IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OKLAHOMA

GRAND RIVER DAM AUTHORITY, a public corporation, Petitioner,	)	
vs.	)	Civil No. 5632
98.5 Acres in Mayes County, Oklahoma, more or less, Harry F. Wheeler, et al., Defendants.	)	

FILED

MAR - 9 1964

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

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the 9th day of March, 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 19th day of June, 1963, as modified by stipulation should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 19th day of June, 1963, as modified, 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:

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 8th day of July, 1963, upon the depositing of the sum of $18,474.00 with the registry of this Court for the lands and estates taken in and to the above described land.

NOBLE C. HOOD

By [illegible]
Deputy

Dated at Tulsa, Oklahoma
March 2nd 1964.

Approved and ordered entered
this 2nd day of March,
1964.

[illegible]
U. S. District Judge

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

COMMERCIAL STANDARD FIRE & MARINE COMPANY, a Corporation, . . . Plaintiff,	)	
vs.	)	No. 3726 Civil
CHESTER ELLIS PENDERGRAFT, a minor, and FREDERICK WILLIAM GARRINGER, a minor, . . . Defendants.	)	

FILED

FEB 19 1964

WILLIAM M. ROGERS
Clerk, U. S. District Court

JUDGMENT

Now on this 18th day of February, 1964, counsel having agreed to submit this cause to the court upon the pleadings, the depositions on file, the briefs of the parties, and the stipulation of facts filed herein, the court concludes plaintiff should have judgment herein as prayed for.

IT IS THEREFORE ORDERED, ADJUDGED AND DECLARED by the court that plaintiff herein, Commercial Standard Fire & Marie Company, a Corporation, had no duty or obligation under the terms of its policy herein involved to defend the defendant Frederick William Garringer in a cause brought by Chester Ellis Pendergraft through his mother and next friend, Violet Marie Pendergraft, in the District Court of Tulsa County, Oklahoma, same being number 105,090 in said court, and the court further declares and finds that plaintiff has no duty or obligation under the terms of its policy to pay the judgment obtained by the said Chester Ellis Pendergraft against the said Frederick William Garringer in said cause number 105,090, in the District Court of Tulsa County, Oklahoma.

Luther Bohanon
U. S. District Judge

Copies of foregoing judgment this 19 day of February, 1964, mailed to Floyd L. Walker, Mayo Bldg., Tulsa, counsel for defendant Pendergraft, and to R. C. Brown, 500 W. 7th, Tulsa, counsel for defendant Garringer.

rdh/mh

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

HAZEL ELIZABETH McCLENDON, Plaintiff,	)	
vs.	)	No. 5715
Jack Gresham and Safeway Stores, Inc., a corporation, Defendants.	)	FILED MAR - 3 1964

JUDGMENT

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

This cause came on for trial on this 27th day of February, 1964, both parties having announced ready for trial; the plaintiff appeared in person and by her attorneys, John L. Ward and Robert G. Brown; the defendant appearing by and through its attorney of record, W. F. Kyle.

And a jury being empanelled and sworn to try the cause and the sworn testimony of witnesses having been offered in evidence, both sides announced that they rested their case. Whereupon, the defendant renewed its motion to dismiss the action for the reason and upon the ground that the evidence in the cause, together with all reasonable inferences to be drawn therefrom, was insufficient to constitute a cause of action in favor of the plaintiff and against the defendant and insufficient to warrant the court or jury in granting the relief prayed for. And the court having heard the argument of counsel and being fully advised in the premises finds:

(1) That there is no evidence of negligence on the part of the defendant Safeway Stores, Inc., in the maintenance or operation of its parking lot.

(2) That if it be considered that the defendant, Safeway Stores, Inc., was guilty of negligence in connection with the maintenance or operation of its parking lot, such negligence merely furnished a condition which permitted

the occurrence of the accident which gave rise to this litigation and was not the proximate cause of the accident and plaintiff's resulting injuries and damage.

IT IS THEREFORE ORDERED AND ADJUDGED by the court that the motion to dismiss of the defendant, Safeway Stores, Inc., be and the same is hereby granted and the action of the plaintiff is dismissed.

NOBLE C. HOOD, Clerk

By: [signature]
Deputy

APPROVED AND ORDERED ENTERED:

[signature]
United States District Judge

WFK:el
3-3-64

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff,	)	
vs.	)	CIVIL ACTION NO. 4640
47.26 Acres of Land, More or Less, Situate in Nowata County, Oklahoma, and Julian W. Glass, Jr., et al, and Unknown Owners, Defendants.	)	Tracts Nos. 0-1507E-1 and 0-1507E-2

FILED

MAR - 4 1964

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

JUDGMENT

1.

NOW, on this 4th day of March, 1964, this matter comes on for disposition on application of plaintiff, United States of America, for entry of Judgment on an option contract and 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 herein.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power and authority to condemn for public use the estates described in paragraph 2 herein. Pursuant thereto on February 16, 1959, 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 certain estates in subject tracts a certain sum of money and part 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 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 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 an option for subordination of leasehold estate, as alleged in the Complaint, or 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 amounts shown as compensation in paragraph 11 herein, and such option and 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 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 other persons interested in such estates 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 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 estates taken herein in these tracts is vested in the parties so named.

11.

It Is Further ORDERED, ADJUDGED AND DECREED that the stipulation as to just compensation and the option contract, mentioned in paragraph 8 above, hereby are confirmed; and the sums therein fixed are adopted as the award of just compensation for the respective interests in the estates condemned in subject tracts as follows:

TRACTS NOS. 0-1507E-1 and 0-1507E-2

Owners:

Lessor interest:

F. A. Calvert - - - - - - - - - - - - 1/2

Julian W. Glass, Jr., trustee
for himself, Eva Payne Glass
and Ernest Francis Bradfield - - - 1/2

Oil & gas lessee interest:

Sinclair Oil and Gas Co.

Award of just compensation:

1. For lessor interest, pursuant to stipulation - - - - - - - - - - - - - - - -	$ 22.00	$ 22.00
Disbursed to owners of lessor interest - - -	None	
Balance due to owners of lessor interest - -	$ 22.00	
2. For oil & gas lessee interest - - - - - - - - pursuant to option	$ 346.00	$ 346.00
Disbursed to lessee - - - - - - - - - - - - - -	346.00	
Total award -		$ 368.00
Total deposit of estimated compensation - - - - - - - - - - - - - -		$ 368.00

12.

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

TO F. A. Calvert - - - - - - - - - - - - - - - - - - $ 11.00

TO Julian W. Glass, Jr., trustee
for himself, Eva Payne Glass
and Ernest Francis Bradfield - - - - - - - - - $ 11.00

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff, vs. 290.00 Acres of Land, More or Less, Situate in Nowata and Rogers Counties, Oklahoma, and Heirs of Mayme Levine, deceased, et al, and Unknown Owners, Defendants.	)	CIVIL ACTION NO. 4887 Tract No. 4625-M

FILED

MAR - 4 1964

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

JUDGMENT

1.

NOW, on this 4th day of March 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 January 24, 1964, 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. 4625-M, 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 March 11, 1960, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, and title to such property 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 property a certain sum of money, and all of this deposit has been disbursed, as set out in paragraph 12 below.

7.

The Report of Commissioners filed herein on January 24, 1964, is hereby accepted and adopted as a finding of fact as to the oil and gas leasehold interest in subject tract. The amount of just compensation as to the subject tract, as fixed by the Commission, is set out in paragraph 12 below.

8.

The owners of the lessor interest in the subject tract and the plaintiff have executed and filed herein a stipulation as to just compensation wherein they have agreed that the sum of $1,887.00 is just compensation for such lessor interest, and such stipulation should be approved.

9.

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 12 below.

10.

The defendants named in paragraph 12 as owners of the estate taken in 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.

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 tract described in paragraph 3 herein, as 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.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, title to the estate taken herein in the subject tract was vested in the defendants named as owners in the schedule below in this paragraph; the right to receive the just compensation for the estate taken herein in subject tract is vested in the parties so named as their respective interests appear in such schedule; the stipulation as to just compensation mentioned in paragraph 8 above and the Report of Commissioners of January 24, 1964, hereby are confirmed and the sums therein fixed are adopted as just compensation for the estate taken in the subject tract, as shown by the following schedule:

TRACT NO. 4625-M

Award of just compensation:

For lessor interest pursuant to stipulation - $ 1,887.00

For lessee interest pursuant to Commissioner's Report - - - - - - - - - - - - - - - $ 8,000.00

Allocated:

To 7/8 working interest - - - - $ 7,025.00

To 1/8 of 8/8 overriding royalty interest - - - - - - - $ 975.00

Total award for entire estate taken - - - - - - - - - - - - - - $ 9,887.00

Ownership, distribution of awards and disbursals:

1. Lessor interest:

Owners	Interest	Share of Award	Disbursed
Estate of Mayme Levine, deceased. (Harold Morton Levine was executor)	Entire	$ 1,887.00	$ 1,887.00

2. 7/8 working interest in oil, and gas leasehold interest:

Owners	Interest	Share of Award	Disbursed	Balance Due
		$	$	$
W. D. Heller	1560/99840	109.77	94.16	15.61
Dr. R. M. DiCosolo	1560/99840	109.77	94.16	15.61
Albert R. Hock	5200/99840	365.88	313.87	52.01
Edison Fuel & Material Co.	2080/99840	146.36	125.55	20.81
Raymond Keller	1560/99840	109.77	94.16	15.61
F. J. Keller	1560/99840	109.77	94.16	15.61
E. A. Keller Co.	4160/99840	292.71	251.10	41.61
Thomas Keller	768/99840	54.04	46.36	7.68
Rex Carter	1560/99840	109.77	94.16	15.61
George E. Dolezal	1872/99840	131.72	112.99	18.73
William Zeigler	1248/99840	87.82	75.33	12.49
John T. Allmond	6240/99840	439.06	376.65	62.41
Rolan Franzen	624/99840	43.91	37.66	6.25
Raymond Keller and Fred J. Keller, Assignees of the estate of William A. Armstrong, deceased	7280/99840	512.24	439.42	72.82
Estate of Ralph I. Garis, deceased (Roy C. Garis administrator)	62568/99840	4,402.41	3,776.27	626.14
Totals		7,025.00	6,026.00	999.00

Total award for working interest - - - - - - - - - - - - - - - - - - $ 7,025.00

Total deposit of estimated compensation for working interest - - - $ 6,026.00

Deposit deficiency, as to working interest - - - - - - - - - - - - - $ 999.00

3. 1/8 of 8/8 overriding royalty interest:

	Award	Disbursed	Overpayment
Mary A. Hoot, L. L. Hoot, Russell D. Hoot, as Heirs of George T. Hoot, deceased	$ 975.00	$ 1,537.00 (to owners jointly)	$ 562.00

Total deposit for overriding royalty interest - - - - - - - - - - $ 1,537.00

Total award for overriding royalty interest - - - - - - - - - - - $ 975.00

Overdeposit - $ 562.00

13.

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 working interest in the subject property in the amount of $999.00, together with interest on such deficiency at the rate of 6% per annum from March 11, 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 from the deposit for the subject tract the balance due to each of the owners of the working interest in subject property, together with each owner's proportionate share of the accrued interest as indicated by the fraction following his name, as shown in No. 2 of paragraph 12, above.

14.

It Is Further ORDERED, ADJUDGED AND DECREED that the plaintiff, United States of America, shall have judgment against the owners of the overriding royalty interest in the subject tract for the overpayment made to them from the deposit for such tract as follows:

Judgment against -

Mary A. Hoot, L. L. Hoot and
Russell D. Hoot, in the amount of - - - $ 562.00

In payment of this judgment the above-named defendants shall deposit with the Clerk of this Court the sum of $562.00, and such sum shall be credited to the deposit for the subject tract in this civil action. When such refund has been made, the Clerk of this Court shall disburse from the deposit for the subject tract the sum of $562.00, to the Treasurer of the United States of America.

/s/ Allen E. Barrow
UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

FILED

MAR - 4 1964

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

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

FRANK M. TYE, JR.,

Plaintiff,

v.

No. 5482-Civil

IONIC PETROLEUM LIMITED,
an Oklahoma Corporation,

Defendant.

DISMISSAL WITHOUT PREJUDICE

This cause coming on for hearing before me, the undersigned Judge of the said Court, for trial on this the 2nd day of February, 1964, and the plaintiff appearing by and through his attorneys, Spillers, Spillers & Givens, and the defendant appearing by and through its attorneys, Boone & Ellison, and the parties thereupon announcing in open court through their respective attorneys that they had entered into a stipulation subject to approval by this Court by which the plaintiff might dismiss his action against the defendant without prejudice and without the imposition by the Court of any conditions to said dismissal, and the Court being fully advised in the premises finds that the said stipulation should be approved and the cause dismissed without prejudice.

IT IS, THEREFORE, ORDERED that the plaintiff's action be and the same is hereby dismissed without prejudice.

[signature]
District Judge

APPROVED AS TO FORM:

SPILLERS, SPILLERS & GIVENS

By [signature]
G. E. Spillers, Jr.
Attorneys for Plaintiff

BOONE & ELLISON

By [signature]
Attorneys for Defendant.

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

MAX S. PIERSON, Plaintiff,	)	
vs.	)	Civil Action
MISSOURI-KANSAS-TEXAS RAILROAD COMPANY and ROBERT GIEB, Defendants.	)	No. 5548

FILED

MAR - 4 1964

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

DISMISSAL WITH PREJUDICE

COMES NOW Max S. Pierson, Plaintiff above named, and Elmore Page, his attorney of record, and dismisses the above and foregoing action, with prejudice, in which dismissal with prejudice, as and for the settlement and end to such litigation, Missouri-Kansas-Texas Railroad Company, a corporation, join herein by their attorney of record, Harry D. Moreland, and said cause is and the same hereby shall be dismissed with prejudice as to all named parties defendant, whether served with process or not.

Max S. Pierson, Plaintiff

Elmore Page, Attorney for Plaintiff

Harry D. Moreland, Attorney for Defendant

Approved this 4th day of ~~February~~ March, 1964.

Allen E. Barrow
United States District Judge

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

SUSAN CATHERINE MUNDING, Plaintiff,	)	
vs.	)	CIVIL NO. 5622
ALICE MEASE, now KEATING, Defendant.	)	FILED

MOTION TO DISMISS

Comes now the plaintiff, Susan Catherine Munding, and moves the Court to dismiss the above styled and numbered cause as to defendant Alice Mease, now Keating, and as grounds therefor respectfully shows:

That all matters in controversy in this suit between plaintiff and defendant have been fully settled and compromised by agreement, and that there is not further occasion for prosecution of this suit.

Susan Catherine Munding
Plaintiff

Attorney for Plaintiff

ORDER

Now, on this 4 day of March, 1964, this cause comes on for hearing on plaintiff's Motion to Dismiss. The Court being fully advised in the premises finds that the cause and all issues herein have been duly settled and compromised as between the parties, and the Court further finds that the cause should be and is hereby dismissed with prejudice.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this cause is dismissed with prejudice.

S/ Fred Daugherty
Judge

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OKLAHOMA

GRAND RIVER DAM AUTHORITY, a public corporation, Plaintiff,	)	
vs	)	
1 Tract of Land containing 47.8 Acres, Ben Keller, et al.,	)	Civil No. 5642
Defendants.	)	

FILED

MAR - 4 1964

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

JUDGMENT ON VERDICT

This action came on for trial before the Court and a jury, Honorable LLOYD E. BARNEY, District Judge, presiding, and the issues being to determine the just compensation to be paid for the taking of the lands designated and described in this proceedings as Tract 8 MF 73 + FE, and the jury having rendered its verdict awarding and fixing just compensation in the amount of $ 8,300.00.

The Court finds that the verdict of the jury is regular in all respects and that each and all of the allegations of the petition in condemnation are true and that the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes set forth in said petition; and, that it is necessary and convenient to acquire by condemnation the lands and/or estate therein, as hereinafter described.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the sum of $ 8,300.00, fixed by jury verdict, is full and just compensation for the taking of the lands and/or estate therein.

The lands or estate taken are as follows, to-wit:

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 Grand River Dam Authority, a public corporation, have and recover a judgment against Don Keller and Thurma L. Keller for and in the sum of $ 1,740.00 , together with interest at the rate of 6% per annum from the 21st day of June ,1963 , until paid, the same being the difference between the award of the commissioners and the verdict of the jury.

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 2nd day of March ,1964 , upon the depositing of the commissioners' award with the registry of this Court for the lands and estates taken in and to the above described land.

NOBLE C. HOOD

By M. Hamm
Deputy

Dated at Tulsa, Oklahoma

March 2nd 1964 .

Approved and ordered entered
this 4th day of March,
1964

Allen E. Barrow
U. S. District Judge

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OKLAHOMA

GRAND RIVER DAM AUTHORITY, a public corporation, Petitioner,	)	
vs.	)	Civil No. [illegible]
1 Tract of Land consisting of 58.1 Acres, more or less, in Mayes County, Oklahoma, N. S. Gay, et al., Defendants.	)	

FILED

MAR [illegible] 1964

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

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the 3 day of February, 19 64, 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, 19 63, as modified by the stipulation 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, 19 63, as modified, 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:

TRACT NO. 8 MF 2 FE
(Perpetual Easement Upon)

The following described land situated in Mayes County, Oklahoma, to wit: That part of the E½ SE¼ lying south and east of the following described line: Beginning at a point in the west boundary of said E½ SE¼ 660 feet north of the southwest corner thereof, thence in a northeasterly direction to a point 1320 feet north and 330 feet east of said southwest corner, thence easterly parallel to the south boundary of said E½ SE¼ a distance of 165 feet, thence northerly parallel to the west boundary of said E½ SE¼ a distance of 660 feet, thence easterly parallel to the north boundary of said E½ SE¼ a distance of 330 feet, thence northerly parallel to the east boundary of said E½ SE¼ a distance of 330 feet, thence in a northwesterly direction to a point in the north boundary of said E½ SE¼ 660 feet east of the northwest corner thereof, in Sec. 31, T 22 N, R 20 E of the Indian Base and Meridian, containing 58.1 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, 19 63, upon the depositing of the sum of $ 4,050.00 with the registry of this Court for the lands and estates taken in and to the above described land.

NOBLE C. HOOD

By [signature]
Deputy

Dated at Tulsa, Oklahoma
4 March February 19 64.

Approved and ordered entered
this 3 day of February March,
1964.

[signature]
U. S. District Judge

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

AUTOMOBILE CLUB INSURANCE COMPANY, a corporation, Plaintiff, vs. MARION HIGBEE and VIRGINIA LEE HIGBEE, Defendants and Third Party Plaintiffs, LLOYD LINDVALL, Defendant, vs. FARMERS INSURANCE EXCHANGE, Third Party Defendant.	No. 5361

FILED
MAR - 5 1964
NOBLE C. HOOD
Clerk, U. S. District Court

O R D E R

On the 27th day of February, 1964 the subject action came on for jury trial pursuant to regular assignment. Automobile Club Insurance Company appeared by its attorney of record Remington Rogers; Marion Higbee and Virginia Lee Higbee appeared in person and by their attorney of record James R. Eagleton; Lloyd Lindvall appeared in person and by his attorneys of record Frank Leslie and Philip Landa; Farmers Insurance Exchange appeared by its attorney of record Alfred Knight, all parties appearing announced ready for trial, and thereupon announced to the Court that a settlement of the subject controversies had been reached and agreed to by all the parties on the basis of Automobile Club Insurance Company paying $15,250.00 together with one-half of the court costs of this proceedings and one-half of the court costs incurred in Tulsa County District Court case number 102837; Tulsa County District Court case number 103978, and Tulsa County Court of Common Pleas case number 61409; on the basis of Farmers Insurance Exchange paying $7,500.00 and the other half of the court costs above mentioned. Thereupon all appearing parties requested that the subject proceedings be dismissed with prejudice.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED that in consideration of the settlement above made and hereby approved the complaint as amended and amended answers of Automobile Club Insurance Company filed herein are dismissed with prejudice; that the answers

and counterclaims as amended of Lloyd Lindvall are dismissed with prejudice; that the petition and intervention and third party complaint of Farmers Insurance Exchange is dismissed with prejudice; that the answers third party complaint counterclaims for declaratory judgment and answers as amended of Marion H. Higbee and Virginia Lee Higbee are dismissed with prejudice.

Dated this 5th day of March, 1964.

Judge

APPROVED:

Remington Rogers, attorney of record for Automobile Club Insurance Company, plaintiff.

Frank Leslie

Frank Leslie

Philip Landa, Attorneys of Record for Lloyd Lindvall, Defendant

Alfred Knight attorney of record for Farmers Insurance Exchange, Third Party Defendant

James R. Eaglston, attorney of record for Marion Higbee and Virginia Lee Higbee, Defendants and Third Party Plaintiffs.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OKLAHOMA

GRAND RIVER DAM AUTHORITY, a public corporation, Plaintiff,	)	
vs	)	
70 Acres more or less in Mayes County, Oklahoma, John O. Wilkerson, Jr., et al., Defendants.	)	Civil No. 5640

FILED

MAR - 5 1964

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

JUDGMENT ON VERDICT

This action came on for trial before the Court and a jury, Honorable Fred Daugherty, District Judge, presiding, and the issues being to determine the just compensation to be paid for the taking of the lands designated and described in this proceedings as Tract 8 MF 61 + FE and 8 MF 70 + FE, and the jury having rendered its verdict awarding and fixing just compensation in the amount of $ 5,331.25.

The Court finds that the verdict of the jury is regular in all respects and that each and all of the allegations of the petition in condemnation are true and that the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes set forth in said petition; and, that it is necessary and convenient to acquire by condemnation the lands and/or estate therein, as hereinafter described.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the sum of $ 5,331.25, fixed by jury verdict, is full and just compensation for the taking of the lands and/or estate therein.

The lands or estate taken are as follows, to-wit:

Tract No. 8 MF 61 - FE Rev. 2

PEF TITLE
to

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

All those parts of the E½ NE¼ NW¼ and the NE¼ SE¼ NW¼ described as follows: Beginning at the northeast corner of said NE¼ SE¼ NW¼, thence southerly along the east boundary of said NE¼ SE¼ NW¼ to the southeast corner thereof, thence westerly along the south boundary of said NE¼ SE¼ NW¼ a distance of 360 feet, thence in a northwesterly direction to a point in said NE¼ SE¼ NW¼ 140 feet north and 30 feet east of the southwest corner thereof, thence northerly parallel to the west boundary of said NE¼ SE¼ NW¼ a distance of 130 feet, thence in a northeasterly direction to a point in said NE¼ SE¼ NW¼ 330 feet north and 50 feet east of the southwest corner thereof, thence northerly parallel to the west boundary of said NE¼ SE¼ NW¼ to a point 130 feet south of the north boundary thereof, thence westerly parallel to said north boundary to a point in the west boundary of said NE¼ SE¼ NW¼, thence northerly along the west boundaries of said NE¼ SE¼ NW¼ and said E½ NE¼ NW¼ to a point 450 feet north of the southwest corner of said E½ NE¼ NW¼, thence in a southeasterly direction to the point of beginning, in Sec. 33, T 23 N, R 20 E of the Indian Base and Meridian, containing 12.5 acres.

PERPETUAL EASEMENT
upon

Those parts of the E½ NE¼ NW¼ and the NW¼ NE¼ described as follows: Beginning at the northwest corner of said E½ NE¼ NW¼, thence easterly along the north boundary of said E½ NE¼ NW¼ a distance of 280 feet, thence in a southwesterly direction to a point 620 feet south and 220 feet east of the northwest corner of said E½ NE¼ NW¼, thence in a southwesterly direction to a point 520 feet north and 130 feet east of the southwest corner of said E½ NE¼ NW¼, thence in a southeasterly direction to a point 420 feet north and 240 feet east of said southwest corner, thence in a southeasterly direction to a point 370 feet north and 320 feet west of the southeast corner of said E½ NE¼ NW¼, thence in a northeasterly direction to a point in said NW¼ NE¼ 470 feet north and 30 feet east of the southwest corner thereof, thence in a southeasterly direction to a point 80 feet north and 160 feet east of said southwest corner, thence easterly parallel to the south boundary of said NW¼ NE¼ a distance of 210 feet, thence in a northeasterly direction to a point 440 feet north and 650 feet west of the southeast corner of said NW¼ NE¼, thence in a northeasterly direction to a point 340 feet south and 540 feet west of the northeast corner of said NW¼ NE¼, thence in a northwesterly direction to a point 180 feet south and 600 feet west of said northeast corner, thence in a southeasterly direction to a point 280 feet south and 160 feet west of said northeast corner, thence in a southwesterly direction to a point 560 feet north and 250 feet west of the southeast corner of said NW¼ NE¼, thence in a southwesterly direction to a point in the south boundary of said NW¼ NE¼ 420 feet west of said southeast corner, thence westerly along the south boundary of said NW¼ NE¼ to the southwest corner thereof, thence in a northwesterly direction to a point in the west boundary of said E½ NE¼ NW¼ 450 feet north of the southwest corner thereof, thence northerly along said west boundary to the point of beginning;

and

All of the NE¼ SE¼ NW¼ except that portion to be acquired in fee and described above;

and

That part of the NE¼ NE¼ described as beginning at a point in the east boundary of said NE¼ NE¼ 420 feet south of the northeast corner thereof, thence southerly along the east boundary of said NE¼ NE¼ to the southeast corner thereof, thence westerly along the south boundary of said NE¼ NE¼, a distance of 330 feet, thence in a northeasterly direction to a point 280 feet north and 200 feet west of the southeast corner of said NE¼ NE¼, thence northerly parallel to the east boundary of said NE¼ NE¼ a distance of 620 feet, thence easterly parallel to the north boundary of said NE¼ NE¼ to the point of beginning;
All in Sec. 33, T 23 N, R 20 E of the Indian Base and Meridian, containing 25.2 acres.

Tract No. 8 HF 70 + FE Rev.

FEE TITLE

to

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

All those parts of Lots 3 and 4 lying south and east of the following described line: Beginning at a point in said Lot 4 790' South and 760' East of northwest corner thereof, thence in a northeasterly direction to a point 450 feet south and 360 feet west of the northeast corner of said Lot 4, thence in a northwesterly direction to a point in the north boundary of said Lot 4, 760 feet east of the northwest corner thereof, thence easterly along said north boundary a distance of 190 feet, thence in a southeasterly direction to a point 300 feet south and 170 feet west of the northeast corner of said Lot 4, thence in a northeasterly direction to a point in the north boundary of said Lot 3 210 feet east of the northwest corner thereof, thence easterly along the north boundary of said Lot 3 to the meander corner on the right bank of Grand River, including any and all right, title and interest in and to the bed and banks of Grand River incident to the ownership of the above-described land, all in Sec. 34, T 23 N, R 20 E of the Indian Base and Meridian, containing 6.0 acres.

PERPETUAL EASEMENT

upon

All of Lot 5 and all of Lot 3 except that portion to be acquired in fee and described above, and all of Lot 4 except that portion to be acquired in fee and described above and except that portion of Lot 4 described as follows: Beginning at the northwest corner of said Lot 4, thence easterly along the north boundary of said Lot 4 a distance of 170 feet, thence in a southeasterly direction to a point 160 feet south and 360 feet east of said northwest corner, thence southerly parallel to the west boundary of said Lot 4 a distance of 70 feet, thence in a southwesterly direction to a point 400 feet south and 200 feet east of the northwest corner of said Lot 4, thence in a southwesterly direction to a point in the west boundary of said Lot 4 420 feet south of the northwest corner thereof, thence northerly along said west boundary to the point of beginning, all in Sec. 34, T 23 N, R 20 E of the Indian Base and Meridian, containing 23.1 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 John C. Wilkerson, Jr., also known as J. C. Wilkerson, Jr., and Naomi Wilkerson have and recover a judgment against Grand River Dam Authority, a public corporation for and in the sum of $ 838.75, together with interest at the rate of 6% per annum from the 16th day of August, 1963, until paid, the same being the difference between the award of the commissioners and the verdict of the jury.

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 16th day of August, 1963, upon the depositing of the commissioners' award with the registry of this Court for the lands and estates taken in and to the above described land.

NOBLE C. HOOD

By Ben B. Ballenger

Ben B. Ballenger Deputy

Dated at Tulsa, Oklahoma

March 5th 1964.

Approved and ordered entered this 5th day of March, 1964.

(S) Fred Daugherty

U. S. District Judge

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OKLAHOMA

GRAND RIVER DAM AUTHORITY, a public corporation, Petitioner,	)	
vs.	)	Civil No. 5737
1 Tract of Land consisting of 75.0 acres, more or less, in Mayes County, Oklahoma, Paul Gay, et al., Defendants.	)	

FILED

MAR - 5 1964

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

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the 5th day of **March**, 19 64, 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**, 19 **63**, as modified by the stipulation 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** 19 **63**, as modified, 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:

TRACT No. 8 MF 81 FE
(Perpetual Easement upon)

All of the N½ SE¼ NE¼ and all of the NE¼ NE¼ and that part of the NW¼ NE¼ lying North and East of the following described line: Beginning at a point in the North boundary of said NW¼ NE¼ 330 feet East of the Northwest corner thereof, thence in a Southeasterly direction to the Southeast corner thereof, all in Section 23, T 23 N, R 19 E of the Indian Base and Meridian, containing 75.0 acres, in Mayes County, Oklahoma

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, 1963, upon the depositing of the sum of $4,100.00 with the registry of this Court for the lands and estates taken in and to the above described land.

NOBLE C. HOOD

By [signature]
Deputy

Dated at Tulsa, Oklahoma
March 5 1964.

Approved and ordered entered
this 5 day of March,
1964.

(S) Fred Daugherty
U. S. District Judge

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OKLAHOMA

GRAND RIVER DAM AUTHORITY, a public corporation, Petitioner,	)	
vs.	)	Civil No. 5729
2 Tracts of Land Consisting of Lots or Blocks in the Coats Addition, Billie Kenneth Coats, et al., Defendants.	)	

FILED

MAR 10 1964

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

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the 10 day of March, 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, **as modified by stipulation** 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, **as modified** 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:

TRACT NOS. 5 MF 47-7 and 5 MF 47-8
(Fee Title To)

5 MF 47-7

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

Lots or Blocks "B" and "C" in the Coats Addition to the Town of Strang, together with all those parts of the streets adjacent thereto and incident to the ownership thereof, in Sec. 2, T 22 N, R 20 E of the Indian Base and Meridian.

5 MF 57-8

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

All of Block 16 in the Coats Addition to theTown of Strang, together with all those parts of the streets and alley adjacent thereto and incident to the ownership thereof in Sec. 2, T 22 N, R 20 E of the Indian Base and Meridian.

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, 1963, upon the depositing of the sum of $7,150.00 with the registry of this Court for the lands and estates taken in and to the above described land.

NOBLE C. HOOD

By Ben B. Ballenger
Deputy

Dated at Tulsa, Oklahoma
~~February~~ MARCH 10th 1964.

Approved and ordered entered
this 10 day of ~~February~~ MARCH,
1964.

(S) Fred Daugherty
U. S. District Judge

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

UNITED STATES OF AMERICA, Plaintiff,	)	
vs.	)	No. 5555 Civil
RAYMOND COTNER and VERA COTNER, Defendants.	)	FILED MAR 11 1964 NOBLE C. HOOD Clerk, U. S. District Court

JUDGMENT

NOW, on this 8th day of October, 1963, the above styled matter comes on for trial, plaintiff appearing by Sam E. Taylor, Assistant United States Attorney for the Northern District of Oklahoma, and the defendants appearing in person and by counsel, Paul E. Simmons, and it appearing that this is a suit upon a note.

The Court having examined the file and heard the evidence, finds that the material allegations of plaintiff's complaint are true and correct; that the defendants did on December 8, 1960, in accordance with the provisions of the Federal Housing Act, execute and deliver to the Lindsay Company of Tulsa, Oklahoma, for valuable consideration, a certain promissory note in the sum of $578.62; and that the said Lindsay Company of Tulsa, Oklahoma, did on December 14, 1960, prior to the due date of the first installment due on said note, assign said note to the First Bancredit Corporation, who in turn on December 5, 1961, pursuant to the provisions of the Federal Housing Act, assigned said note to plaintiff, United States of America.

The Court further finds that default has been made on said note, the defendants, Raymond Cotner and Vera Cotner, having failed and refused to pay the monthly installments due on said note since February 8, 1961; that in accordance with the provisions of said note and the Federal Housing Act, there is now due and owing to the plaintiff, United States of America, from the defendants, Raymond Cotner and Vera Cotner, the sum of $508.08, with interest thereon at the rate of 6 per cent per annum from February 8, 1961, until paid.

The Court further finds that the said note was given by the defendant for the purpose of paying for improvements on

property owned by said defendants and located on Route 2, Broken Arrow, Oklahoma, and by reason thereof plaintiff is entitled to judgment directing the levying of execution thereon for satisfaction of the said note.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiff have judgment against the defendants, Raymond Cotner and Vera Cotner, in the sum of $508.98, with interest thereon from February 8, 1961, until paid, together with the costs of this action accrued and accruing, and that plaintiff have a further judgment directing the levy of execution upon the property of the defendants, Raymond Cotner and Vera Cotner, located on Route 2, Broken Arrow, Oklahoma.

DATED this 9th day of March, 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. 4791
vs.	)	Tract No. E-526
368.84 Acres of Land, More or Less, Situate in Creek and Tulsa Counties, Oklahoma, and Joe Wilson, et al, and Unknown Owners, Defendants.	)	

FILED

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 $3,300.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of $3,300.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and Pleas B. and Vivian B. Craven, defendants herein, 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 $3,000.00, 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.

6. The Court finds that plaintiff and W. A. Webb, 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 $300.00, inclusive of interest, for his interest.

7. The Court 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 subordination of the oil, gas, and other minerals to the right of the United States to flood and submerge the land as may be necessary in connection with the operation and maintenance of the Keystone Dam and Reservoir Project as authorized by the Act of Congress approved May 17, 1950 (Public Law 516, 81st Congress, 2d Session), reserving to the owner or owners of the subsurface estate, or any interest therein, his or their heirs, administrators, executors, successors or assigns, all mineral rights and privileges which may be used and enjoyed without interfering with the aforesaid right of the United States, provided, however, that the type and location of any structures and/or appurtenances thereto now existing or to be erected or constructed in connection with the exercise of said mineral rights shall be subject to the prior written approval of the representative of the United States in charge of the project.

TRACT NO. E-526

INDIAN MERIDIAN
T 19 N, R 9 E

SECTION 26: W½SW¼NW¼, W½E½SW¼NW¼, N½NE¼NE¼SW¼NW¼, Northeast diagonal half of the S½NE¼NE¼SW¼NW¼, Southwest diagonal half of the SW¼SE¼NE¼SW¼NW¼, W½E½SE¼SW¼NW¼, Southwest diagonal half of the NE¼NE¼SE¼SW¼NW¼, SE¼NE¼SE¼SW¼NW¼, E½SE¼SE¼SW¼NW¼, NW¼SW¼.

SECTION 27: SE¼NE¼, E½NE¼SE¼, E½W½NE¼SE¼, Northeast diagonal half of the E½NW¼SW¼NE¼SE¼, E½SW¼NW¼NE¼SE¼, Northeast diagonal half of the W½SW¼NW¼NE¼SE¼, NW¼NW¼NE¼SE¼.

The area described aggregates 151.88 acres, more or less, situate in Creek County, Oklahoma.

The subordination of the oil, gas, and other minerals to the right of the United States to occasionally overflow, flood and submerge the land as may be necessary in connection with the operation and maintenance of the Keystone Dam and Reservoir Project as authorized by the Act of Congress approved May 17, 1950 (Public Law 516, 81st Congress, 2d Session), reserving to the owner or owners of the subsurface estate, or any interest therein, his or their heirs, administrators, executors, successors or assigns, all mineral rights and privileges which may be used and enjoyed without interfering with the aforesaid right of the United States, provided, however, that the type and location of any structures and/or appurtenances thereto now existing or to be erected or constructed in connection with the exercise of said mineral rights shall be subject to the prior written approval of the representative of the United States in charge of the project.

TRACT NO. E-526E-1

INDIAN MERIDIAN
T 19 N, R 9 E

SECTION 26: All that part of the Southwest diagonal half of the S½NE¼NE¼SW¼NW¼, W½SE¼NE¼SW¼NW¼ lying below elevation 759.0' M.S.L.

The area described aggregates 0.13 acre, more or less, situate in Creek County, Oklahoma

TRACT NO. E-526E-2

INDIAN MERIDIAN
T 19 N, R 9 E

SECTION 27: All that part of the Southwest diagonal half of the W½SW¼NW¼NE¼SE¼, W½NW¼SW¼NE¼SE¼, Southwest diagonal half of the E½NW¼SW¼NE¼SE¼, SW¼SW¼NE¼SE¼, lying below elevation 759.0' M.S.L.

The area described aggregates 0.65 acre, more or less, situate in Creek County, Oklahoma

That the plan of the tracts attached hereto and made a part hereof shall be substituted for the plan of Tract No. E-526 as shown on Schedule "B" attached to the Declaration of Taking; and

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 in the paragraph second 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.

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, as altered by the above paragraph 7, in and to the lands hereinabove referred to, as said tracts are described therein, is hereby confirmed; and

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of $3,300.00, inclusive of interest, of which amount $3.000.00 has previously been disbursed to Pleas B. and Vivian B. Craven and $300.00 to W. A. Webb.

Entered this 17th day of March, 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. 345.00 Acres of Land, More or Less, Situate in Nowata and Rogers Counties, Oklahoma, and Harry E. Bagby, et al, and Unknown Owners, Defendants.	)	CIVIL ACTION NO. 5115 Tract No. 5718-9

FILED

MAR 19 1964

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

JUDGMENT
(Partial)

1.

Now, on this 19th day of March 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 entire undivided lessor interest in and to the estate condemned in Tract No. 5718-9, as such estate and tract are described in the Declaration of Taking and Complaint 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 interest 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 January 31, 1961, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of 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 12 below.

7.

On the date of taking in this action, the owners of the lessor interest in and to the estate taken in subject tract were the defendants whose names are shown in paragraph 12 below. Such named defendants are the only persons asserting any interest in the lessor interest in and to 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 and to the estate taken in this tract.

8.

The owners of the lessor interest in and to 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 and to the estate condemned in subject tract is in the amount shown as compensation in paragraph 12 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 and to 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 lessor interest in and to the 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 and to the estate condemned herein in subject tract were the defendants whose names appear below in paragraph 12, and the right to just compensation for the lessor interest in and to the estate taken herein in this tract is vested in the parties so named.

TRACT NO. 5718-9

Owners of Lessor Interest:

H. W. Reed	1/2
Eva Payne Glass	1/4
Ernest Frances Bradfield	1/8
Julian W. Glass, Jr.	1/8

Award of Just Compensation pursuant to stipulation - $ 775.00

H. W. Reed	$387.50	
Eva Payne Glass	193.75	
Ernest Frances Bradfield	96.87	
Julian W. Glass, Jr.	96.88	$ 775.00

Deposit of estimated compensation

H. W. Reed	$387.50	
Eva Payne Glass	193.75	
Ernest Frances Bradfield	96.87	
Julian W. Glass, Jr.	96.88	$ 775.00

Disbursed to owners - $ 775.00

H. W. Reed	$387.50
Eva Payne Glass	193.75
Ernest Frances Bradfield	96.87
Julian W. Glass, Jr.	96.88

Balance due to owners - None

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hugh V. Schaefer

HUGH V. SCHAEFER
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff, vs. 345.00 Acres of Land, More or Less, Situate in Nowata and Rogers Counties, Oklahoma, and Harry E. Bagby, et al, and Unknown Owners, Defendants.	)	CIVIL ACTION NO. 5115 Tract No. 5718-9

FILED

MAR

JUDGMENT

(Partial)

1.

NOW on this 12th day of March 1964, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on an option contract, wherein the owners have agreed upon the amount of just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This Judgment applies only to the lessee and overriding royalty interests in the estate condemned in Tract 5718-9, as such estate and tract 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 the 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 January 31, 1961, 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, all of which has been disbursed, as set out in paragraph 11 below.

7.

On the date of taking in this action, the owners of the lessee and overriding royalty interests in the estate taken in the 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 lessee and overriding interests in the subject tract and the United States of America have executed an option contract, as alleged in the Complaint, wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in paragraph 11, and such option contract 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 the 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 lessee and overriding royalty interests in the estate condemned herein in the subject tract were the persons 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.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the option contract, mentioned in paragraph 8 above, hereby is confirmed; and the sum therein fixed is adopted as the award of just compensation for the lessee and overriding royalty interest in the estate condemned in subject tract as follows:

TRACT NO. 5718-9

Owner of lessee interest:

Forest Oil Corporation

Owner of Overriding royalty interest:

Wiser Oil Company

Award of just compensation pursuant to option contract -			$ 23,310.00
Forest Oil Corporation - - - -	$ 23,000.00		
Wiser Oil Company - - - - - - - -	310.00	$ 23,310.00	
Deposited as estimated compensation:			
Forest Oil Corporation - - - -	$ 23,000.00		
Wiser Oil Company - - - - - - -	310.00	$ 23,310.00	
Disbursed to owners: -			$ 23,310.00
Forest Oil Corporation - - - -	$ 23,000.00		
Wiser Oil Company - - - - - - -	310.00		
Balance due owners -			None

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hugh V. Schaefer

HUGH V. SCHAEFER
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OKLAHOMA

GRAND RIVER DAM AUTHORITY, a public corporation, Plaintiff,	)	
vs.	)	
52.2 Acres of Land, more or less, in Mayes County, Oklahoma, Lester W. Richards, et al., Defendants.	)	Civil No. 5608

FILED

MAR 12 1964

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

JUDGMENT

This action came on for trial before the Court, Honorable Allen E. Barrow, District Judge, presiding, and the issues being to determine the just compensation to be paid for the taking of the lands designated and described in this proceedings as Tract 8 MF 11+ FE Rev. (2).

The Court finds that each and all of the allegations of the petition in condemnation are true and that the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes set forth in said petition; and, that it is necessary and convenient to acquire by condemnation the lands and/or estate therein, as hereinafter described. The Court further finds that the sum of $ 4,514.00 is just compensation for said taking.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the sum of $ 4,514.00, be and is hereby fixed as full and just compensation for the taking of the lands and/or estate therein.

The lands or estate taken are as follows, to-wit:

30, T 23 20

[illegible] ADJUDGED AND DECREED [illegible] the estate [illegible] [illegible] unencumbered fee simple title to the lands [illegible] as "fee simple"; [illegible] the estate [illegible] 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 thereon, and thereon 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 defendants, Lester W. Richards and Alta Richards have and recover a judgment against the plaintiff, Grand River Dam Authority, a public Corporation, for and in the sum of $1,003.00, together with interest at the rate of 6% per annum from the 9th day of July, 1963, until paid, the same being the difference between the award of the commissioners and the verdict of the jury.

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 9th day of July, 1963, upon the depositing of the commissioners' award with the registry of this Court for the lands and estates taken in and to the above described land.

DATED at Tulsa, Oklahoma, this 12th day of March, 1964.

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

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OKLAHOMA

GRAND RIVER DAM AUTHORITY, a public corporation, Petitioner,	)	
vs.	)	Civil No. 5695
1 Tract of Land, Containing 79.6 Acres, More or Less, in Mayes County, Oklahoma, W. J. Sullivan, et al., Defendants.	)	

FILED

MAR 12 1964

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

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the 12th day of March, 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 15th day of August, 1963 as modified by stipulation should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 15th day of August, 1963, as modified 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:

TRACT NO. 4 NF 19 Rev.
(Fee Title To)

Lot 3 except the northeast 1.5 acres thereof and Lot 2 except the northwest 10.0 acres thereof, and the NW¼ NE¼ SW¼, and the S½ NE¼ SW¼, and Lot 8, all in Sec. 26, T 22 N, R 20 E of the Indian Base and Meridian, containing 79.6 acres, in Mayes County, Oklahoma.

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 15th day of August, 1963, upon the depositing of the sum of $10,200.00 with the registry of this Court for the lands and estates taken in and to the above described land.

(S) Allen E. Barrow
United States District Judge

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OKLAHOMA

GRAND RIVER DAM AUTHORITY, a public corporation, Plaintiff,	)	
vs.	)	
3 Tracts of Land, containing 406.2 acres, B. B. Gay, also known as Burley Gay, et al., Defendants.	)	Civil No. 5698

FILED

MAR 12 1964

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

JUDGMENT

This action came on for trial before the Court, Honorable Allen E. Barrow, District Judge, presiding, and the issues being to determine the just compensation to be paid for the taking of the lands designated and described in this proceedings as Tracts No. 5 MF 39 FE, 5 MF 38 + FE and 5 MF 43 FE.

The Court finds that each and all of the allegations of the petition in condemnation are true and that the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes set forth in said petition; and, that it is necessary and convenient to acquire by condemnation the lands and/or estate therein, as hereinafter described. The Court further finds that the sum of $ 35,675.50 is just compensation for said taking.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the sum of $ 35,675.50, be and is hereby fixed as full and just compensation for the taking of the lands and/or estate therein.

The lands or estate taken are as follows, to-wit:

[illegible]

[illegible]

[illegible] feet [illegible]
said [illegible] distance [illegible]
direction to [illegible]
feet east of the southeast [illegible]
[illegible]

[illegible] 42 [illegible]

All of the [illegible] SE and all of the [illegible] and that [illegible] SE¼ NE¼ described as follows: Beginning at a point [illegible] boundary of said SE¼ NE¼ [illegible] feet south of the northwest [illegible] thereof; thence in a southeasterly direction to a point [illegible] south boundary of said [illegible] feet east of said [illegible] corner; thence [illegible] the same boundary [illegible] SE¼ NE¼ a distance of [illegible] north [illegible] a southeasterly [illegible] west [illegible] easterly [illegible] along [illegible] thence [illegible] west [illegible]

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 defendants, B. B. Gay, also known as Burley Gay and Nannie Gay, husband and wife, have and recover a judgment against the plaintiff, Grand River Dam Authority, a public corporation, for and in the sum of $6,250.50, together with interest at the rate of 6% per annum from the 9th day of Septemb 1963, until paid, the same being the difference between the award of the commissioners and the verdict of the jury.

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 Authnrity on the 9th day of September, 1963, upon the depositing of the commissioners' award with the registry of this Court for the lands and estates taken in and to the above described land.

DATED at Tulsa, Oklahoma, this 12th day of March, 1964.

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

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OKLAHOMA

GRAND RIVER DAM AUTHORITY, a public corporation, Plaintiff,	)	
vs.	)	
1 Tract of Land consisting of 122.80 acres, Lillie May Duncan, et al., Defendants.	)	Civil No. 5731

FILED

MAR 12 1964

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

JUDGMENT

This action came on for trial before the Court, Honorable Allen E. Barrow, District Judge, presiding,

and the issues being to determine the just compensation to be paid for the taking of the lands designated and described in this proceedings as Tract [illegible].

The Court finds that each and all of the allegations of the petition in condemnation are true and that the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes set forth in said petition; and, that it is necessary and convenient to acquire by condemnation the lands and/or estate therein, as hereinafter described. The Court further finds that the sum of $ 21,107.50 is just compensation for said taking.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the sum of $ 21,107.50, be and is hereby fixed as full and just compensation for the taking of the lands and/or estate therein.

The lands or estate taken are as follows, to-wit:

TRACT No. 6 MF 2 + FE Rev., and
TRACT CR - 34 A and B
(Fee Title to and Perpetual Easement upon)

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

Fee Title to:
6 MF 2 + FE Rev.
All that part of Lot 3 lying South and East of the following described line: Beginning at a point in the North boundary of said Lot 3, 660 feet East of the Northwest corner thereof, thence in a Southwesterly direction to a point 660 feet South and 200 feet East of said Northwest corner, thence in a Southwesterly direction to a point in the West boundary of said Lot 3, 825 feet South of said Northwest corner;

and

those parts of the N½ NE¼ SW¼ described as beginning at the Southeast corner of said N½ NE¼ SW¼, thence Westerly along the South line of said tract a distance of 500 feet to the center of the channel of Spavinaw Creek, thence up said Spavinaw Creek in a Northeasterly direction along the center of the channel of said Spavinaw Creek following its meander line to a point in the center of the channel directly North of and a distance of 376 feet from the Southeast corner of said tract, thence South along the East line of said tract a distance of 376 feet to the Southeast corner of said tract; and beginning at the Northwest corner of said N½ NE¼ SW¼, thence East along the North line of said tract a distance of 350 feet to the center of said channel of Spavinaw Creek, thence up said Spavinaw Creek in a Southwesterly direction along the center of said Spavinaw Creek following its meander line to a point in the center of the channel directly East of and a distance of 133 feet from the Southwest corner of said tract, thence West along the South line of said tract a distance of 133 feet to the Southwest corner of said tract, thence North along the West line of said tract a distance of 660 feet to the point of beginning;

and

that part of the S½ NE¼ SW¼ described as beginning at the Northwest corner of said S½ NE¼ SW¼, thence East along the North line of said tract a distance of 133 feet to a point in the center of the old channel of Spavinaw Creek, thence up the meander line of the old channel of Spavinaw Creek in a Southeasterly direction to a point which is 504 feet South and 333 feet East of the point of beginning, thence along the center of channel of Spavinaw Creek following its meander line in a Northeasterly direction to a point in the channel of Spavinaw Creek which is directly West of and a distance of 500 feet from the Northeast corner of said S½ NE¼ SW¼, thence Easterly along the North line of said tract to the Northeast corner of said tract, thence South along the East line of said tract to a point 200 feet North of the Southeast corner of said tract, thence in a Southwesterly direction to a point in the South boundary of said tract 200 feet West of the Southeast corner thereof, thence West along the South line of said tract a distance of 1220 feet to the Southwest corner of said tract, thence North along the West line of said tract a distance of 660 feet to the Northwest corner of said S½ NE¼ SW¼;

and

all of Lot 4 and all that part of the SE¼ SW¼ lying West of the following described line: Beginning at a point in the North boundary of said SE¼ SW¼ 200 feet West of the Northeast corner thereof, thence in a Southwesterly direction to a point 660 feet West and 660 feet South of said Northeast corner, thence in a Southwesterly direction to a point 550 feet East and 330 feet North of the Southwest corner of said SE¼ SW¼, thence in a Southwesterly direction to a point in the South boundary of said SE¼ SW¼ 330 feet East of the Southwest corner thereof except that portion contained in the northernmost City of Tulsa conduit line right of way;

and

that part of the W½ W½ SE¼ lying South of the channel of Spavinaw Creek and North of the northernmost boundary of the northernmost City of Tulsa conduit line right of way and a strip of land 50 feet in width lying South of and adjacent to the southernmost boundary of said northernmost City of Tulsa conduit line right of way; all in Section 18, T 22 N, R 21 E of the Indian Base and Meridian, containing 115.0 acres.

Perpetual Easement upon:
6 MF 2 + PE Rev.

That part of the SE¼ SW¼ described as follows: Beginning at a point in the North boundary of said SE¼ SW¼ 100 feet West of the Northeast corner thereof, thence Southerly parallel to the East boundary of said SE¼ SW¼ a distance of 200 feet, thence in a Southwesterly direction to a point 330 feet West and 450 feet South of the Northeast corner of said SE¼ SW¼, thence Westerly parallel to the North boundary of said SE¼ SW¼ a distance of 100 feet, thence in a Southwesterly direction to a point 660 feet West and 495 feet North of the Southeast corner of said SE¼ SW¼, thence Easterly parallel to the South boundary of said SE¼ SW¼ a distance of 200 feet, thence in a Southeasterly direction to a point in the South boundary of said SE¼ SW¼ 330 feet West of the Southeast corner thereof, thence Westerly along said South boundary to a point 330 feet East of the Southwest corner of said SE¼ SW¼, thence in a Northeasterly direction to a point 550 feet East and 330 feet North of said Southwest corner, thence in a Northeasterly direction to a point 660 feet North and 660 feet East of said Southwest corner, thence in a Northeasterly direction to a point in the North boundary of said SE¼ SW¼ 200 feet West of the Northeast corner thereof, thence Easterly along said North boundary to the point of beginning except that portion contained in the southermost City of Tulsa conduit line right of way;

and

that part of the N½ W½ W½ SE¼ described as beginning at the Southeast corner of said N½ W½ W½ SE¼, thence in a Northwesterly direction to a point in the southernmost boundary of the northernmost City of Tulsa conduit line right of way and 165 feet West of the East boundary of said N½ W½ W½ SE¼, thence in a Northeasterly direction on and along said right of way boundary to a point in said East boundary, thence Southerly along said East boundary to the point of beginning except that portion to be taken in fee and described above, in Section 18, T 22 N, R 21 E of the Indian Base and Meridian, containing 7.8 acres.

Fee Title to:
Tract CR-34 A

A strip of land 100 feet in width in the SE¼ SW¼ and the W½ W½ SE¼, the center line of which is described as follows: Beginning at a point in the South boundary of said SE¼ SW¼ 431 feet West of the Southeast corner thereof, thence on a curve to the right with a radius of 477.5 feet a distance of 300 feet to a point 337 feet West and 736 feet South of the Northeast corner of said SE¼ SW¼, thence in a Northeasterly direction to a point 218 feet West and 575 feet South of said Northeast corner, thence on a curve to the right with a radius of 804.93 feet a distance of 337.5 feet to a point in said W½ W½ SE¼ 627 feet West and 662 feet North of the Southeast corner thereof, thence in a Northeasterly direction to a point in the East boundary of said W½ W½ SE¼ 1015 feet North of the Southeast corner thereof, containing 3.6 acres;

and

Tract CR-34 B

That part of the SE$\frac{1}{4}$ SW$\frac{1}{4}$ lying between the westernmost boundary of the above described strip and the easternmost boundary of the Gulf Refining Company's pipeline right of way, containing 0.4 acre;

All in Section 18, T 22 N, R 21 E of the Indian Base and Meridian, the two tracts containing 4.0 acres.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant, Lillie May Duncan, have and recover a judgment against the plaintiff, Grand River Dam Authority, a public corporation, for and in the sum of $[illegible],637.50, together with interest at the rate of 6% per annum from the 26th day of November, 1963, until paid, the same being the difference between the award of the commissioners and the verdict of the jury.

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 Grand River Dam authority on the 26th day of November, 1963, upon the depositing of the commissioners' award with the registry of this Court for the lands and estates taken in and to the above described land.

DATED at Tulsa, Oklahoma this 12th day of March, 1964.

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

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

[illegible], Plaintiff, vs. SAN ORE CONSTRUCTION COMPANY, INC., a foreign corporation, and ELMER C. GARDNER, INC., a foreign corporation, both doing business as S. O. G. OF TEXAS, a joint venture, Defendants.	)	No. 5594 CIVIL

FILED

MAR 14 1964

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

ORDER OF DISMISSAL

Now, on this 14th day of March, 1964, there came on for hearing pursuant to regular assignment, the above-captioned matter for disposition. The plaintiff appeared by and through his attorney, Joe Richard, and the defendants appeared by and through their attorney, Donald Church. The Court finds that all matters herein involved have been fully compromised and settled and that the plaintiff herein has made, executed and delivered a full, final and complete release of any and all claims arising out of the matters sued on; and both parties herein orally request the Court that the above-captioned matter be dismissed with prejudice.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above-captioned matter be dismissed with prejudice.

(S) Allen E. Barrow
JUDGE

APPROVED BY:

Joe Richard, Attorney for the Plaintiff

Donald Church, Attorney for the Defendants

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff,	)	Civil No. 5682
vs.	)	Tract No. 4361E
101.69 Acres of Land, More or Less, Situate in Pawnee and Creek Counties, Oklahoma, and Kathleen Daly Reed, et al., and Unknown Owners, Defendants.	)	

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 $200.00, 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 $200.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and Wynona Conner Clemons 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 $200.00, inclusive of interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tract; that the contract and agreement is a valid one.

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 $200.00, inclusive of interest, which amount has previously been disbursed to Wynona Conner Clemons.

Entered this 14th day of March, 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

TEXACO INC., a corporation, Plaintiff, v. R. L. WADDLE, doing business as Waddle Butane & Propane Gas Co., and as Waddle Bros. Butane Company, Defendant.	CIVIL NO. 5872

J U D G M E N T

On this 16th day of March, 1964, it appearing that plaintiff is entitled to default judgment as prayed for in its complaint and in accordance with the affidavit, notice and request this date filed it is,

ORDERED that plaintiff have judgment against defendant for the sum of $18,003.05 plus interest of $1,106.63 (computed to November 30, 1963) plus costs.

U. S. Court Clerk

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff, 345.00 Acres of Land, More or Less, Situate in Nowata and Rogers Counties, Oklahoma, and Harry E. Bagby, et al, and Unknown Owners, Defendants.	CIVIL ACTION NO. 5115 Tract No. K-1163

FILED

MAR 17 1964

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

J U D G M E N T
(Partial)

1.

Now, on this 17th day of March, 1964, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on an option contract, wherein the owners have agreed upon the amount of 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 entire undivided lessee and ORR interest in the estate condemned in Tract No. K-1163, as such estate and tract 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 the 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 January 31, 1961, 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.

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, all of which has been disbursed, as set out in paragraph 11 below.

7.

On the date of taking in this action, the owners of the entire undivided lessee and ORR interest in the estate taken in the 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 said interests in the subject tract and the United States of America have executed an option contract, as alleged in the Complaint, wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in paragraph 11, and such option contract 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 the 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 lessee and ORR interests in the estate condemned herein in the subject tract were the persons whose names appear below in paragraph 11, and the right to just compensation for the lessee and ORR interests in the estate taken herein in this tract is vested in the parties so named.

It Is Further ORDERED, ADJUDGED AND DECREED that the option contract, mentioned in paragraph 8 above, hereby is confirmed; and the sum therein fixed is adopted as the award of just compensation for the lessee and ORR interests in the estate condemned in subject tract as follows:

TRACT NO. K-1163

Owner of lessee interest:

Forest Oil Corporation

Owner of ORR interest:

Wiser Oil Company

Award of just compensation
pursuant to option contract:

Forest Oil Corporation - - - - - - - $56,460.00

Wiser Oil Company - $7,415.00

Deposited as estimated compensation:

Forest Oil Corporation - - - - - - - $56,460.00

Wiser Oil Company - $7,415.00

Disbursed to owners:

Forest Oil Corporation - - - - - - - $56,460.00

Wiser Oil Company - $7,415.00

S/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

S/ Hugh V. Schaefer

HUGH V. SCHAEFER
Assistant U. S. Attorney

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

Standard Title Insurance Company, a Delaware corporation, Plaintiff,	)	
vs.	)	No. 5761 Civil
United Pacific Insurance Company, a Washington corporation, Defendant.	)	FILED
		MAR 17 1964
		NOBLE C. HOOD Clerk, U. S. District Court

O R D E R

Upon consideration of the motion of the above defendant to stay proceedings herein, or in the alternative for a change of venue or transfer of the case to the United States District Court for the Western District of Missouri, Western Division, the exhibits presented in connection with said motion, the briefs of the parties in support of and in opposition to the motion, and after conferring with the Honorable John C. Oliver, the assigned Judge of a companion declaratory judgment action pending in the United States District Court for the Western District of Missouri, Western Division, the Court finds that the proceedings herein should not be stayed but that under the provisions of 28 U. S. C., 1404, and the principles of the most convenient forum, this action should be transferred to the United States District Court for the Western District of Missouri, Western Division, for trial and disposition.

This determination, which is shared in by the Honorable John C. Oliver, is based on the premise that the incidents involved in this litigation arose or were done in the State of Missouri, that Missouri law will be involved in the matter, that most of the witnesses live in the Kansas City, Missouri, area, that much documentary evidence is located in Missouri and much as is in Oklahoma is in dormant storage and can be easily moved to Missouri without interruption of the business operation, and that from the standpoint of expense the matter can be more economically disposed of

in Missouri. Moreover, the case can be reached and disposed of in Missouri with comparable speed as might be experienced in the Northern District of Oklahoma.

It is therefore ordered that the Motion to Stay Proceedings is denied and the Motion for Change of Venue or Transfer of the above case to the United States District Court for the Western District of Missouri, Western Division, is sustained and the case is ordered transferred to such Court. The Clerk of this Court is ordered to transfer this case in conformity with the foregoing without delay.

Dated this 12 day of March, 1964.

Fred Daugherty
United States District Judge

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

JAMES D. HARDRIDGE, Plaintiff,	)	
-vs-	)	NO. 5650-CIVIL
ANTHONY J. CELEBREZZE, Secretary of Health, Education and Welfare, Defendant.	)	FILED MAR 20 1964

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

ORDER REMANDING CASE

This is an action by the plaintiff, James B. Hardridge, to review a final decision of the defendant Secretary denying the plaintiff's application for a period of disability and disability benefits as authorized by the Social Security Act, as amended, 42 U.S.C.A. §§ 416 (i)(1), 423. This court has jurisdiction of the action pursuant to § 205(g) of the Social Security Act, 42 U.S.C.A. § 405(g).

This action was filed May 17, 1963, after the Appeals Council denied plaintiff's request for review of the Hearing Examiner's adverse decision which, therefore, became the final decision of the defendant Secretary. The case has been submitted to the Court for determination on the record and briefs filed by both sides in support of their respective contentions.

The only issue before the Court is whether there is substantial evidence in the record to support the decision of the Secretary.

The record reveals no conflicting medical evidence on the fact that the plaintiff has medical determinable physical impairments which can be expected to be long-continued and of indefinite duration. The plaintiff suffers from osteoarthritis; a ruptured disc; hypertension; and

diabetes. The disability opinion of the doctors ranges from ten percent to thirty-five percent with a recommendation that the plaintiff engage in only sedentary activity. Thus the question is whether or not the impairments will prevent the plaintiff from engaging in any substantial gainful activity. The Hearing Examiner said no. The Court cannot find substantial evidence to support this conclusion and the burden of proof placed upon the plaintiff by the Hearing Examiner was too great under the law.

The definition of substantial gainful activity is as follows:

> "The activity in which a disabled claimant can be found to be able to engage must be both substantial and gainful and within his capacity and capability, realistically judged by his education, training and experience.
>
> "Such a determination requires resolution of two issues - what can applicant do and what employment opportunities are there for a man who can do only what applicant can do? Mere theoretical ability to engage in substantial gainful activity is not enough if no reasonable opportunity for this is available.
>
> "The emphasis is directed not to the average man but to the particular claimant's capabilities." Celebrezze v. Bolas, 316 F.2d 498; Farley v. Celebrezze, 315 F.2d 704.

Taking into consideration the above definition, the burden of proof of the respective parties is as follows:

> "The plaintiff is not obligated under the Social Security Act to introduce evidence which negates every imaginable job open to a man with his impairment and age and lack of experience and education. It is quite enough if he offers evidence of what he has done in the past, of his inability to perform that type of work in the future and his lack of particular experience for any other type of work. See Park v. Celebrezze, 214 F. Supp. 153. If there are other kinds of work which are available and for which the plaintiff is suited, it is the defendant's burden to adduce some evidence from which a finding could be made that he can do some type of work. Ellerman v. Flemming, 188 F. Supp. 521; Hodgson v. Celebrezze, 312 F.2d 260."

The Court finds that the plaintiff has met his burden of proof. Therefore, "it is the defendant's burden to adduce some evidence from which a finding can be made that he can do some type of work; actually, not apparently". Jarvis v. Ribicoff, 312 F.2d 707, 710. The defendant Secretary has failed to meet this burden.

The case is remanded with directions that the defendant Secretary is to be given an opportunity to meet his burden of proof. Failure to do so will result in the plaintiff being granted disability benefits in accordance with his application.

Dated this 20 day of March, 1964.

Fred Daugherty
United States District Judge

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

Seidenbach's, Inc., a Corporation, . . . Plaintiff,	)	
vs.	)	No. 5652 Civil
Alexandra deMarkoff Sale Corporation, a Corporation, . . . Defendant.	)	

FILED

MAR 30 1964

JOHN F. CONNOR
Clerk, U. S. District Court

DISMISSAL WITH PREJUDICE

Comes now the plaintiff, Seidenbach's, Inc., a Corporation, and dismisses the above styled and numbered cause of action with prejudice to the bringing of a future action.

Dated this ____ day of March, 1964.

SEIDENBACH'S, INC., a Corporation

By _____
Plaintiff

MARTIN, LOGAN, MOYERS, MARTIN & CONWAY

By _____
Attorneys for Plaintiff

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

_____
Attorney for Defendant

Pursuant to Rule 28, USDC, It is hereby ordered that the above styled and numbered cause ~~be~~ is dismissed with prejudice.

Dated this 30th day of March, 1964.

Noble C. Hood
U. S. District Court Clerk

By Ben B. Ballenger
Deputy

rdh/mk

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff,	)	Civil No. 5702
vs.	)	Tracts No. 3532E
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

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 the taking, and are entitled to receive the award therefor.

4. The Court finds the amount of $6,500.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of $6,500.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and Blanche W. Rambo, Wiley H. Rambo, Norma Rambo Yoakum, and Joe C. Yoakum entered into a contract, as evidenced by

an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of $6,500.00, inclusive of interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tract ; that the contract and agreement is a valid one; the Court further finds that under the terms of the will of James A. Walker, deceased, which will has been judicially interpreted by the Supreme Court of Oklahoma in "In Re: Walker Estate (66 P. 2d 88)", said Blanche Rambo receives outright 1/3 of this award and receives 2/3 of this award as life tenant, subject to the restrictions and terms of the will; the will is incorporated by reference herein.

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 $6,500.00, inclusive of interest, of which amount $2,166.66 has heretofore been disbursed to Blanche W. Rambo;

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

Blanche Walker Rambo and
Norma Rambo Yoakum $4,333.34

Entered this [illegible] day of March, 1964.

/s/ Allen E. Barrow
UNITED STATES DISTRICT JUDGE

APPROVED:

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

ajs

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

[illegible] CORPORATION, INC., Plaintiff, and MORGAN DRIVE-AWAY, INC., [illegible], Intervening Plaintiffs, vs. UNITED STATES OF AMERICA, INTERSTATE COMMERCE COMMISSION, Defendants, and SOUTH MOBILE HOME TRANSPORTING COMPANY, Intervening Defendant	Civil Action Number 5760

FILED

[illegible] 1964

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

JUDGMENT ON DECISION BY THE COURT

This action came on for trial before the Court, Hon. Jean S. Breitenstein, United States Circuit Judge, Hon. Allen E. [illegible] and Hon. Luther Bohanon, United States District Judges, presiding, and the issues having been duly tried, and a decision having been duly rendered;

IT IS ORDERED AND ADJUDGED that the order of the Interstate Commerce Commission is set aside and the case is remanded for further action by the Interstate Commerce Commission in accordance with the views expressed in the memorandum opinion and order filed herein on March 20, 1964.

DATED at [illegible], Oklahoma, this [illegible] day of March, 1964.

NOBLE C. HOOD
Clerk

By: [illegible]
Deputy Clerk

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

NADA ATKINS, AS EXECUTRIX OF THE ESTATE OF ALFRED A. ATKINS, DECEASED, Plaintiff	)	In Admiralty NO. _____ Action under Death on the High Seas By Wrongful Act (46 USCA 761 et seq.)
vs	)	
NORTHWEST AIRLINES, INC., Defendant	)	

FILED
MAR 23 1964
NOBLE C. HOOD
Clerk, U. S. District Court

JOURNAL ENTRY OF JUDGMENT

Now, on this 23rd day of March, 1964, the above entitled cause comes on for trial before the undersigned Judge.

Plaintiff appeared in person and by her attorney, Richard L. Gossett, and the defendant, Northwest Airlines, Inc., appeared by its attorney, Chris Rhodes III. Also present were Brosha Atkins, decedent's widow, who is claiming herein as a beneficiary, and her attorneys, James Goeppinger and John Harris.

The parties announced ready for trial and witnesses were sworn in open court and the cause proceeded to trial. Upon the pleadings filed, together with the evidence introduced, the Court, being fully advised in the premises, finds:

I.

That the plaintiff, Nada Atkins, is the duly appointed Executrix of the Estate of Alfred A. Atkins, deceased, having been appointed as such by the County Court of Pittsburg County, Oklahoma, prior to the institution of this suit. That Alfred A. Atkins was twenty years of age at the time of his death and that his death resulted from fatal injuries in an airline accident which occurred on June 3, 1963, on the high seas and outside the continental limits of the United States while he was a passenger in a DC-7 airliner owned and operated by Northwest Airlines, Inc. That Alfred A. Atkins was a resident of Tulsa County, Oklahoma, at the time of his death, temporarily residing in the State of Alaska, due to his term of duty in the military service.

II.

The Court further finds that said accident occurred on the high seas

and beyond the continental limits of the United States and that said cause therefore arises under and is controlled by 46 USCA 761 et seq., and that this Court has jurisdiction of said parties and the subject matter.

III.

The Court further finds that Alfred A. Atkins and Brosha Atkins were married in June, 1962, and of this marriage no children were born. That the decedent was never married to anyone other than Brosha Atkins and that while they were still married at the time of the said airline accident divorce proceedings were in process. That the decedent left surviving him his widow, Brosha Atkins; his mother, Nada Atkins, and his father, Denver Atkins. That his mother and father are divorced and did not reside together. That at the time of his death decedent was furnishing partial support and maintenance to Brosha Atkins and was occasionally contributing to the support and maintenance of his mother, Nada Atkins. That decedent was in no way supporting his father, Denver Atkins, and, therefore, Brosha Atkins and Nada Atkins are the only persons, under 46 USCA 761 et seq., entitled to be beneficiaries, they being the sole recipients or expected recipients of support and maintenance from and by the deceased, Alfred A. Atkins.

IV.

The Court further finds that a controversy exists between Nada Atkins, Executrix of the Estate of Alfred A. Atkins, deceased, she being the personal representative of said decedent and claiming as such personal representative to be the person to assert against the defendant herein the claims of all beneficiaries whomsoever they may be under47 USCA 761 et seq., and North-West Airlines, Inc., said controversy being whether or not any liability exists and, if so, the extent thereof, for the death of Alfred A. Atkins which resulted from the fatal injuries he sustained in an accident which occurred on the high seas and outside the continental limits of the United States, while he

was a passenger aboard a military-chartered DC-7 airliner owned and operated by the defendant, Northwest Airlines, Inc.

V.

The Court further finds that the settlement negotiated by the plaintiff against the defendant compromising all claims arising out of the alleged wrongful death of Alfred A. Atkins, in consideration of the total sum of Nine Thousand Dollars ($9000.00), which was reached after protracted and extended arm-length negotiations, is fair, just and reasonable and should be by this Court approved.

VI.

The Court further finds that the net proceeds of the judgment and settlement should be by this Court apportioned and allocated to such persons as the Court finds to be eligible beneficiaries of Alfred A. Atkins under 46 USCA 761, and in such amounts as to this Court seem proper.

VII.

The Court further finds that any and all rights which Brosha Atkins and Nada Atkins have or may have had against any other persons or entities in the accident which let to the death of Alfred A. Atkins should be assigned to and subrogated to Northwest Airlines, Inc., with full right upon its part to proceed against said party or parties in its own name or in the names of Brosha Atkins and Nada Atkins.

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

1.

That the acts of Nada Atkins, Executrix of the Estate of Alfred A. Atkins, deceased, acting as personal representative of Alfred A. Atkins, deceased, instituting and maintaining this action for the use and benefit of the beneficiaries of Alfred A. Atkins under 46 USCA 761, be and the same are hereby authorized and approved; and that her acts and negotiations of

compromise and settlement of all claims of whatsoever nature against the defendant under 46 USCA 761 for the benefit of all beneficiaries under said act, whomsoever they may be, be and the same are hereby approved.

2.

That the defendant, Northwest Airlines, Inc., and its agents, servants and employees, are released, exonerated and discharged from any and all liability of any nature whatsoever under 46 USCA 761, and otherwise at law and in equity because of any claim or claims of any nature arising out of or in any wise connected with the injuries and death unto Alfred A. Atkins, suffered on June 3, 1963, as a result of the accident involved herein.

3.

That any and all rights which this plaintiff or any of the beneficiaries hereunder have or may have had against any other persons or entities in the accident which led to the death of Alfred A. Atkins are hereby assigned to and subrogated to Northwest Airlines, Inc., with full rights upon its part to proceed against said party or parties in its own name or the name of these beneficiaries.

4.

That the allocation and apportionment of the proceeds of this judgment or settlement between the beneficiaries of Alfred A. Atkins; namely, Brosha Atkins, widow of Alfred A. Atkins, and Nada Atkins, mother of Alfred A. Atkins, be as follows:

To Brosha Atkins	$ 7000.00
To Nada Atkins	2000.00

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the plaintiff execute a release and satisfaction of this judgment, the same to be filed with the Court Clerk, and further to execute any and all instruments of receipt, release, compromise and satisfaction that may be requested by the defendant.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that all persons, whomsoever they may be, claiming to be beneficiaries of Alfred A. Atkins under 46 USCA 761, and otherwise at law or equity, be barred and enjoined from asserting any claim or claims of any nature whatsoever against Northwest Airlines, Inc., its agents, servants or employees, because of injuries, damages or claims incident to the injuries and death suffered by Alfred A. Atkins.

Judge of the United States District Court

O. K. _____
Attorney for Plaintiff

O. K. _____
Attorney for Brosha Atkins

O. K. _____
Attorney for Defendant

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

Edward Berger, Plaintiff, vs. Charles W. Davidson, Naomi Davidson, Mutual Producers, Inc., Fred Bachman, Defendants.	)	Civil No. 5474

FILED

MAR 24 1964

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

ORDER OF DISMISSAL

This case was called for disposition on this date, and neither the plaintiff nor his counsel, Jack L. Freeman, appeared, whereupon

It is ordered by the Court that this action be and it is hereby dismissed for failure to prosecute.

Dated at Tulsa, Oklahoma, this 24th day of March, 1964.

Allen E. Barrow
United States District Judge

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OKLAHOMA

GRAND RIVER DAM AUTHORITY, a public corporation, Petitioner,	)	
vs.	)	Civil No. 5831
543.52 Acres of Land, more or less, in Mayes County, Oklahoma, Gene Craig, et al., Defendants.	)	

FILED

MAR 24 1964

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

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the 24th day of March, 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 9th day of January, 1964, as modified by stipulation should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 9th day of January, 1964, as modified 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:

TRACT No. 5 MF 52 + FE, CR-1 and CR-2
(Fee Title to and Perpetual Easement upon)

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

TRACT No. 5 MF 52 + FE (Fee Title to)

All of Lots 5, 7 and 10, and all those parts of Lot 4 and the SE¼ NW¼ lying West of the following described line: Beginning at a point in the North boundary of said Lot 4 165 feet West of the Northeast corner thereof, thence Southerly parallel to the East boundary of said Lot 4 a distance of 495 feet, thence in a Southeasterly direction to the Southeast corner of said Lot 4, thence in a Southeasterly direction to a point in said SE¼ NW¼ 825 feet South and 165 feet East of the Northwest corner thereof, thence in a Southeasterly direction to a point in the South boundary of said SE¼ NW¼ 400 feet East of the Southwest corner thereof; and all of Lot 6 except that part described as beginning at a point in the North boundary of said Lot 6 400 feet East of the Northwest corner thereof, thence Easterly along said North boundary to the Northeast corner of said Lot 6, thence Southerly along the East boundary of said Lot 6 a distance of 600 feet, thence in a Southwesterly direction to a point 750 feet South and 165 feet West of the Northeast corner of said Lot 6, thence Westerly parallel to the North boundary of said Lot 6 a distance of 165 feet, thence in a Northeasterly direction to a point 165 feet West and 330 feet South of the Northeast corner of said Lot 6, thence in a Southwesterly direction to a point 660 feet West and 495 feet South of said Northeast corner, thence in a Northwesterly direction to the point of beginning; and all those parts of the SE¼ described as beginning at a point in the West boundary of said SE¼ 600 feet South of the Northwest corner thereof, thence in a Northeasterly direction to a point 495 feet South and 165 feet East of said Northwest corner, thence Easterly parallel to the North boundary of said SE¼ a distance of 330 feet, thence in a Southwesterly direction to a point 825 feet South and 165 feet East of the Northwest corner of said SE¼, thence Southerly parallel to the West boundary of said SE¼ a distance of 165 feet, thence in a Southeasterly direction to a point 1320 feet South and 330 feet East of the Northwest corner of said SE¼, thence in a Southeasterly direction to a point 1026.3 feet North and 653.4 feet East of the Southwest corner of said SE¼, thence in a Southeasterly direction to a point 495 feet North and 1155 feet West of the Southeast corner of said SE¼, thence Easterly parallel to the South boundary of said SE¼ a distance of 330 feet, thence in a Northeasterly direction to a point 660 feet North and 495 feet West of said Southeast corner, thence Easterly parallel to the South boundary of said SE¼ a distance of 165 feet, thence in a Southwesterly direction to a point in the South boundary of said SE¼ 660 feet West of said Southeast corner, thence Westerly along said South boundary to the Southwest corner of said SE¼, thence Northerly along the West boundary of said SE¼ to the point of beginning, except that portion of said SE¼ lying South and West of the County road, containing 193.67 acres including any and all right, title and interest in and to the bed and banks of Grand River incident to the ownership of the above described land; and

TRACT No. CR-1 (Fee Title to)

A strip of land in said SE¼, 150 feet in width, the center line of which is described as follows: Beginning at a point in said SE¼ 1026.3 feet North and 653.4 feet East of the Southwest corner thereof, thence on a curve to the right with a radius of 1910.08 feet a distance of 714.72 feet to a point 1320 feet East and 1297.4 feet North of said Southwest corner, containing 2.5 acres; and

TRACT No. CR-2 (Fee Title to)

A strip of land in said SE$\frac{1}{4}$, 120 feet in width, the center line of which is described as follows: Beginning at a point in said SE$\frac{1}{4}$ 1297.4 feet North and 1320 feet East of the Southwest corner thereof, thence on a curve to the right with a radius of 1910.08 feet a distance of 774.17 feet to a point 1308.5 feet North and 561 feet West of the Southeast corner of said SE$\frac{1}{4}$, thence in a Southeasterly direction to a point in the East boundary of said SE$\frac{1}{4}$ 1194.4 feet North of said Southeast corner, containing 3.7 acres;

All in Section 3, T 22 N, R 20 E of the Indian Base and Meridian. The three fee tracts containing 199.87 acres.

TRACT No. 5 MF 52 + FE (Perpetual Easement upon)

All of Lots 4 and 6 and the SE$\frac{1}{4}$ NE$\frac{1}{4}$ except those portions to be acquired in fee and described above, and all of Lot 3 except that portion described as beginning at a point in the North boundary of said Lot 3 300 feet West of the Northeast corner thereof, thence Southerly parallel to the East boundary of said Lot 3 a distance of 825 feet, thence in a Southeasterly direction to a point in the East boundary of said Lot 3 165 feet North of the Southeast corner thereof, thence Northerly along said East boundary to the Northeast corner of said Lot 3, thence Westerly along said North boundary to the point of beginning; and those parts of Lot 2, the S$\frac{1}{2}$ NE$\frac{1}{4}$ and the SE$\frac{1}{4}$ described as follows: Beginning at a point in the West boundary of said S$\frac{1}{2}$ NE$\frac{1}{4}$ 660 feet South of the Northwest corner thereof, thence in a Northeasterly direction to a point 330 feet South and 495 feet East of said Northwest corner, thence in a Northeasterly direction to a point in said Lot 2 165 feet North and 660 feet East of the Southwest corner thereof, thence Easterly parallel to the South boundary of said Lot 2 a distance of 165 feet, thence in a Southeasterly direction to a point in the South boundary of said S$\frac{1}{2}$ NE$\frac{1}{4}$ 990 feet East of the Southwest corner thereof, thence in a Southeasterly direction to a point in said SE$\frac{1}{4}$ 330 feet South and 1155 feet East of the Northwest corner thereof, thence Southerly parallel to the West boundary of said SE$\frac{1}{4}$ a distance of 495 feet, thence Easterly parallel to the North boundary of said SE$\frac{1}{4}$ a distance of 165 feet, thence in a Southeasterly direction to a point 990 feet West and 1155 feet North of the Southeast corner of said SE$\frac{1}{4}$, thence Easterly parallel to the South boundary of said SE$\frac{1}{4}$ a distance of 330 feet, thence in a Northeasterly direction to a point 330 feet West and 1155 feet South of the Northeast corner of said SE$\frac{1}{4}$, thence Northerly parallel to the East boundary of said SE$\frac{1}{4}$ a distance of 330 feet, thence in a Northeasterly direction to a point in the East boundary of said SE$\frac{1}{4}$ 495 feet South of the Northeast corner thereof, thence Southerly along said East boundary to the Southeast corner of said SE$\frac{1}{4}$, thence Westerly along the South boundary of said SE$\frac{1}{4}$ to the Southwest corner thereof, thence Northerly along the West boundaries of said SE$\frac{1}{4}$ and said S$\frac{1}{2}$ NE$\frac{1}{4}$ to the point of beginning except those portions of said SE$\frac{1}{4}$ to be acquired in fee and described above and that portion lying South and West of the County road, all in Section 3, T 22 N, R 20 E of the Indian Base and Meridian, containing 172.4 acres.
(Improvements taken - one hay barn)

TRACT No. 5 MF 60
(Fee Title to)

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

Lots 1 and 7 of Section 4, T 22 N, R 20 E of the Indian Base and Meridian, containing 27.35 acres, including any and all right, title and interest in and to the bed and banks of Grand River incident to the ownership of the above described land.

TRACT No. 7 MF 51 + FE
(Fee Title to and Perpetual Easement upon)

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

FEE TITLE to:

All that part of Lot 7 lying West of the following described line: Beginning at a point in the South boundary of said Lot 7 330 feet East of the Southwest corner thereof, thence in a Northwesterly direction to a point 495 feet North and 165 feet East of said Southwest corner, thence in a Northeasterly direction to a point in the East boundary of said Lot 7 1485 feet North of the Southeast corner thereof; and those parts of the SE¼ SW¼ described as follows: Beginning at a point in the North boundary of said SE¼ SW¼ 330 feet East of the Northwest corner thereof, thence in a Southwesterly direction to a point in the West boundary of said SE¼ SW¼ 495 feet South of said Northwest corner, thence in a Southeasterly direction to a point 495 feet North and 495 feet East of the Southwest corner of said SE¼ SW¼, thence Easterly parallel to the South boundary of said SE¼ SW¼ a distance of 330 feet, thence in a Southeasterly direction to a point 165 feet West and 165 feet North of the Southeast corner of said SE¼ SW¼, thence in a Northwesterly direction to a point 330 feet North and 165 feet East of the Southwest corner of said SE¼ SW¼, thence in a Southwesterly direction to a point in the West boundary of said SE¼ SW¼ 165 feet North of said Southwest corner, thence Northerly along said West boundary to the Northwest corner of said SE¼ SW¼, thence Easterly along the North boundary of said SE¼ SW¼ to the point of beginning, including any and all right, title and interest in and to the bed and banks of Grand River incident to the ownership of the above described land in Section 20, T 23 N, R 21 E of the Indian Base and Meridian, containing 13.6 acres.

PERPETUAL EASEMENT upon:

All of Lot 7, the SE¼ SW¼, the SW¼ SE¼, and the SE¼ NW¼ SE¼ except those parts of said Lot 7 and said SE¼ SW¼ to be acquired in fee and described above in Section 20, T 23 N, R 21 E of the Indian Base and Meridian, containing 106.2 acres. (Improvements taken - old house)

TRACT No. 8 MF 65 FE
(Perpetual Easement upon)

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

Those parts of the SE¼ described as follows: Beginning at the Southwest corner of said SE¼, thence Easterly along the South

boundary of said SE$\frac{1}{4}$ a distance of 100 feet, thence in a Northwesterly direction to a point in the West boundary of said SE$\frac{1}{4}$ 250 feet North of said Southwest corner, thence Southerly along said West boundary to the point of beginning; and Beginning at the Northwest corner of said SE$\frac{1}{4}$, thence Easterly along the North boundary of said SE$\frac{1}{4}$ a distance of 990 feet, thence in a Southwesterly direction to a point 330 feet South and 660 feet East of said Northwest corner, thence in a Southwesterly direction to a point 825 feet South and 330 feet East of said Southwest corner, thence Southerly parallel to the West boundary of said SE$\frac{1}{4}$ a distance of 165 feet, thence in a Southeasterly direction to a point 1155 feet South and 495 feet East of said Northwest corner, thence Southerly parallel to the West boundary of said SE$\frac{1}{4}$ a distance of 495 feet, thence Westerly parallel to the South boundary of said SE$\frac{1}{4}$ a distance of 330 feet, thence in a Southwesterly direction to a point in the West boundary of said SE$\frac{1}{4}$ 660 feet North of the Southwest corner thereof, thence Northerly along said West boundary to the point of beginning; and Beginning at a point in the North boundary of said SE$\frac{1}{4}$ 400 feet West of the Northeast corner thereof, thence in a Southwesterly direction to a point 330 feet South and 660 feet West of said Northeast corner, thence in a Northwesterly direction to a point 165 feet South and 990 feet West of said Northeast corner, thence Northerly parallel to the East boundary of said SE$\frac{1}{4}$ to a point in the North boundary thereof, thence Easterly along said North boundary to the point of beginning. All in Section 34, T 23 N, R 20 E of the Indian Base and Meridian, containing 24.1 acres.
(No improvements taken)

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 17th day of January, 1964, upon the depositing of the sum of $61,800.00 with the ~~Clerk~~ Registry of this Court for the lands and estates taken in and to the above described land.

Luther Bohanon
U. S. District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

The United States of America for the Use and Benefit of Butler-Sparks Equipment Co., a corporation, Plaintiff,	)	
vs.	)	Civil Action No. 5884
N. A. Johnson and N. H. Roane, a Joint Venture, doing business as Johnson & Roane, and United States Fidelity & Guaranty Company, a corporation, Defendants.	)	

FILED

MAR 24 1964

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

O R D E R

Comes now the Court and finds:

I

Pursuant to application, this court signed an order on February 28, 1964 making the United States of America and the District Engineer, Corps of Engineers, Tulsa, Oklahoma, additional parties defendant in the above-captioned case.

II

The order executed prohibited the additional parties defendant from making payment of a check payable to Johnson and Roane, a Joint Venture, but before the order was served upon the additional parties defendant, the check was already placed in the United States Mails.

The court finds no reason for the continuance of the temporary restraining order as issued on February 28, 1964, for the reason that the injuries complained of do not exist in that the check was made payable to both parties and for the further reason the check was already mailed before notice of the order or the order was received by the additional parties defendant.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the restraining order be dissolved and that the United States of America and the District Engineer, Corps of Engineers, Tulsa, Oklahoma, be dismissed as parties defendant to this action.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff, vs. 55.32 Acres of Land, More or Less, Situate in Nowata and Rogers Counties, Oklahoma, and Rachel Kell Swimmer, et al, and Unknown Owners, Defendants.	)	CIVIL ACTION NO. 4939 Tract No. U-2122E-2

FILED

MAR 25 1964

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

JUDGMENT

1.

NOW, on this _____ day of March 1964, this matter comes on for disposition on application of plaintiff, United States of America, for entry of Judgment on stipulations 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. U-2122E-2 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 June 3, 1960, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

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

7.

On the date of taking this action, the owners of the estate taken in subject tract were the defendants whose names are shown in paragraph 12 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 subject tract and the United States of America have executed and filed herein stipulations 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 12 below, and such stipulations should be approved.

9.

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

10.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power and authority to condemn for public use the 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.

11.

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 12, and the right to just compensation for the estate taken herein in this tract is vested in the parties so named.

12.

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

TRACT NO. U-2122E-2

Owners:

Glenn H. Chappell - Lessor interest in the estate taken

Western Hills Oil, Inc. - Lessee interest in the estate taken

Award of just compensation, deposit and disbursals:

	Lessor interest		Lessee interest	
Awards of just compensation pursuant to stipulations - - -	$300.00	$300.00	$1,700.00	$1,700.00
Deposited as estimated compensation - - - - - - - - - -	$250.00 - - - - -		$1,700.00	
Disbursed to owners - - - - - - - - - - -		none	- - - - -	$1,700.00
Balance due owners - - - - - - - - - - -		$300.00	- - - - -	none
Deposit deficiency - - - - - -	$ 50.00		none	

13.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the Registry of this Court, in this civil action to the credit of Tract No. U-2122E-2 the deficiency sum of $50.00, and the Clerk of this Court then shall disburse to Glenn H. Chappell the sum of $300.00.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ 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 No. 5402
vs.	)	Tract Nos. 4715E-1 & E-2
165.79 Acres of Land, More or Less, Situate in Tulsa, Pawnee, Osage, and Creek Counties, Oklahoma, and John B. Anderson, et al, and Unknown Owners, Defendants.	)	FILED MAR 25 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 tracts, based on the Report of Commissioners filed herein on the 5th day of December, 1963.

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 Report of Commissioners filed herein on the 5th day of December, 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 6 below.

4. Certain deficiencies exist between the amounts deposited as estimated just compensation for subject tracts and the amounts fixed by the Commission and the Court as just compensation and a sum of money sufficient to cover such deficiencies should be deposited by the Government. These deficiencies are set out in paragraph 6 below.

5. The Court finds upon the evidence presented that the defendants listed below in paragraph 6 were the sole owners of the above-captioned tracts on the date of taking and are entitled to receive the award thereof.

6. 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 in the sum of $1,850.00, as determined by the Report of Commissioners of December 5, 1963, which report is hereby confirmed and the sums therein fixed and adopted as just compensation for subject tracts, as shown by the following schedule:

TRACT NOS. 4715E-1 & E-2

Owner: David R. Morris & Commissioners of the Land Office, State of Oklahoma (Mortgagee)

Award of Just Compensation - - - - - - - - - - - - - - -	$1,850.00
Deposited as Estimated Compensation - - - - - - - - - -	$1,550.00
Disbursed to Owner - - - - - - - - - - - - - - - - - - -	$ -0-
Balance due to Owner - - - - - - - - - - - - - - - - - -	$1,850.00
Deposit Deficiency - - - - - - - - - - - - - - - - - - -	$ 300.00

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of $300.00, with interest at 6% per annum from May 11, 1962, until the date of deposit of such deficiency. 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:

David R. Morris & Commissioners
of the Land Office of the
State of Oklahoma - - - - - - - - $1,850.00, plus all accrued interest.

Entered this 27th day of March, 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,	)	Civil No. 5825
vs.	)	Tract No. 2832-3M
2,102.11 Acres of Land, More or Less, Situate in Osage County, Oklahoma, and D. P. Weems, et al, and Unknown Owners, Defendants.	)	FILED MAR 25 1964 NOBLE C. HOOD Clerk, U. S. District Court

PARTIAL
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 95% of the oil lessee interest 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 95% of the oil lessee interest of the above tract on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of $1,282.50 (for the 95% interest in the oil lease), 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 $779.00 was deposited for the oil lessee interest 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 C. R. Colpitt and R. F. Brownlee, defendants herein, have by the stipulation agreed that the just

compensation to be paid by the plaintiff for the taking of 95% of the oil lessee interest subordinated in the above tract is the sum of $1,282.50, 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 95% of the oil lessee interest is the sum of $1,282.50, inclusive of interest, of which sum $779.00 has previously been disbursed to C. R. Colpitt and R. F. Brownlee;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of $503.50, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payees:

C. R. Colpitt and R. F. Brownlee.....$503.50.

Entered this [illegible] day of March, 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,	)	CIVIL ACTION NO. 4640
v.	)	Tracts Nos. 0-1591E-1 and 0-1591E-2
47.26 Acres of Land, More or Less, Situate in Nowata County, Oklahoma, and Julian W. Glass, Jr., et al, and Unknown Owners, Defendants.	)	

FILED
MAR 27 1964
NOBLE C. HOOD
Clerk, U. S. District Court

J U D G M E N T

1.

NOW, on this 27th day of March, 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 Nos. 0-1591E-1 and 0-1591E-2, as such estate 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 the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in subject tracts.

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on February 16, 1959, the United States of America filed its Declaration of Taking of such described property, and title to the described

estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

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

7.

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

8.

The owners of the lessor interest 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 estate condemned in subject tracts is in the amount shown as compensation in paragraph 12 below, and such stipulation should be approved.

9.

A deficiency exists between the amount 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 owners. Such deficiency is set out in paragraph 12 below.

10.

It Is, Therefore, ORDERED, ADJUDGED, AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in paragraph 2 herein, as such tracts are particularly described in the Complaint and Declaration of Taking filed herein; and such tracts, to the extent of the estates described and for the uses 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 such Declaration of Taking,

and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto.

11.

It Is Further ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owners of the lessor interest in the estates condemned herein in subject tracts were the defendants whose names appear below in paragraph 12, 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.

12.

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

TRACTS NOS. 0-1951E-1 AND 0-1591E-2

Owners of lessor interest:

Harold Boyd and Dorothy E. Boyd

Award of just compensation pursuant to stipulation - - - - - - - -	$100.00	$100.00
Deposited as estimated compensation - - - -	50.00	
Disbursed to owners - - - - - - - - - - - - -		50.00
Balance due to owners -		$50.00
Deposit deficiency - - - - - - - - - - - - - -	$50.00	

13.

It Is Further ORDERED, ADJUDGED, AND DECREED that the United States of America shall deposit in the Registry of this Court, in this civil action, to the credit of subject tracts, the deficiency sum of $50.00, and the Clerk of this Court then shall disburse from the deposit for subject tracts the sum of $50.00 to Harold Boyd and Dorothy E. Boyd.

/s/ Allen E. Barrow
UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hugh V. Schaefer
HUGH V. SCHAEFER
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff, vs. 290.00 Acres of Land, More or Less, Situate in Nowata and Rogers Counties, Oklahoma, and Heirs of Mayme Levine, deceased, et al, and Unknown Owners, Defendants.	CIVIL ACTION NO. 4887 Tract No. 5731-C

FILED
MAR 27 1964
NOBLE C. HOOD
Clerk, U. S. District Court

J U D G M E N T

1.

Now, on this 27th day of March, 1964, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of judgment on an option contract and a stipulation, whereby the owners have agreed upon the amount of 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. 5731-C, as such estate and tract 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 the subject tracts.

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on March 11, 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 described 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 the 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 an option contract, as alleged in the Complaint, or 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, and such option contract and 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 the 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 the subject tract were the persons 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, as their respective interests appear therein.

11.

It Is Further ORDERED, ADJUDGED AND DECREED that the option contract and the Stipulation As To Just Compensation, mentioned in paragraph 8 above, hereby are confirmed; and the sums therein fixed are adopted as the awards of just compensation for the respective interests in the estate condemned in subject tract as follows:

TRACT NO. 5731-C

Owners:

Lessor interest:

Estate of Edward C. Lawson, deceased - - - - 44.919%
(Edward C. Lawson, Jr. is executor)

Jessie W. Campbell - - - - - - - - - - - - - - 55.081%

Lessee interest:

Clemen A. Timpte and
Portia E. Timpte

Awards of just compensation, deposit and disbursals:

	Lessor Interest		Lessee Interest	
Awards of just compensation pursuant to stipulation - -	$1,800.00	$1,800.00		
pursuant to option - - - -			$20,753.00	$20,753.00
Deposited as estimated compensation - - - - - - - -	$900.00		$20,753.00	
Disbursed to owners - - - - - -		$900.00		$20,753.00
Balance due to owners - - - - -	$900.00		None	
Deposit deficiency - - - - - -		$900.00		None

12.

It Is Further ORDERED that the United States of America shall deposit in the Registry of this Court to the credit of the subject tract the deposit deficiency in the amount of $900.00. The Clerk of this Court then shall disburse from such deposit for Tract No. 5731-C the balance on deposit as follows:

To Edward C. Lawson, Jr., executor of the estate of Edward C. Lawson, deceased - - - - - - $404.27

To Jessie W. Campbell - - - - - - - - - - $495.73

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

Allen E. Barrow

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff, vs. 198.39 Acres of Land, More or Less, Situate in Nowata County, Oklahoma, and Forest Oil Corporation, et al, and Unknown Owners, Defendants.	CIVIL ACTION NO. 5409 Tracts Nos. 6604-C and 6605-G

FILED

MAR 27 1964

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

JUDGMENT

1.

NOW, on this 27th day of March, 1964, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of judgment on stipulations 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 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 the 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 May 21, 1962, 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 certain estates in the 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 estates taken in the subject tracts were the defendants whose names are shown in paragraph 11 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 Stipulations As to Just Compensation, wherein they have agreed that just compensation for their respective interests in the estates condemned in subject tracts is in the amounts shown as compensation in paragraph 11, and such Stipulations 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 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 other persons interested in such estates 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 estates condemned herein in the subject tracts were the persons whose names appear below in paragraph 12, and the right to just compensation for the respective interests in the estates taken herein in these tracts is vested in the parties so named.

It Is Further ORDERED, ADJUDGED, AND DECREED that the Stipulations As To Just Compensation, mentioned in paragraph 8 above, hereby are confirmed; and the sums therein fixed are adopted as the awards of just compensation for the respective interests in the estates condemned in subject tracts as follows:

TRACTS NOS. 6604-C AND 6605-G

Owners:

Lessor interest - Glenn H. Chappell

Lessee interest - Hidalgo-Willacy Oil Company

	Lessor Interest		Lessee Interest	
Awards of just compensation, pursuant to Stipulations - -	$300.00	$300.00	$1,850.00	$1,850.00
Deposited as estimated compensation - - - - - - - -	$300.00		$1,850.00	
Disbursed to owners - - - - - -		$300.00		$1,850.00
Balance due - - - - - - - - - - -		None		None

UNITED STATES DISTRICT JUDGE

APPROVED:

HUBERT A. MARLOW
Assistant U. S. Attorney

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF OKLAHOMA

GRAND RIVER DAM AUTHORITY, a public corporation, Petitioner,	)	
vs.	)	Civil No. 5775
1 tract of land containing 128.7 acres, more or less, in Mayes County, Oklahoma, O. K. Short, et al., Defendants.	)	

FILED

MAR 27 1964

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

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the [illegible] day of **March**, 19 64, 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 3rd day of **February**, 19 64 **as modified by stipulation** should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 3rd day of **February**, 19 64, **as modified,** 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:

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 14th day of February, 19 64, upon the depositing of the sum of $ 18,650.00 with the ~~Clerk~~ registry of this Court for the lands and estates taken in and to the above described land.

U. S. District Judge

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

INDIANA STEEL TANK CORPORATION, an Indiana Corporation, Plaintiff	)	No. 5913 Civil
-vs-	)	
BOYLES GALVANIZING & PLATING COMPANY, an Oklahoma Corporation	)	

ENTRY OF JUDGMENT

Pursuant to request for Judgment filed in the above styled case, Judgment is entered in favor of the Defendant in the amount of $39,326.14, with interest thereon at the statutory rate, against plaintiff Indiana Steel Tank CorporATION, a corporation.

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

By M. M. Ewing, Deputy

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America, Plaintiff,	)	
vs.	)	CIVIL ACTION NO. 4973
503.74 Acres of Land, More or Less, Situate in Nowata County, Oklahoma, and Hinman Stuart Milam, et al, and Unknown Owners, Defendants.	)	Tract No. 5706-I

FILED

MAR 30 1964

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

J U D G M E N T

1.

NOW, on this 30 day of March 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. 5706-I, as such estate and tract are described in 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 28, 1960, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of a certain estate in the subject tract a certain sum of money, and none 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 July 28, 1960, 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.

11.

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 estate condemned in subject tract as follows:

TRACT NO. 5706-I

Owners:

Delores Rozzell - - - - 1/3
Marcus Dale - - - - - - 1/3
Carlie Ethel Dale - - - 1/3

Total Award of Just Compensation - - - - - - - - -	$147.00	$147.00
Total Deposit of Estimated Compensation - - - - -	147.00	
Deposit Disbursed to Owners - - - - - - - - - - - - - - - - - -		None
Balance Due Owners -		$147.00

12.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of this Court shall disburse from the deposit for the subject tract the sum of $49.00 to Delores Rozzell, $49.00 to Marcus Dale, and $49.00 to Carlie Ethel Dale.

/s/ Allen E. Barrow
UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hugh V. Schaefer
HUGH V. SCHAEFER
Assistant United States Attorney

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

IN THE MATTER OF	)	
	)	In Bankruptcy No. 3631
C. O. HUGHES, INC., Bankrupt.	)	

JOURNAL ENTRY OF JUDGMENT

On the 21st day of December, 1963, this cause came on to be heard upon pretrial, pursuant to regular setting, and the Trustee appeared by his attorney, Wm. J. Threadgill, and the respondents, Jim Marrs and Marvin L. Marrs, appeared by their attorneys, John Wheeler, Jr. and Doyle Watson.

After statement of counsel, it appeared to the Court that no further evidence would be offered by any of the parties, and the parties were ordered to file briefs covering the law and the evidence in this cause.

And on the 31st day of January, 1964, the Court, having considered the evidence and the law, found the issues in favor of the petitioner, Warren L. McConnico, Trustee, and against the respondents, Marvin L. Marrs and Jim Marrs.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. The respondent, Jim Marrs, has received a payment on behalf of the bankrupt in the amount of $7,568, which payment is a preference and is void under the Bankruptcy Act.

2. Warren L. McConnico, Trustee, have judgment against Marvin L. Marrs for the sum of $10,814.25, with interest thereon at 6% per annum from the 27th day of May, 1960, until paid.

3. Upon the payment by either respondent of said sum to Warren L. McConnico, Trustee, such respondent shall be entitled to file a general claim in this estate and such general claim shall be allowed and approved.

DATED this 30th day of March, 1964.

(s) Luther Bohanon
UNITED STATES DISTRICT JUDGE