.85 acres. The parcel of land referred to is in the Keystone Dam and Reservoir Project, a flood control project under the supervision, management and control of the Corps of Engineers, United States Army.

2) Upon execution of the general warranty deed it was provided by contract between Livingston and the Corps of Engineers that he would be permitted to reserve the improvements on the property with the provision that said improvements be removed on or before December 30, 1960. Through a series of conveyances from Livingston to Leslie Bancher and from Bancher to Tom Childers, the defendant came into possession of the improvements.

3) On February 14, 1963, the Corps of Engineers, after having become aware that the defendant, Tom Childers, was occupying the subject property, wrote a letter to Tom Childers notifying him that all rights to occupancy to such property by and under a lease-back agreement had expired on December 31, 1962, and that all improvements upon such property must be removed.

4) On February 25, 1963, the United States of America caused to be served upon the defendant, Tom Childers, a formal notice, which is attached to the complaint in this matter, requesting Tom Childers to quit and leave the premises and to immediately deliver up said premises to the United States of America.

5) On March 8, 1963, the United States of America filed in this court a complaint, Civil No. 5578, alleging the defendant, Tom Childers, to be in unlawful possession of the described property and praying that the United States of America be entitled to immediate possession of said premises.

6) On March 18, 1963, this court ordered the defendant, Tom Childers, to appear in this court on this date to show cause to this court why he should not be ordered to immediately vacate said premises described in the complaint and remove himself and personal property from such land and premises.

It appearing to the court, after hearing arguments as presented by counsel in the presence of the defendant, that the United States of America is entitled to the possession of the lands previously described and set forth in the complaint filed in this action and that the defendant, Tom Childers, now occupies such property without any right, title or interest in and to such property and that the defendant, Tom Childers, shall remove himself, his family and all items of personal property from such described lands on or before May 15, 1963.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THIS COURT that the defendant, Tom Childers, deliver up to the United States possession of all lands described in the complaint and that he remove all items of personal property, including all structures and buildings, on or before May 15, 1963, and if such possession is not surrendered within such time, that the United States Marshal for the Northern District of Oklahoma be and he is hereby directed to enter upon such premises and remove the defendant, Tom Childers, therefrom.

IT IS THE FURTHER ORDER OF THE COURT that if at the expiration of May 15, 1963, the defendant has not removed or caused to be removed all items of personal property, including all structures and buildings, then the United States of America may go upon such property and remove such improvements, structures and buildings and items of personal property in whatever manner it may deem necessary in order to properly clear the premises.

(s) Allen S. Benson  
UNITED STATES DISTRICT JUDGE

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

THOMAS G. MARSH, as Trustee in )  
Bankruptcy of Joe Rakes Construction )  
Company, Bankrupt, )  
Plaintiff, )  
vs. ) NO. 5448  
ATLAS LUMBER & SUPPLY COMPANY, )  
a Corporation, )  
Defendant. )

JUDGMENT ON FINDINGS OF COURT FOR DEFENDANT.

The above cause came regularly on for trial before the Court on the 15th day of March, 1963, at Tulsa, Oklahoma; the plaintiff appearing personally, represented by Wm.J.Threadgill, his attorney and the defendant appearing personally, represented by it's attorney, John L.Ward, Jr., and the plaintiff having offered testimony and the defendant having offered evidence, and the Court having filed it's Findings of Fact, Conclusions of Law and Order for Judgment, now pursuant to such order of judgment, it is hereby:

ORDERED AND ADJUDGED that plaintiff be and is denied relief herein, and judgment is entered for defendant; that the time for the takding of an appeal from this judgment shall commence to run from the date hereof.

DATED THIS 15<sup>th</sup> day of April, 1963.

Allen E. Barrow  
UNITED STATES DISTRICT COURT JUDGE.