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

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

ATLAS LIFE INSURANCE COMPANY,)	
a Corporation,)	
)	
Plaintiff,)	
)	
vs.)	No. 5411-Civil
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

J U D G M E N T

Based upon the Opinion of the Court filed this date,

IT IS ORDERED, ADJUDGED AND DECREED by the Court that plaintiff's claim for refund in the sum of \$1,040.76, with interest, should be allowed.

IT IS FURTHER ORDERED that the remaining claim for refund of the plaintiff should be denied.

JUDGMENT IS ENTERED ACCORDINGLY.

DATED this 1 day of May, 1963.

Luther Bohannon
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

CIVIL ACTION NO 4792

vs.

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

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

Defendants.

AMENDMENT TO JUDGMENT

This matter comes on for hearing this And day of May, 1963,
on application of the plaintiff for an order amending the judgment filed in
this case on June 13, 1961, and the Court, having examined the files in this
action and being advised by counsel for plaintiff, finds that

The said judgment entered herein on June 13, 1961, on page 3, in
paragraph 12, recites that the ownership of the subject tracts was subject to
a game lease held by the State of Oklahoma State Game and Fish Commission.
The said lease was executed on the 6th day of March, 1928, and was to run for
a 10-year term, and has not been renewed. Therefore, on the date of taking
in this case such lease had expired by its own terms and was of no force and
effect, and the plaintiff's motion should be sustained.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that paragraph 12
of the judgment entered in this case on June 13, 1961, hereby is amended to
read as follows:

"12.

It Is Further ORDERED, ADJUDGED AND DECREED that the
Stipulation As To Just Compensation, mentioned in paragraph 8 above,
is hereby confirmed; and the sum therein fixed is adopted as the
award of just compensation for the estate condemned in subject tracts
as follows:

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

Owners: Eob B. Cook and Joy C. Cook

Award of Just Compensation - - - - -	\$1,550.00	\$1,550.00
Deposited as Estimated Compensation -	<u>950.00</u>	
Deposit Deficiency - - - - -	<u>\$600.00</u>	
Disbursed to owners - - - - -		<u>\$950.00</u>
Balance Due To Owners - - - - -		<u>\$600.00"</u>

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Haber

Assistant United States Attorney

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SEAL OF THE COURT
IN THE UNITED STATES DISTRICT COURT, Clerk of the District Court
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA FOR THE
USE OF J. L. DACUS, TRUSTEE, and
H. L. DACUS, co-partners doing
business as H. L. DACUS COMPANY,

Plaintiffs,

vs.

CIVIL ACTION

No. 5566

H. C. FIDELITY AND GUARANTY COM-
PANY, a corporation; NATIONAL
CREDIT CORPORATION; and THE AVENA
CASHIEN & BURNEY COMPANY, a
corporation,

Defendants.

ORDER GRANTING JUDGMENT ON THE PLEADINGS

The motion by the plaintiffs, United States of America
for the use of J. L. Dacus, Trustee, and H. L. Dacus, co-partners
doing business as H. L. Dacus Company, for judgment on the plead-
ings, having come on to be heard by this court, and it appearing
to the satisfaction of the court that the pleadings of the parties
herein show that the plaintiffs are entitled to a judgment in
their favor.

IT IS THEREFORE ORDERED that a judgment be entered in favor
of the plaintiffs, United States of America for the use of J. L.
Dacus, Trustee, and H. L. Dacus, co-partners doing business as
H. L. Dacus Company, against the defendants herein, in the sum
of \$1,330.00 with interest from the date of this order, together
with the costs of this action.

Dated this 3rd day of April, 1963.

Allen E. Barron
United States District Judge for the
Northern District of Oklahoma

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

WARNER LEWIS COMPANY,
a corporation

Plaintiff

vs.

MIDDLEWEST FREIGHTWAYS,
INC.

Defendant

Civil No. 5477

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

JOURNAL ENTRY OF JUDGMENT

This cause came for trial by the Court in its regular order on the 2nd day of April, 1963, plaintiff appearing by counsel, Robert J. Scott, and the defendant appearing by counsel, Sanders, McElroy & Whitten, by Bert McElroy, and Ralph Currie. The Court heard the opening statements of counsel and proceeded to hear testimony of witnesses sworn and examined in open court, and received in evidence the sworn testimony taken by way of deposition, and examined the records and files in the cause. The parties having presented their evidence, and both parties having rested, and the Court being advised in the premises, made the following findings of fact:

(1) The issue of fact made and joined by the pleadings and the proof is whether or not alleged damage to equipment shipped by the plaintiff on the freight lines of the defendant and its connecting carrier occurred while en route in the hands of the defendant trucking company, or whether damage occurred in the unloading process on the pier in New York after delivery was made by the defendant or its connecting carrier.

(2) The damage complained of by the complainant occurred at the pier in the unloading process, and at a time after delivery by the defendant and its connecting carrier and under circumstances when the defendant was not legally responsible for the occurrence of the damage.

(3) The damage occurring in the unloading process or thereafter, under the applicable tariffs and classifications, was not the responsibility of the defendant, and the defendant is not liable for any such damage so occurring.

(4) The damage complained of to one or two crates was not proved to have resulted from negligence on the part of the defendant, and, under the applicable terms of the bill of lading, in the absence of negligence, the recoupage cost cannot be charged to the defendant trucking company.

(5) Judgment should be entered in favor of the defendant company and against the complainant, and the complaint should be dismissed.

BE IT THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COURT that the defendant, Middlewest Freightway, Inc., have and recover judgment, and that the complaint of the plaintiff, Warner Lewis Company, be and the same is hereby dismissed.

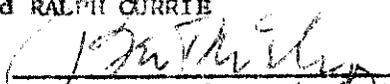
The exceptions of the plaintiff to the findings of fact and conclusions of law by the Court, and to the judgment rendered herein, are allowed and hereby noted of record.

APPROVAL: 

Attorney for Plaintiff

(3) 

Judge

SANDERS, McELROY & WHITTEN
and RALPH CURRIE
By 

Attorneys for Defendant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

234.94 Acres of Land, More or Less,
Situate in Tulsa, Creek and Pawnee
Counties, Oklahoma, and Clifford Ward,
et al, and Unknown Owners,

Defendants.

Civil No. 4836

Tracts Nos. E-517 and
E-517E

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AMENDMENT TO JUDGMENT

MURRAY GOOD
Clerk, U.S. District Court

This day this cause comes on for consideration on the motion of the Plaintiff for an amendment to the judgment heretofore entered on December 10, 1962.

The Court finds that, through error, the last sentence in Paragraph "D" of the judgment in this cause directed the Clerk of this Court to draw a check upon the funds in the Registry of the Court in the Amount of \$167.50, which applied to the one-half interest owned by Pearl B. Jackson Company, and to cause payment to be made, where, in fact, this amount had previously been disbursed to said defendant by order of this Court dated May 4, 1960.

The Court further finds that judgment hereinabove referred to is true and correct in all other particulars.

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED that the last sentence in Paragraph "D" of the above-referred to judgment be deleted.

Entered this 6th day of May 1963.

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

JAMES TALCOTT, INC.,

Plaintiff,

vs.

RUSSELL J. STRAIGHT, MARY
D. EVANS, JOSE J. EVANS,
Individually and as partners
in PRYOR HAY & GRAIN COMPANY,
a partnership, and GENE D.
DILLON, an Individual,

Defendants.

No. 5372-Civil

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

ORDER AND JUDGMENT

This cause having come on to be heard on Motion of plaintiff for Summary Judgment, pursuant to Rule 56 of the Federal Rules of Civil Procedure, and the Court having considered the pleadings in the action and the various briefs filed by plaintiff in support of the Motion, and briefs filed by the defendants in opposition thereto, and having heard oral argument, and having found that there is no genuine issue of fact to be submitted to the trial Court, and having concluded that plaintiff is entitled to judgment as a matter of law, it is hereby

ORDERED that plaintiff's Motion for Summary Judgment is in all respects granted, and it is further

ORDERED, ADJUDGED AND DECREED that there is due on the conditional sales contract and promissory note, of which plaintiff is the owner, the sum of \$31,050, consisting of \$27,000 principal, and \$4,050 attorney fees, as provided therein, with interest thereon at the rate of 10 per cent per annum

from the 15th day of September, 1961, and by reason of such default, plaintiff does have and recover judgment for the possession of the goods, wares and merchandise set forth in said conditional sales contract, to-wit:

2 - 70' x 180' x 20' Inland Steel Grain
Storage Buildings, Serial Numbers 1043
and 1129, together with component parts,
accessories, concrete foundation and floor,

all as provided in said conditional sales contract, for the purpose of sale, with net proceeds thereof to be credited upon the amount unpaid, with any balance to be a judgment against said defendants, and each of them; and any surplus to be accounted for to them.

That the plaintiff recover from defendants its costs and disbursements in this suit, to be taxed by the Clerk.

Defendants except to the order and judgment of the Court, which exceptions are allowed by the Court.

DATED this 3 day of May, 1963.

Luther Bohannon
UNITED STATES DISTRICT JUDGE

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

GRAND RIVER DAM AUTHORITY,
a public corporation,

Petitioner.

vs.

8 TRACTS OF LAND CONSISTING OF
559.4 ACRES, MORE OR LESS, NE 1/4,

Defendants.

FILED NO. 1111
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MAY 6 1963

JUDGMENT ON VERDICT
as to
Tract No. 1 (1 NE 36)

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

On the 24th day of February, 1963, the above entitled cause coming on for trial by jury, the petitioner, Grand River Dam Authority, a public corporation, appearing by its attorneys, R. W. Kogister and Joe Cannon, and the defendants, James Giles, Jr. and Idella Giles appearing by their attorney, V. Keith Smith; and, it appearing to this Court that the petitioner, Grand River Dam Authority, a public corporation, filed herein its petition for the acquisition of certain lands and/or any interest therein located in Nowata County, Oklahoma; and it appearing to this Court that the petitioner, Grand River Dam Authority, a public corporation, was created under the Acts of the Legislature of the State of Oklahoma, and under said Acts petitioner is a public corporation, possessed with the powers of government for the public benefit, and is authorized and empowered, among other things, to control, store and preserve the water of Grand River and its tributaries for any useful purpose, and to develop and generate water power and electric energy through the use thereof, and to sell and distribute electric energy so produced, and to acquire by purchase or condemnation, and to maintain, use and operate all kinds of property, real, personal and mixed, or any interest therein, necessary or convenient to the exercise of the powers, rights, privileges and functions conferred upon it, and to do any and all acts and things necessary to the exercise of such powers, rights, privileges and functions.

And it further appearing that the petitioner, Grand River Dam Authority, a public corporation, is authorized to construct, maintain

and operate the Markham Ferry Dam and Reservoir Project, for the purpose of transmitting electric energy.

And it further appearing that the petitioner, Grand River Dam Authority, a public corporation, has heretofore determined and declared that it is necessary to acquire for use in the construction, operation and maintenance of the Markham Ferry Project, the land and/or estate therein or hereinafter set forth, to-wit:

Tract No. 1 (1 MF 38 Rev.)
(Fee Title)

The following described land situated in Mayes County, Oklahoma, to-wit: Lot 3 and Lot 6 and the $\frac{W}{2}$ of Lot 2 except that portion contained in the K.O.& G. Railroad right-of-way, and the $\frac{SE}{4}$ of Lot 2 except that portion contained in the K.O.& G. Railroad right-of-way and except those portions of said $\frac{SE}{4}$ of Lot 2 described as: Beginning at the northeast corner of said $\frac{SE}{4}$ of Lot 2, thence westerly along the north boundary of said $\frac{SE}{4}$ of Lot 2 a distance of 165 feet, thence in a southeasterly direction to a point in the east boundary of said $\frac{SE}{4}$ of Lot 2 165 feet south of the northeast corner thereof, thence northerly along said east boundary to the point of beginning, and beginning at the southeast corner of said $\frac{SE}{4}$ of Lot 2, thence westerly along the south boundary of said $\frac{SE}{4}$ of Lot 2 a distance of 495 feet, thence in a northeasterly direction to a point 330 feet north and 330 feet west of said southeast corner, thence in a southeasterly direction to a point in the east boundary of said $\frac{SE}{4}$ of Lot 2 165 feet north of said southeast corner, thence southerly along said east boundary to the point of beginning:

And the $\frac{NW}{4}$ $\frac{SW}{4}$ $\frac{NE}{4}$ except that portion contained in the K.O. & G. Railroad right-of-way and except that portion described as: Beginning at the southeast corner of said $\frac{NW}{4}$ $\frac{SW}{4}$ $\frac{NE}{4}$, thence westerly along the south boundary of said $\frac{NW}{4}$ $\frac{SW}{4}$ $\frac{NE}{4}$ a distance of 165 feet, thence in a northeasterly direction to a point in the east boundary of said $\frac{NW}{4}$ $\frac{SW}{4}$ $\frac{NE}{4}$ 330 feet north of said southeast corner, thence southerly along said east boundary to the point of beginning;

And all that part of the $\frac{SW}{4}$ $\frac{SW}{4}$ $\frac{NE}{4}$ lying west of the westernmost boundary of the K.O.& G. Railroad right-of-way, all in Sec 2, T 20 N, R 20 E of the Indian Base and Meridian, containing 104.34 acres.

It further appearing that the petitioner, Grand River Dam Authority, a public corporation, has been unable to secure and acquire by purchase the land and/or estate hereinabove described, and that the only manner in which the said Grand River Dam Authority, a public corporation, may acquire said land and/or estate therein is by condemnation.

It further appearing to this Court that all requirements as required by law have been met by the petitioner, Grand River Dam Authority, a public corporation, and that all of the defendants have been duly served with notice, either by personal service or publication, of the condemnation and appropriation of said land and/or estate therein, for the length of time required by law, and that all of the defendants herein have had due and sufficient notice of this action and of the appointment of commissioners as prayed for in petitioners petition.

It further appearing that on the 24th day of August, 1962, the Judge of said Court, after considering the petition of the petitioner, made and entered an order finding and determining that the petitioner, Grand River Dam Authority, a public corporation, had the authority and right to acquire said land and/or estate therein and finding and determining that the only manner in which the petitioner could acquire said land, and/or estate therein was by condemnation, and did select and appoint from the regular jury list of names, Clark Moore, E. E. Markham, and Clay Babb, three (3) disinterested freeholders residing within the confines of Northern District Oklahoma, to inspect said real property and consider the injury which the owners thereof, or those having any right, title or interest therein, may sustain by reason of the condemnation and appropriation by the petitioner of said land and/or estate therein, hereinabove described, and to assess the damages which said owners may sustain by reason of such appropriation, irrespective of any benefits accruing to said land from the construction of or the proposed construction of any of the Grand River Dam Projects, and thereafter, did, on the 25th day of September, 1962, make their report in writing to the Clerk of the United States District Court in and for the Northern District of the State of Oklahoma, and did assess and award damages in the sum of \$30,700.00 to the owners of said land for the taking of the same, and the Grand River Dam Authority, a public corporation, did, on the 23rd day of October, 1962, pay into and deposit with the Clerk of the United States District Court in and for the Northern District of Oklahoma, the said sum of \$30,700.00 for the use of the owners of said land; and that thereafter, the defendants, James Giles Jr. and Idella Giles, within sixty (60) days after the filing of said commissioners' report, filed with the Clerk of said Court a written demand for trial by jury; and

On the 26th day of February, 1963, this cause coming on for trial in its regular order before a jury of twelve (12) persons, who, being duly empaneled and sworn, well and truly to try the issues joined between the petitioner and the defendants, James Giles Jr. and Idella Giles, and a true verdict render according to the evidence, having heard the evidence and charges of the Court and the argument of counsel, upon their oaths, say:

To the Jury, find for the defendants in the amount of \$30,700.00 which verdict was returned on the 27th day of February, 1963,

IT IS, THEREFORE, CONSIDERED, ORDERED AND ADJUDGED by the Court that the petitioner, Grand River Dam Authority, a public corporation, has the right and authority and that it is necessary and convenient to acquire by condemnation for use in the construction, operation and maintenance of the Markham Ferry Project for the public benefit, the lands and/or estate therein as herein described.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the damages sustained by the defendants, James Giles Jr. and Idella Giles, the owners of said land, by reason of the taking and appropriating of said land and/or estate therein as hereinabove described, by the Grand River Dam Authority, a public corporation, are assessed at \$38,750.00; and

IT IS CONSIDERED, ORDERED AND ADJUDGED by the Court that the petitioner, Grand River Dam Authority, a public corporation, upon the payment of the sum of \$8,050.00, together with interest at the rate of 6% per annum from October 23, 1962, to the Clerk of the United States District Court in and for the Northern District of Oklahoma, the said sum of \$8,050.00 being the difference between the amount awarded by the jury, to the owners of said land, in the sum of \$38,750.00 and the amount awarded the owners, James Giles Jr. and Idella Giles, by the commissioners, in the sum of \$30,700.00, which last amount has heretofore been paid to the Clerk of said Court for the use and benefit of the owners of said land, shall be vested with the title to the lands and/or estate there as herein described.

IT IS FURTHER ORDERED that all costs herein be assessed and taxed to the petitioner.

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

Approved as to form:

H. C. B. Baydarian
Attorney for Petitioner

H. L. Keith Smith
Attorney for Defendants

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 5th 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:

Amended Tract No. 1
(2 MF 33 Rev. & 2 MF 43 + FE Rev.)
(Fee Title To and Flowage Easement Upon)

2 MF 33 Rev. (Fee Title to):

The following described land situated in Mayes County, Oklahoma, to-wit:
All that part of the $W\frac{1}{2}$ $SW\frac{1}{4}$ lying south and west of the following described line:

Beginning at a point in the north boundary of said $W\frac{1}{2}$ $SW\frac{1}{4}$ 500 feet east of the northwest corner thereof, thence in a southeasterly direction to a point in the south boundary of said $W\frac{1}{2}$ $SW\frac{1}{4}$ 1120 feet east of the southwest corner thereof, except the south 210 feet of the west 210 feet of said $W\frac{1}{2}$ $SW\frac{1}{4}$ and except a tract of land in said $W\frac{1}{2}$ $SW\frac{1}{4}$ described as the south 50 feet of the west 260 feet of the $SW\frac{1}{4}$ $NW\frac{1}{4}$ $SW\frac{1}{4}$ and the north 160 feet of the west 260 feet of the $NW\frac{1}{4}$ $SW\frac{1}{4}$ $SW\frac{1}{4}$, all in Section 23, Township 21 North, Range 20 East of the Indian Base and Meridian, containing 46.7 acres; and

2 MF 43 + FE Rev. (Fee Title To):

To the following described land situated in Mayes County, Oklahoma, to-wit:

That part of the $NW\frac{1}{4}$ $NW\frac{1}{4}$ $SE\frac{1}{4}$ lying north of Oklahoma State Highway 82 and below elevation 622 sea level datum, and all those parts of the $S\frac{1}{2}$ $SW\frac{1}{4}$ $SW\frac{1}{4}$ $NE\frac{1}{4}$, the $E\frac{1}{2}$ $SW\frac{1}{4}$ $NE\frac{1}{4}$ except the south 50 feet of the east 260 feet thereof, the $NW\frac{1}{4}$ $SE\frac{1}{4}$ $NE\frac{1}{4}$, and the $SE\frac{1}{4}$ $NE\frac{1}{4}$ $NE\frac{1}{4}$ lying below elevation 622 sea level datum, in Section 26, Township 21 North, Range 20 East of the Indian Base and Meridian, containing 8.8 acres, and

2 NF 43 + FE Rev. (Perpetual Easement Upon):

Those parts of the S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, the E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ except the south 50 feet of the east 260 feet thereof, and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ lying south of the following described line:

Beginning at the northwest corner of said S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, thence easterly along the north boundary of said S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 330 feet, thence southerly parallel to the west boundary of said S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ to a point in the south boundary thereof, thence easterly along said south boundary a distance of 165 feet, thence in a northeasterly direction to a point in the east boundary of said E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ 495 feet south of the northeast corner thereof, thence in a northeasterly direction to a point in the east boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ 247.5 feet south of the northeast corner thereof; and that part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying east of the following described line: Beginning at a point in the north boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ 165 feet east of the northwest corner thereof, thence in a southeasterly direction to the southeast corner thereof, and all of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying north of Oklahoma State Highway 82 except those parts to be taken in fee and described above, in Section 26, Township 21 North, Range 20 East of the Indian Base and Meridian, containing 11.2 acres.

TOTAL FAIR CASH MARKET VALUE OF THE ESTATE TAKEN (FEE TITLE TO AND PERPETUAL FLOWAGE EASEMENT UPON) AND ALL DAMAGES TO THE REMAINDER, IF ANY \$ 26,500.00

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.

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 \$27,500.00.

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 tract herein designated, as fixed by the report of commissioners, as modified by said stipulation, is final just compensation in the total amount of \$27,500.00.

7. That the Grand River Dam Authority did on the 10th 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 \$26,500.00 for said tract of

land, and did on the 26th day of February, 1963, pay to the Clerk of this Court the sum of \$1,000.00, 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:

Amended Tract No. 1 (2 MF 33 Rev. & 2 MF 43 + FE Rev.) - \$ 27,500.00

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 10th day of November, 1962, upon the depositing of the sum of \$26,500.00 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.

/s/ Allen E. Barrow
JUDGE, UNITED STATES DISTRICT
COURT, NORTHERN DISTRICT OF
OKLAHOMA

Approved as to form.

/s/ C. B. Boydston
Attorney for Petitioner

/s/ L. Keith Smith
Attorney for Defendants

UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

United States of America For the
Use and Benefit of Floyd T. Gibbs
Company, a co-partnership,

Plaintiff,

vs.

Hyde Construction Company, Inc.,
a corporation; National Surety
Corporation, a corporation; The
Aetna Casualty and Surety Company,
a corporation; and United States
Fidelity and Guaranty Company,
a corporation,

Defendants.

Civil Action

No. 5585

FILED

MAY - 6 1963

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

JOURNAL ENTRY OF JUDGMENT

NOW on this 6th day of May, 1963, the above entitled matter comes on for hearing before the undersigned, Judge of the United States District Court for the Northern District of Oklahoma upon the motion of the plaintiff herein for judgment on the pleadings. The plaintiff appears by its attorneys herein, Rosenstein, Mesirov & Fist. The defendants, and each of them, appear by their attorneys herein, Sanders, McElroy and Whitten.

WHEREUPON, the Court proceeds to examine the files of this case and being fully advised in the premises and there being no objection, the Court finds:

1. That in their answer filed herein, the Defendants have admitted that the Plaintiff is entitled to Judgment herein in the amount of \$2,391.82.
2. That in its motion for judgment on the pleadings filed herein, the Plaintiff has waived its claim for attorney's fees herein as contained in the complaint of the Plaintiff filed herein on April 1, 1963.
3. That judgment should be rendered herein in favor of the Plaintiff and against the defendants, and each of them, for \$2,391.82, plus the court costs of the plaintiff herein.

WHEREFORE, premises considered, it is ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff have and recover judgment against the Defendants herein, and each of them, in the amount of \$2,391.82, plus the court costs of the plaintiff herein expended.

[Handwritten signature]
United States District Judge

APPROVED:

for ROSENSTEIN, MESIROW & FIST
Attorneys for Plaintiff

[Handwritten signature]

APPROVED:

for SANDERS, McELROY & WHITTEN
Attorneys for Defendants

[Handwritten signature]

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

529.99 Acres of Land, More or Less,
Situat in Creek, Osage and Pawnee
Counties, Oklahoma, and J. O. Stith,
et al, and Unknown Owners,

Defendants.

Civil No. 5021

Tract No. 1936

FILED

MAY - 7 1933

JUDGMENT ON OPTION AND STIPULATION

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

On this day this cause comes on for consideration on the motion of plaintiff for a judgment on the stipulation entered into by the defendant Roscoe Kuykendall, Administrator of the Estate of Etta Kuykendall, deceased, and the plaintiff which stipulation is tendered herewith for filing herein, having been approved by the County Court of Osage County.

STIPULATION: The Court finds that plaintiff and defendant have by the stipulation, as above referred to, agreed that the just compensation to be paid by the plaintiff for the taking of the estate in Tract No. 1936, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause is the total sum of \$1400.00, inclusive of interest.

The Court further finds that the above-named party-defendant was the owner of the above-captioned tract on the date of taking; that he is entitled to the entire award therefor. That A. F. Osborne, defendant herein, is in default at this time, the plaintiff being unable to locate him, reasonable diligence and inquiry having been made.

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 or notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract. The sum of \$1200.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

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. 1936 is the sum of \$1400.00 inclusive of interest;

C. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$200.00 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:

Roscoe Kuykendall, Administrator of the
Estate of Etta Kuykendall, deceased. \$200.00

Entered this *7th* day of *May* 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

W. R. THIXTON, JR.

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

641.99 Acres of Land, More or Less,
Situate in Osage, Creek and Pawnee
Counties, Oklahoma, and Helen R. Breeden,
et al., and Unknown Owners,

Defendants.

Civil No. 5320

Tract No. 2022

FILED

MAY -7 1968

JUDGMENT ON STIPULATION

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

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

The Court finds that plaintiff and Helen R. Breeden, formerly Helen R. Alburty, individually and as guardian for Norma Jean Alburty, Donna Lou Alburty, Grover Columbus Alburty, Jr., James Samuel Alburty, and Johnny Lee Alburty, minors and heirs of G. C. Alburty, deceased, and their attorney John McCabe, defendants herein, have, by the stipulation above referred to, agreed that the just compensation to be paid by the plaintiff for the taking of the estate in Tract No. 2022, as set forth and described in the Complaint and Declaration of Taking heretofore filed in this cause, is the total sum of \$11,300.00, inclusive of interest, which amount was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein. The Court has jurisdiction of the parties and the subject matter of this action. Service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant having compensable interests in the subject tract. The Court further finds that the above-named defendants were the sole owners of the captioned tract on the date of taking, and they are entitled to the entire award therefor.

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

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

B. The just compensation to be paid by the plaintiff for the taking of Tract No. 2022 is the sum of \$11,300.00, inclusive of interest, which sum has heretofore been disbursed by orders of this Court.

Entered this 7th day of May 1963.

ALLEN E. BARROW

JUDGE, UNITED STATES DISTRICT COURT

APPROVED:

W. R. THIXTON, JR.

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

31.96 Acres of Land, More or Less
Situating in Osage County, Oklahoma,
and Jack Drummond, et al., and
Unknown Owners,

Defendant.

Civil No. 5519

Tract Nos. 2833-1, 2 &
E-1 thru E-4

JUDGMENT ON MOTION

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

The Court finds that prior to the institution of the above proceeding the United States of America and the defendants, Jack Drummond and Phyllis Jo Nantkes, natural guardian for Corby Lee Strate, a minor restricted Osage Indian, entered into a contract and agreement, as evidenced by an option for the purchase of land granted by said defendant and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$1550.00, inclusive of interest, would be awarded as just compensation for the taking of the estates to be condemned in Tracts Nos. 2833-1, -2, & E-1 through E-4, as such estates and said tracts are described in the complaint and declaration of taking heretofore filed in this cause.

The Court further finds that the above-named defendants were the sole owners of the above-captioned tracts on the date of taking; that they are entitled to the entire award therefor; and that the contract and agreement is a valid one, the amount of compensation agreed upon having been approved by the Superintendent of the Osage Agency, Bureau of Indian Affairs, Department of the Interior.

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

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

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

B. The just compensation to be paid by the plaintiff for the taking of Tracts Nos. 2833-1, -2, and E-1 through E-4 is the sum of \$1550.00, inclusive of interest;

C. The Clerk of the Court is directed and authorized to draw checks on the funds in the Registry of this Court in the amounts of \$775.00, made payable to Jack Drummond, and \$775.00 made payable to Superintendent of the Osage Agency, for the benefit and use of Corby Lee Strate, minor, restricted Osage, and cause payments to be made.

Entered this 7th day of May 1963.

ALLEN E. BARROW

JUDGE, United States District Court

APPROVED:

W. R. THIXTON, JR.

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

CIVIL ACTION NO. 4955 ✓

Tracts Nos. K-1129 and
K-1129E

FILED

MAY - 8 1963

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

J U D G M E N T

1.

Now, on this 7th day of May, 1963, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies to the entire estate taken in Tracts Nos. K-1129 and K-1129E, as such estate and tracts are described in the Complaint herein, with the exception of all improvements located on one acre within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 30, Township 25 N., Range 17 E., in Nowata County, Oklahoma, and this judgment, therefore, is intended to cover all interests in Tracts K-1129 and K-1129E left outstanding by the judgment entered herein on January 22, 1962.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority

to condemn for public use the property described in paragraph 2 herein. Pursuant thereto, on June 28, 1960, the United States of America has filed its Declaration of Taking of such described property, and title to the described property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, certain sums of money, and all of this deposit has been disbursed, as set out in paragraph 14 below.

7.

On the date of taking in this action, the owners of the property covered by this judgment were the defendants whose names are shown in paragraph 14 below. Such named defendants are the only persons asserting any interest in the subject property, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the subject property.

8.

The owners of the subject property and the United States of America have executed and filed herein a Stipulation As To Just Compensation wherein they have agreed that just compensation for the subject property is in the amount shown as compensation in paragraph 14 below, and such stipulation should be approved.

9.

A Stipulation for Exclusion of Property, executed by the owners of the subject property and the United States of America, was filed herein on April 24, 1961, whereby certain improvements, situated on the subject tracts, were excluded from the taking in this case and it was agreed that the award of compensation for such tracts would be reduced by the salvage value of such improvements, and such stipulation should be approved.

10.

A deficiency exists between the amount deposited as estimated compensation for subject property and the amount fixed by the Stipulation As To Just Compensation, and the amount of such deficiency should be deposited for the benefit of the landowners. Such deficiency is set out in paragraph 14 below.

11.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property covered by this judgment, as set forth in paragraph 2 herein; and such property, with the exception of the property excluded by paragraph 14 to the extent of the estates described and for the uses and purposes described in such Declaration of Taking, is condemned and title thereto is vested in the United States of America, and all defendants herein and all other persons interested in such property are forever barred from asserting any claim thereto.

12.

It Is Further ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owners of the subject property were the defendants whose names appear below in paragraph 14, and the right to just compensation for the estates taken herein in such property is vested in the parties so named.

13.

It Is Further ORDERED, ADJUDGED, AND DECREED that the Stipulation for Exclusion of Property mentioned in paragraph 9 above is hereby confirmed, and title to the property covered by such stipulation remains vested in the defendant owners.

14.

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

TRACTS NOS. K-1129 AND K-1129E

Owners of all property covered by this judgment, as described in paragraph 2:

P. W. Fusselman and
Katherine Fusselman

Award of just compensation for all property covered by this judgment, as described in paragraph 2 - - -	\$20,650.00	
Less salvage value of improvements excluded by stipulation - - - - -	\$20.00	
Net award - - - - -	\$20,630.00	\$20,630.00
Deposited as estimated compensation for subject property - - - - -		\$17,600.00
Disbursed to owners - - - - -	\$17,600.00	
Balance due to owners - - - - -	\$3,030.00	
Deposit deficiency - - - - -		\$3,030.00

It Is Further ORDERED, ADJUDGED, AND DECREED that the United States of America shall deposit in the Registry of this Court, in this civil action to the credit of subject tracts, the deficiency sum of \$3,030.00, and the Clerk of this Court then shall disburse from the deposit for subject tracts to F. W. Fusselman and Katherine Fusselman, jointly, the sum of \$3,030.00.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

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

JOHN B. ADAMS,

Plaintiff,

-vs-

PEARL A. ORENDUFF,

Defendant.

N . 4978

FILED

MAY 13 1963

J U D G M E N T

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

The above entitled matter coming on May 7, 1963 for trial pursuant to regular setting, the Plaintiff appearing in person and by his attorney, Harry D. Moreland, and the Defendant appearing in person and by her attorney, J. D. Conderman, the Court began hearing the evidence in the case and recessed for the noon hour; and at the resumption of the trial, after the noon recess, Defendant's counsel announced to the Court that settlement had been reached between the parties, which statement was concurred in by the attorney for Plaintiff, and the Court thereupon accepted such statement of settlement, including the concurrence of the parties themselves, and based thereupon, it is,

ORDERED ADJUDGED AND DECREED:

1. That Plaintiff is the owner of the oil and gas lease and leasehold estate assigned to him by Defendant by an Assignment dated August 10, 1959, and recorded in Book 2989, at page 566 of the records of Tulsa County, Oklahoma, free and clear of any claim on the part of Defendant, or anyone claiming or to claim, under, by or through her; that the Notice of Claim of Ownership executed by Defendant on or about June 1, 1960 and recorded on or about June 3, 1960 in Book 3062 at page 421 of the records of Tulsa County, Oklahoma, be and the same is hereby cancelled and removed as a cloud upon the title of Plaintiff to the oil and gas lease and leasehold estate described therein, being the same oil and gas lease and leasehold estate involved in this action; that Defendant conveyed away all right,

title, interest, equity or estate which she owned or possessed in the oil and gas lease and leasehold estate upon the Southwest Quarter (SW/4) of Section Twenty-eight (28), Township Eighteen (18) North, Range Fourteen (14) East, Tulsa County, Oklahoma, according to the Government Survey thereof, when she executed and delivered to Plaintiff the Assignment dated August 13, 1959, above referred to; and that Defendant, as well as any one other than Plaintiff, claiming or to claim under, by or through her since that time, has not had and does not now have any right, title, interest, equity or estate in and to such oil and gas lease and leasehold estate, and Defendant and those claiming or to claim by, through or under her with respect thereto are hereby forbidden and enjoined so to do;

2. That neither party have judgment against the other for money, and that all claims on the part of either against the other for money, or otherwise, are hereby forever cancelled, held for naught and merged in this judgment;

3. Plaintiff shall execute and deliver to James F. French an Assignment, without warranty of title, of all of Plaintiff's claim of right, title, interest, equity or estate in and to the oil and gas lease or leases upon the following described real estate, to-wit:

The East 16 acres of the West 32 acres of the South Half (S/2) of the Southeast Quarter (SE/4) of Section Thirty-one (31), Township Eighteen (18) North, Range Fourteen (14) East, less three (3) acres; and

The east 67.61 acres, more or less, of the West Half (W/2) of the Northeast Quarter (NE/4) of Section Six (6), Township Seventeen (17) North, Range Fourteen (14) East, Tulsa County, Oklahoma.

(s) Allen E. Barrows
JUDGE

O.K.

James F. French
Attorney for Plaintiff

O.K.

James F. French
Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

CIVIL ACTION NO. 4990

Tracts Nos. 6614-8 and
6614-9

FILED

J U D G M E N T

1.

NOW, on this 7th day of May, 1963, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Report of Commissioners filed herein on February 25, 1963, and the Court after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject tracts of land. Pursuant thereto, on August 11, 1960, the United States of America filed its Declaration of Taking of a certain estate in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such Declaration of Taking.

6.

On the filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estate in the subject tracts, a certain sum of money and none of this deposit has been disbursed as set out in paragraph 11 below.

7.

The Report of Commissioners filed herein on February 25, 1963, is hereby accepted and adopted as a finding of fact as to the subject tracts. The amount of just compensation as to the subject tracts, as fixed by the Commission, is set out in paragraph 11 below.

8.

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

9.

The defendants named in paragraph 11 as owners of subject tracts are the only defendants asserting any interest in the estate condemned herein, all other defendants having either disclaimed or defaulted; the named defendants are the owners of the respective interests in such estate as designated and, as such, are entitled to receive the just compensation for the subject tracts.

10.

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

11.

It Is Further ORDERED, ADJUDGED AND DECREED that the right to receive just compensation for the estate taken herein in subject tracts is

vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of February 25, 1963, hereby is confirmed, the sum therein fixed is adopted as just compensation for subject tracts, and the award is allocated among the owners as shown by the following schedule:

TRACTS NOS. 6614-8 and 6614-9

Owners:

1. J. F. Buxton owned 1/2 interest in the lessor interest in 10 acres of the subject tracts described as SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T. 26 N., R. 16 E.
2. Orle Price owned the balance of the lessor interest in the subject tracts, subject to a mortgage owned by the Victory National Bank of Nowata, Oklahoma.
3. Hazel G. Price owned an oil and gas lease covering all of the subject tracts, subject to a mortgage owned by the Victory National Bank of Nowata, Oklahoma.

Award of just compensation for entire estate taken - - - - - \$2,000.00

Allocation of award, deposit, disburseals and deficiency:

	<u>J. F. Buxton Interest</u>	<u>Orle Price and Victory National Bank Interest</u>	<u>Hazel G. Price and Victory National Bank Interest</u>	<u>Totals</u>
Allocation of Award	\$100.00	\$900.00	\$1,000.00	\$2,000.00
Deposited as Estimated Compensation	- - - - -			\$800.00
Disbursed to Owners	<u>None</u>	<u>None</u>	<u>None</u>	
Balance Due To Owners	\$100.00, plus interest on the defi- ciency	\$900.00 plus interest on the defi- ciency	\$1,000.00, plus interest on the defi- ciency	<u> </u>
Deposit Deficiency	- - - - -			\$1,200.00

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the landowners the deposit deficiency for the subject tracts in the amount of \$1,200.00, together with interest on such deficiency at the rate of 6% per annum from August 11, 1960 until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tracts in this civil action. Upon receipt of such sum, the Clerk of this Court shall disburse

from the deposit for the subject tracts certain sums as follows:

- To Orle Price and the Victory National Bank of Nowata, jointly 47.3685% of the sum then on deposit for subject tracts.
- To Hazel G. Price and the Victory National Bank of Nowata, jointly, 52.6315% of the sum then on deposit for the subject tracts.

13.

It Is Further ORDERED that the Clerk of this Court forthwith, shall disburse from the sum presently on deposit for the subject tracts, to J. F. Buxton, the sum of \$100.00 plus interest on \$60.00 (5% of the deposit deficiency) at the rate of 6% per annum from August 11, 1960, until the date of disbursal.

ALLEN E. BARROW

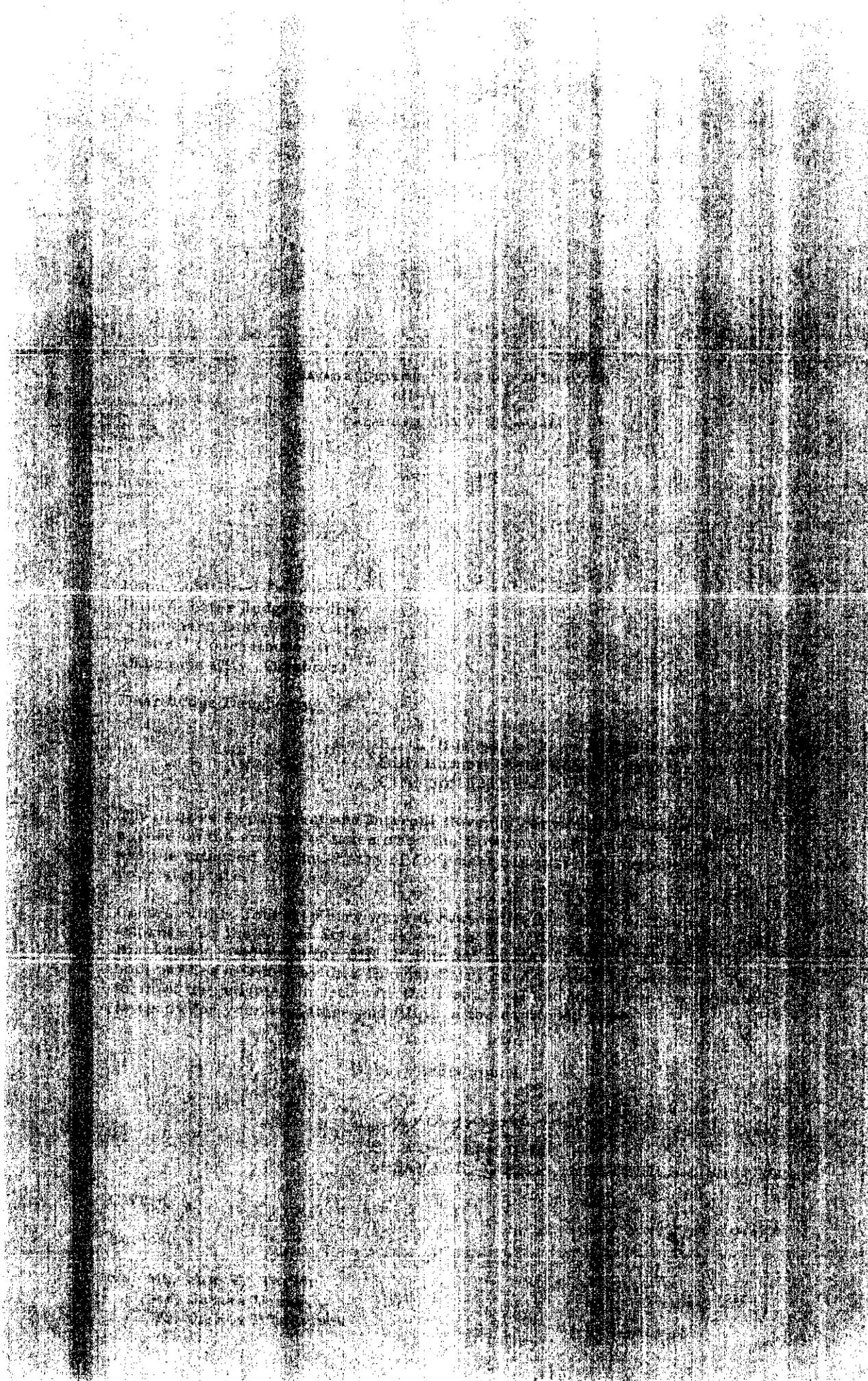
UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney





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

OKLAHOMA TURNPIKE AUTHORITY,)
A Corporation,)
Plaintiff,)
)
-vs-)
)
CENTRAL CASUALTY COMPANY,)
A Corporation, ILA ROSALEE SAUL,)
individually and Administratrix of the)
Estate of DEAN THOMAS SAUL,)
Deceased, SAMMY DEAN SAUL, DAVID)
LEE SAUL, TOMMY DEE SAUL and)
BRENDA KAY SAUL, NATIONAL TRAILER)
CONVOY, INC., a corporation, ALVA MILO)
WIX and TRADERS & GENERAL INSURANCE)
COMPANY, A Corporation,)
Defendants.)

No. 5259 Civil

FILED

MAY 10 1963

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

ORDER

For good cause, this action is hereby dismissed without prejudice.

(s) *Father Bohannon*
Judge

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

St. Louis-San Francisco Railway Company, a corporation, Plaintiff,
-vs-
Elmar Tank Line Company, a corporation, Defendant.

No. 5490
FILED
IN OPEN COURT.
MAY - 8 1963

JOURNAL ENTRY OF JUDGMENT **NOBLE C. HOOD**
Clerk, U. S. District Court

Now on this 8th day of May, 1963, there came on for hearing this action for money judgment brought by plaintiff, St. Louis-San Francisco Railway Company, against defendant, Elmar Tank Line Company, for repairs effected by the plaintiff on one of the tank cars owned by the defendant and for excess empty mileage wherein plaintiff hauled one of defendant's cars empty on its tracks. Plaintiff appeared by and through its attorneys Franklin, Harmon & Satterfield by Grey W. Satterfield, and defendant appeared by and through its attorney Max G. Cohen.

Thereupon the Court heard the evidence and the argument of counsel and the Court being fully advised in the premises found that plaintiff should have judgment in the amount of \$337.09.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff have and recover of and from the defendant the sum of \$337.09.

(s) Allen E. Barrow
U. S. District Judge

APPROVED:
Grey W. Satterfield
Attorneys for Plaintiff
Max G. Cohen
Attorneys for Defendant

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

UNITED STATES OF AMERICA for the)
Use and Benefit of O. R. PHIPPS,)
Sole Trader, Doing Business as)
O. R. PHIPPS TRUCKING COMPANY,)
Plaintiff,)

vs.)

HYDE CONSTRUCTION COMPANY, INC.,)
a corporation; UNITED STATES FILE-)
LITY & GUARANTY COMPANY, a corpora-)
tion; NATIONAL SURETY CORPORATION,)
a corporation; and THE AETNA CAS-)
UALTY AND SURETY COMPANY, a cor-)
poration; and TRAXLER MATERIALS,)
INC., a corporation,)
Defendants.)

CIVIL ACTION

No. 5573

FILED

MAY - 9 1963

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

STIPULATION FOR ENTRY OF DISMISSAL WITH
PREJUDICE BY AND BETWEEN THE PLAINTIFF, O. R. PHIPPS
AND THE DEFENDANT, TRAXLER MATERIALS, INC., A CORPORATION

This stipulation and agreement made and entered into this
9th day of May, 1963 by and between the plaintiff, O. R. Phipps,
represented by Holly Anderson, and the Traxler Materials, Inc., a
corporation, represented by its counsel Dyar, Powers & Gotcher,

WITNESSETH:

WHEREAS, said O. R. Phipps has heretofore instituted suit
against the said Traxler Materials, Inc., a Defendant amongst
other defendants, and

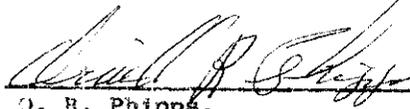
WHEREAS, it is the wishes and desires of plaintiff and de-
fendant Traxler Materials, Inc., to settle for all times all
rights, demands or obligations, suits or claims existing as be-
tween said plaintiff and defendant Traxler Materials, Inc.,

NOW, THEREFORE, said parties agree that upon payment of the

sum of One Thousand Dollars (\$1,000.00) on behalf of Traxler Materials, Inc. by Jackson Ready-Mix Concrete, its successor corporation; said cause of action shall be dismissed as to the said defendant Traxler Materials, Inc., with prejudice to the bringing of another or future action.

It is further stipulated and agreed that upon execution of the stipulation by the parties hereto and their counsel representing them, that the Clerk of this Court shall be authorized and directed to enter in this Court an Order of Dismissal with prejudice as to the defendant Traxler Materials, Inc.

Executed at Tulsa, Oklahoma this 7th day of May, 1963.



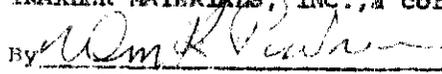
O. R. Phipps,
D/B/A O. R. Phipps Trucking Company

APPROVED:



Holly Anderson,
Attorney for O. R. Phipps

TRAXLER MATERIALS, INC., a corporation,

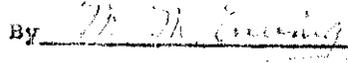
By 
William K. Powers, its attorney

ORDER OF DISMISSAL

Pursuant to the above and foregoing stipulation entered into by the parties herein, said cause of action as to the defendant Traxler Materials, Inc., a corporation, is hereby dismissed with prejudice to the bringing of another or future action thereon.

Executed at Tulsa, Oklahoma, this 7th day of May, 1963.

U. S. DISTRICT COURT CLERK,

By 

United States District Court for the
Northern District of Oklahoma

UNITED STATES OF AMERICA, Plaintiff

vs.

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

CIVIL NO. 5402

TRACTS NO. A-181E-2

FILED

MAY 10 1953

JUDGMENT

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

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tracts.

2. 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 having compensable interests in the subject tracts; that upon the date the Declaration of Taking and the Complaint were filed title to the estate taken, as set out therein, became vested in the United States of America.

3. The Court finds, upon the evidence presented that the below listed defendants were the sole owners of the above-captioned tracts on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$ 2,300.00 , inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$ 2,000.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and John B. and Lucy A. Anderson, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$2,300.00, inclusive of interest.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$ 2,300.00 , inclusive of interest; the sum of \$2,000.00 has heretofore been disbursed by order of this Court to these defendants herein;

C. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$300.00, 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:

John B. and Lucy A. Anderson -----\$300.00
Rt. 1, Sand Springs, Okla.

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

Entered this 10th day of May, 1963.

Allen E. Brown
UNITED STATES DISTRICT JUDGE

APPROVED:

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

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

United States of America for the Use
and Benefit of Frank L. Andrews,
Trustee, et al,

Plaintiffs,

v.

Hyde Construction Company, Inc., a
corporation, et al,

Defendants.

Civil No. 5488

FILED

MAY 10 1953

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

SUMMARY JUDGMENT

On the third day of May, 1953, plaintiff's Motion for Summary Judgment against the defendants, after due and proper notice to all parties, came on to be heard before this Court and, after considering the pleadings, the various motions on file, the affidavits of parties and witnesses which are on file, oral testimony taken in open court, the briefs and argument of counsel, and, having made formal and specific findings of fact and conclusions of law, it appears to the satisfaction of the Court that the plaintiff is entitled to summary judgment in the amount of \$90,641.21, and that there is no just cause for delay in payment.

Civil cases Nos. 5589 and 5581 having been consolidated herewith and having judgments confessed against the defendants and in favor of the plaintiff, it is hereby

ORDERED, ADJUDGED AND DECREED that plaintiff, Frank L. Andrews, Trustee, have judgment against the defendants, Hyde Construction Company, Inc., United States Fidelity & Guaranty Company,

National Surety Corporation and The Aetna Casualty and Surety Company, in the sum of \$390,641.21, together with interest thereon at the rate of six (6%) per cent per annum from July 17, 1962, until paid.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Flint Steel Corporation have judgment against Frank T. Andrews, Trustee, Hyde Construction Company, Inc., United States Fidelity & Guaranty Company, National Surety Corporation and The Aetna Casualty and Surety Company in the sum of \$193,101.96, together with interest thereon against Frank T. Andrews, Trustee, at the rate of six (6%) per cent per annum from September 1, 1962, until paid.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Goslin-Birmingham Manufacturing Company have judgment against Frank T. Andrews, Trustee, Hyde Construction Company, Inc., United States Fidelity & Guaranty Company, National Surety Corporation and The Aetna Casualty and Surety Company in the sum of \$438,121.89, together with interest thereon at the rate of six (6%) per cent per annum from January 25, 1962, until paid.

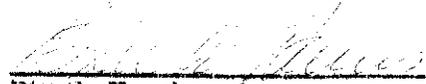
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the amount of \$193,101.96 due and owing Flint Steel Corporation by Frank T. Andrews, Trustee, on July 17, 1962, is to be paid out of this \$390,641.21 judgment when received, together with interest thereon at six (6%) per cent per annum from September 1, 1962, or, in the event any sums are collected by Flint Steel Corporation upon the judgment herein entered in its favor, the amount so collected shall be credited against the judgment herein given Frank T. Andrews, Trustee.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the judgment rendered above in favor of Goslin-Birmingham Manufacturing Company is ~~not~~ to be paid out of the \$390,641.21 judgment rendered in favor of the plaintiff, Frank T. Andrews, Trustee, ~~but is to be paid by the defendants, Hyde Construction Company, Inc., United States Fidelity & Guaranty Company, National Surety Corporation and The Aetna Casualty and Surety Company.~~

This judgment made and entered into this 10th day of February, 1963.

United States District Judge

APPROVED:

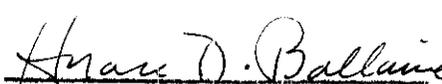


Bill C. Harris
2700 First National Building
Oklahoma City 2, Oklahoma

David H. Sanders
205 Denver Building
Tulsa, Oklahoma



George E. Brewer
312 Mayo Building
Tulsa, Oklahoma



Horace D. Bellaine
1107 First National Building
Tulsa, Oklahoma

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

UNITED STATES OF AMERICA,
for the use and benefit
of ALBERT & HARLOW, INC.,
a corporation

Plaintiff

vs.

GENERAL INSURANCE CO. OF
AMERICA, a corporation,
and ACE CONSTRUCTION CO.,
a corporation

Defendants

No. 5537 Civil

FILED

MAY 10 1963

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

ORDER OF DISMISSAL WITH PREJUDICE

This matter having been scheduled for pretrial conference and coming on before the Court for hearing on pretrial conference and upon the application of plaintiff for an order of dismissal, and the parties appearing by their counsel, and the Court having examined the records and files in the cause and the application herein filed by the plaintiff, and having heard statements of counsel and being otherwise fully advised in the premises, finds as follows:

- (1) All issues of law and fact heretofore existing between the parties have been settled, compromised, released, and extinguished.
- (2) Defendants herein have paid to plaintiff a valuable consideration in the sum of \$30,000.00, and plaintiff has received and accepted such payment in full settlement, compromise, satisfaction, and release of all causes and claims asserted in the complaint filed in this action and arising therefrom.
- (3) The cross-complaint herein made by the defendant, Ace Construction Company, against the plaintiff, has also been settled,

compromised, released, and extinguished by the agreement of the parties, and as a part and parcel of the settlement of all other issues in this matter, and the complaint on cross-petition also should be ordered dismissed.

(4) Upon application of the plaintiff, and by reason of the settlement, compromise, release, and extinguishment of causes and claims involved in this action, an order of dismissal with prejudice should be entered.

BE IT THEREFORE ORDERED, ADJUDGED, AND DECREED that this cause be and the same is hereby dismissed with prejudice to all future actions thereon.

BE IT FURTHER ORDERED that the cross-complaint made herein by the defendant, Ace Construction Company, against plaintiff has been compromised, settled, released, and extinguished, and that said cross-complaint be and the same is hereby ordered dismissed with prejudice to all future actions thereon.



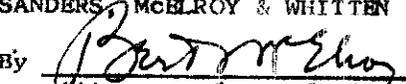
Judge

APPROVED:

LIPARDUS, HOLLIMAN & HUFFMAN

By 
Attorneys for Plaintiff

SANDERS, MCELROY & WHITTEN

By 
Attorneys for Defendants

FILED

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

1962

UNITED STATES OF AMERICA for the Use
and Benefit of FLINT STEEL CORPORATION,
an Oklahoma corporation,

Plaintiff,

vs.

HYDE CONSTRUCTION COMPANY, INC., a
corporation, ET AL.,

Defendants.

CLERK OF COURT
U.S. DISTRICT COURT

NO. 5561

ORDER FOR FINAL JUDGMENT

Plaintiff having moved, pursuant to Rule 56 of the Federal Rules and Civil Procedure, for summary judgment against all of the defendants in plaintiff's favor for the relief demanded in paragraphs 1-9 of the Complaint,

And plaintiff and defendants having agreed in open court that a settlement had been agreed upon whereby plaintiff might have a judgment against all of the defendants except Frank T. Andrews, Trustee for the Estate of Yuba Consolidated Industries, Inc., for the sum of \$6,527.46, together with an attorney's fee of \$350.00, as demanded in paragraphs 11 through 17 of the Complaint, in consideration of its waiving a certain other claim in the amount of \$2,648.11 which it had formerly asserted,

IT IS ORDERED that plaintiff's motion for summary judgment for the relief demanded in paragraphs 1 through 9 of the Complaint be and is hereby sustained and that plaintiff have judgment against all of the defendants for the sum of \$193,101.96 and a further judgment for interest at the rate of six per cent (6%) per annum on said sum from September 1, 1962, against Frank T. Andrews, Trustee for the Estate of Yuba Consolidated Industries, Inc.

IT IS FURTHER ORDERED that the plaintiff have judgment against all of the defendants except Frank T. Andrews, Trustee of the Estate of Yuba Consolidated Industries, Inc., for the sum of \$6,527.46 together with an attorney's fee in the amount of \$250.00.

The undersigned expressly determines that there is no just reason for delay in the entry of final judgment in favor of plaintiff and against the defendants above set out for the sums above named and IT IS ORDERED, ADJUDGED AND DECREED that final judgment for such sums is hereby granted and ordered entered.

ENTERED this 10th day of May, 1963.

Allen E. [Signature]
United States District Judge

APPROVED:

Bill C. Harris
Bill C. Harris
2700 First National Building
Oklahoma City 2, Oklahoma

David H. Sanders
David H. Sanders
205 Denver Building
Tulsa, Oklahoma

Horace D. Balline
Horace D. Balline
711 First National Building
Tulsa, Oklahoma

Company for the sum of \$6,527.46 as demanded in paragraphs 11 through 17 of the Complaint, together with \$350.00 attorney's fees, and it is FURTHER ADJUDGED that plaintiff have and recover judgment against Hyde Construction Company, Inc., United States Fidelity & Guaranty Company, National Surety Corporation, and The Aetna Casualty and Surety Company in the sum of \$193,101.96, together with interest thereon, against Frank T. Andrews, Trustee, at the rate of six per cent (6%) per annum from September 1, 1962, until paid.

Defendants except to that portion of this judgment granting \$350.00 attorney's fees.

That portion of this judgment for \$193,101.96 against all of the defendants is a duplication of the judgment entered in favor of Flint Steel Corporation against all of the defendants docketed under Civil No. 5498 in this Court.

ENTERED this 10th day of May, 1963.

Noble C. Hood
Clerk
By Ben B. Ballinger
Deputy

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

CITIZENS BANK OF BOONVILLE,
ARKANSAS,)
Plaintiff,)
vs)
NATIONAL BANK OF COMMERCE,
TULSA, OKLAHOMA,)
Defendant.)

No. 5445-Civil FILED

MAY 11 1963

J U D G M E N T

NOBLE C. HOOD
Clerk

This action came on for hearing before the Court, Honorable Luther Bohannon, District Judge, presiding, and the issues having been duly heard and a decision having been duly rendered,

IT IS ORDERED AND ADJUDGED that the plaintiff take nothing, that the action be dismissed on the merits, and that the defendant National Bank of Commerce, Tulsa, Oklahoma, recover of the plaintiff Citizens Bank of Boonville, Arkansas, its costs of action.

Dated at Tulsa, Oklahoma, this 14th day of May, 1963.

Noble C. Hood, Clerk

By M. M. Currier
Deputy

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

CITIZENS BANK OF BOONEVILLE,
ARKANSAS,

Plaintiff,

vs.

NATIONAL BANK OF COMMERCE,
TULSA, OKLAHOMA,

Defendant.

No. 5445-Civil

FILED

MAY 11 1963

J U D G M E N T

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

IT IS ORDERED, ADJUDGED AND DECREED BY THE COURT that plaintiff's Complaint should be dismissed and that defendant should have judgment. That it properly stopped payment on its cashier's check in the sum of \$15,250. That defendant is not obligated to pay said cashier's check, and that defendant should have judgment for its costs.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED this 14 day of May, 1963.

H. Luther Bohannon
UNITED STATES DISTRICT JUDGE