UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff,	)	Civil No. 5374
vs.	)	Tract No. 4241
186.63 Acres of Land, More or Less, Situate in Pawnee and Creek Counties, Oklahoma, and W. J. Chilcutt, et al, and Unknown Owners, Defendants.	)	FILED JAN - 1 1964 NOBLE C. HOOD Clerk, U. S. District Court

JUDGMENT

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 $12,500.00, 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 $10,702.00 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 Julie S. Weil and Robert L. Rosier, individually and as Executor of the Estate of Glen H. Rosier, deceased, 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 $12,500.00, inclusive of interest. The Court further finds that the life estates of Isidor Weil and Eugene Weil have terminated due to their deaths.

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 $12,500.00, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of $1,798.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payees:

Julie S. Weil and Robert L. Rosier,
individually and as Executor of the
Estate of Glen H. Rosier, deceased ---------- $12,500.00

Entered this 6th day of January, 1964.

/s/ Allen E. Barrow
UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee
ROBERT P. SANTEE
Assistant U. S. Attorney

kam

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff,	)	Civil No. 5554
vs.	)	Tract No. 3854E
227.83 Acres of Land, More or Less, Situate in Pawnee County, Oklahoma, and Glenn Earl Pershall, et al, and Unknown Owners, Defendants.	)	

FILED

JAN 6, 196

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

JUDGMENT

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 $2,825.00, inclusive of interest, and revestment of title to a 30-foot steel tower windmill, pressure pump, and related pipe, 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 $2,150.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Delcaration of Taking herein.

5. The Court finds that plaintiff and Elmer E. Wheeler, 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 $2,825.00, inclusive of interest, and revestment of title to a 30-foot steel tower windmill, pressure pump, and related pipe.

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 $2,825.00, inclusive of interest, and revestment of title to a 30-foot steel tower windmill, pressure pump, and related pipe;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of $675.00, 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:

Elmer E. Wheeler - - - - - - - - - - - - - - - - $2,825.00

Entered this 6th day of January, 1964.

/s/ Allen E. Barrow
UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee
ROBERT P. SANTEE
Assistant U. S. Attorney

kem

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

PAT MURTA, BEN A. BAGBY, and GEORGE NORVELL, JR., Plaintiffs,	)	Civil Action
vs.	)	No. 5589
PAMPAS PETROLEUM COMPANY, Defendant.	)	

ORDER VACATING ORDER DISMISSING ACTION

Now, on this 30th day of December, 1963, this cause came on for hearing upon the Motion of the Plaintiffs to vacate and set aside the Order dismissing this action heretofore entered by this Court on September 27, 1963, and the Plaintiffs appearing by their attorney, David M. Thornton, and the Defendant appearing by its attorneys, Rosenstein, Mesirow & Fist, and the Court having reviewed the Plaintiff's brief in support of its motion and after hearing argument of counsel and upon due consideration the Court finds that the motion of the Plaintiffs should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Order heretofore entered in this cause dismissing this action be vacated and set aside and that this cause be set down for trial on the next non-jury docket.

(S) Luther Bohanon
United States District Judge

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 13 1964

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

GRAND RIVER DAM AUTHORITY, a public corporation, Petitioner,	)	
vs.	)	Civil No. [illegible]
11 Tracts of land, et al., Defendants.	)	

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the 13th day of January, 1964, 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 13th day of November, 1962, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 13th day of November, 1962, 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:

2 MF 8 & 2 MF 34 Rev.

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

FEE TITLE TO

2 MF 8
The N½ NE¼ NE¼ and the SE¼ NE¼ NE¼ of Sec. 27, T 21 N, R 20 E of the Indian Base and Meridian, except that portion contained in the K.C. & G. Railroad right-of-way, containing 26.6 acres, but including all reversionary interest, if any, in and to the K.C. & G. Railroad right-of-way.

and

2 MF 34 Rev.
The NW¼ NW¼ of Sec. 26, T 21 N, R 20 E of the Indian Base and Meridian except the following described portion thereof:

Beginning at the northeast corner of said NW¼ NW¼, thence southerly along the east boundary of said NW¼ NW¼ to the southeast corner of the N½ NW¼ NW¼, thence in a northwesterly direction to a point in the north boundary of said NW¼ NW¼ 200 feet west of the northeast corner thereof, thence easterly along said north boundary to the point of beginning, containing 39.2 acres.

The two tracts containing 65.8 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 27th day of November, 1962, upon the depositing of the sum of $ 23,000.00 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 Marjorie Emerson
Deputy

January 13 1964.

Approved and ordered entered
this 13th day of January,
1964.

Allen E. Barrow
U. S. District Judge

IN THE UNITED STATES DISTRICT COURT IN AND FOR THE

NORTHERN DISTRICT OF OKLAHOMA

GRAND RIVER DAM AUTHORITY, a public corporation, Petitioner,	)	FILED
vs.	)	Civil No. 5529
12 Tracts of Land, Sarah J. Bridges, et al., Defendants.	)	Clerk

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the 13 day of January, 1964, 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 4th day of March, 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 4th day of March, 1963, is final and the awards as set out and fixed in said report together with the additional deposits made by the petitioner are 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:

TRACT NO. 1 (PS 1-1)
(Fee Title)

The following described land situated in Mayes County, Oklahoma, to-wit: The E½ NE¼ NW¼ and the W½ NW¼ NE¼ of Sec. 31, T 21 N, R 21 E of the Indian Base and Meridian, containing approximately 40 acres.

TRACT NO. 2 (2 MF 53 FS)
(Flowage Easement)

The following described land situated in Mayes County, Oklahoma, to-wit: All that part of the N½ SW¼ NW¼ described as beginning at the northwest corner of said N½ SW¼ NW¼, thence easterly along the north boundary of said N½ SW¼ NW¼ to a point 330 feet west of the northeast corner thereof, thence in a southwesterly direction to a point 330 feet south and 495 feet west of said northeast corner, thence easterly parallel to the south boundary of said N½ SW¼ NW¼ to a point in the east boundary of said N½ SW¼ NW¼, thence southerly along said east boundary to the southeast corner of said N½ SW¼ NW¼, thence westerly along the south boundary of said N½ SW¼ NW¼ to the southwest corner thereof, thence northerly along the west boundary of said N½ SW¼ NW¼ to the point of beginning; and the north 165 feet of the SE¼ SW¼ NW¼, all in Sec. 36, T 21 N, R 20 E of the Indian Base and Meridian, containing 19.4 acres.

TRACT NO. 3 (2 MF 93)
(Fee Title)

The following described land situated in Mayes County, Oklahoma, to-wit: That part of the NE¼ NW¼ SE¼ lying north of Oklahoma State Highway 82 and west of the County Road in Sec. 26, T 21 N, R 20 E of the Indian Base and Meridian, containing 1.0 acres.

TRACT NO. 4 (7 MF 10)
(Fee Title)

The following described land situated in Mayes County, Oklahoma, to-wit: The SE¼ SE¼ NW¼ and the east 12.30 acres of Lot 5 in Sec. 26, T 21 N, R 20 E of the Indian Base and Meridian, containing 22.30 acres.

TRACT NO. 5 (3 MF 68-79)
(Fee Title)

The following described land in Mayes County, Oklahoma, to-wit: Lots 1, 2, 3, and 4, in Block 16, in the original townsite of Salina, together with all those parts of the streets and alley adjacent thereto and incident to the ownership thereof, as shown on the plat of Pryor Engineering Co., April 12, 1947.

TRACT NO. 6 (3 MF 68-200)
(Fee Title)

The following described land in Mayes County, Oklahoma, to-wit: Block or Tract "C-C", in the W. A. Graham Addition to the original townsite of Salina, together with all that part of the street adjacent thereto and incident to the ownership thereof, as shown on the plat of Pryor Engineering Company, April 12, 1947.

TRACT NO. 7 (5 MF 71 + FE)
(Fee Title & Flowage Easement)

5 MF 71 - FE (Fee Title)

The following described land situated in Mayes County, Oklahoma, to-wit: That part of the NE¼ SE¼ described as follows: Beginning at a point in the east boundary of said NE¼ SE¼ 495 feet north of the southeast corner thereof, thence westerly parallel to the south boundary of said NE¼ SE¼ a distance of 165 feet, thence in a southwesterly direction to a point 165 feet north and 660 feet east of the southwest corner of said NE¼ SE¼, thence westerly parallel to the south boundary of said NE¼ SE¼ a distance of 495 feet, thence southerly parallel to the west boundary of said NE¼ SE¼ to a point in the south boundary thereof, thence easterly along said south boundary to the southeast corner of said NE¼ SE¼, thence northerly along the east boundary of said NE¼ SE¼ to the point of beginning, in Sec. 13, T 22 N, R 20 E of the Indian Base and Meridian, containing 7.5 acres.

5 MF 71 + FE (Flowage Easement)

That part of the NE¼ SE¼ described as follows: Beginning at a point in the west boundary of said NE¼ SE¼ 495 feet south of the northwest corner thereof, thence easterly parallel to the north boundary of said NE¼ SE¼ a distance of 165 feet, thence southerly parallel to the west boundary of said NE¼ SE¼ a distance of 165 feet, thence in a southeasterly direction to a point 330 feet north and 330 feet east of the southwest corner of said NE¼ SE¼, thence easterly parallel to the south boundary of said NE¼ SE¼ a distance of 330 feet, thence in a northeasterly direction to a point 165 feet west and 495 feet north of the southeast corner of said NE¼ SE¼, thence in a southwesterly direction to a point 165 feet north and 660 feet west of said southeast corner, thence westerly parallel to the south boundary of said NE¼ SE¼ a distance of 495 feet, thence southerly parallel to the west boundary of said NE¼ SE¼ to a point in the south boundary thereof, thence westerly along said south boundary to the southwest corner of said NE¼ SE¼, thence northerly along the west boundary of said NE¼ SE¼ to the point of beginning, in Sec. 13, T 22 N, R 20 E of the Indian Base and Meridian, containing 6.6 acres.

TRACT NO. 8 (8 MF 36 FE)
(Flowage Easement)

The following described land situated in Mayes County, Oklahoma, to-wit: That part of the SW¼ SE¼ described as follows: Beginning at a point in the south boundary of said SW¼ SE¼ 165 feet east of the southwest corner thereof, thence in a northeasterly direction to a point 825 feet north and 330 feet east of said southwest corner, thence in a southeasterly direction to a point 660 feet east and 495 feet north of said southwest corner, thence southerly parallel to the west boundary of said SW¼ SE¼ to a point in the south boundary of said SW¼ SE¼, thence westerly along said south boundary to the point of beginning, in Sec. 13, T 23 N, R 19 E of the Indian Base and Meridian, containing 6.6 acres.

TRACT NO. 9 (8 MF 42 FE)
(Flowage Easement)

The following described land situated in Mayes County, Oklahoma, to-wit: That part of the N½ NW¼ NW¼ lying south and west of the following described line: Beginning at a point in the west boundary of said N½ NW¼ NW¼ 330 feet north of the southwest corner thereof, thence in a southeasterly direction to a point in the south boundary of said N½ NW¼ NW¼ 660 feet east of said southwest corner in Sec. 24, T 23 N, R 19 E of the Indian Base and Meridian, containing 2.5 acres.

TRACT NO. 10 (2 MF 96 + FE)
(Fee Title & Flowage Easement)

2 MF 96 + FE (Fee Title)

The following described land situated in Mayes County, Oklahoma, to-wit: That part of the NE¼ SW¼ SW¼ lying north and west of the following described line: Beginning at a point in the west boundary of said NE¼ SW¼ SW¼ 330 feet south of the northwest corner thereof, thence in a northeasterly direction to a point in the north boundary of said NE¼ SW¼ SW¼ 220 feet east of said northwest corner in Sec. 25, T 21 N, R 20 E of the Indian Base and Meridian, containing 0.7 acre.

2 MF 96 + FE (Flowage Easement)

All that part of the NE¼ SW¼ SW¼ except that part to be taken in fee and described above and all that part of the W½ SE¼ SW¼ lying north and west of the following described line: Beginning at the southwest corner of said NE¼ SW¼ SW¼, thence in a northeasterly direction to a point in the east boundary of said NE¼ SW¼ SW¼ 330 feet south of the northeast corner thereof, thence in a northeasterly direction to a point in the north boundary of said W½ SE¼ SW¼ 330 feet east of the northwest corner thereof, all in Sec. 25, T 21 N, R 20 E of the Indian Base and Meridian, containing 8.1 acres.

TRACT NO. 11 (8 MF 29 FE)
(Flowage Easement)

The following described land situated in Mayes County, Oklahoma, to-wit: All of the NW¼ SW¼ NW¼ in Sec. 24, T 23 N, R 19 E of the Indian Base and Meridian, containing 10.0 acres.

TRACT NO. 12 (2 MF 46 FE)
(Flowage Easement)

The following described land situated in Mayes County, Oklahoma, to-wit: The E½ NE¼ NE¼ NE¼ of Sec. 26, T 21 N, R 20 E of the Indian Base and Meridian containing 5 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 25th day of March, 19 63, upon the depositing of the sum of $ 11,740.00 with the registry of this Court for the lands and estates taken in and to the above described land.

NOBLE C. HOOD

By D. Sevier
Deputy

Dated at Tulsa, Oklahoma
January 13 19 64.

Approved and ordered entered
this 13 day of January,
19 64.

Allen E. Barrow
U. S. District Judge

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 13 1964

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

GRAND RIVER DAM AUTHORITY, a public corporation, Petitioner,	)	
vs.	)	Civil No. 5735
Angie Wyly, et al., Defendants.	)	

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the 13th day of January, 1964, 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 17th day of September, 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 17th day of September, 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:

6 MP 22 - FS

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

FEE TITLE TO:
All that part of the NE¼ NW¼ lying west of the following described line: Beginning at a point in the south boundary of said NE¼ NW¼ 330 feet east of the southwest corner thereof, thence in a northwesterly direction to a point 330 feet north and 100 feet east of said southwest corner, thence in a northeasterly direction to a point in the north boundary of said NE¼ NW¼ 330 feet west of the northeast corner thereof, in Sec 17, T 22 N, R 21 E of the Indian Base and Meridian, containing 16.6 acres.

PERPETUAL EASEMENT UPON:
All that part of the NE¼ NW¼ lying west of the following described line: Beginning at a point in the south boundary of said NE¼ NW¼ 495 feet east of the southwest corner thereof, thence in a northeasterly direction to a point in the east boundary of said NE¼ NW¼ 330 feet south of the northeast corner thereof except that portion to be taken in fee and described above, in Sec 17, T 22 N, R 21 E of the Indian Base and Meridian, containing 16.6 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 11th day of October, 1962, upon the depositing of the sum of $4,600.00 with the registry of this Court for the lands and estates taken in and to the above described land.

NOBLE C. HOOD

By Marjorie Garrison
Deputy

Dated at Tulsa, Oklahoma

January 13 1964.

Approved and ordered entered
this 13th day of January,
1964.

Allen E. Barrow
U. S. District Judge

IN THE UNITED STATES COURT FOR THE NORTHERN
DISTRICT OF OKLAHOMA

THE CENTRAL BANK AND TRUST COMPANY, a Colorado Banking Corporation, Plaintiff	)	
vs.	)	Civil No. 5784
HARVARD FINANCE CORPORATION, a corporation, and E. C. WHITMAN, Defendants	)	FILED

JOURNAL ENTRY OF JUDGMENT

The above styled and numbered cause comes on for hearing on this 13th day of January, 1964, for disposition, after due notice to attorneys of record, and plaintiff, The Central Bank and Trust Company, a Colorado Banking Corporation, appearing by its attorney, Stanley D. Campbell, of the firm of Campbell & Campbell, and defendants, Harvard Finance Corporation and E. C. Whitman, both appearing by their attorney of record, Irvine Ungerman, of the firm of Ungerman, Grabel, Ungerman & Leiter; and each of said defendants having been duly and legally served with summons herein, and having entered their general appearance requesting extension of time to plead or answer to the Complaint, which was granted by the Court, which extension of time has expired, and it appearing that neither of said defendants desires to plead or answer or to deny plaintiff's right to recovery of the amount due plaintiff as stated in the Complaint.

WHEREFORE, judgment is hereby rendered in favor of plaintiff upon its Complaint, and against said defendants, Harvard Finance Corporation, a corporation, and E. C. Whitman,

in the total amount of $60,406.72, which amount includes principal, attorneys' fees and interest to date of judgment, and for costs.

Allen E. Barrow
United States District Judge

FORM APPROVED:

Stanley D. Campbell, Attorney for Plaintiff

Irvine Ungerman, Attorney for Defendants

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

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

J U D G M E N T

This matter having been heard by the Court upon motion of Plaintiff for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure; and the Court having considered the pleadings filed in this action, the affidavit of Plaintiff submitted in support of said motion, and there being no counter-affidavit filed in opposition to Plaintiff's motion for summary judgment, and the Court being of the opinion that no genuine issue as to any material facts has been shown to exist, and that the Plaintiff is entitled to summary judgment in the amount of $4,500.00 as and for damages and loss to Plaintiff corporation resulting from a work stoppage and breach of contract by the Defendant; and the Court being further of the opinion that Plaintiff is entitled to summary judgment as a matter of law dismissing Defendant's counterclaim,

IT IS THEREFORE ORDERED AND ADJUDGED that Plaintiff's motion for summary judgment against the Defendant on the issue of the amount of damages to Plaintiff for the unlawful work stoppage complained of in its complaint be and the same hereby is granted, and that Plaintiff recover of the Defendant the sum of $4,500.00, with interest thereon at the rate of 6% as provided by law, and its costs of action.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's motion for summary judgment dismissing Defendant's counterclaim be and the

same is hereby granted, and that Defendant have and recover nothing by its counterclaim.

DATED at Tulsa, Oklahoma, this 15th day of January, 1964.

U.S. District Judge

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

ELMER P. DAVIS, Regional Director of the Sixteenth Region of the National Labor Relations Board, for and on behalf of the NATIONAL LABOR RELATIONS BOARD, Petitioner v. LOCAL LODGE 790, INTERNATIONAL ASSOCIATION OF MACHINISTS, AFL-CIO Respondent	Civil No. 5853 FILED JAN 15 1964 NOBLE C. HOOD Clerk, U. S. District Court

ORDER GRANTING TEMPORARY INJUNCTION

This cause came on to be heard upon the verified petition of Elmer P. Davis, Regional Director of the Sixteenth Region of the National Labor Relations Board, for and on behalf of said Board, for a temporary injunction pursuant to Section 10(l) of the National Labor Relations Act, as amended, pending the final disposition of the matters involved pending before said Board, and upon the issuance of an order to show cause why injunctive relief should not be granted as prayed in said petition. The Court, upon consideration of the pleadings, evidence, briefs, argument of counsel, and the entire record of the case, has made and filed its Findings of Fact and Conclusions of Law, finding and concluding that there is reasonable cause to believe that respondents have engaged in, and are engaging in, acts and conduct in violation of Section 8(b)(7)(C) of said Act, affecting commerce within the meaning of Sections 2(6) and (7) of said Act, and that such acts and conduct will likely be repeated or continued unless enjoined.

Now, therefore, upon the entire record, it is

ORDERED, ADJUDGED AND DECREED that, pending the final disposition of the matters involved pending before the National Labor Relations Board, respondents Local Lodge 790, International Association of Machinists, AFL-CIO, their officers, representatives, agents, servants, employees, attorneys, and all members and persons acting in concert or participation with them, be, and they hereby are, enjoined and restrained from:

(a) Continuing its current picketing of Wheatley; or

(b) Otherwise picketing or causing Wheatley to be picketed where an object thereof is to force or require Wheatley to recognize or bargain with Respondent Machinists, or any other labor organization, as the representative of its production employees, or to force or require Wheatley's production employees to accept or select Respondent Machinists, or any other labor organization, as their collective bargaining representative, unless and until Respondent Machinists, or such other labor organization, is certified as the representative of such employees pursuant to the provisions of Section 9 of the Act.

Done at Tulsa, Oklahoma, this 15th day of January, 1964.

Allen E. Barrow
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff,	)	Civil No. 5127
vs.	)	Tract No. 9923-1M
514.12 Acres of Land, More or Less, Situate in Tulsa, Creek, and Pawnee Counties, Oklahoma, and D. H. Cramer, et al, and Unknown Owners, Defendants.	)	FILED JAN 17 1964 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 $2,679.50, 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 $2,312.00 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 Lewis E. Foster, Clyde W. Foster, Arthur M. Foster, Mildred M. Holmes, Lawrence R. Lashley, and The National State Bank of Boulder, Colorado, as Trustee for Hazel Ruth Weber and Donald H. Lashley, 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 $1,432.50, inclusive of interest, for their interests.

6. The Court finds that prior to the institution of the above proceeding the United States of America and Gulf Coast Western Oil Co., F. R. Henson, Lee Ford, F. R. Henson, Jr., and Henry Clay entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of $1,247.00, inclusive of interest, for their interests would be awarded as just compensation for the taking of the estates to be condemned in the above tract; that the contract and agreement is a valid one.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of $2,679.50, inclusive of interest, of which amount the following sums have been disbursed:

Mildred M. Holmes, Lawrence R. Lashley, and The National State Bank of Boulder, Colorado, as Trustee for Hazel Ruth Weber and Donald H. Lashley	$ 232.50
Gulf Coast Western Oil Co.	1,169.06
F. R. Henson	29.23
Lee Ford	7.31
F. R. Henson, Jr.	2.44
Henry Clay	38.96
Total	$1,479.50

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of $367.50, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the

amounts hereinafter set forth, payable to the order of the following-named payees:

Lewis E. Foster	$ 400.00
Clyde W. Foster	400.00
Arthur M. Foster	400.00
Total	$1,200.00

Entered this 17th day of January, 1964.

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. 768.22 Acres of Land, More or Less, Situate in Osage and Pawnee Counties, Oklahoma, and Floyd Hazelrigg, et al., and Unknown Owners, Defendants.	)	Civil No. 5446 Tract No. 3723E

FILED

JAN 17 1964

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 $1600.00, 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 $850.00 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 Sherman and Elsie Goodsell 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 $1600.00, 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 $1600.00, inclusive of interest;

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

Sherman and Elsie Goodsell $1600.00

Executed this 17th day of January, 1964.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant U. S. Attorney

ajs

UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 17 1964

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

John Paul Kerr, Petitioner,	)	
vs.	)	Civil No. 5773
United States of America, Respondent.	)	

ORDER

This matter coming on before me, the undersigned Judge, this 17th day of January, 1964, upon the motion to vacate sentence pursuant to 28 U.S.C. 2255 filed herein by John Paul Kerr and the response thereto filed by the United States of America, and the court having considered said motion and response and the files and records in this cause and in Criminal Case No. 13727 and Civil Case No. 5588 inthis court and being fully advised in the premises finds:

That this is the second motion to vacate judgment and sentence filed by the petitioner, the first one having been filed under Civil No. 5588 and heard and overruled on May 16, 1963. That the first motion was overruled for the reason that petitioner alleged no grounds that could constitute the basis of a collateral attack upon his conviction. That the court found at that time that petitioner had drawn his motion in such a garbled and unintelligible manner that it was impossible to determine whether petitioner could even allege any valid grounds for setting aside the conviction and therefore specifically overruled the motion without prejudice to petitioner filing any other proper motion for the same relief.

That the motion that petitioner has now filed is somewhat more understandable, but that it is still difficult to ascertain exactly what allegations he makes therein. In his present motion petitioner apparently contends that the evidence against him was insufficient to support the conviction (particularly with reference to proof of his ability to drive an automobile). The record reflects that there was ample proof upon which the jury could base its verdict but in any event this issue is not open to petitioner in this

collateral proceeding. Curry vs. United States, 292 F. 2d 576 (10 Cir. 1961).

Petitioner also makes the allegation that he was "denied the prerogative of having witnesses in his behalf" and in this regard particularly refers to his sister. However, this is stated only as a conclusion and no facts supporting the conclusion are alleged. Solely for this reason petitioner is entitled to no relief. Stephens vs. United States, 246 F. 2d 607 (10 Cir. 1957). But further, petitioner has not alleged how he was prejudiced in any way, assuming the allegation to be true. That is, he has not stated what evidence the sister or any other person could or would have given pertinent to his defense were they to have testified at his trial. In fact, he really seems to complain that although subpoenaed and present at the trial, they were not called by the government.

Although for these reasons alone the petitioner is entitled to no relief, the court has in addition examined "Exhibit A" attached to the response of the United States of America, which is an affidavit of T. Gavin King, petitioner's trial attorney. This has been done since the petitioner's style in drafting his motions makes it extremely difficult to determine exactly what he does wish to allege. Therefore, in all fairness to him and in order that the court might satisfy itself that petitioner has not been deprived of any rights in connection with the subpoenaing or calling of witnesses and that there are no facts to substantiate his bald conclusions which would entitle him to relief, the exhibit has been considered. It clearly shows that in this area petitioner has no legitimate grounds for complaint, and that the petitioner has not foregone or surrendered any valid basis for attack upon his conviction by his apparent inability to coherently state his allegations.

Petitioner has cited and relied upon the case of "United States v. Bucur (on appeal in the Seventh Circuit, 1952)". Presumably he means the case found at 194 F. 2d 297. There is nothing in that case which relates to this one nor is there anything set forth therein which would entitle petitioner to the relief which he seeks.

That for the foregoing reasons the motion should be overruled and denied, and there is, therefore, no necessity for holding a hearing on the motion or for having petitioner present.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion of

John Paul Kerr to vacate and set aside judgment and sentence pursuant to 28 U.S.C. 2255 be and it hereby is overruled and denied.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

JUDGMENT ON DECISION BY THE COURT

CIV. 32 (7-62)

FILED

JAN 17 1964

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

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION FILE NO. 5011

State Bank of Parsons, Parsons, Kansas, a corporation

vs.

Vincent Elliott, Neehia Elliott, and Parsons Feed Yard, Inc., a corporation

JUDGMENT

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

~~It is Ordered and Adjudged~~

plaintiff and its attorneys, Harris and Graham, after being duly notified that the case had been set for disposition on this date, failed to appear and a decision having been duly rendered,

It is Ordered and Adjudged that the action be and it is dismissed at the costs of the plaintiff.

Dated at Tulsa, Oklahoma, this 17th day of January, 1964.

NOBLE C. HOOD
Clerk of Court

By Ben B. Ballenger
Deputy

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff, vs. 1,402.07 Acres of Land, More or Less, Situate in Nowata and Rogers Counties, Oklahoma, and George Rott, et al., and Unknown Owners, Defendants.	)	CIVIL ACTION NO. 4610 Tracts Nos. E-558 and E-558E

FILED

JUDGMENT

1.

Now, on this 24th day of June, 1964, 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 action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estates described in paragraph 2 herein. Pursuant thereto, on December 19, 1958, the United States of America has filed its Declaration of Taking of such described property, and title to the described property should be vested in the United States of America as of the date of filing the Declaration of Taking.

On filing of the Declaration of Taking, there was deposited in the registry of this Court, as estimated compensation for the taking of certain estates in the subject tracts certain sums of money, and all of 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 were the defendants whose names are shown in paragraph 14 below. Such named defendants are the only persons asserting any interest in the estates taken in such tracts, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the estates taken in these tracts.

8.

The owners of 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 estates condemned in subject tracts is in the amount shown as compensation in paragraph 14 below, and such stipulation should be approved.

9.

A Stipulation for Exclusion of Property, executed by the owners and the United States of America, was filed herein on October 6, 1960, whereby certain improvements, situated on the subject tracts, were excluded from the taking in this case and it was agreed that the award of compensation for such tracts would be reduced by the salvage value of such improvements, and such stipulation should be approved.

10.

A deficiency exists between the amounts deposited as estimated compensation for 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 landowners. Such deficiency is set out in paragraph 14 below.

11.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in paragraph 2 herein, as such tracts are particularly described in the Complaint and Declaration of Taking filed herein; and such tracts, with the exception of the property excluded by paragraph 13, to the extent of the estates described and for the uses and purposes described

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

12.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owners of the estates condemned herein in subject tracts were the defendants whose names appear below in paragraph 14, and the right to just compensation for the estates taken herein in these tracts is vested in the parties so named.

13.

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

14.

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

Tracts Nos. E-558 and E-558-E

Owners:

Henry Clay Cochran 1/2
Sallie Pearl Mayes 1/2

Award of just compensation pursuant to stipulation		$27,750.00
Less salvage value of improvements reserved		85.00
Net award of just compensation	$27,665.00	$27,665.00
Deposited as estimated compensation		$23,750.00
Disbursed to owners	$23,750.00	
Balance due to owners	$ 3,915.00	
Deposit deficiency		$ 3,915.00

15.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United States of America shall deposit in the registry of this Court, in this civil action, to the credit of subject tracts, the deficiency sum of $3,915.00, and the Clerk of this Court then shall disburse from the deposit for the subject tracts the sum of $3,915.00 jointly to Henry Clay Cochran and Sallie Pearl Mayes.

APPROVED:

HUBERT A. MARLOW
Assistant U. S. Attorney

ALFRED S. ALDROW
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff, vs. 458.26 Acres of Land, More or Less, Situate in Rogers and Nowata Counties, Oklahoma, and Thomas D. Bard, Jr., et al., and Unknown Owners, Defendants.	)	CIVIL ACTION NO. 4754 Tract No. D-421 FILED JAN 20 1964 NOBLE C. REED Clerk, U. S. District Court

JUDGMENT

1.

NOW, on this 20th day of Jan., 1964, 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 November 4, 1963, and the Court after having examined the files in this action and being advised by counsel for the plaintiff finds that:

2.

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

3.

This Judgment applies only to Tract No. D-421, as such tract is 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 August 10, 1959, 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 all of this deposit has been disbursed as set out in Paragraph 11 below.

The Report of Commissioners filed herein on November 4, 1963, hereby is accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to the subject tract as fixed by the Commission is set out in Paragraph 11 below.

8.

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

9.

The defendant named in Paragraph 11 as owner of subject tract is the only defendant asserting any interest in the estate condemned herein, all other defendants having either disclaimed or defaulted; the named defendant is the owner of the estate condemned herein and, as such, is entitled to distribution of just compensation therefor.

10.

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

11.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the right to just compensation for the estate taken herein in subject tract is vested in the defendant whose name appears below in this paragraph; the Report of Commissioners of November 4, 1963, is hereby confirmed and the sum therein fixed is adopted as the award of just compensation for subject tract as shown by the following schedule:

Tract No. D-421

Owner:

Edna F. Lowery

Award of just compensation	$2,775.00	$2,775.00
Deposit of estimated compensation.		2,200.00
Disbursed to owner	2,200.00	
Balance due to owner	$ 575.00	
Deposit deficiency		$ 575.00

12.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the United States of America shall pay into the Registry of this Court for the benefit of the owner the deposit deficiency for the subject tract as shown in paragraph 11, together with interest on such deficiency at the rate of 6% per annum from August 10, 1959, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action. Upon receipt of such sum, the Clerk of this Court shall disburse the entire amount on deposit for subject tract to Edna F. Lowery.

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff, vs. 600.26 Acres of Land, More or Less, Situate in Rogers and Nowata Counties, Oklahoma, and Fred Barger, et al, and Unknown Owners, Defendants.	)	CIVIL ACTION NO. 4758 Tracts Nos.: E-506 and E-506E FILED JAN 20 1964 NOEL C. [illegible] Clerk, U. S. District Court

J U D G M E N T

1.

Now, on this 20th day of January, 1964, 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.

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 August 14, 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 exception set forth in paragraph 11 below, should be vested in the United States of America as of the date of filing the Declaration of Taking.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of certain estates in subject tracts a certain sum of money, and all of this deposit has been disbursed, as set out in paragraph 13 below.

7.

On the date of taking, the American United Life Insurance Company, by virtue of a mineral deed recorded in Rogers County Book 324, Pg. 378, was the record owner of an undivided 1/4 interest in all "oil, gas and other minerals" under 170 acres included in the description of the subject tracts. American United Life Insurance Company has filed its disclaimer in this case whereby it disclaims any interest in the subject tracts in this Civil Action. Said company has further advised the Court that it is not interested in the coal rights under the subject property but is interested rather in the oil and gas rights.

Therefore, on the date of taking in this action Fred Lee Barger was the owner of the entire estate taken in the subject tracts, subject only to a coal mining lease covering Tract No. E-506, which lease was owned by Peabody Coal Company.

All other persons, except Fred Lee Barger and Peabody Coal Company, have either disclaimed or defaulted, and since Peabody Coal Company has, by stipulation referred to in paragraph 11, waived any claim to compensation for flooding the subject property, the said Fred Lee Barger is the one entitled to receive the just compensation for the estates taken in the subject tracts.

8.

Fred Lee Barger and the United States of America have executed and filed herein a Stipulation As To Just Compensation, wherein they have agreed that the amount of just compensation for all of such defendant's interest in the estate taken in the subject tracts is in the amount of $29,650.00, inclusive of interest. Such stipulation should be approved.

9.

A deficiency exists between the amount deposited as estimated compensation for the 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 13 below.

Peabody Coal Company and the United States of America have executed and filed herein on January 25, 1963, a Stipulation for Exclusion of Property whereby there was excluded from the taking in this case and revested in Peabody Coal Company, subject to the Government's right to flood and submerge, all right, title and interest which such Company had in the subject property by virtue of its coal mining lease. Such stipulation should be approved.

Pursuant to the terms of such stipulation Peabody Coal Company has entered upon Tract No. E-506 and has mined some 187.58 tons of coal and has deposited the royalties on such coal, in the amount of $23.45, in the Registry of this Court. Such funds should be used toward payment of the award of just compensation for the subject tracts.

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, 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 the Stipulation for Exclusion of Property executed by Peabody Coal Company and the plaintiff and filed herein on January 25, 1963, hereby is approved and pursuant thereto there is reserved to Peabody Coal Company all right, title and interest which said Peabody Coal Company had in the land by virtue of a certain coal mining lease dated the 19th day of March, 1959, from Fred L. Barger and Wilma Lee Barger to Peabody Coal Company, recorded at Book 326, Page 174 of the land records of Rogers County, Oklahoma, provided, however, that the interests of Peabody Coal Company so reserved are subordinated to the prior rights of the United Sttaes 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 all other terms and conditions of the aforesaid Stipulation for Exclusion of Property are incorporated herein by

reference and made a part of this judgment as if they were fully recited herein.

It Is Further Provided that in the event Peabody Coal Company does any more mining of coal on Tract No. E-506 then the royalties on the coal so mined shall be paid to the plaintiff, by check made payable to "Treasurer of the United States of America" and such check shall be delivered to the District Engineer, Tulsa District, United States Army Corps of Engineers.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking Fred Lee Barger was the owner of the estates taken in the subject tracts, subject only to the coal mining lease owned by Peabody Coal Company; that said Peabody Coal Company by the stipulation referred to in paragraph 11 above has waived all right to compensation in this case; that American United Life Insurance Company and any other person, firm or organization had no interest whatsoever in the estates taken in the subject tracts, and, therefore, the right to receive the award of just compensation for the subject tracts is vested in Fred Lee Barger.

13.

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulation As To Just Compansation, mentioned in paragraph 8 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. E-506 AND E-506E

Owner: Fred Lee Barger

Award of just compensation, pursuant to stipulation - - - - - - - - -		$29,650.00	$29,650.00
Deposited:			
As estimated compensation - -	$26,500.00		
By Peabody Coal Company as coal royalties - - - -	23.45		
Total deposit -			$26,523.45
Disbursed to owner - - - - - - - - - - - - - - - -		$26,400.00	
Balance due to owner - - - - - - - - - - - - - -		$3,250.00	
Deposit deficiency -			$ 3,126.55

- - - - - - - - - - - -

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 deposit deficiency in the sum of $3,126.55, and the Clerk of this Court then shall disburse from the deposit for such tracts the sum of $3,250.00 to Fred Lee Barger.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

G. Raymond Bassmann
Atty for Peabody
Coal Co.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff, vs. 467.65 Acres of Land, More or Less, Situate in Nowata County, Oklahoma, and Joe Bobb Carpenter, et al, and Unknown Owners, Defendants.	CIVIL ACTION NO. 4808 Tract No. P-1638

FILED

JUN 29 1964

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

J U D G M E N T

1.

NOW, on this 29th day of June, 1964, 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 November 4, 1963, and the Court after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

This judgment applies only to Tract No. P-1638, as such tract is described in the Complaint and the Declaration of Taking, filed herein.

4.

Service of Process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause, who are interested in subject 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 November 24, 1959, 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, as of the date of filing such instrument.

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 all of this deposit has been disbursed as set out in paragraph 11 below.

7.

The Report of Commissioners filed herein on November 4, 1963, is hereby accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to the subject tract, as fixed by the Commission, is set out in paragraph 11 below.

8.

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

9.

The defendants named in paragraph 11 as owners of subject tract are the only defendants asserting any interest in the estate condemned herein, all other defendants having either disclaimed or defaulted; the named defendants, as of the date of taking, were the owners of the estate condemned herein, and, as such, are entitled to receive the award of just compensation for the estate taken.

10.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tract described in paragraph 3 herein, and such property, to the extent of 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.

11.

It Is Further ORDERED, ADJUDGED, AND DECREED that the right to receive the just compensation for the estate taken herein in subject tract is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of November 4, 1963, is hereby confirmed and the sum therein fixed is adopted as just compensation for subject tract, as shown by the following schedule:

TRACT NO. P-1638

Owners:	Alice J. Lawrence - - - - - - - - - -	1/3	
	Elizabeth Sharp - - - - - - - - - - -	1/3	
	Mary Jane Rountree - - - - - - - - -	1/9	
	Beverly Gay Hadley - - - - - - - - -	1/9	
	William B. Sharp - - - - - - - - - -	1/9	
Award of just compensation, pursuant to Commissioners' report - - -		$7,200.00	$7,200.00
Deposit of estimated compensation - - - - - - - - - - - - - - - - -			$5,600.00
Disbursed to owners:			
	Alice J. Lawrence - - - - -	$1,866.67	
	Elizabeth Sharp - - - - - -	$1,866.67	
	Mary Jane Rountree - - - -	$622.22	
	Beverly Gay Hadley - - - -	$622.22	
	William B. Sharp - - - - -	$622.22	
	Total - - - - - - - - - - - -	$5,600.00	
Balance due to owners - - - - - - - - - - - -		$1,600.00	
Deposit deficiency -			$1,600.00

- - - - - - - - - - - -

12.

It Is Further ORDERED that the United States of America shall pay into the Registry of this Court for the benefit of the owners, the deposit deficiency for the subject tract in the amount of $1,600.00, together with interest on such deficiency at the rate of 6% per annum from November 24, 1959, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action. Upon receipt of such sum, the Clerk of this Court shall disburse the deposit for subject tract as follows:

To:	Alice J. Lawrence - - - - - - - - - -	1/3
	Elizabeth Sharp - - - - - - - - - - -	1/3
	Mary Jane Rountree - - - - - - - - -	1/9
	Beverly Gay Hadley - - - - - - - - -	1/9
	Willian B. Sharp - - - - - - - - - -	1/9

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff,	)	CIVIL ACTION NO. 4859
vs.	)	Tract No. K-1185
534.00 Acres of Land, More or Less, Situate in Nowata County, Oklahoma, and W. G. Phillips, et al, and Unknown Owners, Defendants.	)	FILED JAN 20 1964 NOBLE C. BUTLER Clerk U. S. District Court

J U D G M E N T

1.

NOW, on this 20th day of January, 1964, 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 November 4, 1963, and the Court after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

This judgment applies only to Tract No. K-1185, as such tract is 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 February 25, 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 all of this deposit has been disbursed as set out in paragraph 11 below.

7.

The Report of Commissioners filed herein on November 4, 1963, is hereby accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to the subject tract as fixed by the Commission is set out in paragraph 11 below.

8.

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

9.

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

10.

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

11.

It Is Further ORDERED, ADJUDGED, AND DECREED that the right to just compensation for the estate taken herein in subject tract is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of November 4, 1963, hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for subject tract, as shown by the following schedule:

TRACT NO. K-1185

Owners: Hinman Stuart Milam - - - - - - - - 1/3
Mary Stevenson - - - - - - - - - - 1/3
Mildred Viles - - - - - - - - - - - 1/3

Award of just compensation, pursuant to Commissioners' report - - - - -	$3,000.00	$3,000.00
Deposit of estimated compensation - - - - - - - - - - - - - - - -		$2,250.00
Disbursed to owners:		
Hinman Stuart Milam - - - - $750.00		
Mary Stevenson - - - - - - $750.00		
Mildred Viles - - - - - - - $750.00		
Total - - - - - - - - - - - - -	$2,250.00	
Balance due to owners - - - - - - - - - - - - - -	$750.00	
Deposit deficiency -		$750.00

- - - - - - - - - - - -

12.

It Is Further ORDERED, ADJUDGED, AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the subject tract as shown in paragraph 11, together with interest on such deficiency at the rate of 6% per annum from February 25, 1960, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action. Upon receipt of such sum, the Clerk of this Court shall disburse the entire amount on deposit for subject tract as follows:

1/3 of such deposit to Hinman Stuart Milam

1/3 of such deposit to Mary Stevenson, and

1/3 of such deposit to Mildred Viles.

Allen E. Barrow
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff, vs. 437.26 Acres of Land, More or Less, Situate in Nowata County, Oklahoma, and Tollie T. Downing, et al., and Unknown Owners, Defendants.	)	CIVIL ACTION NO. 4862 Tracts Nos. X-2424E-1 and X-2424E-2

FILED

JAN 20 1964

NOBLE C. [illegible]
Clerk, U. S. District Court

J U D G M E N T

1.

NOW, on this 20th day of January, 1964, 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 November 14, 1963, and the Court after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject tracts of land. Pursuant thereto, on February 29, 1960, the United States of America filed its Declaration of Taking of a certain estate in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such Declaration of Taking.

6.

On the filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estate in subject tracts, a certain sum of money and all of this deposit has been disbursed, as set out in paragraph 11 below.

7.

The Report of Commissioners filed herein on November 14, 1963, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to the subject tracts as fixed by the Commission is set out in paragraph 11 below.

8.

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

9.

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

10

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

11.

It Is Further ORDERED, ADJUDGED AND DECREED that the right to receive just compensation for the estate taken herein in subject tracts is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners

of November 14, 1963, is hereby confirmed and the sum therein fixed is adopted as just compensation for subject tracts as shown by the following schedule:

TRACTS NOS. X-2424E-1 & X-2424E-2

Owners:

Wesley W. Jordan
Hazel G. Jordan

Award of just compensation pursuant to Commissioners' report	$5,500.00	$5,500.00
Deposited as estimated compensation		1,500.00
Disbursed to owners	1,500.00	
Balance due to owners	$4,000.00	
Deposit deficiency		$4,000.00

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the landowners the deposit deficiency for the subject tracts as shown in paragraph 11, together with interest on such deficiency at the rate of 6% per annum from February 29, 1960, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tracts in this civil action. Upon receipt of such sum, the Clerk of this Court shall disburse the entire sum then on deposit for subject tracts, jointly, to Wesley W. Jordan and Hazel G. Jordan.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff,	)	CIVIL ACTION NO. 4973
vs.	)	Tract No. R-1837
503.74 Acres of Land, More or Less, Situate in Nowata County, Oklahoma, and Hinman Stuart Milam, et al., and Unknown Owners, Defendants.	)	

FILED

JAN 20 1964

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

J U D G M E N T

1.

NOW, on this 20th day of January, 1964, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Report of Commissioners filed herein on February 25, 1963, and the Court after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

This Judgment applies only to the estate taken in Tract No. R-1837, as such tract and estate are described in the Complaint and the Declaration of Taking, filed herein.

4.

Service of Process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause, who are interested in subject 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 July 28, 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, as of the date of filing such instrument.

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 February 25, 1963, is hereby accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to the subject tract, as fixed by the Commission, is set out in paragraph 10 below.

8.

The defendants named in paragraph 10 as owners of subject tract are the only defendants asserting any interest in the estate condemned herein, all other defendants having either disclaimed or defaulted; the named defendants, as of the date of taking, were the joint owners of the estate condemned herein and, as such, are entitled to receive the award of just compensation for the estate taken. The owners have agreed that the award shall be divided among them as shown in paragraph 10 below.

9.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tract described in paragraph 3 herein, and such property, to the extent of 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 receive the just compensation for the estate taken herein in subject tract is vested in the defendants named below in this paragraph; the Report of Commissioners of February 25, 1963, is hereby confirmed and the sum therein fixed is adopted as just compensation for subject tract, as shown by the following schedule:

TRACT NO. R-1837

Owners:

Eva Payne Glass
Ernest Frances Bradfield
Julian W. Glass, Jr.
G. W. Ford

Award of just compensation $875.00

Allocated among owners:

Eva Payne Glass	$328.13			
Ernest Frances Bradfield . . .		$164.06		
Julian W. Glass, Jr.			$164.06	
G. W. Ford				$218.75

Deposited as estimated compensation $875.00

Disbursed to owners:	None	None	None	
To G. W. Ford				$218.75
Balance due to owners	$328.13	$164.06	$164.06	None

- - - - - - - - - - - - - - - -

11.

It is Further ORDERED that the Clerk of this Court shall disburse from the deposit for the subject tract in this civil action the balance on deposit as follows:

To Eva Payne Glass $328.13
To Ernest Frances Bradfield 164.06
To Julian W. Glass, Jr. 164.06

Allen E. Barrow
UNITED STATES DISTRICT JUDGE

APPROVED:

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

COPY

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

STARLING HASSEL, et al., Plaintiffs,	)	
v.	)	NO. 5322-Civil
TEXACO INC., a foreign corporation, Defendant.	)	

FILED
JAN 20 1964
NOBLE C. HOOD
Clerk, U. S. District Court

JOURNAL ENTRY OF JUDGMENT

Upon the Findings of Fact and Conclusions of Law heretofore made herein,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. That the plaintiffs take nothing on their petition, and that the defendant Texaco Inc. have decree and judgment on its Cross-Complaint, as amended, as against the plaintiffs as prayed for in said Cross-Complaint.

2. That Texaco Inc., a corporation, is the owner of valid and subsisting oil and gas leases granting, leasing, and letting unto it exclusively for the purpose of prospecting, drilling for, mining, and producing oil, gas, distillate, sulphur and other minerals, injecting salt water, other fluids, and gas, into subsurface strata, storing minerals and fluids, laying pipe lines, dredging canals, building roads, bridges, docks, tanks, powers, stations, telephone and electric transmission lines, and other structures and facilities including houses for employees, necessary for producing, saving, caring for, treating, processing, and transporting minerals and conducting said operations on the following described lands:

> The Northeast Quarter of the Northeast Quarter (NE/4 NE/4) of Section Eighteen (18), Township Twenty-one (21) North, Range Thirteen (13) East, Tulsa County, Oklahoma;

and Texaco Inc. is entitled to the actual and peaceable possession thereof, together with the rights of ingress and egress for said purposes; that the plaintiffs have no right, title, interest or estate therein, except the plaintiff Carrie Hassell owns the surface of said premises, subject to the dominant estate and rights of Texaco Inc. and its lessors; that the right, title and interest therein are hereby

settled and quieted in the defendant and its lessors as against all claims or demands of any of the plaintiffs, and those claiming by, through or under them, or any of them.

3. That the defendant Texaco Inc. is the owner of the fee simple title to the oil, gas and other minerals underlying the lands described as follows:

> The Southeast Quarter of the Northeast Quarter (SE/4 NE/4) and the Northeast Quarter of the Southeast Quarter (NE/4 SE/4) of said Section Eighteen (18);

that the defendant Texaco Inc. is entitled to the actual and peaceable possession thereof; that the plaintiffs have no right, title, interest or estate therein, except the plaintiffs C. E. and S. C. Hassell own the surface thereof, subject to the reservation by Texaco Inc. of all oil, gas, coal and other minerals, together with the right to prospect, drill for, mine, remove, take care of, and transport the same in, under, over and upon said land, together with the right of ingress and egress, the right to use so much of the surface of the said land and to erect and maintain thereon such structures and facilities as may be necessary or convenient for any of the foregoing purposes; that the plaintiffs have no right, title, interest or estate therein and that the title and possession of said defendant Texaco Inc. in said real property be, and the same is hereby forever settled and quieted in defendant as against all claims or demands by the plaintiffs, or any of them and those claiming by, through or under any of them.

4. That the plaintiffs, and those claiming under them, are permanently enjoined from asserting any right, title or interest in or to the oil, gas or minerals, or the rights excepted or reserved to defendant and its lessors, in, on or under the above described lands.

5. That the defendant Texaco Inc. is the owner of the fee simple title to the lands described as follows:

> The North Half of the Northwest Quarter (N/2 NW/4) of Section Seventeen (17), Township Twenty-one (21) North, Range Thirteen (13) East, Tulsa County, Oklahoma;

and that it is in actual possession thereof; that the plaintiffs are not entitled to claim any right, title or interest in and to said land

and have no right title, interest or estate therein; that the title and possession of the defendant Texaco Inc. in and to said land be and the same is hereby forever settled and quieted in defendant as against all claims or demands by the plaintiffs or any of them and those claiming by, through or under them or any of they; that the plaintiffs, and those claiming under them, are permanently enjoined from asserting any right, title or interest in and to the lands just described, or going onto or across same.

6. That the plaintiffs are not entitled to maintain and operate or to take or use gas from a well which produces natural gas on the premises described as the Northeast Quarter of the Northeast Quarter (NE/4 NE/4) of said Section Eighteen (18), and which gas is being used as a domestic gas supply; that the plaintiffs and each of them be permanently enjoined and forbidden from maintaining and operating said well, or taking or using gas from said well.

7. That the plaintiffs, their agents, servants and employees are hereby permanently enjoined and forbidden from obstructing, harassing, interfering with or preventing the use or occupancy of the above described lands by defendant Texaco Inc., its agents, servants, employees and contractors, and the plaintiffs, their agents, servants and employees are permanently enjoined from obstructing, harassing, interfering with or preventing the ingress or egress of defendant Texaco Inc., its agents,servants, employees and contractors into and upon the above described premises.

8. That the Court retain jurisdiction of this matter to hear and determine any problems that may develop as between the parties.

9. That the defendant have judgment against the plaintiffs for its costs.

DATED this 17th day of January, 1964.

/s/ Luther Bohanon

U. S. District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff, vs. 753.01 Acres of Land, More or Less, Situate in Pawnee and Osage Counties, Oklahoma, and Jacob Fein, et al., and Unknown Owners, Defendants.	)	Civil No. 5419 Tract No. 3756E

FILED

JAN 20 1964

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

J U D G M E N T

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

2. The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the parties and the subject matter of this action; that service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties having compensable interests in the subject tracts; that upon the date the Declaration of Taking and the Complaint were filed title to the estate taken, as set out therein, became vested in the United States.

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 $400.00, 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 $100.00 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 Charles Clay Ehler, 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 $400.00, 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 $400.00, inclusive of interest.

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of $300.00, without interest. Upon receipt of the last mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following named payee:

Charles Clay Ehler $400.00

Entered this 17th day of January, 1964.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff, vs. 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 Tract No. 4732-B (Lessor interest only)

FILED

JAN 21 1964

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

J U D G M E N T

1.

Now, on this 21st day January, 1964, 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 estate condemned in Tract No. 4732-B, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on February 5, 1960, the United States of America has filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the lessor interest in the estate taken in the subject tract, a certain sum of money, and all of this deposit has been disbursed, as set out in paragraph 11 below.

7.

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

8.

The owners of the lessor interest in the estate taken in the subject tract and the United States of America have executed and filed herein a stipulation as to just compensation wherein they have agreed that just compensation for the lessor interest in the estate taken in the estate condemned in subject tract is in the amount shown as compensation in paragraph 11 below, and such stipulation should be approved.

9.

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

10.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owners of the lessor interest in the estate condemned herein in subject tract were the defendants whose names appear below in paragraph 11, and

the right to just compensation for the lessor interest in the estate taken herein in this tract is vested in the parties so named.

11.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the stipulation as to just compensation, mentioned in paragraph 8, hereby is confirmed; and the sum therein fixed is adopted as the award of just compensation for the lessor interest in the estate condemned in subject tract as follows, to-wit:

TRACT NO. 4732-B
(as to lessor interest only)

Owners:

Henry Clay Cochran and
Sallie Pearl Mayes

Award of just compensation pursuant to stipulation	$585.00	$585.00
Deposited as estimated compensation		585.00
Disbursed to owners	585.00	

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff, vs. 1,316.38 Acres of Land, More or Less, Situate in Rogers County, Oklahoma, and Tim Sharp, et al., and Unknown Owners, Defendants.	CIVIL ACTION NO. 4961 Tract No. 4732-11 (Lessor interest only)

FILED

JAN 21 1964

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

J U D G M E N T

1.

Now, on this 21st day of January, 1964 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 estate condemned in Tract No. 4732-11, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action.

3.

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

4.

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

5.

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

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the lessor interest in the estate taken in the subject tract, a certain sum of money, and all of this deposit has been disbursed, as set out in paragraph 11 below.

7.

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

8.

The owners of the lessor interest in the subject tract and the United States of America have executed and filed herein a stipulation as to just compensation wherein they have agreed that just compensation for the lessor interest in the estate condemned in the subject tract is in the amount shown as compensation in paragraph 11 below, and such stipulation should be approved.

9.

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

10.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owners of the lessor interest in the estate condemned herein in subject tract were the defendants whose names appear in paragraph 11, and the

right to just compensation for the lessor interest in the estate taken herein in this tract is vested in the parties so named.

11.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the stipulation as to just compensation, mentioned in paragraph 8, hereby is confirmed; and the sum therein fixed is adopted as the award of just compensation for the lessor interest in the estate condemned in subject tract as follows, to-wit:

TRACT NO. 4732-11
(as to lessor interest only)

Owners:

Henry Clay Cochran and
Sallie Pearl Mayes

Award of just compensation pursuant to stipulation	$120.00	$120.00
Deposited as estimated compensation		120.00
Disbursed to owners	$120.00	

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff, vs. 203.05 Acres of Land, More or Less, Situate in Nowata and Rogers Counties, Oklahoma, and Orland O. Parish, et al., and Unknown Owners, Defendants.	)	CIVIL NO. 5078 Tracts Nos. 4729-B and 4730-11 (Lessor interest only)

FILED

JAN 21 1964

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

J U D G M E N T

1.

Now, on this 21st day of January, 1964, 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 the Declaration of Taking filed in this civil action.

3.

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

4.

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

5.

The Acts of Congress set out in Paragraph 2 of the Complaint herein give the United States of America the right, power and authority to condemn for public use the estates described in Paragraph 2 herein. Pursuant thereto on December 8, 1960, the United States of America 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 all of this deposit has been disbursed, as set out in Paragraph 11 below.

7.

On the date of taking in this action, the owners of the lessor intere in the estates taken in subject tracts as described in Paragraph 2 herein were the defendants whose names are shown in Paragraph 11 below. Such named defendants are the only persons 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 defendants are entitled to receive the just compensation for the lessor interest in the estates taken in these tracts.

8.

The owners of the lessor interest in the estate 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 11, and such stipulation should be approved.

9.

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

10.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the lessor interest in the estates described in Paragraph 2 herein, condemned herein in subject tracts, were the persons whose names appear below in Paragraph 11, and the right to just compensation for the lessor interest in the estates taken herein in these tracts is vested in the parties so named.

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

TRACT NO. 4729-B
(as to lessor interest only)

Owners:

Henry Clay Cochran and
Sallie Pearl Mayes

Award of just compensation pursuant to stipulation	$575.00	$575.00
Deposited as estimated compensation.		575.00
Disbursed to owners	$575.00	

TRACT NO. 4730-11
(as to lessors interest only)

Owners:

Henry Clay Cochran and
Sallie Pearl Mayes

Award of just compensation pursuant to stipulation	$650.00	$650.00
Deposited as estimated compensation.		650.00
Disbursed to owners	$650.00	

ALLEN E. LARROW
UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff, vs. 508.62 Acres of Land, More or Less, Situate in Rogers County, Oklahoma, and Henry Brown, et al., and Unknown Owners, Defendants.	)	CIVIL ACTION NO. 5407 Tract No. 4729-G

FILED

JAN 21 1964

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

J U D G M E N T

1.

Now, on this 21st day of January, 1964, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies only to the estate condemned in Tract No. 4729-G, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on May 17, 1962, the United States of America has filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of a certain estate in the subject tract, a certain sum of money, and all of this deposit has been disbursed, as set out in paragraph 11 below.

7.

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

8.

The owners of the subject tract and the United States of America have executed and filed herein a stipulation as to just compensation wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in paragraph 11 below, and such stipulation should be approved.

9.

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

10.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owners of the estate condemned herein in subject tract were the defendants whose names appear below in paragraph 11, and the right to just compensation for the estate taken herein in this tract is vested in the parties so named.

TRACT NO. 4729-G

Owners:

Henry Clay Cochran and
Sallie Pearl Mayes

Award of just compensation pursuant to stipulation	$ 585.00	$ 585.00
Deposited as estimated compensation		585.00
Disbursed to owners	$ 585.00	

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

APPROVED:

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff,	)	Civil No. 5702
vs.	)	Tract Nos. 3638 & 3638E
476.66 Acres of Land, More or Less, Situate in Osage and Pawnee Counties, Oklahoma, and Frank Walters, et al, and Unknown Owners, Defendants.	)	

FILED

JAN 21 1961

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

JUDGMENT

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 Delcaration 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 $14,350.00, inclusive of interest, and improvements without deduction for salvage value, 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 $12,500.00 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 Bessie J. Vandruff, 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 $14,350.00, 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 $14,350.00, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of $1,850.00, 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:

Bessie J. Vandruff..... $14,350.00

Entered this 27th day of January, 1964.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

ksm

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

SECURITY BANK AND TRUST COMPANY, an Oklahoma Banking Corporation, Plaintiff,	)	
vs.	)	No. 5856
Don Earl Mabury, Winfred Mabury, Leroy H. Epps, and Brunswick Corporation, a Foreign Corporation, Defendants.	)	FILED JAN 22 1964 NOBLE C. HOOD Clerk, U. S. District Court

ORDER

This matter came on for hearing on Tuesday, January 21, 1964, upon the motions of Security Bank and Trust Company, plaintiff herein, and the motion of Leroy H. Epps, to remand this cause to the District Court of Ottawa County, Oklahoma, and upon the motion of defendant Brunswick Corporation to dismiss the action.

The Court having heard the argument of counsel, and having carefully reviewed the file in this cause, is of the opinion that said cause should be remanded to the District Court of Ottawa County, State of Oklahoma, and

IT IS SO ORDERED.

DATED this 22nd day of January, 1964.

(S) Luther Bohanon
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff,	)	Civil No. 4967
vs.	)	Tract No. A-156
1,699.52 Acres of Land, More or Less, Situate in Tulsa, Creek, and Pawnee Counties, Oklahoma, & Lillie S. Mathews, et al, and Unknown Owners, Defendants.	)	

FILED

JAN 23 1964

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

JUDGMENT

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

2. The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the parties and the subject matter of this action; that service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties having compensable interests in the subject tract; that upon the date the Declaration of Taking and Complaint were filed title to the estate taken, as set out therein, became vested in the United States of America.

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

4. The Court finds the amount of $6,187.49, 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 $4,810.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and R. W. Hubbard and James A. Hayden, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tract is the sum of $4,358.99, inclusive of interest.

6. The Court finds that defendants, James C. Smith and H. Z. Goatcher 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 $6,187.49, inclusive of interest, of which sum the following amounts have been previously disbursed: R. W. Hubbard - $1,454.00 and A. Z. Goatcher - $1,527.50;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of $1,377.49, 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 $2,904.99

(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 above, and in event said deposit is not claimed, the Court Clerk is directed, without further order of this Court, to return said deposit, five years from this date, into the United States Treasury:

James C. Smith $301.00

Entered this 23rd day of January, 1964.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ 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. 5201
vs.	)	
4.67 Acres of Land, More or Less, Situate in Creek and Pawnee Counties, Oklahoma, and Marcourt Downing, et al, and Unknown Owners, Defendants.	)	Tract Nos. E-508-4C, I-930EC, 1618C, 2202C & 2247C

FILED

JAN 23 1964

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

JUDGMENT

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 Complaint was 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 interests in the subject tracts.

3. The Court finds, upon the evidence presented, that the below-listed defendants were the sole owners of the above-captioned tracts on the date of taking:

Tract No.	Name
E-508-4C	Clara Mae Greenwood
I-930EC	Oakhill Cemetery Association
1618C	W. J. Taylor Heirs
2202C	Basin Cemetery Trustees
2247C	Glen Albert McCrackin, and Lulu Vaughn McCrackin

4. The Court finds that the removal to Reinterment Site "B" (Oakhill) of the last remains of those deceased persons listed in the Cemetery Completion Report No. 1 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 heretofore filed in this cause.

5. The Court finds that on the 26th day of June, 1961, the United States filed its Complaint in Condemnation to acquire certain estates in certain described tracts of land in Creek and Pawnee Counties, Oklahoma;

that on that same day an order approving relocation of cemeteries was entered and that on April 26, 1963, a subsequent order authorizing reinterment and allowing and approving revisions of relocation plans and specifications was entered and that, subsequent thereto, the cemeteries referred to in the Complaint were relocated according to the relocation plans and specifications.

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

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

(b) The just compensation for the taking of the above tracts is the removal to Reinterment Site "B" (Oakhill) as set out above.

Entered this 22nd day of January, 1964.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ 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. 191.39 Acres of Land, More or Less, Situate in Creek and Pawnee Counties, Oklahoma, and Leslie M. Yarbrough, et al., and Unknown Owners, Defendants.	)	Civil No. 4720 Tract No. D-428

FILED

JAN 27 1964

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 Paul Spess and Wilma Spess 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 $775.00, 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 $775.00 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 further finds that there shall be substituted for the legal description of the tract and the estates acquired therein, as set forth in the complaint in condemnation and the declaration of taking heretofore filed in the proceeding the descriptions and estates set forth below:

The fee simple title, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines, reserving to the owner or owners of the subsurface estate, or any interest therein, his or their heirs, administrators, executors, successors, and assigns, all oil, gas, and other minerals in and under said land, with full rights of ingress and egress for the purpose of exploration, development, production, and removal of oil, gas, and other minerals which may be produced from said land.

TRACT NO. D-428
INDIAN MERIDIAN
T 19 N, R 9 E

SECTION 2: A tract of land in Lot 6 more particularly described as: Beginning at the Southwest corner of said Lot 6; thence East along the South line thereof 495.00 feet; thence Northwesterly on a straight line to a point that is 825.00 feet North of and 165.00 feet East of said Southwest corner; thence West 165.00 feet to the West line of said Lot 6; thence South along said West line 825.00 feet to the Point of Beginning.

The area described aggregates 6.25 acres, more or less, in Creek County, Oklahoma.

TRACT NO. D-428-2

INDIAN MERIDIAN
T 19 N, R 9 E

SECTION 2: All that part of Lot 6 lying North and East of a line more particularly described as: Beginning at the Northwest corner of said Lot 6; thence Southeasterly on a straight line to a point on the South line thereof; said point being 825.00 feet East of the Southwest corner of said Lot 6.

The area described aggregates 7.64 acres, more or less, together with all accretions and erosions thereto, in Creek County, Oklahoma; and

The perpetual right, power, privilege and easement occasionally to overflow, flood, and submerge the land in connection with the operation and maintenance of the Keystone Dam and Reservoir Project on the Arkansas River, as authorized by the Act of Congress approved May 17, 1950 (Public Law 516, 81st Congress, 2d Session), together with all right, title, and interest in and to the structures and improvements now situate on said land; provided that no structures for human habitation shall be constructed or maintained on said land, and provided further that no structures of other type shall be constructed or maintained on said land except as may be approved in writing by the representative of the United States in charge of

the project; reserving to the owner or owners of the subsurface estate, or any interest therein, his or their heirs, administrators, executors, successors, and assigns, all oil, gas, and other minerals in and under said land, with full rights of ingress and egress for the purpose of exploration, development, production, and removal of oil, gas, and other minerals which may be produced from said land, further reserving to the owner or owners of said land, their heirs, executors, administrators, successors, and assigns, all such rights and privileges as may be used and enjoyed without interfering with or abridging the rights and easement hereby acquired; the below estate is taken subject to existing easements for public roads and highways, public utilities, railroads, and pipelines, over the following described land, to-wit:

TRACT NO. D-428E

INDIAN MERIDIAN
T 19 N, R 9 E

SECTION 2: A tract of land in Lot 6 more particularly described as: Beginning at the Northwest corner of Lot 6; thence Southeasterly to a point on the South line of said Lot 6 said point being 825.00 feet East of the Southwest corner thereof; thence West along said South line 330.00 feet; thence Northwesterly on a straight line to a point that is 825.00 feet North of and 165.00 feet East of the Southwest corner of said Lot 6; thence West 165.00 feet to the West line of said Lot 6; thence North along said West line 495.00 feet to the Point of Beginning.

The area described aggregates 6.93 acres, more or less, in Creek County, Oklahoma.

That with respect to the aforementioned lands as to which a perpetual flowage easement is to be acquired, the defendants herein expressly waive for themselves, their heirs, successors, and assigns any and all claims against the United States or the State, County, or political sub-division in which the land is located, for loss of access thereto and waive further any claims against the United States for damage thereto arising from soil erosion, slides, and wave wash;

That all right, title, and interest of the stipulating defendants in and to any and all portions of the tract as set forth in the complaint in condemnation and the declaration of taking heretofore filed in the proceeding which are not included above shall be excluded from the proceeding and title thereto shall be revested in said defendants to the extent held by them immediately prior to the taking;

That the fair market value and the full just compensation to be paid for the taking of all the interests acquired in this proceeding, and for the Government's use of that portion and/or interest in the land title to which is reverted by this stipulation, including all damages arising therefrom, is the sum of $775.00 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 such tracts are described therein, and as amended by the above paragraph 5, is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of $775.00, inclusive of interest, which amount has heretofore been disbursed to Paul Spess and Wilma Spess.

Entered this 24th day of January, 1964.

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant U. S. Attorney

ajs

FILED

JAN 28 1964

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff, vs. 492.84 Acres of Land, More or Less, Situate in Creek and Pawnee Counties, Oklahoma, and Curt D. Edgerton, et al., and Unknown Owners, Defendants.	Civil No. 4963 Tracts Nos. 995-2m 995-2M-1 995-2M-2

J U D G M E N T

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

2. The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the parties and the subject matter of this action; that service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties having compensable interests in the subject tracts; that upon the date the Declaration of Taking and the Complaint were filed title to the estate taken, as set out therein, became vested in the United States of America.

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

4. The Court finds the amount of $3,850.00, 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 $3,565.00 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 Juanita Coonrod Hinton and Cornelia Coonrod Holmes, as individuals and as administratrices of the estate of Jessa Coonrod, deceased, 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 $3,850.00, 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 $3,850.00, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of $285.00, without interest. Upon receipt of the last mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following named payees:

Juanita Coonrod Hinton and Cornelia Coonrod
Holmes, as individuals and as Administratrices
of the Estate of Jessa Coonrod, deceased $3,850.00

Entered this 27th day of January, 1964.

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

APPROVED:

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

ajs

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff, vs. 1,083.63 Acres of Land, More or Less, Situate in Nowata County, Oklahoma, and Edith M. Hayden, et al, and Unknown Owners, Defendants.	CIVIL ACTION NO. 4861 Tract No. V-2272E

FILED

JAN 30 1964

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

DS.

J U D G M E N T

1.

NOW, on this 22nd day of January, 1964, 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 November 14, 1963, and the Court after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

This judgment applies only to the estate condemned in Tract No. V-2272E, as such estate and tract are described in the Complaint and Declaration of Taking, filed herein.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tract of land. Pursuant thereto, on February 26, 1960, the United States of America filed its Declaration of Taking on such tract of land, and title to such tract should be vested in the United States of America, as of the date of filing such instrument.

6.

On filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the subject tract, a certain sum of money, and all of this deposit has been disbursed as set out in paragraph 10 below.

7.

The Report of Commissioners filed herein on November 14, 1963, is hereby accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to the subject tract as fixed by the Commission is set out in paragraph 11 below.

8.

On the date of taking a mortgage on this tract was held by the Mutual Life Insurance Company of New York, but this mortgage now has been paid and released. Therefore, the defendants named in paragraph 10 as owners of subject tract are the only defendants asserting any interest in the estate condemned herein, all other defendants having either disclaimed or defaulted; the named defendants are the owners of such estate condemned herein as shown in such paragraph 10 and, as such, are entitled to distribution of just compensation therefor.

9.

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

10.

It Is Further ORDERED, ADJUDGED, AND DECREED that the right to receive the just compensation for the estate taken herein in subject tract is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of November 14, 1963, is hereby confirmed and the sum therein fixed is adopted as just compensation for subject tract as shown by the following schedule:

TRACT NO. V-2272E

Owners: Ed. J. Stritzke
Elsie Stritzke

Award of just compensation, pursuant to Commissioners' Report - - - -	$8,700.00	$8,700.00
Deposited as estimated compensation - - - - - - - - - - - - - - - - - -		$1,750.00
Disbursed to owners - - - - - - - - - - - - - -	$1,750.00	
Balance due to owners - - - - - - - - - - - - - -	$6,950.00	
Deposit deficiency -		$6,950.00

- - - - - - - - - - - -

11.

It Is Further ORDERED, ADJUDGED, AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the subject tract, in the amount of $6,950.00, together with interest on such deficiency at the rate of 6% per annum from February 26, 1960, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action. The Clerk of this Court then shall disburse the entire sum on deposit for Tract No. V-2272E to Ed J. Stritzke and Elsie Stritzke, jointly.

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney