

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

FILED

SEP - 4 1963

GRAND RIVER DAM AUTHORITY,)
a public corporation,)
)
Petitioner,)
)
vs.)
)
4 TRACTS OF LAND containing 549.4)
Acres, more or less, all in Mayes)
County, Oklahoma, Carl W. Bolding,)
et al.,)
)
Defendants.)

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

Civil No. 5517

JUDGMENT ON VERDICT

as to
TRACT NO. 2 (2 MF 49 + FE Rev.)

On this 28th day of May, 1963, the above entitled cause coming on for trial by jury, the petitioner, Grand River Dam Authority, a public corporation, appearing by its attorneys, Q. E. Boydston and Joe Cannon, and the defendants, Clay King and Dorothy Lee King, appearing by their attorney, L. 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 Mayes 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 waters 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. 2 (2 MF 49 - FE Rev.)
(Fee Title To & Perpetual Easement Upon)

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

FEE TITLE TO:

That part of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ lying west of the K. O. & G. Railroad less and save the W $\frac{1}{2}$ W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and all that part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying east of the K.O. & G. Railroad, the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and all those parts of the W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ described as follows:

Beginning at the northeast corner of said W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, thence in a southwesterly direction to a point in the south boundary of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ 165 feet east of the southwest corner thereof; thence westerly along said south boundary to said southwest corner; thence northerly along the west boundaries of said NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ and said W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the northwest corner of said W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence easterly along the north boundary of said W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the point of beginning, all in Sec. 35, T 21 N, R 20 E of the Indian Base and Meridian, including all reversionary interest, if any, in and to the K.O. & G. Railroad Right-of-way, containing 55.7 acres.

PERPETUAL EASEMENT UPON:

The W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ except those portions to be taken in fee and described above, and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 35, T 21 N, R 20 E of the Indian Base and Meridian, containing 36.8 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 petitioner's petition.

It further appearing that on the 21st day of December, 1962, the Judge of this 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, Geo. E. Reeves, Robert D. Scott, and Frank C. Conkwright, three (3) disinterested freeholders residing within the confines of the Northern District of 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 16th day of January, 1963, 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 \$26,837.00 to the owners of said land for the taking of the same, and the Grand River Dam Authority, a public corporation did, on the 28th day of January, 1963, 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 \$26,837.00 for the use of the owners of said land; and that thereafter, the defendants, Clay King and Dorothy Lee King, 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 28th day of May, 1963, this cause coming on for trial in its regular order before a jury of twelve (12) persons, who, being duly impaneled and sworn, well and truly, to try the issues joined between the petitioner and the defendants, Clay King and Dorothy Lee King, 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:

"We, the Jury, find for the landowners, Clay King and Dorothy Lee King and fix their damages in the amount of \$20,500.00."

which verdict was returned on the 28th day of May, 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, Clay King and Dorothy Lee King, 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 \$20,500.00.



UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

Civil No. 5127

Tracts Nos. I-902E-1

FILED

SEP - 5 1963

AMENDED 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, and to amend Judgment entered October 12, 1961, by substituting this Judgment in lieu thereof.

2. The Court finds that the Declaration of Taking and Complaint and Amendment to Complaint and Amendment to Declaration of Taking 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 Complaint and Amendment to Complaint and Amendment to Declaration of Taking 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 \$750.00, 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 and Amendment to Complaint and Amendment to Declaration of Taking heretofore filed in this cause. The sum of \$405.00 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 Raymond K. Holmes, Herbert H. Holmes, Pansy Lynch Boone, Eugenia Jane Taylor, Alice Ilene Marshall, H. L. Boone, Curt D. Edgerton and Ira D. Crews, 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 \$750.00, 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 \$750.00, inclusive of interest, of which amount the sum of \$40.00 has heretofore been disbursed to Curt D. Edgerton and Ira D. Crews;

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

Raymond K. Holmes and Herbert H. Holmes - - - - -	\$355.00
Parsy Lynch Boone, Eugenia Jane Taylor, Alice Ilene Marshall and H. L. Boone - - - - -	\$355.00

Entered this 11 day of September 1963.

ALLEN E. BARROW

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

FILED

SEP 18 1963

JOHN B. ANDERSON,)
)
 Plaintiff)
)
 -vs-)
)
 A. P. STOGNER,)
)
 Defendant)

NOBLE C. HOOVER
U.S. District Court

NO. 5444, Civil

ORDER OF DISMISSAL WITHOUT PREJUDICE

Now on this 17 day of Sept, 1963, this cause comes on for hearing on Plaintiff's request to Dismiss the cause Without Prejudice. The Court being advised in the premises finds that the defendant herein has been granted a final decree in Bankruptcy in the United States District Court for the Western District of Kentucky wherein the Judgment upon which this action accrued were set out, thereby making the action complained of herein moot.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this cause is dismissed without prejudice.

[Signature]

J U D G E

APPROVED AS TO FORM:
[Signature]

Attorney for Plaintiff
[Signature]

Attorney for Defendant

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

J & S FOUNDRY, INC., a corporation,)
)
 Plaintiff,)
)
 vs.) NO. 5518
)
 LOCAL NO. 17, INTERNATIONAL MOLDERS)
 AND ALLIED WORKERS UNION, AFL-CIO,)
)
 Defendant.)

FILED

SEP 16 1953

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

ORDER SUSTAINING PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT

This matter having been heard by the Court 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 filed in this action, the Affidavit of the Plaintiff submitted in support of said Motion, the Pretrial Order previously filed in this matter, the Answers to Interrogatories by Defendant in response to Interrogatories propounded by the Plaintiff, and the Briefs of the parties, and being of the opinion that no genuine issue as to any material facts has been shown to exist, and that the Plaintiff is entitled to judgment for such amount as shall be found by the Court to be due it from the Defendant as damages;

IT IS ORDERED that an interlocutory judgment be and the same hereby is entered in favor of the Plaintiff, and against the Defendant, on all of the issues of this action relating to the liability of the Defendant to the Plaintiff and for such amount as may be found due to the Plaintiff as damages.

IT IS FURTHER ORDERED that this action be placed on the calendar of this Court for trial on the issue of damages alone.

DATED September _____, 1963.

United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Charles O. Morse and Kathryn
Morse
Albert D. Ledbetter and Mary F.
Ledbetter,

Defendants.

Civil No. 5392

FILED ✓

AUG 26 1963

WILLIAM C. HOOD
Clerk U. S. District Court
AW

J U D G M E N T

Now on this 26th day of August 1963, the above-

entitled matter coming on for hearing the plaintiff appearing by Sam E. Taylor, Assistant United States Attorney for the Northern District of Oklahoma, and it appearing that this is a suit based upon a note and for foreclosure of a real estate mortgage, and it further appearing that the real estate so described is located in Ottawa County, Oklahoma, within the Northern District of Oklahoma; and

It appearing that the Defendants, Charles O. Morse and Kathryn Morse have heretofore filed a Motion To Dismiss plaintiff's complaint herein, which Motion was overruled by this Court on April 5, 1963, and said defendants were ordered to further plead or answer herein within 15 days thereafter, and it further appearing that said defendants have failed to further plead or answer but have made default.

It further appearing that due and legal personal service has been made on the defendants Albert D. Ledbetter and Mary F. Ledbetter on the 1st day of May 1962 in the State of Missouri, pursuant to the Order of this Court on the 27th day of April 1962, requiring each of them to answer the Complaint filed herein on or before the 28th day of May 1962, and it further appearing that said defendants have failed to answer herein but have made default.

Thereupon, the Court being fully advised finds that the allegations and averments in the complaint of plaintiff are true and that there is due and owing to the plaintiff, United States of America, from the Defendants, Charles O. Morse and Kathryn Morse, and Albert D. Ledbetter and Mary F. Ledbetter, the following amounts:

1. The sum of \$4,821.62 principal with interest thereon at the rate of four and one-half (4½%) per cent per annum from June 1, 1961 until paid.

2. The sum of \$60.56 as the deficit in escrow account as of July 1, 1961.

The Court further finds that plaintiff has a first and prior lien upon the real property described in plaintiff's complaint filed herein, which real property is described as follows:

Lot Nine (9), Block Three (3) in Nancy Lee Addition to the City of Miami, Ottawa County, State of Oklahoma.

It is therefore Ordered, Adjudged and Decreed that the plaintiff have and recover from the defendants, Charles O. Morse and Kathryn Morse, a personal judgment and from the Defendants, Albert D. Ledbetter and Mary F. Ledbetter, a judgment in rem against the above-described real property, for the sum of \$4,821.62 principal, with interest thereon at the rate of four and one-half (4½) per cent per annum from June 1, 1961, plus the sum of \$60.56, deficit in the escrow fund as of July 1, 1961, together with the costs of this action accrued and accruing.

It further appearing that the plaintiff elects under the terms of its mortgage to have the real property heretofore described sold with appraisal, such election is hereby approved, and said real property will be sold with appraisal.

It is Therefore, Further Ordered, Adjudged and Decreed that upon failure of the Defendants, Charles O. Morse and Kathryn Morse and Albert D. Ledbetter and Mary F. Ledbetter, to satisfy the judgment of plaintiff, an order of sale shall issue to the U. S. Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, according to law, with appraisal, the real property hereinbefore described, and to apply the proceeds thereof as follows:

1. In payment of the costs of the sale and of this action.
2. In payment of all unpaid local and State taxes.
3. In payment to plaintiff the sum of \$4,821.62 with interest thereon at the rate of four and one-half (4½) per cent per annum from June 1, 1961, until paid, plus the sum of \$60.56 deficit in escrow fund on July 1, 1961.
4. The residuum, if any, to the Clerk of this Court to await the further order of this Court.

It is further Ordered, Adjudged and Decreed that from and after the sale of the real property hereinbefore described under and by virtue of this

Judgment and Decree, the Defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed of and from any and every lien upon, right, title, interest, estate or equity in or to the real property described herein.

Dated this 6 day of September 1963.

UNITED STATES DISTRICT JUDGE

UNITED STATES OF AMERICA:



SAM E. TAYLOR
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Libelant,

vs.

Civil No. 5377

9 one-gallon containers, more or less, of a product labeled in part "Industrial Concentrated Insecticide Stainless" and 40 one-quart containers, more or less, of a product labeled in part "Safe LIQUID BOWL CLEANER".

Claimant.

FILED

SEP 10 1963

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

DECREE

This matter coming on before me, the undersigned Judge, this 10 day of Sept, 1963, after being regularly set for hearing, and the Court having examined the files in said cause and having determined that process has been regularly and properly issued, and that due notice of said hearing has been given, and the libelant appearing by Phillips Breckinridge, Assistant United States Attorney, and no person having appeared on behalf of the captioned articles, or as a claimant herein, and the Court having examined the pleadings herein, and heard the statements of counsel, and being fully advised in the premises, finds:

That the captioned products should be condemned and forfeited as prayed for in the libel of information herein.

That the captioned products should be destroyed by the United States Marshal for the Northern District of Oklahoma.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the captioned articles be and they hereby are ordered condemned and forfeited as prayed for in the libel of information herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the captioned articles be and they hereby are ordered destroyed by the United States Marshal for the Northern District of Oklahoma.



UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Philip E. Herndon,

Defendant.

Civil No. 5557

FILED
1963

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

J U D G M E N T

On this 10th day of Sept, 1963, the above-entitled

action comes on for hearing, plaintiff appearing by Sam E. Taylor, Assistant United States Attorney for the Northern District of Oklahoma, and the defendant appearing not. The Court having examined the files and having heard the evidence of plaintiff, finds that the defendant was duly served with summons herein more than 20 days prior to this date and having failed to appear, plead or answer, should be and is adjudged in default.

The Court further finds that all of the material allegations contained in plaintiff's complaint are true and correct. That the defendant is indebted to the plaintiff in the sum of \$399.84.

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

It is Therefore Ordered, Adjudged and Decreed that the plaintiff have judgment against the defendant, Philip E. Herndon, for the sum of \$399.84, with interest thereon at the rate of 6% per annum, from date of this judgment until paid and for the costs of this action.

Dated this 10th day of September 1963.

William E. Herndon
UNITED STATES DISTRICT JUDGE

FILED

SEP 10 1969

NATIONAL ARCHIVES
COLLEGE PARK, MARYLAND

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

vs.

Civil No. 5656

Articles of hazardous substance, consisting of 64 cases of 2 1/2 bottles each, articles labeled in part (BTL), "Cum Gone Tune-Up for automatic transmissions --- Poisonous --- Inflammable --- Caution --- Cnts. 8 Fl. Ozs. Rusto Products, Dallas, Texas."

FILED
IN OPEN COURT

SEP 10 1963

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

D E C R E E

This matter coming on before me this 10th day of September, 1963, and the plaintiff, United States of America, appearing by and through L. K. Smith, Assistant United States Attorney for the Northern District of Oklahoma, and the claimant herein, Kenneth Q. Odom, appearing neither in person nor by counsel, and

It appearing to the court, after having examined the libel of information and the monition heretofore filed in this case, that the various articles of hazardous substance made the subject matter of the libel of information are misbranded as set forth in the libel of information and are therefore subject to destruction pursuant to the provisions of Title 21, U.S.C., Section 301, et seq., and

It further appearing to the court that the claimant herein, Kenneth Q. Odom, who is the person from whom the captioned articles were seized, has by letter dated June 12, 1963, addressed to Mr. L. K. Smith, Assistant United States Attorney, relinquished any interest which he may have had in such articles and has consented to the disposition or destruction of the articles of hazardous substance as this court might direct.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that all of the various articles of hazardous substance seized and held by the United States Marshal for the Northern District of Oklahoma be and they are hereby ordered condemned and destroyed by the United States Marshal.



UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Libelant,

vs.

One 1968 Ford Fairland 4-Door
Sedan, Serial No. OD32W150839,
its title and appurtenances,

Respondent.

Civil No. 5701

FILED
Hogan Court
SEP 10 1968

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

J U D G M E N T

This matter coming on this 10th day of September, 1968, pursuant to notice heretofore given as will be reflected from the files and records in this case, and the libelant appearing by its attorney, Phillips Breckinridge, Assistant United States Attorney, and no persons appearing on behalf of respondent, and the files and records in this cause revealing that no persons have filed any claims for the captioned articles, and the Court being fully advised in the premises, it appears as follows:

That the Court has jurisdiction of this action and of the subject matter thereof.

That Fred W. Whetsel, attorney for Elbert Robert Stacey, has previously stated that Mr. Stacey does not intend to contest the Libel of Information filed herein nor to pursue any claim against the captioned articles.

That the allegations contained in the Libel of Information filed herein should be and hereby are taken as true and correct. That therefore the captioned articles are subject to, should be and hereby are condemned and forfeited to the United States of America in accordance with the applicable statutes.

That upon the statement of the attorney for the libelant, it appears that rather than being sold the captioned articles should be turned over and delivered by the United States Marshal for the Northern District of Oklahoma to the Alcohol Tax Unit of the Internal Revenue Service of the Department of the Treasury of the United States of America for its official use.

That the costs of this action and the administrative costs of seizure should be paid out of the cost bond filed herein, and that the balance of said cost bond remaining after said payments, if any there be, should be returned to

Elbert Robert Stacey.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the allegations of the Libel of Information filed herein be and they hereby are declared to be true and correct, and that by reason thereof the captioned articles be and they hereby are forfeited to the United States of America.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the captioned articles be and they hereby are ordered delivered and turned over to the Alcohol Tax Unit of the Internal Revenue Service of the Department of the Treasury of the United States of America for its official use.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the costs of this action and of the administrative seizure be and they are hereby ordered paid from the cost bond filed herein and the balance, if any there be, be returned to Elbert Robert Stacey.

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

By *Noble C. Hood*
Deputy.

The foregoing ordered approved this

10th day of September, 1963.

Allen C. Bassett

United States District Judge.

IN THE UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF OKLAHOMA

MIDWESTERN DEVELOPMENTS, INC.,)
)
 Plaintiff,)
 -vs-) No. 5478
)
 CITY OF TULSA, OKLAHOMA, a)
 municipal corporation,)
)
 Defendant.)

FILED
SEP 11 1963
NOBLE L. HOOD
Clerk, U. S. District Court

ORDER OF DISMISSAL

The above styled matter came on for hearing before the Court, the Honorable Allen E. Barrow presiding, on August 30, 1963, on motion of the defendant, the City of Tulsa, Oklahoma, a municipal corporation, to dismiss the plaintiff's complaint herein, and the Court finds that said Motion to Dismiss should be sustained and the within action dismissed.

It is therefore ORDERED that the Motion to Dismiss is hereby sustained and this action be, and it is hereby dismissed.

DATED at Tulsa, Oklahoma, this 30th day of August, 1963.


Allen E. Barrow
Judge of the U. S. District Court

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

FILED

SEP 11 1963

ATACHE CORPORATION,
Plaintiff,
vs.
BERT H. WHEELER and
MICHAEL J. RYAN,
Defendants.

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

CIVIL NO. 5504

JUDGMENT

This action came on for pre-trial before the Court, the Honorable Allan T. Barrow presiding, and the Defendant was not present and was not represented by counsel and the plaintiff having moved for entry of judgment, and a decision having been duly rendered,

It is Ordered and Adjudged that the plaintiff, Atache Corporation, recover of the defendant, Eugene S. Ryan, the sum of Thirty-Five Thousand (\$35,000.00) Dollars, with interest thereon at the rate of 12 per cent per annum from December 1, 1962, and attorney fees in the amount of \$7,500.00, and the costs of action.

Given at Tulsa, Oklahoma, this 11th day of September, 1963.

NOBLE C. HOOD, CLERK

By _____
Deputy

FILED

SEP 11 1963

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

U. S. District Court
District of Columbia

IN RE: [Illegible]
[Illegible]

[Illegible]

J U D I C I A L

The undersigned, in his personal behalf, do hereby certify that the following is a true and correct copy of the original as the same appears in the files of the undersigned, and that the same is a true and correct copy of the original as the same appears in the files of the undersigned.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Court at Washington, D. C., this [illegible] day of [illegible] 1963.

[Illegible Signature]

[Illegible Signature]

[Illegible Signature]

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

537.55 Acres of Land, More or Less,
Situat e in Nowata County, Oklahoma,
and Garland Moore, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4865

Tracts Nos. X-2421E-1
X-2421E-2
X-2421E-3

FILED

SEP 11 1963

J U D G M E N T

NOBLE S. HOOB
Judge, U.S. District Court

1.

NOW, on this 11th day of September, 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 August 2, 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 estate taken in the tracts enumerated in the caption above, as such estate and tracts are described in the Complaint and Declaration of Taking filed herein.

4.

Service of Process has been perfected either personally or by publication notice as provided by Rule 71A of 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 February 29, 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 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 August 2, 1963, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to the subject tracts as fixed by the Commission is set out in paragraph 11 below.

8.

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. This 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 such estate and, as such, are entitled to receive the just compensation therefor.

10.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tracts, as such tracts are described in the Declaration of Taking filed herein, and such property, to the extent of the estate indicated and for the uses and purposes described in the Declaration of Taking filed herein, is CONDEMNED, and title thereto is vested in the United States of America, as of the date of filing the Declaration of Taking, and all defendants herein and all other persons are 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 August 2, 1963, is hereby confirmed and the sum therein fixed is adopted as just compensation for subject tracts as shown by the following schedule:

TRACTS NOS. X-2421E-1, X-2421E-2 & X-2421E-3

Owners:

K. Neville and
Margherita Neville

Award of just compensation pursuant to Commissioners' report - - - - -	\$3,500.00	\$3,500.00
Deposited as estimated compensation - - - - -		\$1,800.00
Disbursed to owners - - - - -	<u>None</u>	
Balance due to owners - - - - -	\$3,500.00	<u> </u>
Deposit deficiency - - - - -		\$1,700.00

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the landowners the deposit deficiency for the subject tracts as shown in paragraph 11, together with interest on such deficiency at the rate of 6% per annum from February 29, 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 the entire sum then on deposit for subject tracts, jointly, to K. Neville and Margherita Neville.

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

436.66 Acres of Land, More or Less,
Situate in Nowata County, Oklahoma,
and Wanda Dean Shipley, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4870

Tract No. V-2222E

FILED

SEP 10 1963

J U D G M E N T

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

1.

NOW, on this 10th day of September, 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 August 2, 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 estate condemned in Tract No. V-2222E, as such estate and tract are described in the Complaint and Declaration of Taking, filed herein.

4.

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

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 tract of land. Pursuant thereto, on March 1, 1960, the United States of America filed its Declaration of Taking on such tract of land, and title to such tract should be vested in the United States of America, as of the date of filing such instrument.

6.

On filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the subject tract a certain sum of money, and none of this deposit has been disbursed as set out in paragraph 10 below.

7.

The Report of Commissioners filed herein on August 2, 1963, is hereby accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to the subject tract as fixed by the Commission is set out in paragraph 11 below.

8.

The defendants named in paragraph 10 as owners of subject tract 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 the estate condemned herein as shown in such paragraph 10 and, as such, are entitled to distribution of just compensation therefor.

9.

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

10.

It Is Further ORDERED, ADJUDGED AND DECREED that the right to receive the just compensation for their respective interests in the estate taken herein in subject tract is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of August 2, 1963, is hereby confirmed and the sum therein fixed is adopted as just compensation for subject tract as shown by the following schedule:

TRACT NO. V-2222E

Owners:

F. A. Calvert	- - - - -	31/108	
Eva Payne Glass)		
Ernest Frances Bradfield) - - - - -	31/108	
Julian W. Glass, Jr.)		
Willie Gene Deerinwater, a/k/a			
Willie Gene Twist	- - - - -	1/54	
Thomas Deerinwater, a/k/a			
Thomas Twist	- - - - -	1/54	
Emma Swimmer Weigart	- - - - -	18/54	
Martin Canoe	- - - - -	3/54	
Award of just compensation,			
pursuant to Commissioners' report	- - - - -	\$200.00	\$200.00
Deposited as estimated compensation	- - - - -	<u>\$200.00</u>	
Disbursed to owners	- - - - -		<u>None</u>
Balance due to owners	- - - - -		<u>\$200.00</u>

11.

It Is Further ORDERED that the Clerk of this Court shall disburse the deposit for the subject tract as follows, to:

F. A. Calvert	- - - - -	\$57.41
Eva Payne Glass, Ernest Frances Bradfield, and Julian W. Glass, Jr., jointly	- - - - -	\$57.41
Willie Gene Twist	- - - - -	\$3.70
Thomas Twist	- - - - -	\$3.70
Emma Swimmer Weigart	- - - - -	\$66.67
Martin Canoe	- - - - -	\$11.11

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 vs.) Plaintiff,)
)
 460.50 Acres of Land, More or Less,)
 Situate in Nowata and Rogers Counties,)
 Oklahoma, and Jesse Larson, et al,)
 and Unknown Owners,)
)
 Defendants.)

Civil Action No. 5411
Tracts Nos. 6624-A & 6625-A,
Lessee Interest Only

FILED

APR 1962

J U D G M E N T
(Partial)

RECEIVED
CLERK, U.S. DISTRICT COURT

1.

NOW, on this 14th day of April, 1962, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies only to the lessee interest in the estate condemned in the tracts enumerated in the caption above, as such estate and tracts are described in the Complaint and the Declaration of Taking filed in this Civil Action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto on May 22, 1962, the United States of America filed its Declaration of Taking of such described property and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

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

7.

On the date of taking in this action, the owners of the lessee interest in the estate taken in subject tracts as defined in paragraph 2 herein were the defendants whose names are shown in paragraph 12 below. Such named defendants are the only persons asserting any interest in the lessee interest in the estate taken in such tracts, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the described interest in the estate taken in these tracts.

8.

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

9.

A deficiency exists between the amount deposited as estimated compensation for the lessee interest in the estate taken in subject tracts and the amount fixed by the stipulation as to just compensation, and the amount of such deficiency should be deposited for the benefit of the owners. Such deficiency is set out in paragraph 12 below.

10.

It is Therefore ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in paragraph 2 herein, as such tracts are particularly described in the Complaint and Declaration of Taking filed herein; and such tracts, to the extent of the lessee interest in the estate described and for the uses and purposes described in such Complaint and Declaration of Taking, are condemned, and title thereto is vested in the United States of America as of

the date of filing the Declaration of Taking, and all defendants herein and all other persons interested in such interest are forever barred from asserting any claim thereto.

11.

It is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the interest described in paragraph 2 herein, condemned herein in subject tracts, were the parties whose names appear below in paragraph 12, and the right to just compensation for such lessee interest in the estate taken herein in these tracts is vested in the parties so named.

12.

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

TRACTS NOS. 6624-A AND 6625-A

Owners of Lessee Interest:

P.I.C. Management Company, Inc. - - -	1/2		
Hinman Stuart Milan - - - - -	1/6		
Mildred M. Viles - - - - -	1/6		
Mary M. Stevenson - - - - -	1/6		
Award of just compensation for lessee interest only pursuant to stipulation - - - - -		\$11,012.00	\$11,012.00
Deposited as estimated compensation for lessee interest only - - - - -			9,512.00
Disbursed to above-named owners - - - - -		<u>9,512.00</u>	
Balance due to above-named owners - - - - -		\$ 1,500.00	
Deposit Deficiency - - - - -			\$ 1,500.00

13.

It is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the Registry of this Court in this Civil Action, to the credit of subject tracts the total deposit deficiency in the sum of \$1,500.00. The Clerk of this Court then shall disburse the deposit for such tracts to the owners as follows:

P.I.C. Management Company, Inc. - - - - - \$750.00
Hinman Stuart Milam - - - - - 250.00
Mildred M. Viles - - - - - 250.00
Mary M. Stevenson - - - - - 250.00

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

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

GRAND RIVER DAM AUTHORITY,)
a public corporation,)
)
Petitioner,)
)
vs.)
) Civil No. 5441
)
8 Tracts of Land, et al.,)
)
Defendants.)

FILED

SEP 12 1963

JUDGMENT ON VERDICT
as to
Tract No. 6 (3 MF 10 + FE)

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

On this 22nd day of May, 1963, the above entitled cause coming on for trial by jury, the petitioner, Grand River Dam Authority, a public corporation, appearing by its attorneys, Q. B. Boydston and Joe Cannon, and the defendants, Creekmore Wallace and Corrine L. Wallace, appearing by their attorney, Tom Wallace; 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 Mayes 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 waters 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 purposes 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. 6 (3 MF 10 + FE)
(Fee Title to & Perpetual Easement upon)

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

FEE TITLE TO:

The $N\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ except the east 220 feet thereof, the $N\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and those parts of the $N\frac{1}{2}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows:

Beginning at a point in the North boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ 220 feet West of the Northeast corner thereof, thence Southerly parallel to the East boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ to a point in the South boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ 220 feet West of the Southeast corner thereof, thence Westerly along the South boundaries of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ and said $N\frac{1}{2}$ NW $\frac{1}{4}$ to a point 660 feet East of the Southwest corner of said $N\frac{1}{2}$ NW $\frac{1}{4}$, thence Northerly parallel to the West boundary of said $N\frac{1}{2}$ NW $\frac{1}{4}$ a distance of 165 feet, thence in a Northwesterly direction to a point in the West boundary of said $N\frac{1}{2}$ NW $\frac{1}{4}$ 330 feet North of the Southwest corner thereof, thence Northerly along said West boundary a distance of 330 feet, thence Easterly parallel to the South boundary of said $N\frac{1}{2}$ NW $\frac{1}{4}$ to a point 660 feet North and 660 feet East of said Southwest corner, thence in a Southeasterly direction to a point 330 feet North and 1320 feet East of said Southwest corner, thence Easterly parallel to the South boundaries of said $N\frac{1}{2}$ NW $\frac{1}{4}$ and said NW $\frac{1}{4}$ NE $\frac{1}{4}$ to a point 330 feet North and 660 feet West of the Southeast corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$, thence in a Northeasterly direction to a point in the North boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ 495 feet West of the Northeast corner thereof, thence Easterly along said North boundary a distance of 275 feet to the point of beginning, in Section 8, T 21 N, R 20 E of the Indian Base and Meridian, containing 77.0 acres.

PERPETUAL EASEMENT UPON:

The $N\frac{1}{2}$ NW $\frac{1}{4}$ except the North 330 feet of the East 660 feet thereof and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ except the North 330 feet of the West 660 feet, and the East 220 feet thereof, and except those portions to be taken in fee and described above, in Section 8, T 21 N, R 20 E of the Indian Base and Meridian, containing 63.0 acres. No improvements taken.

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 petitioner's petition.

It further appearing that on the 24th day of August, 1962, the Judge of this Court, after considering the petition of the petitioner, made and entered an order finding and determining that the plaintiff, 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, E. E. Markham, Clay Babb, and Clarke Moore, three (3) disinterested freeholders residing within the confines of the Northern District of 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 \$18,000.00 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 \$10,000.00 for the use of the owners of said land; and that thereafter, the defendants, Creekmore Wallace and Corrine L. Wallace, 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 22nd day of May, 1963, this cause coming on for trial in its regular order before a jury of twelve (12) persons, who, being duly impaneled and sworn, well and truly, to try the issues joined between the petitioner and the defendants, Creekmore Wallace and Corrine L. Wallace, 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:

"We, the Jury, find the difference in the fair cash market value of Tract 6 before and after the taking to be \$16,250.00." which verdict was returned on the 22nd day of May, 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 the estate therein as herein described.

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the damages sustained by the defendants, Creekmore Wallace and Corrine L. Wallace, 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 \$16,250.00; and

IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED by the Court that the petitioner is entitled to a judgment against the defendant land owners, Creekmore Wallace and Corrine L. Wallace, for the difference of the commissioners' award over the jury verdict in the amount of \$1,750.00, together with interest at the rate of 6% from the 22nd day

of May, 1963, until paid. And, it is the further judgment of this Court that the cost of the jury trial be and is hereby taxed against the defendant land owners.

The defendant land owners except to the verdict of the jury and the ruling and order of this Court.

A handwritten signature in cursive script, reading "Allan E. Bannan".

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

UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Rita M. Hay,

Defendant.

Civil No. 5552

FILED

SEP 12 1963

J U D G M E N T

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

NOW on this 10th day of September 1963, the above-entitled matter coming on for hearing, Plaintiff appearing by Sam E. Taylor, Assistant United States Attorney for the Northern District of Oklahoma, and it appearing that this is a suit upon a note and for foreclosure of a real estate mortgage, and it further appearing that the real estate so described is located in Ottawa County, Oklahoma, within the Northern Judicial District of Oklahoma; and

It appearing, as shown by the proof of publication filed herein on June 25, 1963, that due and legal service by publication has been made on the defendant, Rita M. Hay, pursuant to the Order of this Court on the 30th day of April 1963, requiring the said defendant to appear, plead or answer herein on or before the 17th day of June 1963, and that a copy of said Order be published daily in a newspaper of general circulation in Ottawa County, Oklahoma, once a week for six (6) consecutive weeks, and it further appearing that the said Rita Hay has failed to plead or answer herein, said defendant is adjudged to be at default.

Whereupon, the Court being fully advised finds that the allegations and averments in the Complaint of Plaintiff are true and that there is due and owing to the Plaintiff, United States of America, from the defendant, Rita M. Hay, the sum of:

- (a) \$5,223.09 as the unpaid principal due and payable on May 1, 1961, and remaining unpaid on June 1, 1961, the date the next maturing installment was due, plus \$15.67 for taxes paid by plaintiff and \$5.33 Hazard Insurance premium
- (b) Interest on the unpaid principal balance at the rate of $5\frac{1}{8}\%$ per annum from May 1, 1961, until paid.

The Court further finds that the Plaintiff has a first and prior lien upon the property described in Plaintiff's Complaint filed herein, which real property is described as follows:

Lot 5, Block 6, in Nancy Lee Addition to the City of Miami, Ottawa County, State of Oklahoma, according to the amended plat thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Plaintiff, United States of America, have and recover from the Defendant, Rita M. Hay, a judgment in rem against the above-described real property for the following amounts:

- (a) \$5,223.09 as the unpaid principal due and payable on May 1, 1961, and remaining unpaid on June 1, 1961, the date the next maturing installment was due, plus \$15.67 for taxes paid by plaintiff and \$5.33 Hazard Insurance premium.
- (b) Interest on the unpaid principal balance at the rate of 5 $\frac{1}{2}$ % per annum from May 1, 1961, until paid.
- (c) Together with the costs of this action accrued and accruing.

It further appearing that the Plaintiff elects under the terms of its mortgage to have the real property heretofore described sold with appraisement, such election is hereby approved and said real property shall be sold with appraisement.

IT IS THEREFORE FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of the defendant, Rita M. Hay, to satisfy the judgment of Plaintiff, an order of sale shall issue to the United States Marshal for the Northern District of Oklahoma, commanding him to sell according to law with appraisement the real property hereinabove described, and to apply the proceeds thereof as follows:

- (1) In payment of the costs of the sale and of this action.
- (2) In payment of all unpaid local and state taxes.
- (3) In payment of Plaintiff's judgment in the amounts hereinabove set forth.
- (4) The residue, if any, to the Clerk of this Court to await further order of this Court.

IT IS FURTHER ORDERED, that upon confirmation of the said sale the United States Marshal for the Northern District of Oklahoma shall execute and deliver a good and sufficient deed to the premises to the purchaser which shall convey all the rights, title, interest, estate and equities of the defendant herein and all persons claiming under said defendant since filing of the Complaint herein in and to said real property; and

Upon application of the purchaser, the Court Clerk shall issue a writ of assistance to the United States Marshal for the Northern District of Oklahoma, who shall thereupon and forthwith place the said purchaser in full and complete possession and enjoyment of said premises.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of the real property described herein, under and by virtue of this judgment, the defendant and all persons claiming under the defendant since the filing of the Complaint herein, be and they are forever barred and foreclosed of and from any and every lien, right, title, interest, estate or equity in or to the said real property.

Dated this 12 day of September 1963.

NOBLE C. HOOD, Clerk
United States District Court
Northern District of Oklahoma
By Dr. M. J. [Signature]
Deputy

APPROVED:

[Signature]
SAM E. TAYLOR
Assistant U. S. Attorney

The foregoing ordered approved this
12 day of September 1963.

[Signature]
UNITED STATES DISTRICT JUDGE.



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

J. HOUSTON DOWELL,)
Plaintiff,)
vs.)
UNITED STATES OF AMERICA,)
Defendant.)

CIVIL NO. 5516

FILED

SEP 16 1953

JUDGMENT

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

This action came on for trial before the Court, the Honorable Allen E. Barrow presiding, and the issues having been duly tried and a decision duly rendered,

It is Ordered and Adjudged that the plaintiff, J. Houston Dowell, recover of the defendant, United States of America, the sum of Five Hundred Thirty Dollars and Four Cents (\$530.04), with interest thereon at the rate of 6% per annum from the date hereof until paid, and his cost of action.

Dated at Tulsa, Oklahoma, this 16th day of September, 1953.

NOBLE C. HOOD, CLERK

By 
1953

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 MRS. J. HOUSTON DOWELL and)
 J. HOUSTON DOWELL,)
)
 Defendants.)

CIVIL NO. 5765

FILED

SEP 15 1961

JUDGMENT

J. HOUSTON DOWELL
A. HOUSTON DOWELL

This action came on for trial before the Court,
the Honorable Allen E. Barrow presiding, and the issues
having been duly tried and a decision duly rendered,

It is Ordered and Adjudged that the plaintiff
take nothing, and that the action is dismissed on the
merits.

Dated at Tulsa, Oklahoma, this 16th day of Sep-
tember, 1961.

NOBLE C. HOOD, CLERK

By: 

Deputy

SEP 17 1963

United States District Court

FOR THE

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

Northern District of Oklahoma

CIVIL ACTION FILE NO. 5497

Preferred Risk Insurance Company,
vs.
Hercules Casualty Insurance Company,
Sue Walters, Wein F. Lee and Larry
Jackson Cooper,

JUDGMENT

This action came on for trial (~~hearing~~) before the Court, Honorable Allen E. Barrow, United States District Judge, presiding, and the issues having been duly tried (~~heard~~) and a decision having been duly rendered,

It is Ordered and Adjudged that plaintiff Preferred Risk Insurance Company have judgment declaring that the 1957 GMC pick-up truck belonging to Robert Jackson Cooper was not covered by the insurance policy of Preferred Risk Insurance Company, and that it is relieved from any obligation to defend any actions or pay any judgments against Larry Jackson Cooper arising out of an accident involving such pick-up truck on September 8, 1962.

It is further ordered and adjudged that the 1957 GMC pick-up truck was covered under the terms and provisions of the policy of insurance issued by defendant, Hercules Casualty Insurance Company, and it owes the sole duty to defend any actions or pay any judgments arising out of the use of such truck by Larry Jackson Cooper on September, 8, 1962.

Dated at Tulsa, this 17th day
of September, 19 63

Noble C. Hood,
Clerk of Court

Approved and ordered entered.
Allen E. Barrow
U. S. District Judge.

By M. M. Goring, Deputy

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

BRUNSWICK CORPORATION,)
)
 Plaintiff,)
)
 v.)
)
 SOLLY HEMUS BOWLING)
 ALLEYS, INC.,)
)
 Defendant.)

No. 5693

FILED

SEP 16 1963

CLERK OF DISTRICT COURT

JUDGMENT

Now on this 16th day of September, 1963, the above entitled matter comes on for trial, plaintiff appearing by its attorney of record, F. Paul Thieman, Jr., and the defendant by its attorney of record, Clarke W. Ford. The Court having heard the evidence, statements of counsel and being otherwise fully advised in the premises,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff is hereby decreed the owner and entitled to the immediate possession of the bowling alley equipment described in the Affidavit for Replevin heretofore filed herein, free of any claim of the defendant.

IT IS FURTHER ORDERED that Brunswick Corporation and the Seaboard Surety Company, surety on the plaintiff's replevin bond, are hereby relieved and discharged of all liability thereon.

IT IS FURTHER ORDERED by the Court that plaintiff have and recover judgment against the defendant, Solly Hemus Bowling Alleys, Inc. in the amount of \$ 44,194.00 plus interest at 6 per cent per annum from March 7, 1963 until paid, plus the costs of the action.

Allen E. Barnes
United States District Judge

Approved:

F. Paul Thieman, Jr.
Attorney for Plaintiff

Clarke W. Ford
Attorney for Defendant

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

PREFERRED RISK INSURANCE COMPANY,)
)
Plaintiff,)
)
vs.)
)
HERCULES CASUALTY INSURANCE COMPANY,)
SUE WALTERS, WEEN T. LEE and)
LARRY JACKSON COOPER,)
)
Defendants.)

NO. 5497 CIVIL

FILED

SEP 20 1963

ORDER OVERRULING MOTION FOR NEW TRIAL

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

ON this 19th day of September, 1963, there came on for hearing the motion of the defendant herein for new trial. The court, being fully advised, upon consideration finds that the said motion for new trial should be overruled.

IT IS THEREFORE ORDERED AND ADJUDGED that the motion of the defendant for a new trial be, and the same is hereby overruled; to which ruling of the court defendant then and there excepted, and said exception was allowed by the court.

Allen E. Barrow
U. S. District Judge

United States District Court

FOR THE

CIVIL ACTION FILE NO.

vs.

US

vs.

JUDGMENT

WALTER E. HUGHES
Clerk, U.S. District Court

This action came on for trial (hearing) before the Court, Honorable _____, United States District Judge, presiding, and the issues having been duly tried (heard) and a decision having been duly rendered,

It is Ordered and Adjudged _____

Dated at _____, this _____ day
of _____, 19 _____

Clerk of Court

Notice Of

FILED
IN OPEN COURT

SEP 27 1963

NOBLE C. F. D
Clerk, U. S. District Court

23

COMMUNICATIONS

COMMUNICATIONS

Fred Dougherty

Jack L. Pouchart
Sam E. Taylor





UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,
vs.
771.88 Acres of Land, More or Less,
Situate in Pawnee and Creek Counties,
Oklahoma, and Helen W. Kenyon, et al,
and Unknown Owners,
Defendants.

Civil No. 4882

Tracts Nos. E-504E-1 & E-2

FILED

SEP 21 1963

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

J U D G M E N T

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 \$225.00, 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 \$225.00 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 Lena Tiger Bailey, defendant 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 \$225.00, inclusive of interest.

IT IS, WHEREFORE, 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 \$225.00, inclusive of interest, which amount has heretofore been disbursed by order of this Court.

Entered this 24th day of September, 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

United States of America,)
Plaintiff,) Civil No. 5419
vs.) Tract No. 1427
753.01 Acres of Land, More or less,)
Situat e in Pawnee and Osage Counties,)
Oklahoma, and Jacob Fein, et al, and)
Unknown Owners,)
Defendants.)

FILED

SEP 24 1963

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

J U D G M E N T

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 tract.

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 tract; 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 tract on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$15.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$15.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and R. L. Fein, Ruth Fein, Fay Goss, Elcie Goss, Mary Fein, and Marguerite Dryden, 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 tract is the sum of \$15.00, 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 tract is described therein, is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$15.00, inclusive of interest;

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

R. L. Fein, Ruth Fein, Fay Goss, Elcie Goss, Mary Fein,
and Marguerite Dryden..... \$15.00.

c/o R. L. Fein, Honey Grove, Texas

Entered this *24th* day of September, 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

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

Civil No. 5514

Tracts No. Parcel No. 10

FILED

SEP 24 1963

J U D G M E N T

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 tract .

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 tract; 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 tract on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$7,100.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estate and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$5,700.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and Robert D. Ortenburger, defendant 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 tract is the sum of \$7,100.00, 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 tract is the sum of \$7,100.00, inclusive of interest, of which sum \$5,700.00 has heretofore been disbursed by order of this Court to the defendant herein;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$1,400.00, 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:

Robert D. Ortenburger \$1,400.00
c/o Perry Krohn, Attorney

Entered this 11th day of September, 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

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

Civil No. 5538

Tract No. 1207

FILED

SEP 24 1963

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

J U D G M E N T

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 tract.

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 tract; 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 tract on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$20.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$20.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and R. L. Fein, Ruth Fein, Fay Goss, Elcie Goss, Mary Fein, and Marguerite Dryden, 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 tract is the sum of \$20.00, 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 tract is described therein, is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$20.00, inclusive of interest;

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

R. L. Fein, Ruth Fein, Fay Goss, Elcie Goss, Mary Fein,
and Marguerite Dryden \$20.00

c/o R. L. Fein, Honey Grove, Texas

Entered this *24th* day of September, 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. Santee

ROBERT P. Santee
Assistant U. S. Attorney

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

JAMES FRANK WILSON,

Plaintiff

vs.

SHERMAN FLOYD CAMPBELL,

Defendant.

NO. 5590

FILED

SEP 25 1963

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

ORDER

NOW on this 25th day of September, 1963, there came on for hearing pursuant to regular assignment the oral motion of the defendant herein to dismiss his cross-complaint, without prejudice. Plaintiff appeared by and through his attorney Alfred B. Knight, and defendant appeared by and through his attorney Robert Rizley. After oral argument and the court being fully advised in the premises, the Court finds that said cross complaint should be dismissed without prejudice.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the cross complaint filed herein by the defendant herein, should be and hereby is dismissed, without prejudice.

Allen E. Arrow
JUDGE

Robert Rizley
Robert Rizley, Attorney for the
Defendant

Alfred B. Knight
Alfred B. Knight, Attorney for the
Plaintiff

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF CALIFORNIA

SARAH CHRISTENSEN,

Plaintiff,

vs.

No. 1618

PEPSI-COLA BOTTLING CO. OF TULSA,
OKLA., INC., a corporation,

Defendant.

FILED

SEP 15 1962

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

S E E E S

Now on this ^{15th} day of September, 1962, there came on for hearing pursuant to regular assignment the oral motion of the plaintiff herein to dismiss her complaint, with prejudice. Plaintiff appeared by and through her attorney, Robert R. Rifeley, and defendant appeared by and through its attorney, Sam E. Daniel, Jr. After oral argument and the court being fully advised in the premises, the Court aforesaid that the complaint should be dismissed with prejudice.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the complaint filed herein by the plaintiff, should be and hereby is dismissed, with prejudice.

(s) Allison E. Garrison
JUDGE

Robert R. Rifeley
Robert Rifeley, Attorney for the
Plaintiff

Sam E. Daniel, Jr.
Alfred B. Knutson
Sam E. Daniel, Jr., Attorney for
the Defendant

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

UNITED STATES OF AMERICA for the)
use and benefit of O. K. PHIPPS,)
sole Trader, doing business as)
O. K. PHIPPS TRUCKING COMPANY,)
)
)
)
)
)
)
Plaintiff,)

Civil No. 5573

-vs-

HYDE CONSTRUCTION COMPANY, INC.,)
a corporation, UNITED STATES FIDELITY)
AND GUARANTY COMPANY, a corporation;)
NATIONAL SURETY CORPORATION, a)
corporation; THE AETNA CASUALTY AND)
SURETY COMPANY, a corporation, and)
TRAXLER MATERIALS, INC., a corporation,)
)
)
Defendants.)

STIPULATION FOR DISMISSAL WITH PREJUDICE

BE IT STIPULATED AND AGREED between the parties hereto that the claims and causes of action heretofore asserted by the plaintiff against the defendants have been settled on an accord and satisfaction agreement and that the plaintiff does acknowledge payment in full. It is, therefore, stipulated by and between the parties that this action shall be dismissed with prejudice and that the Clerk of this Court be authorized and directed to enter a judgment of dismissal.

Witness our hands and seals at Tulsa, Oklahoma, this 26th day of September, 1963.

It is so ordered.

Noted O. Reed, Clerk

By A.A. [unclear] Deputy

Holly L. Anderson

HOLLY L. ANDERSON, Attorney for
Plaintiffs.

David H. Sanders

DAVID H. SANDERS, Attorney for
Defendants.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.) Civil No. 4806
796.08 Acres of Land, More or Less,)
Situate in Creek and Pawnee Counties,) Tracts Nos. G-702, E-1
Oklahoma, and Forrest Adsit, et al,) Thru E-6
and Unknown Owners,)
Defendants.)

FILED

J U D G M E N T

SEP 27 1963

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.

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

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 \$6,095.00, 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 \$6,035.00 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 State of Oklahoma, L. W. Young, Sunray Mid-Continent Oil Company, Powell Briscoe, Inc., Powell Briscoe, Powell Briscoe, Jr., E. F. Briscoe, Virginia Briscoe Ramsey, Marion Briscoe Hoffman and First National Bank and Trust Company of Oklahoma City, Oklahoma, and Mrs. Kent K. Kimball, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estates taken in the above tracts is the sum of \$6,095.00, inclusive of interest.

6. The Court finds that defendant T. E. Mann has failed to appear or answer nor has his attorney appeared or answered in his behalf, and that said party defendant is in default at this time.

7. Partial Judgment as to the L. W. Young interest (\$1,300.00) was entered in this case on April 5, 1962.

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 \$6,095.00, inclusive of interest, of which sum \$1,300.00 and \$970.00 has been previously disbursed to L. W. Young and Sunray Mid-Continent Oil Company, respectively.

C. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$10.00, without interest. Upon receipt of the last mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

Commissioners of the Land Office of the State of Oklahoma - - - - -	\$3,730.00
Powell Briscoe, Inc., Powell Briscoe, Powell Briscoe, Jr., E. F. Briscoe, Virginia Briscoe Ramsey, Marion Briscoe Hoffman and First National Bank and Trust Co., of Oklahoma City - - - - -	\$ 85.00
Mrs. Kent K. Kimball - - - - -	\$ 10.00
	<hr/>
	\$3,825.00

Entered this 2nd day of September 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant United States Attorney

alj

6. The Court finds that defendants Mabelle L. Deaner, F. C. Kelly Estate, Edward M. Rowland, Kenneth T. Wilson, J. A. McCollum, Urna Mildred Privett, Patti Sample, E. E. Griffin, Lester Gaines, W. S. Dawson, Lena Price, and Robert L. Rosier, Executor of the Estate of Glen H. Rosier, 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.

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 \$3,275.00, inclusive of interest;

C. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$750.00, without interest. Upon receipt of the last mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

H. E. McCall - - - - -	\$ 2,000.00
James Billy Shuler - - - - -	375.00
Dorothy Ann Shuler - - - - -	375.00
F. C. Kelly Estate - - - - -	2.08
Edward M. Rowland - - - - -	4.16
Kenneth T. Wilson - - - - -	2.10
J. A. McCollum - - - - -	4.16
Urna Mildred Privett - - - - -	2.10
Patti Sample - - - - -	2.08
Robert L. Rosier, Executor of the Estate of Glen H. Rosier, deceased - - - - -	4.16
	<u>\$ 2,770.84</u>

D. The Clerk of the Court is hereby authorized and directed to retain the amounts set out below for these tracts for a period of five years from the date of this Judgment, unless said deposit is properly claimed by the defendant owners set forth 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:

Mabelle L. Deaner - - - - -	\$ 500.00
E. E. Griffin - - - - -	1.04
Lester Gaines - - - - -	1.04
W. S. Dawson - - - - -	1.04
Lena Price - - - - -	1.04
	<u>\$ 504.16</u>

Entered this 27 day of September 1963

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE, Assistant
United States Attorney

alj

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 706.76 Acres of Land, More or Less,)
 Situate in Creek, Pawnee and Tulsa)
 Counties, Oklahoma, and Annie Bemore)
 Washington, et al., and Unknown Owners,)
)
 Defendants.)

Civil No. 4842
Tract No. F 653E

FILED

SEP 27 1963

J U D G M E N T

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 tract.

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 tract; 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 the amount of \$25.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$25.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and Emma Jean Anthis Cantrell entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$25.00, inclusive of interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tracts; that the contract and agreement is a valid one.

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

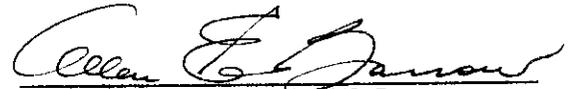
(a) The vesting in plaintiff of title to the estates set forth in the Complaint and Declaration of Taking in and to the lands hereinabove referred to, as said tract is described therein, is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$25.00, inclusive of interest;

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

Enm+Jean Anthis Cantrell \$25.00

Executed this 26th day of September, 1963.


UNITED STATES DISTRICT JUDGE

APPROVED:


ROBERT P. SANTEE
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 706.76 Acres of land, More or Less,)
 Situate in Creek, Pawnee, and Tulsa)
 Counties, Oklahoma, and Annie Bemore)
 Washington, et al., and Unknown Owners,)
)
 Defendants.)

Civil No. 4842
Tracts Nos. G-706 & E-1 thru E-4
FILED
SEP 27 1963

J U D G M E N T

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 \$125.00, 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 \$125.00 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 James N. Wise and Evelyn Wise Mahurin, 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 \$62.50, inclusive of interest, for their respective interest;

6. The Court finds that defendant Thomas L. McGeorge has failed to appear or answer nor have his attorneys appeared or answered in their behalf, and that said parties defendant are in default at this time.

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 such 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 \$125.00, inclusive of interest;

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

James M. Wise and Evelyn Wise Mahurin \$62.50
Box 256, Pettus, Texas

(d) The Clerk of the Court is hereby authorized and directed to retain the amounts set out below for these tracts for a period of five years from the date of this Judgment, unless said deposit is properly claimed by the defendant owner set forth above, and in event said deposit is not claimed, the Court Clerk is directed, without further order of this Court, to return said deposit, five years from this date, into the United States Treasury.

Thomas L. McGeorge \$62.50

Entered this 24th day of September, 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT COURT

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.)
706.76 Acres of Land, More or Less,)
Situate in Creek, Pawnee and Tulsa)
Counties, Oklahoma, and Annie Bemore)
Washington, et al, and Unknown Owners,)
Defendants.)

Civil No. 4842

Tract No. E-543E

FILED

SEP 27 1963

J U D G M E N T

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 tract.

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 that the amount of \$1,642.50, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract as such estate and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$1,575.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein

5. The Court finds that plaintiff and Investors Royalty Company, Inc. Alma S. Phillips, Hunter L. Johnson, O. L. Cordell and Donald L. Twiggs, defendants hereir, 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 tract is the sum of \$31.11, inclusive of interest, for their interests.

6. The Court finds that defendants C. D. and Emma Evans, G. C. Culter and Virginia Culter, Mary and Harry W. Echols, Edward C. Griesel, Albert Fadem and Samuel M. Fadem, White Eagle Oil Company, Harrison Oil Corp., Ridgely Realty Co., Empire Trust Co., A. O. Edwards, Cobra Petroleum Co., D.W.W. Corporation, and Helmerich and Payne Co., 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.

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 tract is described therein, is hereby confirmed;

B. The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$1,642.50, inclusive of interest; of which amount \$4.17, \$5.37, \$0.45, \$1.12, \$375.00, \$12.50, \$12.50, and \$1,100.00 has previously been disbursed to Investors Royalty Company, Inc., Alma S. Phillips, Hunter L. Johnson, O. L. Cordell, G. C. Culter, Virginia Culter, Mary and Harry Echols, Donald L. Twiggs, and Albert Fadem and Samuel M. Fadem, respectively.

C. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$67.50, without interest. Upon receipt of the last mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

C. D. and Emma Evans - - - - -	\$ 13.89
Investors Royalty Company, Inc. - - - - -	7.50
White Eagle Oil Co. - - - - -	25.00
	<u>\$ 46.39</u>

D. The Clerk of the Court is hereby authorized and directed to retain the amounts set out below for this tract for a period of five years from the date of this judgment, unless said deposit is properly claimed by the defendant owners 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:

Edward C. Greisel - - - - -	\$50.00
Harrison Oil Corp - - - - -	5.00
Ridgley Realty Co. - - - - -	17.48
A. O. Edwards - - - - -	3.12
Cobra Petroleum Co. - - - - -	5.50
D.W.W. Corporation - - - - -	3.90
	<hr/>
	\$85.00

Entered this 20 day of September 1963.

ALLEN E. CARROLL

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant U. S. Attorney

alj

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 771.88 Acres of land, More or Less,)
 Situate in Pawnee and Creek Counties,)
 Oklahoma, and Helen W. Kenyon, et al.,)
 and Unknown Owners,)
)
 Defendants.)

Civil No. 4882
Tract No. E-513E

FILED

SEP 27 1963

J U D G M E N T

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 tract.

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 tract; 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 tract on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$675.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$675.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and W. L. Oller, defendant 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 tract is the sum of \$675.00, 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 tract is described therein, is hereby confirmed;

b. The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$675.00, inclusive of interest;

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

W. L. Ciler and Mutual Life Insurance
Company of New York \$675.00

Both c/o Cable, Gotwals & Hays, Attorneys
Beacon Building, Tulsa, Oklahoma

Entered this 24th day of September, 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

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

Civil No. 4908

Tract No. I-909E **FILED**

SEP 27 1963

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

J U D G M E N T

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 tract.

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 tract on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$50.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$50.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and N. V. Leonard entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$12.50, inclusive of

of interest, for his interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tracts; that the contract and agreement is a valid one.

6. The Court finds that plaintiff and E. H. Underwood, Jr., defendant 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 \$25.00, inclusive of interest, for his interest.

7. The Court finds that defendants Gertrude Bristol, Dorothy W. Huszagh, and Marjorie W. Huszagh, 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.

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 \$50.00, inclusive of interest, of which amount \$12.50 has heretofore been disbursed to N. V. Leonard;

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

E. H. Underwood, Jr. \$25.00
Cushing, Oklahoma

(d) The Clerk of the Court is hereby authorized and directed to retain the amounts set out below 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 above, and in event said deposit is not claimed, the Court Clerk is directed, without further order of this Court, to return said deposit, five years from this date, into the United States Treasury.

Gertrude Bristol \$7.50
Dorothy W. Huszagh 2.50
Marjorie W. Huszagh 2.50

Entered this 11th day of September, 1963.

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

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

SEP 27 1963

W. B. C. HOOD
Clerk of Court

United States of America,)
Plaintiff,)
vs.)
492.84 Acres of Land, More or Less,)
Situate in Creek and Pawnee Counties,)
Oklahoma, and Curt D. Edgerton, et al,)
and Unknown Owners,)
Defendants.)

Civil No. 4963

Tract No. 2551

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, 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 \$1,376.00, 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 \$1,215.00 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 prior to the institution of the above proceeding the United States of America and Lela Ouida Cunningham, John A. Cunningham, Virginia Trimble, and Eva L. Cunningham entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$405.00, inclusive of

interest, for their interests, would be awarded as just compensation for the taking of the estates to be condemned in the above tracts; that the contract and agreement is a valid one.

6. The Court finds that plaintiff and Jerry M. Cunningham and Shelby Cunningham, deferdants 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 \$607.50, inclusive of interest, for their interests;

7. The Court finds that defendants Nancy Joan Powell, John J. Cunningham, Jr., and Clifford S. Cunningham, have failed to appear or answer, nor have their attorneys appeared or answered in their behalf, and that said defendants are in default at this time.

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 \$1,376.00, inclusive of interest, of which sum \$101.25, \$101.25, \$101.25, \$303.75 and \$303.75 have been previously disbursed to Lela Ouida Cunningham, John A. Cunningham, Virginia Trimble, Jerry M. Cunningham, and Shelby Cunningham;

C. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$161.00, without interest. Upon receipt of the last mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

Jerry M. Cunningham - - - - -	\$ 161.00
Eva L. Cunningham - - - - -	101.25
Nancy Joan Powell - - - - -	67.50
John J. Cunningham, Jr. - - - - -	67.50
Clifford S. Cunningham - - - - -	67.50
	<hr/>
	\$ 464.75

Entered this 24th day of September 1963.

ALLEN F. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE
Assistant United States Attorney
alj

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

Civil No. 4967

Tract No. 991-2M

FILED

SEP 27 1963

J U D G M E N T

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 tract.

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 tract; that upon the date of 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 tract on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$8,585.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estate and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$8,185.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and Frank W. Tillack entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$6,994.00, inclusive of interest, for his interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tract; that the contract and agreement is a valid one.

6. The Court finds that the plaintiff and Ellen Iles (\$1,455.00) and C. E. and Alice R. Winger (\$136.00), defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate condemned in the above tracts is the sum of \$1,591.00, inclusive of interest, for their interests.

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 \$8,585.00, inclusive of interest, of which amount \$6,994.00, \$1,080.00 and \$111.00 has been previously disbursed to Frank W. Tillack, Ellen Iles, and C. E. and Alice R. Winger, respectively. An additional \$375.00 has been disbursed to Ellen Iles out of the funds in Tract No. A-156, Civil No. 4967;

C. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$400.00, without interest. Upon receipt of the last mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

C. E. and Alice R. Winger - - - - -	\$ 25.00
Deposit in Tract No. A-156, Civil No. 4967 - - - - -	\$375.00

Entered this 26 day of September 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant United States Attorney

alj

FILED

SEP 27 1963

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

United States of America,	Plaintiff,)	
vs.)	Civil No. 5040
563.89 Acres of Land, More or Less,)	Tracts Nos. 9921-1M,
Situate in Creek County, Oklahoma,)	1M2, 1M3, 1M4, 2M,
and S. M. Kantor, et al, and Unknown)	4M, 4M2, and 4M3
Owners,	Defendants.)	

J U D G M E N T

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 \$5,289.00, 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 \$4,827.00 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 prior to the institution of the above proceeding the United States of America and S. M. Kantor, d/b/a Kantor Oil Co., Joseph S. Kantor, John G. Burris, and T. E. Blackwell, A. Pepis and Emma Turner Kimball entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$4,389.00, inclusive of interest, for their interests would be awarded

as just compensation for the taking of the estates to be condemned in the above tracts; that the contract and agreement is a valid one.

6. The Court finds that plaintiff and Bida E. Rhinehart York, William Bolton Moore, Juanita Coonrod Hinton, Cornelia Coonrod Holmes, J. R. Wright, 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 \$850.00, inclusive of interest, for their interests.

7. The Court finds that defendants Cimarron Oils, Inc., Gulf Coast Western Oil Co., Lee Ford, and F. R. Henson, Jr., 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.

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 \$5,289.00, inclusive of interest, of which amount \$2,182.00, \$1,091.00, \$1,091.00, \$12.50, \$9.37 and \$3.13 has previously been disbursed to S. M. Kantor, d/b/a Kantor Oil Co., Joseph S. Kantor, John G. Burris, T. E. Blackwell, A. Pepis and Emma Turner Kimball, respectively.

C. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$462.00, without interest. Upon receipt of the last mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

Bida E. Rhinehart York - - - - -	\$ 200.00
William Bolton Moore - - - - -	350.00
Juanita Coonrod Hinton and Cornelia Coonrod Holmes - - - - -	250.00
J. R. Wright - - - - -	50.00
Cimarron Oils, Inc. - - - - -	12.50
Gulf Coast Western Oil Co. - - - - -	27.50
Lee Ford - - - - -	5.00
F. R. Henson, Jr. - - - - -	5.00

\$ 900.00

Entered this 26 day of September 1963.

ALLEN F. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant United States Attorney
alj

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,)
)
vs.)
)
895.38 Acres of Land, More or Less,)
Situat e in Creek and Pawnee Counties,)
Oklahoma, and Ray Spess, et al, and)
Unknown Owners,)
)
Defendants.)

Civil No. 5105
Tract No. 3021

FILED

SEP 27 1963

J U D G M E N T

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 tract.

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 tract; 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 tract on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$25.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$25.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and Trustees of General Baptist Church of Dixie, Cleveland, Oklahoma, entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was

agreed that the amount of \$12.50, inclusive of interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tract; that the contract and agreement is a valid one.

6. The Court finds that defendants Bertha L. Wallace, Charles Wallace, John Wallace, Harold Wallace and Ray Wallace 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.

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 tract is described therein, is hereby confirmed.

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$25.00, inclusive of interest, of which amount \$12.50 has previously been disbursed to Trustees of General Baptist Church of Dixie, Cleveland, Oklahoma;

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

Bertha L. Wallace, 1304 E. 10th St.,	\$8.34
Long Beach, California	
Charles Wallace, 973 3rd St., Logan, Ohio	1.04
John Wallace, 16 Harding Ave., Bradford, Pa.	1.04

(d) The Clerk of the Court is hereby authorized and directed to retain the amounts set out below for this tract for a period of five years from the date of this Judgment, unless said deposit is properly claimed by the defendant owners set forth below, and in event said deposit is not claimed, the Court Clerk is directed, without further orders of this Court, to return said deposit five years from this date, into the United States Treasury:

Harold Wallace	\$1.04
Ray Wallace	1.04

Executed this 27th day of September, 1963.

ALLEN E. BARROW

JUDGE UNITED STATES DISTRICT COURT

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant U. S. Attorney

ajs

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

895.38 Acres of Land, More or Less,
Situat in Creek and Pawnee Counties,
Oklahoma, and Ray Spess, et al., and
Unknown Owners,

Defendants.

Civil No. 5105

Tracts Nos. 2534-1 & 2 and
E-1 thru ~~E-6~~ E-7

FILED

SEP 27 1963

J U D G M E N T

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 \$2,011.25, 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 \$2,011.25 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 prior to the institution of the above proceeding the United States of America and Curtis C. Baker, et ux, F. B. Murta and Investors Royalty Co., Inc., entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army,

wherein it was agreed that the amount of \$1,986.25, inclusive of interest, for their interests, would be awarded as just compensation for the taking of the estates to be condemned in the above tracts; that the contract and agreement is a valid one.

6. The Court finds that defendants John L. Essley, et ux, J. E. Fitzpatrick, Trustee, J. Elmer Thomas, J. A. Green, G. Earl Shaffer and Lucy G. Blackman 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.

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 \$2,011.25, inclusive of interest, of which amount \$1,986.25, \$1.39 and .23 cents has been disbursed to Curtis C. Baker, et ux, F. B. Murta and Investors Royalty Co., Inc., respectively;

(c) The Clerk of the Court is hereby authorized and directed to retain the amounts set out below for these tracts for a period of five years from the date of this Judgment, unless said deposit is properly claimed by the defendant owners set forth below, 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.

John L. Essley	\$12.50
J. E. Fitzpatrick, Trustee	4.17
J. Elmer Thomas	3.12
J. A. Green	1.74
G. Earl Shaffer	1.39
Lucy G. Blackman46

Executed this 27th day of September, 1963.

ALLEN E. BARROW

JUDGE UNITED STATES DISTRICT COURT

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant U. S. Attorney

ejs

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
vs.
397.98 Acres of Land, More or Less,
Situate in Creek and Pawnee Counties,
Oklahoma, and S. M. Kantor, et al,
and Unknown Owners,

Plaintiff,
Defendants.

Civil No. 5110

Tract No. 2503

FILED

SEP 27 1963

J U D G M E N T

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 tract.

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 tract; 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 captioned tracts on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$425.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estate and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$350.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and Lela Ouida Cunningham entered into a contract, 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 \$175.00, inclusive of interest, for her interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tracts; that the contract and agreement is a valid one.

6. The Court finds that defendant Kerr Mc-Gee Oil Company, has failed to appear or answer, nor has its attorney appeared or answered in its behalf, and that said party defendant is in default at this time.

7. The Court finds that plaintiff and Eva L. Cunningham and John J. Cunningham Estate, 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 \$250.00, inclusive of interest, for their 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 tract is described therein, is hereby confirmed;

B. The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$425.00, inclusive of interest, of which amount \$175.00 has previously been disbursed to Lela Ouida Cunningham;

C. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$75.00, 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

Eva L. Cunningham and John J.
Cunningham Estate - - - - - \$250.00

Entered this 27 day of September 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant United States Attorney

alj

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
) Plaintiff,)
 vs.)
)
) 397.98 Acres of Land, More or Less,)
) Situate in Creek and Pawnee Counties,)
) Oklahoma, and S. M. Kantor, et al,)
) and Unknown Owners,)
) Defendants.)

Civil No. 5110

Tracts Nos. 2222 and E

FILED

SEP 27 1963

J U D G M E N T

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 \$1,668.75, 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 \$1,425.00 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 prior to the institution of the above proceeding the United States of America and James T. and Hazel Compton, and May Patten Ross entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$1068.75, inclusive of interest, for their interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tracts; that the contract and agreement is a valid one.

6. The Court finds that plaintiff and Glenn H. Rosier Estate, defendant 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 \$600.00, inclusive of interest, for its interest;

7. The Court finds that defendants, Ellsworth Holmes and R. A. Woods 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.

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, 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 \$1,668.75, inclusive of interest, of which amount \$356.25 and \$712.50 has previously been disbursed to James T. and Hazel Compton and May Patten Ross, respectively;

C. The plaintiff shall forthwith deposit in the Registry of this Court the deficiency in the amount of \$243.75, 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:

Glenn H. Rosier Estate - - - - - \$600.00

Entered this 26 day of September 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.
514.12 Acres of Land, More or Less,
Situate in Tulsa, Creek and Pawnee
Counties, Oklahoma, and D. H. Cramer,
et al, and Unknown Owners,
Defendants.

Civil No. 5127
Tract No. 2232E

FILED

SEP 27 1963

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

J U D G M E N T

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 tract.

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 tract; 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 tract on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$525.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$525.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein

5. The Court finds that prior to the institution of the above proceeding the United States of America and K. C. and Virginia S. Cooper entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$262.50,

inclusive of interest, for their interests, would be awarded as just compensation for the taking of the estates to be condemned in the above tract ; that the contract and agreement is a valid one.

6. The Court finds that defendants Alma E. Trissell, Daisy Burnett and Ernest R. Burnett 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.

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 tract is described therein, is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$525.00, inclusive of interest, of which amount \$262.50 has been previously disbursed to K. C. and Virginia S. Cooper;

(c) The Clerk of the court is hereby authorized and directed to retain the 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 owners 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:

Alma E. Trissel	\$225.00
Daisy Burnett	18.75
Ernest R. Burnett	18.75

Executed this 26th day of September, 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT COURT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 372.74 Acres of Land, More or Less,)
 Situate in Tulsa, Creek and Pawnee)
 Counties, Oklahoma, and Security)
 Drilling Company, et al, and Unknown)
 Owners,)
)
 Defendants.)

Civil No. 5198
Tract No. 3007

FILED

SEP 27 1963

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

J U D G M E N T

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 just compensation to be awarded the former owners of the above tract.

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 tract; 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 tract on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$1,875.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$1,875.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and Woody Barrett entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of

the Army, wherein it was agreed that the amount of \$937.50, inclusive of interest, for his interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tract; that the contract and agreement is a valid one.

6. The Court finds that plaintiff and H. R. Bellis Heirs, Edward A. Bellis, Clara M. Pearson, Ida O. Means, and Charles E. Bellis, 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 tract is the sum of \$61.27, inclusive of interest, for their interests.

7. The Court finds that the defendants John T. Miller, Charles Pearson, J. A. Clingenpeel, Dave Barrett, Ed Stockton, L. D. Halsell, Raymond S. Chaney, Cora C. Burdick, J. D. Mills, T. A. Myers, Lenora B. Earnest, Lucille Nora Chaney, Charles E. Knox, John W. Knox, C. H. Kopy, Mrs. T. A. Myers, Artie W. Poindexter, Jimmy Earnest, Clyde Lytton and Claude Sample and Kitty Sample, have failed to appear or answer nor have their attorneys appeared or answered in their behalf, and that said parties are in default at this time.

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 tract is described therein, is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$1,875.00, inclusive of interest, of which amount \$937.50 and \$61.27 has been previously disbursed to Woody Barrett and H. R. Bellis Heirs, Edward A. Bellis, Clara M. Pearson, Ida O. Means and Charles E. Bellis, respectively;

(c) The Clerk of the Court is hereby authorized and directed to retain the 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:

John T. Miller	\$ 91.91
Charles Pearson.	61.25
J. A. Clingenpeel.	122.54
Dave Barrett	122.54
Ed Stockton	61.25
L. D. Halsell.	61.25

Raymond S. Chaney	\$ 30.64
Cora C. Burdick	24.50
J. D. Mills	98.01
T. A. Myers	12.25
Lenora B. Earnest	24.50
Lucille Nora Chaney	24.50
Charles E. Knox	12.25
John W. Knox	24.50
C. H. Kopp	12.25
Mrs. T. A. Myers	12.50
Artie W. Poindexter	12.25
Jimmy Earnest	12.25
Clyde Lytton	12.25
Claude Sample & Kitty Sample	0

Executed this *26th* day of September, 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant U. S. Attorney

FILED

SEP 27 1963

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

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

Civil No. 5205
Tract No. 2632E
(Part of the W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 12, Twp. 20 N., R. 10 E.,
Osage County, State of Oklahoma)

J U D G M E N T

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 tract.

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 tract; 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 tract on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$50.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$50.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that A. H. and Vivian L. LeSturgeon 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 further finds that E. D. and D. W. Phillips are the owners of the property herein by reason of adverse possession under the law of the State of Oklahoma;

6. The Court finds that plaintiff and E. D. and D. W. Phillips, 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 tract is the sum of \$50.00, 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 tract is described therein, is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$50.00, inclusive of interest;

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

E. D. and D. W. Phillips \$50.00
Route 1, Box 322, Sand Springs, Oklahoma

Executed this 26th day of September, 1963.

ALLEN E. BARROW

JUDGE UNITED STATES DISTRICT COURT

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,)
vs.)
)
147.59 Acres of Land, More or Less,)
Situat e in Tulsa, Creek and Pawnee)
Counties, Oklahoma, and J. T. O'Reilly,)
et al, and Unknown Owners,)
Defendants.)

Civil No. 5465

Tracts No. 081-2M

FILED

J U D G M E N T

SEP 27 1963

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 tract.

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

2. The Court finds that the Declaration of Taking and Complaint were duly filed and 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 tract; 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 tract on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$2,075.00, inclusive of interest, is just compensation for the taking of the estate by the plaintiff in the above tract, as such estate and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$1,575.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and Hammond F. Redman, Paul Wilson, E. P. Underwood and C. E. Baker, 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 tract is the sum of \$2,050.00, inclusive of interest, for their interests.

6. The Court finds that defendants, Gilbert A. Montforte, Juanita Taylor, Rosie Bridgett Burnett, and Maggie Taylor 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.

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

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

B. The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$2,075.00, inclusive of interest;

C. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$500.00, without interest. Upon receipt of the last mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

Hammond F. Redman & Paul Wilson - - - - -	\$ 2,000.00
E. P. Underwood - - - - -	25.00
C. E. Baker - - - - -	25.00
	<hr/>
	\$ 2,050.00

D. The Clerk of the Court is hereby authorized and directed to retain the 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 owners 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:

Gilbert A. Montforte - - - - -	\$ 12.50
Juanita Taylor - - - - -	4.16
Rosie Bridgett Burnett - - - - -	4.17
Maggie Taylor - - - - -	4.17
	<hr/>
	\$ 25.00

Entered this 27 day of September 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

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

alj

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

Civil No. 5538

Tract No. 3626E **FILED**

SEP 27 1963

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

J U D G M E N T

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 tract.

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 tract; 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 tract on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$50.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$50.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and Walter Matin, Helen Pratt Matin and Stephen Anthony Mitts, 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 tract is the sum of \$50.00, inclusive of interest;

6. The Court further finds that plaintiff's Motion to Strike the Answer of Charles J. and Lola Frances Cox, to drop those defendants and for Judgment on the Stipulation, should be sustained.

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 tract is described therein, is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$50.00, inclusive of interest;

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

Walter Matin, Helen Pratt Matin
and Stephen Anthony Mitts \$50.00
c/o John M. Slater
Osage Agency
Pawhuska, Oklahoma

Executed this 26th day of September, 1963.

ALLEN E. BARROW

JUDGE UNITED STATES DISTRICT COURT

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant U. S. Attorney

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

FILED

Federal National Mortgage Association,)
a Corporation organized by an Act of)
Congress and existing pursuant to the)
Federal National Mortgage Association)
Charter Act,)
Plaintiff,)

vs.)

The United States of America, and Earl)
R. Wiseman, District Director of Inter-)
nal Revenue for the State of Oklahoma,)
Defendants.)

No. 5564 Civil

ORDER SUSTAINING DEFENDANTS' MOTION TO DISMISS

Plaintiff brought this suit under 28 U. S. C. 1340 to quiet title to an escrow fund in its hands against which the defendants had levied on a tax lien obtained against the person contributing to said escrow fund who had failed to pay his federal income taxes.

The defendants waived immunity to such suit under 28 U. S. C. 2410 since they claimed a lien on said escrow fund and sought to levy thereon.

Later plaintiff amended to seek a declaratory judgment against defendants to the effect that the escrow fund involved and others like it belong to the plaintiff and not to the one contributing to such fund or who may become a delinquent taxpayer against whom the defendants may obtain a tax lien.

The defendants released the tax lien involved in the original Complaint herein and then filed a motion to dismiss the suit, attaching a copy of the release of tax lien to the motion. The defendants urged that the suit is moot and does not involve an actual controversy and should be dismissed.

I am inclined to agree with the defendants. The suit was brought to quiet title to an escrow fund against the levy of a tax lien possessed by the defendants. The defendants have released the tax lien upon which the levy was based. The matter in controversy has come to an end by an act of the defendants, the question becomes

moot and the court is without jurisdiction. Walling v. Shanandoah-Dives Mining Co. (U.S. S. - 10), 134 F. 2d 395; 14 Am. Jur. p. 277.

The request of plaintiff for a declaratory judgment must be denied. Since the suit involving the aforementioned levy of tax lien has become moot, there does not exist the required actual controversy. The enlarged request for a declaratory judgment set forth by plaintiff by amendment does not involve an actual present controversy but the mere likelihood that such a controversy will arise in the future.

Finally, one is not entitled to a declaratory judgment as a matter of absolute right. In my discretion, under the circumstances here present, and in the public interest I am not disposed to consider entering a declaratory judgment as requested. 28 U. S. C. 2201; Public Service Commission of Utah v. Hycott Co. (Utah, 1952), 244 U. S. 237, 57 S. Ed. 291.

Accordingly, the defendants' motion to dismiss is sustained and the plaintiff's complaint as amended should be, and the same is hereby, dismissed.

Dated this 17 day of September, 1953.


Fred Daugherty
United States District Judge

FILED

1953

NOBLE A. FROD
Chas. C. District Court

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

Razel Elizabeth McClendon,

Plaintiff,)

vs.)

Jack Gresham and Safeway Stores,
Inc., a foreign corporation,

Defendants.)

No. 5719 Civil

FILED

SEP 17 1963

ORDER

CHARLES L. HOOD
CLERK OF DISTRICT COURT

Upon consideration of the Motion to Dismiss filed herein by the defendant Jack Gresham and the reply thereto, wherein plaintiff confesses said Motion, the Court finds that said motion should be sustained.

IT IS, THEREFORE, ORDERED that the Motion to Dismiss of Jack Gresham is sustained and that this action is dismissed as to said defendant.

Dated this 27 day of September, 1963.

(s) *Fred Daugherty*
Fred Daugherty
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Robert E. Lee Gresham, Sr.,

Petitioner,

vs.

United States of America,

Respondent.

Civil No. 5758

FILED

SEP 27 1963

JOURNAL ENTRY OF JUDGMENT

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

Now, on this 27th day of September, 1963, there comes on for consideration of this court the petition of Robert E. Lee Gresham, Sr., pursuant to Title 28, United States Code, Section 2255, wherein petitioner alleges the illegality of his current confinement in Leavenworth Penitentiary because the indictment returned against him was fatally defective in that it failed to charge an offense against the United States of America.

It appears to the court, after having examined the entire files, records and proceedings in Criminal Case No. 13,682, United States District Court for the Northern District of Oklahoma, that the petitioner was indicted by a United States Grand Jury on April 27, 1961, for a violation of Title 18, United States Code, Section 2115. It appears further that on May 3, 1961, petitioner entered a plea of not guilty to the offense charged in the indictment, and, on June 2, 1961, was found by a petit jury to be guilty of the offense. Pursuant to the verdict of the jury the petitioner was sentenced on June 14, 1961, to serve a term of five years in the federal penitentiary.

It further appears to the court, after an examination of the indictment returned as above stated, that such indictment clearly charges the commission of an offense by the petitioner against the United States of America, as defined by Title 18, United States Code, Section 2115, and that this court legally acquired jurisdiction over the petitioner, and that the sufficiency of the indictment is, therefore, not properly subject to attack under Title 28, United States Code, Section 2255. Kreuter v. United States, 10 Cir., 201 F. 2d 33 (1952); Martin v. United States, 10 Cir., 285 F. 2d 150 (1960).

It further appears to the court that the petition, together with all the files, records and proceedings, clearly reflect that the only issue

raised by the petition is one of law, namely, whether the indictment returned as above stated sufficiently charged the commission by petitioner of an offense against the United States of America, and also clearly reflect that petitioner is entitled to no relief. For these reasons it appears to the court that no reason exists to cause the petitioner to be brought before the court or to cause a hearing to be held concerning the allegations of the petition. Finley v. United States, 5 Cir., 296 F. 2d 238 (1961).

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by this court that a careful examination of all files, records and proceedings in Criminal Case No. 13,632, United States District Court for the Northern District of Oklahoma, clearly reflect that petitioner is entitled to no relief as requested under Title 28, United States Code, Section 2255; that the indictment returned in such case, as heretofore found, sufficiently and legally charges an offense by petitioner against the United States of America, as defined by 18 U.S.C. Section 2115, and that this court acquired jurisdiction over the petitioner.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the only issues raised by petitioner in his petition are legal in nature, and not factual in any respect, and that, accordingly, no reason exists for petitioner to be present in this court at a hearing upon the allegations of the petition, and that no reason exists for this court to conduct a hearing upon the allegations of the petition.

Allen E. Barron
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
) Plaintiff,)
 vs.)
)
 706.76 Acres of Land, More or Less,)
 Situate in Creek, Pawnee and Tulsa)
 Counties, Oklahoma, and Annie Bemore)
 Washington, et al, and Unknown Owners,)
)
) Defendants.)

Civil No. 4842

Tract No. E-548E

FILED

SEP 30 1963

J U D G M E N T

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 tract.

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 tract; 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 tract on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$2,202.99, inclusive of interest, is just compensation for the taking of the estate by the plaintiff in the above tract, as such estate and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$1,678.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and Aberdeen Oil Company, defendant herein, has by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tract is the sum of \$1,595.63, inclusive of interest, for its interest.

6. The Court finds that defendants R. L. Aikin, John M. Bailey, Dorothy Bunyan, Ralph E. Bunyan, Leona Gertrude Cooksey, Josie W. Crawford,

Agnes J. Goodwine, Nellie B. Hardwick, Myrtle Hills, Mary E. Hughes, Dewey Johnson, Pearl Kolb, Garrett Logan, Villard Martin, individually and as Trustee for K. C. Maxey, Thomas E. Matson, Maud Nelson, Louise Godfrey, Marjorie Salwaechter, Georgie Ann Smith, Nellie C. Stavros, Bertha V. Seifert, John M. Bailey, Harlan Thomas, Valetta Lee Thomas, Virgil Trotter, Florence Trotter, 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.

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 tract is described therein, is hereby confirmed;

B. The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$2,202.99, inclusive of interest, of which amount \$1,595.63 has previously been disbursed to Aberdeen Oil Company;

C. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$524.99, without interest. Upon the receipt of the last mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following named payees:

R. L. Aikin - - - - -	\$ 38.29
Garrett Logan - - - - -	6.37
Villard Martin - - - - -	25.50
Villard Martin, Trustee for K. C. Maxey - - - - -	223.14
	<u>293.30</u>
	\$ 293.30

D. The Clerk of the Court is hereby authorized and directed to retain the amounts set out below for this tract for a period of five years from the date of this Judgment, unless said deposit is properly claimed by the defendant owners 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:

John M. Bailey - - - - -	\$ 39.62
Dorothy Bunyan - - - - -	2.00
Ralph E. Bunyan - - - - -	2.00
Leona Gertrude Cooksey - - - - -	15.49
Josie W. Crawford - - - - -	15.93
Agnes J. Goodwine - - - - -	15.93
Nellie B. Hardwick - - - - -	2.00
Myrtle Hills - - - - -	2.00
Mary E. Hughes - - - - -	15.49
Dewey Johnson - - - - -	11.95
Pearl Kolb - - - - -	2.00
Thomas E. Matson - - - - -	31.87

Maud Nelson - - - - -	\$ 15.49
Louise Godfrey - - - - -	11.95
Marjorie Salwaechter - - - - -	2.00
Georgie Ann Smith - - - - -	15.49
Nellie C. Stavros - - - - -	15.49
Bertha V. Seifert - - - - -	24.34
John M. Bailey - - - - -	24.34
Harlan Thomas, Valetta Lee Thomas, Virgil Trotter and Florence Trotter - - -	48.68

\$ 314.06

Entered this 11th day of September 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant United States Attorney

alj

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

United States of America,
Plaintiff,

vs.

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

Defendants.

Civil No. 4882

Tract No. E-503E

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

J U D G M E N T

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 tract.

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 tract; 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 tract on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$50.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$50.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The court finds that the plaintiff and L. B. Jackson, Robert F. Anthis, Ida B. Anthis Estate, Ernest R. Anthis, James E. Anthis, Emma Jean Centrell Anthis, Fay E. Couch, Pauline B. Booth, Barbara Jane Wagner, Austin F. Anthis, Royal W. Anthis, and Earl G. Anthis, 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 tract is the sum of \$50.00, 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 tract is described therein, is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$50.00, inclusive of interest, of which amount \$25.00 has previously been disbursed to L. B. Jackson;

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

Robert F. Anthis	\$12.50
Ida B. Anthis Estate	4.10
Ernest R. Anthis	1.20
James E. Anthis	1.20
Emma Jean Cantrell Anthis	1.20
Fay E. Couch40
Pauline B. Booth	1.20
Barbara Jane Wagner40
Austin F. Anthis, Jr.40
Royal N. Anthis	1.20
Earl G. Anthis	1.20

All c/o Ernest Anthis, Jr., Attorney
Muskogee, Oklahoma

Entered this *30th* day of September, 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT COURT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant U. S. Attorney

ajs

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
vs.
144.17 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and Eugene Simpson, et al,
and Unknown Owners.
Defendants.

Plaintiff,

CIVIL ACTION NO. 4952

Tracts Nos. X-2422E-1
X-2422E-2
X-2422E-3

FILED

SEP 30 1963

J U D G M E N T

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

1.

Now, on this 27th day of September, 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 August 2, 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 estate condemned in the tracts enumerated in the caption above, as such estate and tracts are described in the Complaint and the Declaration of Taking, as amended, filed herein.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tracts of land. Pursuant thereto, on June 17, 1960, the United States of America filed its Declaration of Taking of such tracts of land, and on September 14, 1961, filed an Amendment thereto, and title to such tracts should be vested in the United States of America, as of the dates of filing such instruments.

6.

Simultaneously with the filing of the Declaration of Taking and the Amendment thereto, there was deposited in the Registry of this Court, as estimated compensation for the taking of subject tracts, certain sums of money, and none of these deposits has been disbursed, as set out in paragraph 11 below.

7.

The Report of Commissioners filed herein on August 2, 1963, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to subject tracts, as fixed by the Commission, is set out in paragraph 11 below.

8.

A deficiency exists between the amounts 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. This deficiency is set out in paragraph 11 below.

9.

On the date of taking, G. E. Loafman and Paul R. Loafman were the owners of the subject tracts, subject to a mortgage held by the Federal Land Bank of Wichita, Kansas. Such mortgage now has been paid in full and the Bank makes no claim to the subject property. The above named persons, as owners, therefore, are entitled to receive the just compensation for the estate taken in 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, described in the Declaration of Taking, as amended, filed herein, and such property, to the extent of the estate indicated and for the uses and purposes described in the Declaration of Taking, as amended and 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 Amendment thereto, and all defendants herein and all other persons are forever barred from asserting any claim thereto.

It Is Further ORDERED, ADJUDGED, AND DECREED that the right to 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 August 2, 1963, is hereby confirmed, and the sum therein fixed is adopted as just compensation for subject tracts, as shown by the following schedule:

TRACTS NOS. X-2422E-1, E-2 and E-3

Owners:

G. E. Loafman and
Paul R. Loafman

Award of just compensation, pursuant to Commissioners' Report - - - - -	\$1,500.00	\$1,500.00
Deposited as estimated compensation - - - - -		\$650.00
Disbursed to owners - - - - -	<u>None</u>	
Balance due to owners - - - - -	\$1,500.00, plus interest	<u> </u>
Deposit deficiency - - - - -		\$850.00

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 as shown in paragraph 11, together with interest on such deficiency at the rate of six per cent (6%) per annum from June 17, 1960, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for Tract No. X-2422E-3 in this civil action. The Clerk of this Court then shall disburse the entire sum then on deposit for all three of the subject tracts in this civil action, jointly, to G. E. Loafman and Paul R. Loafman.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.)
492.84 Acres of Land, More or Less,)
Situat e in Creek and Pawnee Counties,)
Oklahoma, and Curt D. Edgerton, et al,)
and Unknown Owners,)
Defendants.)

Civil No. 4963

Tract No. D-446
FILED

SEP 20 1963

J U D G M E N T 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 tract.

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 tract; that upon the date the Declaration of Taking and 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 tract on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$2,299.91, inclusive of interest, is just compensation for the taking of the estate by the plaintiff in the above tract, as such estate and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$2,240.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that defendants Curt D. Edgerton, Rachael M. Vickers, Mildred E. Dade, T. W. Serviss, Howard J. Whitehill, Phyllis W. Minister, Helen W. Kenyon, Juliann W. Funke, and Ora G. and Ola Dunegan 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.

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 tract is described therein, is hereby confirmed;

B. The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$2,299.91, inclusive of interest; of which amount the following has previously been disbursed:

Curt D. Edgerton	- - - - -	\$ 447.38
H. C. Bundy	- - - - -	443.00
H. S. Diem	- - - - -	443.00
F. P. Menager	- - - - -	443.00
M. A. Robinson	- - - - -	443.00

C. The Plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$59.91, without interest. Upon receipt of the last mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

Mildred H. Dade	- - - - -	\$ 3.13
T. W. Serviss	- - - - -	3.12
Howard J. Whitehill	- - - - -	1.56
Phyllis W. Minister	- - - - -	1.57
Helen W. Kenyon	- - - - -	1.56
Juliann W. Funke	- - - - -	1.56
Ora G. and Ola Dunegan	- - - - -	6.25
George W. Snedden, Executor of Estate of Elizabeth Borum Snedden	- - - - -	22.15
Mrs. M. J. Erdwurm	- - - - -	3.85
Otto Fuehner	- - - - -	3.85
S. R. Espy	- - - - -	3.85
Rachael M. Vickers	- - - - -	5.93
George W. Snedden and Virginia Wilcox Hager, Co-trustees of Jack Robin Snedden, deceased	- - - - -	22.15
		<hr/>
		\$ 80.53

Entered this 27th day of September 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant United States Attorney

alj

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

SEP 30 1963

United States of America,)
)
Plaintiff,)
)
vs.)
)
237.72 Acres of Land, More or Less,)
Situate in Creek and Pawnee Counties,)
Oklahoma, and Joe I. Hart, et al., and)
Unknown Owners,)
)
Defendants.)

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

Civil No. 5100

Tracts Nos. 2234 and E-1 & E-2

J U D G M E N T

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. The Court finds the amount of \$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 \$300.00 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 prior to the institution of the above proceeding the United States of America and Dora Lewis and Washington Royalty Co., entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the

amount of \$225.00, inclusive of interest, for their interests, would be awarded as just compensation for the taking of the estates to be condemned in the above tracts; that the contract and agreement is a valid one.

The Court finds that defendants Walter C. Pope, Charles S. Peepgrass, Frances E. Nelson, W. Evan Davis, D. H. Stone & Richard Stone and Charles M. Preaus 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; and that Charles M. Preaus has no compensable interest therein;

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 \$300.00, inclusive of interest, of which amount \$150.00 has previously been disbursed to Dora Lewis.;

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

Washington Royalty Co., Tulsa, Oklahoma \$75.00

(d) The Clerk of the Court is hereby authorized and directed to retain the amounts set out below for these tracts for a period of five years from the date of this Judgment, unless said deposit is properly claimed by the defendant owners set forth 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:

Walter C. Pope	\$ 7.50
Charles S. Peepgrass	11.25
Frances E. Nelson	11.25
W. Evan Davis	7.50
D. H. Stone & Richard Stone	37.50

Executed this 30th day of September, 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT COURT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant U. S. Attorney

ejs

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

Civil No. 5100

Tract No. 9906-10M

FILED

SEP 30 1963

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

J U D G M E N T

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 tract.

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 tract; that upon the date the Declaration of Taking and the Complaint were filed 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 tract on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$5,468.79, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$5,413.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and Lee Ryan, Robert Ryan, Clyde H. O'Dell, First Baptist Church of Mannford, Ella M. Boyd Davasher, A. T. Hendrick, Bill Gibbs Heirs: Myrtle Gibbs, Ethel Vaught and Eva Hall, Raymond P. Sanderson, Church of Christ, Maggie Nance and Everette & Vernon Brady, entered into a

contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$1082.29, inclusive of interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tract; that the contract and agreement is a valid one.

6. The Court finds that plaintiff and Kerr-McGee, Lydia Carr, Robert Sterling, W. H. Wilson, Emory Hill, Dorothy M. Dorothy, Juanita Coonrod Hinton, Cornelia Coonrod Holmes, Audrey McDonald, Howard & Dessie Murr, M. A. Clegg, Nadine Mann Knight, T. E. Mann, Marcella Mann Pierce, Byron D. & Tiney Parks, Lucille and Harold Robinson, L. J. Hinton, C. M. & Kathleen Gill, J. R. Wright, Lee White, Jesse Moreino and Floyd Varnell, 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 tract is the sum of \$4,376.28, 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 tract is described therein, is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$5,468.79, inclusive of interest, of which amount the following has been previously disbursed to:

Kerr-McGee	\$2799.20
Lydia Carr	381.70
Robert Sterling	127.24
W. H. Wilson	127.24
Emory Hill, Jr.	127.24
Dorothy M. Dorothy	135.72
Audry McDonald	55.64
Howard & Dessie Murr	59.92
M. A. Clegg, A. U. & D. R. Clegg	71.69
Nadine Mann Knight	10.70
T. E. Mann	10.70
Marcella Mann Pierce	10.70
M. C. Parks Heirs; Byron D. & Tiney Parks; Lucille and Harold Robinson	10.00
C. M. & Kathleen Gill	55.64
J. R. Wright	42.80
Lee White	101.65
Floyd Varnell	26.75
Bill Gibbs Heirs.	42.80
A. T. Hendrick	27.82

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$55.79, without interest. Upon receipt of the last mentioned deficiency, the Clerk of this Court is hereby authorized

and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following named payees:

Lee Ryan	\$254.47
Robert Ryan.	254.47
Clyde H. O'Lell.	135.72
Juanita Coonrod Hinton	60.00
Cornelia Coonrod Holmes	60.00
J. R. Wright	10.22
First Baptist Church of Mannford	59.92
Ella M. Boyd Davasher	126.26
Raymond P. Sanderson	42.80
Church of Christ, Mannford.	55.64
Maggie Mance	55.64
L. J. Hinton	75.00
Everette & Vernon Brady.	26.75
Jesse Moreino	26.75

Executed this *30th* day of September, 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant U. S. Attorney

ajs

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
) Plaintiff,)
 vs.)
)
) 895.38 Acres of Land, More or Less,)
) Situate in Creek and Pawnee Counties,)
) Oklahoma, and Ray Spess, et al, and)
) Unknown Owners,)
) Defendants.)

Civil No. 5105

Tract No. 3019-1, -2,
FILED E-1 and E-2

SEP 30 1963

J U D G M E N T **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 \$19.00, 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 \$15.00 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 O. R. Batson, defendant 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 \$15.00, inclusive of interest, for his interest.

6. The Court finds that defendants Vivian Olney Buck, Bertha L. Wallace, Charles Wallace, Ray Wallace, John Wallace and Harold Wallace 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.

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 \$19.00, inclusive of interest, of which amount \$15.00 has previously been disbursed to O. R. Batson;

C. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$4.00, without interest. Upon receipt of the last mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

Vivian Olney Buck	- - - - -	\$ 2.00
Bertha L. Wallace	- - - - -	\$ 1.00
Charles Wallace	- - - - -	0.25
Ray Wallace	- - - - -	0.25
John Wallace	- - - - -	0.25
Harold Wallace	- - - - -	0.25
		<hr/>
		\$ 4.00

Entered this 27 day of September 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant United States Attorney

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