

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

CIVIL ACTION NO. 4643

vs.

Tracts Nos.: 0-1553-1

1,663.10 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and Katherine J. Steil,
et al, and Unknown Owners,

FILED

0-1553-2
0-1553E-1
0-1553E-2
0-1553E-3
0-1553E-4
0-1553E-5
0-1553E-6
0-1553E-7

NOV - 1 1963

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

J U D G M E N T

1.

NOW, on this 31st day of October, 1963, this matter comes on for disposition on application of plaintiff, United States of America, for entry of Judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This Judgment applies only to the estates condemned in the tracts enumerated in the caption above, as such estates and tracts are described in the Complaint and the Declaration of Taking filed in this civil action, with the exception of the oil and gas leasehold interest in that part of Tract No. 0-1553E-3 which is included in the S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, T. 25 N., R. 17 E.; which leasehold interest is not covered by this Judgment.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power and authority to condemn for public use the estates described in paragraph 2 herein. Pursuant thereto on February 19, 1959, the United States of America filed its Declaration of

Taking of such described property and title to the described estates in such property subject to the exceptions set forth in paragraphs 11 and 12 below, should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

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

7.

On the date of taking in this action, the owners of the estates taken in subject tracts, as described in paragraph 2 herein, were the defendants, Oscar H. Holman and Katherine A. Holman, his wife. Such named defendants are the only persons asserting any interest in the property which is the subject matter of this Judgment, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the estates taken in the subject property.

8.

The owners of the subject property and the United States of America have executed and filed herein, on March 25, 1959, a Stipulation for Exclusion of Property, whereby certain improvements situated on the subject tracts were excluded from the taking in this case and it was agreed that the award of just compensation for such tracts would be reduced by the salvage value of such improvements, and such stipulation should be approved.

9.

The owners of subject tracts and the United States of America have executed and filed herein on October 28, 1963, a Stipulation As To Just Compensation, wherein they have agreed that just compensation for the estates condemned in subject property is in the amount shown as compensation in paragraph 14. Such stipulation contains the further agreement that perpetual easements and rights-of-way over a certain described portion of Tracts Nos. O-1553-1 and O-1553-2 should be revested in the former owners. This stipulation, as to both compensation and revestment, should be approved.

10.

A deficiency exists between the amount deposited as estimated compensation for the subject property and the amount fixed by the Stipulation

As To Just Compensation, and the amount of such deficiency should be deposited for the benefit of the owners. Such deficiency is set out in paragraph 14 below.

11.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in paragraph 2 herein, as such tracts are particularly described in the Complaint and Declaration of Taking filed herein; and such tracts, to the extent of the estates described and for the uses and purposes described in such Complaint and Declaration of Taking, with the exception of the property excluded by paragraph 12, and with the further exception of the oil and gas leasehold interest described in paragraph 2, are condemned, and title thereto is vested in the United States of America as of the date of filing the Declaration of Taking, and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto; provided, that pursuant to the agreement of the parties contained in the stipulation mentioned in paragraph 9 above, there is hereby re-vested in the former owners, Oscar H. Holman and Katherine A. Holman, his wife, perpetual easements and rights-of-way across Tracts Nos. 0-1553-1, and 0-1553-2, described as follows, to-wit:

INDIAN MERIDIAN
T. 24 N., R. 17 E.,

Section 21, A right-of-way across the Northwest diagonal half of the $SW\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$, said right-of-way being 100.00' in width and lying adjacent to the West line of said Northwest diagonal half of $SW\frac{1}{4}NW\frac{1}{4}NE\frac{1}{4}$.

The area described aggregates 1.49 acres, more or less, situate in Nowata County, Oklahoma.

INDIAN MERIDIAN
T. 24 N., R. 17 E.,

Section 21, A right-of-way across the Northwest diagonal half of the $NW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$, said right-of-way being 100.00' in width and lying adjacent to the North line of said Northwest diagonal half of $NW\frac{1}{4}NE\frac{1}{4}NE\frac{1}{4}$.

The area described aggregates 1.49 acres, more or less, situate in Nowata County, Oklahoma.

for access to and from adjacent land owned by defendants for the purpose of watering livestock, including the right to fence the rights-of-way for the control of livestock; provided, however, that no fences will be constructed below elevation 638.0' m.s.l. and provided further that if fences are constructed along the rights-of-way above elevation 638.0' m.s.l., such fences shall include either gates or stiles at satisfactory intervals to permit

crossing of the rights-of-way, and provided further that the interests so re-vested are subordinated to the prior rights of the United States to flood and submerge the land as may be necessary in the construction, operation and maintenance of the Oologah Dam and Reservoir Project.

It is further provided that with respect to the above described easements and rights-of-way, so re-vested, the defendants, their heirs, successors and assigns, shall not have any claims against the United States for damages in connection with or arising out of the easements herein re-vested.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulation For Exclusion Of Property mentioned in paragraph 8 above hereby is confirmed, and title to the property covered by such stipulation remains vested in the defendant owners.

13.

It Is Further ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owners of the estates described in paragraph 2 herein, condemned herein in subject tracts, were the defendants, Oscar H. Holman and Katherine A. Holman, his wife, and the right to just compensation for the estates taken herein in these tracts is vested in such defendants.

14.

It Is Further ORDERED, ADJUDGED, AND DECREED that the Stipulation As To Just Compensation, mentioned in paragraph 9 above, hereby is confirmed; and the sum therein fixed is adopted as the award of just compensation for the estates condemned in subject tracts as follows:

TRACTS NOS. 0-1553-1 and 0-1553-2, AND
0-1553E-1 through 0-1553E-7

Owners of all interests except oil and gas lease described in paragraph 2:

Oscar H. Holman and Katherine A. Holman		
Award of just compensation, pursuant to stipulation - - - - -	\$9,550.00	
Less salvage value of improvements reserved by stipulation - - - - -	<u>150.00</u>	
Net Award - - - - -	\$9,400.00	\$9,400.00
Deposited as estimated compensation for Holman interest - - - - -		\$8,995.00
Disbursed to owners - - - - -	<u>\$8,695.00</u>	
Balance due to owners - - - - -	\$705.00	<u> </u>
Deposit deficiency - - - - -		\$405.00

15.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall depcsit in the Registry of this Court in this civil action, to the credit of subject tracts, the deposit deficiency in the sum of \$405.00, and the Clerk of this Court then shall disburse from the deposit for such tracts the sum of \$705.00, jointly, to Oscar H. Holman and Katherine A. Holman.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

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 E. Hardwick, Myrtle Hills, Mary E. Hughes, Dewey Johnson, Pearl Kolb, 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 \$2,330.49, 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 \$652.49, 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
Willard Martin - - - - -	38.25
Willard Martin, Trustee for K. C. Maxey - - - - -	334.71
Garrett Logan - - - - -	9.55
	<hr/>
	\$ 420.80

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 Amended Judgment, unless said deposit is properly claimed by the defendant owners set out 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
	<hr/>
	\$ 314.06

Entered this 7 day of November 1963.

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANNIE

ROBERT P. SANNIE
Assistant United States Attorney

106.76 (PARTIAL) MORE OR LESS,
VILLARD MARY, GARRETT LOGAN, AND VILLARD
MARTIN, INDIVIDUALLY AND GARRETT LOGAN
AS TO TRACT E-5488

FILED

NOV 4 - 1963

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

**ORDER TO SET ASIDE DEPARTURE FROM COURT
AS TO TRACT E-5488**

Whereas the defendants, Villard Mary, Logan, and Villard
Martin, individually, and Garrett Logan, have moved the court to set
aside the default judgment entered herein on September 27, 1963,
as to their interest in Tract E-5488 for the reason that the
defendants inadvertently failed to appear through their attorney
for the pretrial of this cause.

**VILLARD MARTIN, INDIVIDUALLY AND
AS TRUSTEE OF THE VILLARD MARY
MARY, AND GARRETT LOGAN**

[Handwritten Signature]
Their Attorney

**ORDER SETTING ASIDE DEPARTURE FROM COURT
AS TO TRACT E-5488**

Whereas it is shown, the default judgment entered herein on
September 27, 1963, is set aside as to the defendants, Villard
Mary, Logan, and Villard Martin and Garrett Logan in Tract E-5488
and the case shall be set for trial as to their compensation.

[Handwritten Signature]
U. S. District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 190.00 Acres of Land, More or Less,)
 Situate in Rogers County, Oklahoma,)
 and Mindego Oil Company, et al, and)
 Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 4847
Tracts Nos. 4732-3 and
4732-3a
(Lessor Interest Only)

FILED

NOV 4 1963

J U D G M E N T
(Partial)

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

1.

NOW, on this 4th day of November, 1963, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies only to the lessor interest in the estates condemned in the tracts enumerated in the caption above, as such estates and tracts are described in the Complaint and 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 February 5, 1960, the United States of America has filed its Declaration of Taking of such described property and title to the described estates in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the lessor interest in the estates taken in subject tracts a certain sum of money, and none of this deposit has been disbursed, as set out in paragraph 12 below.

7.

On the date of taking of this action, the owner of the lessor interest in the estates taken in subject tracts, as described in paragraph 2 herein, was the defendant whose name is shown in paragraph 12 below. Such named defendant is the only person asserting any interest in the lessor interest in the estates taken in such tracts, all other persons having either disclaimed or defaulted, and such named defendant is entitled to receive the just compensation for the lessor interest in the estates taken in these tracts.

8.

The owner of the lessor interest in the estates taken in the 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 lessor interest in the estates 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 lessor interest in the estates 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 owner. Such deficiency is set out in paragraph 12 below.

10.

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

11.

It Is Further ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owner of the lessor interest in the estates described in paragraph 2 herein, condemned herein in subject tracts, was the party whose name appears below in paragraph 12, and the right to just compensation for the lessor interest in the estates so condemned in these tracts is vested in the party so named.

12.

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

TRACTS NOS. 4732-3 AND 4732-3a

Owner of lessor interest in estates taken:

Glenn H. Chappell

Award of just compensation for Lessor Interest, pursuant to stipulation - - - - -	\$1,225.00	\$1,225.00
Deposited as estimated compensation - - - - -	<u>\$925.00</u>	
Deposit deficiency - - - - -	<u>\$300.00</u>	
Disbursed to owner - - - - -		<u>None</u>
Balance due to owner - - - - -		<u>\$1,225.00</u>

13.

It is Further ORDERED, ADJUDGED, AND DECREED that the United States of America shall deposit in the Registry of this Court in this civil action, to the credit of subject tracts the total deposit deficiency in the sum of \$300.00, and the Clerk of this Court then shall disburse from the deposit for such tracts the sum of \$1,225.00 to Glenn H. Chappell.

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

Robert D. Phelps,
Petitioner,
vs.
United States of America,
Respondent.

Civil No. 5691

FILED

NOV 4 1963

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

O R D E R

This matter coming on before me, the undersigned Judge, this 4th day of November, 1963, upon the motion of the petitioner, Robert D. Phelps, to vacate and set aside the judgment of conviction and sentence in Criminal Case No. 13685 in this court, and upon the response filed thereto by the respondent, United States of America, and the court having considered said motion and said response and the brief in support thereof finds:

That the petitioner complains in his motion that the evidence was insufficient to show that petitioner was present at the place and during the time of the commission of the offense with which he was charged. The files and records in Criminal Cause No. 13685 clearly show that the government did present evidence to this effect. Clearly, the sufficiency of this evidence to sustain petitioner's conviction is not subject to collateral attack in this proceeding. Curry v. United States, 292 F. 2d 576 (10 Cir. 1961).

Petitioner next complains that the court's instructions at his trial were erroneous. There does not appear to be any error in these instructions. However, in any event, such an error is one of law which must be cured upon a direct appeal and not by way of a collateral attack in a 2255 proceeding. Banks v. United States, 287 F. 2d 374 (7 Cir., 1961); Cambiano v. United States, 295 F. 2d 13 (9 Cir. 1961); Cf. Hurst v. United States, 177 F. 2d 394 (10 Cir. 1949); Maupin v. United States, 232 F. 2d 838 (10 Cir. 1956).

Petitioner next complains that during the course of instructions the court commented on the evidence in a manner prejudicial to the petitioner.

It is, of course, wholly permissible and proper in federal criminal proceedings for the court to comment upon the evidence. Further, this court finds on the basis of the files and records in the aforesaid criminal cause nothing erroneous in the comment made by the trial judge, and even if said comment had been erroneous, it is nothing more than an error of law which must be corrected upon a direct appeal and not in a collateral proceeding. Hurst v. United States, supra; Maupin v. United States, supra. Certainly nothing in said comment worked to deprive petitioner of any constitutional right or affected the jurisdiction of the court over the person of the petitioner or the offense with which he was charged but if erroneous was merely an error in procedure or of law not open to review in this proceeding. Cf. Fennell v. United States, 313 F. 2d 941 (10 Cir. 1963).

Petitioner next asserts that although these matters are being raised in this proceeding for the first time they would have been decided favorably to him if the proper action had been taken by his counsel at the time of trial. If these statements, together with his purported quotation contained in petitioner's motion, are intended by him as an allegation that he did not have adequate and effective representation by counsel, such allegation is without merit. The court having reviewed the files and records in the aforesaid criminal cause finds that petitioner had adequate and effective assistance and representation by counsel. This is certainly true within the ruling of Frank v. United States, 233 F. 2d 1002 (10 Cir. 1952).

That since petitioner either raises issues not cognizable in a proceeding of this type or his contentions are completely refuted by the files and records in this case and in Criminal Cause No. 13085, it is unnecessary to hold a hearing on petitioner's motion, and it is further unnecessary that petitioner be brought before this court to testify.

That petitioner's motion to vacate and set aside sentence pursuant to 28 U.S.C., 2255 should be overruled and denied for the foregoing reasons.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that petitioner's motion to vacate and set aside judgment and sentence be and it hereby is overruled and denied.



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-543E

FILED

NOV 5 1963

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

AMENDMENT TO JUDGMENT

On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for an amendment to the Judgment filed September 27, 1963 in the above case and tract.

The Court finds that paragraph "C" provided that the sum of \$7.50 be payable to Investors Royalty Company, Inc., and that the Clerk of the Court was authorized and directed to make such issuance.

The Court finds that, through inadvertence, the order directing payment to Investors Royalty Company, Inc. should in reality have directed payment to Donald L. Twiggs.

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

That paragraph "C" of the judgment filed in the above tract and case on September 27, 1963, be and hereby is amended to recite that the Court Clerk is authorized and directed to draw a check on the funds in the Registry of this Court in the amount of \$7.50, payable to Donald L. Twiggs.

Entered this 4th day of November 1963.

ALLEN E. DARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTRE

ROBERT P. SANTRE
Assistant United States Attorney
alj

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,
vs.
491.42 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and Ralph Dawson, et al,
and Unknown Owners,
Defendants.

CIVIL ACTION NO. 4884
Tract No. K-1116
(Surface Interest Only)

FILED
NOV 23 1963
D.S.

J U D G M E N T
(Partial)

1.

NOW, on this 21st day of November, 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 September 30, 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 to the surface interest only in the estate taken in Tract No. K-1116, as such tract and estate 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 9, 1960, the United States of America filed its Declaration of Taking of such tract of land, and title to such tract should be vested in the United States of America.

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 subject tract a certain sum of money, and part of this deposit has been disbursed as set out in paragraph 10 below.

7.

The Report of Commissioners filed herein on September 30, 1963, is hereby accepted and adopted as a finding of fact as to the subject tract. The amount of just compensation as to the said tract, as fixed by the Commission, is set out in paragraph 10 below.

8.

The defendants named in paragraph 10 as owners of subject tract are the only defendants asserting any interest in the surface interest in the estate condemned herein, all other defendants having either disclaimed or defaulted; the named defendants are the owners of the surface interest in the estate condemned herein 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, as it is described in the Declaration of Taking filed herein, and such property to the extent of the surface interest in the estate described 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 just compensation for the surface interest 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 September 30, 1963, hereby is confirmed, and the sum therein fixed is adopted as just compensation for the surface interest in the estate taken in the subject tract as shown by the following schedule:

Owners of surface interest:

Irene Olson - - - - - 1/2
 Heirs of Norine Pomeroy - - - - 1/8
 (William H. Pomeroy, Jr. is
 independent executor of her
 estate.)
 William H. Pomeroy, Jr. - - - - 1/8
 Heirs of H. C. Pouder, - - - - 1/4
 who are:
 Lottie Pouder Schneider
 King Kirschner

Award of just compensation - - - - - \$1,950.00 \$1,950.00
 Deposited as estimated compensation - - - \$1,950.00

Disbursed to owners:

To Irene Olson - - - - - \$975.00
 To William H. Pomeroy, Jr.,
 Independent Executor of
 Estate of Norine Pomeroy - - - - \$243.75
 To William H. Pomeroy, Jr. \$243.75
 Total - - - - - \$1,462.50

Balance due to Lottie Pouder Schneider
 and King Kirschner - - - - - \$487.50

11.

It Is Further ORDERED that the Clerk of this Court shall disburse from the funds on deposit for this tract to:

Lottie Pouder Schneider - - - - - \$243.75
 King Kirschner - - - - - \$243.75

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

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

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

AMERICAN CASUALTY COMPANY,)
a corporation,)
)
Plaintiff,)
)
Vs.)
)
K. E. BECK, d/b/a BECK CONSTRUCTION)
COMPANY,)
)
Defendant.)

No. 5690

FILED

1953

JOURNAL ENTRY OF JUDGMENT FOR THE COURT

WHEREAS, defendant admits the allegations set out in plaintiff's complaint as follows:

I.

Defendant, on dates hereafter set forth, entered into contracts for the performance of construction work; and, at the request of defendant, plaintiff executed separate performance and labor and material payments bonds, as follows:

<u>Bond No.</u>	<u>Owner</u>	<u>Date</u>	<u>Amount</u>
270597	Howard Investment Co.	7/23/58	\$ 781,000.00
337778	Fifteenth Street Church of Christ of Tulsa, Oklahoma	10/3/58	58,871.00
337789	Holiday Hills Country Club	1/29/59	125,761.00
270589	School Dist.No.1 of Tulsa, Oklahoma	1/27/58	406,000.00

II.

Defendant defaulted on the above construction project and bonds, and the plaintiff was obligated in compliance with its surety agreement to pay completion costs and material and labor bills, and thereby sustained the following losses:

<u>Bond No.</u>	<u>Owner</u>	<u>Amount</u>
270597	Howard Investment Company	\$ 16,237.92
337778	Fifteen Street Church of Christ	13,801.49
337789	Holiday Hills Country Club, Inc.	54,816.71
270589	School Dist. No. 1 of Tulsa County, Oklahoma	1,502.48
TOTAL		\$ 86,358.60

MIERELS, defendant confesses he has no defense to the above styled action, and therefore confesses judgment to plaintiff in the amount of \$86,358.60.

IT IS THEREFORE ORDER, ADJUDGED AND DECREED that plaintiff shall have judgment against the defendant in the sum of \$86,358.60 together with interest at the rate of 6% from date of judgment and the cost of this action.

(s) Fred Daugherty
JUDGE OF THE NORTHERN DISTRICT

O. K:

LOONEY, WATTS, LOONEY, NICHOLS
AND JOHNSON

By: E. J. Watts

ATTORNEYS FOR PLAINTIFF

O. K:

ROSENSTEIN, MESIROW & FIST

By: A. F. Fist

ATTORNEYS FOR DEFENDANT

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

VERNIE HORN,)
)
 Plaintiff,)
)
 vs.) No. 5808 Civil
)
 Safeway Stores, Incorporated,)
 a foreign corporation,)
)
 Defendant.)

DISMISSAL WITH PREJUDICE

Comes now the plaintiff, Vernie Horn, and dismisses the above styled and numbered cause of action with prejudice to the bringing of a future action.

Dated this 4 day of November, 1963.

Vernie Horn
Plaintiff

[Signature]
Attorney for Plaintiff

Comes now the defendant, by and through its counsel of record, and consents to the dismissal of the above styled and numbered cause of action with prejudice to the bringing of any future action.

[Signature]
Attorney for Defendant

Pursuant to Rule 28, USDC, IT IS HEREBY ORDERED that the above styled and numbered cause be dismissed with prejudice.

NOBLE C. HOOD, U.S. COURT CLERK

By: [Signature]
Deputy

FILED

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

NOV 6 - 1963

ATOMIC OIL COMPANY OF OKLAHOMA, INC.,)
Plaintiff,)

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

vs.)

No. 5722 ✓

BARDAHL OIL COMPANY et al.)
Defendants.)

CIVIL ACTION

ORDER OF ADEQUACY AND SUFFICIENCY OF
PLAINTIFFS' SECURITY FOR THE TEMPORARY INJUNCTION

On this 4th day of November, 1963, the above entitled cause came before this court upon the defendant's motion that the amount of the security be increased and plaintiff's motion that the security be decreased, and defendant's motion as to the sufficiency of the security under the Federal Rules of Civil Procedure, Rule 65.

The plaintiff represented by its attorneys James R. Head and Lawrence A. Johnson, and the defendants by their attorneys Floyd L. Grean and Robert O. Beresford, the court proceeded to hear arguments of counsel and, having considered the law, the arguments of counsel, and their briefs finds the following:

1. The court finds that it has jurisdiction over the subject matter and of the parties herein.
2. That after proper hearing on October 4, 1963, this court granted a temporary or preliminary injunction against the defendants from using the mark "SAVOIL" or from otherwise promoting, selling or causing to be sold said goods or similar goods under said mark "SAVOIL".

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

NOV 11 1963

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

ATOMIC OIL COMPANY OF OKLAHOMA, (INC.)

Plaintiff,

vs.

BARBARIL OIL COMPANY, et al

Defendants.

No. 5722

CIVIL ACTION

CONTEMPT ORDER

On the 4th day of November, 1963, the above entitled cause came before this court upon plaintiff's motion to show cause why defendants should not be punished for contempt of this court's preliminary injunction granted October 4, 1963.

The plaintiff represented by its attorneys James R. Head and Lawrence A. Johnson, and the defendants by their attorneys FRED D. SHEAR and Robert O. Beasford, the court proceeded to take and receive evidence by testimony of J. B. [unclear] attorney Lawrence A. Johnson, the depositions of Paul [unclear] Dale McKown and his son Carson McKown, exhibits, depositions and by the respective briefs of counsel and the court having considered the defendant's answer to the charges of contempt, read and the arguments of counsel find as follows:

The court finds that it has jurisdiction over the subject matter and of the parties herein.

That said defendants had full knowledge of the existence of the temporary injunction granted October 4, 1963 and of the terms thereof, and with such knowledge did then knowingly, willfully and intentionally violate said injunction.

order, and did then and there with full knowledge of the existence of said temporary injunctive order, and of the terms thereof, knowingly, willfully and intentionally aid and abet the defendants, or some of them in committing acts of actively selling, distributing and promoting the product "SAVOIL" all of which is contrary to said preliminary injunction.

3. That the defendants have failed to show why they should not be punished as for contempt of this court for violating said temporary injunctive order.

4. That said defendants have sold or caused to be sold the product "SAVOIL" to others after the granting of the injunction, and that the defendants caused to be displayed the product "SAVOIL" at the Autorama Show in St. Louis, Missouri on the 11th and 12th days of October, 1963, well after the granting of the injunction and placing of security by the plaintiff.

5. That said contempt has tended to defeat and impair the interests and interests of the plaintiff and to obstruct justice and bring the administration of justice into contempt.

AND WHEREFORE IT IS ORDERED, ADJUDGED AND DECREED,

That the defendants are hereby adjudged guilty of contempt of this court, in violating the preliminary injunction granted October 4, 1963, effective October 11, 1963 upon the posting of security in the amount set by the court, and that for said contempt said defendants be fined the sum of \$1,485.00 which represents plaintiff's damage and costs incurred in prosecution of said contempt.



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

FILED

NOV 6 - 1963

ATOMIC OIL COMPANY OF OKLAHOMA, INC.,)
)
Plaintiff,)
)
vs.)
)
BARDAHL OIL COMPANY, et al)
)
Defendants.)

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

No. 5722 ✓

CIVIL ACTION

ORDER ON DEFENDANTS' MOTION TO DISSOLVE,
MODIFY OR RECONSIDER THE PRELIMINARY INJUNCTION

On the 4th day of November, 1963, the above entitled cause came before this court upon the defendant's motion to dissolve, modify or reconsider the preliminary injunction.

The plaintiff represented by its attorneys James R. Head and Lawrence A. Johnson, and the defendants by their attorneys Floyd L. Rheam and Robert O. Beresford, the court, over the objection of the plaintiff that said motion was untimely filed under FRCP 59 as not being within 10 days of the entry of the temporary injunction, proceeded to hear arguments of counsel, and the court having considered the law and the arguments of counsel and their briefs finds the following:

1. The court finds that it has jurisdiction over the subject matter and of the parties herein.

2. That the court at the time of the hearing of the preliminary injunction found that Plaintiff's product "SAVMOTOR" and the defendant's product "SAVOIL" are competing products, both are used in the same marketing channels of commerce, and are marketed to the same class of purchasers.

3. That upon the granting of the preliminary injunction on October 4, 1963, this court found and still finds that likelihood and actual confusion exists between these trademarks.

4. That the defendants did not allege in their motion any grounds or reasons for dissolving the injunction, nor did they offer any evidence that there had been any change in condition or cause for dissolving the injunction.

That the defendants admit in their brief that the appropriate extent of the injunction would be justified in the space the plaintiff is doing business.

NOW THEREFORE IT IS ORDERED, ADJUDGED AND DECREED:

That the defendant's motion to dissolve, modify and reconsider the preliminary injunction is overruled, and that the defendant's are granted 10 days within which time to approve the order of the preliminary injunction.


ALLEN E. BARROW

Dated this 11th day of November

1963.

IN SENATE

COMMITTEE ON COMMERCE

REPORT

ON THE

PROCEEDINGS

OF THE

COMMISSION

ON THE

COMMERCE IN THE DISTRICT OF COLUMBIA

The Commission on the Commerce in the District of Columbia was organized on July 1, 1925, and has since that time been engaged in a study of the various commercial activities in the District of Columbia. It has held numerous public hearings and has received many suggestions from the business community. The Commission has also conducted extensive research into the various factors that influence commerce in the District. The following are the principal findings of the Commission:

The principal agencies of commerce in the District of Columbia are the United States Government, the District of Columbia Government, and the various private corporations and individuals. The Commission has found that the Government is the largest employer and the largest purchaser of goods and services in the District. It has also found that the District of Columbia Government is an important factor in the commerce of the District. The Commission has also found that the private business community is an important factor in the commerce of the District.

1. The Commission has found that the commerce in the District of Columbia is largely concentrated in the hands of a few large corporations and individuals.

2. That the plaintiff has established a market for the sale of the product bearing this trademark in the District of Columbia.

3. That the plaintiff has established a market for the sale of the product bearing this trademark in the District of Columbia.

The Commission has also found that the commerce in the District of Columbia is largely concentrated in the hands of a few large corporations and individuals. The Commission has also found that the plaintiff has established a market for the sale of the product bearing this trademark in the District of Columbia.

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

ATOMIC OIL COMPANY OF OKLAHOMA, INC.,
an Oklahoma corporation,

Plaintiff,

vs.

BARDahl OIL COMPANY, a Missouri
corporation; BARDahl MANUFACTURING
CORPORATION, a Washington corpora-
tion; and DALE McKEOWN, Franchised
Distributor, d/b/a BARDahl EAST
OKLAHOMA,

Defendants.

No. 5722 ✓

CIVIL ACTION

FILED

NOV 6 - 1963

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

ORDER OF PRELIMINARY INJUNCTION

On this 4th day of October, 1963, the above entitled case came before this Court upon the Plaintiff's Motion for Preliminary Injunction, the Plaintiff appearing by its attorneys, James R. Head and Lawrence A. Johnson, and the Defendants by their attorneys, Floyd L. Sharr and Robert O. Baresford. The Court proceeded to take and receive evidence by testimony and affidavits submitted by the Plaintiff in support of its Motion, and the Court having considered the law and the arguments of counsel finds the following:

- 1. The Court finds that it has jurisdiction over the subject matter and of the parties herein;
- 2. That the Plaintiff is the owner of the trademark "SAVOITOL," and the Defendant, Bardahl Manufacturing Corporation has been using the trademark "SAVOIL" and the Defendants, Bardahl Oil Company and Dale McKeown d/b/a Bardahl East Oklahoma, are by distributing, advertising, selling, and using the product bearing the trademark, "SAVOIL." That the Plaintiff's product and the Defendants product are used in the same marketing channels of commerce, and are marketed to the same class of purchasers.



UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF OKLAHOMA

PAUL COLLEN, as guardian of
RANDY MARVIN PEREDES, an
infant under the age of
3 years,
Plaintiff,

vs.

C. F. CHURCH DIVISION OF
AMERICAN RADIATOR AND
STANDARD SANITARY CORPORA-
TION, a Delaware corporation,
Defendant.

Civil Action No. 1700

FILED

NOV 11 1963

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

ORDER REMANDING

The motion of plaintiff to remand this suit to the Superior Court of Creek County, Drumright Division, Oklahoma, came on for hearing before the Court, the Honorable Allen E. Baczow presiding, on this 8th day of November, 1963, pursuant to regular setting and notice to parties, and the Court having heard the argument of counsel, and being fully advised, upon consideration entered an order remanding the cause to the Superior Court of Creek County, Drumright Division, Oklahoma.

IT IS ORDERED AND ADJUDGED that the motion of plaintiff to remand this cause to the Superior Court of Creek County, Drumright Division, Oklahoma, be and it is hereby sustained and the cause is remanded to the Superior Court of Creek County, Drumright Division, Oklahoma for further proceedings.

Dated at Tulsa, Oklahoma, this 8th day of November,
1963.

NOBLE C. HOOD, CLERK

By *Ben B. Ballenger*
Ben B. Ballenger,
Deputy.

U. S. DISTRICT COURT FOR THE DISTRICT OF OKLAHOMA

Earl Gene Godfrey, an infant under the age of 12 years, who sues by Helen Godfrey Ogden as next friend, Mother, and Natural Guardian,
Plaintiff

vs.

Number 5693-Civil

Midland Valley Railroad Company,
a corporation,
Defendant

FILED

NOV 12 1963

ORDER REMANDING SUIT TO STATE COURT NOBLE C. HOOD
Clerk U. S. District Court

The motion of plaintiff to remand this suit to the District Court of Tulsa County, Oklahoma, coming on for hearing this 9th day of November, 1963, pursuant to regular setting and the court having heard the argument of counsel on both sides, and being fully advised, upon consideration finds that the said motion should be sustained.

IT IS THEREFORE ORDERED that the motion of the plaintiff to remand this case to the District Court of Tulsa County, Oklahoma, be, and the same is hereby, granted, and this cause be and the same is hereby remanded to the District Court of Tulsa County, Oklahoma, for further proceedings.

(S) Allen F. Brown
JUDGE

Signed Nov. 12th, 1963

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Gertrude Ingram,

Plaintiff,

vs.

CIVIL ACTION NO. 5203

United States of America, and
Missouri-Kansas-Texas Railroad
Company, a corporation,

Defendants.

FILED

NOV 13 1963

AMENDED JUDGMENT ON DECISION BY THE COURT

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

This matter coming on for trial before the Honorable Luther Bohanon, United States District Judge for the Northern District of Oklahoma, and the issues were duly tried and a decision was duly rendered pursuant to the mandate from the United States Court of Appeals, Tenth Circuit.

It appears to the court that heretofore and on October 7, 1963, a judgment was entered in this case pursuant to mandate from the United States Court of Appeals, Tenth Circuit, which judgment provided for interest to be assessed against the United States of America at the rate of 6% per annum from date of judgment. It appears to the court that such provision for interest was and is disallowed by statute and accordingly such provision should be withdrawn.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the judgment heretofore entered on October 7, 1963, be amended in the following particulars, to-wit:

"IT IS ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover of and from the United States of America the sum of \$8,717.05, together with costs of the action."

It further appears to the court that the judgment entered October 7, 1963, should have provided for an attorney's fee to be payable to the attorney representing the plaintiff, Gertrude Ingram, from and out of any portion of such judgment actually paid by the United States of America.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the judgment entered October 7, 1963, is hereby amended in the following particulars, to-wit:

"IT IS FURTHER ORDERED, ADJUDGED AND DECREED that pursuant to Title 28, U.S.C., Section 2678, plaintiff's attorneys are hereby allowed an attorneys' fee of 20% of any portion of such judgment as is paid by or collected from the United States of America; provided that this shall not in any wise affect any fee paid or payable out of any portion of the judgment other than that portion, if any, paid by the United States of America."

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all other provisions of the heretofore executed judgments shall in all respects remain as originally decreed and that the only amendments to such judgments are as herein stated.

WOBLE C. HOOD, Clerk
United States District Court
Northern District of Oklahoma

By M. M. Ewing
M. M. Ewing, Deputy

Approved and ordered entered
this 2 day of November,
1963.

Walter D. ...
U. S. District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

J. Houston Dowell,
Plaintiff,
vs.
United States of America,
Defendant.

Civil No. 5516

FILED

NOV 1 1963

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

This matter coming on before me, the undersigned Judge, this 13th day of November, 1963, upon the motion of the defendant, United States of America, to amend the judgment entered herein on the 16th day of September, 1963, and the court having considered said motion and being fully advised in the premises finds:

That said motion should be granted and that said judgment should be amended so that no interest on the recovery granted to the plaintiff herein should be awarded to said plaintiff.

That the plaintiff should, however, recover of the defendant, United States of America, the sum of \$530.04 as provided for in the original judgment entered herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED That the plaintiff, J. Houston Dowell, recover of the defendant, United States of America, the sum of \$530.04 and his costs of action.

Noble C. Hood
UNITED STATES DISTRICT JUDGE

APPROVED:

Robert Lucas
Robert Lucas
Attorney for Plaintiff

Phillips Breckinridge
Phillips Breckinridge
Assistant U. S. Attorney
Attorney for Defendant

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

Everett O. James,)
)
) Plaintiff,)
)
) vs.)
)
) Anthony J. Celebrezze, Secretary)
) of Health, Education and Welfare,)
) Defendant.)

No. 5553 Civil

FILED

NOV 15 1963

ORDER

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

Upon consideration of the Motion to Remand filed herein by the plaintiff and the brief submitted in support thereof, the Court finds that this matter should be remanded for the taking of additional evidence.

Pursuant to 42 U.S.C.A. 405(g) and for good cause shown this matter is remanded to the Secretary of Health, Education and Welfare for the purpose of receiving the additional medical evidence as to the plaintiff's physical condition, and its relation to plaintiff's ability to engage in any substantial gainful employment now urged by plaintiff. Further, this matter is remanded for the purpose of allowing the hearing examiner to make findings based upon substantial evidence of the likelihood of this plaintiff obtaining suitable gainful employment commensurate with his training, education, work experience and physical impairments, if any.

It is so ordered, this 15 day of November, 1963.

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

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

Doris Ann McRight,
Plaintiff,

vs.

Walter Max Seim and
France Seasoning Co.,
a foreign corporation,
Defendants.

No. 5582

FILED

NOV 15 1963

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

DISMISSAL WITH PREJUDICE AND
ORDER

Comes now the plaintiff and for a good and valuable consideration, receipt and sufficiency of which is hereby acknowledged, dismisses with prejudice her action filed herein.

Doris Ann McRight
Doris Ann McRight, Plaintiff

Gerald D. Swanson
Gerald D. Swanson, Attorney
for Plaintiff

ORDER

It is so ordered this 8th day of November ~~October~~, 1963.

Allen E. Barrow
United States District Judge

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

William Darryl McRight,)
)
 Plaintiff,)
)
 vs.)
)
 Walter Max Seim and)
 Prince Seasoning Co.,)
 a foreign corporation,)
)
 Defendants.)

No. 5583 Civil

FILED

NOV 15 1963

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

DISMISSAL WITH PREJUDICE AND
ORDER

Comes now the plaintiff and for a good and valuable
consideration, receipt and sufficiency of which is hereby
acknowledged, dismisses with prejudice her action filed
herein.

William Darryl McRight
William Darryl McRight, Plaintiff

Gerald D. Swanson
Gerald D. Swanson, Attorney
for Plaintiff

ORDER

It is so ordered this 8th day of October, 1963.

Allen E. Barrow
United States District Judge

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

ROBERT E. WILLIAMS,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

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Civil No. 5692

FILED

NOV 15 1963

MOTION AND ORDER OF DISMISSAL

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

The plaintiff herein, Robert E. Williams, respectfully moves the Court to dismiss, and does hereby dismiss, without prejudice, his action against the above named defendant.

WHEELER & WHEELER

By: John Wheeler
Attorneys for Plaintiff

The Court, upon proper motion, hereby Orders that the captioned case be dismissed without prejudice as to the named defendant.

ALEX E. LARROW

UNITED STATES DISTRICT
JUDGE

Copy of foregoing instrument mailed this 14 day of November, 1963, to Robert P. Santee, Assistant U. S. Attorney, Federal Building, Tulsa, Oklahoma.

Joan Santee
ROBERT P. SANTEE

Approved

Case No. 100-10000

PLAINIFF

Civil Action No. 100-10000

FILED

NOV 1 1959

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

Secretary
of the Board of Directors,
American Telephone and Telegraph
Company, Inc.
Defendant

On the 15th day of October, 1959, Mrs. Nathan I. Smith, S. Washington, D.C., did request the court to exercise jurisdiction in this case as set forth heard on October 1, 1959, and after the matter being fully argued, the presiding judge had the Motion to dismiss overruled.

It is therefore ORDERED, ADJUDGED AND DECREED that Mrs. Nathan I. Smith's Motion to dismiss jurisdiction is denied.

Luther Bell
United States District Judge

IEU:lg
11/16/63

FILED

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

THE FLINTKOTE COMPANY, a corporation,)
)
 Plaintiff)
)
 vs.)
)
 J. L. YOUNG,)
)
 Defendant)

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

Civil No. 5802

JUDGMENT

Now on this 19th day of November 1963, there having been presented to the undersigned United States District Judge the motion for default judgment filed herein by the plaintiff supported by an affidavit of Irvine E. Ungerman, in accordance with Rule 55 of the Federal Rules of Civil Procedure and the Court having examined the files in the cause and from the same finds that the defendant herein has been duly and properly served with summons in the time and manner prescribed by Federal Rules of Civil Procedure and the defendant having failed to appear and answer herein and is now in default the Court finds that judgment should be entered herein in favor of the plaintiff and as against the defendant for the total sum of \$10,000.00 with interest thereon at the rate of 6% per annum from the 3rd day of January 1961, until paid, together with a further sum of \$1,500.00 attorneys fees and all the cost of this action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THIS COURT that the plaintiff, The Flintkote Company, a corporation, have and recover a judgment of and against the defendant J. L. Young of a total sum of \$10,000.00 with interest thereon at the rate of 6% per annum from the 3rd day of January 1961, until paid, together with a further sum of \$1500.00 attorneys fees and all the cost of this action.

By Allen E. Pearson
United States District Judge

LAW OFFICES
UNGERMAN,
GRABEL,
UNGERMAN
& LEITER

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA

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

UNITED STATES OF AMERICA for the)
Use and Benefit of FRANK T. ANDREWS,)
Trustee for the Estate of YUBA CON -)
SOLIDATED INDUSTRIES, INC.,)
a Delaware Corporation, Debtor)
in Proceedings for the Reorganization of a)
Corporation under Chapter X of the Bank-)
ruptcy Act, and O. E. DEAN d/b/a PENN)
SOUTHERN CONSTRUCTION COMPANY,)

Plaintiffs,)

v.)

HYDE CONSTRUCTION COMPANY, INC.,)
a corporation, and UNITED STATES)
FIDELITY & GUARANTY COMPANY, a)
corporation, NATIONAL SURETY COR-)
PORATION, a corporation, and THE)
AETNA CASUALTY AND SURETY COM-)
PANY, a corporation,)

Defendants.)

Civil No. 5498

FILED
In Open Court
NOV 19 1963

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

JOURNAL ENTRY OF JUDGMENT

This cause came on for hearing on this 19th day of November, 1963, at which time the plaintiff, United States of America for the Use and Benefit of Frank T. Andrews, Trustee for the Estate of Yuba Consolidated Industries, Inc., a Delaware Corporation, Debtor, in Proceedings for the Reorganization of a Corporation under Chapter X of the Bankruptcy Act, appeared by its attorneys, James D. Fellers and Bill C. Harris and Mosteller, Fellers, Andrews, Snider & Baggett, and the plaintiff, O. E. Dean, d/b/a Penn Southern Construction Company, appeared by his attorneys, Bechman, Dunn & McGregor and Jack N. Hays, and the defendants appeared by their attorneys, Sanders, McElroy & Whitten, at which time the parties introduced STIPULATION FOR SETTLEMENT AND FOR FINAL JUDGMENT.

The Court after having considered the Stipulation for

Settlement and for Final Judgment and statement of counsel and being fully advised in the premises finds that the parties hereto have made a just and equitable settlement, resolving multiple and complicated issues of law and fact, compromising and settling the claims and causes of actions heretofore and herein asserted in cause No. 5498 by the parties, one against another, and that such Stipulation should be received and accepted by the Court and final judgment rendered accordingly.

The Court further finds that the appointment of James O. Ellison as special master in accordance with the Order heretofore entered on June 19, 1963, should be terminated and that James O. Ellison should be relieved of and from all further authority herein and that his allowance for compensation for services rendered in the amount of \$ 750⁰⁰ shall be paid by plaintiff, Yuba Consolidated Industries, Inc.

In view of the Stipulation and the Final Judgment to be entered thereunder, the Court further finds that the Second Partial Summary Judgment entered herein on June 18, 1963, in favor of the plaintiff, Yuba Consolidated Industries, Inc., and against the defendants for the sum of \$289,828.24, together with interest from November 25, 1962, and thereafter amended in form by this Court to show that it was an Interlocutory Summary Order, should be vacated, set aside, and held for naught and the defendants released of and from all liability arising therefrom.

The Court further finds that the plaintiffs have waived all of their claims for interest to date of judgment and for attorneys fees and that therefore the order entered by this Court on May 10, 1963, ordering that attorneys fees are to be determined after the final adjudication of this cause should be vacated, set aside, and held for naught.

The Court further finds that judgment should be entered in favor of the plaintiff, Yuba Consolidated Industries, Inc., against the defendants and each of them for the sum of \$402,357.57 and that judgment should be entered in favor of the plaintiff, O. E. Dean, d/b/a Penn Southern Construction Company, against the defendants and each of them for the sum of \$37,000.00, and that all of the claims and causes of action of the parties herein asserted in cause No. 5498 against one another should be merged in said judgments and that the issues having been settled, there is no just reason for delay of the payment of the money herein and that since the sureties for the defendant, Hyde Construction Company, Inc., will not pay without a Writ of Execution, the Clerk of this Court should be ordered and directed to issue forthwith a Writ of Execution upon the sureties and that the plaintiffs shall not file a Bill of Costs and shall not make claim for any expenses heretofore incurred in taking depositions and prosecuting this action and that likewise the defendants shall make no claim for costs or for expenses incurred in taking depositions and prosecuting this action.

NOW, THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED by the Court that:

1. The Stipulation for Settlement and for Final Judgment made and entered into on the 15th day of November, 1963, between the parties hereto be and the same is hereby ratified, approved and confirmed.

2. The appointment of James O. Ellison as special master pursuant to the Order entered herein on June 19, 1963, be and the same is hereby terminated and James O. Ellison is hereby relieved of and from all further authority or responsibility herein.

3. An allowance of \$ _____ for services rendered as special master is hereby awarded to James O. Ellison and shall be paid by the plaintiff, Yuba Consolidated Industries, Inc.

4. The Second Partial Summary Judgment entered herein on June 18, 1963, in favor of the plaintiff, Yuba Consolidated Industries, Inc., and against the defendants for the sum of \$299,828.24, together with interest from November 25, 1962, and thereafter amended in form by this Court to show that it was an Interlocutory Summary Order be and the same is merged herein and is therefore hereby vacated, set aside and held for naught and the defendants and each of them are released of and from all liability arising from said Interlocutory Summary Order.

5. The Order entered by this Court on May 10, 1963, ordering that attorneys fees are to be determined after the final adjudication of this cause be and same is hereby vacated, set aside and held for naught.

6. All the claims and causes of action heretofore asserted herein in this cause No. 5498 by the plaintiff, United States of America for the Use and Benefit of Frank T. Andrews, Trustee for the Estate of Yuba Consolidated Industries, Inc., a Delaware Corporation, Debtor, in Proceedings for the Reorganization of a Corporation under Chapter X of the Bankruptcy Act, against the defendants, Hyde Construction Company, Inc., a corporation, and United States Fidelity & Guaranty Company, a corporation, National Surety Corporation, a corporation, and The Aetna Casualty and Surety Company, a corporation, and against the plaintiff, O. E. Dean d/b/a Penn Southern Construction Company, be and the same are hereby merged in a judgment in favor of said plaintiff, Yuba Consolidated Industries, Inc., and against the defendants and each of them for the sum of \$402,357.57.

7. All the claims and causes of action heretofore asserted herein in this cause No. 5498 by the plaintiff, United States of America for the Use and Benefit of O.E. Dean d/b/a Penn Southern Construction Company, Inc., a corporation, and United States Fidelity & Guaranty Company, a corporation, National Surety Corporation, a corporation, and The Aetna Casualty and Surety Company, a corporation, and against the plaintiff, Yuba Consolidated Industries, Inc., be and the same are hereby merged in a judgment in favor of said plaintiff, O. E. Dean, and against the defendants and each of them for the sum of \$87,000.00.

8. The plaintiffs shall not file a Bill of Costs and shall not make any claim for expenses incurred in taking depositions and in prosecuting this action and the defendants shall not make any claim for costs or for expenses incurred in taking depositions and in prosecuting this action.

9. There is no just reason for delay of the payment of the money herein and the Clerk of this Court be and he is hereby ordered and directed to issue a Writ of Execution upon the sureties herein forthwith.

Done in open Court the day and year above first written.

(s) Allen E. Barrow
Allen E. Barrow
United States District Judge

APPROVED:

JAMES D. FELLERS
BILL C. HARRIS
MOSTELLER, FELLERS, ANDREWS,
SNIDER & BAGGETT

By: James D. Fellers BCF
Attorneys for United States of America
for the Use and Benefit of Frank T.
Andrews, Trustee for the Estate of
Yuba Consolidated Industries, Inc., a
Delaware Corporation, Debtor, in
Proceedings for the Reorganization of a
Corporation under Chapter X of the
Bankruptcy Act.

BECHMAN, DUNN & MCGREGOR and
JACK N. HAYS

By: Jack N. Hays
Attorneys for O. E. Dean d/b/a
Penn Southern Construction Company

SANDERS, McELROY & WHITTEN

By: Smith H. Sanders
Attorneys for Defendants.

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

UNITED STATES OF AMERICA, FOR THE)
USE AND BENEFIT OF FRANK T. ANDREWS,)
Trustee for the Estate of YUBA CONSOLIDAT-)
ED INDUSTRIES, INC., a Delaware corpora-)
tion, Debtor, in Proceedings for the Reorgan-)
ization of a corporation under Chapter X of the)
Bankruptcy Act, and O. E. DEAN, D/B/A)
PENN SOUTHERN CONSTRUCTION COMPANY,)
Plaintiffs,)

v.)

HYDE CONSTRUCTION COMPANY, INC., a)
corporation, and UNITED STATES FIDELITY)
& GUARANTY COMPANY, a corporation, NA-)
TIONAL SURETY CORPORATION, a corpora-)
tion, and THE AETNA CASUALTY AND SURETY)
COMPANY, a corporation,)
Defendants.)

Civil No. 5498

FILED

In Open Court
NOV 19 1963

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

STIPULATION FOR SETTLEMENT AND FOR
FINAL JUDGMENT

This stipulation, made and entered into at Tulsa, Oklahoma, by and between plaintiffs, United States of America for the use and benefit of Frank T. Andrews, Trustee for the Estate of Yuba Consolidated Industries, Inc., a Delaware corporation, Debtor in Proceedings for the Reorganization of a Corporation under Chapter X of the Bankruptcy Act, and O. E. Dean d/b/a Penn Southern Construction Company, and the defendants, Hyde Construction Company, Inc., a corporation, United States Fidelity & Guaranty Company, a corporation, National Surety Corporation, a corporation, and The Aetna Casualty and Surety Company, a corporation, on this 15th day of November, 1963.

WHEREAS, there are multiple and complicated issues of law and issues of fact as to the claims and causes of action heretofore asserted in

Cause No. 5498 by the plaintiffs against the defendants and by the defendant, Hyde Construction Company, Inc., against the plaintiffs and it is the mutual desire of the parties hereto to avoid a trial and to fully and finally compromise and settle the issues asserted in this Cause No. 5498 in the United States District Court for the Northern District of Oklahoma.

NOW, THEREFORE, be it agreed as follows:

I.

That the appointment of James O. Ellison as special master, in accordance with the Order entered herein on June 19, 1963, shall be terminated and he shall be relieved of and from all further authority herein, and his allowance for compensation for services rendered shall be paid by the plaintiff Yuba.

II.

The Second Partial Summary Judgment entered on June 18, 1963, in favor of the plaintiff, Yuba Consolidated Industries, Inc., and against the defendants for the sum of \$289,828.24, together with interest from November 25, 1962, and thereafter amended in form by the Court to show that it was an interlocutory Summary Order, shall be vacated, set aside, and held for naught and the defendants released of and from all liability arising therefrom in the light of the final judgment to be rendered hereunder.

III.

Plaintiffs hereby and by these presents waive all claims for interest to date of judgment and for attorneys fees. Therefore, the Order heretofore entered by the Court on the 10th day of May, 1963, ordering that attorneys fees are to be determined after the final adjudication of this cause shall be vacated, set aside and held for naught.

IV.

BE IT STIPULATED AND AGREED by and between the parties that all the claims and causes of action herein asserted in this Cause No. 5498 by the said plaintiffs against each other and against the said defendants and by defendant, Hyde Construction Company, Inc., against the plaintiffs shall be compromised and settled by the defendants paying said plaintiffs the total sum of \$439,357.57. It is stipulated that judgment shall be entered in favor of plaintiff, United States of America for the Use and Benefit of Frank T. Andrews, Trustee for the Estate of Yuba Consolidated Industries, Inc., a Delaware Corporation, Debtor in Proceedings for the Reorganization of a corporation under Chapter X of the Bankruptcy Act against the defendants for the sum of \$402,357.57 and that judgment shall be entered in favor of the plaintiff, O. E. Dean d/b/a Penn Southern Construction Company, against the defendants for the sum of \$37,000.00.

V.

IT IS FURTHER STIPULATED AND AGREED by and between the parties that said judgments shall provide that same shall be paid forthwith and that upon the grounds and for the reasons that the issues having been settled, there is no just reason for delay of the payment of the money and that since the sureties will not pay without a Writ of Execution, that the Clerk of this Court shall be ordered and directed to issue a Writ of Execution upon the sureties forthwith. It is further stipulated and agreed that the plaintiffs will file no bills of costs and will make no claims for expenses incurred in taking depositions and that likewise the defendants will make no claims for costs or for expenses incurred in the taking of depositions.

VI.

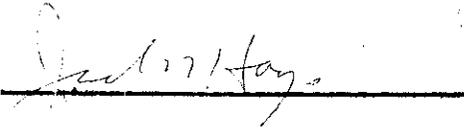
All parties hereto request the Court and agree that judgment shall be entered hereon as herein provided.

Witness our hands and seals the day and year above written.

UNITED STATES OF AMERICA for the use and benefit of Frank T. Andrews, Trustee for the Estate of Yuba Consolidated Industries, Inc., a Delaware Corporation,

By 

O. E. DEAN d/b/a PENN SOUTHERN CONSTRUCTION COMPANY

By 

HYDE CONSTRUCTION COMPANY, INC., a corporation, UNITED STATES FIDELITY & GUARANTY COMPANY, a corporation, NATIONAL SURETY CORPORATION, a corporation, and THE AETNA CASUALTY AND SURETY COMPANY, a corporation,



UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,

vs.

482.54 Acres of Land, More or Less,
Situate in Creek, Osage and Pawnee
Counties, Oklahoma, and H. J. Yarbrough,
et al., and Unknown Owners,

Defendants.

Civil No. 5219

Tract Nos. 4234 **FILED**

NOV 20 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 \$1,065.00, 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 \$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 J. M. Katz, Julie S. Weil and Glen H. Rosier 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 tract is the sum of \$1,065.00, 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 \$1,065.00, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$365.00, 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:

J. M. Katz	\$65.00
Julie S. Weil.	311.15
Glen H. Rosier Estate.	688.85
	<u>\$1065.00</u>

Entered this 21th day of November, 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

FILED

NOV 21 1963

GRAND RIVER DAM AUTHORITY,)
a public corporation,)
)
Petitioner,)
)
vs.)
)
33.6 Acres of Land, more or less,)
in Mayes County, Oklahoma,)
Loran Orville Richardson, et al.,)
)
Defendants.)

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

Civil No. 5633

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the 21st day of October, 1963, the Court considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

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

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 19th day of June, 1963, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 19th day of June, 1963, is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein. The lands and/or estate taken are described as follows, to-wit:

7 MF 5 + FE Revised
(Fee Title To & Perpetual Easement Upon)

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

FEE TITLE TO:

That part of the $N\frac{1}{2} N\frac{1}{2} NW\frac{1}{4}$ lying west of the center of Big Cabin Creek and east of the following described line: Beginning at a point in the north boundary of said $N\frac{1}{2} N\frac{1}{2} NW\frac{1}{4}$ 825 feet east of the northwest corner thereof, thence in a southeasterly direction to a point in the south boundary of said $N\frac{1}{2} N\frac{1}{2} NW\frac{1}{4}$ 1320 feet east of the southwest corner thereof, in Sec 26, T 23 N, R 20 E of the Indian Base and Meridian, containing 1.3 acres.

PERPETUAL EASEMENT UPON:

All that part of the $N\frac{1}{2} N\frac{1}{2} NW\frac{1}{4}$ lying west of the center of Big Cabin Creek and east of the following described line: Beginning at the northwest corner of said $N\frac{1}{2} N\frac{1}{2} NW\frac{1}{4}$, thence in a southeasterly direction to a point 330 feet east and 165 feet north of the southwest corner of said $N\frac{1}{2} N\frac{1}{2} NW\frac{1}{4}$, thence southerly parallel to the west boundary of said $N\frac{1}{2} N\frac{1}{2} NW\frac{1}{4}$ to a point in the south boundary thereof except that portion to be taken in fee and described above, in Sec 26, T 23 N, R 20 E of the Indian Base and Meridian, containing 13.1 acres.

7 MF 28 + FE
(Fee Title To & Perpetual Easement Upon)

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

FEE TITLE TO:

That part of the $SW\frac{1}{4} SW\frac{1}{4} SW\frac{1}{4}$ lying east of the following described line: Beginning at a point in the east boundary of said $SW\frac{1}{4} SW\frac{1}{4} SW\frac{1}{4}$ 330 feet south of the northeast corner thereof, thence in a northwesterly direction to a point in the north boundary of said $SW\frac{1}{4} SW\frac{1}{4} SW\frac{1}{4}$ 165 feet west of said northeast corner in Sec 23, T 23 N, R 20 E of the Indian Base and Meridian, containing 0.6 acre.

PERPETUAL EASEMENT UPON:

All of the $SW\frac{1}{4} SW\frac{1}{4} SW\frac{1}{4}$ except that part lying north and west of the following described line: Beginning at a point in the north boundary of said $SW\frac{1}{4} SW\frac{1}{4} SW\frac{1}{4}$ 330 feet east of the northwest corner thereof, thence in a southwesterly direction to a point in the west boundary of said $SW\frac{1}{4} SW\frac{1}{4} SW\frac{1}{4}$ 330 feet south of said northwest corner and except that portion to be taken in fee and described above in Sec 23, T 23 N, R 20 E of the Indian Base and Meridian, containing 8.1 acres.

8 MF 79 FE
(Perpetual Easement Upon)

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

That part of the $E\frac{1}{2} SE\frac{1}{4}$ described as follows: Beginning at a point in the east boundary of said $E\frac{1}{2} SE\frac{1}{4}$ 1155 feet north of the southeast corner thereof, thence in a northwesterly direction to a point 990 feet south and 495 feet east of the northwest corner of said $E\frac{1}{2} SE\frac{1}{4}$, thence in a northeasterly direction to a point 660 feet west and 495 feet south of the northeast corner of said $E\frac{1}{2} SE\frac{1}{4}$, thence in a southeasterly direction to a point 495 feet west and 660 feet south of said northeast corner, thence in a southeasterly direction to a point in the east boundary of said $E\frac{1}{2} SE\frac{1}{4}$ 825 feet south of said northeast corner, thence southerly along said east boundary to the point of beginning in Sec 22, T 23 N, R 20 E of the Indian Base and Meridian, containing 10.0 acres.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the day of July , 19 63 , upon the depositing of the sum of \$17,076.00 with the registry of this Court for the lands and estates taken in and to the above described land.

NOBLE C. HOOD

Dated at Tulsa, Oklahoma

By M. W. Ewing
Deputy

 Nov. 21 19 63 .

Approved and ordered entered
this 21 day of Nov. ,
19 63 .

By H. K. ...
U. S. District Judge

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OKLAHOMA

FILED

NOV 21 1963

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

C. S. No. 177

Plaintiff,	}	
Defendant,	}	
vs.	}	
Attorney General, Defendant General, and Oklahoma Corporation, Plaintiff.	}	

ORDER RECALLING

The report of the court should be recalled and sent to the District Court of Tulsa County, Oklahoma, and the clerk should return the court, the District of Tulsa, Oklahoma, on the date of November, 1963, to the court on the first day of November, 1963, without further notice and notice to return, as the court clerk, Tulsa County, Oklahoma, and Tulsa, Oklahoma, and Tulsa, Oklahoma, and Tulsa, Oklahoma, on order recalling the case to the District Court of Tulsa County, State of Oklahoma;

IT IS ORDERED AND ADJUDGED that the action of plaintiff to recall said case to the District Court of Tulsa County, Oklahoma, be and it is hereby recalled and the court is recalled to the District Court of Tulsa County, Oklahoma, and further proceedings thereon shall be held in Tulsa County, Oklahoma, on November, 1963.

Noble C. Hood, Clerk

Noble C. Hood
 Noble C. Hood

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. 9906-9M ✓

FILED

NOV 27 1963

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

AMENDED JUDGMENT

On this day this cause came on for hearing upon the application of the plaintiff, United States of America, by and through its attorney, to amend a certain judgment, entered October 28, 1963, in the above tract and case, by substituting entirely therefor the following judgment.

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.

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.

The Court finds the amount of \$9,053.76, 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 \$9,047.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

The Court finds that prior to the institution of the above proceeding, the United States of America and Lee Ryan, Robert Ryan, B. J. Hank, Vernon Brady, D. W. Sissom, Jr., and Helen Sissom, W. D. and Effie Mae Bledsaw, R. E. Nance, Lem Pulliam, Margaret Mitchel, Harold V. Ledbetter, Bertha A. Willett, Cecil E. Shoemaker, Nora Maude Moore, J. W. Finley and

Drew Yeager, and the other defendants, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$2,418.34, inclusive of interest, for their respective 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.

The Court finds that plaintiff and Kerr-McGee, Lydia Carr (Russell), Robert Sterling, W. H. Wilson, Emory Hill, Jr., L. W. Colby, D. M. Webster, C. M. Martin, W. D. Klintworth, G. R. Stroup, Jennie Bower Estate, Earl Craven, Lo Letta Thompson, Ada Hoover, Minnie McDaniel, J. W. Bowen, L. J. Bowen, Mary Ann Stroup, Cecil Bowen, Drew and Flossie Yeager, Joe H. Beavers, Cecil E. Shoemaker, and W. T. and Opal George, 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 \$6,635.42, inclusive of interest, for their respective 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 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 \$9,053.76, inclusive of interest, of which amount the following sums have heretofore been disbursed by order of this Court:

Kerr-McGee	\$4,630.96
Lydia Carr (Russell)	631.49
Lee Ryan	421.00
Robert Ryan	421.00
Robert Sterling	210.50
W. H. Wilson	210.50
Emory Hill, Jr.	210.50
L. W. Colby	112.26
D. M. Webster	112.26
B. J. Hank	224.53
Vernon Brady	128.47
D. W. Sisson, Jr., and Helen Sisson	96.83
W. D. and Effie Mae Bledsaw	128.48
R. E. Nance	128.47
C. M. Martin	48.41
Lem Pulliam	48.41
W. D. Klintworth	48.41
G. R. Stroup	48.41
Margaret Mitchel	126.32
Harold V. Ledbetter	126.62
Drew and Flossie Yeager	96.83
Cecil E. Shoemaker	124.75
Nora Maude Moore	223.44

Joe H. Lawrence	\$ 62.37
Cecil B. Shoemaker	62.37
J. W. Pirkey	46.55
Drew Yeager	46.55
W. T. and Opal George	46.55

\$8,823.24

C. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$6.76, 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:

Lem Pulliam	\$ 6.77
Earl Craven	16.14
Lo Letta Thompson	16.14
Ada Hoover	16.14
Minnie McDaniel	16.14
J. W. Bowen	8.07
L. J. Bowen	8.07
Mary Ann Stroup	8.07
H. Cecil Ewen	8.06
Bertha A. Willett	126.62
Margaret Mitchel	0.30

\$230.52

Entered this 27 day of November 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.

33.22 Acres of Land, More or Less,
Situate in Tulsa, County, Oklahoma,
and Thomas L. Bartley, et al.,
and Unknown Owners,

Defendants.

Civil No. 4581

Tract No. A-1557-1

FILED

NOV 29 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 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 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 \$961.08, 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 \$650.00 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 Joe C. Wilson, George Deck Heirs, Edward F. Reed, Edith M. Hayden, Texas Company and Jack P. Longstreet, W. I. Gilbert and Edward F. Reed, Trustees for Margaret Louise Reed, and Mary Elizabeth Reed Trusts, 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 \$908.36, inclusive of interest, for their interests;

6. The Court finds that defendant Maud Inez Adair has failed to appear or answer, nor have her attorneys appeared or answered in her behalf, and that said party defendant is 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 \$961.08, inclusive of interest, of which the sum of \$350.00 and \$65.62 has previously been disbursed to Joe C. Wilson and Texas Company, respectively;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$311.08, 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:

George Deck Heirs	\$52.72
Edward F. Reed	207.50
Edith M. Hayden	25.02
Jack P. Longstreet, W. I. Gilbert & Edward F. Reed, Trustees for Margaret Louise Reed and Mary Elizabeth Reed Trusts	207.50
	<u>\$492.74</u>

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

Maud Inez Adair \$ 52.72

Entered this *27th* day of *Nov* 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.

1,041.32 Acres of Land, More or Less,
Situate in Creek and Tulsa Counties,
Oklahoma, and Edith M. Hayden, et al,
and Unknown Owners,

Plaintiff,

Defendants.

Civil No. 4933

Tracts Nos. D-402-1, 2, & 3,
and E-1 thru E-3

FILED

NOV 29 1963

J U D G M E N T

NOBLE C. HOOD

Clerk of the District Court

1. On this day this cause came on for hearing upon the Declaration 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 defendant was the sole owner of the above-captioned tracts on the date of taking and is entitled to receive the award therefor.

4. The Court finds the amount of \$84,000.00, 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 \$73,037.50 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 Edith M. Hayden, 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 \$84,000.00, 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 \$84,000.00, inclusive of interest, of which sum \$73,037.50 has previously been disbursed to Edith M. Hayden;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$10,962.50, 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:

Edith M. Hayden..... \$10,962.50

Entered this 27th day of *Nov*, 1963.

ALLEN E. BARRON

UNITED STATES DISTRICT JUDGE

Approved:

ROBERT P. SANTEE
Assistant U. S. Attorney

ksm

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
vs.) Plaintiff,)
)
1,041.32 Acres of Land, More or Less,)
Situat e in Creek and Tulsa Counties,)
Oklahoma, and Edith M. Hayden, et al,)
and Unknown Owners,)
)
) Defendants.)

Civil No. 4933

Tract No. D-407E
(Surface and Mineral Subordina-
tion) FILED

NOV 29 1953

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 defendant was the sole owner of the above-captioned tract on the date of taking and is entitled to receive the award therefor.

4. The Court finds the amount of \$100.00, 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 Edith M. Hayden, 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 \$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 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 \$100.00, inclusive of interest, of which sum \$50.00 has previously been disbursed to Edith M. Hayden;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$50.00, 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:

Edith M. Hayden..... \$50.00

Entered this 5th day of August, 1963.

ALLEN F. FARROW

UNITED STATES DISTRICT JUDGE

Approved:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant U. S. Attorney

ksm

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
vs.) Plaintiff,)
)
1,041.32 Acres of Land, More or Less,)
Situat e in Creek and Tulsa Counties,)
Oklahoma, and Edith M. Hayden, et al,)
and Unknown Owners,)
)
Defendants.)

Civil No. 4933

Tract No. D-409

FILED

NOV 24 1953

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 defendant was the sole owner of the above-captioned tract on the date of taking and is entitled to receive the award therefor.

4. The Court finds the amount of \$4,250.00, 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 \$3,250.00 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 Edith M. Hayden, 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 \$4,250.00, 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 \$4,250.00, inclusive of interest, of which sum \$3,250.00 has previously been disbursed to Edith M. Hayden;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$1,000.00, 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:

Edith M. Hayden..... \$1,000.00

Entered this 25th day of April, 1963.

ALLEN E. BARRON

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.
1,041.32 Acres of Land, More or Less,
Situate in Creek and Tulsa Counties,
Oklahoma, and Edith M. Hayden, et al,
and Unknown Owners,
Defendants.

Plaintiff,

Civil No. 4933

Tracts Nos. D-411 & E-1 thru E-9

FILED

NOV 29 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 defendant was the sole owner of the above-captioned tracts on the date of taking, and is entitled to receive the award therefor.

4. The Court finds the amount of \$5,810.00, 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 \$4,810.00 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 Edith M. Hayden, 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 \$5,810.00, 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 \$5,810.00, inclusive of interest, of which sum \$4,810.00 has previously been disbursed to Edith M. Hayden;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$1,000.00, 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:

Edith M. Hayden..... \$1,000.00

Entered this *7th* day of *June*, 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

Approved:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant U. S. Attorney

ksm

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,) Civil No. 4933
vs.)
1,041.32 Acres of Land, More or Less,) Tracts Nos. D-412, D-412-2,
Situat^e in Creek and Tulsa Counties,) E and E-2
Oklahoma, and Edith M. Hayden, et al,)
and Unknown Owners,)
Defendants.)

FILED

NOV 29 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 defendant was the sole owner of the above-captioned tracts on the date of taking and is entitled to receive the award therefor.

4. The Court finds the amount of \$3,468.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the complaint and Declaration of Taking heretofore filed in this cause. The sum of \$2,750.00 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 A. Hayden, 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 \$3,468.00, 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 \$3,468.00, inclusive of interest, of which sum \$2,750.00 has previously been disbursed to James A. Hayden;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$718.00, 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:

James A. Hayden..... \$718.00

Entered this 29th day of March, 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

Approved:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant U. S. Attorney

ksm

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,
vs.
529.99 Acres of Land, More or Less,
Situate in Creek, Osage, and Pawnee
Counties, Oklahoma, and J. O. Stith,
et al., and Unknown Owners,
Defendants.

Civil No. 5021

Tract No. D-402E-**FILED**

NOV 29 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 Edith M. Hayden, 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 \$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 herein-after set forth, payable to the order of the following named payee:

Edith M. Hayden \$ 50.00

Executed this 24th day of November, 1963.

ALLEN E. DARGOW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant U. S. Attorney

FILED
NOV 21 1963

ADD
RICHARD C. GOOD
U.S. District Court

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

OTHO R. DAY,)	
)	
)	
Plaintiff,)	
)	
vs.)	No. 5487
)	
HARTFORD ACCIDENT & INDEMNITY)	
COMPANY, a Corporation,)	
)	
Defendant.)	

J U D G M E N T

Based upon the findings and conclusions of the Court contained in written Opinion dated November 26, 1963, IT IS THE JUDGMENT OF THE COURT that the plaintiff have and recover of and from the defendant Hartford Accident & Indemnity Company, a corporation, the sum of \$50,000, with interest thereon at the rate of six per cent (6%) per annum from the 7th day of November, 1960 until paid.

DATED this 29th day of November, 1963.

W. Luther Bohannon
UNITED STATES DISTRICT JUDGE

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

Parcel No. 1

FILED

NOV 28 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 \$315,000.00, plus retention of improvements, 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 \$285,000.00 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 Consumers Oil Station, Inc., 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 \$315,000.00, inclusive of interest; defendant further retains the right to remove the improvements;

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 \$315,000.00, plus retention of the improvements, inclusive of interest, the sum of \$285,000.00 has previously been disbursed to defendant and M. L. Aaronson, mortgagee;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$30,000.00, 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:

Consumers Oil Station, Inc. \$ 30,000.00

Entered this 29 day of November, 1963.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant U. S. Attorney