

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

U. S. DISTRICT COURT

JULY 21 1966

E. D. Ottinger

NOBLE G. HOUND
Clerk U. S. District Court

Plaintiff

Civil Action

vs.
H. H. Siegfried

No. 232

Defendant

O R D E R

Plaintiff's motion for new trial having been presented to the Court and considered, it is

Ordered that Plaintiff's motion for new trial be and it is hereby overruled.

Dated this July 21st, 1966

Dated July 21 1966

Walter Bohannon
U. S. District Judge

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

W. WILLARD WIRTE, SECRETARY OF :
LABOR, UNITED STATES DEPARTMENT :
OF LABOR, :

Plaintiff : CIVIL ACTION

v. :

FILE NO. 5759

FILED

OKLAHOMA ROCK COMPANY, INC., :

and

JUL - 6 1964

Defendant : FILE NO. 5915

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

J U D G M E N T

Be it remembered that on the 23rd day of June, 1964, the above styled and numbered cause came duly on for hearing in accordance with the rules of this Court and Notice of Hearing; both parties were present through their duly authorized attorneys of record.

And the Court, having considered the evidence adduced at said hearing, the requests for admissions served upon the defendant and the responses thereto, and the stipulations of the parties as recited in the pre-trial order in this cause, finds the facts to be as alleged in plaintiff's complaint and, particularly, that the complainants hereafter named were engaged in interstate commerce or in the production of goods for interstate commerce, within the meaning of the Fair Labor Standards Act of 1938 (29 U.S.C. 201, *et seq.*), and have been underpaid in the amounts alleged. The Court concludes that, as a matter of law, plaintiff is entitled to a judgment for the use and benefit of said claimants in the amounts hereinafter set out.

It is, therefore, ORDERED, ADJUDGED and DECREED that plaintiff have and recover from the defendant, together with interest from the dates of underpayments, and costs, for the use

and benefit of the following named individuals the sums set
opposite their respective names:

| | |
|--------------------|-----------|
| Thomas M. Hartless | \$ 271.50 |
| Clarence F. Pigg | 313.00 |
| Doris Bryant | 253.75 |

Dated this 6th day of July, 1964.

(s) Fred Daugherty
UNITED STATES DISTRICT JUDGE

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

Floyd Hardesty, Adm., et al,)
Plaintiffs,)
vs.)
State Farm Mutual Automobile)
Insurance Company,)
Defendant.)

No. 5822

FILED

JUL - 6 1964

O R D E R

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

Plaintiffs' Motion to Amend Judgment on jury verdict is denied as the judgment entered is in customary and proper form and in the form desired by the Court.

Plaintiffs' Motion for Judgment notwithstanding the Verdict and Motion for New Trial is overruled for the reason that the same is wholly without merit. The plaintiffs had a fair trial, no errors were committed by the Court and the instructions and interrogatory submitted were proper. The answer of the jury to the interrogatory and the verdict of the jury based thereon is fully approved by the Court and both are in conformity with the great weight of evidence in the case. Had the jury decided to the contrary, the Court doubts under the evidence and law of this case that it could conscientiously permit such a result to stand.

Upon consideration of the bill of costs filed herein by the defendant, the objections of the plaintiffs thereto, and the briefs filed in connection with the same, the Court approves the said bill of costs, except the Court deletes therefrom the witness fees claimed for Betty Carter, Shirley West and Iren Moore, who were not called to testify or used in the trial by the defendant. The Court finds that the defendant has failed to adequately and satisfactorily explain why they were called and not used. The Court further states that it is not interested in any alleged agreements or understandings between the attorneys regarding court costs which were not made with the approval of the Court.

Plaintiffs' Motion to require the witness, Frank Peterson, to comply with the subpoena duces tecum for taking his deposition is denied. This motion is untimely, in that the trial has been had herein. The Court in its order entered herein in April, 1964, prior to the trial herein and dealing with discovery suggested that plaintiff take depositions in connection with the statement ~~that~~ it is apparent that plaintiffs have not pursued such discovery prior to trial and to pursue same now after the trial is untimely and would serve no useful purpose in the case.

Plaintiffs' Application for extension of time to file a reply brief on the Motion for Judgment notwithstanding the verdict and New Trial is denied, since the Court has not called for such reply brief and does not desire same. The Motion has now been satisfactorily briefed by both sides and as above stated the same is denied as being void of any merit.

Dated this 6th day of July, 1964.

(s) Fred Daugherty
Fred Daugherty
United States District Judge

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

Commercial Standard Fire & Marine
Company, a Corporation,
. . . Plaintiff,

vs.

Chester Ellis Pendergraft, a minor, and
Frederick William Garringer, a minor,
. . . Defendants.

)
)
) No. 5726 Civil
) **FILED**
)
) JUL -7 1964
)
) NOBLE C. HOOD
Clark, U. S. District Court

ORDER

Now on this the 26th day of June, 1964, this matter comes on to be heard upon the defendant Pendergraft's motion for new trial. The plaintiff and the defendant Pendergraft appeared by their respective counsel of record. The defendant Garringer made no appearance, either in person or by counsel. The parties having announced ready to proceed with a hearing upon said motion, counsel for defendant Pendergraft withdrew his request to produce additional testimony.

The court having heard the argument of counsel and being fully advised in the premises, concludes defendant's motion for new trial should be overruled and denied.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion for new trial of the defendant Pendergraft be, and the same is hereby overruled.

Luther Bohannon

United States District Judge

Approved as to form:

L. W. Walker
Counsel for Plaintiff

Floyd L. Walker
Counsel for defendant Pendergraft

Robert G. Brown
Counsel for defendant Garringer

rdh/mh

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

UNITED STATES OF AMERICA)
)
 Plaintiff)
 vs.)
 CITY OF BIXBY, OKLAHOMA)
)
 Defendant)

Civil No. 5651

FILED

JUL - 8 1964

ORDER OVERRULING MOTION
FOR NEW TRIAL

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

There comes on for consideration the motion for new trial filed by the defendant in the above styled case. The Court, after considering the motion and brief filed in support thereof, is of the opinion that the motion should be denied for the following reasons:

1. Procedural law of a state does not apply to proceedings in federal courts in suits based upon federal legislation. *Lewis v. Quality Coal Corporation*, 7 Cir., 243 F2d 769.
2. The right of the United States to prevail in this action was based on the interpretation of Section 501 (c), Public Law 458. The decision of this Court is further strengthened by the recent case of *City of Greeley, Kansas, a municipal corporation, vs. United States of America*, decided by the 10th Circuit Court of Appeals, during the April Term, 1964. It should be noted that the *City of Greeley* case, factually, is nearly identical to this case. It approved the application of a broad meaning to the words "public works so planned", as adopted in the case of *United States vs. Board of Education of City of Bismark*, 126 F. Supp. 388.

IT IS THEREFORE ORDERED that the motion for a new trial is hereby overruled.

DATED this 8th day of July, 1964.



United States District Judge

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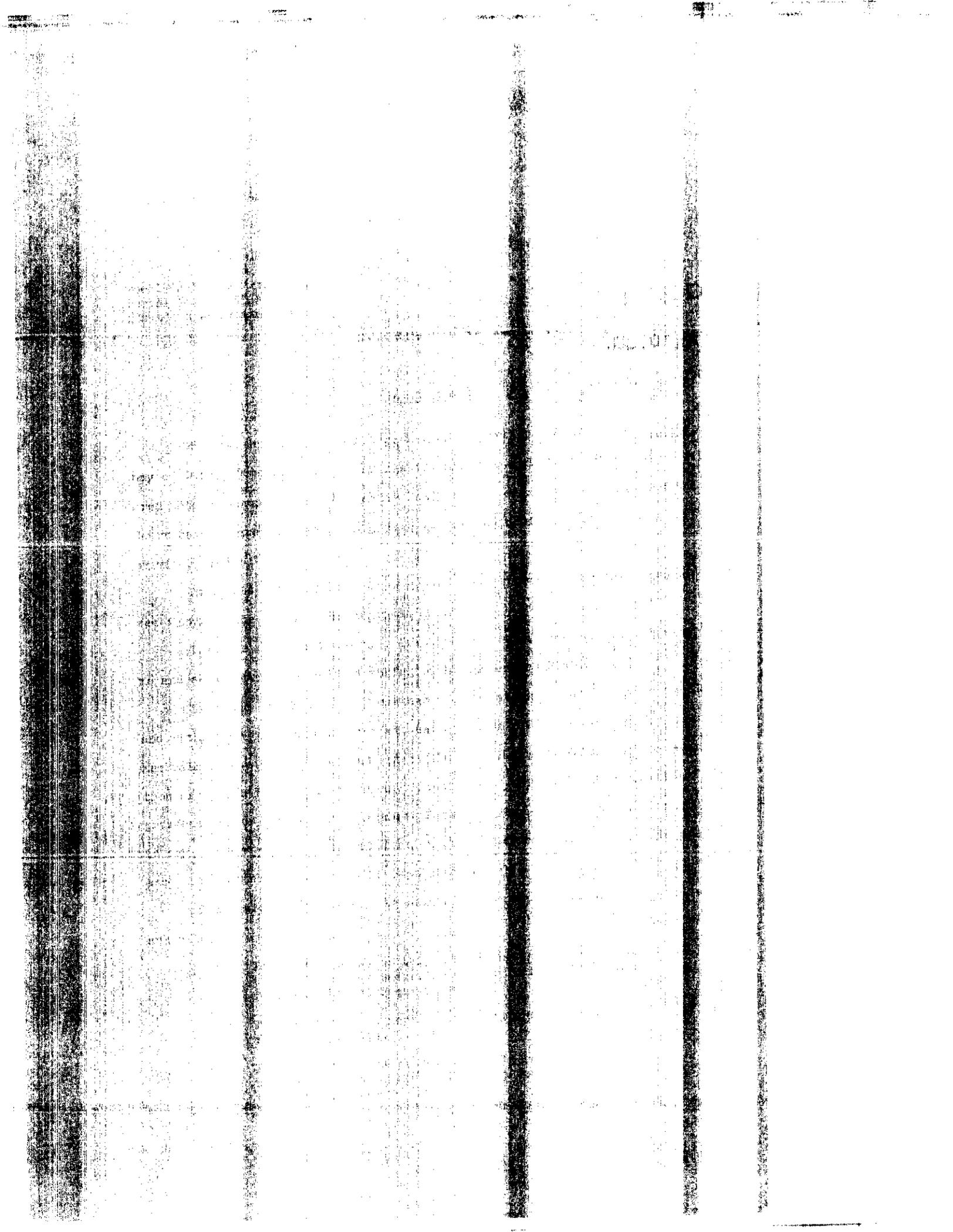
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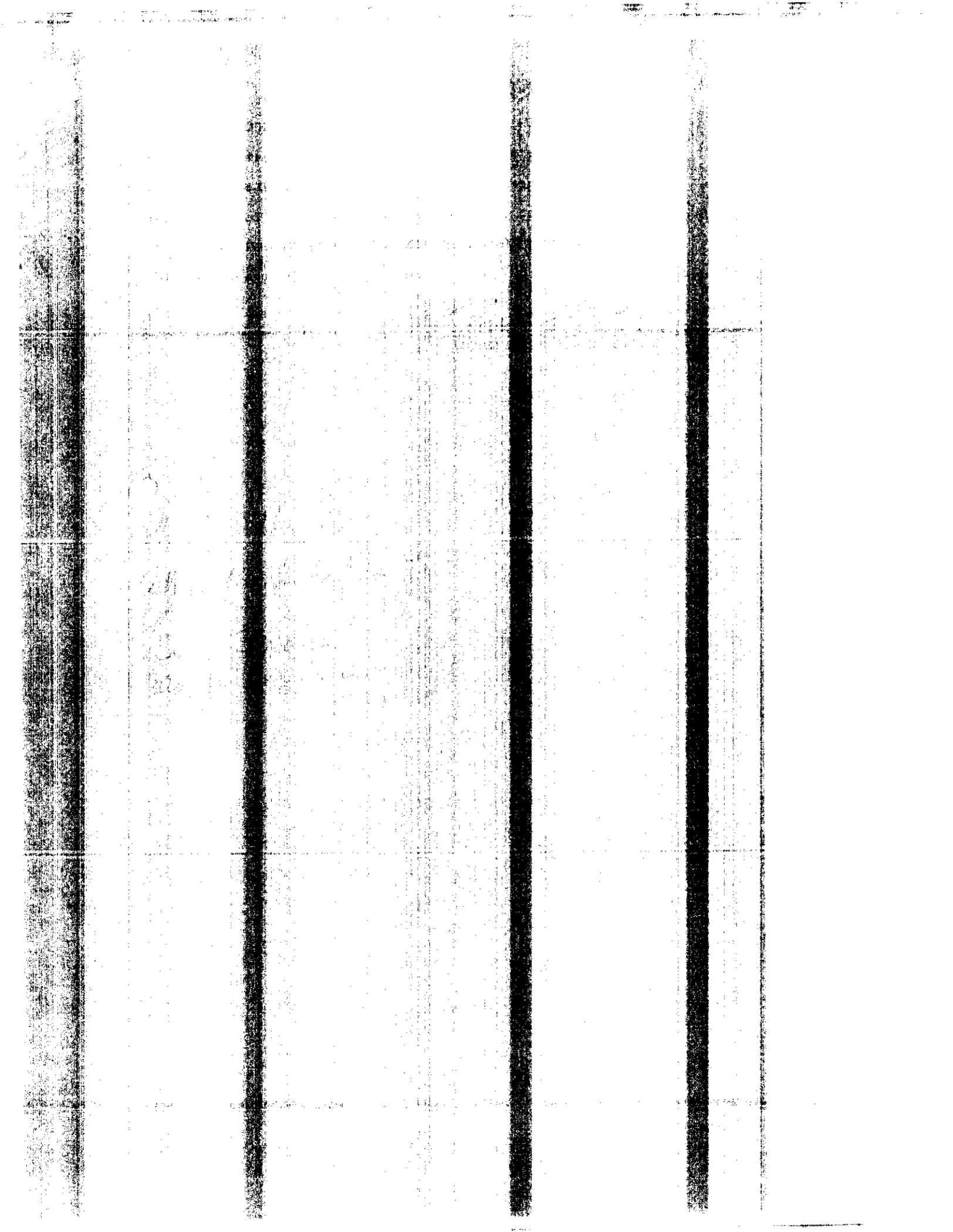
J. T. Anderson
Attorney at Law

11 - Ferguson, La.
P. O. Box 2420
Tulsa, Oklahoma

Gene C. Foster
Attorney at Law

Gene C. Foster
11 West Ninth St.
Tulsa, Oklahoma





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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 -vs-)
)
 CLARENCE A. HARPER and)
)
 MARCELL HARPER,)
)
 Defendant.)

Civil Action File
No. 5581

ORDER

This matter comes on for hearing before the undersigned judge on this 13th day of July, 1964, on application by the Defendant herein, Clarence A. Harper, to dismiss this cause set forth against him. The Court being fully advised finds that said application should be granted by reason of said Defendant having heretofore discharged this debt in Bankruptcy in this Court on the 6th day of April, 1964. The Court is therefore of the opinion that due to this successful discharge in Bankruptcy by said Defendant, this issue has become moot.

IT IS THEREFORE ORDERED that the application of the Defendant have this Court to dismiss this action against him, be and the same is hereby granted and this action against the Defendant is hereby dismissed.


JUDGE OF THE DISTRICT COURT
Northern District of Oklahoma.

UNITED STATES DISTRICT COURT
NORFOLK COUNTY, VIRGINIA

United States of America,
Plaintiff,
vs.
305.95 Acres of Land, More or Less,
Situate in Pawnee and Creek Counties,
Oklahoma, and Davis Clegg, et al, and
Unknown Owners,
Defendants.

Civil No. 5713

Tract No. 2987

FILED

JUL 13 1964

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

AMENDMENT TO JUDGMENT

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for an Amendment to a Judgment filed in the above tract and case on May 25, 1964.

2. The Court finds that Paragraph 6 of the aforesaid Judgment should be amended to include the name of Alma W. Mooney.

3. The Court further finds that Paragraph (d) should be amended by substituting the following names and amounts in lieu of the names and amounts set out at the end of such Paragraph (d):

| | |
|-----------------------------|----------|
| Alma W. Mooney | \$ 53.34 |
| Regina W. Boundy | 53.33 |
| Helen Woodard | 53.33 |
| Edward N. Woodard | 160.00 |
| Marvin S. Woodard | 160.00 |

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED that Paragraph 6 and Paragraph (d) of the Judgment filed on May 25, 1964, are amended as provided above.

JUL 13 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
PARTIAL JUDGMENT

United States of America,

Plaintiff,

CASE NO. 25

vs.

Tract No. 209-14

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

Defendants.

FILED

JUL 13 1964

AMENDED PARTIAL JUDGMENT

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

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for an Amended Partial Judgment determining the ownership and just compensation of the above tract. This Amended Partial Judgment amends a Partial Judgment in the above case and tract filed June 22, 1964, by substituting the judgment herein entirely therefor.
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 defendant was the sole owner of the oil lessee interest on the date of taking, and is entitled to receive the award therefor.
4. The Court finds that plaintiff and D. J. Isted, defendant herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tract is the sum of \$27.40, inclusive of interest, for the oil lessee interest.
5. The Court finds the amount of \$27.40, inclusive of interest, is just compensation for the taking of the oil lessee estate by the plaintiff in the above tract, as such estate and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause.

No amount was deposited in the Registry of this Court to satisfy just compensation for said oil lease interest as set forth in the Declaration of Taking herein.

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

(a) The vesting in plaintiff of title to the oil lease interest set forth in the Complaint and Declaration of Taking in and to the tract 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 oil lessee interest is the sum of \$27.40, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$27.40, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payee:

D. J. Isted \$27.40

Entered this *13th* day of July, 1964.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

ksm

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

1,947.87 Acres of Land, More or Less,
Situate in Rogers County, Oklahoma,
and Frank R. Moree, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4287

Tracts Nos. B-222
B-276
B-285

FILED

JUL 14 1964

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

SUPPLEMENTAL JUDGMENT

NOW, on this 14 day of July, 1964, this matter comes on for disposition upon the application of the Plaintiff for a supplement to the judgment entered herein on August 8, 1958, and the Court, having examined the files in this action and being advised by counsel for the Plaintiff, finds:

1.

On page 3 of the said judgment the computations made to determine the deficiency in the deposit for Tract No. B-222 failed to reduce the award of just compensation by the salvage value of improvements reserved by the landowners in the amount of \$674.00. This resulted in a stated deficiency of \$1,170.00 whereas the true deficiency in the deposit was \$496.00.

2.

On page 7 of the said judgment the computations made to determine the deficiency in the deposit for Tracts Nos. B-276 and B-285 failed to reduce the award of just compensation by the salvage value of improvements reserved by the landowners, in the amount of \$596.00. This resulted in a stated deficiency of \$3,766.00 whereas the true deficiency in the deposit was \$3,170.00.

3.

In compliance with the said judgment the Plaintiff deposited the full amount of the deposit deficiencies for these three tracts as shown in the judgment. Thus the amount deposited was in excess of the true deposit deficiencies by the sum of \$674.00 as to Tract No. B-222 and by the sum of \$596.00 as to Tracts Nos. B-276 and B-285. The excess deposit has not been disbursed; it constitutes a surplus in the deposits for these tracts and should be refunded to the Plaintiff.

It Is. Therefore, ORDERED that the Clerk of this Court shall disturse
the surplus in the deposits for the subject tracts as follows:

From the deposit for Tract No. B-222 - - - - - \$674.00

From the deposit for Tracts Nos. B-276
and B-285 - - - - - \$596.00

To The Treasurer of the United States.

ALICE CARROW

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.

160.00 Acres of Land, More or Less,
Situate in Nowata County, Oklahoma,
and A. E. Basinger, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4471

Tract No. R-1821

FILED

JUL 14 1964

SUPPLEMENTAL JUDGMENT

NOW, on this 14 day of July, 1964, this matter comes on for
disposition upon the application of the Plaintiff for a supplement to the
judgment entered herein on September 26, 1960, and the Court, having examined
the files in this action and being advised by counsel for Plaintiff, finds:

The judgment entered herein on September 26, 1960, after payment
of the awards for the tracts covered thereby, left in the deposit for Tract
No. R-1821 the sum of \$450.00. This sum is not needed for the payment of any
other awards in this civil action and therefore constitutes a surplus in the
deposit which should be refunded to the Plaintiff.

It is, Therefore, ORDERED that the Clerk of this Court shall disburse
from the deposit for Tract No. R-1821 in this civil action, the sum of \$450.00
to the Treasurer of the United States.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

 
HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

109.05 Acres of Land, More or Less,
Situate in Nowata County, Oklahoma,
and Charles F. Russell, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4922

Tracts Nos.: N-1449
P-1648E-4
P-1648E-5
P-1648E-6

FILED

JUL 14 1964

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

J U D G M E N T

1.

NOW, on this 14 day of July, 1964, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of judgment on the Reports of Commissioners filed herein on May 14, 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 May 10, 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 13 below.

7.
The Reports of Commissioners filed herein on May 14, 1964, hereby are accepted and adopted as a finding of fact as to all interests covered by such reports. The amount of just compensation as to such interests in the subject tracts as fixed by the Commission is set out in paragraph 13 below.

8.
Frances E. Woodley, the owner of a 1/16 interest in the fee simple title but subject to an oil and gas lease, as to Tract No. N-1449, and the Government have executed and filed herein a Stipulation As To Just Compensation for her interest in this tract and such stipulation should be approved.

9.
The owners of the oil and gas lessee interest in Tract No. N-1449 and the Government have executed an Option Contract, as alleged in the Complaint whereby the amount of just compensation for such interest is fixed at \$2,835.00 and such Contract should be approved.

10.
Certain deficiencies exist between the amounts deposited as estimated just compensation for subject tracts and the amounts fixed as just compensation, by the Commissioners and by the Stipulation and Option Contract, and a sum of money sufficient to cover such deficiencies should be deposited by the Government. These deficiencies are set out in paragraph 13 below.

11.
The defendants named in the schedules in paragraph 13 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.

12.
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.

13.

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 Reports of Commissioners of May 14, 1964, the Stipulation described in paragraph 8 above, and the Option Contract described in paragraph 9 above, hereby are confirmed and the sums therein fixed are adopted as just compensation for the estates taken in subject tracts, as shown by the following schedule:

TRACT NO. N-1449

Owners:

Fee simple title but subject to an oil and gas lease:

| | |
|------------------------------|------|
| Clara Sixkiller - - - - - | 1/8 |
| Jennie Sheehan - - - - - | 1/8 |
| Irene Palone - - - - - | 1/8 |
| Grace Pool - - - - - | 1/8 |
| Kate Morris - - - - - | 1/8 |
| Frances Maples - - - - - | 1/8 |
| Frances E. Woodley - - - - - | 1/16 |
| Dnogene Newman - - - - - | 1/16 |
| Charles F. Russell - - - - - | 1/8 |

Oil and Gas Lessee Interest:

| | |
|--|-------|
| Eva Payne Glass - - - - - | 4/64 |
| Ernest Frances Bradfield - - - - - | 2/64 |
| Julian W. Glass, Jr. - - - - - | 2/64 |
| Estate of H. W. Reed, deceased - - - - - | 32/64 |
| (Glenn H. Chappell is executor) | |
| Orie Price - - - - - | 1/64 |
| Hazel Price - - - - - | 1/64 |
| Peoples Banking and Trust Co., | } |
| trustees for | |
| Mary Harrington Hart | |
| Esther Harrington Putnam | |
| William Kettering Harrington) | 16/64 |
| Cleo S. Berentz - - - - - | 3/64 |
| Kelso Berentz - - - - - | 1/64 |
| M. L. Hagan - - - - - | 2/64 |

Tracts Nos. P-1648E-4, E-5 and E-6 (Cont'd)

Awards of just compensation, deposit and disburseals:

| | Interest "A" | Interest "B" | Oil & Gas Working Interest | Oil & gas Overriding Royalty Interest | Totals |
|---|-----------------|-----------------|----------------------------------|--|------------|
| Awards of just compensation pursuant to Commissioners' Report - - - - - | \$740.00 | \$10.00 | \$365.00 | None | \$1,115.00 |
| Deposited as estimated compensation - - - - - | -- | -- | -- | -- | 820.00 |
| Disbursed to owners - - - - - | 470.00 | None | None | None | |
| Balance due to owners - - - - - | \$270.00 | \$10.00 | \$365.00 | None | |
| Deposit deficiency - - - - - | -- | -- | -- | -- | \$295.00 |

14.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiencies for the subject tracts as shown in paragraph 11, together with interest on such deficiencies at the rate of 6% per annum from May 10, 1960 until the date of deposit of such deficiency sums; and such sums shall be placed in the respective deposits for subject tracts in this civil action. Upon receipt of such sums, the Clerk of this Court shall disburse all of the sums on deposit for the subject tracts as follows:

A. From the deposit for Tract No. N-1449:

To Clara Sixkiller - - - - - .133333 of the total deposit
 To Jennie Sheehan - - - - - " " " " "
 To Irene Falone - - - - - " " " " "
 To Grace Pool - - - - - " " " " "
 To Kate Morris - - - - - " " " " "
 To Frances Maples - - - - - " " " " "
 To Charles F. Russell - - - - - " " " " "
 To Imogene Newman - - - - - .066666 " " " "

B. From the deposit for Tracts Nos. P-1648E-4 thru E-6:

To Ula U. Ross and Morgan George, jointly, the sum of \$270.00 plus .664 of the accrued interest on the deposit deficiency for these tracts.
 To Marjorie Fehlman \$2.50, plus 1/4 of .009 of the accrued interest on the deposit deficiency for these tracts.
 To Elliott Howe \$5.00, plus 1/2 of .009 of the accrued interest on the deposit deficiency for these tracts.
 To Mercedes Fehlman \$2.50, plus 1/4 of .009 of the accrued interest on the deposit deficiency for these tracts.

B. (Cont'd)

To Oklahoma Tax Commission, \$182.50, plus 1/2 of .327 of the accrued interest on the deposit deficiency for these tracts.

To Texstar Petroleum Corporation \$182.50, plus 1/2 of .327 of the accrued interest on the deposit deficiency for these tracts.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

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

GRAND RIVER DAM AUTHORITY,
a public corporation,

Petitioner,

vs.

Civil No. 5700

1 Tract of Land containing 43.0
Acres, more or less in Mayes County,
Oklahoma, Cecil Lane, deceased, et al.,

Defendants.

FILED

JUL 14 1964

ORDER CONFIRMING REPORT OF COMMISSIONERS

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

NOW, on this the 14th day of July, 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 15th day of August, 19 63, 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, 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:

T 22 N, R 20 E
(Fee Title To and Perpetual Easement Upon)

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

FEE TITLE TO:

All of Lot 3; and that part of the east 20 acres of Lot 1 lying south of the following described line: Beginning at a point in the west boundary of said east 20 acres of Lot 1, 165 feet south of the northwest corner thereof, thence in a southeasterly direction to a point 495 feet south and 330 feet east of said northwest corner, thence easterly parallel to the north boundary of said east 20 acres of Lot 1 a distance of 165 feet, thence in a northeasterly direction to a point in the east boundary of said east 20 acres of Lot 1, 330 feet south of the northeast corner thereof, including any and all right, title and interest in and to the bed and banks of Grand River incident to the ownership of the above described land, in Sec. 11, T 22 N, R 20 E of the Indian Base and Meridian, containing 17.1 acres.

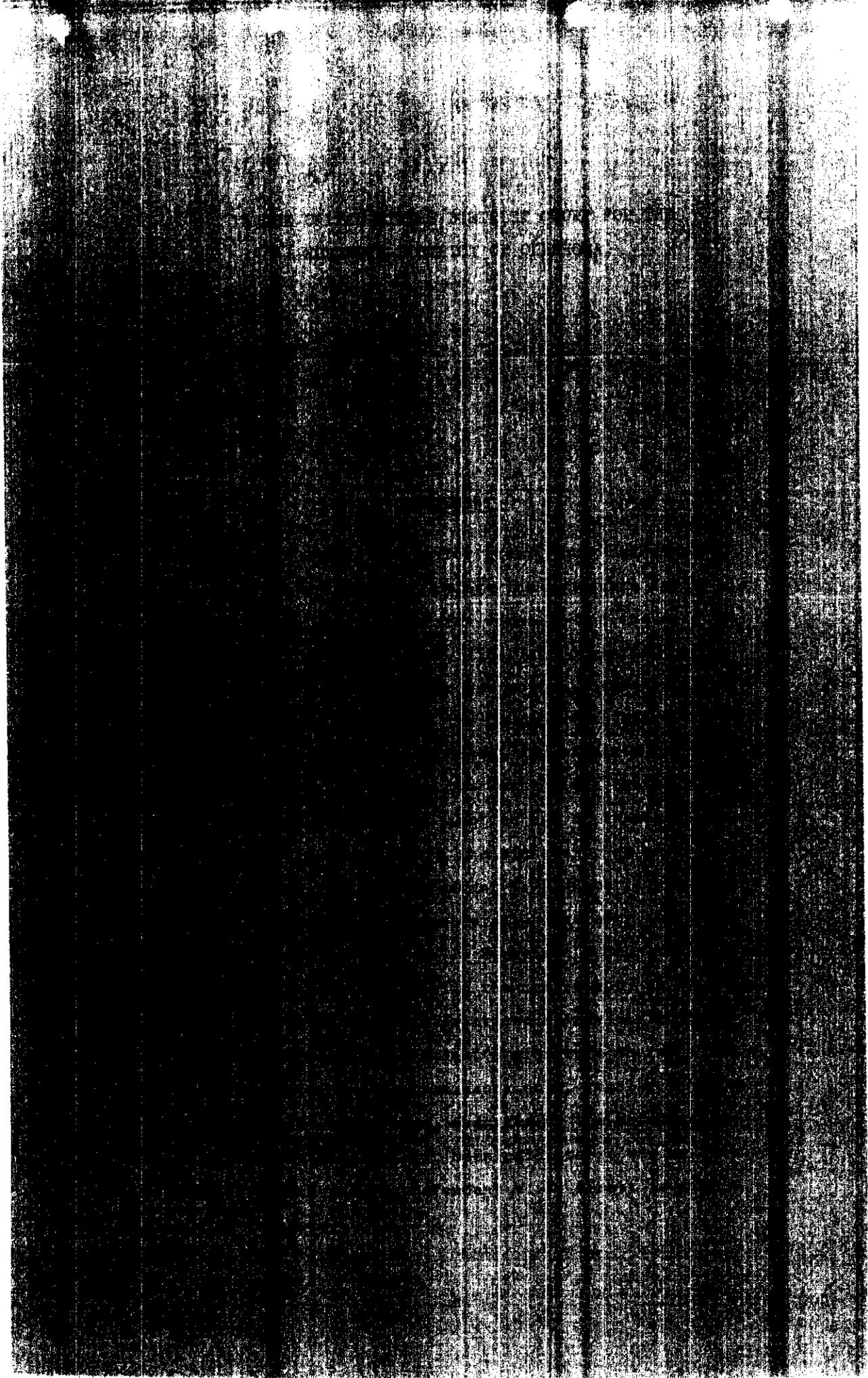
PERPETUAL EASEMENT UPON:

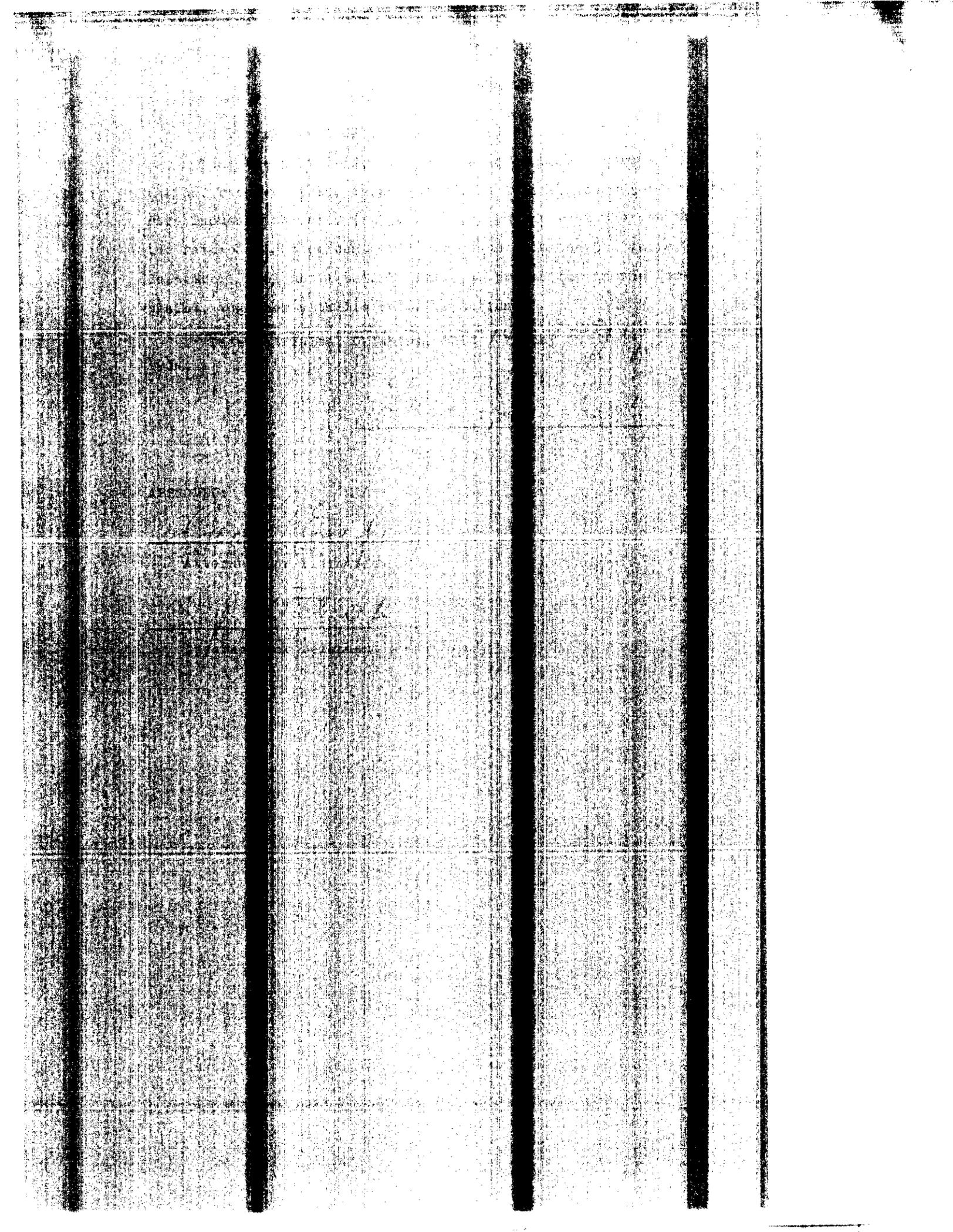
All of the east 20 acres of Lot 1 except that portion to be taken in fee and described above; and all of the E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$, in Sec. 11, T 22 N, R 20 E of the Indian Base and Meridian, containing 25.9 acres.

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 9th day of September, 1963, upon the depositing of the sum of \$ 4,500.00 with the registry of this Court for the lands and estates taken in and to the above described land.

(S) Fred Laugherty
U. S. District Judge J





UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Crews, Lewis

Plaintiff,

vs.

CIVIL ACTION NO. 1966

United States of America,

Defendant.

FILED

**ORDER SUSTAINING DEFENDANT'S MOTION
FOR SUMMARY JUDGMENT**

NOTED
Chief Clerk

Now, on this 21st day of July, 1964, there came on for consideration before me, Allen E. Barrow, Chief Judge, United States District Court for the Northern District of Oklahoma, a motion for summary judgment filed herein by the defendant, whereupon after examination of the pleadings, motions, briefs and admissions filed herein, the Court does find:

That the defendant's motion for summary judgment should be sustained, and,

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the defendant's motion for summary judgment is sustained.

Allen E. Barrow

UNITED STATES DISTRICT JUDGE

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

E. P. LINAM,

Plaintiff,

vs.
SEARS, ROEBUCK AND CO.,
a corporation,

Defendant.

No. 5914-Civil

FILED

JUL 22 1964

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

ORDER DISMISSING ACTION ON STIPULATION

This cause came on to be heard on the voluntary motion for dismissal of the case, as stipulated to by the plaintiff and defendant, through their respective counsel of record, and, after due deliberation had thereon:

IT IS HEREBY ORDERED That said case be, and the same is dismissed with prejudice, each party to bear his own costs.

Dated: July 22nd, 1964.

Fred Naughton
United States District Judge

(SEAL)

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,

vs.

2,533.72 Acres of Land, More or Less,
Situate in Osage County, Oklahoma,
and Osage Tribe of Indians, et al.,
and Unknown Owners,

Defendants.

Civil No. 5762

FILED

JUN 21 1964

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

AMENDED 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 an Amended Partial Judgment determining the ownership and the just compensation of the above case. This Amended Partial Judgment amends a Partial Judgment in the above case and tracts filed June 15, 1964, by substituting the judgment herein entirely therefor.

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 gas 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 defendant was the sole owner of the gas lessee interest on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the plaintiff and Kerr-McGee Oil Industries, Inc., defendant herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the gas lessee estate taken in the five cases set out below is the sum of \$13,917.83, inclusive of interest, and that the proportionate amount for each case is shown as follows:

| | | |
|---------|---|-----------------|
| CA 5762 | - | \$3,531.80 |
| CA 5763 | - | 3,467.83 |
| CA 5764 | - | 2,951.40 |
| CA 5826 | - | 2,428.00 |
| CA 5825 | - | <u>1,538.80</u> |
| | | \$13,917.83 |

5. The Court finds the amount of \$3,531.60, inclusive of interest, is just compensation for the taking of the gas lessee estates by the plaintiff in the following listed tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$2,502.00 was deposited into the Registry of this Court as estimated just compensation for said gas lessee interest upon the filing of the Declaration of Taking herein.

6. The Court finds that the award of just compensation for these gas lessee estates taken, to wit, \$3,531.60, is allocable to each tract as shown below:

| <u>Tract No.</u> | <u>Deposit</u> | <u>Award</u> |
|------------------|-------------------|-------------------|
| 005-2M | \$50.00 | \$91.80 |
| 005-1M | 100.00 | 140.00 |
| 004-2M | 25.00 | 35.00 |
| 004-3M | 50.00 | 70.00 |
| 004-4M | 50.00 | 70.00 |
| 004-1M | 100.00 | 140.00 |
| 003-1M | 20.00 | 70.00 |
| 003-2M | 25.00 | 35.00 |
| 008-1M | 175.00 | 245.00 |
| 009-3M | 125.00 | 175.00 |
| 009-4M | 100.00 | 140.00 |
| 009-1M | 50.00 | 70.00 |
| 009-2M | 35.00 | 50.00 |
| 0010-2M | 50.00 | 70.00 |
| 0010-1M | 25.00 | 35.00 |
| 0010-3M | 25.00 | 35.00 |
| 0015-4M | 25.00 | 35.00 |
| 0021-2M | 100.00 | 140.00 |
| 0015-1M | 15.00 | 25.00 |
| 0016-2M | 25.00 | 35.00 |
| 0016-1M | 100.00 | 140.00 |
| 0016-3M | 125.00 | 175.00 |
| 0015-2M | 75.00 | 105.00 |
| 0015-3M | 25.00 | 35.00 |
| 0021-1M | 50.00 | 70.00 |
| 0021-4M | 100.00 | 140.00 |
| 0021-3M | 75.00 | 105.00 |
| 0022-1M | 25.00 | 35.00 |
| 0022-2M | 25.00 | 35.00 |
| 0029-4MA & 4MB | 125.00 | 175.00 |
| 0029-6M | 25.00 | 35.00 |
| 0029-3MA & 3MB | 75.00 | 105.00 |
| 0029-5M | 50.00 | 70.00 |
| 0028-1M | 50.00 | 70.00 |
| 0028-3M | 25.00 | 35.00 |
| 0028-2M | 25.00 | 35.00 |
| 0027-1M | 25.00 | 35.00 |
| 0033-1M | 10.00 | 15.00 |
| 0032-1MA & 1MB | 100.00 | 140.00 |
| 0032-4M | 42.00 | 60.00 |
| 0032-2MA & 2MB | 100.00 | 140.00 |
| 0032-3MA & 3MB | 50.00 | 70.00 |
| | <u>\$2,502.00</u> | <u>\$3,531.60</u> |

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

(a) The vesting in plaintiff of title to the gas lessee estates 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 gas lessee estates is the sum of \$3,531.80, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$1029.80, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payee:

Kerr-McGee Oil Industries, Inc. \$3,531.80

Entered JUL 23 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.
2,851.79 Acres of Land, More or Less,
Situat e in Osage County, Oklahoma, and
Osage Tribe of Indians, et al, and
Unknown Owners,
Defendants.

CIVIL NO. 5763

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

AMENDED 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 an Amended Partial Judgment determining the ownership and just compensation of the above case. This Amended Partial Judgment amends a Partial Judgment in the above case and tracts filed June 15, 1964, by substituting the judgment herein entirely therefor.

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 gas 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 defendant was the sole owner of the gas lessee interest on the date of taking and is entitled to receive the award therefor.

4. The Court finds the plaintiff and Kerr-McGee Oil Industries, Inc., defendant herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the gas lessee estates taken in the five cases set out below is the sum of \$13,917.83, inclusive of interest, and that the proportionate amount for each case is shown as follows:

| | |
|--------------|-----------------|
| CA 5762 - \$ | 3,531.80 |
| CA 5763 - | 3,467.83 |
| CA 5764 - | 2,951.40 |
| CA 5826 - | 2,428.00 |
| CA 5825 - | <u>1,538.80</u> |
| Total | \$ 13,917.83 |

5. The Court finds the amount of \$3,467.83, inclusive of interest, is just compensation for the taking of the gas lessee estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$2,456.00 was deposited into the Registry of this Court as estimated just compensation for said gas lessee interest upon the filing of the Declaration of Taking herein.

6. The Court finds that the award of just compensation for these gas lessee estates taken, to wit, \$3,467.83, is allocable to each tract as shown below:

| <u>Tract No.</u> | <u>Deposit</u> | <u>Award</u> |
|------------------|----------------|--------------|
| 006-1M | \$ 75.00 | \$ 132.83 |
| 006-2M | 150.00 | 240.00 |
| 006-3M | 175.00 | 245.00 |
| 006-4M | 100.00 | 140.00 |
| 005-3M | 50.00 | 80.00 |
| 005-4M | 150.00 | 180.00 |
| 007-1M | 50.00 | 60.00 |
| 007-2M | 50.00 | 70.00 |
| 008-2M | 56.00 | 80.00 |
| 003-3M | 25.00 | 35.00 |
| 003-4M | 25.00 | 35.00 |
| 002-1M | 25.00 | 35.00 |
| 1031-1M | 75.00 | 105.00 |
| 1031-2M | 25.00 | 35.00 |
| 1031-3M | 25.00 | 35.00 |
| 1031-4M | 100.00 | 140.00 |
| 1032-1M | 25.00 | 35.00 |
| 1032-2M | 50.00 | 70.00 |
| 1033-1M | 50.00 | 70.00 |
| 1032-3M | 25.00 | 35.00 |
| 1033-2M | 75.00 | 105.00 |
| 1033-3M | 100.00 | 140.00 |
| 1033-4M | 100.00 | 140.00 |
| 1030-1M | 50.00 | 70.00 |
| 1030-2M | 25.00 | 35.00 |
| 1028-1M | 25.00 | 35.00 |
| 1028-2M | 75.00 | 105.00 |
| 1028-3M | 100.00 | 140.00 |
| 1028-4M | 25.00 | 35.00 |
| 1021-1M | 25.00 | 35.00 |
| 1021-2M | 25.00 | 35.00 |
| 0912-2M | 50.00 | 70.00 |
| 0912-1M | 50.00 | 70.00 |
| 092-2M | 175.00 | 245.00 |
| 092-1M | 150.00 | 210.00 |
| 0911-2M | 50.00 | 70.00 |
| 0911-1M | 50.00 | 70.00 |
| | <hr/> | <hr/> |
| | \$ 2,456.00 | \$ 3,467.83 |

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

(a) The vesting in plaintiff of title to the gas lessee estates 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 gas lessee estates is the sum of \$3,467.83, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$1,011.83, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payee:

Kerr-McGee Oil Industries, Inc. - - - - - \$3,467.83

Entered JUL 23 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

ksm

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)

vs.)

2,363.19 Acres of Land, More or Less,
Situate in Osage County, Oklahoma, and
Osage Tribe of Indians, et al, and
Unknown Owners,)

Defendants.)

CIVIL NO. 5764

FILED

JUL 28 1964

NOBLE
Clerk, U.S. District Court

AMENDED 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 an Amended Partial Judgment determining the ownership and just compensation of the above case. This Amended Partial Judgment amends a Partial Judgment in the above case and tracts filed June 15, 1964, by substituting the judgment herein entirely therefor.

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 gas 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 defendant was the sole owner of the gas lessee interest on the date of taking and is entitled to receive the award therefor.

4. The Court finds the plaintiff and Kerr-McGee Oil Industries, Inc., defendant herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the gas lessee estates taken in the five cases set out below is the sum of \$13,917.83, inclusive of interest, and that the proportionate amount for each case is shown as follows:

| | |
|--------------|-----------------|
| CA 5762 - \$ | 3,531.80 |
| CA 5763 - | 3,467.83 |
| CA 5764 - | 2,951.40 |
| CA 5826 - | 2,428.00 |
| CA 5825 - | <u>1,538.80</u> |

Total - \$ 13,917.83

5. The Court finds the amount of \$2,951.40, inclusive of interest, is just compensation for the taking of the gas lessee estates by the plaintiff in the following listed tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$2,091.00 was deposited into the Registry of this Court as estimated just compensation for said gas lessee interest upon the filing of the Declaration of Taking herein.

6. The Court finds that the award of just compensation for these gas lessee estates taken, to wit, \$2,951.40, is allocable to each tract as shown below:

| <u>Tract No.</u> | <u>Deposit</u> | <u>Award</u> |
|------------------|----------------|--------------|
| 0910-1M | \$ 25.00 | \$ 36.40 |
| 0910-2M | 55.00 | 75.00 |
| 094-1M | 30.00 | 45.00 |
| 094-2M | 75.00 | 105.00 |
| 094-3M | 62.00 | 85.00 |
| 094-4M | 4.00 | 10.00 |
| 093-1M | 50.00 | 70.00 |
| 093-2M | 25.00 | 35.00 |
| 093-3M | 150.00 | 205.00 |
| 093-4M | 125.00 | 175.00 |
| 092-4M | 25.00 | 35.00 |
| 092-3M | 50.00 | 70.00 |
| 091-1M | 75.00 | 105.00 |
| 091-2M | 125.00 | 175.00 |
| 1932-1M | 50.00 | 70.00 |
| 1932-2M | 50.00 | 70.00 |
| 1932-3M | 100.00 | 140.00 |
| 1932-4M | 15.00 | 25.00 |
| 1933-1M | 25.00 | 35.00 |
| 1933-2M | 100.00 | 140.00 |
| 1933-3M | 75.00 | 105.00 |
| 1933-4M | 25.00 | 35.00 |
| 1935-1M | 25.00 | 35.00 |
| 1935-2M | 25.00 | 35.00 |
| 1929-2M | 35.00 | 45.00 |
| 1928-1M | 25.00 | 35.00 |
| 1928-2M | 25.00 | 35.00 |
| 1928-3M | 50.00 | 70.00 |
| 1928-4M | 25.00 | 35.00 |
| 1927-3M | 25.00 | 35.00 |
| 1927-2M | 25.00 | 35.00 |
| 1927-1M | 25.00 | 35.00 |
| 1926-1M | 25.00 | 35.00 |
| 1920-2M | 5.00 | 30.00 |
| 1920-1M | 125.00 | 175.00 |
| 091-3M | 160.00 | 225.00 |
| 091-4M | 175.00 | 245.00 |
| | <hr/> | <hr/> |
| | \$ 2,091.00 | \$ 2,951.40 |

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

(a) The vesting in plaintiff of title to the gas lessee estates 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 the plaintiff for the taking of the gas lessee estates is the sum of \$2,951.40, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$860.40, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payee:

Kerr-McGee Oil Industries, Inc. - - - - - \$2,951.40

Entered JUL 23 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.)
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

FILED

11 14 1964

MAURICE E. BROWN
Clerk, U.S. District Court

AMENDED 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 an Amended Partial Judgment determining the ownership and just compensation of the above case. This Amended Partial Judgment amends a Partial Judgment in the above case and tracts filed June 15, 1964, by substituting the judgment herein entirely therefor.

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

4. The Court finds the plaintiff and Kerr-McGee Oil Industries, Inc., defendant herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the gas lessee estate taken in the five cases set out below is the sum of \$13,917.83, inclusive of interest, and that the proportionate amount for each case is shown as follows:

| | | |
|-----------|----|----------|
| CA 5762 - | \$ | 3,531.80 |
| CA 5763 - | | 3,467.83 |
| CA 5764 - | | 2,951.40 |
| CA 5826 - | | 2,428.00 |
| CA 5825 - | | 1,538.80 |

\$ 13,917.83

5. The Court finds the amount of \$1,538.80, inclusive of interest, is just compensation for the taking of the gas lessee estates by the plaintiff in the following-listed tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$1,092.00 was deposited into the Registry of this Court as estimated just compensation for said gas lessee interest upon the filing of the Declaration of Taking herein.

6. The Court finds that the award of just compensation for these gas lessee estates taken, to wit, \$1,538.80 is allocable to each tract as shown below:

| <u>Tract No.</u> | <u>Deposit</u> | <u>Award</u> |
|------------------|----------------|--------------|
| 1815-4M | \$ 28.00 | \$ 43.80 |
| 1815-3M | 107.00 | 150.00 |
| 1815-1MA & 1MB | 175.00 | 225.00 |
| 1815-2MA & 2MB | 50.00 | 70.00 |
| 1814-1M | 20.00 | 35.00 |
| 1814-2MA & 2MB | 160.00 | 220.00 |
| 1810-3M | 42.00 | 60.00 |
| 1810-2M | 23.00 | 35.00 |
| 1810-1M | 10.00 | 20.00 |
| 1811-2MA & 2MB | 50.00 | 70.00 |
| 1811-3MA & 3MB | 60.00 | 80.00 |
| 1811-1MA & 1MB | 50.00 | 70.00 |
| 184-1MA & 1MB | 60.00 | 80.00 |
| 184-2M | 52.00 | 70.00 |
| 183-3M | 72.00 | 100.00 |
| 183-4M | 5.00 | 10.00 |
| 183-2M | 5.00 | 10.00 |
| 183-1M | 72.00 | 100.00 |
| 189-1M | 6.00 | 15.00 |
| 2835-1M | 25.00 | 35.00 |
| 2820-1M | 10.00 | 20.00 |
| 2820-2M | 10.00 | 20.00 |
| | <hr/> | <hr/> |
| | \$ 1,092.00 | \$ 1,538.80 |

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

(a) The vesting in plaintiff of title to the gas lessee estates 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 gas lessee estates is the sum of \$1,538.80, inclusive of interest.

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$446.80, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payee:

Kerr-McGee Oil Industries, Inc. \$1,538.80

Entered JUL 23 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.)
1,929.31 Acres of Land, More or Less,)
Situating in Osage County, Oklahoma,)
and W. G. Rogers, et al., and)
Unknown Owners,)
Defendants.)

Civil No. 5826

FILED

JUN 24 1964

NOBLE A. EDWARDS
Clerk, U. S. District Court

AMENDED 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 an Amended Partial Judgment determining the ownership and just compensation of the above case. This Amended Partial Judgment amends a Partial Judgment in the above case and tracts filed June 15, 1964, by substituting the judgment herein entirely therefor.

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 gas 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 gas lease interest on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the plaintiff and Kerr-McGee Oil Industries, Inc., defendant herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the gas lessee estate taken in the five cases set out below is the sum of \$13,917.83, inclusive of interest, and that the proportionate amount for each case is shown as follows:

| | | |
|---------|---|-----------------|
| CA 5762 | - | \$3,531.80 |
| CA 5763 | - | 3,467.83 |
| CA 5764 | - | 2,951.40 |
| CA 5826 | - | 2,428.00 |
| CA 5825 | - | <u>1,538.80</u> |
| | | \$13,917.83 |

5. The Court finds the amount of \$2,428.00, inclusive of interest, is just compensation for the taking of the gas lessee estates by the plaintiff in the below-listed tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$1,720.00 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 herein.

6. The Court finds that the award of just compensation for these gas lessee estates taken, to wit, \$2,428.00, is allocable to each tract as shown below:

| <u>Tract No.</u> | <u>Deposit</u> | <u>Award</u> |
|------------------|----------------|---------------|
| 1931-1M | \$10.00 | \$18.00 |
| 1930-3M | 115.00 | 150.00 |
| 1930-4M | 95.00 | 135.00 |
| 1930-2M | 25.00 | 35.00 |
| 1929-1M | 20.00 | 35.00 |
| 1918-2M | 5.00 | 10.00 |
| 1918-1M | 5.00 | 10.00 |
| 197-1M | 5.00 | 10.00 |
| 197-2M | 10.00 | 20.00 |
| 1822-1M | 100.00 | 140.00 |
| 1822-3M | 27.00 | 35.00 |
| 1823-1M | 160.00 | 200.00 |
| 1823-2M | 90.00 | 140.00 |
| 1823-3M | 135.00 | 185.00 |
| 1823-4M | 125.00 | 175.00 |
| 1824-1M | 105.00 | 150.00 |
| 1824-4M | 50.00 | 70.00 |
| 1813-4M | 10.00 | 20.00 |
| 1813-2M | 80.00 | 100.00 |
| 1813-3M | 35.00 | 45.00 |
| 1813-1M | 45.00 | 60.00 |
| 1812-1M | 30.00 | 45.00 |
| 1930-1M | 50.00 | 70.00 |
| 1813-5M | 20.00 | 35.00 |
| 1919-2M | 40.00 | 60.00 |
| 1813-6M | 30.00 | 45.00 |
| 1825-1M | 70.00 | 100.00 |
| 1824-3M | 85.00 | 120.00 |
| 1824-2M | <u>143.00</u> | <u>210.00</u> |
| | \$1,720.00 | \$2,428.00 |

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

(a) The vesting in plaintiff of title to the gas lessee estates 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 gas lessee estates is the sum of \$2,428.00, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$708.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payee:

Kerr-McGee Oil Industries, Inc. \$2,428.00

Entered JUL 23 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.

653.25 Acres of Land, More or Less,
Situate in Nowata County, Oklahoma,
and Charles Edward Bratcher, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4975

Tract No. 5614-1 (Partial)

FILED

JUL 27 1964

J U D G M E N T
(Partial)

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

1.

NOW, on this 27 day of July, 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 July 1, 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 undivided 1/4 lessor interest in the estate condemned in Tract No. 5614-1 as such tract and estate are described in the Complaint and Declaration of Taking filed herein.

4.

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

5.

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

6.

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

7.

The Report of Commissioners filed herein on July 1, 1964, hereby is accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to the said interest in subject tract, as fixed by the Commission, is set out in paragraph 11 below.

8.

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

9.

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

10.

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

11.

It Is Further ORDERED, ADJUDGED AND DECREED that the right to just compensation for the undivided 1/4 lessor interest in the estate taken herein in subject tract is vested in the defendant whose name appears below in this

paragraph; the Report of Commissioners of July 1, 1964, hereby is confirmed and the sum therein fixed is adopted as just compensation for said interest in the subject tract as shown by the following schedule:

TRACT NO. 5614-1

Owner: (1/4 lessor interest only)

Jacob E. Myers, Jr.

| | | |
|---|----------|-------------|
| Award of just compensation pursuant to Commissioners' Report - - - - - | \$250.00 | \$250.00 |
| Deposited as estimated compensation - - - | \$150.00 | |
| Disbursed to owner - - - - - | | <u>None</u> |
| Balance due owner - - - - - | | \$250.00 |
| Deposit deficiency - - - - - | \$100.00 | |

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owner the deposit deficiency for the said interest in the subject tract, in the amount of \$100.00, together with interest on such deficiency at the rate of 6% per annum from July 29, 1960 until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action. The Clerk of this Court then shall disburse to Jacob E. Myers, Jr. the sum of \$250.00 plus the accrued interest on the deposit deficiency as stated above.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

HUGH V. SCHAEFER

HUGH V. SCHAEFER
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

653.25 Acres of Land, More or Less,
Situate in Nowata County, Oklahoma,
and Charles Edward Bratcher, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4975

Tract No. 5614-1 (Partial)

FILED

JUL 27 1964

J U D G M E N T
(Partial)

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

1.

NOW, on this 27 day of July, 1964, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on stipulations agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies only to an undivided 3/4 interest in the estate condemned in Tract No. 5614-1, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action.

3.

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

4.

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

5.

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

6.

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

7.

On the date of taking in this action, the owners of an undivided $3/4$ 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 said interest in the estate taken in such tract, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation therefor.

8.

The owners of an undivided $3/4$ interest in the subject tract and the United States of America have executed and filed herein Stipulations As To Just Compensation wherein they have agreed that just compensation for the undivided $3/4$ interest in the estate condemned in subject tract is in the amount shown as compensation in paragraph 12 below, and such stipulations should be approved.

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED, AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tract named in paragraph 2 herein, as such tract is particularly described in the Complaint and Declaration of Taking filed herein; and such tract, to the extent of the estate described and for the uses and purposes described in such Declaration of Taking, is condemned, and title thereto is vested in the United States of America, as of the date of filing such Declaration of Taking, and all defendants herein and all other persons interested in such interest in this 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 an undivided 3/4 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 said interest in the estate taken herein in this tract is vested in the parties so named.

12.

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

TRACT NO. 5614-1

Owners: (As to 3/4 interest only)

Emma Snook - - - - - 1/2

Latoyah M. Stanart - - - - - 1/4

| | | |
|---|---------------|-----------------|
| Award of just compensation | | |
| pursuant to stipulations - - - - | \$1,100.00 | \$1,100.00 |
| Deposited as estimated compensation - - - - - | | 450.00 |
| Disbursed to Emma Snook - - - - - | <u>300.00</u> | |
| Balance due to owners - - - - - | \$800.00 | |
| Deposit deficiency - - - - - | | <u>\$650.00</u> |

13.

It Is Further ORDERED, ADJUDGED, AND DECREED that the United States of America shall deposit in the Registry of this Court, in this civil action, to the credit of the subject tract, the deficiency sum of \$650.00. The Clerk of this Court then shall disburse to Emma Snook the sum of \$300.00 and to Latoyah M. Stanart the sum of \$500.00.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hugh V. Schaefer

HUGH V. SCHAEFER
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

279.50 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and Charles F. Dominy,
et al, and Unknown Owners,

Defendants.

CIVIL ACTION NO. 5113

Tract No. 4625-A

FILED

JUL 27 1964

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

J U D G M E N T

1.

NOW, on this 27 day of July, 1964, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on stipulations agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies only to the estate condemned in Tract No. 4625-A 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 January 31, 1961, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

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

7.

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

8.

The owners of subject tract and the United States of America have executed and filed herein Stipulations As To Just Compensation wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in paragraph 12 below, and such stipulations should be approved.

9.

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

10.

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

11.

It Is Further ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owners of the estate condemned herein in subject tract were the defendants whose names appear below in paragraph 12, and the right to just compensation for the estate taken herein in this tract is vested in the parties so named.

12.

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

TRACT NO. 4625-A

Owners:

Lessor Interest:

Jane Hackney - - - - - 1/2
Sara Garis - - - - - 1/2

Lessee Interest:

J. C. Fairbank - - - - - 1/4
Witt-Bar Oil Corporation - 3/4

| | | |
|---|------------|-------------------|
| Award of just compensation, pursuant to approved stipulations - - - - - | \$2,150.00 | \$2,150.00 |
| Deposited as estimated compensation - - - | \$2,100.00 | |
| Disbursed to owners - - - - - | | <u>\$2,100.00</u> |
| Balance due to owners - - - - - | | \$50.00 |
| Deposit deficiency - - - - - | \$50.00 | |

13.

It Is Further ORDERED, ADJUDGED, AND DECREED that the United States of America shall deposit in the Registry of this Court, in this civil action, to the credit of Tract No. 4625-A, the deficiency sum of \$50.00, and the Clerk of this Court then shall disburse \$25.00 to Jane Hackney and \$25.00 to Sara Garis.

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

APPROVED:

HUGH V. SCHAEFER
HUGH V. SCHAEFER
Assistant U. S. Attorney

United States District Court

70 20 1964

FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

CIVIL ACTION FILE NO. 5772

John L. Scott

vs.

United States of America

JUDGMENT

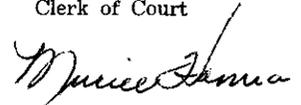
This action came on for trial (hearing) before the Court, Honorable Allen E. Barrow, United States District Judge, presiding, and the issues having been duly tried (heard) and a decision having been duly rendered, for the plaintiff.

It is Ordered and Adjudged that the plaintiff, John L. Scott, recover of the defendant, United States of America, the sum of Four Thousand Nine Hundred and Eighty Five (\$4985.00) Dollars, and fixes the attorney's fee of Ward and Brown, Attorneys for Plaintiff, in the amount of 20% of the Judgment.

Dated at Tulsa, Oklahoma, this 28th day of July, 19 64

NOBLE C. HOOD

Clerk of Court



by: Muriel Hamra, deputy

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

CIVIL ACTION NO. 4947

Tracts Nos. T-2052E-2 and
T-2052E-3

FILED

JUL 30 1964

J U D G M E N T

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

1.

NOW, on this 15th day of July, 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 June 4, 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 Tracts Nos. T-2052E-2 and T-2052E-3, as such tracts and estates are described in the Complaint and the Declaration of Taking filed herein.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject tracts of land. Pursuant thereto, on June 9, 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 instrument.

6.

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

7.

The Report of Commissioners filed herein on June 4, 1964, hereby is accepted and adopted as a finding of fact as to the oil and gas leasehold interest in subject tracts. The amount of just compensation for the estates taken in such interest, as fixed by the Commission, is set out in paragraph 12 below.

8.

The owners of the surface interest and the mineral lessor interest in the subject tracts together with plaintiff have executed and filed herein a Stipulation As To Just Compensation wherein they have agreed that the sum of \$1,455.00 is just compensation for the estates taken in such surface and mineral interest, and such stipulation should be approved.

9.

A certain deficiency exists between the amount deposited as estimated just compensation for the estates taken in the subject tracts and the amount fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out in paragraph 12 below.

10.

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

11.

It is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power and authority to condemn for public use the tracts described in paragraph 3 herein, and such property, to the extent of the estates described and for the uses and purposes described in the Declaration of Taking filed herein, is condemned, and title thereto is vested

in the United States of America, as of the date of filing the Declaration of Taking, and all defendants herein and all other persons are forever barred from asserting any claim thereto.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, title to the estates taken herein in the subject tracts was vested in the defendants named as owners in the schedule below in this paragraph; the right to receive the just compensation for the estates taken herein in subject tracts is vested in the parties so named as their respective interests appear in such schedule; the Stipulation As To Just Compensation mentioned in paragraph 8 above and the Report of Commissioners of June 4, 1964, hereby are confirmed and the sums therein fixed are adopted as just compensation for the estates taken in the subject tracts, as shown by the following schedule:

TRACTS NOS. T-2052E-2 AND T-2052E-3

Owners:

Interest A:

The fee simple title to the subject tracts, subject only to an oil and gas lease thereon, was owned by Pearl B. Jackson Company, an Oklahoma Statutory Business Trust (L. B. Jackson, Jr., Christine J. Hamilton, and Pearl B. Jackson, Trustees).

Interest B:

The oil and gas leasehold interest in the subject tracts was owned as follows:

Elias Drummer - - - - - 30%
 Felix Cohen - - - - - 40%
 Dave Cohen - - - - - 10%
 R & C Investment Co. - - - - 5%
 F.F. & S. Company - - - - - 5%
 Mitchell B. Howe - - - - - 5%
 Max Weisbly - - - - - 5%

Awards of just compensation, deposit and disburseals:

| | Interest A (Jackson) | Interest B (Drummer, et al) | Totals |
|---|-------------------------|--------------------------------|------------|
| Awards of just compensation - | | | |
| pursuant to stipulation - - - - | \$1,455.00 | \$1,455.00 | |
| pursuant to Commissioners' Report - - - - | | \$5,313.00 | \$5,313.00 |
| Total - - - - - | | | \$6,768.00 |
| Deposited as estimated compensation - - - - | \$630.00 | | \$4,700.00 |
| Disbursed to owners - - - - | None | \$4,700.00 | |
| Balance due to owners - - - - | \$1,455.00 | \$613.00 | |
| Deposit deficiency - - - - | \$825.00 | \$613.00 | \$1,438.00 |

It Is Farther ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the total deposit deficiency for the subject property in the amount of \$1,438.00, together with interest on the sum of \$613.00 (the deposit deficiency as to the oil and gas leasehold interest in the subject tracts) at the rate of 6% per annum from June 9, 1960, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tracts in this civil action.

Upon receipt of such sum, the Clerk of this Court shall disburse the deposit for the subject tracts as follows:

To Pearl B. Jackson Company, the sum of \$1,455.00

To Elias Drummer, \$183.90 plus 30% of the above required accrued interest

To Felix Cohen, \$245.20 plus 40% of the above required accrued interest

To Dave Cohen, \$61.30 plus 10% of the above required accrued interest

To R & C Investment Co., \$30.65 plus 5% of the above required accrued interest

To F.F. & S. Company, \$30.65 plus 5% of the above required accrued interest

To Mitchell B. Howe, \$30.65 plus 5% of the above required accrued interest

To Max Weisbly, \$30.65 plus 5% of the above required accrued interest.

Allen E. Hammer
 UNITED STATES DISTRICT JUDGE

APPROVED:

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

FILED

JUL 30 1964

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

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

FIRST NATIONAL BANK IN DALLAS,)

Plaintiff)

Civil Action

-vs-

No. 6002

JACK B. SELLERS, R. A. SELLERS,
and J. A. SELLERS,)

Defendants)

M O T I O N

The plaintiff, First National Bank in Dallas, moves this Honorable Court to dismiss the above styled cause, with prejudice to future action, and states that said claim has been paid in full.

MATHEWS, BUCK & CAIN

BY: Thomas E. Lynn
Attorneys for Plaintiff
First National Bank in Dallas

O R D E R

On this 20th day of July, 1964, comes on for hearing the motion of the plaintiff to dismiss the cause of action pending herein, with prejudice to future action. The Court being fully advised in the premises, finds that such motion should be granted.

IT IS THEREFORE ORDERED that the above styled cause, No. 6002-Civil be and it is hereby dismissed with prejudice to future action.

Allen F. Benson
District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

47.26 Acres of Land, More or Less,
Situate in Nowata County, Oklahoma,
and Julian W. Glass, Jr., et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4640

1/2 Lessor Interest and
Entire Lessee Interest in
Tracts Nos.: U-2123E-2
and U-2124E

FILED

JUL 3 1964

J U D G M E N T

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

1.

NOW, on this _____ day of July, 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 June 17, 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 interest of American Climax Petroleum Corporation in Tracts Nos. U-2123E-2 and U-2124E as such estates and tracts are described in the Complaint and Declaration of Taking filed herein. The interest in such tracts held by American Climax Petroleum Corporation was 1/2 of the mineral estate plus the entire interest in an oil and gas lease covering such tracts. Hereinafter in this judgment the term "subject interest" shall be used to designate the interest covered by this judgment.

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 interest.

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 interest. Pursuant thereto, on February 16,

1959, the United States of America filed its Declaration of Taking of the subject interest, and title to the subject interest should be vested in the United States of America, as of the date of filing such Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the subject interest a certain sum of money, and none of this deposit has been disbursed, as set out in paragraph 11 below.

7.

The Report of Commissioners filed herein on June 17, 1964, hereby is accepted and adopted as a finding of fact as to the subject interest. The amount of just compensation as to the subject interest as fixed by the Commission is set out in paragraph 11 below.

8.

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

9.

Amax Petroleum Corporation as successor in interest to American Climax Petroleum Corporation is the only defendant asserting any interest in the subject interest, all other defendants having either disclaimed or defaulted; as of the date of taking American Climax Petroleum Corporation was the owner of the subject interest and as successor in interest to such corporation, Amax Petroleum Corporation is entitled to receive the award of just compensation fixed by this judgment.

10.

It is, Therefore, ORDERED, ADJUDGED, AND DECREED that the United States of America has the right, power, and authority to condemn for public use the subject interest and such interest as is particularly described in paragraph 3 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.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

2,797.00 Acres of Land, More or Less,
Situata in Nowata and Rogers Counties,
Oklahoma, and Jessie W. Campbell,
et al, and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4891

Lessor Interest in Tract
No. 5625-K

FILED

JUL 31 1964

J U D G M E N T

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

1.

NOW, on this 31 day of July, 1964, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies only to the estate condemned in Tract No. 5625-K, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action, with the exception of the oil and gas leasehold interest in such tract. The interest covered by this judgment hereinafter shall be referred to as the "lessor interest".

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 18, 1960, the United States of America has filed its Declaration of Taking of such described property, and title to the described estate in such

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

6.

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

7.

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

8.

The owners of the subject tract and the United States of America have executed and filed herein a Stipulation As To Just Compensation wherein they have agreed that just compensation for the estate condemned in the lessor interest 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 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 as of the date of filing such

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

11.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estate condemned herein in the lessor interest in subject tract were the defendants whose names appear below in paragraph 12, and the right to just compensation for the estate taken herein in such lessor interest 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 estate condemned in the lessor interest in subject tract, as follows:

TRACT NO. 5625-K
(Lessor Interest Only)

Owners:

D. R. Magness and
Eleanor Magness

| | | |
|--|-----------------|----------|
| Award of just compensation, pursuant to stipulation - - - - - | \$400.00 | \$400.00 |
| Deposited as estimated compensation - - - - - | | \$200.00 |
| Disbursed to owners - - - - - | <u>\$200.00</u> | |
| Balance due to owners - - - - - | \$200.00 | |
| Deposit deficiency - - - - - | | \$200.00 |

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 the subject tract, the deficiency sum of \$200.00. The Clerk of this Court then shall disburse from the deposit for the subject tract jointly, to D. R. Magness and Eleanor Magness, the sum of \$200.00.

ALBERT L. MARLOW

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.

2,797.00 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and Jessie W. Campbell, et
al, and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4891

Lessor Interest In Tracts Nos.:
5625-1 and 5625-2, combined
5719-C
5615-8, 5622-3 and 5622-2,
ccmbined

FILED

JUL 31 1964

J U D G M E N T

1.

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

NOW, on this 31 day of July, 1964, this matter comes on for dis-
position on application of plaintiff, United States of America, for entry of
judgment on stipulations agreeing upon just compensation, and the Court, after
having examined the files in this action and being advised by counsel for
plaintiff, finds:

2.

This judgment applies only to the estates condemned in the tracts
enumerated in the caption above, as such estates and tracts are described in
the Complaint and the Declaration of Taking filed in this civil action, with
the exception of the oil and gas leasehold interest in such tracts. The
interest covered by this judgment hereinafter shall be referred to as the
"lessor interest" in the subject tracts.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein
give the United States of America the right, power and authority to condemn for
public use the estates described in paragraph 2 herein. Pursuant thereto, on
March 18, 1960, the United States of America filed its Declaration of Taking

of such described property and title to the described estates in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there were deposited in the Registry of this Court as estimated compensation for the taking of certain estates in the lessor interest in subject tracts, certain sums of money, and all of these deposits have been disbursed, as set out in paragraph 11 below.

7.

On the date of taking in this action, the owners of the estates taken in the lessor interest in subject tracts as described in paragraph 2 herein were the defendants whose names are shown in paragraph 11 below. Such named defendants are the only persons asserting any interest in the estates taken in the lessor interest in such tracts, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for such interest.

8.

The owners of the lessor interest in subject tracts and the United States of America have executed and filed herein Stipulations As to Just Compensation, wherein they have agreed that just compensation for the estates condemned in the lessor interest in subject tracts is in the amount shown as compensation in paragraph 11, and such stipulations should be approved.

9.

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

subject tracts, were the parties whose names appear below in paragraph 11, and the right to just compensation for the estates taken herein in such interest in these tracts is vested in the parties so named.

11.

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

TRACTS NOS. 5615-8, 5622-3 AND
5622-2, COMBINED
(Lessor Interest Only)

Owner:

Margaret C. Foley

| | | |
|---|-------------------|-------------------|
| Award of just compensation for all three tracts combined, pursuant to Stipulation - - - - - | \$5,000.00 | \$5,000.00 |
| Deposited as estimated compensation - - - - - | | <u>\$5,000.00</u> |
| Disbursed to owner - - - - - | <u>\$5,000.00</u> | |

TRACTS NOS. 5625-1 AND 5625-2, COMBINED
(Lessor Interest Only)

Owner:

Amelia E. Cronin

| | | |
|--|-------------------|-------------------|
| Award of just compensation for both tracts combined, pursuant to Stipulation - - - - - | \$7,000.00 | \$7,000.00 |
| Deposited as estimated compensation - - - - - | | <u>\$7,000.00</u> |
| Disbursed to owner - - - - - | <u>\$7,000.00</u> | |

TRACT NO. 5719-C
(Lessor Interest Only)

Owners:

H. M. McMillan - - - - - 1/2
W. L. Mullen - - - - - 1/2

| | | |
|--|-----------------|-----------------|
| Award of just compensation, pursuant to stipulation - - - - - | \$690.00 | \$690.00 |
| Deposited as estimated compensation - - - - - | | <u>\$690.00</u> |
| Disbursed to owners - - - - - | <u>\$690.00</u> | |

ALLEN E. BARROW

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

CIVIL ACTION NO. 4895 ✓

Tract No. E-575E

FILED

JUL 31 1964

J U D G M E N T

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

On July 31st, 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.

This judgment applies only to the estate condemned in Tract No. E-575E as such tract and estate 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 tract.

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 C. Lea Hogue and Winona Hogue, his wife, have entered their appearance in this case, but such defendants did not appear at such hearing either in person or by attorney.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tract, as such tract is 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 tract, a certain sum of money, part 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 \$850.00, and such sum should be adopted as the award of just compensation for the estate taken in the subject tract.

8.

Certain oil and gas leases of record, covering the subject tract had, as of the date of taking, expired by their own terms, therefore, on the date of taking in this action, the owner of the estate taken in the subject tract 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 estate taken in this tract.

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 Tract No. E-575E, as such tract is particularly described in the Complaint and Declaration of Taking filed herein; and such tract, to the extent of the estate described and for the uses and purposes described in such Declaration of Taking, is condemned, and title thereto is vested in the United States of America as of the date of filing such Declaration of Taking, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim thereto.

It Is Further ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owner of the estate condemned herein in the subject tract was the person whose name appears below in this paragraph, the right to just compensation for the estate taken in this tract is vested in the party so named, and the sum of \$850.00 hereby is adopted as the award of just compensation for the estate herein taken in the subject tract, as follows:

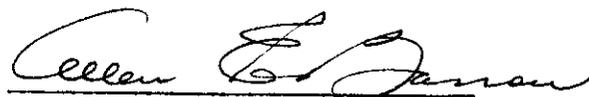
TRACT NO. E-575E

Owner:

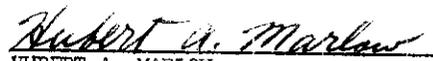
C. Lea Hogue was owner on date of taking. He is now deceased and his wife, Winona, is Executrix of his estate and entitled to receive the award.

| | | |
|---|-----------------|-------------|
| Award of just compensation - - - - - | \$850.00 | \$850.00 |
| Deposited as estimated compensation - - - - - | | \$850.00 |
| Disbursed to owner - - - - - | <u>\$750.00</u> | |
| Balance due to owner - - - - - | \$100.00 | |
| Deposit deficiency - - - - - | | <u>None</u> |

It Is Further ORDERED that the Clerk of this Court shall disburse from the deposit for the subject tract the sum of \$100.00 to Winona Hogue.


UNITED STATES DISTRICT JUDGE

APPROVED:


HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

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

Tract No. J-1051

FILED

JUL 31 1964

United States of America,

Plaintiff,

vs.

1,316.38 Acres of Land, More or Less,
Situate in Rogers County, Oklahoma,
and Tim Sharp, et al, and Unknown
Owners,

Defendants.

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

CIVIL ACTION NO. 4961

Tract No. 4602-B

J U D G M E N T

1.

Now, on this _____ July, 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 June 16, 1964, and the Court, after having examined the files in these actions and being advised by counsel for the plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of these actions.

3.

This Judgment applies only to the estates taken in the tracts enumerated in the caption above, as such tracts and estates are described in the Complaints and the Declarations 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 these causes, who are interested in subject property.

5.

The Acts of Congress set out in paragraphs 2 of the Complaints 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 April 5, 1960, as to Civil Action 4906, and on July 8, 1960, as to Civil Action 4961, the United States of America filed its Declarations 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 dates of filing such instruments.

6.

Simultaneously with filing of the Declarations of Taking, there were deposited in the Registry of this Court as estimated compensation for the taking of the subject tracts certain sums of money and part of these deposits has been disbursed as set out in paragraph 11, below.

7.

The Report of Commissioners filed herein on June 16, 1964, is hereby accepted and adopted as a finding of fact as to the estates taken in the subject tracts. The amount of just compensation as to the subject tracts as fixed by the Commission is set out in paragraph 11, below.

8.

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

9.

The defendants named in paragraph 11 as owners of subject tracts are the only defendants asserting any interest in the estates condemned herein, all other defendants having either disclaimed or defaulted; the named defendants are the owners of the respective interests in such estates as designated and, as such, are entitled to distribution of just compensation therefor. The owners have agreed upon how the award of just compensation shall be distributed and such agreement, as set forth in paragraph 11, should be approved.

10.

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

the subject tracts, as such tracts are described in the Declarations of Taking filed herein, and such property, to the extent of the estates described and for the uses and purposes described in the Declarations of Taking filed herein, is condemned, and title thereto is vested in the United States of America, as of the dates of the Declarations of Taking, and all defendants herein and all other persons are barred forever from asserting any claim thereto.

11.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the right to 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 June 16, 1964, is hereby confirmed and the sum therein fixed is adopted as just compensation for the estates taken in subject tracts, and the agreement of the owners as to distribution of such award is approved, all as shown by the following schedule:

TRACTS NOS. J-1051 and 4602-B COMBINED

Owners:

Interest A:

The entire subsurface estate in Tract J-1051, subject only to an oil and gas lease, was owned by Lena Slocter

Interest B:

The entire subsurface estate in Tract 4602-B, subject only to an oil and gas lease, was owned by Oscar H. Holman and Katherine Holman

Interest C:

Two separate oil and gas leases, one covering one tract and one covering the other, were owned by G. M. Walls and D. Glaxner

Interest D:

An overriding royalty interest under the two oil and gas leases covering these tracts was owned by Roy Carver and William Podpechan

Award of Just Compensation for
Both Tracts Combined Pursuant
to Commissioners' Report - - - - - \$11,000.00

Allocated by Commission:

Equipment Value - - - - - \$4,000.00
Mineral Value - - - - - \$7,000.00

Deposited as Estimated Compensation:

For Tract J-1051 - - - - - \$4,150.00
For Tract 4602-B - - - - - \$1,821.00
Total - - - - - \$ 5,971.00

Allocation of Award and Disbursals of Deposit:

Interest A: (Slocter)

Disbursed to Owner - - - - - \$ 2,000.00

Share of Award Pursuant to Agreement of Owners was 55/120 of 37½% of Mineral Value - - - - - \$ 1,203.13

Overpayment to Owner - - - - - \$ 796.87

Interest B: (Holman)

Share of Award Pursuant to Agreement of Owners was 65/120 of 37½% of Mineral Value - - - - - \$ 1,421.87

Disbursed to Owners - - - - - \$ 160.00

Balance Due to Owners - - - - - \$ 1,261.87

Interest C: (Glaxner & Walls)

Share of Award Pursuant to Agreement of Owners was All of the Equipment Value Plus 40% of the Mineral Value - - - \$ 6,800.00

Disbursed to Owners - - - - - \$ 3,581.00

Balance Due to Owners - - - - - \$ 3,219.00

Interest D: (Carver and Podpechan)

Share of Award Pursuant to Agreement of Owners was 22½% of Mineral Value - - - \$ 1,575.00

Disbursed to Owners (To Roy Carver) - - - \$ 115.00

Balance Due to Owners - - - - - \$ 1,460.00

Summary of Deposit:

| | | |
|--|-------------|-------------|
| Total Award - - - - - | \$11,000.00 | |
| Total Balance Due to Owners - - - - - | | \$5,940.87 |
| Total Deposit - - - - - | \$ 5,971.00 | \$ 5,971.00 |
| Total Disbursed to Owners - - - - - | \$ 5,856.00 | |
| Balance on Deposit - - - - - | \$ 115.00 | \$ 115.00 |
| Difference Between Deposit and Award - - - - - | \$ 5,029.00 | |
| Plus Overpayment to Owners of Interest A - - - - - | \$ 796.87 | |
| Deposit Deficiency - - - - - | \$ 5,825.87 | \$5,825.87 |

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the subject tracts as shown in paragraph 11, in the

amount of \$5,825.87, together with interest on such deficiency at the rate of 6% per annum from April 5, 1960 until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for Tract No. J-1051 in Civil Action 4906. The Clerk shall transfer the balance in the deposit for Tract No. 4602-B in Civil Action 4961, in the amount of \$40.00, to the deposit for Tract No. J-1051 in Civil Action 4906.

The Clerk of this Court then shall disburse from the deposit for Tract No. J-1051 in Civil Action 4906 certain sums as follows:

TO Oscar H. Holman and Katherine Holman the sum of \$1,261.87, plus 23% of the accrued interest on the deposit deficiency.

TO G. M. Walls and D. Glaxner, jointly, the sum of \$3,219.00, plus 49% of the accrued interest on the deposit deficiency.

TO Roy Carver and William Podpechan, jointly, the sum of \$1,460.00, plus 28% of the accrued interest on the deposit deficiency.

13.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff has judgment against Lena Slocter for the overpayment to her in the amount of \$796.87, as shown in paragraph 11 above, together with interest thereon at the rate of 6% per annum from the date this Judgment is filed until payment as herein provided. In payment of such judgment, the said Lena Slocter shall deposit the sum of \$796.87, together with all accrued interest, with the Clerk of this Court. Such payment shall be credited to the deposit for Tract No. J-1051 in Civil Action 4906.

Upon satisfaction of this judgment, the Clerk of this Court shall disburse the entire amount of such payment to the Treasurer of the United States.

/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.

164.01 Acres of Land, More or Less,
Situate in Rogers and Nowata Counties,
Oklahoma, and A. L. Bradshaw, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4987

Tract No. R-1836

FILED

JUL 31 1964

ORDER OF DISTRIBUTION AND
AMENDMENT TO JUDGMENT

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

Now on this 31 day of July, 1964, there came on for hearing the application of defendants Maude H. Phillips, Executrix of the Estate of W. G. Phillips, deceased, Hinman Stuart Milam, Mildred M. Viles, and Mary M. Stevenson, for distribution of funds on deposit herein for the use and benefit of such defendants.

After being advised by counsel for the plaintiff, the Court finds that there is on deposit in the Registry of this Court the sum of \$2,100.00 representing just compensation for the condemnation of the lands described in the Schedule "A" of the Complaint and designated therein as Tract No. R-1836.

The Court has previously entered its Judgment herein on May 6, 1964, and in paragraph 11 thereof it was shown that the above sums have been previously disbursed to the above owners. However, the Court has been advised by counsel for the plaintiff that the aforesaid sums have not been disbursed and the same should be promptly disbursed to the above owners.

The Court also finds that the aforesaid owners are the owners of the fee simple estate less and except the oil, gas and other minerals being condemned in subject tract, as such estate and tract are described in the Complaint herein, and such estate is free and clear of all encumbrances, liens and claims.

The above-named owners are entitled to receive the just compensation for their interests in such estate, and necessity exists for the withdrawal and distribution of the funds on deposit for such estate.

IT IS, WHEREFORE, ORDERED, ADJUDGED AND DECREED that the Clerk of this Court distribute and pay from the Registry of the Court forthwith from the sums on deposit as full and just compensation for the taking of the

described estate in Tract No. R-1836 the aforesaid sums as follows:

| | |
|---|---------------|
| Maude H. Phillips, Executrix of the Estate of W. G. Phillips, deceased - - - - - | \$ 1,050.00 |
| Hinmar Stuart Milam - - - - - | 350.00 |
| Mildred M. Viles - - - - - | 350.00 |
| Mary M. Stevenson - - - - - | <u>350.00</u> |
| | \$ 2,100.00 |

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court's
Judgment of May 6, 1964 entered herein is amended to reflect the foregoing.

Walter E. Garrison

UNITED STATES DISTRICT JUDGE

APPROVED:

Hugh V. Schaefer

HUGH V. SCHAEFER
Assistant U. S. Attorney

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

GRAND RIVER DAM AUTHORITY,)
a public corporation,)
)
Petitioner,)
)
vs.)
) Civil No. 5786
)
1 Tract of Land containing 108.3 acres,)
Art Henson, et al.,)
)
Defendants.)

FILED

JUL 31 1964

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

NOW, on this the 31st day of July, 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 18th day of November, 1963, as modified by the stipulation should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 18th day of November, 1963, as modified, is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein. The lands and/or estate taken are described as follows, to-wit:

Tract No. 6 NF 31 + PE Rev.
(Fee Title To & Perpetual Easement Upon)

FEE TITLE TO

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

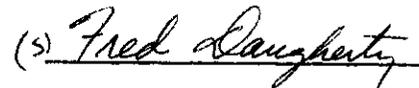
All that part of the $S\frac{1}{2}$ $SE\frac{1}{4}$ $SE\frac{1}{4}$ of Sec. 9 and all those parts of the $NE\frac{1}{4}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$, the $NW\frac{1}{4}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$, the $E\frac{1}{2}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$, and the $NE\frac{1}{4}$ $NE\frac{1}{4}$ of Sec. 16 described as follows: Beginning at the southwest corner of said $S\frac{1}{2}$ $SE\frac{1}{4}$ $SE\frac{1}{4}$, thence northerly along the west boundary of said $S\frac{1}{2}$ $SE\frac{1}{4}$ $SE\frac{1}{4}$ a distance of 165 feet, thence in a southeasterly direction to a point in the south boundary of said $S\frac{1}{2}$ $SE\frac{1}{4}$ $SE\frac{1}{4}$ 330 feet west of the southeast corner thereof, thence southerly parallel to the east boundary of said $NE\frac{1}{4}$ $NE\frac{1}{4}$ a distance of 495 feet, thence westerly parallel to the north boundary of said $NE\frac{1}{4}$ $NE\frac{1}{4}$ a distance of 330 feet, thence northerly parallel to the east boundary of said $NE\frac{1}{4}$ $NE\frac{1}{4}$ a distance of 330 feet, thence easterly parallel to the north boundaries of said $NE\frac{1}{4}$ $NE\frac{1}{4}$ and said $E\frac{1}{2}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$ to a point in the east boundary of said $NW\frac{1}{4}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$, thence in a southwesterly direction to a point in the west boundary of said $NE\frac{1}{4}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$ 165 feet north of the southwest corner thereof, thence northerly along the west boundary of said $NE\frac{1}{4}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$ to the northwest corner thereof, thence easterly along the north boundaries of said $NE\frac{1}{4}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$, said $NW\frac{1}{4}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$, and said $E\frac{1}{2}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$ to the point of beginning, all in T 22 N, R 21 E of the Indian Base and Meridian, containing 20.6 acres.

PERPETUAL EASEMENT UPON

All of the $NE\frac{1}{4}$ $NE\frac{1}{4}$ $NW\frac{1}{4}$, the $NW\frac{1}{4}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$, the $E\frac{1}{2}$ $NW\frac{1}{4}$ $NE\frac{1}{4}$, and the $NE\frac{1}{4}$ $NE\frac{1}{4}$ of Sec. 16, except those portions to be taken in fee and described above and except those portions contained in the City of Tulsa conduit line right-of-way and except that part of said $NE\frac{1}{4}$ $NE\frac{1}{4}$ lying north and east of the following described line: Beginning at a point in the north boundary of said $NE\frac{1}{4}$ $NE\frac{1}{4}$ 330 feet west of the northeast corner thereof, thence in a southeasterly direction to a point in the east boundary of said $NE\frac{1}{4}$ $NE\frac{1}{4}$ 320 feet south of said northeast corner; and all that part of the $NW\frac{1}{4}$ $NW\frac{1}{4}$ of Sec. 15 lying south and west of the following described line: Beginning at a point in the west boundary of said $NW\frac{1}{4}$ $NW\frac{1}{4}$ 320 feet south of the northwest corner thereof, thence $S\ 36^{\circ}\ 30'\ E$ a distance of 534 feet, thence in a southerly direction to a point in said $NW\frac{1}{4}$ $NW\frac{1}{4}$ 165 feet north and 420 feet east of the southwest corner thereof, thence in a southeasterly direction to a point in the south boundary of said $NW\frac{1}{4}$ $NW\frac{1}{4}$ 840 feet east of said southwest corner; and all of the $SW\frac{1}{4}$ $NW\frac{1}{4}$ of Sec. 15 lying north and west of the following described line: Beginning where the west line of the $SW\frac{1}{4}$ $NW\frac{1}{4}$ intersects the north line of Highway 20, thence east along Highway 20 a distance of 724 feet to the east line of the $SW\frac{1}{4}$ $SW\frac{1}{4}$ $NW\frac{1}{4}$, thence $N\ 59^{\circ}\ 30'\ E$ a distance of 100 feet, thence $N\ 12^{\circ}\ W$ a distance of 574.5 feet, thence $N\ 20^{\circ}\ E$ a distance of 80 feet to the northeast corner of the $NW\frac{1}{4}$ $SW\frac{1}{4}$ $NW\frac{1}{4}$ except that portion contained in the City of Tulsa conduit line right-of-way; and all those parts of the $NE\frac{1}{4}$ $SW\frac{1}{4}$ $NE\frac{1}{4}$ and the $SE\frac{1}{4}$ $NE\frac{1}{4}$ of Sec. 16 described as follows: Beginning at the northwest corner of said $NE\frac{1}{4}$ $SW\frac{1}{4}$ $NE\frac{1}{4}$, thence easterly along the north boundaries of said $NE\frac{1}{4}$ $SW\frac{1}{4}$ $NE\frac{1}{4}$ and said $SE\frac{1}{4}$ $NE\frac{1}{4}$ to a point 300 feet west of the northeast corner of said $SE\frac{1}{4}$ $NE\frac{1}{4}$, thence $S\ 6^{\circ}\ 06'\ E$ a distance of 500 feet, thence in a northwesterly direction to a point in said $SE\frac{1}{4}$ $NE\frac{1}{4}$ 330 feet east and 330 feet south of the northwest corner thereof, thence southerly parallel to the west boundary of said $SE\frac{1}{4}$ $NE\frac{1}{4}$ a distance of 330 feet, thence in a northwesterly direction to the point of beginning except those portions contained in the City of Tulsa conduit line right-of-way, all in T 22 N, R 21 E of the Indian Base and Meridian, containing 86.3 acres, in Mayes County, Oklahoma.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 18th day of November, 19 63, upon the depositing of the sum of \$ 12,000.00 with the registry of this Court for the lands and estates taken in and to the above described land.


U. S. District Judge