

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 -vs-)
)
 971.81 Acres of Land, More or Less,)
 Situate in Nowata County, Oklahoma;)
 and Board of County Commissioners of)
 Nowata County, Oklahoma, et al, and)
 Unknown Owners,)
)
 Defendants.)

Civil Action No. 4599

FILED

MAR 2 1964

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

J U D G M E N T

Tracts Nos. R-1806 and R-1807 and
"I" Portion of Tracts Nos. R-1806 and R-1807

Now, on this the 30th day of March, 1964, there came on
regularly for hearing determination of ownership as to the above
tracts and for an order of distribution of the compensation with
interest on deficiency as provided in judgment rendered herein on
March 27, 1961; and the owners hereinafter set out appearing by
their respective attorneys of record and no one else appearing in
person or by attorney, the Court, being fully advised, finds:

That Cecil G. Bateman, one of the defendants herein, is
in default and that he should be decreed to have no interest in
the property involved in said tracts or in the awards therefor.

The Court further finds that in the judgment rendered
herein March 27, 1961, just compensation was decreed as follows,
to-wit:

Tracts Nos. R-1806	\$296.00	
Interest on Deficiency	<u>41.74</u>	
TOTAL		\$337.74

Tract No. R-1807	\$296.00	
Interest on Efficiency	<u>41.74</u>	
TOTAL		\$337.74
"B" Portion of Tracts Nos. R-1806 and R-1807		<u>108.00</u>
		<u>\$783.48</u>

That said sum of \$783.48 should be distributed and paid out to the following named parties and owners as follows, to-wit:

To Ward M. Edinger, Inc. (balance due for witness fee)	\$25.00
To Geo. E. Schwabe, Jr. (reimbursement for 1/2 of witness fee paid to Ward M. Edinger, Inc.)	25.00

and that the balance be distributed and paid to the following named owners of the mineral rights in said tracts, to-wit:

V. C. Couch	\$366.74
Grace Smerdon	183.37
Barbara Y. Schwabe	61.12
George Blaine Schwabe, Jr.	24.45
Robert Vernon Schwabe	24.45
John Leonard Schwabe	24.45
Emily Jeannette Bailey, nee Schwabe	24.45
William Henry Schwabe	24.45

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that Cecil G. Bateman, one of the defendants herein, has no claim, right, title, interest or estate in and to the minerals covered by the tracts herein referred to or in the proceeds awarded as compensation therefor.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the defendants, V. C. Couch, Grace Smerdon, Barbara Y. Schwabe, George Blaine Schwabe, Jr., Robert Vernon Schwabe, John Leonard Schwabe, Emily Jeannette Bailey, nee Schwabe, and William Henry Schwabe are, and they hereby are adjudged and decreed to be, the sole and only owners of the mineral estate under Tracts R-1806 and R-1807 and "B" Portion of said Tracts Nos. R-1806 and R-1807; and the awards of just compensation with interest thereon, as provided in the judgment of this Court

rendered March 27, 1961, and the acts of Congress, be and the same are hereby ordered distributed to said owners and parties as follows:

To Ward P. Edinger, Inc. (balance due for witness fee)	\$25.00
To Geo. E. Schwabe, Jr. (reimbursement for 1/2 of witness fee paid to Ward P. Edinger, Inc.)	25.00

and that the balance or remainder be distributed to the following named owners as follows, to-wit:

V. C. Couch	\$356.74
Grace Smerdon	183.37
Barbara Y. Schwabe	61.12
George Blaine Schwabe, Jr.	24.45
Robert Vernon Schwabe	24.45
John Leonard Schwabe	24.45
Emily Jeannette Bailey, nee Schwabe	24.45
William Henry Schwabe	24.45

Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

Geo. E. Schwabe, Jr.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

188.60 Acres of Land, More or Less,
Situat in Nowata and Rogers Counties,
Oklahoma, and H. W. Reed, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4889

All tracts and interests
except the lessor interest
in Tract No. 5705-D

FILED

APR - 3 1964

J U D G M E N T

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

1.

NOW, on this 2nd day of April, 1964, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on February 5, 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 estates taken in the tracts enumerated in the caption above, as such estates and tracts are described in the Complaint and Declaration of Taking filed herein.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject tracts of land. Pursuant thereto, on March 16, 1960, the United States of America filed its Declaration of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such Declaration of Taking.

6.

On the filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estates in subject tracts, certain sums of money and part of these deposits has been disbursed as set out in paragraph 12 below.

7.

The Report of Commissioners filed herein on February 5, 1964, hereby is accepted and adopted as a finding of fact as to all interests covered by such report. The amount of just compensation as to the respective interests in the subject tracts as fixed by the Commission is set out in paragraph 12 below.

8.

The owners of the lessor interest and the overriding royalty interest in Tract No. 4613-A, and the lessor interest and the overriding royalty interest in Tract No. 5705-D, together with the United States of America, have executed and filed herein various Stipulations As to Just Compensation, wherein they have agreed that just compensation for such owners' respective interests in the estates condemned in such tracts are in the amounts shown as compensation in paragraph 12, and such stipulations should be approved.

9.

Certain deficiencies exist between the amounts deposited as estimated just compensation for subject tracts and the amounts fixed as just compensation by the Report of Commissioners filed herein on February 5, 1964, and by the Stipulations As To Just Compensation described in paragraph 8 above, and a sum of money sufficient to cover such deficiencies should be deposited by the Government. These deficiencies are set out in paragraph 12 below.

10.

The defendants named in paragraph 12 as owners of subject tracts are the only defendants asserting any interest in the estates condemned herein, all other defendants having either disclaimed or defaulted; as of the date of taking the named defendants were the owners of the respective interests in such estates, as designated, and, as such, are entitled to receive the just compensation therefor.

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 subject tracts, as such tracts are described in the Declaration of Taking filed herein, and such property, to the extent of the estates described and for the uses and purposes indicated 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.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the right to receive just compensation for the estates taken herein in subject tracts is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of February 5, 1964, and the Stipulations As To Just Compensation described in paragraph 8 above, hereby are confirmed and the sums therein fixed are adopted as just compensation for subject tracts, as shown by the following schedule:

OWNERS OF THE SUBJECT TRACTS:

1. Tract No. 4613-A:

1/8 Lessor interest:

The devisees of H. W. Reed, deceased - - 1/2
(Glenn E. Chappell and James A.
Arnold are trustees under the will)

The heirs of J. Wood Glass, deceased,
who are:

Eva Payne Glass - - - - - 1/4
Ernest Frances Bradfield - - - - - 1/8
Julian W. Glass, Jr. - - - - - 1/8

7/8 Lessee interest:

Working interest (63/64 of 7/8):
Nowata Petroleum Corp.)
Elgin Gas and Oil Co.) - - - - Owners
Guaranty Bank & Trust Co.
of Denver, Colo. - - - - - Mortgagee

Overriding royalty interest (1/64 of 7/8):

Ernie Slocter

2. Tracts Nos. 5705-3, 5705-5 and 5705-6 combined:

1/8 Lessor interest:

William A. Rienhardt
Lirnie Rienhardt Hill
Alma Rienhardt Brown

7/8 Lessee interest:

Working interest (57/64 of 7/8):

Nowata Petroleum Corp. } - - - Owners
Elgin Gas and Oil Co. }

Guaranty Bank and Trust Co.
of Denver, Colorado - - - - - Mortgagee

Overriding royalty interest (7/64 of 7/8):

William A. Rienhardt

3. Tract No. 5705-7:

Entire estate taken was unleased and owned by:

William A. Rienhardt
Linnie Rienhardt Hill
Alma Rienhardt Brown

4. Tract No. 5705-D:

7/8 Lessee interest:

Working interest (7/8 of 7/8):

Nowata Petroleum Corp. } - - - Owners
Elgin Gas and Oil Co. }

Guaranty Bank and Trust Co.
of Denver, Colorado - - - - - Mortgagee

Overriding royalty interest:

H. S. Milam - - - - - 1/5 of 1/8 of 7/8

Russell Hester and
June C. Hester - - - - - 4/5 of 1/8 of 7/8

AWARDS, DEPOSITS AND DISBURSALS:

1. 1/8 lessor interest in Tract No. 4613-A:
(Reed devisees and Glass Heirs interest)

Award of just compensation
pursuant to stipulation - - - - \$75.00 \$75.00

Deposited as estimated compen-
sation for this interest - - - \$25.00

Disbursed to owners - - - - - None

Balance due to owners - - - - - \$75.00

Deposit deficiency for
this interest - - - - - \$50.00

2. 1/64 of 7/8 overriding royalty interest in Tract No. 4613-A:
(Ernie Slocter interest)

Award of just compensation
pursuant to stipulation - - - - \$50.00 \$50.00

Deposited as estimated compen-
sation for this interest - - - \$10.00

Disbursed to owner - - - - - \$10.00

Balance due to owner - - - - - \$40.00

Deposit deficiency for
this interest - - - - - \$40.00

3. 1/8 lessor interest plus 7/64 of 7/8 overriding royalty interest in Tracts Nos. 5705-3, 5705-5 and 5705-6, plus the entire estate taken in Tract No. 5705-7:
(Rienhardt, Hill and Brown interests)

Award of just compensation for these interests pur- suant to Commissioners' Report - - - - -	\$17,400.00	\$17,400.00
Deposited as estimated compen- sation for these interests - - - - -	\$15,150.00	
Disbursed to owners - - - - -		<u>None</u>
Balance due to owners - - - - -		\$17,400.00
Deposit deficiency for these interests - - - - -	\$ 2,250.00	

4. 1/5 of 1/8 of 7/8 overriding royalty interest in Tract No. 5705-D:
(Milan interest)

Award of just compensation pursuant to stipulation - - -	\$200.00	\$200.00
Deposited as estimated compen- sation for this interest - -	\$97.80	
Disbursed to owner - - - - -		<u>None</u>
Balance due to owner - - - - -		\$200.00
Deposit deficiency for this interest - - - - -	-\$102.20	

5. 4/5 of 1/8 of 7/8 overriding royalty interest in Tract No. 5705-D:
(Hester interest)

Award of just compensation pursuant to stipulation - - -	\$391.20	\$391.20
Deposited as estimated compen- sation for this interest - -	<u>\$391.20</u>	
Disbursed to owners - - - - -		<u>\$391.20</u>

6. Working interest (7/8 lessee interest less all overriding royalties) in Tracts Nos. 4613-A, 5705-3, 5705-5, 5705-6 and 5705-D, combined:
(Elgin, Nowata Petr., and Guaranty Bank interest)

Award of just compensation for this interest pursuant to Commissioners' Report - - -	\$43,162.00	\$43,162.00
Deposited as estimated compen- sation for this interest - -	<u>\$43,162.00</u>	
Disbursed to owners - - - - -		<u>\$43,162.00</u>

It Is Further ORDERED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiencies for the various interests in the subject tracts as shown in paragraph 12, together with interest on \$2,250.00 (the deposit deficiency for the Rienhardt, Hill and Brown interests) at the rate of 6% per annum from March 16, 1960 until the date of deposit of such deficiency sum, and such payments shall be placed in the respective deposits for the subject tracts as required by such paragraph 12.

Upon receipt of such deficiency payments the Clerk shall disburse from the deposits for the subject tracts certain sums as follows:

1. From the deposit for Tract No. 4613-A:

To Glenn H. Chappell and James A. Arnold, trustees under the will of H. W. Reed, deceased - - - - -	\$37.50
To Eva Payne Glass - - - - -	\$18.75
To Ernest Frances Bradfield - - - - -	\$9.38
To Julian W. Glass, Jr. - - - - -	\$9.37
To Ernie Slocter - - - - -	\$40.00

2. From the deposit for Tract No. 5705-D:

To H. S. Milam - - - - -	\$200.00
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A further order of distribution applicable to the Rienhardt, Hill and Brown interests will be entered by the Court after the above described deficiency deposits have been made.

William E. Brown

 UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

 HUBERT A. MARLOW
 Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
) vs.)
)
) TULSA-COOPS APARTMENTS, INC.,)
)
) Defendant.)

Civil No. 5220

FILED

APR - 6 1964

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

ORDER CONFIRMING SALE

Now on this 14 day of April, 1964, there coming on for hearing the motion of the plaintiff herein to confirm the sale of property made by the United States Marshal for the Northern District of Oklahoma on February 20, 1964, under an Order of Sale, dated January 14, 1964, issued out of the office of the Court Clerk of the United States District Court for the Northern District of Oklahoma of the following described property, to-wit:

All of Lots One (1), Two (2), Three (3), Four (4), Five (5), and Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21), and Twenty-two (22), Block Six (6), Coops Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the Recorded Plat thereof.

- 1- Stove (Number C781095)
- 1- Stove (Number 781079 - 1 Refrigerator
- 1- Stove
- 1- Stove
- 1- Refrigerator
- 1- Stove (Number H5381382)
- 1- Refrigerator
- 1- Refrigerator (Number C781095)
- 1- Stove (Number 780576)
- 1- Refrigerator
- 1- Stove (790729)
- 1- Stove (790960)
- 1- Refrigerator
- 4- Refrigerators (791010)
- 1- Stove
- 1- Stove
- 1- Stove
- 1- Refrigerator
- 1- Stove
- 2- Whirlpool Ring-type Washers
- 1- Push Lawnmower
- 1- Drag Chain
- 2- Rakes
- 1- Shovel
- 1- Pick
- 1- Step Ladder

The Court having examined the proceedings of the United States Marshal under the Order of Sale issued herein and there being no objections

or exceptions filed, the Court finds that due and legal notice of the sale was given by publication once a week for at least four (4) weeks prior to the date of sale in the Tulsa Daily Legal News, a newspaper published and of general circulation in Tulsa County, State of Oklahoma, as shown by the Proof of Publication on file herein, and that on the day fixed therein, February 20, 1964, the above described property was sold to the Federal Housing Administration, it being the highest and best bidder therefor.

The Court further finds that the sale was in all respects made in compliance with the law in such cases made and provided, and that the sale was legal in all respects.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the United States Marshal's sale and all proceedings under the Order of Sale herein be and the same are hereby approved and confirmed.

IT IS FURTHER ORDERED that Doyle W. Foreman, United States Marshal for the Northern District of Oklahoma, make and execute to the purchaser, Federal Housing Administration, a good and sufficient deed for such property sold.

/s/ Fred Langherty
UNITED STATES DISTRICT JUDGE

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

FILED

GRAND RIVER DAM AUTHORITY,)
a public corporation,)
)
Petitioner,)
)
vs.)
)
4 TRACTS OF LAND CONTAINING 83.2 ACRES,)
MORE OR LESS, IN MAYES COUNTY, OKLAHOMA,)
MARY RICHARDS, now ARMSTRONG, et al.,)
)
Defendants.)

APR - 6 1964

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

Civil No. 5790

ORDER CONFIRMING REPORT OF COMMISSIONERS

Tract No. 1 (8 MF 17FE), Tract No. 2 (8 MF 18 FE),
Tract No. 3 (8 MF 21 FE) and Tract No. 4 (8 MF 33+FE)

NOW, on this the 4th day of April, 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 18th day of November, 19 63, ~~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 18th day of November, 19 63, ~~as modified by stipulation~~ 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:

100

101

102

103

104

105

106

107

Section 1

Section 2

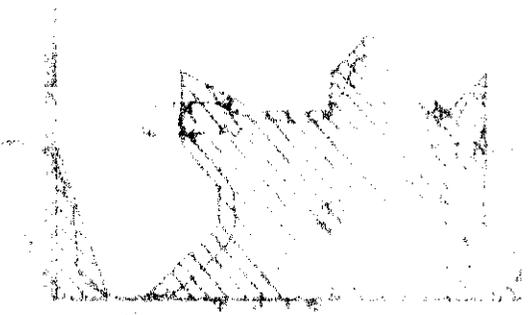
Section 3

Section 4

Section 5

Section 6

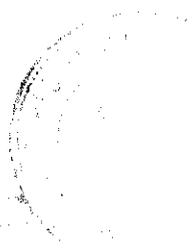
Section 7



PROPOSED ELEMENT

The following description of the proposed element is based on the plan view of the same as shown on the attached drawing.

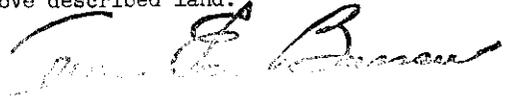
The proposed element is a rectangular structure, approximately 100 feet long and 50 feet wide. It is situated on a plot of land bounded by the following lines: to the north by the boundary of said No. 10, to the east by the boundary of said No. 11, to the south by the boundary of said No. 12, and to the west by the boundary of said No. 13. The structure is oriented with its long side parallel to the north-south boundary of the plot. The structure is divided into three main sections by two transverse walls. The first section, on the west side, is approximately 30 feet long and 50 feet wide. The second section, in the middle, is approximately 40 feet long and 50 feet wide. The third section, on the east side, is approximately 30 feet long and 50 feet wide. The walls are constructed of brick or masonry. The roof of the structure is flat and is supported by a series of posts or columns. The structure is surrounded by a low wall or fence. The plan view of the structure is shown on the attached drawing. The drawing shows the structure with its dimensions and the boundaries of the plot. The drawing also shows the location of the structure on the plot. The drawing is a technical drawing and is intended to provide a clear and accurate representation of the proposed element. The drawing is drawn to scale and is intended to be used as a guide for the construction of the structure. The drawing is a plan view and does not show the elevation of the structure. The drawing is a black and white drawing and is intended to be used as a guide for the construction of the structure. The drawing is a technical drawing and is intended to provide a clear and accurate representation of the proposed element. The drawing is drawn to scale and is intended to be used as a guide for the construction of the structure. The drawing is a plan view and does not show the elevation of the structure. The drawing is a black and white drawing and is intended to be used as a guide for the construction of the structure.



WITNESSED and attested to before me this 1st day of June, 1900, at the City of New York, in the County of New York, by me, the undersigned, a Notary Public in and for the State of New York.

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 23rd day of December, 19 63, upon the depositing of the sum of \$ 9,225.00 with the ^{registry}~~clerk~~ of this Court for the lands and estates taken in and to the above described land.



U.S. District Judge

HENRY D. HUGHES, JR.,

COMPLAINANT,

-vs-

DEVARCO OIL COMPANY, Successor to
DEVARCO, INC., a Nevada Corporation, et al,

DEFENDANTS.

NUMBER 5005

FILED

APR 1 1964

C. E. D. L. R.

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

NOW, on the 26th day of March, 1964, the matter of the Claim of A. F. Behlen for services rendered as the receiver of all properties real and personal that came into his possession in this action under the Order of this Court dated October 17, 1963, and the Court being fully advised in the premises, is of the opinion that the sum of \$3,000.00 is fair and reasonable for the services rendered.

Now therefore it is ordered, adjudged and decreed by the Court, that A. F. Behlen have a judgment for the sum of \$3,000.00 prior to all other claims against the leasehold estates described as follows, to-wit:

The East Half (E 1/2) of Section Fourteen (14); and
The East Half (E 1/2) of Section Twelve (12) lying
Southeast of the Arkansas River; and

The North Half (N 1/2) of Section Thirteen (13),
all in Township Twenty-six (26) North, Range
Four (4) East; and

The Northwest Quarter (NW 1/4) of Section Seven(7),
Township Twenty-six (26) North, Range Five (5)
East; situated in Osage County, State of Oklahoma

and the following described property situated in Creek County, State of Oklahoma, to-wit:

The South Half (S 1/2) of the Southeast Quarter
(SE 1/4) of Section Thirty-four (34), Township
Fifteen (15) North, Range Ten (10) East,

except this judgment is inferior only to the Judgment rendered on the 14th day of February, 1964, in favor of V. J. Devine, in this action and the Judgment hereby rendered in favor of the said A.F. Behlen is also prior to the Mortgages of Henry D. Hughes, Jr., involved herein.

Noble C. Hood
JUDGE OF THE UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF OKLAHOMA

RECEIVED

COMPLAINANT,

-VS-

NUMBER 3005

FILED

HYVACOR OIL COMPANY, Successor to
HYVACOR, INC., a Nevada Corporation, et al,

APR 1 1964

DEFT. DANIS.

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

ORDER

NOW, on the 26th day of March, 1964, the matter of the Claim of Cecil W. Rote for services rendered as Attorney for the receiver in the above entitled action, A. F. Behlen, appointed by order of this Court dated October 17, 1963, and the said Cecil W. Rote, being employed by said receiver by authority of and pursuant an order of this Court dated October 24, 1963, authorizing employment of Receiver's Counsel, and the Court being fully advised in the premises, is of the opinion that the sum of \$1,650.00 is fair and reasonable for the services rendered.

Now therefore it is ordered, adjudged and decreed by the Court, that Cecil W. Rote have a Judgment for the sum of \$1,650.00 prior to all other claims against the leasehold Estates described as follows, to-wit:

The East Half (E 1/2) of Section Fourteen (14); and
The East Half (E 1/2) of Section Twelve (12) lying Southeast of the Arkansas River; and

The North Half (N 1/2) of Section Thirteen (13), all in Township Twenty-six (26) North, Range four (4) East; and

The Northwest Quarter (NW 1/4) of section Seven (7) Township Twenty-six (26) North, Range Five (5) East; situated in Osage County, State of Oklahoma, and the

following described property situated in Creek County, State of Oklahoma, to-wit:

The South Half (S 1/2) of the Southeast Quarter (SE 1/4) of Section Thirty-four (34), Township Fifteen (15) North, Range Ten (10), East,

except this judgment is inferior only to the Judgment rendered on the 14th day of February, 1964, in favor of V. J. Devine, in this action, and the Judgment hereby rendered in favor of Cecil W. Rote is also prior to the Mortgages of Henry D. Sughee, Jr., involved herein.

[Signature]

JUDGE OF THE UNITED STATES DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF OKLAHOMA

APR 6 1964

THE QUAKER OATS COMPANY,
a corporation,

Plaintiff,

vs

VINCENT ELLIOTT,

Defendant.

CHARLES C. HARRIS
Clerk, U.S. District

No. 5619 Civil

JUDGMENT BY DEFAULT UPON APPLICATION TO THE COURT

This cause came on for hearing at this term on the motion of The Quaker Oats Company, a corporation, Plaintiff in the above entitled cause, for a default judgment, pursuant to Rule 55(b)(2), Federal Rules of Civil Procedure, and it appearing to the Court that the Complaint in the above cause was filed in this Court on the 22nd day of November, 1963, and that the Summons and Complaint were duly served on the Defendant, Vincent Elliott, on the 27th day of November, 1963, and that no answer or other defense has been filed by the said Defendant, and that default was entered on the 31st day of March, 1964, in the office of the Clerk of this Court and that no proceedings have been taken by the said Defendant since said default was entered.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiff, The Quaker Oats Company, a corporation, have and recover judgment against the Defendant, Vincent Elliott, in the sum of Fifteen Thousand Three Hundred Forty Five and 70/100 Dollars (\$15,345.70), together with interest from date at the rate of six per cent (6%) per annum, and costs.

Dated this 6th day of April, 1964.

B/ Fred W. Baughert
District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

2,102.11 Acres of Land, More or Less,
Situate in Osage County, Oklahoma,
and D. P. Weems, et al., and
Unknown Owners,

Defendants.

Civil No. 5825

Tracts Nos. 1811-2MA & 2MB

FILED

APR - 6 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 Partial Judgment determining the ownership and the just compensation to be awarded the owners of the oil lessee interest in the above case.

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 oil lessee interest; that upon the date the Declaration of Taking and Complaint were filed title to the estate taken, as set out therein, became vested in the United States of America.

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

4. The Court finds that prior to the institution of the above proceeding the United States of America and Mame Neal and Bob R. Neal, individually, and as Administrators for H. B. Neal Estate, entered into a contract, as evidenced by an option for the subordination of the oil lessee estate 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 \$850.00, inclusive of interest, would be awarded as just compensation for the taking of the oil lessee estates to be condemned in the above tracts; that the contract and agreement is a valid one. The Court further finds that the record owners LeRoy White and Dean Bach have disclaimed in favor of the Neal group because of a prior agreement that all monies from the subordination of

the oil lessee estate should belong to the Neal group who formerly owned this property until they sold it to White and Bach.

5. The Court finds the amount of \$850.00, inclusive of interest, is just compensation for the taking of the oil lessee estate by the plaintiff in the above tracts, as such estate and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$825.00 was deposited into the Registry of this Court as estimated just compensation for said oil lessee interest upon the filing of the Declaration of Taking of Taking herein.

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

(a) The vesting in plaintiff of title to the oil lessee estate set forth in the Complaint and Declaration of Taking in and to the tracts 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 oil lessee interest is the sum of \$850.00, inclusive of interest.

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$25.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following named payees:

Mame Neal and Bob R. Neal,
individually and as Administrators
of the H. B. Neal Estate \$850.00

Entered this 4th day of April, 1964.

ALLEN E. LARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant U. S. Attorney

ajs

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

W. WILLARD WIRTZ, SECRETARY OF)
LABOR, UNITED STATES DEPARTMENT)
OF LABOR)

Plaintiff)

v.)

PEPSI-COLA BOTTLING COMPANY OF)
TULSA, a corporation)

Defendant (

CIVIL ACTION

FILE NO. 5900

FILED

APR - 6 1964

O R D E R

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

Now on this 6 day of April, 1964, plaintiff

having moved to dismiss the above styled and numbered cause with
prejudice, and the Court being fully advised in the premises,

IT IS ORDERED, ADJUDGED, and DECREED that the above
styled and numbered cause be, and the same is hereby dismissed
with prejudice and without cost to either party.


UNITED STATES DISTRICT JUDGE

YEU:lg
4/6/64

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

SECURITIES INVESTMENT COMPANY)
OF ST. LOUIS, a corporation,)
)
Plaintiff)
)
vs.)
)
PETE G. CLARK, ONE AND THE SAME PERSON)
AS PETE CLARK, and EVELYN CLARK, one)
and the same person as EVELYN L. CLARK,)
husband and wife, and C. R. MOORE,)
)
Defendants)

Civil Action
No. 5902

FILED

APR - 6 1964

J U D G M E N T

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

This cause came on for hearing at this term on the Motion of Securities Investment Company of St. Louis, a corporation, plaintiff herein, by its duly authorized attorneys of record in the above entitled cause, for a default judgment, pursuant to Rule 55 of the Federal Rules of Civil Procedure and it appearing to this Court that the Complaint in the above entitled cause was filed in this Court on the 3rd day of March 1964, and that the summons and complaint were duly served on the defendants Pete G. Clark, one and the same person as Pete Clark, and Evelyn Clark, one and the same person as Evelyn L. Clark, on the 11th day of March 1964, and that the summons and complaint were served on the defendant C. R. Moore, on the 12th day of March 1964, and that no answer or other defense has been filed by said defendants and that default was entered on the 6th day of April 1964, in the Office of the Clerk of this Court and that no proceedings have been taken by said defendants since said default was entered.

The Court finds from the testimony taken in this matter that all of the allegations as set forth in the first count and second count of the plaintiff's complaint on file herein are true and correct and that there is presently due and owing from the defendants Pete G. Clark and Evelyn Clark on the note sued upon in the First Count herein the principal sum of \$23,925.87 with interest thereon at the rate of 6.6% per annum from the 15th day of January 1964, until paid, together with a further sum of \$3,888.75 attorneys fees and \$56.25 abstracting fee, together with all the costs of the action and that said indebtedness in the nature of a promissory note is secured by a first mortgage upon the following described premises, to-wit:

The Southerly 55 feet of Lot 9, and the Northerly 5 feet of Lot 12, both in Block 23, in the Incorporated town of Pryor Creek, Mayes County,

LAW OFFICES
UNGERMAN,
GRABEL,
UNGERMAN
& LEITER

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA

Oklahoma, according to the United States Survey thereof, and the southerly 65 feet of Lot 5, and the northerly 25 feet of Lot 6, all in Block 3 of the Incorporated town of Pryor Creek, Mayes County, Oklahoma, according to the United States Survey thereof,

The Court further finds from the Second Count of the Complaint on file herein that the defendants Pete G. Clark and Evelyn Clark are indebted to the plaintiff in the sum of \$10,104.59 on a certain promissory note with interest thereon at the rate of 10% per annum from the 27th day of December 1963, until paid, together with a further sum of \$1,134.92 attorneys fees and that the plaintiff has a valid lien upon the following described premises by virtue of a real estate mortgage covering the same, to-wit:

The South 55 feet of Lot 9, and the North 5 feet of Lot 12, Block 23, in the Incorporated town of Pryor Creek, Mayes County, Oklahoma, according to the recorded plat thereof.

The Court further finds that the defendants Pete G. Clark and Evelyn Clark, are in default in the payment of said notes referred to herein and that the terms and conditions of the mortgages have been broken and plaintiff is entitled to a judgment as against the said defendants for the amounts prayed for in the two counts in said Complaint and are further entitled to a decree of foreclosure covering the real estate described in the two counts in said Complaint.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THIS COURT that the plaintiff, Securities Investment Company of St. Louis, a corporation, have and recover a judgment of and against the defendants Pete G. Clark and Evelyn Clark on its first count herein for the principal sum of \$23,925.87 with interest thereon at the rate of 6.6% per annum from the 15th day of January 1964, until paid, together with a further sum of \$3,888.75 attorneys fees and \$56.25 abstracting fee, together with all the costs of this action;

That the plaintiff further have and recover of and from the said defendants Pete G. Clark and Evelyn Clark on its second count herein the sum of \$10,104.59 with interest thereon at the rate of 10% per annum from the 27th day of December 1963, until paid, together with a further sum of \$1,134.92 attorneys fees.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THIS COURT that by virtue of the fact that the mortgages sued upon herein direct that the sale of the premises is to be without appraisalment and plaintiff has elected to have the same sold without appraisalment, the the Court finds by virtue thereof the appraisalment is waived.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THIS COURT that in the event that the defendants Pete G. Clark and Evelyn Clark fail for a period of six months from the date of the rendition and entry of this Judgment to pay to the plaintiff the sum of \$23,925.87 with interest thereon at the rate of 6.6% per annum from the 15th day of January 1964, until paid, together with a further sum of \$3,888.75 attorneys fees, and \$56.25 abstracting fee, together with all the other costs of this action, that an order of sale shall issue to the United States Marshal for the Northern District of Oklahoma commanding him to advertise and sell, according to law, without appraisalment, the lands and tenements described in the mortgage, to-wit:

The Southerly 55 feet of Lot 9, and the Northerly 5 feet of Lot 12, both in Block 23, in the Incorporated town of Pryor Creek, Mayes County, Oklahoma, according to the United States Survey thereof, and the Southerly 65 feet of Lot 5, and the Northerly 25 feet of lot 8, all in Block 3 of the incorporated town of Pryor Creek, Mayes County, Oklahoma, according to the United States Survey thereof,

and to apply the proceeds arising from said sale as follows:

1. To all costs;
2. To the payment of the judgment of the plaintiff, together with interest and attorneys fees;
3. The residue, if any, to be paid into the Clerk of this Court to await a further order of this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THIS COURT that in the event the defendants Pete G. Clark and Evelyn Clark fail for a period of six months from the date of the rendition and entry of this Judgment to pay to the plaintiff herein the sum of \$10,104.59 with interest thereon at the rate of 10% per annum from the 27th day of December 1963, until paid, together with a further sum of \$1,134.92 attorneys fees and the costs of the action, that an order of sale shall issue to the United States Marshal for the Northern District of Oklahoma, to advertise and sell, according to law, without appraisalment, the lands described in said mortgage, to-wit:

The South 55 feet of Lot 9, and the North 5 feet of Lot 12, Block 23, in the Incorporated Town of Pryor Creek, Mayes County, Oklahoma, according to the recorded plat thereof.

And to apply the proceeds arising from the said sale as follows,

to-wit:

1. To the payment of all costs of the action;
2. To the payment of the judgment of the plaintiff together with interest and attorneys fees;
3. That the residue, if any remaining, be paid into the Office of the Clerk of this Court to await the further order of this Court.

IT IS FURTHER ORDERED ADJUDGED AND DECREED BY THIS COURT

from and after the sale of the said property under and by virtue of this judgment and decree, that the defendants Pete G. Clark, one and the same person as Pete Clark, and Evelyn Clark, one and the same person as Evelyn L. Clark, husband and wife, and C. R. Moore, and all persons claiming under them since the filing of the Complaint herein be and they are forever barred and foreclosed of, and from any and every lien upon, right, title, interest, estate or equity in and to the said real estate described in this Judgment, or any part thereof.

Dated this 6th day of April, 1964.

Allen E. Harrison
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

460.46 Acres of Land, More or Less,
Situate in Osage, Pawnee and Creek
Counties, Oklahoma, and Robert O.
Jordan, et al., and Unknown Owners,

Defendants.

Civil No. 5496

Tracts Nos. 3411 & E-1 thru E-5

FILED

APR - 8 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.

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

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

4. The Court finds the amount of \$26,675.00*, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$21,000.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and Warner and Zelpha F. Fox, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$26,675.00*, inclusive of interest.

*Less \$675.00 for improvements retained, or a net of \$26,000.00.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$26,675.00*, inclusive of interest, of which amount \$21,000.00 has previously been disbursed to these defendants;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$5,000.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payees: . . .

Warner and Zelpha F. Fox \$5,000.00

Entered this 8th day of April, 1964.

/s/ Allen E. Barrow

UNITED STATES DISTRICT COURT

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

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

WILSHIRE OIL COMPANY OF TEXAS,)
a corporation.)
)
Plaintiff,)
)
vs.)
)
L. E. RIFFE, R. L. FELTS,)
O. HOMER RIFFE, A. V. MURRAY)
and A. V. MURRAY, INC.,)
)
Defendants,)
)
CAREY, BAXTER & KENNEDY, INC.,)
)
Intervenor-Defendant.)

Civil Action No. 5861

ORDER DENYING MOTION FOR LEAVE
TO INTERVENE AS PARTY DEFENDANT

FILED

APR 16 1964

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

THIS CAUSE came on to be heard on the Motion and Amended Motion of Carey, Baxter & Kennedy, Inc. to intervene in this action as a party defendant.

On March 23, 1964, the Court heard oral arguments of counsel, and the Court has considered the briefs, affidavit, pleadings and responses filed herein.

I.

The Applicant asserts as its first ground for intervention that "it is so situated as to be adversely affected by a distribution or other disposition of property which is in the custody or subject to the control or disposition of the Court." The Applicant alleges in its Reply Brief filed on March 20, 1964 that the interests in the property owned by it, involved in the subject proceedings, are as follows:

"A. The employment agreements dated January 1, 1961 between L. E. Riffe and R. L. Felts and Wilshire Oil Company of Texas which were assigned on July 24, 1963 by Wilshire to Carey and/or any money judgments that Wilshire might obtain based on these contracts.

"B. The trade secrets, trade practices, contracts with suppliers and purchasers of asphalt and all other highly secret and private instruments and information that enables Carey to successfully engage in the business of blending, buying and selling asphalt.

"C. The good will of "Riffe Petroleum Company Division of Wilshire" sold by Wilshire to Carey.

"D. Any damages recovered or lost by Wilshire in the subject proceedings for actions or conduct that occurred after May 31, 1963, the effective date of the transfer of the Riffe Division by Wilshire to Carey."

The trade secrets, trade practices and other secret information, and the good will, are not the subject matter of the main action. They are not in the custody or control of the Court, nor are they subject to the disposition of this Court.

The subject matter of this action consists of the claims against Defendants for alleged breaches of employment contracts and alleged breaches of fiduciary duties occurring before May 31, 1963. The Applicant asserts that Plaintiff has assigned these claims to it by virtue of the sale of the assets of the Riffe Division to it, including the assignment of the employment contracts. The Applicant's proposed pleadings fail to state facts showing an assignment of these claims against Defendants to the Applicant. On the contrary, the exhibits attached to the Applicant's Answer and Counterclaims demonstrate that the claims were not assigned to Applicant by Plaintiff.

The Court finds and concludes that the Applicant does not have an interest in the property that is the subject matter of this action; and, further, that the Applicant is not so situated as to be adversely affected by any distribution or disposition of the property which is in the custody or subject to the control or disposition of the Court in this action.

II.

The Applicant's second ground for intervention, under F.R.C.P. 24(a), is that "the representation of Applicant's interests by the existing parties is or may be inadequate and that the applicant is or may be bound by the judgment in this action."

The Applicant has failed to show that its interests are of such a nature that it may be bound by the direct legal operation of any judgment that may be awarded.

The Applicant's interests in trade secrets, trade practices and other secret information will not be so affected by any judgment that may be entered in the main action as to entitle Applicant to intervene herein under F.R.C.P. 24(a) (2).

The good will referred to at length in Applicant's brief is an asset of the RIFFE Petroleum Company, Inc., and not an asset

of the Applicant, even though Applicant is the only stockholder of that corporation. Even assuming, however, that Applicant itself has a sufficient interest in the good will, this interest will not be affected by the direct legal operation of a judgment.

The Applicant has alleged insufficient facts in its proposed pleadings to show that it has or may have an interest in the damages that Plaintiff may recover. Having no interest, it cannot be bound by the judgment.

Applicant has also failed to show that its interest may not be adequately represented by the existing parties.

The Court finds and concludes that Applicant has failed to show either that the representations of its interest by existing parties is or may be inadequate, or that the Applicant is or may be bound by judgment in this action.

III.

Applicant seeks permission of the Court to intervene under Rule 24 (b) on the grounds "that applicants (sic) claim or defense have a question of law and/or fact in common to the main action."

Permissive intervention must be supported by independent jurisdictional grounds. Such grounds are lacking here because Plaintiff and Applicant are citizens of the same state, Delaware.

The common questions of law and fact, mentioned by Applicant in its briefs, concern primarily the transactions and the occurrences referred to in its proposed counterclaim. A counterclaim cannot supply the grounds for intervention.

ORDER

IT IS ORDERED that the Motion and Amended Motion of Carey, Baxter & Kennedy, Inc. to Intervene as a Defendant be, and the same are hereby denied.

Dated this 7th day of April, 1964.

Luther Bohanon
Luther Bohanon
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

APR 11 1964

NOTICE OF HEARING
CIVIL ACTION NO. 4893

United States of America,

Plaintiff,

vs.

79.30 Acres of Land, More or Less,
Situate in Rogers County, Oklahoma,
and W. L. Cole, et al, and Unknown
Owners,

Defendants.

CIVIL ACTION NO. 4893

Tracts Nos.: F-615E
F-619E-2
F-620E-1
F-620E-2
F-620E-3
F-620E-4
G-740E
G-745E

J U D G M E N T

On April 11, 1964, this cause as to the captioned tracts, came before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma, for disposition of the Plaintiff's motion for judgment. After being advised by counsel for Plaintiff, and having examined the files in the case, the Court finds:

1.

The Court has jurisdiction of the parties and the subject matter of this action. This judgment applies only to the estates condemned in the tracts shown in the caption above, as such tracts and estates are described in the Complaint and the Declaration of Taking filed herein.

2.

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.

3.

A pre-trial hearing in this case was held before the Court on March 30, 1964. Due notice of such hearing was given to the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The Defendants, W. L. Cole and A. E. Cole, appeared by their attorney, Glenn H. Chappell. No other defendants appeared at such hearing, either in person or by attorney, in connection with the subject tracts, and no other defendants have made any appearance at any other time in connection with the subject tracts.

4.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tracts, as such tracts are particularly described in such Complaint. Pursuant thereto, on March 23, 1960, the United States of America filed its Declaration of Taking of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, certain sums of money, none of which has been disbursed as shown in paragraph 9.

6.

The Court has considered the evidence offered by the Plaintiff at the pre-trial hearing and finds that the decrease in fair market value of the ownerships under consideration, caused by this action, was as follows:

As to Tract No. F-615E - - - - -	\$10.00
As to Tract No. F-619E-2 - - - - -	\$30.00
As to Tracts Nos.	
F-620E-1, E-2, E-3 & E-4 - - - - -	\$55.00
As to Tract No. G-740E - - - - -	\$30.00
As to Tract No. G-745E - - - - -	\$15.00

Such sums should be adopted as the awards of just compensation for the estates taken in the subject property, and such awards should be allocated to the various owners as shown in paragraph 9.

7.

The defendants named as owners in paragraph 9, as of the date of taking, were the owners of the estates condemned in the subject property; and all other defendants having either disclaimed or defaulted, the named defendants are entitled to receive the awards of just compensation.

8.

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

thereto is vested in the United States of America 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.

9.

It is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in the subject property were the defendants whose names appear in the schedule below; the right to just compensation for the estates taken in this property is vested in the parties so named, as their interests appear therein; and the awards of just compensation for the estates herein taken in the subject property are as follows, to-wit:

TRACT NO. F-615E

Owners:

Vernon Boyd and
Ida Boyd

Subject to mortgages owned by:

W. L. Cole and
A. E. Cole and
Federal Land Bank of Wichita, Kansas

Award of just compensation - - - - -	\$10.00	\$10.00
Deposited as estimated compensation - -	<u>\$10.00</u>	
Disbursed to owners - - - - -		<u>None</u>
Balance due to owners - - - - -		\$10.00

TRACT NO. F-619E-2

Owners:

Approximately 2.81 Acres, to-wit, that part of such tract lying in the NW NE and NE NW of Section 12, T. 24 N., R. 15E., was owned by:

John Corlett

Approximately 2.81 Acres, to-wit, that part of such tract lying in the NW NW and NE NE of Section 12, T. 24 N., R. 15 E., was owned by:

John Corlett
James Franklin Armstrong
Frances Louise Armstrong Hervey

Award of just compensation - - - - -	\$30.00	\$30.00
--------------------------------------	---------	---------

Allocated as follows:

John Corlett - - - - - \$20.00
James Franklin Armstrong \$5.00
Frances Louise
Armstrong Hervey - - \$5.00

Deposited as estimated compensation - - - - -	<u>\$30.00</u>	
Disbursed to owners - - - - -		<u>None</u>
Balance due to owners - - - - -		\$30.00

TRACTS NOS. F-620E-1, F-620E-2,
F-620E-3 AND F-620E-4

Owners:

Approximately 4.7025 Acres of Tract F-620E-1, to-wit, that part of such tract lying within the S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ and the S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, T. 24 N., R. 15 E.; also all of F-620E-4 were owned by:

Lessie G. Miller and
 Richard L. Miller

Approximately 1.5675 Acres of Tract F-620E-1, to-wit, that part of such tract lying within the S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, T. 24 N., R. 15 E.; also all of Tracts F-620E-2 and F-620E-3 were owned by:

C. S. Kornegay and
 Jeanette Kornegay
 Wade H. Kornegay, Jr.
 Fay Louise Confer

Award of just compensation - - - - - \$55.00 \$55.00

Allocated as follows:

Lessie G. Miller and
 Richard L. Miller - - - - \$40.00

C. S. Kornegay and
 Jeanette Kornegay
 Wade H. Kornegay, Jr.
 Fay Louise Confer } - - \$15.00

Deposited as estimated compensation - - - \$55.00

Disbursed to owners - - - - - None

Balance due to owners - - - - - \$ 55.00

TRACT NO. G-740E

Owners:

Forest Corlett

Subject to two mortgages owned by the
 Federal Land Bank of Wichita, Kansas

Award of just compensation - - - - - \$30.00 \$30.00

Deposited as estimated compensation - - - \$30.00

Disbursed to owners - - - - - None

Balance due to owners - - - - - \$30.00

TRACT NO. G-745E

Owner:

Forest Corlett

Award of just compensation - - - - - \$15.00 \$15.00

Deposited as estimated compensation - - - \$15.00

Disbursed to owners - - - - - None

Balance due to owners - - - - - \$15.00

It Is Further ORDERED that the Clerk of this Court shall disburse from the deposits for the respective tracts the balances due to the owners thereof, paying to each person the amount of the award allocated to him as shown by the schedule in paragraph 9 above. In those instances where the award for a tract has not been allocated among the owners then the check shall be made payable jointly to all persons shown as having an interest in that particular tract.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

APR 13 1964

United States of America,

Plaintiff,

vs.

699.00 Acres of Land, More or Less,
Situate in Nowata County, Oklahoma,
and Simpson-Fell Oil Company, et al,
and Unknown Owners,

Defendants.

NOBLE C. FLOOD
Clerk, U. S. District Court
CIVIL ACTION NO. 4894

Tracts Nos. 5730-F, 5729-B
and 5720-H

(2/64 of 8/8 lessor interest)

J U D G M E N T

On this 10th day of April 1964, this cause, as to the captioned tracts, came before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma, for disposition of the plaintiff's motion for judgment. After being advised by counsel for plaintiff and having examined the files in the case, the Court finds:

1.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to an undivided 2/64 of 8/8 lessor interest in the estate condemned in the tracts shown in the caption above, as such tracts and estate are described in the Complaint and Declaration of Taking filed herein.

2.

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.

3.

A pre-trial hearing in this case was held before the Court on March 30, 1964. Due notice of such hearing was given to the parties. The plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. None of the defendants appeared at such hearing, either in person or by attorney, in connection with the subject tracts and none of the defendants have made any appearance at any other time in connection with the subject tracts.

4.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tracts, as such tracts are particularly described in such Complaint. Pursuant thereto, on March 23, 1960, the United States of America filed its Declaration of Taking of a certain estate in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of the Court, as estimated compensation for the taking of the described estate in subject property, a certain sum of money, none of which has been disbursed as shown in paragraph 9.

6.

The Court has considered the evidence offered by the plaintiff at the pre-trial hearing and finds that the fair market value of the subject property as of the date of taking was \$118.50, and such sum should be adopted as the award of just compensation for the taking of the described estate in the subject property.

7.

The defendant named as owner in paragraph 9, as of the date of taking, was the owner of an undivided $2/64$ of $8/8$ lessor interest in the estate condemned in the subject tracts; all other defendants having either disclaimed or defaulted, the named defendant is entitled to receive the award of just compensation for the subject interest.

8.

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 an undivided $2/64$ of $8/8$ lessor interest in such property, to the extent of the estate indicated 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 for asserting any claim thereto.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that on the date of taking, the owner of an undivided 2/64 of 8/8 lessor interest in the estate condemned herein in the subject property was the defendant whose name appears in the schedule below; the right to just compensation for such described interest in the estate taken in this property is vested in the party so named; and the sum of \$118.50 hereby is adopted as the award of just compensation for the taking of such interest, all as follows, to-wit:

TRACTS NOS. 5730-F, 5729-B and 5720-H
(As to 2/64 of 8/8 lessor interest in the estate taken)

Owner: C. L. McMahon, Inc.

Award of Just Compensation - - - - -	\$ 118.50	\$ 118.50
Deposited as Estimated Compensation - - - - -	\$ <u>118.50</u>	
Disbursed to Owner - - - - -		\$ <u>None</u>
Balance Due to Owner - - - - -		\$ 118.50

IT IS FURTHER ORDERED that the Clerk of this Court shall disburse from the deposit for the subject tracts the sum of \$118.50 to C. L. McMahon, Inc.

/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.

99.21 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and Edith Rose, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4895

Tracts Nos. F-633E-3 and
F-633E-4

FILED

APR 13 1964

J U D G M E N T

RECEIVED
CIVIL DIVISION

On April 16, 1964, this cause, as to the captioned tracts came before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma, for disposition of the Plaintiff's motion for judgment. After being advised by counsel for Plaintiff, and having examined the files in the case, the Court finds:

1.

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

2.

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

3.

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.

4.

A pre-trial hearing in this case was held before the Court on March 30, 1964. Due notice of such hearing was given to the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District Of Oklahoma. The defendants did not appear at such hearing either in person or by attorney, in connection with the subject tracts, and no defendant has made any appearance at any other time in connection with the subject tracts.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tracts, as such tracts are particularly described in such Complaint. Pursuant thereto, on March 24, 1960, the United States of America filed its Declaration of Taking of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing herein 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, none of which has been disbursed, as shown in paragraph 10.

7.

The Court has considered the evidence offered by the Plaintiff at the pre-trial hearing and finds that the decrease in fair market value of the ownership under consideration, caused by this action, was in the amount of \$150.00, and such sum should be adopted as the award of just compensation for the estates taken in the subject tracts.

8.

On the date of taking in this action, the owner of the estates taken in the subject tracts was the defendant whose name is shown in paragraph 10 below. All other persons having either disclaimed or defaulted, such named defendant is entitled to receive the just compensation for the estates taken in these tracts.

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

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owner of the estates condemned herein in the subject tracts was the person whose name appears below in this paragraph, the right to just compensation for the estates taken in these tracts is vested in the party so named, and the sum of \$150.00 hereby is adopted as the award of just compensation for the estates herein taken in the subject tracts, as follows:

TRACTS NOS. F-633E-3 AND F-633E-4

Owner:

William Elbert Dawson

Award of just compensation - - - - -	\$150.00	\$150.00
Deposited as estimated compensation - - -	<u>\$150.00</u>	
Disbursed to owner - - - - -		<u>None</u>
Balance due to owner - - - - -		\$150.00

It Is Further ORDERED that the Clerk of this Court shall disburse from the deposit for the subject tracts the sum of \$150.00 to William Elbert Dawson.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

432.94 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and P. L. Hayes, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4900

Tract No. 5627-6S

FILED

APR 13 1964

J U D G M E N T

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

On April ____, 1964, this cause, as to the captioned tract, came before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma, for disposition of the Plaintiff's motion for judgment. After being advised by counsel for Plaintiff and having examined the files in the case, the Court finds:

1.

The Court has jurisdiction of the parties and the subject matter of this action. This judgment applies only to the estate condemned in Tract No. 5627-6S, as such tract and estate are described in the Complaint and the Declaration of Taking filed herein.

2.

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.

3.

A pre-trial hearing in this case was held before the Court on March 30, 1964. Due notice of such hearing was given to the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District Of Oklahoma. The defendant, Lincoln National Life Insurance Company of Fort Wayne, Indiana, has filed a written appearance in this case but did not appear at the pre-trial hearing. No other defendants appeared at such hearing either in person or by attorney, in connection with the subject tract, and no other defendants have made any appearance at any other time in connection with the subject tract.

4.

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, as such tract is particularly described in such Complaint. Pursuant thereto, on March 28, 1960, the United States of America filed its Declaration of Taking of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject tract, a certain sum of money, none of which has been disbursed, as shown in paragraph 9.

6.

The Court has considered the evidence offered by the Plaintiff at the pre-trial hearing and finds that the fair market value of the estate taken in the subject tract, as of the date of taking, was \$250.00, and such sum should be adopted as the award of just compensation.

7.

The defendants named in paragraph 9 as owners of subject tract as of the date of taking, were the owners of the estate condemned in the subject tract; all other defendants having either disclaimed or defaulted, the named defendants are entitled to receive the award of just compensation.

8.

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 March 28, 1960, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim thereto.

9.

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 defendants whose names appear in the schedule below; the right to just compensation for the estate taken in this tract is vested in the parties so named, as their interests appear therein; and the sum of \$250.00 hereby is adopted as the award of just compensation for the estate herein taken in subject tract, all as follows, to-wit:

TRACT NO. 5627-68

Owners:

James E. Brooks and }
Genevieve Brooks } - - - - - 3/4

Lincoln National Life Insurance Company
of Fort Wayne, Indiana - - - - - 1/4

Award of just compensation - - - - -	\$250.00	\$250.00
Deposited as estimated compensation - - - -	<u>\$250.00</u>	
Disbursed to owners - - - - -		<u>None</u>
Balance due to owners - - - - -		\$250.00

10.

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

To James E. Brooks and
Genevieve Brooks, jointly - - - - - \$187.50

To Lincoln National Life Insurance
Co. of Fort Wayne, Indiana - - - - - \$62.50

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

435.41 Acres of Land, More or Less,
Situate in Rogers County, Oklahoma,
and Lillie Benbow, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4906

Tracts Nos. E-548E-2 & E-3
F-606-1 thru F-606-8
F-606E-1 thru F-606E-8
F-607, F-607E-1 thru E-3
F-617 and F-617E

STEWART C. HODD
Clerk, U. S. District Court

J U D G M E N T

On April 17, 1964, this cause as to the captioned tracts came before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma, for disposition of the plaintiff's motion for judgment. After being advised by counsel for plaintiff and having examined the files in this case, the Court finds:

1.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in the tracts shown in the caption above, as such tracts and estates are described in the Complaint and Declaration of Taking filed herein.

2.

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.

3.

A pre-trial hearing in this case was held before the Court on March 30, 1964. Due notice of such hearing was given to the parties. The plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendants, Lillie Benbow and Jeanette L. Baker, appeared in person and both agreed to the entry of this Judgment. No other defendants appeared at such hearing, either in person or by attorney, in connection with the subject tracts, and no other defendants have made any appearance at any other time in connection with the subject tracts.

4.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject tracts, as such tracts are particularly described in such Complaint. Pursuant thereto, on April 5, 1960, the United States of America filed its Declaration of Taking of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, certain sums of money, none of which has been disbursed as shown in paragraph 10 below.

6.

The Court has considered the evidence offered by the plaintiff at the pre-trial hearing and finds that the decrease in fair market value of the ownerships under consideration, caused by this action, was as follows:

As to Tracts Nos. E-548E-2 and E-3 - - - - -	\$100.00
As to Tracts Nos. F-606-1 thru F-606-8 and F-606E-1 thru F-606E-8 - - - - -	\$269.88
3/4 interest in As to Tracts Nos. F-607, F-607E-1 thru E-3 - - - - -	\$ 37.50
As to Tracts Nos. F-617 and F-617E - - - - -	\$107.89

Such sums should be adopted as the awards of just compensation for the estates taken in the subject property, and such awards should be allocated to the various owners as shown in paragraph 10 below.

7.

The defendants named as owners in paragraph 10, as of the date of taking, were the owners of the estates condemned in the subject property, and all other defendants having either disclaimed or defaulted, the named defendants are entitled to receive the awards of just compensation.

8.

The owner of an undivided 1/4 interest in the estate taken in Tracts Nos. F-607, F-607E-1, F-607E-2 and F-607E-3, together with the plaintiff, have executed and filed herein a stipulation as to just compensation for such 1/4 interest and such stipulation should be approved.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power and authority to condemn for public use the property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, to the extent of the estates described and for the uses and purposes described in such Declaration of Taking, is condemned and title thereto is vested in the United States of America 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.

IT IF FURTHER ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in the subject property were the defendants whose names appear in the schedule below; the right to just compensation for the estates taken in this property is vested in the parties so named, as their interests appear therein; and the awards of just compensation for the estates herein taken in the subject property are as follows, to wit:

TRACTS NOS. E-548E-2 and E-548E-3

Owners:

Lessor interest:

1. As to 0.435 acre of Tract E-548E-2, being all of such tract lying in Lot 3 of Section 30:

C. L. McMahon, Inc.

2. As to 0.435 acre of Tract E-548E-2, being all of such tract lying in Section 25, and as to all of Tract E-548E-3:

Lillie Benbow

Lessee interest (As to all of both tracts):

McAlester Fuel Company - - - - - W.I.
 Investors Service Company - - - - - 3/128 of 7/8 ORR
 Marcella H. Godfrey - - - - - 1/128 of 7/8 ORR

Award of Just Compensation - - - - - \$100.00 \$100.00

Allocated as follows:

C. L. McMahon, Inc. - - - - - \$12.50
 Lillie Benbow - - - - - 37.50
 McAlester Fuel Company - - - - - 46.00
 Investors Service Company - - - - - 3.00
 Marcella H. Godfrey - - - - - 1.00

Deposited as Estimated Compensation - - - - - \$100.00

Disbursed to Owners - - - - - None

Balance Due to Owners - - - - - \$100.00

TRACTS NOS. F-606-1 THRU F-606-8
AND F-606E-1 THRU F-606E-8

Owners:

1. The following described interest was owned by:

George F. Baker and Jeanette L. Baker

The entire interest in all of the following tracts:

F-606-1
F-606-3 thru F-606-8
F-606E-1
F-606E-3 thru F-606E-8, and

1/2 interest in all of Tract F-606-2

The entire interest in that part (16.44 acres) of Tract F-606E-2 which lies outside the $N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$ of Section 24, T24N, R15E, and

1/2 interest in that part (7.56 acres) of Tract F-606E-2 which lies within the $N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$ of Section 24, T24N, R15E.

2. The following described interest was owned by:

Foyal W. Anthis - - - - - 1/4
Heirs of William C. Anthis, deceased - - - - - 1/12
Futh Bowden - - - - - 1/12
Emma Boswell - - - - - 1/12
J. Earl Oliphant or Margaret B. Oliphant - - - - - 1/4
Heirs of Lydian W. Frericks, deceased and
Heirs of Mentor Wheeler, deceased, or
Heirs of Katherine Williams Wheeler,
deceased - - - - - 1/4

1/2 interest in all of Tract F-606-2

1/2 interest in that part (7.56 acres) of Tract F-606E-2 which lies in the $N\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$ of Section 24, T24N, R15E.

Award of Just Compensation - - - - -	\$269.88	\$269.88
Allocated as follows:		

Ownership #1 - - - - -	\$260.44	
Ownership #2 - - - - -	9.44	

Deposited as Estimated Compensation - - - - -	\$269.88	
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Disbursed to Owners - - - - -		<u>None</u>
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Balance Due to Owners - - - - -		\$269.88
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TRACTS NOS. F-607, F-607E-1 THRU F-607E-3

Owners:

V. V. Branen and Edrie Branen - - - - - 3/4
Prospect Company - - - - - 1/4

Award of Just Compensation - - - - -	\$50.00	\$50.00
Allocated as follows:		

Branen 3/4 interest - - - - -	\$37.50	
Prospect 1/4 interest - - - - -	12.50	
(pursuant to Stipulation)		

Deposited as Estimated Compensation - - - - -	\$50.00	
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Disbursed to Owners - - - - -		<u>None</u>
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Balance Due to Owners - - - - -		\$50.00
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TRACTS NOS. F-617 AND F-617E

Owners:

E. L. Dozier and Pearl M. Dozier - - - - - 1/2
Freada B. Welbourn - - - - - 1/2
John Hancock Mutual Life Insurance Company held a mortgage
on the Dozier 1/2 interest.

Award of Just Compensation - - - - -	\$107.89	\$107.89
Deposited as Estimated Compensation - - - - -	<u>\$107.89</u>	
Disbursed to Owners - - - - -		<u>None</u>
Balance Due to Owners - - - - -		\$107.89

11.

IT IS FURTHER ORDERED that the Clerk of this Court shall disburse
from the deposits for the subject tracts certain sums as follows:

From the deposit for Tracts Nos. E-548E-2 and E-3, to:

C. L. McMahon, Inc. - - - - -	\$ 12.50
Lillie Benbow - - - - -	37.50
McAlester Fuel Company - - - - -	46.00
Investors Service Company - - - - -	3.00
Marcella H. Godfrey - - - - -	1.00

From the deposit for Tracts F-606-1 thru F-606-8 and F-606E-1 thru
F-606E-8, to:

George F. Baker and Jeanette L. Baker, jointly - -	\$260.44
Royal N. Anthis - - - - -	2.36
Ruth Bowden - - - - -	0.79
Emma Boswell - - - - -	0.79
J. Earl Oliphant and Margaret B. Oliphant, jointly -	2.36

From the deposit for Tracts Nos. F-607, F-607E-1, F-607E-2 and F-607E-3,
to:

V. V. Branen and Edrie Branen, jointly - - - - -	\$ 37.50
Prospect Company - - - - -	12.50

From the deposit for Tracts Nos. F-617 and F-617E, to:

E. L. Dozier and Pearl M. Dozier, and John Hancock Mutual Life Insurance Company, jointly - - - - -	\$ 53.95
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12.

IT IS FURTHER ORDERED that the share of the award for Tract F-606-1
et seq belonging to the Heirs of William C. Anthis, deceased, Lydian W.
Frericks, deceased, Mentor Wheeler, deceased, and Katherine Williams Wheeler,
deceased, together with the one-half of the award for Tracts F-617 and F-617E
belonging to Freada B. Welbourn shall remain on deposit in the Registry of
this Court and the Court will enter an appropriate order of distribution when
the identity and whereabouts of such owners has been established by satisfactory
evidence.

In the event that such funds remain on deposit for a period of five years, then the Clerk of this Court, without further order, shall disburse the undistributed balance in the deposit for these tracts to the Treasurer of the United States, pursuant to Title 28, Section 2042, U.S.C.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

79.99 Acres of Land, More or Less,
Situate in Rogers County, Oklahoma,
and The Cherokee Nation, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4921

Tracts Nos. D-469 and

D-472

FILED

APR 13 1964

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

J U D G M E N T

On April 12, 1964, this cause, as to the captioned tracts, came before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma, for disposition of the Plaintiff's motion for judgment. After being advised by counsel for Plaintiff and having examined the files in the case, the Court finds:

1.

The Court has jurisdiction of the parties and the subject matter of this action. This judgment applies only to the estates condemned in the tracts shown in the caption above, as such tracts and estates are described in the Complaint and the Declaration of Taking filed herein.

2.

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.

3.

A pre-trial hearing in this case was held before the Court on March 30, 1964. Due notice of such hearing was given to the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendants did not appear at such hearing either in person or by attorney, in connection with the subject tracts, and no defendant has made any appearance at any other time in connection with the subject tracts.

4.

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

condemn for public use the subject tracts, as such tracts are particularly described in such Complaint. Pursuant thereto, on May 4, 1960, the United States of America filed its Declaration of Taking of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

Simultaneously with filing herein 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, none of which has been disbursed as shown in paragraph 9.

6.

The Court has considered the evidence offered by the Plaintiff at the pre-trial hearing and finds that the fair market value of the ownership under consideration was in the amount of \$550.00 as to Tract No. D-469 and \$3,650.00 as to Tract No. D-472, and such sums should be adopted as the awards of just compensation for the estates taken in the subject property.

7.

On the date of taking in this action, the owner of the estates taken in the subject tracts was the defendant whose name is shown as owner in paragraph 9 below. All other defendants having either disclaimed or defaulted, the named defendant is entitled to receive the award of just compensation.

8.

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

9.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owner of the estates condemned herein in the subject property was the defendant whose name appears in the schedule below; the right to just

compensation for the estates taken in this property is vested in the party so named, and the sums adopted as the awards of just compensation for the estates herein taken in subject property, are as follows, to-wit:

TRACT NO. D-469

Owner:

The Goss and Hamlin Home

Award of just compensation - - - - -	\$550.00	\$550.00
Deposited as estimated compensation - - - -	<u>\$550.00</u>	
Disbursed to owner - - - - -		<u>None</u>
Balance due to owner - - - - -		\$550.00

TRACT NO. D-472

Owner:

The Goss and Hamlin Home

Award of just compensation - - - - -	\$3,650.00	\$3,650.00
Deposited as estimated compensation - - - -	<u>\$3,650.00</u>	
Disbursed to owner - - - - -		<u>None</u>
Balance due to owner - - - - -		\$3,650.00

10.

It Is Further ORDERED that the Clerk of this Court shall disburse from the deposits for the subject tracts the balance due to the owner as shown in paragraph 9 above.

/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,	)	CIVIL ACTION NO. 4922
)	
Plaintiff,	)	Tracts Nos.
	)	P-1656E-3) Subsurface
vs.	)	P-1656E-4) interest
	)	P-1656E-5) only
109.05 Acres of Land, More or Less,	)	P-1658E-2
Situate in Nowata County, Oklahoma,	)	P-1658E-3
and Charles F. Russell, et al, and	)	R-1839E-2) Subsurface
Unknown Owners,	)	) interest only
	)	S-1906E-2
Defendants.	)	T-2039E-2
	)	W-2317
	)	W-2317E-1
	)	W-2317E-2
	)	W-2317E-3
	)	W-2317E-4

J U D G M E N T

On April _____, 1964, this cause, as to the captioned tracts, came before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma, for disposition of the plaintiff's motion for judgment. After being advised by counsel for plaintiff, and having examined the files in the case, the Court finds:

1.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the subsurface interest condemned in Tracts Nos. P-1656E-3, P-1656E-4, P-1656E-5 and R-1839E-2 but applies to the entire interest in the other tracts shown in the caption above, as such tracts and estates are described in the Complaint and Declaration of Taking filed herein.

2.

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.

3.

A pre-trial hearing in this case was held before the Court on March 30, 1964. Due notice of such hearing was given to the parties. The plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney. The defendant, Charles W. Davidson, appeared by his attorney, Thomas L. Palmer. The defendant, Harry W. Kester, appeared by his attorney, Glenn H. Chappell. The defendant, Rigdon and Bruen

Oil, appeared by its attorney, John M. Wall. The defendant, Pearl A. Orenduff, appeared by her attorney, Arthur Meyer. The defendant, Lawrence Carr Stratton, appeared in person. No other defendants appeared either in person or by attorney in connection with the subject tracts.

4.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject tracts, as such tracts are particularly described in such Complaint. Pursuant thereto, on May 10, 1960, the United States of America filed its Declaration of Taking of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

Simultaneously with filing herein 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, part of which has been disbursed as shown in paragraph 11.

6.

By the filing of a Declaration of Taking on March 1, 1960, in Civil Action 4868, the Government acquired all right, title and interest in the subsurface estate in an area which included the tracts designated in the subject civil action (No. 4922) as Tracts P-1656E-3, P-1656E-4 and P-1656E-5. Since the subject civil action was not filed until May 10, 1960, it is obvious that on the date of taking in the subject civil action, the Government already was vested with title to the subsurface estate it sought to condemn in these three tracts, and the condemnation thereof was unnecessary. Therefore, this action, insofar as it applies to the subsurface estate in these three tracts, should be dismissed.

7.

The Court has considered the evidence offered by the plaintiff at the pre-trial hearing and finds that the decrease in fair market value of the ownerships under consideration, caused by this action, was in the amounts as follows:

As to Tracts Nos. P-1658E-2 and P-1658E-3 - - - - -	\$ 450.00
As to the mineral interest in Tract No. R-1839E-2 - - -	25.00
As to Tract No. S-1906E-2 - - - - -	100.00
As to Tract No. T-2039E-2 - - - - -	50.00
As to Tracts Nos. W-2317 and W-2317E-1 thru E-4 - - - -	1,450.00

Such sums should be adopted as the awards of just compensation for the estates taken in the various tracts, and such awards should be allocated to the various owners as shown in paragraph 11.

8.

The defendants named in paragraph 11 as owners of subject property, as of the date of taking, were the owners of the estates condemned in the subject property, and all other defendants having either disclaimed or defaulted, the named defendants are entitled to receive the awards of just compensation.

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 property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, to the extent of the estate indicated and for the uses and purposes described in such Declaration of Taking, with the exception of the property described in paragraph 10 below, 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 estates are forever barred from asserting any claim thereto.

10.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this action insofar as it applies to any right, title or interest in or to the subsurface estate, including but not limited to, all oil, gas and other mineral interests, in Tracts Nos. P-1656E-3, P-1656E-4 and P-1656E-5, as such tracts are described in the Complaint and Declaration of Taking filed herein, be and hereby is dismissed.

11.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in the subject property were the defendants whose names appear in the schedule below; the right to just compensation for the estates taken in this property is vested in the parties so

named, as their interests appear therein; and the sums hereby adopted as the awards of just compensation for the estates herein taken in subject property, are as follows, to-wit:

TRACTS NOS. P-1658E-2 AND P-1658E-3

Owners:

Lessor interest:

A. L. Youtsey and Vernia E. Youtsey, jointly

Lessee interest:

Edward Berger	- - - - -	8%
Thomas C. Haher	- - - - -	2%
Harold Humke	- - - - -	1%
Jessie Earl Wells	- - - - -	2%
Benjamin Mensendick	- - - - -	3%
Henry Humke	- - - - -	4%
Arthur L. Kirchherr	- - - - -	2%
John Larsen	- - - - -	3%
Russell L. Miller	- - - - -	1%
Donald R. Pence	- - - - -	1%
Homer A. Plank	- - - - -	1%
Lena Pearle Roth	- - - - -	1%
Richard A. Smith	- - - - -	1%
William Welling	- - - - -	1%
Royal H. Barnett	- - - - -	3%
Charles E. Frey	- - - - -	1%
Dr. Ellsworth E. Gribler	- - - - -	2%
Emmett J. Griep	- - - - -	1%
Elmer Humke	- - - - -	1%
T. A. Fletcher	- - - - -	11%
Russell Seibel	- - - - -	1%
Everett Humke	- - - - -	2%
F. Dale Durfee	- - - - -	1%
Leroy Grimes	- - - - -	1%
Ethel M. Fletcher	- - - - -	1%
Josephine G. Plenge	- - - - -	3%
F. Mae Durfee	- - - - -	1%
William J. Weckbach and		
Margaret M. Weckbach	- - - - -	1%
Charles W. Davidson	- - - - -	38%
Nettie Cochran	- - - - -	1%
Victory National Bank, Nowata, Oklahoma held a mortgage on this property		

Award of Just Compensation	- - - - -	\$450.00	\$450.00
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Allocated as follows:

To Lessor interest	- - - - -	\$150.00
To Lessee interest	- - - - -	300.00

Deposited as Estimated Compensation	- - - - -	<u>\$450.00</u>
Disbursed to Owners of Lessor interest	- - - - -	<u>\$450.00</u>
Overpayment to Lessor Owners	- - - - -	\$300.00
Balance Due to Lessee Owners	- - - - -	\$300.00

SUBSURFACE ESTATE ONLY IN TRACT NO. R-1839E-2

Owner:

Tidewater Associated Oil Company

Award of Just Compensation - - - - -	\$25.00	\$25.00
Deposited as Estimated Compensation - - - - -	<u>\$25.00</u>	
Disbursed to Owner - - - - -		<u>\$ None</u>
Balance Due to Owner - - - - -		\$25.00

TRACT NO. S-1906E-2

Owners:

Surface interest:

Rigdon and Bruen Oil, a co-partnership

Subsurface interest:

Lessor interest:

Henry Evans Gray - - - - -	1/4
Mildred Phillips Gray - - - - -	1/4
Nancy W. Pollard and Anna W. Howard, Trustees under the Will of Gena Warner, deceased - - - - -	1/2

Lessee interest:

Rigdon and Bruen Oil, a co-partnership

Award of Just Compensation - - - - -	\$100.00	\$100.00
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Allocated as follows:

To surface and lessors of subsurface interests - - - - -	\$75.00
To lessee of subsurface interest - - - - -	\$25.00

Deposited as Estimated Compensation - - - - -	<u>\$100.00</u>	
Disbursed to Owners - - - - -		<u>\$ None</u>
Balance Due to Owners - - - - -		\$100.00

TRACT NO. T-2039E-2

Owners:

Lessor interest:

James R. Gibson and Lola R. Gibson - - - - -	1/2
Subject to a mortgage owned by First National Bank of Nowata	
Cora A. Dodge - - - - -	1/2

TRACT NO. T-2039E-2 (Cont'd)

Owners (Cont'd):

Lessee Interest:

Pearl A. Orenduff	- - - - -	14/16
Mr. or Mrs. Lee B. Rankin	- - - - -	1/32
Katherine Rankin Miller	- - - - -	1/32
Dr. and Mrs. Robert H. Rowland	- - - - -	1/64
Dr. and Mrs. O. E. Hayes	- - - - -	1/32
Mr. and Mrs. J. Ernest Smith	- - - - -	1/64

Award of Just Compensation - - - - - \$50.00 \$50.00

Allocated as follows:

Lessor interest	- - - - -	\$20.00
Lessee interest	- - - - -	30.00

Deposited as Estimated Compensation - - - - - \$50.00

Disbursed to Owners - - - - - \$ None

Balance Due to Owners - - - - - \$50.00

TRACTS NOS. W-2317, W-2317E-1, W-2317E-2
W-2317E-3 AND W-2317E-4

Owners:

Lawrence Carr Stratton	- - - - -	1/2
Cleo Anna Crisp	- - - - -	1/2

Award of Just Compensation - - - - - \$1,450.00 \$1,450.00

Deposited as Estimated Compensation - - - - - \$1,450.00

Disbursed to Owners - - - - - \$ None

Balance Due to Owners - - - - - \$1,450.00

12.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff, United States of America, has judgment against the defendants, A. L. Youtsey and Vernia E. Youtsey, for the overpayment to them in the amount of \$300.00. In payment of such judgment the said defendants shall deposit the sum of \$300.00 with the Clerk of this Court, and such payment shall be placed in the deposit for Tracts Nos. P-1658E-2 and P-1658E-3 in this civil action.

13.

IT IS FURTHER ORDERED that the Clerk of this Court shall disburse from the deposits for the subject tracts certain sums as follows:

1. Tract No. S-1906E-2:

TO Rigdon and Bruen Oil, a co-partnership - - - - -	\$ 75.00
TO Henry Evans Gray - - - - -	6.25
TO Mildred Phillips Gray - - - - -	6.25
TO Nancy W. Pollard and Anna W. Howard, Trustees under the Will of Gena Warner, deceased - - - - -	12.50
	<u> </u>
	\$100.00

2. Tract No. T-2039E-2:

TO James R. Gibson, Lola R. Gibson and the First National Bank of Nowata, jointly - - - - -	\$ 10.00
TO Cora Dodge - - - - -	10.00
TO Mr. or Mrs. Lee B. Rankin - - - - -	0.94
TO Katherine Rankin Miller - - - - -	0.94
TO Dr. & Mrs. Robert H. Rowland - - - - -	0.47
TO Dr. & Mrs. O. E. Hayes - - - - -	0.93
TO Mr. & Mrs. J. Ernest Smith - - - - -	0.47
	<u> </u>
	\$ 23.75

3. Tracts Nos. W-2317, and W-2317E-1 thru E-4:

TO Lawrence Carr Stratton - - - - -	\$725.00
TO Cleo Anna Crisp - - - - -	<u>725.00</u>
	\$1,450.00

/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.

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

Tracts Nos.: E-548E-4

E-574E

J-1042E-4

M-1347E-2 thru E-4

S-1988E-1 and E-2

S-1992E

S-1993E

J U D G M E N T

On April 16, 1964, this cause as to the captioned tracts, came before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma, for disposition of the Plaintiff's motion for judgment. After being advised by counsel for Plaintiff and having examined the files in the case, the Court finds:

1.

The Court has jurisdiction of the parties and the subject matter of this action. This judgment applies only to the estates condemned in the tracts shown in the caption above, as such tracts and estates are described in the Complaint and the Declaration of Taking filed herein.

2.

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.

3.

A pre-trial hearing in this case was held before the Court on March 30, 1964. Due notice of such hearing was given to the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendants, Lillie Benbow and George B. Schwabe, Jr., appeared in person. The defendant, Grace Smerdon, appeared by her attorney, George B. Schwabe, Jr. The defendants, Paul T. Kemmerer and Ruby Lea Kemmerer and Matilda Ann McSpadden, appeared by their attorney, Glenn H. Chappell. The defendant, Blackwell Zinc Company, Inc., appeared by its representative M. L. Hagan. No other defendants appeared at such hearing, either in person or by attorney,

in connection with the subject tracts, and no other defendants have made any appearance at any other time in connection with the subject tracts.

4.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tracts, as such tracts are particularly described in such Complaint. Pursuant thereto, on June 3, 1960, the United States of America filed its Declaration of Taking of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, certain sums of money, part of which has been disbursed, as shown in paragraph 12.

6.

The Court has considered the evidence offered by the Plaintiff at the pre-trial hearing and finds that the decrease in fair market value of certain ownerships under consideration, caused by this action, was as follows:

Entire estate taken in Tract No. E-548E-4 - - - - -	\$50.00
Entire estate taken in Tract No. E-574E - - - - -	\$125.00
Mineral estate only in Tract No. J-1042E-4 - - - - -	\$50.00
Lessor interest in the estate taken in Tracts Nos. M-1347E-3, E-3 and E-4 - - - - -	\$100.00
3/4 interest in the estate taken in Tracts Nos. S-1988E-1 and S-1988E-2 - - - - -	\$18.75
Lessee interest in the estate taken in Tract No. S-1993E - - - - -	\$25.00

Such sums should be adopted as the awards of just compensation for the various interests in the estates taken in the subject property, and such awards should be allocated to the various owners as shown in paragraph 12.

7.

The owners of the surface interest taken in Tract No. J-1042E-4, the owners of the entire estate taken in Tract No. S-1992E, and the owner of the lessor interest taken in Tract No. S-1993E have executed option contracts which have been accepted by the Plaintiff, whereby such parties have fixed the amount of the awards of just compensation for such described interests and such option contracts should be approved by the Court.

8.

The owner of the lessee interest in the estate taken in Tracts Nos. M-1347E-2, M-1347E-3 and M-1347E-4 and the owner of an undivided 1/4 interest in the estate taken in Tracts Nos. S-1988E-1 and S-1988E-2, together with the Plaintiff, have executed and filed herein certain stipulations as to just compensation whereby the parties have agreed upon the amount of the awards of just compensation for such described interests, and such stipulations should be approved by the Court.

9.

The defendants named as owners in paragraph 12, as of the date of taking, were the owners of the estates condemned in the subject property; and all other defendants having either disclaimed or defaulted, the named defendants are entitled to receive the awards of just compensation.

The ownership of the mineral estate under Tract No. J-1042E-4 cannot be accurately determined from the title information now available.

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 property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and such property, to the extent of the estates described and for the uses and purposes described in such Declaration of Taking, is condemned and title thereto is vested in the United States of America 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.

The option contracts described in paragraph 7 above and the stipulations as to just compensation described in paragraph 8 above, hereby are approved and the sums therein fixed by the parties are adopted by the Court as just compensation for the interests covered by such instruments, as set out in paragraph 12 below.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in the subject property, with the exception of the mineral estate in Tract No. J-1042E-4, were the defendants whose names appear in the schedule below; the right to just

compensation for the estates taken in this property is vested in the parties so named, as their interests appear therein; and the awards of just compensation for the estates herein taken in the subject property are as follows, to-wit:

TRACT NO. E-548E-4

Owners:

Lessor interest:

Lillie Benbow

Lessee interest:

McAlester Fuel Company - - - 124/128 of 7/8, Working interest
 Investors Service Company - 3/128 of 7/8, Overriding royalty interest
 Marcella H. Godfrey - - - - 1/128 of 7/8, " " "

Award of just compensation - - - - - \$50.00 \$50.00

Allocated as follows:

To lessor - - - - - \$25.00
 To working interest - - - - 21.00
 To 3/128 ORR interest - - - 3.00
 To 1/128 ORR interest - - - 1.00

Deposited as estimated compensation - - - - - \$50.00

Disbursed to owners - - - - - None

Balance due to owners - - - - - \$50.00

TRACT NO. E-574E

Owner:

Walter Miller

Award of just compensation - - - - - \$125.00 \$125.00

Deposited as estimated compensation - - - \$125.00

Disbursed to owner - - - - - None

Balance due to owner - - - - - \$125.00

TRACT NO. J-1042E-4

Owners:

Surface interest:

Emmett Martin and
 Reva Martin

Mineral interest:

Undetermined

Tract No. J-1012E-4 Cont'd

Award of just compensation - - - - - \$75.00 \$75.00

Allocated as follows:

To surface interest pursuant
to option contract - - - \$25.00
To mineral interest - - - - \$50.00

Deposited as estimated compensation - - - - - \$75.00

Disbursed to owners of surface interest - - - - - \$25.00

Balance due to owners of mineral interest - - - - - \$50.00

TRACTS NOS. M-1347E-2, M-1347E-3
AND M-1347E-4

Owners:

Lessor interest:

J. C. Kilburn - - - - - 3/12
Lucy B. Kilburn - - - - - 3/12
Nell Lewis - - - - - 3/12
Grace Smerdon - - - - - 2/12
George B. Schwabe, Jr. - - - - 1/12

Lessee interest:

Blackwell Zinc Company, Inc.
(successor in interest to
American Climax Petroleum Co.)

Award of just compensation - - - - - \$150.00 \$150.00

Allocated as follows:

To lessor interest - - - - - \$100.00
To lessee interest, pursuant
to stipulation - - - - - \$50.00

Deposited as estimated compensation - - - - - \$150.00

Disbursed to owner of lessee interest - - - - - \$50.00

Balance due to lessors - - - - - \$100.00

TRACTS NOS. S-1988E-1 AND S-1988E-2

Owners:

Alice Lovell Robertson - - - - - 2/12
Benjamin L. Robertson and
Eleanor K. Robertson - - - - - 2/12
John L. Robertson and
Geneva P. Robertson - - - - - 2/12
B. P. Robertson - - - - - 3/12
Matilda Ann McSpadden - - - - - 3/12 (Stipulation approved
for \$6.25)
Federal Land Bank of Wichita - - - - - Mortgage owner

Tracts Nos. S-1988E-1 and S-1988E-2 (Cont'd)

(The property remaining after this taking is ample security for this mortgage. Therefore, this mortgagee will not share in the distribution of the award.)

Award of just compensation - - - - -	\$25.00	\$25.00
Deposited as estimated compensation - - - - -	<u>\$25.00</u>	
Disbursed to Marilda Ann McSpadden only - - - - -		<u>\$6.25</u>
Balance due to other owners - - - - -		\$18.75

TRACT NO. S-1992E

Owners:

Paul T. Kemmerer and
Ruby Lea Kemmerer

Subject to three mortgages owned by:

1. Federal Land Bank of Wichita, Kansas
2. Josie May Kemmerer and O. J. Kemmerer
3. Farmers Home Administration

(The property remaining after this taking is ample security for these mortgages. Therefore, these mortgagees will not share in the distribution of the award.)

Award of just compensation pursuant to option contract - - - - -	\$50.00	\$50.00
Deposited as estimated compensation - - - - -	<u>\$50.00</u>	
Disbursed to owners - - - - -		<u>None</u>
Balance due to owners - - - - -		\$50.00

TRACT NO. S-1993E

Owners:

Lessor interest:

Hazel Anderson Parrish

Lessee interest:

W. R. (Ray) Hendrickson

Award of just compensation - - - - -	\$50.00	\$50.00
Allocated as follows:		
To lessor interest - - - - -	\$25.00	
To lessee interest - - - - -	\$25.00	
Deposited as estimated compensation - - - - -	<u>\$50.00</u>	
Disbursed to owners - - - - -		<u>None</u>
Balance due to owners - - - - -		\$50.00

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

Tract No. E-548E-4:

To Lillie Benbow - - - - -	\$25.00
To McAlester Fuel Company - - - - -	\$21.00
To Investors Service Company - - - - -	\$3.00
To Marcella H. Godfrey - - - - -	\$1.00

Tract No. E-574E:

To Walter Miller - - - - -	\$125.00
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Tracts Nos. M-1347E-2 thru E-4:

To J. C. Kilburn - - - - -	\$25.00
To Lucy B. Kilburn - - - - -	\$25.00
To Grace Smerdon - - - - -	\$16.67
To George B. Schwabe, Jr. - - - - -	\$8.33

Tracts Nos. S-1988E-1 and E-2:

To Alice Lovell Robertson - - - - -	\$4.17
To Benjamin L. Robertson and Eleanor K. Robertson, jointly - - - - -	\$4.17
To John L. Robertson and Geneva P. Robertson, jointly - - - - -	\$4.16

Tract No. S-1992E:

To Paul T. Kemmerer and Ruby Lea Kemmerer, jointly - - - - -	\$50.00
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Tract No. S-1993E:

To Hazel Anderson Parrish - - - - -	\$25.00
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It Is Further ORDERED that the undistributed balances in the deposits for Tracts Nos. J-1042E-4, M-1347E-2 thru E-4, S-1988E-1 and E-2, and S-1993E cannot be disbursed at the present time because the owners either have not been determined or have not been located. Appropriate orders of distribution will be entered by the Court upon proper proof of ownership or identity of the owner.

In the event that such undistributed balances remain on deposit for a period of five years, then at the end of that period, without further order of Court, the Clerk of this Court shall disburse such funds to the Treasurer of the United States of America, pursuant to the provisions of Title 28, Section 2042 U.S.C.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

 HUBERT A. MARLOW
 Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

47.94 Acres of Land, More or Less,
Situatē in Nowata County, Oklahoma,
and Gabriel A. Flackburn, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4947

Tracts Nos.: M-1334M-1
O-1538E-2
O-1538E-3
P-1661E-3
S-1992E-2
S-1992E-3

J U D G M E N T

On April 10, 1964, this cause, as to the captioned tracts, came before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma, for disposition of the Plaintiff's motion for judgment. After being advised by counsel for Plaintiff and having examined the files in the case, the Court finds:

1.

The Court has jurisdiction of the parties and the subject matter of this action. This judgment applies only to the estates condemned in the tracts shown in the caption above, as such tracts and estates are described in the Complaint and the Declaration of Taking filed herein.

2.

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.

3.

A pre-trial hearing in this case was held before the Court on March 30, 1964. Due notice of such hearing was given to the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendants, Paul T. Kemmerer and Ruby Lea Kemmerer and Eleanor V. Hatch, appeared by their attorney, Glenn H. Chappell. No other defendants appeared either in person or by attorney, in connection with the subject tracts.

4.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tracts, as such tracts are particularly described in such Complaint. Pursuant thereto, on June 9, 1960, the United States of America filed its Declaration of Taking of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, certain sums of money, part of which has been disbursed as shown in paragraph 10.

6.

The Court has considered the evidence offered at the pre-trial hearing and finds that the decrease in fair market value of certain ownerships under consideration, caused by this action, was as follows:

Tracts Nos. O-1538E-2 and E-3 - - - - - \$300.00

Tract No. P-1661E-3 - - - - - \$450.00

7.

The owners of the estates taken in Tract No. M-1334M-1 and the owners of Tracts Nos. S-1992E-2 and E-3 together with the Plaintiff have executed certain option contracts, whereby the parties have agreed upon the amount of the awards of just compensation for such estates taken and such option contracts should be approved by the Court.

8.

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 as owners in paragraph 10 below. All other defendants having either disclaimed or defaulted, the named defendants are entitled to receive the award of just compensation.

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 property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and

such property, to the extent of the estates indicated and for the uses and purposes described in such Declaration of Taking, is condemned and title thereto is vested in the United States of America as of the date of filing such Declaration of Taking, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim thereto.

10.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in the subject property were the defendants whose names appear in the schedule below; the right to just compensation for the estates taken in this property is vested in the parties so named; the option contracts described in paragraph 7 above are approved, and the sums therein fixed are adopted as the awards of just compensation for the estates herein taken in subject property; as follows, to-wit:

TRACT NO. M-1334M-1

Owners:

Gabriel A. Blackburn and
Frances Blackburn

Award of just compensation		
pursuant to option contract - - - - -	\$25.00	\$25.00
Deposited as estimated compensation - - - - -	<u>\$25.00</u>	
Disbursed to owners - - - - -		<u>None</u>
Balance due to owners - - - - -		\$25.00

TRACTS NOS. O-1538E-2 AND O-1538E-3

Owners:

J. O. Scott - - - - - 1/2
Heirs of V. D. Scott, deceased, who are - 1/2
Affe; Scott
Leon Scott
Virgie Lord Nix

Award of just compensation - - - - -	\$300.00	\$300.00
Deposited as estimated compensation - - - - -	<u>\$300.00</u>	
Disbursed to owners - - - - -		<u>\$300.00</u>

TRACT NO. P-1661E-3

Owner:

Eleanor V. Hatch

Award of just compensation - - - - -	\$450.00	\$450.00
Deposited as estimated compensation - - - - -	\$380.00	
Disbursed to owner - - - - -		<u>\$330.00</u>
Balance due to owner - - - - -		\$120.00
Deposit deficiency - - - - -	\$70.00	

TRACTS NOS. S-1992E-2 AND S-1992E-3

Owners:

Paul T. Kemmerer and
Ruby Lea Kemmerer

Subject to three mortgages owned by:

1. Federal Land Bank of Wichita, Kansas
2. Josie May Kemmerer
3. Farmers Home Administration

(The property remaining after this taking is ample security for these mortgages. Therefore, these mortgagees will not share in the distribution of the award.)

Award of just compensation - - - - -	\$335.00	\$335.00
Deposited as estimated compensation - - - - -	<u>\$335.00</u>	
Disbursed to owners - - - - -		<u>None</u>
Balance due to owners - - - - -		\$335.00

11.

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

Tract No. M-1334M-1:

To Gabriel A. Blackburn and
Frances Blackburn, jointly - - - - - \$25.00

Tracts Nos. S-1992E-2 and S-1992E-3:

To Paul T. Kemmerer and
Ruby Lea Kemmerer, jointly - - - - - \$335.00

12.

It Is Further ORDERED that the Plaintiff shall pay into the Registry of this Court the deposit deficiency for Tract No. P-1661E-3 in the

total sum of \$70.00, and such payment shall be credited to the deposit for such Tract No. P-1661E-3.

When such deficiency deposit has been made the Clerk of this Court shall disburse from the deposit for Tract No. P-1661E-3 the sum of \$120.00 to Eleanor V. Hatch.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
vs.
2,851.79 Acres of Land, More or Less,
Situating in Osage County, Oklahoma, and
Osage Tribe of Indians, et al, and
Unknown Owners,
Defendants.

Plaintiff,

Civil No. 5763

Tract Nos. 002-1M, 003-3M,
003-4M & 1034-4M

FILED

APR - 6 1964

PARTIAL JUDGMENT

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

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a Partial Judgment determining the ownership and the just compensation to be awarded the owners of the oil lessee interest in the above case.

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 oil lessee interest; 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 oil lessee interest on the date of taking, and are entitled to receive the award therefor.

4. The Court finds that plaintiff and Jessie M. Peters, Agnes K. Smith, and Nora B. Seger, defendants herein, have by the stipulation agreed that the just compensation to be paid by plaintiff for the taking of the oil lessee interest taken in the above tracts is the sum of \$1,535.00, inclusive of interest.

5. The Court finds the amount of \$1,535.00, inclusive of interest, is just compensation for the taking of the oil lessee estate by the plaintiff in the above tracts, as such estate and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. No sum was deposited into the Registry of this Court as estimated just

compensation for said oil lessee interest upon the filing of the Declaration of Taking herein.

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

(a) The vesting in plaintiff of title to the oil lessee estate set forth in the Complaint and Declaration of Taking in and to the tracts 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 oil lessee interest is the sum of \$1,535.00, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$1,535.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following named payees:

Jessie M. Peters, Agnes K. Smith,
and Nora B. Seger - - - - - \$1,535.00

Entered this 6th day of April, 1964.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OKLAHOMA

Comes now the Plaintiff,

Plaintiff

771.31 Acres of Land, more or less
 situate in Nowata County, Oklahoma,
 and Board of County Commissioners of
 Nowata County, Oklahoma, et al, and
 unknown owners,

Defendants,

Civil Action No. 4597

FILED

APR 11 1964

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

J. D. G. M. P. H. C.

All of the portion of Tract No. R-1098, and
 All of the portion of Tract No. R-1099, and
 20 acres of Tract No. R-1099, described as
 S. 31 1/2 E. 31, and S. 31 1/2 E. 31 1/2 of section 25,
 Township 26 North, Range 16 East,

Now, on this the 30th day of March, 1964, there comes on for
 hearing the determination of ownership as to the above tracts and section
 for distribution as per stipulation on file herein, and the owners, here-
 inafter set out, appearing by their attorneys of record and no one else
 appearing and the Court being fully advised, finds as follows:

award of just compensation by the Commissioners	\$1780.00
Interest thereon	60.52
total award and interest	\$1840.52
with just compensation withdrawn by the true owners	\$9040.37
Balance remaining to be distributed	\$1800.15

The said balance of \$1800.15 remaining in the hands of the Court Clerk
 should be disbursed and paid to the following named parties as follows,
 to-wit:

to Mrs. J. G. Giffinger, Inc. (balance due on 10/1/63)	\$5.00
to William Fickel, Charles D. Fickel and Thomas J. Fickel, Executors of the Estate of J. C. Fickel, deceased, owner of the land on which said land	\$1800.15

To A. J. Chesenger, N. J. Bordner, Cass Napier and Ralph Goodan, the owners of the oil and gas lease and equipment and
Glen C. Chappell, their attorney \$14.94

IT IS SO ORDERED, ADJUDGED AND DECREED that said executors of the estate of C. D. Hicks, deceased, and A. J. Chesenger, N. J. Bordner, Cass Napier and Ralph Goodan are adjudged to be the sole owners of the mineral estate under said tract and property as above described and that the awards of just compensation, with interest thereon, as provided in the judgments heretofore rendered herein, be and the same is hereby ordered distributed to said owners and parties as follows, to-wit:

To Wm. M. Edinger, Inc. (witness fee)	\$ 58.00
To Arlene Hicks, Charles D. Hicks and Glen C. Chappell, Executors of the Estate of C. D. Hicks, Deceased, owner of the mineral rights under said land	\$500.00
To A. J. Chesenger, N. J. Bordner, Cass Napier and Ralph Goodan, the owners of the oil and gas lease and equipment and Glen C. Chappell, their attorney	\$14.94

UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE
OKLAHOMA DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs

Civil Action No. 4599

971.71 acres of land, More or Less,
Situate in Nowata County, Oklahoma,
and Board of County Commissioners of
Nowata County, Oklahoma, et al, and
Unknown Owners,

Defendants.

FILED

MAR 29 1964

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

J U D G M E N T

50 Acres of Tract No. R-1809, described as
E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, and E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
Section 25, Township 26 North, Range 16 East.

Now on this the 30th day of March, 1964, there comes on for hearing the matter of determination of ownership as to the above property and for an order of distribution of the compensation with interest, as provided in the judgment rendered herein on March 27, 1961; the owners hereinafter set out appearing by their attorneys of record and no one else appearing and the Court being fully advised, finds:

That Irvin B. Long, an incompetent, owns all of the oil, gas and other minerals in and under all of said above described real estate and property and that A. J. Thesenger, B. J. Bordner, Cass Napier and Ralph Goodan owned the oil and gas and leasehold estate thereon.

The Court further finds that in the judgment rendered herein on March 27, 1961, just compensation was decreed as follows, to-wit:

50 acres of said tract, as above	\$938.00
Interest on compensation	\$132.65
Total award and interest	\$1070.65
Estimated compensation withdrawn by lease owners . . . . .	.63
Balance remaining to be distributed . . .	\$1070.02.

That C. F. Long is the duly appointed, qualified and acting guardian of said Irvin D. Long, an incompetent, he having been appointed as such in case No. 2417, in the County Court of Nowata County, Oklahoma. That said sum of \$1970.02 should be distributed and paid to the following named parties as follows, to-wit:

To C. F. Long, Guardian of said
Irvin D. Long, an incompetent \$535.01

To A. J. Chesenger, W. J. Bordner, Cass
Napier and Ralph Goodan, owners of the
Lease and leasehold, and Glenn H.
Chappell, their attorney \$535.01.

IT IS THE WIFE, ORDERED, ADJUDGED AND DECREED that Irvin D. Long, an incompetent, is the owner of the royalty interest and that A. J. Chesenger, W. J. Bordner, Cass Napier and Ralph Goodan are the owners of the leasehold interest and are the sole owners of the mineral estate under said tracts and the order of just compensation, with interest thereon as provided by said judgment rendered on March 27, 1961, be and the same is hereby ordered distributed to the following named owners and parties as follows, to-wit:

To C. F. Long, Guardian of said
Irvin D. Long, an incompetent \$535.01

To A. J. Chesenger, W. J. Bordner, Cass
Napier and Ralph Goodan, owners of the
leasehold, and Glenn H. Chappell, their
attorney \$535.01.

② Allen E. Cannon
UNITED STATES DISTRICT JUDGE

OK Glenn H. Chappell

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

731.06 Acres of Land, More or Less,
Situate in Nowata County, Oklahoma,
and Ruby Helen Barnes, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4888

Tract No. 5601-MA
(Lessor interest only)

FILED

APR 27 1964

J U D G M E N T

1.

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

Now, on this 27 day of APR, 1964, this matter comes

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

2.

This Judgment applies only to the lessor interest in the estate condemned in Tract No. 5601-MA, 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 March 16, 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 lessor interest in the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out in paragraph 12 below.

7.

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

8

The owners of the lessor interest in the subject tract and the United States of America have executed and filed herein a stipulation as to just compensation wherein they have agreed that just compensation for such lessor interest in the estate condemned in subject tract 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 the lessor interest in the estate taken in the subject tract 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 tract named in paragraph 2 herein, as such tract is particularly described in the Complaint and Declaration of Taking filed herein; and the lessor interest in 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, 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 lessor interest in 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 interest taken herein in this tract 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 estate condemned in subject tract as follows:

TRACT NO. 5601-MA

Owners:

Alice J. Lawrence	- - - - -	1/3
Elizabeth Sharp	- - - - -	1/3
Mary Jane Rowntree	- - - - -	1/9
Beverly Gay Hadley	- - - - -	1/9
William B. Sharp	- - - - -	1/9

Award of Just Compensation Pursuant to Stipulation	- - - - -	\$ 3,326.00	\$ 3,326.00
Deposited as Estimated Compensation	- - - - -	\$ 2,377.00	
Disbursed to Owners	- - - - -		<u>None</u>
Balance Due to Owners	- - - - -		\$ 3,326.00
Deposit Deficiency	- - - - -	\$ 949.00	

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 tract, the deficiency sum of \$949.00, and the Clerk of this Court then shall disburse the deposit for the subject tract as follows:

Alice J. Lawrence	- - - - -	\$ 1,108.67
Elizabeth Sharp	- - - - -	1,108.67
Mary Jane Rowntree	- - - - -	369.55
Beverly Gay Hadley	- - - - -	369.55
William B. Sharp	- - - - -	369.56

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

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

C. A. Farrell,)
)
 Plaintiff,)
)
 vs.)
)
 United States of America,)
)
 Defendant.)

Civil No. 5686.

FILED

APR 27 1964

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

ORDER OF DISMISSAL

On this 27th day of April, 1964, upon the stipulation of the parties hereto, and the Court being duly advised in the premises, it is

ORDERED by the Court that the complaint of the plaintiff herein, and the counter claim of the United States of America herein be, and the same each are hereby dismissed with prejudice to the right of either party to assert any rights against the other relative to all issues raised in the above styled and numbered cause, and that each party bear their respective costs.

Allen E. Barrow

United States District Judge
Northern District of Oklahoma

Approved:

Robert P. Kelly
Robert P. Kelly
Attorney for Plaintiff

Phillip ...
Attorney for Defendant

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

GRAND RIVER DAM AUTHORITY,)
a public corporation,)

Petitioner,)

vs.)

Civil No. 5699

1 Tract of Land containing 143.2)
acres, more or less in Mayes County,)
Oklahoma, Louis W. Saxon, et al.,)

Defendants.)

FILED

APR 27 1964

ORDER CONFIRMING REPORT OF COMMISSIONERS

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

NOW, on this the 27th day of April, 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, 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, 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. 9 MF 33 + FE
(Fee Title & Perpetual Easement upon)

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

FEE TITLE to:

All those parts of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, the NW $\frac{1}{4}$ SW $\frac{1}{4}$, the W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and the W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ described as follows: Beginning at a point in the West boundary of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ 250 feet South of the Northwest corner thereof, thence in a Northeasterly direction to a point in the East boundary of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ 660 feet South of the Northeast corner thereof, thence in a Northeasterly direction to a point in the North boundary of said W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ 330 feet East of the Northwest corner thereof, thence in a Northeasterly direction to a point in said W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ 660 feet South and 165 feet West of the Northeast corner thereof, thence in a Northwesterly direction to a point in the North boundary of said W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ 330 feet West of the Northeast corner thereof, thence Easterly along said North boundary to said Northeast corner, thence Southerly along the East boundary of said W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ to the Southeast corner thereof, thence in a Southwesterly direction to a point in the West boundary of said W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ 165 feet North of the Southwest corner thereof, thence in a Southwesterly direction to a point in the West boundary of said NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ 100 feet North of the Southwest corner thereof, thence Northerly along said West boundary to the point of beginning; and all that part of the South 20 acres of Lot 4 lying North of the following described line: Beginning at the Northwest corner of said South 20 acres of Lot 4, thence in a Southeasterly direction to a point in the East boundary of said South 20 acres of Lot 4, 330 feet South of the Northeast corner thereof, all in Section 1, T 23 N, R 20 E of the Indian Base and Meridian, containing 24.9 acres.

PERPETUAL EASEMENT upon:

The South 20 acres of Lot 4, the W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, the West 330 feet of the W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, and the NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ except those portions to be taken in fee and described above; and those parts of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ described as follows: Beginning at a point in the South boundary of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ 165 feet East of the Southwest corner thereof, thence in a Northwesterly direction to a point in said SW $\frac{1}{4}$ NW $\frac{1}{4}$ 330 feet North and 495 feet West of the Southeast corner thereof, thence Northerly parallel to the East boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 495 feet, thence in a Southwesterly direction to a point 660 feet South and 330 feet East of the Northwest corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$, thence Westerly parallel to the North boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ to a point in the West boundary thereof, thence Northerly along said West boundary to the Northwest corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$, thence Easterly along the North boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ to the Northeast corner thereof, thence Southerly along the East boundaries of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ and said NW $\frac{1}{4}$ SW $\frac{1}{4}$ to the Southeast corner of said NW $\frac{1}{4}$ SW $\frac{1}{4}$, thence Westerly along the South boundary of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ to the point of beginning except that portion of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ to be taken in fee and described above, all in Section 1;

and

Those parts of the South 20 Acres of Lot 1 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ described as follows: Beginning at the Northwest corner of said South 20 acres of Lot 1, thence Easterly along the North boundary of said South 20 acres of Lot 1 to the Northeast corner thereof, thence Southerly along the East boundaries of said South 20 acres of Lot 1 and said SE $\frac{1}{4}$ NE $\frac{1}{4}$ to a point 660 feet South of the Northeast corner of said SE $\frac{1}{4}$ NE $\frac{1}{4}$, thence Westerly parallel to the North boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 165 feet, thence in a Northwesterly direction to a point in the South boundary of said South 20 acres of Lot 1, 330 feet East of the Southwest corner thereof, thence Northerly parallel to the West boundary of said South 20 acres of Lot 1 a distance of 165 feet, thence in a Northwesterly direction to a point 330 feet North and 165 feet East of the Southwest corner of said South 20 acres of Lot 1, thence in a Southwesterly direction to a point in the West boundary of said South 20 acres of Lot 1, 165 feet North of the Southwest corner thereof, thence Northerly along said West boundary to the point of beginning in Section 2, All in Township 23 North, Range 20 E of the Indian Base and Meridian, containing 118.3 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 30th day of August, 1969, upon the depositing of the sum of \$ 13,850.00 with the 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

GRAND RIVER DAM AUTHORITY,)
a public corporation,)

Petitioner,)

vs.)

Civil No. 5852

4 Tracts of Land, containing)
319.60 Acres, more or less, in)
Mayes County, Oklahoma, Dorothy)
Price Carnegie, et al.,)

Defendants.)

FILED

APR 27 1964

ORDER CONFIRMING REPORT OF COMMISSIONERS NOBLE C. HOOD
Clerk, U. S. District Court

NOW, on this the 27th day of April, 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 January, 19 64, 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 January, 19 64, 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. 1 (6 MF 6 + FE Rev.)
(Fee Title to and Perpetual Easement)

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

FEE TITLE to

All of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ and all those parts of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, the NW $\frac{1}{4}$ NE $\frac{1}{4}$, the SE $\frac{1}{4}$ NW $\frac{1}{4}$, the SW $\frac{1}{4}$ NE $\frac{1}{4}$, and the N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ described as follows:

Beginning at the Northeast corner of said NE $\frac{1}{4}$ NE $\frac{1}{4}$, thence in a Southwesterly direction to a point 825 feet West and 165 feet South of said Northeast corner, thence in a Southwesterly direction to a point in the West boundary of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ 495 feet South of the Northwest corner thereof, thence in a Southwesterly direction to a point in the South boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ 165 feet East of the Southwest corner thereof, thence in a Southwesterly direction to a point in the West boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ 165 feet South of the Northwest corner thereof, thence in a Southwesterly direction to a point in the West boundary of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ 330 feet North of the Southwest corner thereof, thence Southerly along said West boundary to said Southwest corner, thence Easterly along the North boundary of said N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 350 feet to the center of the 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 N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, thence Easterly along the South boundary of said N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ to a point 500 feet from the Southeast corner of said N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, thence up said Spavinaw Creek in a Northerly direction along the center of said Spavinaw Creek following its meander line to a point in the center of the channel directly North of and 376 feet from the Southeast corner of said N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, thence Northerly along the East boundary of said N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ to the Northeast corner thereof, thence Easterly along the South boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the Southeast corner thereof, thence Northerly along the East boundary of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ to the Southwest corner of said NE $\frac{1}{4}$ NE $\frac{1}{4}$, thence Easterly along the South boundary of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ to the Southeast corner thereof, thence Northerly along the East boundary of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ to the point of beginning in Section 18, T 22 N, R 21 E of the Indian Base and Meridian, containing 132.1 acres.

PERPETUAL EASEMENT upon

All those parts of the NE $\frac{1}{4}$ NE $\frac{1}{4}$, the NW $\frac{1}{4}$ NE $\frac{1}{4}$, the SW $\frac{1}{4}$ NE $\frac{1}{4}$, and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying South and East of the following described line:

Beginning at a point in the North boundary of said NE $\frac{1}{4}$ NE $\frac{1}{4}$ 825 feet West of the Northeast corner thereof, thence in a Southwesterly direction to a point in said NW $\frac{1}{4}$ NE $\frac{1}{4}$ 660 feet South and 495 feet West of the Northeast corner thereof, thence Westerly parallel to the North boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 330 feet, thence Southerly parallel to the West boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 330 feet, thence in a Southwesterly direction to the Southwest corner of said NW $\frac{1}{4}$ NE $\frac{1}{4}$, thence in a Southwesterly direction to a point in the West boundary of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ 495 feet North of the Southwest corner thereof, except those portions to be taken in fee and described above, in Section 18, T 22 N, R 21 E of the Indian Base and Meridian, containing 13.8 acres.
(No improvements taken)

Tract No. 2 (6 MF 14 FE)
(Perpetual Easement upon)

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

The East 325 feet of the South 165 feet of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, T 22 N, R 21 E of the Indian Base and Meridian, containing 3.1 acres.
(No improvements taken)

Tract No. 3 (6 MF 16 + FE)
(Fee Title to and Perpetual Easement)

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

FEE TITLE to

All those parts of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, the NW $\frac{1}{4}$ SE $\frac{1}{4}$, the E $\frac{1}{2}$ SW $\frac{1}{4}$, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ lying South of the following described line:

Beginning at a point in the East boundary of said NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ 200 feet South of the Northeast corner thereof, thence in a Southwesterly direction to a point in said NW $\frac{1}{4}$ SE $\frac{1}{4}$ 660 feet East and 330 feet South of the Northwest corner thereof, thence in a Southwesterly direction to a point in said E $\frac{1}{2}$ SW $\frac{1}{4}$ 660 feet West and 990 feet South of the Northeast corner thereof, thence in a Southwesterly direction to a point 1320 feet South and 330 feet East of the Northwest corner of said E $\frac{1}{2}$ SW $\frac{1}{4}$, thence in a Southwesterly direction to a point in the West boundary of said E $\frac{1}{2}$ SW $\frac{1}{4}$ 990 feet North of the Southwest corner thereof, thence in a Southwesterly direction to a point in said SW $\frac{1}{4}$ SW $\frac{1}{4}$ 660 feet East and 330 feet North of the Southwest corner thereof, thence in a Southwesterly direction to a point in the South boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ 165 feet East of said Southwest corner, in Section 8, T 22 N, R 21 E of the Indian Base and Meridian, containing 93.9 acres.

PERPETUAL EASEMENT upon

The West 330 feet of the East 495 feet of the North 330 feet of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ and those parts of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ described as follows:

Beginning at a point in the East boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ 165 feet South of the Northeast corner thereof, thence Southerly along said East boundary a distance of 165 feet, thence in a Southwesterly direction to a point 165 feet West and 495 feet South of said Northeast corner, thence in a Northwesterly direction to a point in the North boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, said point being the Southwest corner of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, thence Northerly along the West boundary of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 330 feet, thence in a Southeasterly direction to the point of beginning; and beginning at the Southwest corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, thence Northerly along the West boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 330 feet, thence Easterly parallel to the South boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 495 feet, thence in a Northwesterly direction to a point 330 feet South and 165 feet East of the Northwest corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, thence Easterly parallel to the North boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 165 feet, thence in a Southeasterly direction to a point 495 feet North and 495 feet West of the Southeast corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, thence in a Southwesterly direction to a point 660 feet East and 330 feet North of the Southwest corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, thence in a Southwesterly direction to a point in

the South boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, 165 feet East of the Southwest corner thereof, thence Westerly along said South boundary to the point of beginning, all in Section 8, T 22 N, R 21 E of the Indian Base and Meridian, containing 15.6 acres. (No Improvements Taken)

Tract No. 4 (6 MF 23 + FE Rev.)
(Fee Title to and Perpetual Easement upon)

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

FEE TITLE to

All of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ and that part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ lying North and West of the following described line:

Beginning at a point in the North boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ 165 feet West of the Northeast corner thereof, thence in a Southwesterly direction to a point 160 feet East and 845 feet South of the Northwest corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$, thence Westerly to a point in the West boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ 475 feet North of the Southwest corner thereof, all in Section 17, T 22 N, R 21 E of the Indian Base and Meridian, containing 52.8 acres.

PERPETUAL EASEMENT upon

Those parts of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ described as follows:

Beginning at the Northeast corner of said W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, thence Westerly along the North boundaries of said W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and said SW $\frac{1}{4}$ NW $\frac{1}{4}$ to a point 165 feet West of the Northeast corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$, thence in a Southwesterly direction to a point in said SW $\frac{1}{4}$ NW $\frac{1}{4}$ 160 feet East and 475 feet North of the Southwest corner thereof, thence Easterly parallel to the South boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ to a point 330 feet West of the East boundary thereof, thence Northerly parallel to the East boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 185 feet, thence Westerly parallel to the North boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 330 feet, thence Northerly parallel to the West boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 165 feet, thence in a Northeasterly direction to a point in the East boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ 165 feet South of the Northeast corner thereof, thence Easterly parallel to the North boundary of said W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 330 feet,

thence in a Northeasterly direction to the point of beginning, all in Section 17, T 22 N, R 21 E of the Indian Base and Meridian, containing 8.3 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 10th day of January, 1964, upon the depositing of the sum of \$ 23,975.00 with the registry of this Court for the lands and estates taken in and to the above described land.

Allen E. Barrow

U. S. District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Jerry D. Shacklett,

Petitioner,

vs.

United States of America,

Respondent.

Civil No. 5934

FILED

APR 27 1964

ORDER

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

This matter coming on before me, the undersigned Judge, this 27th day of April, 1964, upon the motion to vacate sentence pursuant to 28 U.S.C. 2255, filed herein by the petitioner, Jerry D. Shacklett, and the court having carefully examined said motion and the files and records in this cause, as well as Criminal Cases Nos. 14018 and 14032 in this court, and being fully advised in the premises finds:

That the issue tendered by petitioner in his motion is solely one of law and that therefore this matter may be disposed of on the files and records in the case without the necessity for a hearing or for petitioner being brought before the court.

That the only complaint made by petitioner in his motion appears to be that he did not receive "equal justice" by reason of the fact that he was sentenced to the custody of the Attorney General for a period of four (4) years while his co-defendant, Jesse Allen McDearmon, was sentenced to the custody of the Attorney General for a period of three (3) years.

The records of this court reflect that in Criminal Case No. 14018, on October 29, 1963, petitioner and his co-defendant McDearmon were both found guilty by a jury of a violation of 18 U.S.C. 500. That on November 12, 1963, petitioner was sentenced to the custody of the Attorney General for a period of twenty-four (24) months, and McDearmon was sentenced to the custody of the Attorney General for a period of eighteen (18) months. That on November 12, 1963, in Criminal Case No. 14032,

petitioner and McDearmon each entered pleas of guilty to an indictment charging a violation of 18 U.S.C. 2115, and on that date petitioner was sentenced to the custody of the Attorney General for a period of twenty-four (24) months for said offense, and McDearmon for a period of eighteen (18) months. These sentences were made to run consecutively with the sentences imposed in Criminal No. 14018. The files also reflect that a probation report was submitted as to each defendant. Amongst other things, these reports reflect that McDearmon had previously been convicted of one felony while the petitioner had previously been convicted in the State of Texas for the offenses of rape and burglary.

The sentences imposed upon the defendant are well within the limits set by the applicable statutes which are themselves unquestionably valid. Therefore, the sentences are not by reason of their duration or severity subject to direct attack, Smith vs. United States, 273 F. 2d 462 (10 Cir. 1961), and would certainly not be vulnerable in this collateral proceeding. Other courts considering the same contentions in post conviction collateral attacks upon sentences have so held. Egan vs. United States, 268 F. 2d 820, (8 Cir. 1959); In Re Cohen's Petition, 217 F. Supp. 240 (D.C., E. D., N. Y. 1963); United States v. Vite, 209 F. Supp. 172 (D. C., E. D., N. Y. 1962). The latter case contains an excellent discussion of the issue raised by petitioner in this case.

If petitioner's motion be taken as one to reduce or modify sentence pursuant to Rule 35, Federal Rules of Criminal Procedure, it comes too late. More than sixty days have elapsed since the imposition of sentences and therefore this court is without jurisdiction to modify or reduce the same. Rule 35, Federal Rules of Criminal Procedure; In Re Cohen's Petition, supra, and Urry vs. United States, 316 F. 2d 185 (10 Cir. 1963).

The cases cited by the petitioner, Kramer vs. United States, 166 F. 2d 515, and United States vs. Lynch, 159 F. 2d 198 (petitioner has cited this case as 150 Fac. 2d 198, which citation is of course incorrect and I presume he intends the case found at 159 F. 2d 198) lend no support to petitioner's position herein.

For the foregoing reasons the motion should be overruled and denied.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion to vacate sentence pursuant to 28 U.S.C. 2255 of Jerry D. Shacklett be and it hereby is overruled and denied.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

FONNIE WEITZ,

Plaintiff,

vs.

THE NATIONAL CASH REGISTER
COMPANY,

Defendant.

No. 5935

FILED

APR 17 1964

ORDER

NOBLE C. HOOD

Now on this 16th day of April, 1964, upon ~~the~~ application of the plaintiff herein, Fonnie Weitz, the court consents that the plaintiff dismiss her cause of action against the defendant, National Cash Register Company, without prejudice against the right of a future action against the defendant.

DONE this 16th day of April, 1964 in Tulsa, Oklahoma.

Allen E. Jarrold

District Judge

CERTIFICATE OF MAILING

Now on this 16th day of April, 1964, I certify that a true and correct copy of the above and foregoing instrument was served on William F. Kyle, Hudson, Hudson, Wheaton, Kyle and Brett, Ritz Building, Tulsa, Oklahoma, attorneys for the defendant, National Cash Register Company, and placed same in the United States mail with sufficient postage prepaid.

John Chromaster

Attorney for Plaintiff

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

FILED
APR 20 1964

GRAND RIVER DAM AUTHORITY,)
a public corporation,)
)
Petitioner,)
)
vs.)
)
1 Tract of Land containing 67.8)
Acres, Billie E. Slusher, et al.,)
)
Defendants.)

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

Civil No. 5641

ORDER CONFIRMING REPORT OF COMMISSIONERS

As to 7 MF 38 + FE Rev. & 9 MF 6 + FE

NOW, on this the 28th day of April, 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 5th day of June, 19 64, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 5th day of June, 19 63, 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. 1 (7 MF 38 + FE Rev. & 9 MF 6 + FE)
(Fee Title to and Perpetual easement upon)

7 MF 38 + FE Rev. (Fee Title to)

The following described land, situated in Mayes County, Oklahoma, to-wit: That part of the $W\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ lying South and East of the following described line: Beginning at the Southwest corner of said $W\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, thence in a Northeasterly direction to a point in the East boundary of said $W\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ 660 feet North of the Southeast corner thereof in Section 24, T 23 N, R 20 E of the Indian Base and Meridian, containing 5.0 acres;

7 MF 38 + FE Rev. (Perpetual Easement upon)

All of the $W\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ except that portion to be taken in fee and described above, in Section 24, T 23 N, R 20 E in Mayes County, Oklahoma, of the Indian Base and Meridian, containing 15.0 acres;

9 MF 6 + FE (Fee Title to)

That portion of the $W\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ described as follows: Beginning at the Southeast corner of said $W\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$, thence in a Northwesterly direction to a point 660 feet North and 165 feet West of said Southeast corner, thence Northerly parallel to the East boundary of said $W\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ a distance of 330 feet, thence in a Northwesterly direction to a point 1320 feet South and 250 feet East of the Northwest corner of said $W\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$, thence Northerly parallel to the West boundary of said $W\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ a distance of 165 feet, thence in a Southeasterly direction to a point 1320 feet South and 165 feet West of the Northeast corner of said $W\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$, thence Easterly parallel to the North boundary of said $W\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ to a point in the East boundary thereof, thence Southerly along said East boundary to the point of beginning; and those parts of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying South of the following described line: Beginning at a point in the South boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ 495 feet West of the Southeast corner thereof, thence in a Northeasterly direction to a point in the East boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ 330 feet North of said Southeast corner, thence in a Northeasterly direction to the Northeast corner of said SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, all in Section 13, T 23 N, R 20 E of the Indian Base and Meridian, containing 14.5 acres, in Mayes County, Oklahoma;

9 MF 6 + FE (Perpetual Easement upon)

That part of the $W\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ described as follows: Beginning at the Southeast corner of said $W\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$, thence Westerly along the South boundary of said $W\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ a distance of 330 feet, thence Northerly parallel to the West boundary of said $W\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ a distance of 495 feet, thence in a Northwesterly direction to a point 660 feet North and 165 feet East of the Southwest corner of said $W\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$, thence Northerly parallel to the West boundary of said $W\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ a distance of 330 feet, thence in a Northwesterly direction to a point in the West boundary of said $W\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ 1155 feet North of the Southwest corner thereof, thence Northerly along said West boundary to a point 495 feet South of the Northwest corner of said $W\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$, thence in a Northeasterly direction to a point in the North boundary of said $W\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ 165 feet East of said Northwest corner, thence Easterly along said North boundary a distance of 165 feet, thence in a Southeasterly direction to a point 1155 feet South and 165 feet West of the Northeast corner of said $W\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$, thence in a Northeasterly direction to a point in the East boundary of said $W\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ 825 feet South of said Northeast corner, thence Southerly along said East boundary to the point of beginning except that portion to be taken in fee and described above; and all of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ lying East of the following described line: Beginning at a point in the South boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ 660 feet West of the Southeast corner thereof, thence in a Northeasterly direction to a point 495 feet West and 165 feet North of said Southeast corner, thence in a Northeasterly direction to a point in the North boundary of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ 165 feet West of the Northeast corner thereof except that portion to be taken in fee and described above; and all of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ except that portion to be taken in fee and described above, all in Section 13, T 23 N, R 20 E of the Indian Base and Meridian, containing 33.3 acres, in Mayes County, Oklahoma, less that portion of the above tract lying above elevation 647 mean sea level, and the owner may retain the improvements in place on this tract at her own risk.

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 24th day of June, 1963, upon the depositing of the sum of \$ 8,875.00 with the ~~Clerk~~^{registry} of this Court for the lands and estates taken in and to the above described land.

W. Allen E. Barron
U. S. District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

476.66 Acres of Land, More or Less,
Situate in Osage and Pawnee Counties,
Oklahoma, and Frank Walters, et al.,
and Unknown Owners,

Defendants.

Civil No. 5702

Tract No. 3622E

FILED

APR 27 1934

J U D G M E N T

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

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tract.
2. The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the parties and the subject matter of this action; that service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties having compensable interests in the subject tract; that upon the date the Declaration of Taking and the Complaint were filed title to the estate taken, as set out therein, became vested in the United States of America.
3. The Court finds, upon the evidence presented that the below-listed defendants were the sole owners of the above-captioned tract on the date of taking, and are entitled to receive the award therefor.
4. The Court finds the amount of \$600.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and such tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$325.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.
5. The Court finds that plaintiff and Lee M. Stallard, Pearl De Frees and Agnes Stallard, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tract is the sum of \$600.00, inclusive of interest, for their interests;

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

(a) The vesting in plaintiff of title to the estates set forth in the Complaint and Declaration of Taking in and to the lands hereinabove referred to, as said 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 \$600.00, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$275.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payees:

Lee M. Stallard, Pearl De Frees
and Agnes Stallard \$600.00

Entered this 27th day of April 1964.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

317.58 Acres of Land, More or Less,
Situate in Osage and Pawnee Counties,
Oklahoma, and Clara M. Ferguson, et al.,
and Unknown Owners,

Defendants.

Civil No. 5709

Tracts Nos. 2123 and
2139

FILED

APR 1 1964

J U D G M E N T

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

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

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

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

4. The Court finds the amount of \$975.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$975.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and Earnest Ray Parker, Jr., Harold Ferguson, Marie Ferguson, Harry James Ferguson, Jr., Mrs. Louise Johnson, Mable Ferguson Shaffer, Thelma McCanne and Clara M. Ferguson 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 \$975.00, inclusive of interest, for their interests, would be awarded as just compensation for the taking of the estates to be condemned in the above tracts; that the contract and agreement is a valid one.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$975.00, inclusive of interest;

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

Earnest Ray Parker, Jr.	\$ 54.17
Harold Ferguson	54.17
Marie Ferguson.	54.16
Harry James Ferguson, Jr.	162.50
Mrs. Louise Johnson	162.50
Mable Ferguson Shaffer.	162.50
Thelma McCarne	162.50
Clara M. Ferguson	162.50

Entered this 27th day of April 1964.

/s/ Allen E. Barrow
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

171.63 Acres of Land, More or Less,
Situate in Creek and Pawnee Counties,
Oklahoma, and William S. Bailey, et al.,
and Unknown Owners,

Defendants.

Civil No. 5721

Tract Nos. 506E-1 & E-2

FILED

APR 26 1964

J U D G M E N T

NOBLE C. HOOD

Clerk, U. S. District Court

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

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

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

4. The Court finds the amount of \$250.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$250.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and Emma B. Garriott, C. W. Maness, Addie G. Davis, R. L. Wilkinson, William S. Bailey, Jr., and Lula B. Grimes

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 \$250.00, inclusive of interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tracts; that the contract and agreement is a valid one.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$250.00, inclusive of interest;

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

Angie Lee Hoagland	\$ 125.00
C. W. Maness	31.25
Addie G. Davis	31.25
R. L. Wilkinson.	31.25
William S. Bailey, Jr.	15.62
Lula B. Grimes	15.63

Entered this 29th day of April 1964.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

427.05 Acres of Land, More or Less,
Situate in Creek, Pawnee and Osage
Counties, Oklahoma, and Glenn A. Milam,
et al., and Unknown Owners,

Defendants.

Civil No. 5844

Tract No. 3856E

FILED

APR 10 1964

NORIE C. GOOD
Clerk, U. S. District Court

J U D G M E N T

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

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

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

4. The Court finds the amount of \$160.00, 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 \$75.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and Earl Nelson, James Nelson, Willie Nelson and LeRoy Nelson, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tract is the sum of \$160.00, inclusive of interest, for their interests;

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$160.00, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$65.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payees:

Earl Nelson, James Nelson,
Willie Nelson & LeRoy Nelson \$160.00.

Entered this 7th day of August 1964.

/s/ Allen E. Barrow

United States District Judge

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

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

HUMBLE OIL & REFINING COMPANY,
Plaintiff.)

Vs.)

SANDLIN OIL SERVICE, INC., a
corporation, et al.,
Defendants.)

CIVIL ACTION NO. 5946.

MOTION TO DISMISS

It appearing that since filing of the complaint defend-
ants have stopped using the name ESSO and have removed it from
their pumps, signs and places of business, plaintiff moves the
Court to dismiss this action without prejudice.


ATTORNEY FOR PLAINTIFF.

O R D E R

On plaintiff's motion

IT IS ORDERED that this case be and hereby is dismiss-
ed without prejudice.


DISTRICT JUDGE.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

Civil No. 5514

Parcel No. 1

APR 20 1964

J. BEE C. FLETCHER
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 ratifying and confirming a lease on the premises designated as Parcel 1, entered into by and between the plaintiff, United States of America, and the defendant, Consumer Oil Stations, Inc.

2. The Court finds that, by stipulation, the plaintiff and defendant have agreed that the plaintiff has leased to the defendant, for a term of 18 months beginning December 3, 1962, and ending June 4, 1964, the following described premises, viz:

Lot 1, and North 25 Feet of Lot 2, Block 123, Original Townsite
Tulsa County, Oklahoma, 302 South Denver, Tulsa, Oklahoma,

to be used exclusively for the following purpose: Service Station; that the defendant shall pay to the plaintiff a monthly rental of \$700.00, payable in advance, during the term of this lease; that this lease may be terminated by either of the parties hereto on June 4, 1964, or at any time thereafter provided written notice shall be given to the other party at least sixty (60) days prior to any such termination.

3. The Court further finds that a valid lease now exists by and between the parties hereto, which lease contains the above provisions and which lease is attached hereto and is incorporated into this judgment by reference hereof; the Court further finds that the defendant has paid to the plaintiff the sum of \$10,500.00 for monthly rentals covering the period from December 3, 1962, to March 4, 1964, inclusive.

4. The Court further finds that defendant hereby acknowledges that the stipulation referred to herein shall constitute written notice that defendant shall vacate and release these premises by August 4, 1964, and that

this notice is given 60 days prior to the termination date, which is agreed to be August 4, 1964.

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

(a) The lease by and between plaintiff and defendant hereinabove referred to is hereby confirmed;

(b) The termination date is August 4, 1964, and proper written notice has been acknowledged by defendant; and

(c) The premises shall be vacated and released by defendant on August 4, 1964, and possession returned to the plaintiff.

Entered this *27th* day of *April*, 1964.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney