

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

Civil No. 5844

Tract Nos. 3746E

FILED

AUG 1 1964

J U D G M E N T

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

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

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

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

4. The Court finds the amount of \$500.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$394.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and George Roberts, Jr., Restricted Pawnee Indian, and the Bureau of Indian Affairs, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tract is the sum of \$500.00, inclusive of interest.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$500.00, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$106.00, 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:

Bureau of Indian Affairs for the
Account of George Roberts, Jr. \$ 500.00

Entered this 25th day of May 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

ELMER DAVIS, Regional Director of the Sixteenth
Region of the National Labor Relations Board, for
and on behalf of the NATIONAL LABOR RELATIONS BOARD,
Petitioner
v.
THE HOTEL AND RESTAURANT EMPLOYEES AND BARTENDERS
INTERNATIONAL UNION, LOCAL NO. 135
Respondent

Civil No. 5923

FILED

AUG - 31 1964

ORDER OF DISMISSAL BY CONSENT OF PARTIES

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

This Court on April 29, 1964, entered an order continuing case pending the final disposition of the matters involved pending before the National Labor Relations Board, and it appearing to the Court that the Regional Director of the Sixteenth Region of the National Labor Relations Board has approved the Settlement Agreement with which the Respondent has fully complied and such action constituting final disposition of the matters involved in this proceeding,

NOW, THEREFORE, upon the above and upon the consent appearing below, it is

ORDERED that this case be and it hereby is dismissed and the proceedings herein terminated without cost to either party.

Done at Tulsa, Oklahoma, this 3rd day of August, 1964.

Allen G. Cannon
United States District Judge

Entry of the within order is hereby consented to this 3rd day of August, 1964.

Sanford H. Palmer
Sanford H. Palmer, Attorney for Petitioner

William K. Powers
William K. Powers, Attorney for Respondent

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Clifford Ramon Gourd,

Petitioner,

vs.

United States of America,

Respondent.

Civil No. 5925

FILED

ORDER

NOV 11 1964
COURT CLERK

This matter coming on before me, the undersigned Judge, this _____ day of _____, 1964, upon the motion filed herein pursuant to 28 U.S.C. 2255 by Clifford Ramon Gourd, and the Court having examined said motion and the files and records in this cause and Criminal Case No. 13406 in this Court, and being fully advised in the premises finds:

That the petitioner sets forth in his motion two grounds upon which he seeks to have his conviction set aside. The first is, in essence, that his attorney was not dedicated to his interests and that he therefore was not adequately and effectively represented by counsel. The petitioner is not entitled to any relief based upon this allegation for the reason that the files and records show that petitioner waived his right to counsel and was not represented by any attorney. This being so, any claims by petitioner regarding his counsel's conduct or the efficacy of his representation are patently frivolous.

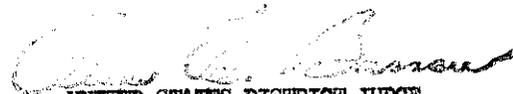
Petitioner's second ground is that the maximum period of imprisonment provided for by 18 U.S.C. 2312, is five (5) years, whereas the petitioner was sentenced in his words to "6 years max." In this connection, he also states as a basis for relief that the Youth Corrections Act has been successfully reversed in several courts when the sentence has been in excess of that provided for by a particular statute. Petitioner's contention appears to be that since the punishment provided for by 18 U.S.C. 2312 is less than the maximum amount of time which petitioner could serve by reason of his commitment under 18 U.S.C. 5010(b) and 5017(c), his sen-

• tence is excessive and illegal. This contention is without merit. The courts have held the Youth Corrections Act to be constitutional, and a sentence imposed thereunder which may result in a longer term of imprisonment than would be possible by reason of a sentence imposed under the statute which the youthful offender violated is not excessive or illegal, and therefore is not subject to being vacated and set aside in a proceeding pursuant to 28 U.S.C. 2255. See Eller v. United States, 327 F. 2d 639 (9 Cir. 1964), and cases cited therein. There is nothing in Pilkington v. United States, 315 F. 2d 204 (4 Cir. 1963), cited by the petitioner, to the contrary, as that case dealt with a different problem.

It is to be noted that 18 U.S.C. 5017(c) does provide that the youthful offender is entitled to a conditional release after not more than four (4) years. In the instant case, as will be shown by a letter on file herein from the Warden of the United States Penitentiary at Terre Haute, Indiana, the petitioner was conditionally released on March 15, 1962, and was thereafter returned into custody as a parole violator on May 31, 1962. This section of the statute has therefore been complied with in connection with the sentence of imprisonment which the petitioner is now serving.

For the foregoing reasons, the motion of the petitioner should be overruled and denied, and since there are no issues of fact presented, and since this decision is based upon the files and records in this cause, there is no necessity for a hearing on petitioner's motion nor for the petitioner to be present to testify.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion filed herein by Clifford Ramon Gourd to vacate and set aside his sentence pursuant to 28 U.S.C. 2255 be and the same hereby is overruled and denied.


UNITED STATES DISTRICT JUDGE

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$275.00, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$150.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

F. F. & Elsie Nigh	\$125.00
Villard Martin, Individually and as Trustee for Kathryn Cornell Maxey & Garrett Logan.	75.00
Betty Buell, Executrix of Estate Ethel E. Buell Estate	<u>75.00</u>
	\$275.00

Entered AUG 4 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.

706.76 Acres of Land, More or Less,
Situate in Creek, Pawnee and Tulsa
Counties, Oklahoma, and Annie Bemore
Washington, et al., and Unknown
Owners,

Defendants.

Civil No. 4842

Tract Nos. E-514 & E-1 thru E-9

FILED

NOV 19 1960

J U D G M E N T

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

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

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

4. The Court finds the amount of \$5,625.40, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$5,625.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and W. L. Oller, F. R. and Jo Claire Bryan, Jessa Coonrod, J. R. Wright, Cornelia Coonrod Holmes and Juanita Coonrod Hinton, defendants herein, have by the stipulation agreed

that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$5,625.40, inclusive of interest.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$5,625.40, inclusive of interest, of which sum the following amounts have previously been disbursed:

W. L. Oller	\$1,625.00
F. R. & Jo Claire Bryan	2,873.32

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$0.40, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

W. L. Oller	\$643.75
J. R. Wright	100.00
Jessa Coonrod, Cornelia Coonrod Holmes and Juanita Coonrod Hinton.	383.33
	\$1127.08

Entered AUG 4 1964

/s/ Allen E. Barrow
UNITED STATES DISTRICT JUDGE

APPROVED:

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

ajs

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
vs.) Plaintiff,)
)
771.88 Acres of Land, More or Less,)
Situat e in Pawnee and Creek Counties,)
Oklahoma, and Helen W. Kenyon, et al,)
and Unknown Owners,)
)
Defendants.)

Civil No. 4882

Tract Nos. E-514 &
E-1 thru E-9

FILED

AUG 5 1964

J U D G M E N T

NOBLE C. BOGARD
Clerk U.S. District Court

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

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

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

4. The Court finds the amount of \$34,700.00, less \$110.00 for improvements reserved by defendants, W. L. Oller and Alta Oller, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$29,700.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and W. L. Oller, Alta Oller, Pleas Craven, and Earl Craven, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking

of the estate taken in the above tracts is the sum of \$34,700.00, less \$110.00 for improvements reserved by defendants, W. L. Oller and Alta Oller, inclusive of interest.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$34,700.00, less \$110.00 for improvements reserved by defendants, W. L. Oller and Alta Oller, inclusive of interest, of which sum the following amounts have heretofore been disbursed:

W. L. Oller and Mutual Life Insurance Company of New York	\$24,641.17
W. L. Oller	\$ 4,750.00

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$4,890.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

W. L. Oller and Alta Oller	\$5,208.83
Pleas Craven and Earl Craven	\$ 100.00

Entered AUG 4 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,)	
)	Civil No. 4927
Plaintiff,)	
vs.)	Tract Nos. I-903-2
)	I-903E-4
780.51 Acres of Land, More or Less,)	I-903E-5
Situate in Tulsa, Creek and Pawnee)	
Counties, Oklahoma, and Carl H.)	
Abel, Jr., et al., and Unknown)	
Owners,)	
Defendants.)	

PARTIAL JUDGMENT

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a Partial Judgment determining the ownership and the just compensation to be awarded the former owners of the above tracts, based on the Report of Commissioners filed herein on the 6th day of July, 1964.

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

3. The Report of Commissioners filed herein on the 6th day of July, 1964, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to the subject tracts as fixed by the Commission is set out in paragraph 6 below.

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

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

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$197.00, as determined by the Report of Commissioners of July 6, 1964, which report is hereby confirmed and the sums therein fixed and adopted as just compensation for subject tracts, as shown by the following schedule:

TRACTS NOS. I-903-2, I-903E-4 and I-903E-5

Owner: (Lessor) State of Oklahoma, (Lessee) Wood Oil Company

Award of Just Compensation	-	\$197.00 (\$140.00 - Lessor (57.00 - Lessee)
Deposited as estimated compensation	-	\$160.00 - as to these tracts
Disbursed to Owner	-	0
Balance due to Owner	-	\$197.00 (\$140.00 - Lessor (57.00 - Lessee)
Deposit Deficiency	-	\$ 17.00

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$17.00, plus interest at 6% per annum from May 18, 1960, until the date of deposit of such deficiency. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payees:

R. K. Holmes and Cornelia Coonrod Holmes . . \$197.00, plus all
accrued interest.

Entered AUG 4 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

a.js

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

780.51 Acres of Land, More or Less,
Situate in Tulsa, Creek and Pawnee
Counties, Oklahoma, and Carl H.
Abel, Jr., et al., and Unknown
Owners,

Defendants.

Civil No. 5927

Tract Nos. I-903-1
I-903E-1
I-903E-2
I-903E-3

PARTIAL JUDGMENT

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

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

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

4. The Court finds the amount of \$2,900.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$2,430.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and R. K. Holmes and Cornelia Coonrod Holmes, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$2,900.00, inclusive of interest.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$2,900.00, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$470.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payees:

R. K. Holmes and Cornelia Conrod Holmes \$2,900.00

Entered AUG 4 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Saatee

ROBERT P. SANTEE
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.)
372.74 Acres of Land, More or Less,)
Situate in Tulsa, Creek and Pawnee)
Counties, Oklahoma, and Security)
Drilling Company, et al., and)
Unknown Owners,)
Defendants.)

Civil No. 5198

Tract Nos. 9910-1M

FILED

NOV 19 1954

J U D G M E N T

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

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

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

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

4. The Court finds the amount of \$7,123.33, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$6,920.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and Simon LeBow Corporation, Gray's Jewelers, Mel Klar, B. E. Ellman, Robert N. Wallace, Elmer Lee, Robert Ayers, Howard Alexander, Leon Alexander, Abe Alexander, Chas. W. Raymond and Raymond Oil Company, entered into a contract, as evidenced by an option for the purchase

of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$5,820.98, inclusive of interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tract; that the contract and agreement is a valid one.

6. The Court finds that plaintiff and Cornelia Coonrod Holmes, Juanita Coonrod Hinton, J. R. Wright and Jessa Coonrod Estate, and Ben Novak and James R. Eagleton, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tract is the sum of \$1,302.35, inclusive of interest.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$7,123.33, inclusive of interest, of which sum the following amounts have been previously disbursed:

Simon LeBow Corporation	\$799.22
Gray's Jewelers	133.20
Mel Klar	133.20
B. E. Hillman	133.20
Robert M. Wallace	199.80
Elmer Lee	399.61
Robert Ayers	399.61
Howard Alexander	1065.63
Leon Alexander	1065.63
Abe Alexander	1065.63
Halliburton Company (Mortgagee of Deloris Novak and Ben Novak)	999.02
Chas. W. Raymond	213.13
Raymond Oil Company	213.12
	\$6820.00

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$203.33, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

Juanita Coonrod Hinton, Cornelia Coonrod Holmes & Jessa Coonrod Estate	\$270.00
J. R. Wright	33.33

Entered AUG 4 1964

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)	
)	
Plaintiff,)	Civil No. 5359
vs.)	
)	Tract No. 3533 & E-1
181.15 Acres of Land, More or Less,)	
Situate in Pawnee and Osage Counties,)	
Oklahoma, and Nathan Rosenbert, et al.,)	
and Unknown Owners,)	
)	
Defendants.)	

J U D G M E N T

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tracts, based on the Report of Commissioners filed herein on the 6th day of July, 1964.

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

3. The Report of Commissioners filed herein on the 6th day of July, 1964, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to the subject tracts as fixed by the Commissioner is set out in paragraph 6 below.

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

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

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$8,000.00, as determined by the Report of Commissioners of July 6, 1964, which report is hereby confirmed and the sums therein fixed and adopted as just compensation for subject tracts, as shown by the following schedule:

TRACT NO. 3533 & E-1

Owners: Heirs of Albert Pappan, deceased.

Award of Just Compensation	-	\$8,000.00
Deposited as estimated compensation	-	7,550.00
Disbursed to Owners	-	5,912.19
Balance due to Owner	-	2,037.81
Deposit Deficiency	-	450.00

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$450.00, with interest at 6% per annum from March 5, 1962 until the date of the deposit of such deficiency.

Entered AUG 4 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

ajs

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,
vs.
382.36 Acres of Land, More or Less,
Situate in Tulsa, Creek and Pawnee
Counties, Oklahoma, and Winnie Enriquez,
et al., and Unknown Owners,
Defendants.

Civil No. 5371

Tract No. D-451E

J U D G M E N T

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

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

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

4. The Court finds the amount of \$612.50, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$350.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and J. O. Stith entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$87.50, inclusive of interest, for his interest therein, would be awarded as just compensation for the taking of the estates to be condemned in the above tract; that the contract and agreement is a valid one.

6. The Court finds that plaintiff and New Mannford Corporation, 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 \$350.00, inclusive of interest, for its interest therein.

7. The Court finds that defendants Maravene P. Bahnsen, Margaret Bahnsen Lager, Louise Bahnsen Annin, Sarah Price Ruhl, Mary Dart Curtis, Margaret Stevenson McCreery and Elizabeth C. Dart have failed to appear or answer nor have their attorneys appeared or answered in their behalf, and that said parties defendant are in default at this time.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$612.50, inclusive of interest, of which amount \$350.00 has been heretofore disbursed to New Mannford Corporation.

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$262.50, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

J. O. Stith	\$87.50
Maravene P. Bahnsen	29.16
Margaret Bahnsen Lager	29.17
Louise Bahnsen Annin	29.17
Sarah Price Ruhl	21.88
Mary Dart Curtis	21.87
Margaret Stevenson McCreery	21.88
Elizabeth C. Dart	21.87
	<u>\$262.50</u>

Entered AUG 4 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

a.js

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

5.02 Acres of Land, More or Less,
Situate in Pawnee County, Oklahoma,
and C. P. Gray, et al., and
Unknown Owners,

Defendants.

Civil No. 5489

Tract No. 4036

J U D G M E N T

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tract, based on the Report of Commissioners filed herein on the 20th day of April, 1964.

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

3. The Report of Commissioners filed herein on the 20th day of April, 1964, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to the subject tract as fixed by the Commission is set out in paragraph 6 below.

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

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

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$4,500.00, as determined by the Report of Commissioners of April 20, 1964, which report is hereby confirmed and the sums therein fixed and adopted as just compensation for subject tract, as shown by the following schedule:

TRACT NO. 4036

Owner: Roscoe H. Vaughn and Beulah Mae Vaughn

Award of Just Compensation	-	\$4,500.00
Deposited as estimated compensation	-	3,000.00
Disbursed to Owner	-	3,000.00
Balance due to Owner	-	1,500.00
Deposit Deficiency	-	1,500.00

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$1,500.00, with interest at 6% per annum from October 19, 1962, until the date of deposit of such deficiency. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payees:

Roscoe H. and Beulah Mae Vaughn . . . \$1,500.00 - plus all accrued interest

Entered AUG 4 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

ajs

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

5.02 Acres of Land, More or Less,
Situate in Pawnee County, Oklahoma,
and C. P. Gray, et al., and
Unknown Owners,

Defendants.

Civil No. 5489

Tract No. 4049

J U D G M E N T

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tract, based on the Report of Commissioners filed herein on the 20th day of April, 1964.

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

3. The Report of Commissioners filed herein on the 20th day of April, 1964, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to the subject tract as fixed by the Commission is set out in paragraph 6 below.

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

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

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$2,050.00, less \$30.00 deduction for the right to remove one storage shed, as set out in the Stipulation for Exclusion of Property filed herein on February 24, 1964, as determined by the Report of Commissioners of April 20, 1964, which report is hereby confirmed and the sums therein fixed and adopted as just compensation for subject tract, as shown by the following schedule:

TRACT NO. 4049

Owner: R. B. Fowler and Alma Fowler

Award of Just Compensation	-	\$ 2,050.00
Deposited as estimated compensation	-	1,075.00
Disbursed to Owner	-	1,075.00
Balance due to Owner	-	975.00
Less Salvage Deduction	-	30.00
<u>Net Balance due to Owner</u>	-	945.00
Deposit Deficiency		945.00

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$945.00, with interest at 6% per annum from October 19, 1962, until the date of deposit of such deficiency. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payees:

R. B. and Alma Fowler . . . \$945.00 - plus all accrued interest.

Entered AUG 4 1964

/s/ Allen E. Barrow

APPROVED:

UNITED STATES DISTRICT JUDGE

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

ajs

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

866.30 Acres of Land, More or Less,
Situate in Osage and Pawnee Counties,
Oklahoma, and Clifford W. Lemmon,
et al., and Unknown Owners,

Defendants.

Civil No. 5710

Tract No. 3777E

FILED

MAY 1964

J U D G M E N T

ROBERT L. HIGGINS
Clerk, U. S. District Court

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owner of the above tract, based on the Report of Commissioners filed herein on the 11th day of May, 1964.

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

3. The Report of Commissioners filed herein on the 11th day of May, 1964, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to the subject tract as fixed by the Commission is set out in paragraph 6 below.

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

5. The Court finds upon the evidence presented that the defendant listed below in paragraph 6 was the sole owner of the above-captioned tract on the date of taking and is entitled to receive the award thereof.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$373.17, plus accrued interest, as determined by the Report of Commissioners of May 11, 1964, which report is hereby confirmed and the sum therein fixed and adopted as just compensation for subject tract, as shown by the following schedule:

TRACT NO. 3777E

Owner: Marie V. Higgins .

Award of Just Compensation	-	\$373.17 - plus interest
Deposited as estimated compensation	-	\$200.00
Disbursed to Owner	-	\$200.00
Balance due to Owner	-	\$173.17 - plus interest
Deposit Deficiency	-	\$173.17 - plus interest

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$173.17 with interest at 6% per annum from July 30, 1963, until the date of deposit of such deficiency. Upon receipt of such deficiency, the Clerk of the 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:

Marie V. Higgins \$173.17 - plus accrued interest.

Entered AUG 4 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hugh V. Schaefer

HUGH V. SCHAEFER
Assistant U. S. Attorney

a.js

UNITED STATES DISTRICT COURT FOR THE
NORTHWEST DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

866.30 Acres of Land, More or Less,
Situate in Osage and Pawnee Counties,
Oklahoma, and Clifford W. Leamon,
et al., and Unknown Owners,

Defendants.

Civil No. 5710

Tract No. 3775E

FILED

MAY 1964

J U D G M E N T

NOBLE H. HAYES
Clerk, U. S. District Court

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tract, based on the Report of Commissioners filed herein on the 11th day of May, 1964.

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

3. The Report of Commissioners filed herein on the 11th day of May, 1964, is hereby accepted and adopted as a finding of fact as to the tract covered by such report. The amount of just compensation as to the subject tract as fixed by the Commission is set out in paragraph 6 below.

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

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

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$2,336.43, plus accrued interest, as determined by the Report of Commissioners of May 11, 1964, which report is hereby confirmed and the sums therein fixed and adopted as just compensation for subject tract, as shown by the following schedule:

TRACT NO. 3775E

Owners: Marie V. Higgins (20/21st); Juanita Bighorse (1/21st)	
Award of Just Compensation	- \$2,336.43 - plus interest
Deposited as estimated compensation	- 1,150.00
Disbursed to Owners	- 1,150.00
Balance due to Owners	- 1,186.43 - plus interest
Deposit Deficiency	- 1,186.43 - plus interest

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$1,186.43 with interest at 6% per annum from July 30, 1963, until the date of deposit of such deficiency. Upon receipt of such deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following named payees:

Marie V. Higgins	\$1,129.93 - plus accrued interest
Juanita Bighorse	56.50 - plus accrued interest

Entered APR 4 1964

/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,) Civil No. 5826
vs.) Tract No. 1813-1M
1,929.31 Acres of Land, More or Less,)
Situate in Osage County, Oklahoma,)
and W. G. Rogers, et al., and)
Unknown Owners,) Defendants.)

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 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 defendants were the sole owners of the oil lessee interest on the date of taking, and are entitled to receive the award therefor.

4. The Court finds that prior to the institution of the above proceeding the United States of America and Bob R. Neal, Mame Neal a/k/a Mame Neal Blair and the H. B. Neal Estate entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$200.00, inclusive of interest, would be awarded as just compensation for the taking of the oil lessee interest estates to be condemned in the above tract; that the contract and agreement is a valid one.

5. The Court finds the amount of \$200.00, 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. The sum of \$200.00 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.

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

(a) The vesting in plaintiff of title to the oil lessee estate set forth in the Complaint and Declaration of Taking in and to the 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 \$200.00, inclusive of interest, of which amount the sum of \$200.00 has been previously disbursed to these defendants.

Entered AUG 4 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

ajs

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
vs.
1,929.31 Acres of Land, More or Less,
Situate in Osage County, Oklahoma,
and W. G. Rogers, et al., and
Unknown Owners,
Defendants.

Civil No. 5826

Tract No. 1813-5M

FILED

NOV 19 1964

AMENDED PARTIAL JUDGMENT

ROBERT J. FORD
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 the just compensation to be awarded the owners of the oil lessee interest in the above case and tract. This Amended Partial Judgment amends a Partial Judgment in the above case and tract filed June 22, 1964, by substituting entirely therefor this Amended Partial Judgment.

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

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

4. The Court finds that prior to the institution of the above proceeding the United States of America and Bob R. Neal, Mame Neal a/k/a Mame Neal Blair and the H. B. Neal Estate entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$2,710.00, inclusive of interest, would be awarded as just compensation for the taking of the oil lessee estates to be condemned in the above tract; that the contract and agreement is a valid one.

5. The Court finds the amount of \$2,710.00, 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. The sum of \$2,710.00 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.

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

(a) The vesting in plaintiff of title to the oil lessee estate set forth in the Complaint and Declaration of Taking in and to the 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 \$2,710.00, inclusive of interest, which amount has been previously disbursed to these defendants.

Entered AUG 1 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

ajs

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.)
1,929.31 Acres of Land, More or Less,)
Situate in Osage County, Oklahoma and)
W. G. Rogers, et al., and Unknown)
Owners,)
Defendants.)

Civil No. 5826

Tract No. 1824-4M

AMENDED PARTIAL JUDGMENT

NOBIA
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 the just compensation to be awarded the owners of the oil lessee interest in the above case and tract. This Amended Partial Judgment amends a Partial Judgment in the above case and tract filed June 22, 1964, by substituting entirely therefor this Amended Partial Judgment.

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

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

4. The Court finds that prior to the institution of the above proceeding the United States of America and Bob R. Neal, Mame Neal a/k/a Mame Neal Blair and the H. B. Neal Estate entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$586.00, inclusive of interest, would be awarded as just compensation for the taking of the oil lessee estates to be condemned in the above tract; that the contract and agreement is a valid one.

5. The Court finds the amount of \$586.00, 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. The sum of \$586.00 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.

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

(a) The vesting in plaintiff of title to the oil lessee estate set forth in the Complaint and Declaration of Taking in and to the 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 \$586.00, inclusive of interest, which amount has been previously disbursed to these defendants.

Entered AUG 4 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

ajs

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.)
1,929.31 Acres of Land, More or Less,)
Situat e in Osage County, Oklahoma,)
and W. G. Rogers, et al., and)
Unknown Owners,)
Defendants.)

Civil No. 5826

Tract No. 1919-1M

AMENDED PARTIAL JUDGMENT

NOV 11 1964
CIVIL DIVISION

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 to be awarded the owners of the oil lessee interest in the above case and tract. This Amended Partial Judgment amends a Partial Judgment in the above case and tract filed June 22, 1964, by substituting entirely therefor this Amended Partial Judgment.

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

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

4. The Court finds that prior to the institution of the above proceeding the United States of America and Bob R. Neal, Mayme H. Blair a/k/a Mame Neal and the H. B. Neal Estate entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$15.00, inclusive of interest, would be awarded as just compensation for the taking of the oil lessee estates to be condemned in the above tract; that the contract and agreement is a valid one.

5. The Court finds the amount of \$15.00, 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 filed in this cause. The sum of \$15.00 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.

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

(a) The vesting in plaintiff of title to the oil lessee estate set forth in the Complaint and Declaration of Taking in and to the 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 \$15.00, inclusive of interest, which amount has been previously disbursed to these defendants.

Entered AUG 4 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

ajs

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
vs.
1,929.31 Acres of Land, More or Less,
Situate in Osage County, Oklahoma,
and W. G. Rogers, et al., and
Unknown Owners,
Defendants.

Plaintiff,

Civil No. 5826

Tract No. 1919-2M

AMENDED PARTIAL JUDGMENT

ROBERT C. ...
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 the just compensation to be awarded the owners of the oil lessee interest in the above case and tract. This Amended Partial Judgment amends a Partial Judgment in the above case and tract, filed June 22, 1964, by substituting entirely therefor this Amended Partial Judgment.

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

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

4. The Court finds that prior to the institution of the above proceeding the United States of America and Bob R. Neal, Mame Neal a/k/a Mame Neal Blair, and the H. B. Neal Estate entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$175.00, inclusive of interest, would be awarded as just compensation for the taking of the oil lessee estates to be condemned in the above tract; that the contract and agreement is a valid one.

5. The Court finds the amount of \$175.00, 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. The sum of \$175.00 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.

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

(a) The vesting in plaintiff of title to the oil lessee estate set forth in the Complaint and Declaration of Taking in and to the 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 \$175.00, inclusive of interest, which amount has been previously disbursed to these defendants.

Entered AUG 4 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,
Situate in Osage County, Oklahoma,
and W. G. Rogers, et al., and
Unknown Owners,
Defendants.

Civil No. 5826

Tract No. 1919-3M

FILED

1964 JUN 22

AMENDED PARTIAL JUDGMENT

ROBERT C. HOSKIN
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 the just compensation to be awarded the owners of the oil lessee interest in the above case and tract. This Amended Partial Judgment amends a Partial Judgment in the above case and tract, filed June 22, 1964, by substituting entirely therefor this Amended Partial Judgment.

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

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

4. The Court finds that prior to the institution of the above proceeding the United States of America and Bob R. Neal, Mame Blair a/k/a Mame Neal and the H. E. Neal Estate entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$5.00, inclusive of interest, would be awarded as just compensation for the taking of the oil lessee estates to be condemned in the above tract; that the contract and agreement is a valid one.

5. The Court finds the amount of \$5.00, 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. The sum of \$5.00 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.

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

(a) The vesting in plaintiff of title to the oil lessee estate set forth in the Complaint and Declaration of Taking in and to the 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 \$5.00, inclusive of interest, which amount has been previously disbursed.

Entered AUG 4 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,) Civil No. 5826
vs.)
Tract No. 1919-4M
1,929.31 Acres of Land, More or Less,)
Situate in Osage County, Oklahoma,)
and W. G. Rogers, et al., and)
Unknown Owners,)
Defendants.)

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 to be awarded the owners of the oil lessee interest in the above case and tract. This Amended Partial Judgment amends a Partial Judgment in the above case and tract, filed June 22, 1964, by substituting entirely therefor this Amended Partial Judgment.

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

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

4. The Court finds that prior to the institution of the above proceeding the United States of America and Bob R. Neal, Mayme H. Blair a/k/a Mame Neal, and the H. B. Neal Estate entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$5.00, inclusive of interest, would be awarded as just compensation for the taking of the oil lessee estates to be condemned in the above tract; that the contract and agreement is a valid one.

5. The Court finds the amount of \$5.00, 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. The sum of \$5.00 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.

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

(a) The vesting in plaintiff of title to the oil lessee estate set forth in the Complaint and Declaration of Taking in and to the 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 \$5.00, inclusive of interest, which amount has been previously disbursed.

Entered AUG 4 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

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

GLADIS BOTHWELL,)
)
 Plaintiff)
)
 -vs-)
)
 SAMMIE NOVICK LEVIN,)
)
 Defendant)

NO. 5838 Civil ✓

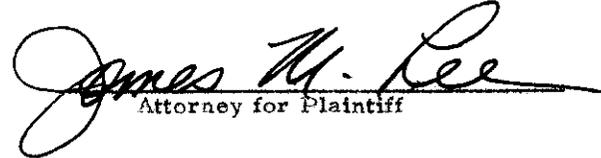
FILED

AUG - 5 1964

MOTION TO DISMISS

NOBLE C. HOOD
Clerk U.S. District Court

Comes now the plaintiff and moves the Court to dismiss her
cause of action with prejudice.


Attorney for Plaintiff

ORDER OF DISMISSAL

IT IS HEREBY ORDERED that the above styled case be
dismissed with prejudice, the same having been fully settled and compro-
mised as between the parties.


JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,	Plaintiff,	}	Civil No. 5894
vs.			
734.55 Acres of Land, More or Less,		}	Tract Nos. 4317 & E-1 thru E-6
Situate in Pawnee and Creek Counties,			
Oklahoma, and Claud Brown, et al.,			
and Unknown Owners,	Defendants.		

J U D G M E N T

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

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

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

4. The Court finds the amount of \$27,735.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$22,593.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and Potts & Potts, Inc., and Kantor Oil Company, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$27,735.00, inclusive of interest;

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$27,735.00, inclusive of interest, of which amount the following sums have heretofore been disbursed:

Joseph S. Kantor and S. M. Kantor	\$14,358.00
Potts & Potts, Inc.	<u>8,235.00</u>
	\$22,593.00

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$5,142.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payees:

Joseph S. Kantor and S. M. Kantor	\$5,142.00
---	------------

Entered AUG 4 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.)
265.19 Acres of Land, More or Less,)
Situat e in Osage, Pawnee and Creek)
Counties, Oklahoma, and Theresa M.)
Lynn, et al., and Unknown Owners,)
Defendants.)

Civil No. 5897

Tract Nos. 3731E-1 thru E-3

J U D G M E N T

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

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

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

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

4. The Court finds the amount of \$600.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$400.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and Charley Russell Miller, Attorney for the U. S. Department of the Interior, Office of the Regional Solicitor, Tulsa, acting on behalf of restricted Indians George Roberts, Nellie Roberts Templeton, Henry E. Roberts, Sr., Lena Roberts Tafoya, Vivian Roberts Archambault, and Rush Roberts, Jr., defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$600.00, inclusive of interest.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$600.00, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$200.00, 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 amounts hereinafter set forth, payable to the order of the following-named payees:

Area Director, Bureau of Indian Affairs,
Anadarko, Oklahoma, to be credited to
the Individual Indians Accounts, as
follows:

Nellie Roberts Templeton	\$36.67
Henry E. Roberts, Sr.	86.67
Lena Roberts Tafoya	86.67
George H. Roberts, Sr.	166.65
Vivian Roberts Archambault	86.67
Rush Roberts, Jr.	<u>86.67</u>

\$600.00

Entered AUG 4 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$8,000.00, as determined by the Report of Commissioners of July 6, 1964, which report is hereby confirmed and the sums therein fixed and adopted as just compensation for subject tract, as shown by the following schedule:

TRACT NO. 4753E

Owner:	Wood Oil Company and W. A. Aggas Estate
Award of Just Compensation	- \$8,000.00
Deposited as estimated compensation	- 7,460.00
Disbursed to Owner	- 0
Balance due to Owner	- 8,000.00
Deposit Deficiency	- 540.00

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$540.00, with interest at 6% per annum from February 12, 1964, until the date of deposit of such deficiency. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payees:

Wood Oil Company and
Lorraine A. Aggas, Executrix
of the Estate of W. A. Aggas . . \$8,000.00 - plus all accrued
interest

Entered AUG 4 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

ajs

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

503.74 Acres of Land, More or Less,
Situate in Nowata County, Oklahoma,
and Hinman Stuart Milam, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 4973

Tract No. L-1277

J U D G M E N T

1.

NOW, on this _____ day of August, 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 estate taken in Tract No. L-1277, as such estate and tract are described in the Complaint and the Declaration of Taking, filed herein.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on July 28, 1960, the United States of America filed its Declaration of Taking of such described property and title to the described estate in such property should be vested in the United States of America, as of the date of filing 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 none of this deposit has been disbursed as set out in paragraph 10, below.

7.

The Report of Commissioners filed herein on July 1, 1964, is hereby accepted and adopted as a finding of fact as to the subject tract. The amount of just compensation as to the subject tract as fixed by the Commission is set out in paragraph 10, below.

8.

The ownership of the subject tract has not been determined and a separate hearing for that purpose should be held at a later date.

9.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power and authority to condemn for public use the tract described in paragraph 3 herein, and such property, to the extent of the estate described and for the uses and purposes described in the Declaration of Taking filed herein, is condemned, and title thereto is vested in the United States of America, as of the date of filing the Declaration of Taking, and all defendants herein and all other persons are forever barred from asserting any claim thereto.

10.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on July 1, 1964, be and the same is hereby confirmed and the sums therein fixed are adopted as just compensation for subject tract as shown by the following schedule:

TRACT NO. L-1277

Ownership: Undetermined		
Award of Just Compensation (Per Report of Commissioners) - - - - -	\$ 3,430.00	\$ 3,430.00
Deposited as Estimated Compensation - - - - -	\$ <u>5,974.00</u>	
Deposit Overpayment - - - - -	\$ <u>2,544.00</u>	
Disbursed to Owners - - - - -		<u>None</u>
Balance Due to Owners - - - - -		\$ 3,430.00

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the deposit overpayment of \$2,544.00 be paid to the Treasurer of the United States and the Clerk of this Court shall withdraw and disburse the same accordingly.

Orders of Distribution of the deposit for the subject tract will be entered by the Court after a hearing has been held to determine the ownership of such tract.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hugh V. Schaefer

HUGH V. SCHAEFER
Assistant United States Attorney

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

SEVEN-UP BOTTLING COMPANY OF
TULSA, INC., a corporation,

Plaintiff,

vs.

AMERICAN EMPLOYERS INSURANCE
COMPANY, a corporation,

Defendant,

DAVID FOSTER,

THIRD PARTY
Defendant.

NO. 5880

FILED

AUG - 6 1964

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

ORDER

NOW on this 10th day of August, 1964, there came on for hearing pursuant to the request of the plaintiff, defendant, and third party defendant, David Foster, a joint motion to dismiss the above captioned matter with prejudice. Plaintiff appeared by and through its attorney, Ellis Gable, the defendant, American Employers Insurance Company, a Corporation, appeared by and through its attorney, Alfred B. Knight, and the third party defendant, David Foster, appeared by and through his attorney, John Wheeler. After statement of counsel, the Court finds that a settlement has been effected by and between all parties and all issues herein are resolved and compromised.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the complaint of Seven-Up Bottling Company of Tulsa, Inc., a Corporation, be and the same is hereby dismissed with prejudice.

IT IS FURTHER ORDERED that the complaint and action of American Employers Insurance Company, a Corporation against David Foster, be and the same is hereby dismissed with prejudice.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the action and complaint of David Foster as termed a counter claim, be and the same is hereby dismissed with prejudice.

GABLE, COYVALS, HAYS, RUBIN & FOX

By: G. Ellis Gable
G. Ellis Gable
Attorneys for the Plaintiff, *per efg*

Allen E. Carrow
JUDGE

ALFRED B. KNIGHT
Alfred B. Knight
Attorney for the Defendant

JOHN WHEELER, JR.
John Wheeler, Jr.
Attorney for Third Party Defendant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

CIVIL ACTION NO. 4893

Tract No. G-740E

FILED

AUG 7 1964

AMENDMENT TO JUDGMENT

ROYBLE C. HOOD
Judge, U. S. District Court

Now on this _____ day of August, 1964, this matter, 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 application for Amendment to the Judgment entered herein on April 13, 1964. The Court having examined the files and being advised by counsel for the plaintiff, finds that:

The Judgment entered in this action on April 13, 1964, made the finding, in paragraph 9 on page 4, that the title to Tract No. G-740E was subject to two mortgages owned by the Federal Land Bank of Wichita, Kansas. The land records reflect that these two mortgages were released before this civil action was filed.

The Court, therefore, concludes that the Federal Land Bank of Wichita, Kansas, had no interest in the subject tract on the date of taking and that the subject Judgment should be amended to reflect this fact.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Judgment entered in this action on April 13, 1964, hereby is amended in the following particulars only:

On page 4 of such Judgment, the language applicable to Tract No. G-740E is changed to read as follows:

"TRACT NO. G-740E

Owner: Forest Corlett

Award of Just Compensation - - - - -	\$30.00	\$30.00
Deposited as Estimated Compensation - - - -	<u>\$30.00</u>	
Disbursed to Owner - - - - -		<u>None</u>
Balance Due to Owner - - - - -		-\$30.00 "

ALLEN E. BARROW

APPROVED:

Hubert A. Marlow

UNITED STATES DISTRICT JUDGE

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 vs.) Plaintiff,)
)
 171.63 Acres of Land, More or Less,)
 Situate in Creek & Pawnee Counties,)
 Oklahoma, and William S. Bailey, et al,)
 and Unknown Owners,)
)
 Defendants.)

Civil No. 5721
Tract No. I-917E-4

RECEIVED
AUG 11 1964

AMENDMENT TO JUDGMENT

NOBEN HIGDON
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 amendment to a Judgment entered herein on May 25, 1964, and filed on June 4, 1964.

2. The Court finds that the aforementioned Judgment should be amended by adding to Paragraph (c) the following names and amounts:

Helen Ball Schniewind \$3.62
Marian Ball Thayer..... 3.62

3. The Court further finds that the total of the figures set out in Paragraph (c) should be \$348.04 instead of \$340.80.

4. The Court further finds that the amount set out beside the names of James T. and Sammie L. Carothers in Paragraph (d) should be reduced by the sum of \$7.24, making that figure \$79.16 and the total under Paragraph (d) \$122.36.

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED THAT the amendments as prayed for above be and hereby are granted.

Entered AUG 7 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

Gwendolyn Fleda Javine,

Plaintiff,

vs.

Howard F. Johnson, Superintendent
of Osage Indian Agency, Pawhuska,
Oklahoma,

Defendant.

Civil No. 5724

FILED

JUL 22 1964

ORDER

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

Now, on the 17th day of July, 1964, there having come on for hearing before me, the Honorable Allen E. Barrow, Chief Judge, United States District Court for the Northern District of Oklahoma, motions for summary judgment filed by both of the parties hereto; the plaintiff appearing by and through her attorney Matthew J. Kane of Pawhuska, Oklahoma, and the defendant appearing by and through Hugh V. Schaefer, Assistant United States Attorney, Tulsa, Oklahoma, and John M. Slater, Field Solicitor, United States Department of Interior, Pawhuska, Oklahoma; and after examining the pleadings, the briefs and arguments of counsel, the Court finds as follows:

Section 3 of the Act of April 18, 1912, 37 Stat. 86, confers upon the county courts of Oklahoma probate jurisdiction of the property of deceased, orphaned minors, insane, or other incompetent allottees of the Osage Tribe of Indians and provides that notice of any proceeding relating to such matters be served upon the Superintendent of the Osage Agency. These provisions are not to be construed as making the United States of America a party to such probate proceedings, nor making a decree by such courts in matters relating to Osage estates binding upon the United States of America.

It was intended by Congress that the county courts of Oklahoma in exercising the jurisdiction conferred upon them by Section 3 of the Act of April 18, 1912, supra, should administer Osage estates in a judicial manner and in accordance with the laws of Oklahoma insofar as such laws do not conflict with any paramount Federal statute. Mudd v. Perry, 25 F 2d 85.

The Acts of Congress permit the alienation of headright interests of Osage allottees only by intestate succession or wills which have been approved by the Secretary of the Interior or his delegate.

The second family settlement entered into by the plaintiff and her brother, Richard Ramon Javins, a member of the Osage Tribe, operated to divest him of an interest in a headright, in a manner contrary to Federal statute; such agreement is contrary to Federal enactments relating to disposition of Osage Tribal headrights.

The decree of the County Court of Osage County, recognizing and incorporating the second family settlement between the plaintiff and her brother, was in conflict with paramount Federal statutes. The county courts of Oklahoma, in exercising probate jurisdiction granted to them by the Act of April 18, 1912, cannot do indirectly what Osage heirs and devisees cannot do directly.

Restricted Indian land is property in which the United States has an interest, and alienation of such interests by judicial decree to which the United States has not given its consent is void, and the United States is not bound by such decree where it was not a party to the action. United States v. Hellard, 322 U. S. 363.

The Court, therefore, finds that plaintiff's motion for summary judgment should be overruled, and that defendant's motion for summary judgment should be sustained.

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

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hugh V. Schaefer

HUGH V. SCHAEFER
Assistant United States Attorney

/s/ Matthew J. Kane

MATTHEW J. KANE, Attorney for
Plaintiff

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

F I L E D

GRAND RIVER DAM AUTHORITY)
a public corporation,)

Petitioner,)

vs.)

76 Acres of Land, more or less, Mayes)
County, Oklahoma, Nowita Griffin,)
et al.,)

Defendants.)

AUG 15 1964

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

Civil No. 5834

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the 7th day of August, 19 64, the Court considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

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

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 3rd day of January, 19 64, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 3rd day of January, 19 64, is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein. The lands and/or estate taken are described as follows, to-wit:

TRACT No. 9 MF 5 + FE
(Fee Title to)

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

All of the $E\frac{1}{2} W\frac{1}{2} SW\frac{1}{4}$ except that part lying West of the following described line: Beginning at a point in the West boundary of said $E\frac{1}{2} W\frac{1}{2} SW\frac{1}{4}$ 330 feet South of the Northwest corner thereof, thence in a Northeasterly direction to a point in the North boundary of said $E\frac{1}{2} W\frac{1}{2} SW\frac{1}{4}$ 165 feet East of said Northwest corner; and that part of the $SE\frac{1}{4} SW\frac{1}{4}$ lying West of the following described line: Beginning at the Southwest corner of said $SE\frac{1}{4} SW\frac{1}{4}$, thence in a Northeasterly direction to a point 330 feet East and 495 feet North of said Southwest corner, thence Northerly parallel to the West boundary of said $SE\frac{1}{4} SW\frac{1}{4}$ to a point in the North boundary thereof; and that part of said $SE\frac{1}{4} SW\frac{1}{4}$ described as beginning at a point in the North boundary of said $SE\frac{1}{4} SW\frac{1}{4}$ 660 feet East of the Northwest corner thereof, thence in a Southwesterly direction to a point 495 feet South and 550 feet East of said Northwest corner, thence Easterly parallel to the North boundary of said $SE\frac{1}{4} SW\frac{1}{4}$ to a point 495 feet West of the East boundary thereof, thence in a Northwesterly direction to a point 600 feet West and 330 feet South of the Northeast corner of said $SE\frac{1}{4} SW\frac{1}{4}$, thence Northerly parallel to the East boundary of said $SE\frac{1}{4} SW\frac{1}{4}$ a distance of 165 feet, thence in a Northeasterly direction to a point in the North boundary of said $SE\frac{1}{4} SW\frac{1}{4}$ 400 feet West of the Northeast corner thereof, thence Westerly along said North boundary to the point of beginning, all in Section 13, T 23 N, R 20 E of the Indian Base and Meridian, containing 49.4 acres; and

(Perpetual Easement upon)

All of the $SE\frac{1}{4} SW\frac{1}{4}$ except those portions to be taken in fee and described above and except those parts described as follows: Beginning at a point in the South boundary of said $SE\frac{1}{4} SW\frac{1}{4}$ 550 feet East of the Southwest corner thereof, thence in a Northeasterly direction to a point 660 feet East and 250 feet North of said Southwest corner, thence in a Northeasterly direction to a point 400 feet North and 330 feet West of the Southeast corner of said $SE\frac{1}{4} SW\frac{1}{4}$, thence Southerly parallel to the East boundary of said $SE\frac{1}{4} SW\frac{1}{4}$ to a point in the South boundary thereof, thence Westerly along said South boundary to the point of beginning; and that part of the $SE\frac{1}{4} SW\frac{1}{4}$ lying North and east of the following described line: Beginning at a point in the North boundary of said $SE\frac{1}{4} SW\frac{1}{4}$ 250 feet West of the Northeast corner thereof, thence in a Southeasterly direction to a point in the East boundary of said $SE\frac{1}{4} SW\frac{1}{4}$ 200 feet South of said Northeast corner, all in Section 13, T 23 N, R 20 E of the Indian Base and Meridian, containing 26.6 acres. (No improvements taken)

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the ~~3rd~~ 10th day of January, 1964, upon the depositing of the sum of \$ 6,900.00 with the registry of this Court for the lands and estates taken in and to the above described land.

Allen E. Barrow

U. S. District Judge

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

GRAND RIVER DAM AUTHORITY,)
a public corporation,)

Petitioner,)

vs.)

Civil No. 5614

213.9 Acres of Land, more or less,)
in Hayes County, Oklahoma, Habel Payton,)
now Lolis, et al.,)
Defendants.)

FILED

AUG 10 1964

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

NOW, on this the 7th day of August, 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 3rd day of June, 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 3rd day of June, 1963, as modified, is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein. The lands and/or estate taken are described as follows, to-wit:

Tract No. 5 MF 8 + FE
(Fee Title To and Perpetual Easement Upon)

Fee Title To:

The following described land situated in Mayes County, Oklahoma, to-wit: All of Lot 2; and that part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying west of the westernmost boundary of the K. O. & G. Railroad right-of-way; and all of Lot 5 except that part described as follows: Beginning at the southeast corner of said Lot 5, thence west a distance of 565 feet, thence N 33° W a distance of 198 feet, thence N 35° 30' W a distance of 175 feet, thence N 4° 30' E a distance of 207 feet, thence E 45° N a distance of 214.5 feet, thence E 48° N a distance of 346.5 feet, thence south along the K.O.&G. Railroad right of way a distance of 858 feet to the point of beginning, and except that part contained in the K.O.&G. Railroad right of way including all reversionary interest, if any, in and to the K.O.&G. Railroad right of way and including any and all right, title, and interest in and to the bed and banks of Grand River incident to the ownership of the above described land, all in Sec. 13, T 22 N, R 20 E of the Indian Base and Meridian, containing 48.9 acres.

Perpetual Easement Upon:

That part of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ lying east of the easternmost boundary of the K.O.&G. Railroad right of way and west of the following described line: Beginning at a point in the north boundary of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ 660 feet west of the northeast corner thereof, thence in a southeasterly direction to a point 495 feet south and 330 feet west of said northeast corner, thence in a southeasterly direction to a point in the east boundary of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ 165 feet north of the southeast corner thereof in Sec. 13, T 22 N, R 20 E of the Indian Base and Meridian, containing 8.7 acres. All improvements taken.

Tract No. 5 MF 14
(Fee Title To)

The following described land situated in Mayes County, Oklahoma, to-wit: All of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ in Sec. 11, T 22 N, R 20 E of the Indian Base and Meridian, containing 40.0 acres.

Tract No. 5 MF 15 + FE
(Fee Title To and Perpetual Easement Upon)

Fee Title To:

The following described land situated in Mayes County, Oklahoma, to-wit: That part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying south of the following described line: Beginning at a point in the west boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ 330 feet north of the southwest corner thereof, thence in a southeasterly direction to a point in the south boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ 495 feet west of the southeast corner thereof, thence in a northeasterly direction to a point in the east boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ 165 feet north of said southeast corner, in Sec. 11, T 22 N, R 20 E of the Indian Base and Meridian, containing 4.1 acres.

Perpetual Easement Upon:

That part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ lying south of the following described line: Beginning at a point in the west boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ 495 feet south of the northwest corner thereof, thence in a southeasterly direction to a point 495 feet north and 330 feet west of the southeast corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$, thence easterly parallel to the south boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ to a point in the east boundary thereof, except that part to be taken in fee and described above, in Sec. 11, T 22 N, R 20 E of the Indian Base and Meridian, containing 14.7 acres.

Tract No. 5 MF 16 + FE
(Fee Title To and Perpetual Easement Upon)

Fee Title To:

The following described land situated in Mayes County, Oklahoma, to-wit: All of Lot 5; and that part of Lot 4 and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying south and west of the following described line: Beginning at a point in the north boundary of said Lot 4 165 feet west of the northeast corner thereof, thence in a southeasterly direction to a point in the east boundary of said Lot 4 165 feet south of said northeast corner, thence in a southeasterly direction to a point 495 feet south and 660 feet east of the northwest corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$, thence in a southeasterly direction to a point 165 feet west and 660 feet south of the northeast corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$, thence southerly parallel to the east boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 165 feet, thence in a southeasterly direction to a point in the east boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ 330 feet north of the southeast 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, all in Sec. 11, T 22 N, R 20 E of the Indian Base and Meridian, containing 83.7 acres.

Perpetual Easement Upon:

All of Lot 4 except that portion to be taken in fee and described above; and all of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ except that part described as follows: Beginning at the northeast corner of said NW $\frac{1}{4}$ SE $\frac{1}{4}$, thence westerly along the north boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 165 feet, thence southerly parallel to the east boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ a distance of 330 feet, thence in a southeasterly direction to a point in the east boundary of said NW $\frac{1}{4}$ SE $\frac{1}{4}$ 495 feet south of the northeast corner thereof, thence northerly along said east boundary to the point of beginning, and except that portion to be taken in fee and described above, all in Sec. 11, T 22 N, R 20 E of the Indian Base and Meridian, containing 13.8 acres. Improvements taken, 3 storage buildings.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 24th day of June, 1963, upon the depositing of the sum of \$ 29,412.00 with the registry of this Court for the lands and estates taken in and to the above described land.



U. S. District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.)
866.30 Acres of Land, More or Less,)
Situate in Osage and Pawnee Counties,)
Oklahoma, and Clifford W. Lemmons,)
et al, and Unknown Owners,)
Defendants.)

Civil No. 5710
Tract No. 3743E

FILED

AUG 11 1964

J U D G M E N T

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

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tract, based on the Report of Commissioners filed herein on the 6th day of July, 1964.

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

3. The Report of Commissioners filed herein on the 6th day of July, 1964, is hereby accepted and adopted as a finding of fact as to the tract covered by such report. The amount of just compensation as to the subject tract as fixed by the Commission is set out in paragraph 6 below.

4. A certain deficiency exists between the amount deposited as estimated just compensation for subject tract and the amount fixed by the Commission and the Court as just compensation and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out in paragraph 6 below.

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

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

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

(t) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$2,400.00, as determined by the Report of Commissioners of July 6, 1964, which report is hereby confirmed and the sum therein fixed and adopted as just compensation for subject tract, as shown by the following schedule:

TRACT NO. 3743E

Owners: Grover A. Funkhouser & Alvin Funkhouser

Award of Just Compensation:	\$2,400.00
Deposited as estimated compensation:	\$1,750.00
Disbursed to Owners:	-0-
Balance Due Owner	\$2,400.00
Deposit Deficiency:	\$ 650.00

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$650.00, with interest at 6% per annum from July 30, 1963, until date of deposit of such deficiency. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payees:

Grover A. Funkhouser & Alvin Funkhouser - \$2,400.00 with interest at 6% per annum from July 30, 1963, until date of deposit of such deficiency.

Entered 11/10/64

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

HUGH V. SCHAEFER

HUGH V. SCHAEFER
Assistant U. S. Attorney

ksm

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.)
866.30 Acres of Land, More or Less,)
Situat e in Osage and Pawnee Counties,)
Oklahoma, and Clifford W. Lemmons,)
et al, and Unknown Owners,)
Defendants.)

Civil No. 5710

Tract No. 3734E

FILED

AUG 11 1964

J U D G M E N T

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

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tract, based on the Report of Commissioners filed herein on the 6th day of July, 1964.

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

3. The Report of Commissioners filed herein on the 6th day of July, 1964, is hereby accepted and adopted as a finding of fact as to the tract covered by such report. The amount of just compensation as to the subject tract as fixed by the Commission is set out in paragraph 6 below.

4. A certain deficiency exists between the amount deposited as estimated just compensation for subject tract and the amount fixed by the Commission and the Court as just compensation and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out in paragraph 6 below.

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

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$600.00, as determined by the Report of Commissioners of July 6, 1964, which report is hereby confirmed and the sum therein fixed and adopted as just compensation for subject tract, as shown by the following schedule:

TRACT NO. 3734E

Owner: Lloyd Funkhouser & Pearl Funkhouser and First National Bank of Pawnee, Oklahoma

Award of Just Compensation:	\$ 600.00
Deposited as estimated compensation:	\$ 400.00
Disbursed to Owner:	\$ 400.00
Balance Due to Owner:	\$ 200.00
Deposit Deficiency:	\$ 200.00

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$200.00, with interest at 6% per annum from July 30, 1963, until date of deposit of such deficiency. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payees:

Lloyd Funkhouser & Pearl Funkhouser
and First National Bank of Pawnee, Oklahoma - \$200.00 with interest at 6%
per annum from July 30,
1963, until date of deposit
of such deficiency.

Entered 10/11/64

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hugh V. Schaefer

HUGH V. SCHAEFER
Assistant U. S. Attorney

ksm

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

769.08 Acres of Land, More or Less,
Situate in Creek and Pawnee Counties,
Oklahoma, and Forrest Adsit, et al.,
and Unknown Owners,

Defendants.

Civil No. 4806

Tracts Nos. D-434 and
E-1 thru E-4

AUG 18 1964

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

J U D G M E N T

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

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

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

4. The Court finds the amount of \$2,100.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$1,590.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and Forrest Adsit, Arthur M. Foster, Clyde W. Foster and Lewis E. Foster, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$1,665.00, inclusive of interest.

6. The Court finds that defendants General American Oil Company, Helen Horany, Elm Oil Company, Robert B. Aaronson, Thomas E. M. McDonell, J. P. Flanagan, Elm Oil Company, Jay Donaldson and John V. McDonell have failed to appear or answer, nor have their attorneys appeared or answered in their behalf, and that said parties defendant are in default at this time.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$2,100.00, inclusive of interest, of which amount \$765.00 has been disbursed to Forrest Adsit.

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$435.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

General American Oil Company	\$125.00
Helen Horany	40.00
Elm Oil Company.	40.00
Arthur M. Foster, Clyde W. Foster and Lewis E. Foster.	900.00
Robert B. Aaronson	15.00
Thomas E. M. McDonell.	15.00
J. P. Flanagan	67.50
Elm Oil Company.	67.50
Jay Donaldson.	50.00
John V. McDonell.	15.00
	<u> </u>
	\$1,335.00

Entered 10 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

ajs

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

THE UNITED STATES OF AMERICA, for)
the Use and Benefit of BOECHING-)
HERRY & COMPANY Co., a corporation,)
)
Plaintiff,)
)
vs.)
)
H. H. JOHNSON and C. H. ROANE,)
Individuals, doing business as)
ROBERT S. ROANE, a Joint Venture,)
and UNITED STATES FIDELITY &)
GUARANTY COMPANY, a corporation,)
)
Defendants.)

No. 1987 Civil

FILED
IN OPEN COURT

AUG 12 1964

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

C O R D E R

The Court, having carefully studied the entire file in this case and the briefs of the parties, is of the opinion that the motion to quash of the defendant H. H. Roane should be and the same is hereby denied.

And the Court is of the opinion that the motion of the United States Fidelity & Guaranty Company to consolidate this action with United States of America, for the Use and Benefit of Boeching-Herry & Company, et al. vs. H. H. Johnson and C. H. Roane and the United States Fidelity & Guaranty Company, Cause No. 1974, should be granted, and this cause is therefore consolidated with Cause No. 1974 pending in this Court.

1964 this 12th day of August, 1964.

(s) Luther Bohannon
UNITED STATES DISTRICT JUDGE

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

GEORGE W. CLUDON,)
Plaintiff,)
-v-)
AMERICAN AIRLINES, a)
foreign corporation,)
Defendant.)

No. 5942-Civ-1

FILED

AUG 17 1964

ORDER GRANTING MOTION FOR SUMMARY JUDGMENT
NOTICE OF HEARING
There is no hearing on this

The motion of the defendant for summary judgment pursuant to Rule 56 of the Rules of Civil Procedure, having been presented, and the Court being fully advised,

The Court finds that the defendant is entitled to a summary judgment as a matter of law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant's Motion for Summary Judgment be, and the same hereby is granted, that the plaintiff have and recover nothing by his suit, that the defendant, American Airlines, go hence without day, and that defendant recover its costs and charges in this behalf expended and have execution therefor.

DATED this 17th day of August, 1964.



JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

768.22 Acres of Land, More or Less,
Situate in Osage and Pawnee Counties,
Oklahoma, and Floyd Hazelrigg, et al.,
and Unknown Owners,

Defendants.

Civil No. 5446

Tract No. 3824E-1 thru E-3

FILED

AUG 20 1964

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

J U D G M E N T

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tracts, based on the Report of Commissioners filed herein on the 20th day of April, 1964.

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

3. The Report of Commissioners filed herein on the 20th day of April, 1964, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to the subject tracts as fixed by the Commission is set out in paragraph 6 below.

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

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

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$2,350.00, as determined by the Report of Commissioners of April 20, 1964, which report is hereby confirmed and the sums therein fixed and adopted as just compensation for subject tracts, as shown by the following schedule:

TRACTS NOS. 3824E-1 thru E-3

Owner:	Lee and Opal Hunt
Award of Just Compensation:	\$2,350.00
Deposited as Estimated Compensation:	2,100.00
Disbursed to Owner:	2,100.00
Balance due to Owner:	250.00
Deposit Deficiency:	250.00

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$250.00, with interest at 6% per annum from August 2, 1962, until the date of deposit of such deficiency. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payees:

Lee and Opal Hunt \$250.00

Entered APR 24 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

ajs

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

JUNIOR G. SWARTZ;
CUMBERLAND GASOLINE CORPORATION;
JURADO FUEL, INC.;
LIQUIFIED PETROLEUM SERVICE COMPANY,
a corporation;
A. L. COLLINS;
R. P. BELL, Trustee;
H. EMERSON THOMAS, and
MARK ANTON,

Plaintiffs,

No. 5 6 2 5

vs.

W. A. WEBB;
W. A. WEBB doing business as
W. A. WEBB PRODUCTION COMPANY; and
WEBCO DRILLING COMPANY,
a corporation,

Defendants.

FILED

NOV 20 1964

ROBERT C. HOOD
Clerk of the District Court

J U D G M E N T

This action came on for hearing before the court, Honorable Allan E. Barrow presiding, on the Motion of all parties herein to confirm the Special Master's Report, and the issues having been duly heard, and on decision having been duly rendered,

IT IS ORDERED and ADJUDGED that the plaintiffs recover of the defendants, W. A. Webb; W. A. Webb doing business as W. A. Webb Production Company; and Webco Drilling Company, a corporation, the aggregate sum of \$17,000.00 in favor of the individual plaintiffs as follows:

<u>Plaintiff</u>	<u>Amount</u>
Junior G. Swartz	\$ 4,743.00
Cumberland Gasoline Corporation	9,771.43
Jurado Fuel, Inc.	517.48
Liquified Petroleum Service Company	534.31
A. L. Collins	70.04
R. P. Bell, Trustee	158.10
H. Emerson Thomas	590.92
Mark Anton	<u>614.72</u>
Total	\$17,000.00

IT IS FURTHER ORDERED and ADJUDGED that the defendants

shall pay the Special Master's fee of one thousand dollars
(\$1,000.00) and court costs herein.

Dated at Tulsa, Oklahoma, this 20th day of August,
1964.

Walter C. Hood
Clerk of Court
Walter C. Hood

APPROVED:

Leon H. Mesirov
FOR ROSENSTEIN, MESIROV & FIST
Attorneys for plaintiffs

James H. Fox
FOR GABLE, GOTWALS, HAYS, RUBIN & FOX
Attorneys for defendants

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,
Situate in Osage County, Oklahoma,
and W. G. Rogers, et al., and
Unknown Owners,

Defendants.

Civil No. 5826

Tract No. 1930-4M

FILED

AUG 20 1964

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

PARTIAL JUDGMENT

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

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

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

4. The Court finds that plaintiff and Frank B. Guccione, Beulah L. Pugh and Shirley R. Palmer, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tract is the sum of \$6,948.75, inclusive of interest.

5. The Court finds the amount of \$6,948.75, 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. The sum of \$5,955.00 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.

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

UNITED STATES OF AMERICA,)
)
 Libelent,)
)
 vs.) No. 5859 Civil
)
 ONE 1963 PONTIAC 2-DOOR SEDAN,)
 SERIAL NO. 363K15964, ITS TOOLS) FILED
 AND APPURTENANCES,)
)
 Respondent.) AUG 29 1964

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

MEMORANDUM OPINION

This is an action brought by the United States Government in a cause of forfeiture of one 1963 Pontiac 2-door sedan, Serial No. 363K15964, its tools and appurtenances, pursuant to Sections 7301 and 7302, Title 26, United States Code for breach of the provisions of Sections 5205(a)(2), 5601(a)(12), 5604(a)(1), and 7206(4), Title 26, United States Code, being certain Internal Revenue Laws of the United States pertaining to illegal non-tax paid distilled spirits.

The matter comes on for trial before the Court with the issues drawn by the answer filed on behalf of William M. Madden, respondent-claimant. Evidence was introduced by both parties and arguments of counsel heard.

It should be noted that the Government has abandoned its action for forfeiture under the provisions of Section 7301, Title 26, United States Code (as reflected in its memorandum brief filed May 19, 1964), and proceeded to trial only upon Section 7302 of said title as its authority for forfeiture.

Section 7302 provides:

"It shall be unlawful to have or possess any property intended for use in violating the provisions of the internal revenue laws, or regulations prescribed under such laws, or which has been so used, and no property rights shall exist in any such property.... The seizure and forfeiture of any property under the provisions of this section * * * * shall be in accordance with existing laws or those hereafter in existence relating to seizures, forfeitures and disposition of property or proceeds."

Seizure of the automobile described above was accomplished by federal agents following the arrest of the claimant, William M. Madden, for violations of the aforementioned laws of the United States dealing with non-tax paid distilled spirits and this case was subsequently begun for forfeiture. The question before the Court is whether or not this property (the automobile) was used in violation of the Internal Revenue Laws of the United States relating to non-tax paid distilled spirits.

Upon consideration of the evidence introduced, the facts ascertained therefrom and the law applicable to those facts the Court finds that the aforementioned and described automobile should be forfeited as called for in the Government's complaint.

In so finding that the property was used in violating the laws of the United States the Court makes the following finding of facts.

The claimant was observed by federal and state agents driving the described automobile on June 23, 1963. The claimant was known to the agents as a dealer in illegal distilled spirits. The agents followed the claimant as he drove from his home on Apache Street in Tulsa, Oklahoma, to a drug store at the corner of Cincinnati and Pine Streets some distance from his home. His wife was a passenger and she went into the drug store briefly.

While under surveillance the claimant, driving the described automobile, left the drug store at the intersection of Cincinnati and Pine Streets and drove to his home on Apache Street. In making this trip, the claimant did not take one of several direct routes from Cincinnati and Pine to his home. Instead, he took a circuitous route which involved traveling several blocks out of his way and which took him in front of a house at 2135 North Hartford Street in Tulsa, wherein a stash of illegal non-tax paid distilled spirits was kept by the claimant. By taking the circuitous route past the location of the whiskey stash the claimant traveled over several

blocks of gravel street whereas he had several direct routes available to his home on paved streets.

The federal agents observed claimant drive by in front of the house on Hartford at approximately 8:20 P. M. The claimant then drove directly to his home. The claimant remained there approximately five minutes and was observed to be talking on the telephone to a person, the identity of whom is unknown. After completing his telephone conversation the claimant left his home and then drove the described automobile directly to the home of his sister, Florence Williams. The sister was also known to the federal agents as a dealer in illegal distilled spirits. At this point, which is approximately one-half mile from the house on Hartford, claimant parked the described automobile and changed over to a 1953 Ford sedan, green in color. At all times pertinent hereto the claimant was under observation by federal and state agents. The claimant then drove directly to the house on Hartford where he drove the 1953 Ford into the yard and began removing illegal non-tax paid distilled spirits from its place of hiding and into the 1953 Ford. At approximately 9:30 P. M. the claimant was arrested by a state agent shortly after he left the house on Hartford driving the 1953 Ford. In the 1953 Ford sedan was found 36 gallons of illegal non-tax paid distilled spirits.

The claimant Madden subsequently entered a plea of guilty to violations of Title 26, Sections 5205(a)(2) and 5604(a)(1) United States Code, said charges arising out of the possession and transportation of said illicit distilled spirits.

The lapse of time between the time the claimant drove the described automobile by the premises on Hartford Street containing his whiskey stash and his returning to his home, talking on the telephone, traveling to his sister's home where he changed cars, returning to the stash, loading 36 gallons of illegal distilled

spirits and driving away with them to make a delivery was approximately one hour.

The claimant testified that he took the circuitous route from Cincinnati and Pine Streets to his home which took him by his stash and over several blocks of gravel street, because his wife, who accompanied him on this trip, wanted to stop by and see a woman friend of hers who was a fellow club member. The claimant upon questioning could not remember the full name of the friend, only someone named "Shorty", nor could he relate the address of this friend, and further, was hesitant and uncertain in all of his testimony on this point. He testified the friend was not at home because a car was not there so he didn't stop at the friends house. His wife did not testify. The claimant has previous convictions for whiskey violations which also casts some shadow on the credibility of his testimony in the present case.

The Court after observing this witness and listening to his answers and explanations and from questioning the witness, can only come to the conclusion that the claimant drove out of his way and past the stash and over gravel streets for only one reason --and that was to reconnoiter or scout the area to see if the coast was clear to go in with his delivery car and move a load of illegal whiskey. From all the evidence introduced the Court can come but to this one conclusion: The claimant used the described automobile in the operation of his whiskey business to scout or reconnoiter the area of his illegal whiskey stash to see if he could safely approach it to take illegal distilled spirits away from the stash, which he immediately thereafter did. This use of the described automobile was the sole purpose of taking the circuitous route by the location of his whiskey stash. The story about "Shorty" is not worthy of belief and the Court does not believe same.

Such being the facts in the case the law seems clear that

the automobile should be forfeited, it being property used in violating the Internal Revenue Laws of the United States.

It is true that there is present here no proof that the described vehicle itself was used to transport or conceal illegal distilled spirits. The Government does not seek forfeiture for such use, as pointed out above. Nor should the Government have forfeiture for the use of the 1963 Pontiac in traveling to the 1953 Ford. However, the facts proven and the circumstantial inferences necessarily and inevitably drawn therefrom show that the described automobile was used as an integral piece of equipment in the claimant's mode of operation in the violation of the Internal Revenue Laws pertaining to non-tax paid distilled spirits.

Commuting to or from the home on Apache to the whiskey stash or commuting to the sister's house and changing cars, all involving the 1963 Pontiac as a simple or mere means of transportation, would not put it actively in the illicit whiskey operation. Under U. S. vs. Lane Motor Co., 344 U. S. 630, 73 Sup. Ct. 459, 97 L. Ed. 622, such use would not warrant forfeiture. There is, however, more involved herein than mere transportation of the person or commuting to a whiskey stash. It is the active use of the 1963 Pontiac in aid of the illicit whiskey operation as a vehicle used for scouting or reconnoitering the stash and as a lookout for dangers inherent in the illegal operation, to-wit, law enforcement officers, that involves this described automobile in such fashion as to require forfeiture.

The relationship between the use of the described vehicle to scout the area of the illegal whiskey stash preparatory to a movement of the hidden spirits therefrom and the over-all illegal operation of the whiskey enterprise is direct and immediate. The relationship of this vehicle to the unlawful activity shows its use as an integral piece of machinery in the activity or operation

though it may also have been put to uses which would not of necessity subject it to forfeiture.

If the facts in this case had indicated the described automobile was used solely for commuting purposes or as a mere means of transportation then U. S. vs. Lane Motor Company, supra, would be controlling. But, as pointed out above, the facts, as believed by the Court and as shown by what the Court feels is substantial and convincing evidence, show a use of this automobile beyond the mere act of commuting to an illegal whiskey stash or as mere transportation for the claimant. It is this other use that subjects the automobile to forfeiture, namely, the active aid to which the automobile was put in scouting and reconnoitering the area of the illegal whiskey stash in order that the dealer in illicit spirits could return forthwith and transport out part of his illegal wares. The former act aids and facilitates the latter and from the evidence they appear to be one continuous and related action on the part of the claimant, Madden.

Where the vehicle sought to be forfeited is used not merely for the convenience of the operator as a simple means of transportation or in commuting but as an active aid in violating the revenue laws, even though not for the actual transportation of any commodities subject to seizure, said vehicle is subject to seizure and forfeiture. U. S. vs. One 1952 Lincoln Sedan, 213 F. 2d, 786; U. S. vs. One 1960 Ford Galaxie Sedan, 203 F. Supp. 387.

Forfeiture has been upheld when the vehicle concerned was used as a lookout vehicle for a convoy of illegal spirits in another vehicle, as a repair vehicle for the one carrying illegal spirits and to block the road for the passage of the vehicle with illegal spirits. These cases are akin to the situation here where under the evidence the Court finds that the vehicle was used for purposes

similar if not identical to lookout and other assistance to the over-all operation. U. S. vs. One 1952 Lincoln Sedan, supra; Weatherbee vs. United States, 263 F. 2d, 324; United States vs. One 1956 Ford Sedan, 257 F. 2d, 725.

It is not necessary that the vehicle sought to be forfeited must have been used itself to transport or conceal or store the illicit spirits or in some other way be singularly involved as the premiere vehicle in a business of illicit spirits. Weatherbee vs. U. S., supra; U. S. vs. One 1952 Lincoln Sedan, supra; U. S. vs. One 1960 Ford Galaxie Sedan, supra; U. S. vs. One 1941 Buick Coach, 85 F. Supp. 402. The statute relied upon herein does not place any express limitation on the manner in which property used or intended for use in violation of the Internal Revenue Laws is employed. U. S. vs. One 1952 Lincoln, supra; 26 U. S. C. A. 7302.

It is unnecessary, if not practically impossible, to catalogue or detail the numerous ways and means in which an automobile may be used or intended to be used in or about a violation of the Internal Revenue Laws and thereby be subject to forfeiture. The statute, 26 U. S. C. 7302 makes it abundantly clear that it was the intent of Congress to subject any property to forfeiture which in any way is used or intended to be so used in violation of the said revenue laws.

Forfeiture statutes intended to prevent fraud in the Internal Revenue Laws are construed less narrowly than are penal statutes and others involving forfeiture. U. S. vs. Ryan, 284 U. S. 162, 52 S. Ct. 65, 76 L. Ed. 224. However, forfeitures are not favored and should be enforced only when within both the letter and spirit of the law. U. S. vs. One 1936 Model Ford Coach, 307 U. S. 219, 59 S. Ct. 861, 83 L. Ed. 1249; Manufacturers Acceptance Corp. vs. U. S., 193 P. 2d. 622; U. S. vs. Lane Motor Co., 199 F. 2d. 495. When actively used as an instrumentality in the over-all operation

of an illicit whiskey operation such action violates the spirit and the letter of the law.

The Court having found here that the described automobile was used actively in the violation of the revenue laws of the United States it is thus the judgment of the Court that said automobile, its tools and appurtenances be condemned and forfeited to the United States.

Dated this 20 day of August, 1964.

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

600.49 Acres of Land, More or Less,
Situate in Tulsa, Creek and Pawnee
Counties, Oklahoma, and Clifford Ward,
et al., and Unknown Owners,

Defendant.

Civil No. 4854

Tract No. G-723

FILED

AUG 26 1964

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

J U D G M E N T

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

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

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

4. The Court finds the amount of \$5,685.50, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$4,243.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and Big Four Petroleum Company entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers

Department of the Army, wherein it was agreed that the amount of \$1,014.00, inclusive of interest, for its interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tract ; that the contract and agreement is a valid one.

6. The Court finds that plaintiff Peter Lee, T. J. and Bertie Barnes, Leila Sinclair Martin, Burnie Thomas St. Clair, R. C. Sinclair and Leslie E. Dobbs, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tract is the sum of \$4,671.50, inclusive of interest for their interests.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$5,685.50, inclusive of interest, of which sum the following amounts have previously been disbursed:

Peter Lee and Big Four	
Petroleum Company	\$2,028.00
T. J. and Bertie Barnes	1,107.50
Leila Sinclair Martin	276.88
Burnie Thomas St. Clair	276.86
R. C. Sinclair	276.88
Leslie E. Dobbs	<u>276.87</u>
	\$4,243.00

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$1,442.50, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payee:

T. J. and Bertie Barnes \$1,442.50

Entered AUG 24 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

ATTEST:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney
ajs

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

CHAPPELL & CO., INC., ET AL)
)
 Plaintiffs,)
)
 vs.)
)
 JAMES A. FOCLEY,)
)
 Defendant.)

NO. 5961 CIVIL

ORDER OF DISMISSAL

Now on this 24th day of August, 1964, upon application of
plaintiffs and for good cause shown therein, the above entitled cause is
dismissed with prejudice to plaintiffs' right to prosecute further action
thereon.

Allen E. Barrow
Judge of the United States Court for the
Northern District of Oklahoma.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

12.40 Acres of Land, More or Less,
Situate in Creek and Pawnee Counties,
Oklahoma, and Gertrude Hambley, et al.,
and Unknown Owners,

Defendants.

Civil No. 4731

Tract No. B-214

FILED

JUL 15 1964

NOELIE C. ROOD
Clerk, U. S. District Court

J U D G M E N T

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

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

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

4. The Court finds the amount of \$100.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$225.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court further finds that a revestment stipulation was entered into between plaintiff and Hugh L. Kennedy providing that 1.65 acre is revested to the defendant, and providing that the just compensation is the sum of \$100.00, which stipulation is incorporated herein by reference.

6. The Court finds that defendants Robert J. Martin and J. W. Cox have failed to appear or answer, nor have their attorneys appeared or answered in their behalf, and that said parties defendant are in default at this time.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$225.00, inclusive of interest.

(c) The Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount herein-after set forth, payable to the order of the following-named payee:

Hugh L. Kennedy \$100.00

(d) There exists an excess of \$125.00, after payment of the above amount. The Clerk of this Court is hereby authorized and directed to disburse the sum of \$125.00 to the Treasurer of the United States of America.

Entered AUG 24 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Sartee

ROBERT P. SARTEE
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

CIVIL ACTION NO. 4894

ALL TRACTS

FILED

AUG 25 1964

AMENDMENT TO JUDGMENT

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

This matter comes on for hearing this _____ day of August, 1964,
on motion of the Plaintiff for an amendment to the Judgment filed herein on
November 15, 1961, and the Court having considered such motion and being
advised by counsel for Plaintiff, finds that for the reasons stated therein,
such motion should be sustained.

IT IS, THEREFORE, ORDERED that the Judgment filed herein on
November 15, 1961, hereby is amended so that the schedule in paragraph 12
therein reflects the ownership of Forest Oil Corporation in each of the
various tracts as follows, to wit:

TRACT NO. 5730-E

Forest Oil Corporation - - - 349/448 of 8/8 working interest

TRACTS NOS. 5730-F, 5729-B and 5720-H

Forest Oil Corporation - - - 51/64 of 8/8 working interest and
1/16 of 8/8 royalty (lessor) interest

TRACT NO. 5720-9

Forest Oil Corporation - - - 31/40 of 8/8 lessee interest

TRACTS NOS. 5719-16d and 5720-10

Forest Oil Corporation - - - 51/64 of 8/8 working interest

TRACTS NOS. 5720-10d and 5729-9a

Forest Oil Corporation - - - 51/64 of 8/8 working interest

TRACTS NOS. 5729-2 and 5720-10c

Forest Oil Corporation - - - 51/64 of 8/8 working interest

TRACT NO. 5719-16b

Forest Oil Corporation - - - 51/64 of 8/8 working interest

TRACTS NOS. 5719-16 and 5720-10b

Forest Oil Corporation - - - 17/24 of 8/8 lessee interest

TRACT NO. 5720-J

Forest Oil Corporation - - - 3/4 of 8/8 lessee interest

TRACT NO. 5720-N

Forest Oil Corporation - - - 51/64 of 8/8 working interest and
1/8 of 8/8 royalty (lessor) interest

TRACT NO. 5720-11

Forest Oil Corporation - - - 51/64 of 8/8 working interest and
1/8 of 8/8 royalty (lessor) interest

TRACT NO. 5729-C

Forest Oil Corporation - - - 51/64 of 8/8 working interest

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,) Civil No. 4927
vs.)
780.51 Acres of Land, More or Less,) Tract Nos. I-903-2
Situatē in Tulsa, Creek, and Pawnee) I-903E-4
Counties, Oklahoma, and Carl H.) I-903E-5
Abel, Jr., et al, and Unknown Owners,)
Defendants.)

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 to correct a Partial Judgment entered in this case and these tracts on August 4, 1954, and filed August 5, 1964, by substituting entirely therefor the present Amended Partial Judgment.

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

3. The Report of Commissioners filed herein on the 6th day of July, 1964, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to the subject tracts as fixed by the Commission is set out in paragraph 6 below.

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

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

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$197.00, as determined by the Report of Commissioners of July 6, 1964, which report is hereby confirmed and the sums therein fixed and adopted as just compensation for subject tracts, as shown by the following schedule:

TRACT NOS. I-903-2, I-903E-4 AND I-903E-5

Owner: (Lessor) State of Oklahoma; (Lessee) Wood Oil Company

Award of Just Compensation: \$197.00 (\$140.00 - Lessor)
(57.00 - Lessee)

Deposited as estimated compensation: \$180.00 - as to these tracts

Disbursed to Owner: -0-

Balance due to Owner: \$197.00 (\$140.00 - Lessor)
(57.00 - Lessee)

Deposit Deficiency: \$ 17.00

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$17.00, plus interest at 6% per annum from May 18, 1960, until the date of deposit of such deficiency. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

State of Oklahoma \$140.00, plus all accrued interest

Wood Oil Company \$ 57.00, plus all accrued interest

Entered APR 25 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.

122.01 Acres of Land, More or Less,
Situate in Pawnee and Creek Counties,
Oklahoma, and Gene E. Allen, et al.,
and Unknown Owners,

Defendants.

Civil No. 5368

Tract No. 3223

FILED

AUG 27 1964

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

J U D G M E N T

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tract, based on the Report of Commissioners filed herein on the 6th day of July, 1964.

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

3. The Report of Commissioners filed herein on the 6th day of July, 1964, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to the subject tract as fixed by the Commission is set out in paragraph 6 below.

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

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

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$3,600.00, as determined by the Report of Commissioners of July 6, 1964, which report is hereby confirmed and the sums therein fixed and adopted as just compensation for subject tract, as shown by the following schedule:

TRACT NO. 3223

Owner: Wayne L. and Maxie D. McCoy	
Award of Just Compensation	- \$3,600.00
Deposited as Estimated Compensation	- 2,300.00
Disbursed to Owner	- 2,300.00
Balance due to Owner	- 1,300.00
Deposit Deficiency	- 1,300.00

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$1,300.00, with interest at 6% per annum from March 21, 1962, until the date of deposit of such deficiency. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payees:

Wayne L. and Maxie D. McCoy . . . \$1,300.00, plus all accrued interest

Entered AUG 27 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

ajs

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,
vs.
476.66 Acres of Land, More or Less,
Situate in Osage and Pawnee Counties,
Oklahoma, and Frank Walters, et al.,
and Unknown Owners,
Defendants.

Civil No. 5702
Tract Nos. 3607 & E-1 thru E-3

FILED

AUG 27 1964

J U D G M E N T

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

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tracts, based on the Report of Commissioners filed herein on the 6th day of July, 1964.

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

3. The Report of Commissioners filed herein on the 6th day of July, 1964, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to the subject tracts as fixed by the Commission is set out in paragraph 6 below.

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

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

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$12,360.00, as determined by the Report of Commissioners of July 6, 1964, which report is hereby confirmed and the sums therein fixed and adopted as just compensation for subject tracts, as shown by the following schedule:

TRACT NOS. 3607 & E-1 thru E-3

Owner: A. W. and Esther Holliday

Award of Just Compensation	-	\$12,360.00
Deposited as estimated compensation	-	7,000.00
Disbursed to Owner	-	7,000.00
Balance due to Owner	-	5,360.00
Deposit Deficiency	-	5,360.00

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$5,360.00, with interest at 6% per annum from July 22, 1963, until the date of deposit of such deficiency. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payees:

A. W. & Esther Holliday, Security
 Bank of Ponca City, Ponca City
 Production Credit Association,
 C. C. Jenkins & G. T. Ray \$5,360.00 - plus all accrued
 interest.

Entered AUG 27 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant U. S. Attorney

ajs

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Libelant,

vs.

Civil No. 5858

One 1962 Ford Automobile,
Serial No. 2D62W104246,
its tools and appurtenances,

Respondent.

FILED

AUG 27 1964

U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ORDER CONFIRMING SALE

This matter coming on before me, the undersigned Judge, this 27th day of August, 1964, and the libelant, United States of America, appearing by Phillips Breckinridge, Assistant United States Attorney, and the claimant, Pacific Finance Corporation, appearing by its attorney, G. Ellis Gable, and the Court having examined the Return of Sale filed herein by Doyle W. Foreman, United States Marshal for the Northern District of Oklahoma, and being fully advised in the premises finds:

That the United States Marshal for the Northern District of Oklahoma, pursuant to a Decree of this Court, advertised the captioned vehicle for sale according to law, and did on the 11th day of August, 1964, sell at public auction said 1962 Ford Automobile, Serial No. 2D62W104246, to Fred Jones Ford Company for the sum of \$1,075.00 at the time and place specified in the notice of sale and according to the terms thereof. That Fred Jones Ford Company was the highest and best bidder for said automobile and \$1,075.00 was the highest and best bid offered.

That said public sale was in all respects regular and legal and in conformance with the aforesaid Decree of this Court, and that the same is valid and should be confirmed and title thereto should be vested in the purchaser, Fred Jones Ford Company.

That pursuant to the Decree of this Court entered on the 10th day of July, 1964, the United States Marshal for the Northern District of Oklahoma should apply the proceeds of said sale as follows:

1. Docket fee	\$20.00
2. Filing fee	15.00
3. Marshal's fees and costs	44.62
4. Publication costs	20.44
5. Storage costs	202.74
6. Pacific Finance Corporation	772.20

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the sale of the captioned automobile to Fred Jones Ford Company be and it hereby is declared to be valid and in all respects regular and legal and the same is hereby confirmed

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Marshal disburse the proceeds of said sale as set forth above.

UNITED STATES DISTRICT JUDGE

APPROVED:

Phillips Breckinridge
Assistant U. S. Attorney

G. Ellis Gable
Attorney for Pacific Finance
Corporation.

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

BLANCHE GREGORY, et al.,

Plaintiffs,

vs.

CARTER'S, INC.,

Defendant.

No. 5810 Civil

FILED

AUG 28 1964

J U D G M E N T

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

The parties to this action have submitted it to the Court on briefs and stipulations contained in the Pre-trial Order.

The Court, having carefully considered the entire file, is of the opinion, and so finds, that the defendant is not subject to the minimum wage provisions of the Fair Labor Standards Act, as amended.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that plaintiffs take nothing, and judgment is rendered in favor of the defendant.

DATED this 26th day of August, 1964.


UNITED STATES DISTRICT JUDGE