

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

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

United States of America,	)	CIVIL ACTION NO. 4891
	)	
Plaintiff,	)	All of Lessor Interest in Tracts
	)	Nos. 5613-2, 5614-10 and 5623-2,
vs.	)	5624-13, 5624-B, 5624-F, 5624-G,
	)	5624-H, 5625-9, 5625-B, 5636-A,
2,797.00 Acres of Land, More or Less,	)	5636-D and 5636-DA, 5719-8,
Situate in Nowata and Rogers Counties,	)	5719-11, 5719-12, 5719-13,
Oklahoma, and Jessie W. Campbell, et	)	5719-14, and 5730-C
al, and Unknown Owners,	)	
	)	3/4 of Lessor Interest In
Defendants.	)	Tract No. 5615-F
	)	4/5 of Lessor Interest in
	)	Tract No. 5624-I

J U D G M E N T

1.

NOW, on this 2nd day of November, 1964, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of judgment on the Reports of Commissioners filed herein on June 17, 18, 23, 24 and 25, 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 an undivided 3/4 interest in the lessor interest in the estate taken in Tract No. 5615-F, an undivided 4/5 interest in the lessor interest in the estate taken in Tract No. 5624-I, and to the entire lessor interest in the estates taken in all other tracts enumerated in the caption above, as such estates and tracts are described in the Complaint and Declaration of Taking filed herein.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tracts of land. Pursuant thereto, on March 18,

1960, the United States of America filed its Declaration of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such Declaration of Taking.

6.

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

7.

The Reports of Commissioners filed herein on June 17, 18, 23, 24 and 25, 1964, are accepted hereby and adopted as a finding of fact as to all tracts covered by such reports. The amount of just compensation as to the subject tracts as fixed by the Commission is set out in paragraph 11 below.

8.

Certain deficiencies exist between the amounts deposited as estimated just compensation for the estates taken in 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 11 below.

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tracts, as such tracts are described in the Declaration of Taking filed herein, and an undivided  $3/4$  interest in the lessor interest in Tract No. 5615-F, an undivided  $4/5$  interest in the lessor interest in Tract No. 5624-I and the entire lessor interest in all other tracts enumerated in the caption hereof, to the extent of the estates described in the Declaration of Taking filed herein, and for the uses and purposes therein indicated, is condemned, and title thereto is vested in the United States of America, as of the date of filing the

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

11.

It Is Further ORDERED, ADJUDGED, AND DECREED that the right to receive just compensation for the estates taken herein in subject property is vested in the defendants whose names appear below in this paragraph; the Reports of Commissioners of June 17, 18, 23, 24 and 25, 1964, hereby are confirmed, and the sums therein fixed are adopted as the awards of just compensation for subject property as shown by the following schedule:

TRACT NO. 5613-2

Owners of lessor interest:

Amos J. Nichols and  
Irene Nichols

Subject to mortgage to the Victory National  
Bank of Nowata, Oklahoma

Award of just compensation for lessor interest pursuant to Commissioners' Report - - - - -	\$5,000.00	\$5,000.00
Deposited as estimated compensation for lessor interest - - - - -		2,700.00
Disbursed to owners - - - - -	<u>2,700.00</u>	
Balance due to owners - - - - -	\$2,300.00	
Deposit deficiency - - - - -		<u>\$2,300.00</u>

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TRACTS NOS. 5614-10 AND 5623-2, Combined

Owner of lessor interest:

Mary E. Watts

Award of just compensation for lessor interest pursuant to Commissioners' Report - - - - -	\$1,600.00	\$1,600.00
Deposited as estimated compensation for lessor interest - - - - -		<u>\$1,600.00</u>
Disbursed to owner - - - - -	<u>\$1,600.00</u>	

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TRACT NO. 5615-F

Owners of 3/4 of lessor interest:

Heirs of W. A. Peck, deceased, who are:

Barbara Peck,  
Arthur Allen Peck and  
Georgia Peck

(By Stipulation owners have agreed that award shall be disbursed to Barbara Peck)

Award of just compensation for 3/4 of lessor interest pursuant to Commissioners' Report - - - - -	\$1,350.00	\$1,350.00
Deposited as estimated compensation for 3/4 of lessor interest - - - - -		\$1,012.50
Disbursed to owners - - - - -	<u>\$1,012.50</u>	
Balance due to owners - - - - -	\$337.50	<u>          </u>
Deposit deficiency - - - - -		\$337.50

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TRACT NO. 5624-13

Owners of lessor interest:

G. M. Williams  
C. L. Williams  
Dorothy A. Williams and  
Aldine E. Bonner

Award of just compensation for lessor interest pursuant to Commissioners' Report - - - - -	\$300.00	\$300.00
Deposited as estimated compensation for lessor interest - - - - -		<u>\$300.00</u>
Disbursed to owners - - - - -	<u>None</u>	
Balance due to owners - - - - -	\$300.00	<u>          </u>

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TRACT NO. 5624-B

Owner of the lessor interest:

Mary E. Watts

Award of just compensation for lessor interest pursuant to Commissioners' Report - - - - -	\$1,600.00	\$1,600.00
Deposited as estimated compensation for lessor interest - - - - -		\$1,550.00
Disbursed to owner - - - - -	<u>\$1,550.00</u>	
Balance due to owner - - - - -	\$50.00	<u>          </u>
Deposit deficiency - - - - -		\$50.00

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TRACT NO. 5624-F

Owners of the lessor interest:

Daphne Boop - - - - - 5/12  
Foster Boop - - - - - 1/3  
Daphne Boop, legal  
guardian for Oliver  
C. Boop, Jr. - - - - - 1/4

Award of just compensation  
for lessor interest pursuant  
to Commissioners' Report - - - - - \$1,755.00 \$1,755.00  
Deposited as estimated compensation for lessor interest - - - - 500.00  
Disbursed to owners - - - - - \$500.00  
Balance due to owners - - - - - \$1,255.00 \_\_\_\_\_  
Deposit deficiency - - - - - \$1,255.00

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TRACT NO. 5624-G

Owners of lessor interest:

G. M. Williams  
C. L. Williams  
Dorothy A. Williams  
Aldine E. Bonner

Award of just compensation  
for lessor interest pursuant  
to Commissioners' Report - - - - - \$2,050.00 \$2,050.00  
Deposited as estimated compensation for lessor interest - - - - \$2,050.00  
Disbursed to owners - - - - - None  
Balance due to owners - - - - - \$2,050.00

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TRACT NO. 5624-H

Owners of lessor interest:

Nadie L. Matthews  
Elizabeth K. Dickerson and  
Edna M. Eaton

Award of just compensation  
for lessor interest pursuant  
to Commissioners' Report - - - - - \$2,250.00 \$2,250.00  
Deposited as estimated compensation for lessor interest - - - - \$ 940.00  
Disbursed to owners - - - - - 940.00  
Balance due to owners - - - - - \$1,310.00 \_\_\_\_\_  
Deposit deficiency - - - - - \$1,310.00

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TRACT NO. 5624-I

Owners of 4/5 of the lessor interest:

	Fractional Interest held in the original entire lessor interest	:	Fractional Interest in subject award for 4/5 of lessor interest	:	Dollar Share of Award
The Ohio Oil Company	6/10	:	3/4	:	\$510.00
F. B. Roberts	1/40	:	1/32	:	21.25
Clara M. Wilkinson	1/40	:	1/32	:	21.25
Roy W. Wilkinson	1/80	:	1/64	:	10.62
John F. Wilkinson	1/80	:	1/64	:	10.62
Lucille Vincent	1/80	:	1/64	:	10.63
Maude Ann Blecha	1/80	:	1/64	:	10.63
Lucy A. Ringo	1/30	:	1/24	:	28.33
Ethel Ringo	1/120	:	1/96	:	7.08
Charles C. Ringo	1/120	:	1/96	:	7.08
George Grover Ringo	1/120	:	1/96	:	7.08
Mrs. C. A. Cole	1/120	:	1/96	:	7.08
William P. Ringo	1/120	:	1/96	:	7.08
Mrs. Elizabeth Unruh	1/120	:	1/96	:	7.09
Robert Ringo	1/120	:	1/96	:	7.09
Alfred V. Ringo	1/120	:	1/96	:	7.09
	Total 4/5 Interest	:	8/8 of Award	:	\$680.00

Award of just compensation  
for 4/5 of the lessor interest  
pursuant to Commissioners' Report - - - - \$680.00 \$680.00

(The award is allocated among the various  
owners so that each shall receive the  
amount following his name as shown in  
the list of owners above.)

Deposited as estimated compensation  
for 4/5 of the lessor interest - - - - - \$80.00

Disbursed to owners - - - - - None

Balance due to owners - - - - - \$680.00

Deposit deficiency - - - - - \$600.00

TRACT NO. 5625-9

Owner of lessor interest:

Charlotte Wettack Heath

(As sole heir of Maude T. Wettack,  
deceased)

Deposited as estimated compensation for lessor interest - - - - -	\$1,025.00	
Disbursed to owner - - - - -	\$1,025.00	
Award of just compensation for lessor interest pursuant to Commissioners' Report - - - - -	<u>\$750.00</u>	\$750.00
Overpayment to owner - - - - -	\$275.00	
Overdeposit - - - - -		<u>\$275.00</u>

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TRACT NO. 5625-B

Owner of lessor interest:

J. B. Hoge

Award of just compensation for lessor interest pursuant to Commissioners' Report - - - - -	\$600.00	\$600.00
Deposited as estimated compensation for lessor interest - - - - -	\$90.00	
Disbursed to owner - - - - -	<u>None</u>	
Balance due to owner - - - - -	\$600.00	
Deposit deficiency - - - - -		<u>\$510.00</u>

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TRACT NO. 5636-A

Owners of lessor interest:

H. J. Draeger and

Kate Draeger - - - - - 1/2

Estate of L. C. Colter,

deceased - - - - - 1/8

(Carol Morgan is  
Executrix)

Gerald Sams - - - - - 1/8

L. G. Galamba, Jr. - - - - - 1/8

George D. Hansen - - - - - 1/64

Kirby Production Company - - - - - 99.75% of 7/64

Yetta Rosenbloom - - - - - .125% of 7/64

Isabel R. Weber - - - - - .125% of 7/64

(Tract No. 5636-A Continued)

Award of just compensation for lessor interest pursuant to Commissioners' Report - - - - -	\$3,250.00	\$3,250.00
Deposited as estimated compensation for lessor interest - - - -		\$2,450.00
Disbursed to owners - - - - -	<u>None</u>	
Balance due to owners - - - - -	\$3,250.00	<u>          </u>
Deposit deficiency - - - - -		\$800.00

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TRACTS NOS. 5636-D AND 5636-DA, Combined

Owners of lessor interest:

O. N. Penner and  
Beulah Penner

Award of just compensation for lessor interest pursuant to Commissioners' Report - - - - -	\$1,250.00	\$1,250.00
Deposited as estimated compensation for lessor interest - - - -		\$1,040.00
Disbursed to owners - - - - -	<u>\$1,040.00</u>	
Balance due to owners - - - - -	\$210.00	<u>          </u>
Deposit deficiency - - - - -		\$210.00

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TRACT NO. 5719-8

Owners of lessor interest:

Gladys C. Barrow - - - - - 1/3  
Scott O. Poole - - - - - 1/3  
May McSpadden Poole - - - - - 1/3

Deposited as estimated compensation for lessor interest - - - -		\$1,900.00
Award of just compensation for lessor interest pursuant to Commissioners' Report - - - - -	\$1,580.00	\$1,580.00
Disbursed to owners - - - - -	<u>None</u>	
Balance due to owners - - - - -	\$1,580.00	<u>          </u>
Deposit surplus - - - - -		\$320.00

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TRACT NO. 5719-11

Owners of lessor interest:

Alice L. Robertson  
Benjamin L. Robertson  
John L. Robertson

Deposited as estimated compensation for lessor interest - - - -	\$950.00	
Award of just compensation for lessor interest pursuant to Commissioners' Report - - - - -	\$790.00	\$790.00
Disbursed to owners - - - - -	<u>None</u>	
Balance due to owners - - - - -	\$790.00	_____
Deposit surplus - - - - -		\$160.00

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TRACT NO. 5719-12

Owners of lessor interest:

Heirs of the estates of  
Marion Seals and  
Emily Carolee Seals, both deceased,

Which heirs are:

Cecil E. Seals  
Harvey L. Seals  
Nancy E. Lord  
Elmer R. Seals  
James M. Seals  
Mrs. Lillian Seals

Deposited as estimated compensation for lessor interest - - - -	\$950.00	
Disbursed to owners - - - - -	\$950.00	
Award of just compensation for lessor interest pursuant to Commissioners' Report - - - - -	<u>\$790.00</u>	\$790.00
Overpayment to owners - - - - -	\$160.00	_____
Overdeposit - - - - -		\$160.00

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TRACT NO. 5719-13

Owner of lessor interest:

B. E. (Joe) Blackwell as  
only heir of Frances Cunningham Blackwell, deceased

Deposited as estimated compensation for lessor interest - - - -	\$9,325.00	
Award of just compensation for lessor interest pursuant to Commissioners' Report - - - - -	\$7,620.00	\$7,620.00
Disbursed to owner - - - - -	<u>None</u>	
Balance due to owner - - - - -	\$7,620.00	_____
Deposit surplus - - - - -		\$1,705.00

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From the deposit for:

Tract No. 5719-8	- - - - -	\$ 320.00
Tract No. 5719-11	- - - - -	160.00
Tract No. 5719-13	- - - - -	1,705.00
Tract No. 5719-14	- - - - -	<u>260.00</u>

Total - - - \$2,445.00 to the Treasurer

of the United States of America.

13.

It Is Further ORDERED that the Plaintiff, United States of America, shall pay into the Registry of this Court in this civil action the amount of the deposit deficiencies for the various tracts as shown in paragraph 11 in the total sum of \$7,905.00 together with interest thereon at the rate of 6% per annum from March 18, 1960 to the date of deposit of such deficiency payment, and such sum shall be allocated and placed in the deposits for the respective tracts in the amounts of the deposit deficiencies for such tracts, together with the accrued interest thereon, as indicated in paragraph 11 above.

When such deficiency deposit has been made and allocated, the Clerk of this Court then shall make certain disbursements from the deposits for certain tracts, as follows:

Tract No. 5613-2:

To Amos J. Nichols, Irene Nichols and the Victory National Bank of Nowata, jointly, the sum of \$2,300.00 plus all accrued interest on the deposit deficiency for this tract.

Tract No. 5615-F:

To Barbara Peck the sum of \$337.50, plus all accrued interest on the deposit deficiency for this tract.

Tract No. 5624-13:

To G. M. Williams, C. L. Williams, Dorothy A. Williams and Aldine E. Bonner, jointly, the sum of \$300.00.

Tract No. 5624-B:

To Mary E. Watts the sum of \$50.00, plus all accrued interest on the deposit deficiency for this tract.

Tract No. 5624-F:

To Daphne Boop the sum of \$522.92 plus 5/12 of all accrued interest on the deposit deficiency for this tract.

To Foster Boop the sum of \$418.33, plus 1/3 of all accrued interest on the deposit deficiency for this tract.

To Daphne Boop, legal guardian of Oliver C. Boop, Jr., the sum of \$313.75 plus 1/4 of all accrued interest on the deposit deficiency for this tract.

Tract No. 5624-G:

To G. M. Williams, C. L. Williams, Dorothy A. Williams, and Aldine E. Bonner, jointly, the sum of \$2,050.00.

Tract No. 5624-H:

To Nadie L. Matthews the sum of \$436.67 plus 1/3 of all accrued interest on the deposit deficiency for this tract.

To Elizabeth K. Dickerson the sum of \$436.67 plus 1/3 of all accrued interest on the deposit deficiency for this tract.

To Edna M. Eaton the sum of \$436.66 plus 1/3 of all accrued interest on the deposit deficiency for this tract.

Tract No. 5624-I:

To The Ohio Oil Company the sum of \$510.00 plus 3/4 of all accrued interest on the deposit deficiency for this tract.

To F. B. Roberts the sum of \$21.25 plus 1/32 of all accrued interest on the deposit deficiency for this tract.

To Clara M. Wilkinson the sum of \$21.25 plus 1/32 of all accrued interest on the deposit deficiency for this tract.

To Roy W. Wilkinson the sum of \$10.62 plus 1/64 of all accrued interest on the deposit deficiency for this tract.

To John F. Wilkinson the sum of \$10.62 plus 1/64 of all accrued interest on the deposit deficiency for this tract.

To Lucille Vincent the sum of \$10.63 plus 1/64 of all accrued interest on the deposit deficiency for this tract.

To Maude Ann Blecha the sum of \$10.63 plus 1/64 of all accrued interest on the deposit deficiency for this tract.

Tract No. 5625-B:

To J. B. Hoge the sum of \$600.00 plus all accrued interest on the deposit deficiency for this tract.

Tract No. 5636-A:

To H. J. Draeger and Kate Draeger, jointly, the sum of \$1,625.00 plus 1/2 of all accrued interest on the deposit deficiency for this tract.

To Carol Morgan, executrix of the estate of L. C. Colter, deceased, the sum of \$406.25 plus 1/8 of all accrued interest on the deposit deficiency for this tract.

To Gerald Sams the sum of \$406.25 plus 1/8 of all accrued interest on the deposit deficiency for this tract.

To L. G. Galamba, Jr. the sum of \$406.25 plus 1/8 of all accrued interest on the deposit deficiency for this tract.

To George D. Hansen the sum of \$50.78 plus 1/64 of all accrued interest on the deposit deficiency for this tract.

To Kirby Production Company the sum of \$354.58 plus 99.75% of 7/64 of all accrued interest on the deposit deficiency for this tract.

To Yetta Rosenbloom the sum of \$ .45 (45 cents) plus .125% of 7/64 of all accrued interest on the deposit deficiency for this tract.

To Isabel R. Weber the sum of \$ .44 (44 cents) plus .125% of 7/64 of all accrued interest on the deposit deficiency for this tract.

Tracts Nos. 5636-D and 5636-DA:

To O. N. Penner and Beulah Penner, jointly, the sum of \$210.00 plus all accrued interest on the deposit deficiency for these two tracts.

Tract No. 5719-8:

To Gladys C. Barrow - - - - - \$526.67

To Scott O. Poole - - - - - \$526.67

To May McSpadden Poole - - - - - \$526.66

Tract No. 5719-11:

To Alice L. Robertson, Benjamin L. Robertson, and John L. Robertson, jointly, the sum of \$790.00.

Tract No. 5719-13:

To B. E. (Joe) Blackwell the sum of \$7,620.00.

Tract No. 5719-14:

To S. Lula Lipe the sum of \$790.00.

Tract No. 5730-C:

To Irene Olson the sum of \$235.00 plus 1/2 of all accrued interest on the deposit deficiency for this tract.

To Lottie Poudier Schneider the sum of \$87.50 plus 1/8 of all accrued interest on the deposit deficiency for this tract.

To King Kirschner the sum of \$87.50 plus 1/8 of all accrued interest on the deposit deficiency for this tract.

To William H. Pomeroy, Jr. the sum of \$74.37 plus 1/8 of all accrued interest on the deposit deficiency for this tract.

To William H. Pomeroy, Jr., independent executor of the estate of Norine Pomeroy, deceased, the sum of \$74.38 plus 1/8 of all accrued interest on the deposit deficiency for this tract.

14.

It Is Further ORDERED that the 1/8 interest in the total award for 4/5 of the lessor interest in Tract No. 5624-I, owned by Lucy A. Ringo, Ethel Ringo, Charles C. Ringo, George Grover Ringo, Mrs. C. A. Cole, William P. Ringo, Mrs. Elizabeth Unruh, Robert Ringo and Alfred V. Ringo, in the total sum of \$85.00 together with 1/8 of the accrued interest on the deposit deficiency for such tract, shall remain on deposit until the present addresses of such owners shall be learned. The Court will enter an appropriate order of distribution in the event any of such owners be located. In the event that

the above described funds shall remain on deposit in the Registry of this Court for a period of 5 years after the entry of this judgment, then, at the end of that period, the Clerk of this Court shall disburse such funds to the Treasurer of the United States of America, pursuant to the provisions of Title 28, Section 2042 U.S.C.

15.

It Is Further ORDERED, ADJUDGED AND DECREED that the Plaintiff, United States of America, shall have judgment against certain owners of the subject property for the overpayments as shown in paragraph 11 above, made to them with respect to certain tracts as follows:

Tract No. 5625-9:

Judgment against Charlotte Wettack Heath in the amount of \$275.00.

Tract No. 5719-12:

Judgment against Cecil E. Seals, Harvey L. Seals, Nancy E. Lord, Elmer R. Seals, James M. Seals and Mrs. Lillian Seals, jointly and severally, in the amount of \$160.00.

The above named defendants shall make payment of the foregoing judgments to the Clerk of the United States District Court for the Northern District of Oklahoma.

When the foregoing judgments have been paid by the defendants, the Clerk of this Court shall credit the payments to the appropriate tract deposits and then disburse such payments to The Treasurer of the United States of America.

*(s) Allen E. Sanow*  
\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

APPROVED:

*Hubert A. Marlow*  
\_\_\_\_\_  
HUBERT A. MARLOW  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
Plaintiff, )  
vs. )  
317.58 Acres of Land, More or Less, )  
Situat e in Osage and Pawnee Counties, )  
Oklahoma, and Clara M. Ferguson, et al., )  
and Unknown Owners, )  
Defendants. )

Civil No. 5709

Tract Nos. 3427, E-1 & E-2

FILED

NOV 28 1964

J U D G M E N T

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

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

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

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

4. The Court finds the amount of \$6,325.00, 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 \$4,600.00 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 L. H. Fox, defendant herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$6,325.00, 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 \$6,325.00, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$1,725.00, 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:

L. H. Fox . . . . . \$6,325.00

Dated OCT 28 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

Civil No. 5844 ✓

Tract No. 3826E

**FILED**

NOV - 2 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 \$600.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$529.00 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 Maude New Rider Stephenson, Dennis Knife Chief, John A. Knife Chief, Manuel Knife Chief and Mamie Grant Morgan, by Charley R. Miller, Attorney, Office of the Regional Solicitor, Department of the Interior, defendants herein, have by the stipulation agreed

that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tract is the sum of \$600.00, inclusive of interest.

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

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

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

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$71.00, 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:

Bureau of Indian Affairs, Muskogee,  
for deposit to the following accounts:  
Maude New Rider Stephenson . . . . . \$120.00  
Dennis Knife Chief . . . . . 120.00  
John A. Knife Chief . . . . . 120.00  
Manuel Knife Chief . . . . . 120.00  
Mamie Grant Morgan . . . . . 120.00  
\$600.00

Entered OCT 30 1964

/s/ Allen E. Barrow

APPROVED:

UNITED STATES DISTRICT JUDGE

/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. ) Civil No. 5894  
734.55 Acres of Land, More or Less, )  
Situat e in Pawnee and Creek Counties, ) Tract No. 4751  
Oklahoma, and Claud Brown, et al., and )  
Unknown Owners, )  
Defendants. )

FILED

NOV - 2 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 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 \$925.00, 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 \$880.00 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 F. P. Thieman, Sr. and Ben F. Nelson, 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 tract is the sum of \$925.00, 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 \$925.00, inclusive of interest, of which amount the sum of \$660.00 has previously been disbursed to F. P. Thieman, Sr.

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$45.00, 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. P. Thieman, Sr. . . . .	\$ 33.75
Ben F. Nelson, Jr. . . . .	<u>231.25</u>
	\$265.00

Entered NOV 2 1964

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE  
Assistant U. S. Attorney

ajs

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

Sol W. Smith and Iva Benny, for themselves and  
all others similarly situated,

Plaintiffs,

vs.

Frank Mahan, in his official capacity as Chairman  
of the Board of Control of the Fairfax Municipal  
Hospital; Roy Hale, Carl R. Johnston, Ted Hazelbaker,  
and Jack Clements, each in his official capacity as a  
member of the Board of Control of the Fairfax  
Municipal Hospital, Fairfax, Oklahoma,

Defendants.

NO. 5968

FILED

NOV 12 1964

NOBLE C. HOOD  
U. S. District Court

ORDER

Now on this the 6th day of October, 1964, this matter comes  
on to be heard upon the motion of the defendants to dismiss this action for  
want of jurisdiction.

The parties appeared by their respective counsel of record  
and the court having heard the argument upon said motion to dismiss, con-  
cludes said motion should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED  
that this cause be, and the same is hereby dismissed for want of jurisdiction,  
at the cost of plaintiffs.

  
\_\_\_\_\_  
U. S. District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
Plaintiff,  
vs.  
934.39 Acres of Land, More or Less,  
Situate in Rogers County, Oklahoma,  
and C. H. Dennis, et al, and  
Unknown Owners,  
Defendants.

CIVIL ACTION NO. 4570

Tract No. J-1023

FILED

NOV - 5 1964

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

United States of America,  
Plaintiff,  
vs.  
1,402.07 Acres of Land, More or Less,  
Situate in Nowata and Rogers Counties,  
Oklahoma, and George Rott, et al, and  
Unknown Owners,  
Defendants.

CIVIL ACTION NO. 4610

Tract No. J-1021

(Subsurface Interest Only)

United States of America,  
Plaintiff,  
vs.  
493.75 Acres of Land, More or Less,  
Situate in Rogers and Nowata Counties,  
Oklahoma, and Ivoy Byrd, et al, and  
Unknown Owners,  
Defendants.

CIVIL ACTION NO. 5000

Tract No. J-1031

J U D G M E N T

1.

NOW, on this 5th day of July, 1964, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on November 14, 1963, and the Court, after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

This judgment applies only to the entire estate taken in Tract No. J-1023 in Civil Action No. 4570, to the estate taken in the subsurface interest

only in Tract No. J-1021 in Civil Action No. 4610, and to the entire estate taken in Tract No. J-1031 in Civil Action No. 5000. The legal descriptions of such tracts and the estates taken therein are as particularly described in the Complaints and Declarations of Taking filed in the three subject civil actions.

Hereinafter the term "subject property" shall be used to designate the particular interests covered by this judgment.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaints filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on September 8, 1958, as to Civil Action No. 4570, on December 19, 1958 as to Civil Action No. 4610, and on August 19, 1960 as to Civil Action No. 5000, the United States of America filed its Declarations of Taking of certain estates in the subject property; and on June 15, 1962 as to Civil Action No. 4570 and on August 30, 1961, as to Civil Action No. 4610, the plaintiff filed amendments to such Declarations of Taking, and title to the subject property should be vested in the United States of America, as of the date of filing such Declarations of Taking, and amendments.

6.

On filing of the Declarations of Taking and the amendments thereto, there were deposited in the Registry of this Court as estimated compensation for the taking of the subject property, certain sums of money, and part of these deposits has been disbursed as set out in paragraph 12 below.

7.

The owners of the surface interest taken in Tract No. J-1023, together with the plaintiff, have executed an Option for Purchase of Land, as alleged in the Complaint filed in Civil Action No. 4570, whereby the parties agree upon the amount of compensation for the taking of such surface interest and such Option insofar as it applies to such surface interest in this tract should be approved.

8.

The Report of Commissioners filed herein on November 14, 1963, hereby is accepted and adopted as a finding of fact as to all interests in the subject property covered by such report. The amount of just compensation as to the various interests in the subject property as fixed by the Commission, is set out in paragraph 12 below.

9.

A deficiency exists between the amounts deposited as estimated just compensation for the estates taken in Interest A (as described in paragraph 12) in Tracts J-1023 and J-1021 and the amounts fixed by the Commission and the Court as just compensation for such interests. However, it will not be necessary for the Government to make any additional deposit.

The funds deposited for Interest B (as described in paragraph 12) in these two tracts have not been disbursed and should not be disbursed to the owners of said interest because of an overpayment to the same owners from the deposit for Tract J-1031. The balance on deposit in Tracts J-1023 and J-1021 should be used to pay the awards of just compensation for Interest A in such tracts and any surplus in the deposit for these two tracts should be refunded to the Government.

The award for Tract No. J-1031 will create a surplus in the deposit for such tract which surplus should be refunded to the Government.

The awards for Interest B (as described in paragraph 12) in Tracts J-1023 and J-1021 should be offset against the overpayment to the owners of such interest from the deposit for Tract J-1031, and the balance of the overpayment should be refunded by such owners to the Government.

The calculations resulting in the findings set forth above are shown in detail in paragraph 12 below.

10.

The defendants named in paragraph 12 as owners of subject property are the only defendants asserting any interest thereto, all other defendants having either disclaimed or defaulted; the named defendants are the owners of the subject property, and, as such, are entitled to receive the just compensation therefor.

11.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use

the subject property, as particularly described in paragraph 3 herein, and such property, is condemned, and title thereto is vested in the United States of America, as of the dates of filing the Declarations of Taking, and amendments hereto, and all defendants herein and all other persons are forever barred from asserting any claim to such property.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the right to receive just compensation for the taking of the subject property is vested in the defendants whose names appear below in this paragraph; the Option Contract described in paragraph 7 above, insofar as it applies to the surface interest in Tract No. J-1023 is approved, the Report of Commissioners of November 14, 1963, hereby is confirmed, and the sums fixed in such Option and Report of Commissioners are adopted as just compensation for the taking of the subject property, as shown by the following schedule:

Tract No. J-1023 in Civil Action 4570  
(Entire estate taken)

Owners:

Interest A:

All the surface interest and all of the subsurface interest in this tract, except an oil and gas lease thereon, was owned by:

F. W. Keeler and  
Ollie Della Keeler.

Interest B:

An oil and gas lease covering this tract was owned by the following persons:

Rubein Johnson	- - - - -	12/64
Jack Adelman	} - - - - -	1/64
Bertha Adelman		
Phillip K. Barto	- - - - -	1/64
James E. Jett, Jr.	} - - - - -	1/64
Evelyn Mae Jett		
H. O. Duke	} - - - - -	1/64
Grace K. Duke		
Matt Garrigan	} - - - - -	2/64
Warren Garrigan		
Mark Berman	} - - - - -	2/64
Sylvia Berman		
H. John Goosmann	- - - - -	2/64
Johan Popko	- - - - -	1/64
Charles L. Matson	- - - - -	26/64
Albert J. Bertch	- - - - -	8/64
Harold Greene	- - - - -	6/64
Peter M. Busch	- - 75% \	of - - 1/64
James M. Earle	- - 25% /	

Tract No. J-1023 (Cont'd)

Awards, Deposit and Disbursals:

	<u>Interest A</u>	<u>Interest B</u>	<u>Totals</u>	
Total Awards	\$13,190.00	\$1,134.00	\$14,324.00	
(Allocated to surface interest pursuant to Option Contract - \$12,120.00				
Allocated to subsurface interest pursuant to Commissioners' Report) - - - - -	1,070.00			
	\$13,190.00			
(Allocated to oil and gas lessee interest in mineral estate but excluding equipment pursuant to Commissioners' Report - - - - -		\$484.00		
Allocated to oil and gas equipment pursuant to Commissioners' Report) - - - - -		650.00		
		\$1,134.00		
Deposited as estimated compensation	\$12,670.00	\$600.00	\$13,270.00	\$13,270.00
Disbursed to Owners - - - - -	\$12,670.00	None		\$12,670.00
Balance due to Owners - - - - -	\$ 520.00	\$1,134.00		
Deposit Deficiency	\$ 520.00	\$534.00	\$1,054.00	
Balance on Deposit				\$600.00

Tract No. J-1021 in Civil Action 4610  
(Subsurface interest only)

Owners:

Interest A:

All of the subsurface interest in this tract, except an oil and gas lease thereon, was owned by:

George W. Heape

Interest B:

An oil and gas lease covering this tract was owned by the same persons whose names are listed under Interest B under Tract J-1023 above.

Awards, Deposit and Disbursals:

	<u>Interest A</u>	:	<u>Interest B</u>	:	<u>Totals</u>	
Awards of just compensation pursuant to Commissioners' Report - - - - -	\$910.00	\$910.00	:	\$1,060.00	:	\$1,970.00
(Allocated to oil and gas lessee interest in mineral estate but excluding equipment - - - - -			:	\$ 410.00	:	
Allocated to oil and gas equipment) - - - - -			:	650.00	:	
			:	\$1,060.00	:	
Deposited as estimated compensation - - - - -	\$900.00	:	\$675.00	:	\$1,575.00	\$1,575.00
Disbursed to Owners - - - - -	None	:	None	:	None	None
Balance due to Owners - - - - -	\$910.00	:	\$1,060.00	:		
Deposit deficiency - - - - -	\$10.00	:	\$385.00	:	\$395.00	
Balance on deposit - - - - -		:		:		\$1,575.00

Tract No. J-1031 in Civil Action 5000

(Entire estate taken)

Owners:

Interest A:

All of the estate taken in this tract, except an oil and gas lease thereon, was owned by:

Effie M. Heape

Interest B:

An oil and gas lease covering this tract was owned by the same persons whose names are listed under Interest B under Tract J-1023 above.

All of said lease owners have executed powers of attorney to Charles L. Matson.

Award, Deposit and Disbursals:

	<u>Interest A</u>	:	<u>Interest B</u>	:	<u>Totals</u>
Deposited as estimated compensation - - - - -	\$2,300.00	:	\$22,650.00	:	\$24,950.00
Awards of just compensation, pursuant to Commissioners' Report - - - - -	\$1,800.00	:	8,750.00	:	\$10,550.00
(Allocated to oil and gas lessee interest in mineral estate but excluding equipment - - - - -		:	\$4,450.00	:	
Allocated to oil and gas equipment) - - - - -		:	\$4,300.00	:	
		:	\$8,750.00	:	
Disbursed to Owners - - - - - None		:		:	
To Charles L. Matson - - - - -		:	\$22,650.00	:	\$22,650.00
Balance due to Owners - - - \$1,800.00		:		:	
Overpayment to Owners - - - - -		:	\$13,900.00	:	
Overdeposit - - - - - \$500.00		:	\$13,900.00	:	\$14,400.00
Balance on deposit - - - - -		:		:	\$2,300.00

13.

(J-1023 in C.A. 4570)

It Is Further ORDERED, ADJUDGED AND DECREED that the Clerk of this Court shall disburse from the balance on deposit for Tract No. J-1023, in Civil Action No. 4570, to F. W. Keeler and Ollie Della Keeler the sum of \$520.00 plus interest on the sum of \$520.00 at the rate of 6% per annum from June 15, 1962 to the date of this disbursal.

The remainder of the deposit for this tract, after such disbursal, shall be disbursed to the Treasurer of the United States.

No additional deposit for this tract shall be made. The balance due to the owners of the oil and gas lease on this tract, in the sum of \$1,134.00 shall be offset against the amount they were overpaid on Tract No. J-1031 in Civil Action No. 5000, as shown in paragraph 15.

14.

(J-1021 in C. A. 4610)

It Is Further ORDERED, ADJUDGED AND DECREED that the Clerk of this Court shall disburse from the balance on deposit for Tract No. J-1021 in Civil Action No. 4610, to George W. Heape the sum of \$910.00 plus interest on the sum of \$10.00 at the rate of 6% per annum from August 30, 1961 to the date of this disbursal.

The remainder of the deposit for this tract, after such disbursal, shall be disbursed to the Treasurer of the United States.

No additional deposit shall be made for this tract. The balance due to the owners of the oil and gas lease on this tract, in the sum of \$1,060.00, shall be offset against the amount they were overpaid on Tract No. J-1031 in Civil Action No. 5000, as shown in paragraph 15.

15.

(J-1031 in C. A. 5000)

It Is Further ORDERED, ADJUDGED AND DECREED that the Clerk of this Court shall disburse from the balance on deposit for Tract No. J-1031 in Civil Action No. 5000, to Effie M. Heape, the sum of \$1,800.00

The remainder of such deposit, after such disbursal, in the sum of \$500.00, shall be disbursed to the Treasurer of the United States.

The overpayment to the owners of the oil and gas lease on Tract J-1031 hereby is reduced by the balances due to such owners on Tracts J-1023 and J-1021 as follows:

Overpayment on Tract No. J-1031 - - - - - \$13,900.00

Balance due to owners on other 2 tracts:

J-1023 - - - - - \$1,134.00

J-1021 - - - - - \$1,060.00

Total - - - - - 2,194.00

Net Overpayment - - - \$11,706.00

The plaintiff, United States of America shall have judgment against the owners of the oil and gas lease covering the subject tracts, for the amount of the overpayment to them as follows, to-wit:

Rubein Johnson - - - - -	\$2,194.87
Jack Adelman and Bertha Adelman - - - - -	\$182.91
Phillip K. Barto - - - - -	\$182.91
James E. Jett, Jr. and Evelyn Mae Jett - - - - -	\$182.91
H. O. Duke and Grace K. Duke - - - - -	\$182.91
Matt Garrigan and Warren Garrigan - - - - -	\$365.81
Mark Berman and Sylvia Berman - - - - -	\$365.81
H. John Goosmann - - - - -	\$365.81
Johan Popko - - - - -	\$182.91
Charles L. Matson - - - - -	\$4,755.55
Albert J. Bertch - - - - -	\$1,463.25
Harold Greene - - - - -	\$1,097.44
Peter M. Busch - - - - -	\$137.18
James M. Earle - - - - -	\$45.73

Each of the foregoing judgments against the owners shall draw interest at the rate of 6% per annum from the date of filing this judgment until payment of said judgments.

Payment of the said judgments shall be effected by each of the judgment creditors paying to the Clerk of the United States District Court, Northern District of Oklahoma, the amount of the judgment against him together with all accrued interest.

The refunds made by the defendants in payment of the aforesaid judgments shall be credited to the deposit for Tract No. J-1031 in Civil Action 5000. Upon receipt of such refunds the Clerk of this Court shall disburse all such funds to the Treasurer of the United States.

/s/ Allen E. Marrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW  
Assistant United States Attorney

11

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

HAZEL WALTON, )  
 )  
Plaintiff, )  
 )  
-vs- )  
 )  
SAFEWAY STORES, INC., )  
a corporation, )  
 )  
Defendant. )

No. 5972

FILED

NOV - 6 1964

ORDER

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

Now, on this 6<sup>th</sup> day of ~~October~~ <sup>October</sup>, 1964, the above entitled

matter coming on for hearing upon the Stipulation of the parties for Dismissal with Prejudice and it appearing to the Court that the parties have settled said cause out of court and have filed a written Stipulation herein for dismissal with prejudice to a new action at the costs of defendant but without attorney's fees to either side, and the court being well and sufficiently advised in the premises,

IT IS ORDERED, ADJUDGED AND DECREED, that the above entitled matter be and the same is hereby dismissed with prejudice to a new action at the costs of defendant but without attorney's fees to either side.

(s) Luther Bohannon  
JUDGE

Approved:

*Richard D. [Signature]*  
Attorney for Plaintiff

*[Signature]*  
Attorney for Defendant

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

KENNETH HOLT and IRVING KROLL, Guardians  
of JAMES GORDON BARNHART, a minor,

Plaintiffs,

vs.

NORTH AMERICAN VAN LINES, INC., a corporation;  
RICHARD R. ABRAMS and WILLIAM R. ABRAMS, co-  
partners d/b/a/ ABRAMS MOVING & STORAGE CO.,  
RICHARD R. ABRAMS, individually, and WILLIAM R.  
ABRAMS, individually, WILLIAM HERBERT HARROLD,  
individually; and CENTRAL SURETY & INSURANCE  
CORPORATION, a corporation,

Defendants.

NO. 6038 - Civil

FILED

NOV - 6 1964

NOBLE C. HOOD  
Clerk U. S. District Court

**O R D E R**

NOW, on this 6 day of November, 1964, by agreement, of  
the attorneys request that the above-matter be dismissed with prejudice.  
The attorneys represent to the Court that legal and final releases have  
been executed, discharging all defendants.

IT IS THEREFORE, ORDERED, ADJUDGED and DECREED that the above-  
captioned matter be, and hereby is, dismissed with prejudice, at the cost  
of the defendants.

*William E. Morrow*  
\_\_\_\_\_  
JUDGE

*Jack B. Allen*  
\_\_\_\_\_  
Sellers & Woodson, Attorneys for  
the Plaintiff

*James E. Edge*  
\_\_\_\_\_  
Covington & Gibbon, Attorneys for  
Defendants, North American Van Lines,  
Inc., & Central Surety & Insurance Corp.,

*Alfred B. Knight*  
\_\_\_\_\_  
Alfred B. Knight, Attorney for Defendants,  
Richard R. Abrams & William R. Abrams,  
co-partners, d/b/a Abrams Moving &  
Storage Co., Richard R. Abrams, individually,  
William R. Abrams, individually, and William  
Herbert Harrold, individually.



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

United States of America, )  
 )  
 Libelant, )  
 )  
 vs. ) Civil No. 6014  
 )  
 One 1960 Ford Pickup truck )  
 Serial No. F10COK36052, its )  
 tools and appurtenances, )  
 )  
 Respondent. )

FILED  
NOV 11 1964

NOBLE C. 1000  
Clerk U. S. District Court

ORDER DENYING CONDEMNATION AND FORFEITURE

This matter came on for decision on this 10th day of November, 1964, pursuant to regular setting and notice to the parties. The libelant, United States of America, appeared through its counsel, United States District Attorney for the Northern District of Oklahoma John M. Inel, by Phillips Breckinridge, Assistant United States District Attorney, and the respondent appeared through its counsel, Thomas R. Brett. Both counsel announced ready to proceed with the hearing. After statements of counsel, the court announced that based upon the evidence presented at the formal non-jury trial on Monday, October 24, 1964, all issues herein should be found in favor of the respondent and the forfeiture and condemnation of the 1960 Ford pickup truck, Serial No. F10COK36052, its tools and appurtenances, as prayed for by the libelant is hereby denied. The court stated that its decision herein was based upon the acquittal, by reason of the proven defense of entrapment, of the charge of transportation of non tax paid whiskey in Criminal Action No. 14,140, United States of America vs. Jasper Cox in this court; it having been agreed by counsel and the parties hereto that said criminal action and this civil action could be consolidated for the hearing held on October 12, 1964. The basis of the court's decision herein is the case of Coffey v. United States, 116 U.S. 436 (1885), and U. S. v. One 1956 Ford, 272 F.2d 704 (10 Cir., 1959).

IT IS THEREFORE ORDERED that the libellant's prayer for condemnation and forfeiture of One 1960 Ford pickup truck, Serial No. F10COK36052, its tools and appurtenances, is denied; and the court finds the issues herein in favor of the respondent with all costs to the United States of America, including the truck storage charges; and the respondent truck owner, Jasper Cox, is hereby exonerated on the \$250.00 cash bond previously posted with the ~~clerk of this court~~ <sup>sheriff</sup> and the ~~clerk of this court~~ <sup>sheriff</sup> is hereby directed to refund the amount of said cash bond to the said Jasper Cox.

IT IS FURTHER ORDERED that the United States Marshal for the Northern District of Oklahoma who is in custody of said pickup truck for and on behalf of the libellant, United States of America, immediately and forthwith return possession of said vehicle, its tools and appurtenances, to its owner, Jasper Cox.

15/ Allen E. Robinson  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

430.00 Acres of Land, More or Less,  
Situate in Nowata County, Oklahoma,  
and Alva A. Cole, et al, and Unknown  
Owners,

Defendants.

CIVIL ACTION NO. 4986

Tract No. 6626-F

FILED

NOV 18 1964

J U D G M E N T

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

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

1.

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

2.

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

3.

A pre-trial hearing in this case was held before the Court on April 30, 1964. Due notice of such hearing was given to the parties. The Plaintiff, United States of America, appeared at such hearing by Hugh V. Schaefer, Assistant United States Attorney for the Northern District of Oklahoma. The defendants Julian W. Glass, Jr., individually and as Trustee for Eva Payne Glass and Ernest Frances Bradfield, appeared by their attorney, Glenn H. Chappell and the defendants P.I.C. Management Co., Inc., Hinman Stuart Milam, Mildred Viles, and Mary Stevenson, appeared by their attorney, James M. Hamill. No other defendants appeared at such hearing, either in person or by attorney, in

connection with the subject tract, and no other defendants have made any appearance in connection with the subject tract.

4.

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

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject property, certain sums of money, part of which has been disbursed, as shown in paragraph 11 below.

6.

The owners of an undivided 1/2 interest in the lessor interest and the owners of the entire lessee interest in the estate taken herein, together with the Plaintiff have executed and filed herein Stipulations As To Just Compensation for such interests and such Stipulations should be approved.

7.

The Court has considered the evidence offered by the Plaintiff at the pre-trial hearing concerning the remaining undivided 1/2 interest in the estate taken herein and finds that just compensation for the taking of such interest was \$168.00, and such sum should be adopted as the award of just compensation for such interest taken in the subject property and such award should be distributed to the owner thereof as shown in paragraph 11 below.

8.

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

9.

A deficiency exists between the amount deposited as estimated compensation for the subject tract and the amount fixed by the Stipulations As To Just Compensation, and the amount of such deficiency should be deposited

for the benefit of the owners herein. Such deficiency is set forth in paragraph 11 below.

10.

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

11.

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

TRACT NO. 6626-F

Owners:

Lessor Interest -

Julian W. Glass, Jr. - - - - - 1/8  
Ernest Frances Bradfield - - - - - 1/8  
Julian W. Glass, Jr.,  
Trustee for Eva Payne Glass - 1/4  
Russell M. Weaver, Trustee - - - 1/2

Lessee Interest -

P.I.C. Management Co., Inc. - - 1/2  
Hinman Stuart Milam - - - - - 1/6  
Mildred Viles - - - - - 1/6  
Mary Stevenson - - - - - 1/6

Award of Just compensation - - - - -	\$9,370.00	\$9,370.00
Deposit of estimated compensation - - - - -		\$8,888.00
Disbursed to owners:		
Lessor Interest - - - - -	None	
Lessee Interest - - - - -	<u>8,552.00</u>	
Balance due to lessor owners - - - - -	\$818.00	
Deposit Deficiency - - - - -		\$482.00

---

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the Registry of this Court in Civil Action No. 4986 to the credit of Tract No. 6626-F, the deficiency sum of \$482.00. The Clerk of this Court then shall disburse from the deposit for the subject tract certain sums as follows:

Julian W. Glass, Jr. - - - - -	\$162.50
Ernest Frances Bradfield - - - - -	\$162.50
Julian W. Glass, Jr., Trustee for Eva Payne Glass - - - - -	\$325.00
Russell M. Weaver, Trustee - - - - -	\$168.00

*Allen E. Brown*  
UNITED STATES DISTRICT JUDGE

APPROVED:

*Hugh V. Schaefer*  
HUGH V. SCHAEFER  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

493.75 Acres of Land, More or Less,  
Situat in Rogers and Nowata Counties,  
Oklahoma, and Ivoy Byrd, et al, and  
Unknown Owners,

Defendants.

CIVIL ACTION NO. 5000

Tract No. 5610-6

FILED

NOV 1964

ORDER DISMISSING ACTION  
AS TO TRACT No. 5610-6

NOBLE C. GOOD  
Clerk U. S. District Court

On October 27, 1964 this matter came on for pre-trial conference before the Court. The Plaintiff appeared by Assistant United States Attorney Hubert A. Marlow, and the defendant owners appeared by their counsel, Glenn H. Chappell. After being advised by counsel and having examined the files in this matter, the Court finds that in this Civil Action, No. 5000, the Plaintiff is condemning a subordination of all oil, gas and other minerals to the right to flood a certain tract, described in the Complaint and designated as Tract No. 5610-6. The Court further finds that such tract 5610-6 is wholly included in the area described as Tract No. L-1276, described and included in Civil Action No. 4994. The entire title to the subsurface estate under L-1276 was condemned in such action. Therefore, the subordination of the oil and gas rights under a portion of such tract in the present civil action is superfluous and such action should be dismissed.

It Is, Therefore, ORDERED that Civil Action No. 5000 insofar only as it applies to Tract No. 5610-6 hereby is dismissed. The Clerk of this Court is ordered to disburse the deposit of estimated compensation for such tract in the sum of \$700.00 to

The Treasurer of the United States of America.

UNITED STATES DISTRICT JUDGE

APPROVED:

*Hubert A. Marlow*

HUBERT A. MARLOW  
Assistant U. S. Attorney

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

KAMO Electric Cooperative, Inc.,  
a corporation,

Plaintiff,

vs.

72 Acres of Land, more or less for easements  
across same, situate in Osage County, Oklahoma,  
and W. B. JACKSON, et al.,

Defendants.

Civil No. 5938

JUDGMENT CONFIRMING REPORT OF  
COMMISSIONERS

Now on this 12<sup>th</sup> day of November, 1964, this matter comes on  
for confirmation of report of commission filed in this proceeding, and  
the Court, being fully advised in the matter, finds that this Court  
did, on the 12th day of June, 1964, appoint a commission to conduct  
hearings, receive evidence, and view the lands involved and to do all  
acts and take all measures necessary and proper for the efficient  
performance of this duty, as in such cases provided-said commission to  
have the powers of a master provided in Sub-division (c) of Rule 53,  
and in such proceeding be governed by the provisions of paragraphs 1  
and 2 of Sub-division (d) of Rule 53.

Pursuant to the order issued by this Court on the 12th day of  
June, 1964, and after proper notice, the commission conducted a hearing  
in the Second Floor Courtroom of the United States Courthouse 224 South  
Boulder, Tulsa, Oklahoma, on the 19th day of June, 1964, wherein  
plaintiff was represented by its Attorney, Jack L. Rorschach, and defendant  
appeared by counsel, Larry McSoud, Assistant U. S. District Attorney.  
All parties presented testimony of witnesses and introduced exhibits.  
The commission has now filed its report, and the same should be approved.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the awards  
set forth in the report of commission as to the lands involved in this  
proceeding be, and the same are hereby, confirmed and approved in every  
respect by this Court, and in the following amounts, to-wit:

TRACT NO. 1

Commission's Award	\$600.00
Deposited	\$600.00
Tenants Award	\$ 50.00
Deposited	\$ 50.00

TRACT NO. II

Commission's Award	\$300.00
Deposited	\$300.00
Tenants Award	\$ 25.00
Deposited	\$ 25.00

TRACT NO. III

Commission's Award	\$800.00
Deposited	\$800.00
Tenants Award	\$ 50.00
Deposited	\$ 50.00

TRACT NO. IV

Commission's Award	\$300.00
Deposited	\$300.00
Tenants Award	\$ 25.00
Deposited	\$ 25.00

TRACT NO. V

Commission's Award	\$300.00
Deposited	\$300.00
Tenants Award	\$ 10.00
Deposited	\$ 10.00

TRACT NO. VI

Commission's Award	\$900.00
Deposited	\$900.00
Tenants Award	\$ 25.00
Deposited	\$ 25.00

TRACT NO. VII

Commission's Award	\$600.00
Deposited	\$600.00
Tenants Award	\$ 20.00
Deposited	\$ 20.00

TRACT NO. VIII

Commission's Award	\$600.00
Deposited	\$600.00
Tenants Award	\$ 20.00
Deposited	\$ 20.00

TRACT NO. IX

Commission's Award	\$600.00
Deposited	\$600.00
Tenants Award	\$ 20.00
Deposited	\$ 20.00

TRACT NO. X

Commission's Award	\$600.00
Deposited	\$600.00
Tenants Award	\$ 20.00
Deposited	\$ 20.00

TRACT NO. XI

Commission's Award	\$600.00
Deposited	\$600.00
Tenants Award	\$ 20.00
Deposited	\$ 20.00

TRACT NO. XII

Commission's Award	\$600.00
Deposited	\$600.00
Tenants Award	\$ 20.00
Deposited	\$ 20.00

TRACT NO. XIII

Commission's Award	\$600.00
Deposited	\$600.00
Tenants Award	\$ 20.00
Deposited	\$ 20.00

TRACT NO. XIV

Commission's Award	\$600.00
Deposited	\$600.00
Tenants Award	\$ 20.00
Deposited	\$ 20.00

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said amounts are final in all respects as to the fair, cash, market value of said easement: across said tracts of land, including all damages of whatsoever nature.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the commission's award is affirmed in its entirety in the amount of \$8345.00 for all of the interests in the land involved in this proceeding.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of this Court having heretofore been directed to make payments hereunder, the same are hereby approved and confirmed, and the Clerk is hereby further directed and authorized to pay to the Superintendent of the Osage Indian Agency, Pawhuska, Oklahoma, for the use and benefit of the following named Indians the sums set forth opposite their names as tenants of the indicated tracts:

Tract No. II	Lorena Nashburn	\$ 25.00
Tract No. III	Lorena Nashburn	\$ 50.00
Tract No. IV	Lorena Nashburn	\$ 25.00
Tract No. V	Rose Mason	\$ 10.00
Tract No. I	Theodore Wilson	\$ 20.00
Tract No. XII	Theodore Wilson	<u>\$ 20.00</u>
	Total—	\$150.00

The Clerk is further directed, ordered and authorized to pay to the following individuals the sum set forth opposite each their names as tenants of the respective tracts:

Tract No. I	D. W. Jackson	\$ 50.00
Tract No. VI	E. C. Mullendore	\$ 25.00
Tract No. VII	E. C. Mullendore	\$ 25.00
Tract No. VIII	E. C. Mullendore	\$ 20.00
Tract No. IX	E. C. Mullendore	\$ 20.00
Tract No. XI	E. C. Mullendore	\$ 20.00
Tract No. XIII	E. C. Mullendore	\$ 20.00
Tract No. XIV	Louise M. Fairweather	\$ 20.00

The Court further finds from the evidence and it is therefore ordered adjudged and decreed that insofar as Tract No. XIII is concerned that the records in this case throughout are hereby amended to provide that Velma Mayles Scott does not have a life estate in the premises involved, but does own a 1/3 undivided interest therein.

(s) Allen E. Barrow  
United States District Judge

APPROVED:

Sam E. Taylor  
Sam E. Taylor

Assistant U. S. Attorney

Jack E. Horschach  
Jack E. Horschach  
Attorney for Plaintiff

Alton F. Prichard  
Alton F. Prichard, Guardian Ad Litem  
for Lay Elizabeth Hopper



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

LILLIAN AUTRY,	)	
	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 5056
	)	
SAFeway STORES, INC.,	)	
a corporation, and JACK	)	
HOPPER,	)	
	)	
Defendants.	)	

ORDER OVERRULING MOTION TO REMAND AND  
SUSTAINING MOTION TO DISMISS

Now on this 10th day of November, 1964, the motion to dismiss of the defendant, Jack Hopper, and the motion to remand of the plaintiff herein came on for hearing pursuant to regular setting. The plaintiff was represented by her counsel, John Wheeler, Jr., and Warren Jackman, and the defendants were represented by their counsel, Hudson, Hudson, Wheaton, Kyle & Brett, by W. F. Kyle, and both counsel announced ready to proceed with the hearing of the respective motions. After reviewing the file, considering the briefs filed herein and hearing argument of counsel, the court concludes that the motion to dismiss of the defendant, Jack Hopper, should be sustained and the motion to remand of the plaintiff, Lillian Autry, overruled and the plaintiff granted an exception to the court's ruling.

IT IS THEREFORE ORDERED that the motion to dismiss of the defendant, Jack Hopper, is hereby sustained and the defendant Jack Hopper is hereby dismissed from this action with costs to the plaintiff; and IT IS FURTHER ORDERED that the motion to remand of the plaintiff is hereby overruled and the plaintiff is hereby granted an exception to the court's order.

  
UNITED STATES DISTRICT JUDGE



above referred to Petitioner contends that inasmuch as he entered his plea of guilty before Honorable Allen E. Barrow, Chief Judge, Northern District of Oklahoma, and thereafter he was brought before Honorable Luther Bohanon, Judge of the Northern District of Oklahoma, and sentenced, he contends it was error for Judge Bohanon to sentence him under the circumstances.

In his Amended Motion above referred to, he contends that he notified his attorney, John D. Harris, that he wished to appeal and asked Mr. Harris to come to the jail and see him; that Mr. Harris did not contact him and that he was therefore inadequately defended.

In another Motion filed in the Civil Case, the Petitioner Rogers asked that he be furnished a transcript of all of the proceedings and documents relating to his case.

The Court finds that there is no merit in the claim of error made by the Petitioner that he was sentenced by Judge Bohanon upon pleas of guilty entered before Judge Barrow. Both are Judges of the Northern District of Oklahoma. At the time of sentencing, Judge Bohanon had all the files and records before him, including the Probation Officer's Presentence Report. Petitioner was before the Court with his private attorney and made no objections.

With respect to his alleged desire to appeal his sentence, the Court finds as a matter of law that there is no merit to this contention. Petitioner pled guilty to two counts of the Dyer Act, each of which carries a maximum sentence of five years, and he was sentenced on both counts to five years, to run concurrently, so in effect he was sentenced to five years only.

The Court finds that the Petitioner is not entitled to the records and documents asked for in his Motion. These documents could under the records before the Court be of no benefit to the Petitioner except for his own private information. The Court finds that there is no necessity for an evidentiary hearing in this case, and further finds that the Motions and files and records in the two cases involved, one civil and one criminal, conclusively show that Petitioner is entitled to no relief.

IT IS THEREFORE THE JUDGMENT OF THE COURT that all of the Motions referred to herein and as shown by the files be and are denied.

DATED this 16<sup>th</sup> day of November, 1964.

(s) Luther Bohanon  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
Plaintiff,  
vs.  
1033.72 Acres of Land, More or Less,  
Situat in Tulsa, Creek and Pawnee  
Counties, Oklahoma, and Pearl B.  
Jackson Co., et al., and Unknown  
Owners,  
Defendants.

Civil No. 4982  
Tract No. 2318

**FILED**

NOV 17 1964

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

J U D G M E N T

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tracts, based on the Report of Commissioners filed herein on the 13th day of October, 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 13th day of October, 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 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 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 \$3,638.25, as determined by the Report of Commissioners of October 13, 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. 2318

Owner:	James P. Spess and Lily R. Spess (Lessors) and P. R. Williams (Lessee)
Award of Just Compensation	\$3,638.25
Deposited as Estimated Compensation	2,675.00
Disbursed to Owners	2,006.25
Balance due to Owner	1,632.00
Deposit Deficiency	963.25

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$963.25, 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:

James R. & Lily R. Spess . . . . .	\$847.50
P. R. Williams . . . . .	<u>784.50</u>
	\$1,632.00

Entered NOV 16 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. )  
181.15 Acres of Land, More or Less, )  
Situat e in Pawnee and Osage Counties, )  
Oklahoma, and Nathan Rosenberg, et al., )  
and Unknown Owners, )  
Defendants. )

Civil Action No. 5359

Tract Nos. 3019E-3  
3019E-4  
3019E-5

FILED

NOV 17 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 13th day of October, 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 13th day of October, 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 \$1,870.00, as determined by the Report of Commissioners of October 13, 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. 3019E-3, E-4 & E-5

Owner: O. R. Batson

Award of Just Compensation	\$1,870.00
Deposited as Estimated Compensation	900.00
Disbursed to Owner	900.00
Balance due to Owner	970.00
Deposit Deficiency	970.00

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$970.00, 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:

O. R. Batson . . . . . \$970.00

Entered Nov 12 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. )  
768.22 Acres of Land, More or Less, )  
Situat e in Osage and Pawnee Counties, )  
Oklahoma, and Floyd Hazelrigg, et al., )  
and Unknown Owners, )  
Defendants. )

Civil No. 5446

Tract No. 3751E **FILED**

NOV 17 1964

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

J U D G M E N T

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tract, based on the Report of Commissioners filed herein on the 13th day of October, 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 13th day of October, 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 \$4,820.00, as determined by the Report of Commissioners of October 13, 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. 3751E

Owner:	Eugene C. Mullendore	
Award of Just Compensation		\$4,820.00
Deposited as estimated compensation		2,500.00
Disbursed to Owner		2,500.00
Balance due to Owner		2,320.00
Deposit Deficiency		2,320.00

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$2,320.00, 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:

Eugene C. Mullendore . . . . . \$2,320.00

Entered Nov. 16 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. )  
80.50 Acres of Land, More or Less, )  
Situat in Pawnee County, Oklahoma, )  
and Lewis B. Jackson, Jr., et al., )  
and Unknown Owners, )  
Defendants. )

Civil No. 5494

Tract No. 0925-2M **FILED**

NOV 17 1964

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

J U D G M E N T

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

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

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

4. The Court finds the amount of \$24,454.50, 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 \$24,455.00 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 Iva Mae Lamb, Hattie I. Besser Roe and Fred Amen 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 \$261.50 for their interests, 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 the plaintiff and Rockwile, Inc., L. B. Jackson, Jr., and L. B. Jackson 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 tract is the sum of \$24,193.00 for their interests, 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 \$24,454.50, inclusive of interest, of which sum the following amounts have been heretofore disbursed as follows:

Rockwile, Inc., and	
L. B. Jackson, Jr. . . . .	\$4,611.00
Iva Mae Lamb . . . . .	203.00
Hattie I. Besser Roe . . . . .	29.25
Fred Amen . . . . .	29.25
L. B. Jackson, Jr. . . . .	<u>19,582.00</u>
	\$24,454.50

(c) There exists a \$0.50 surplus, resulting from the final award being less than the estimated just compensation. 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 of \$0.50, payable to the order of the Treasurer of the United States and mail the check to said payee.

Entered NOV 16 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. )  
305.95 Acres of Land, More or Less, )  
Situat e in Pawnee and Creek Counties, )  
Oklahoma, and Davis Clegg, et al., and )  
Unknown Owners, )  
Defendants. )

Civil No. 5718

Tract Nos. 2233 & E

FILED

NOV 17 1964

J U D G M E N T

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

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

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

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

4. The Court finds the amount of \$3,000.00, 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 \$2,266.00 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 Clarence Green, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$3,000.00, inclusive of interest.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$3,000.00, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$734.00, 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:

Clarence Green . . . . . \$3,000.00

Entered NOV 16 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
Plaintiff, )  
vs. )  
2,533.72 Acres of Land, More or Less, )  
Situat in Osage County, Oklahoma, and )  
Osage Tribe of Indians, et al., and )  
Unknown Owners, )  
Defendants. )

Civil No. 5762

Tract No. 0015-4M

FILED

NOV 17 1924

PARTIAL JUDGMENT

NOBLE C. HOOD  
Clerk U. S. Dist. Court

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

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

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

4. The Court finds that plaintiff and Elise Potterf Chapman, John C. Kunkel, C. L. Hester and W. T. Wright, 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 tract is the sum of \$25.00, inclusive of interest.

5. The Court finds the amount of \$25.00, 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 \$25.00 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 herein-above 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 \$25.00, inclusive of interest;

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

Elise Potterf Chapman . . . . .	\$12.50
John C. Kunkel . . . . .	4.16
C. L. Hester . . . . .	4.17
W. T. Wright, Jr. . . . .	<u>4.17</u>

Entered NOV 16 1964 \$25.00

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
Plaintiff, )  
vs. )  
2,533.72 Acres of Land, More or Less, )  
Situating in Osage County, Oklahoma, and )  
Osage Tribe of Indians, et al., and )  
Unknown Owners, )  
Defendants. )

Civil No. 5762

Tract No. 0015-1M

F I F

NOV 1 1964

NOBLE S. MOOD,  
Clerk of 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 Elise Potterf Chapman, John C. Kunkel, C. L. Hester and W. T. Wright, 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 tract is the sum of \$315.00, inclusive of interest.

5. The Court finds the amount of \$315.00, 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 \$315.00 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 \$315.00, inclusive of interest;

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

Elise Potterf Chapman . . . . .	\$157.50
John C. Kunkel . . . . .	52.50
C. L. Hester . . . . .	52.50
W. T. Wright, Jr. . . . .	<u>52.50</u>
	\$315.00

Entered NOV 16 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. 5764  
vs. )  
Tract No. 1929-2M  
2,363.19 Acres of Land, More or Less, )  
Situating in Osage County, Oklahoma, and )  
Osage Tribe of Indians, et al., and )  
Unknown Owners, )  
Defendant. )

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 Bob R. Neal, individually and as Executor of the Estate of H. B. Neal, deceased, and Mame Neal, all doing business as Neal Oil Company, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the oil lessee estate taken in the above tracts is the sum of \$52,000.00, inclusive of interest.

5. The Court finds the amount of \$52,000.00, 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 \$23,942.00 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 \$52,000.00, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$28,058.00, 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 following-named payees:

Bob R. Neal, individually and  
as executor of the Estate of  
H. B. Neal, deceased, and Mame  
Neal, all doing business as  
Neal Oil Company . . . . . \$28,058.00

Entered NOV 16 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, )  
Situating in Osage, Pawnee and Creek )  
Counties, Oklahoma, and Theresa M. )  
Lynn, et al., and Unknown Owners, )  
Defendants. )

Civil No. 5897  
Tract No. 3636 & E

**FILED**

NOV 17 1964

J U D G M E N T

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

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

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

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

4. The Court finds the amount of \$7,185.00, 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 \$5,925.00 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 Melva Vandruff, Grace A. Milam, Lennie May Milam, Grace Eloise Sutton, Irma Lee Turman, Ruth Irene Lancaster and Robert J. Scott, 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 \$7,185.00, 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 \$7,185.00, inclusive of interest, of which amount the following sums have been previously disbursed:

Melva Vandruff . . . . .	\$2,304.00
Grace A. Milam . . . . .	1,645.80
Lennie May Milam . . . . .	987.50
Grace Eloise Sutton . . . . .	219.50
Irma Lee Turman . . . . .	219.50
Ruth Irene Lancaster . . . . .	219.50
Robert J. Scott . . . . .	<u>329.20</u>
	\$5,925.00

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$1,260.00, 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:

Melva Vandruff . . . . .	\$490.00
Grace A. Milam . . . . .	350.00
Lennie May Milam . . . . .	210.00
Grace Eloise Sutton . . . . .	46.50
Irma Lee Turman . . . . .	46.50
Ruth Irene Lancaster . . . . .	46.50
Robert J. Scott . . . . .	<u>70.50</u>
	\$1,260.00

Entered 11 16 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. )  
959.26 Acres of Land, More or Less, )  
Situate in Creek and Pawnee Counties, )  
Oklahoma, and Herbert W. Moody, et al., )  
and Unknown Owners, )  
Defendants. )

Civil No. 5997

Tract Nos. 3636 & E

**FILED**

NOV 17 1964

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

J U D G M E N T

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above 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 \$2,165.00, 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 \$1,786.00 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 George C. Milam, Melva Vandruff, Grace A. Milam, Lennie May Milam, Grace Eloise Sutton, Irma Lee Turman, Ruth Irene Lancaster and Robert J. Scott, 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 \$2,165.00, 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 \$2,165.00, inclusive of interest, of which amount the following sums have been previously disbursed:

George C. Milam . . . . .	\$298.00
Melva Vandruff. . . . .	695.00
Grace A. Milam. . . . .	200.00
Lennie May Milam . . . . .	298.00
Grace Eloise Sutton . . . . .	65.00
Irma Lee Turman . . . . .	65.00
Ruth Irene Lancaster. . . . .	65.00
Robert J. Scott . . . . .	<u>100.00</u>
	\$1,786.00

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$379.00, 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:

George C. Milam . . . . .	\$ 63.00
Melva Vandruff. . . . .	148.00
Grace A. Milam. . . . .	40.00
Lennie May Milam. . . . .	63.00
Grace Eloise Sutton . . . . .	15.00
Irma Lee Turman . . . . .	15.00
Ruth Irene Lancaster. . . . .	15.00
Robert J. Scott . . . . .	<u>20.00</u>
	\$379.00

Entered NOV 16 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE  
Assistant U. S. Attorney



DATED at Tulsa, Oklahoma this 17th day of <sup>November</sup> ~~September~~, 1964.

Walter R. Adams  
JUDGE OF THE UNITED STATES  
DISTRICT COURT IN AND FOR THE  
NORTHERN DISTRICT OF OKLAHOMA.

APPROVED AS TO FORM:

David H. Sanders  
DAVID H. SANDERS,

Attorney for plaintiff.

PINKERTON & PINKERTON

By James J. Pinkerton

Attorneys for defendant.

RELEASE OF JUDGMENT

This judgment has been paid in full, including interest and costs, the receipt of which is hereby acknowledged, and this judgment is therefore released.

David H. Sanders  
David Sanders  
Attorney for the plaintiff

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

EDGAR DAVIS, et al, )  
 )  
 ) Plaintiffs, )  
 -vs- )  
 )  
 ) COMMODITY CREDIT CORPORATION, )  
 ) Defendant, )  
 )  
 ) MARYLAND CASUALTY COMPANY, )  
 )  
 ) Additional Defendant )  
 ) and Plaintiff. )

No. 5463 - Civil

FILED

NOV 1 1964

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

JUDGMENT

On this 19<sup>th</sup> day of November, 1964, Maryland Casualty Company presents its receipt showing payment in full of the verdict and judgment rendered in this cause, against Tulsa Grain Storage Company, a co-partnership and the respective co-partners thereof, and it has heretofore been established in the event Maryland Casualty Company be required to pay said judgment or any part thereof, it is entitled to a judgment against Tulsa Grain Storage Company, a partnership composed of R. D. Taylor, Edgar Davis, James A. Potts, John R. Potts, Jr., and their respective wives for the amount of said judgment along with any reasonable expense necessarily incurred in the defense of said matter. The Court finds that the Maryland Casualty Company has incurred a reasonable attorney fee in the defense of said cause in the sum of \$1,000.00 by A. M. Covington.

IT IS THEREFORE ORDERED, Maryland Casualty Company have and recover judgment against Tulsa Grain Storage Company, a co-partnership composed of R. D. Taylor, Edgar Davis, James A. Potts, and John R. Potts, Jr., individually and as co-partners thereof, and Katheryn Taylor, Lucy Davis, Clarice Potts, and Beth Potts, and each of all of them in the total sum of \$71,502.67, and interest.

*OK as to form*  
John Richards  
*atty for James and John R. Potts, Jr. and their wives*  
*OK as to form*  
Bob Francis  
*atty for R. D. Taylor, and Edgar Davis, and their wives*  
*OK as to form*  
A. M. Covington  
*atty for Maryland Casualty Co*

Allen E. Barron (S)  
Judge

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

INTERSTATE COMMERCE COMMISSION, )  
)  
Plaintiff, )  
)  
v. )  
)  
BILL ROBERTS, and )  
TRUKLEASE, INC., a corporation, )  
)  
Defendants. )

CIVIL ACTION NO. 5981 ✓

FILED

NOV 19 1964

DEFAULT  
~~CONSENT~~ JUDGMENT

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

This cause having come on for consideration, and the court after considering the sworn complaint of the plaintiff, the defendants Bill Roberts and Truklease, Inc., being in default, and having made and filed its Findings of Fact and Conclusion of Law herein;

And it appearing that defendants Bill Roberts and Truklease, Inc., have engaged in the transportation of steel ammunition cans by motor vehicle between Hastings, Nebraska, and Tulsa, Oklahoma, over public highways as a common carrier for compensation, without holding the required operating authority from the Interstate Commerce Commission; and it further appearing likely that said defendants will continue such practices unless restrained;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that the defendants Bill Roberts and Truklease, Inc., jointly and severally, their agents, employees and representatives, and all other persons, firms, and corporations acting by or under their direction and authority or in active concert or participation with them, be permanently enjoined and restrained from transporting property, including steel ammunition cans, by motor vehicle in interstate or

foreign commerce over and upon the public highways as a common carrier or contract carrier, for compensation, in interstate or foreign commerce, unless and until such time, if at all, as there is in force with respect to said defendants, or either of them, a certificate of public convenience and necessity or a permit or other appropriate form of authority, authorizing them or either of them to engage in such operations in accordance with the provisions of the Interstate Commerce Act;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that the defendants pay the costs incurred in this suit except that no attorney's docket fee is to be attached.

Signed this 18<sup>th</sup> day of November, 1964. (eg)

*Allen E. Barrow.*  
UNITED STATES DISTRICT JUDGE

APPROVED:

*Sam E. Taylor*  
SAM E. TAYLOR  
Assistant U. S. Attorney

*G. Douglas Fox*  
G. DOUGLAS FOX  
Attorney For Defendant

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,	)	
Plaintiff,	)	Civil No. 5889
vs.	)	
31.04 Acres of Land, More or Less,	)	Tract No. 2329E
Situate in Pawnee, Osage, and Creek	)	
Counties, Oklahoma, and E. C. Tatum,	)	
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 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 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, 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. 2329E

Owner:	Raymond O. and Dorothy Shelby
Award of Just Compensation:	\$ 225.00
Deposited as estimated compensation:	75.00
Disbursed to Owner:	-0-
Balance due to Owner:	225.00
Deposit Deficiency:	150.00

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$150.00, with interest at 6% per annum from February 6, 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:

Raymond O. and Dorothy Shelby - - - - - \$225.00, plus all accrued interest

Entered                      1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE  
Assistant U. S. Attorney

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UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

144.17 Acres of Land, More or Less,  
Situate in Nowata and Rogers Counties,  
Oklahoma, and Eugene Simpson, et al,  
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4952

Tract No. X-2448E

FILED

NOV 21 1964

NOBLE CLAYTON  
Clerk, U. S. District Court

J U D G M E N T

On November 18, 1964, this cause, as to the captioned tract, came before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma, for disposition of the Plaintiff's motion for judgment. After being advised by counsel for Plaintiff and having examined the files in the case, the Court finds:

1.

The Court has jurisdiction of the parties and the subject matter of this action. This judgment applies only to the estate condemned in Tract No. X-2448E, as such tract and estate are described in the Complaint and the Declaration of Taking filed herein.

2.

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

3.

A pre-trial hearing in this case was held before the Court on October 27, 1964. Due notice of such hearing was given to the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owner did not appear at the pre-trial hearing. No other defendants appeared at such hearing either in person or by attorney, in connection with the subject tract, and no other defendants have made any appearance at any other time in connection with the subject tract.

4.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tract, as such tract is particularly described in such Complaint. Pursuant thereto, on June 17, 1960, the United States of America filed its Declaration of Taking of a certain estate in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

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

6.

The Court has considered the evidence offered by the Plaintiff at the pre-trial hearing and finds that the decrease in the fair market value of the subject tract, caused by the subject action, was \$75.00, and such sum should be adopted as the award of just compensation.

7.

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

8.

It Is, Therefore, ORDERED, ADJUDGED, AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tract named in paragraph 2 herein, as such tract is particularly described in the Complaint and Declaration of Taking filed herein; and such tract, to the extent of the estate described, and for the uses and purposes described, in such Declaration of Taking, is condemned, and title thereto is vested in the United States of America as of June 17, 1960, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim thereto.

9.

It Is Further ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owner of the estate condemned herein in the subject tract was

the defendant whose name appears in the schedule below; the right to just compensation for the estate taken in this tract is vested in the party so named, and the sum of \$75.00 hereby is adopted as the award of just compensation for the estate herein taken in subject tract, all as follows, to-wit:

TRACT NO. X-2448E

Owner:

Nancy Powell

Award of just compensation - - - - -	\$75.00	\$75.00
Deposited as estimated compensation - - - - -		<u>\$75.00</u>
Disbursed to owner - - - - -	<u>None</u>	
Balance due to owner - - - - -	\$75.00	

10.

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

To Nancy Powell, the sum of - - - - - \$75.00

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

  
 \_\_\_\_\_  
 HUBERT A. MARLOW  
 Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

321.86 Acres of Land, More or Less,  
Situat in Nowata and Rogers Counties,  
Oklahoma, and L. G. Thomason, et al,  
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4955

Tracts Nos. E-519E-1  
E-519E-2  
E-519E-3

FILED

NOV 21 1964

J U D G M E N T

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

1.

Now, on this 18 day of November, 1964, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of judgment on an option contract, wherein the owner has agreed upon the amount of just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies only to the estate condemned in the tracts enumerated in the caption above, as such estate and tracts are described in the Complaint and the Declaration of Taking filed in this civil action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on June 28, 1960, the United States of America has filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

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

7.

On the date of taking in this action, the owner of the estate taken in the subject tracts was the defendant whose name is shown in paragraph 11 below. Such named defendant is the only person asserting any interest in the estate taken in such tracts, all other persons having either disclaimed or defaulted, and such named defendant is entitled to receive the just compensation for the estate taken in these tracts.

8.

The owner of the subject tracts and the United States of America have executed an option contract, as alleged in the Complaint, wherein they have agreed that just compensation for the estate condemned in subject tracts is in the amount shown as compensation in paragraph 11, and such option contract should be approved.

9.

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

10.

It Is Further ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owner of the estate condemned herein in the subject tracts was the person whose name appears below in paragraph 11, and the right to just compensation for the estate taken herein in these tracts is vested in the party so named.

11.

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

TRACTS NOS. E-519E-1, E-2 and E-3

OWNER:

Clarence S. Kornegay, Trustee for  
Stockholders of Security Investment Co.

Award of just compensation, pursuant to Option Contract - - - -	\$75.00	\$75.00
Deposited as estimated compensation - - -	<u>\$75.00</u>	
Disbursed to owner - - - - -		<u>None</u>
Balance due to owner - - - - -		\$75.00

12.

It Is Further ORDERED that the Clerk of this Court shall disburse from the deposit for the subject tracts, the sum of \$75.00, to Clarence S. Kornegay, Trustee for Stockholders of Security Investment Co.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. Marlow  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

321.86 Acres of Land, More or Less,  
Situate in Nowata and Rogers Counties,  
Oklahoma, and L. G. Thomason, et al,  
and Unknown Owners,

Defendants.)

CIVIL ACTION NO. 4955

Tracts Nos.: H-844

S-1926.

FILED

NOV 21 1964

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

J U D G M E N T

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

1.

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

2.

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

3.

A pre-trial hearing in this case was held before the Court on October 27, 1964. Due notice of such hearing was given to the parties. The plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owners of the subject property did not appear. No other defendants appeared at such hearing, either in person or by attorney, in connection with the subject tracts, and no other defendants have made any appearance at any other time in connection with the subject tracts.

4.

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

condemn for public use the subject tracts, as such tracts are particularly described in such Complaint. Pursuant thereto, on June 23, 1960, the United States of America filed its Declaration of Taking of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

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

6.

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

As to Tract No. H-844 - - - - - \$50.00  
As to Tract No. S-1926 - - - - - \$500.00

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

7.

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

8.

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

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

TRACT NO. H-844

Owners:

Lester Triplett - - - - - 19/126  
 Oral Triplett - - - - - 19/126  
 Leatrice T. Blackwell - - - - - 19/126  
 Faye Triplett Guthrie - - - - - 1/21  
 Curtis Triplett - - - - - 13/126  
 Charlie Triplett - - - - - 2/21  
 Della T. Rooks - - - - - 2/21  
 Thelma Bland - - - - - 1/18  
 Pete Triplett - - - - - 19/126

Award of just compensation - - - - - \$50.00 \$50.00  
 Deposited as estimated compensation - - - \$50.00  
 Disbursed to owners - - - - - None  
 Balance due to owners - - - - - \$50.00

---

TRACT NO. S-1926

Owners:

Heirs of A. L. Churchill - - - - - 1/4  
 Heirs of Oliver Bagby - - - - - 3/4  
 who are:  
 Mabel Bagby Brewer  
 Harry E. Bagby

Award of just compensation - - - - - \$500.00 \$500.00  
 Deposited as estimated compensation - - - \$500.00  
 Disbursed to owners - - - - - None  
 Balance due to owners - - - - - \$500.00

---

It Is Further ORDERED that the Clerk of this Court shall disburse all of the deposit for Tract No. H-844, and part of the deposit for Tract No. S-1926 as follows:

From the deposit for Tract No. H-844:

Lester Triplett - - - - -	\$7.53
Oral Triplett - - - - -	\$7.53
Leatrice T. Blackwell - - - - -	\$7.53
Faye Triplett Guthrie - - - - -	\$2.39
Curtis Triplett - - - - -	\$5.16
Charlie Triplett - - - - -	\$4.77
Della T. Rooks - - - - -	\$4.77
Thelma Bland - - - - -	\$2.79
Pete Triplett - - - - -	\$7.53

From the deposit for Tract No. S-1926:

To Mabel Bagby Brewer - - - - -	\$187.50
Harry E. Bagby - - - - -	\$187.50

11.

It Is Further ORDERED that the award for the interest of A. L. Churchill in Tract No. S-1926 shall not be disbursed at this time because the identity of such owners is not known. An appropriate order of distribution will be entered upon proper proof of ownership.

In the event that the balance on deposit for this tract is not disbursed for a period of five years from the date of <sup>filing</sup> this judgment, then at the end of that period, without further order of Court, the Clerk of this Court shall disburse such deposit to the Treasurer of the United States of America, pursuant to the provisions of Title 28, Section 2042, U.S.C.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
Plaintiff, )  
vs. )  
479.40 Acres of Land, More or Less, )  
Situate in Creek, Osage, and Pawnee )  
Counties, Oklahoma, and Janet Cunningham, )  
et al, and Unknown Owners, )  
Defendants. )

1  
Civil No. 4957

Tract Nos. 2537 &  
E-1 thru E-7

FILED

NOV 24 1961

AMENDED JUDGMENT

NOBLE C. HOOD

Clerk, U. S. District Court

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for an Amended Judgment determining the ownership and the just compensation to be awarded the former owners of the above tracts. This Judgment amends a Judgment entered on July 26, 1961, by entirely substituting this Amended Judgment 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 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 \$18,250.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff 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 \$16,350.00 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 Jerry M. Cunningham and Dortha D. Cunningham, 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 \$18,250.00, inclusive of interest. The Court further finds that plaintiff and defendants have entered into a Revestment Stipulation, whereby certain lands were revested to defendants. The Revestment Stipulation is incorporated herein by reference as fully as if set out in its entirety.

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; the Revestment Stipulation referred to above is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$18,250.00, inclusive of interest, which amount has previously been disbursed to these defendants.

Entered . . . . . 1961

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

CIVIL ACTION NO. 4961

Tracts Nos. F-612 and  
462242

NOV 2 1964

FILED  
Clerk U.S. District Court

J U D G M E N T

On November 1, 1964, this cause, as to the captioned tracts, came before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma, for disposition of the Plaintiff's motion for judgment. After being advised by counsel for Plaintiff and having examined the files in the case, the Court finds:

1.

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

2.

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

3.

A pre-trial hearing in this case was held before the Court on October 27, 1964. Due notice of such hearing was given to the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendants did not appear at such hearing either in person or by attorney, in connection with the subject tracts, and no defendant has made any appearance at any other time in connection with the subject tracts.

4.

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

condemn for public use the subject tracts, as such tracts are particularly described in such Complaint. Pursuant thereto, on July 8, 1960, the United States of America filed its Declaration of Taking of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

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

6.

The Court has considered the evidence offered by the Plaintiff at the pre-trial hearing and finds that the fair market value of the ownerships under consideration was in the amount of \$1.00 as to an undivided 1/4 interest in Tract No. F-612 and \$1,300.00 as to Tract No. 4622-2, and such sums should be adopted as the awards of just compensation for the estates taken in the subject property.

7.

On the date of taking in this action, the owners of the estates taken in the subject tracts were the defendants whose names are shown as owners in paragraph 9 below. All other defendants having either disclaimed or defaulted, the named defendants are entitled to receive the awards of just compensation.

8.

It Is, Therefore, ORDERED, ADJUDGED, AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property described in paragraph 2 herein, as such property is particularly described in the Complaint and Declaration of Taking filed herein; and all of Tract No. 4622-2 and an undivided 1/4 interest in Tract No. F-612, to the extent of the estates indicated and for the uses and purposes described in such Declaration of Taking, is condemned, and title thereto is vested in the United States of America as of the date of filing such Declaration of Taking, and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto.

The undivided 3/4 interest in the subsurface estate under Tract No. F-612, which had been acquired by the Government by direct purchase before

the filing of this case, shall not be affected hereby and title to such 3/4 interest remains vested in the United States of America.

9.

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

TRACT NO. F-612

Owners:

1. The United States of America owns the surface and 3/4 interest in the subsurface estate by direct purchase before the filing of this case.
2. Anna Keefe - - - - - 1/4

Award of just compensation for 1/4 interest - - - - -	\$1.00	\$1.00
Deposited as estimated compensation - - -	<u>\$1.00</u>	
Disbursed to owner - - - - -		<u>None</u>
Balance due to owner - - - - -		\$1.00

TRACT NO. 4622-2

Owners:

- Robert Reed Howlett - - - - - 1/3  
 Roger Gladstone Howlett - - - - - 1/3  
 Bonnie Gene Howlett Bilisoly - - - - 1/3

Award of just compensation - - - - -	\$1,300.00	\$1,300.00
Deposited as estimated compensation - - -	<u>\$1,300.00</u>	
Disbursed to owners - - - - -		<u>None</u>
Balance due to owners - - - - -		\$1,300.00

10.

It Is Further ORDERED that the Clerk of this Court shall disburse the deposit for Tract No. 4622-2 as follows, to:

- Robert Reed Howlett - - - - - \$433.34  
 Roger Gladstone Howlett - - - - - \$433.33  
 Bonnie Gene Howlett Bilisoly - - - - - \$433.33

It Is Further ORDERED that the award for the Anna Keefe interest in Tract No. F-612 shall not be disbursed at this time because the whereabouts of such owner is wholly unknown. An appropriate order of distribution will be entered when such owner has been located.

In the event that such award shall remain on deposit for a period of five years from the date of filing this judgment then the Clerk of this Court, without further order of Court, shall disburse the balance on deposit for such tract No. F-612 to the Treasurer of the United States of America, pursuant to the provisions of Title 28, Section 2042, U.S.C.

ALLEN E. DARROW

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UNITED STATES DISTRICT JUDGE

APPROVED:

  

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HUBERT A. MARLOW  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

457.78 Acres of Land, More or Less,  
Situate in Nowata and Rogers Counties,  
Oklahoma, and George W. Heape, et al,  
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4962

Tract No. G-752

J U D G M E N T

On November 13, 1964, this cause, as to the captioned tract, came before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma, for disposition of the plaintiff's motion for judgment. After being advised by counsel for plaintiff and having examined the files in the case, the Court finds:

1.

The Court has jurisdiction of the parties and the subject matter of this action. This judgment applies only to the estates condemned in Tract No. G-752, as such tract and estate are described in the Complaint and the Declaration of Taking filed herein.

2.

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

3.

A pre-trial hearing in this case was held before the Court on October 27, 1964. Due notice of such hearing was given to the parties. The plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. None of the defendants appeared at such hearing, either in person or by attorney, in connection with the subject tract, and none of the defendants have made any appearance at any other time in connection with the subject tract.

4.

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

condemn for public use the subject tract, as such tract is particularly described in such Complaint. Pursuant thereto, on July 15, 1960, the United States of America filed its Declaration of Taking of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

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

6.

The Court has considered the evidence offered by plaintiff at the above-mentioned pre-trial conference and finds that the fair market value of the subject property, as of the date of taking, was \$250.00, and such sum should be adopted as the award of just compensation for the taking of the described estate in the subject property, and such award should be allocated to the various owners as shown in paragraph 9.

7.

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

8.

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

9.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estate condemned herein in the subject property were the defendants whose names appear in the schedule below; the right to just compensation

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

TRACT NO. G-752

Owners:

Heirs of Oliver Bagby, deceased - - - 2/3  
who are:

Harry E. Bagby  
Mabel Bagby Brewer

Norma Chandler - - - - - 1/3

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

10.

It Is Further ORDERED that the Clerk of this Court shall disburse from the deposit for Tract No. G-752 certain sums as follows:

To Mabel Bagby Brewer - - - - - \$83.33  
Harry E. Bagby - - - - - \$83.33

The balance of the deposit for this tract shall not be disbursed at this time because the whereabouts of Norma Chandler is unknown. An appropriate order of distribution will be entered in the event such owner be located. In the event that the balance on deposit for this tract is not disbursed for a period of five years from the date of this judgment, then at the end of that period, without further order of Court, the Clerk of this Court shall disburse such deposit to the Treasurer of the United States of America, pursuant to the provisions of Title 28, Section 2042, U.S. C.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 ) Plaintiff, )  
 )  
 vs. )  
 )  
 457.78 Acres of Land, More or Less, )  
 Situate in Nowata and Rogers Counties, )  
 Oklahoma, and George W. Heape, et al, )  
 and Unknown Owners, )  
 )  
 ) Defendants. )

CIVIL ACTION NO. 4962

Tracts Nos: G-753  
G-754  
G-754E-1  
G-754E-2

FILED

NOV

J U D G M E N T

1.

NOW, on this 13 day of November, 1964, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of judgment on stipulations agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

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

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power and authority to condemn for public use the estates described in paragraph 2 herein. Pursuant thereto, on July 15, 1960, the United States of America has filed its Declaration of Taking of such described property, and title to the described estates in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

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

7.

On the date of taking in this action, the owner of the estates taken in the subject tracts was the defendant whose name is shown in paragraph 11 below. Such named defendant is the only person asserting any interest in the estates taken in such tracts, all other persons having either disclaimed or defaulted, and such named defendant is entitled to receive the just compensation for the estates taken in these tracts.

8.

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

9.

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

10.

It Is Further ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owner of the estates condemned herein in the subject tracts was the person whose name appears below in paragraph 11, and the right to just compensation for the respective estates taken herein in these tracts is vested in the party so named.

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

TRACT NO. G-753

Owner:

Dora E. Paullus

Award of just compensation, pursuant to Stipulation - - - - -	\$700.00	\$700.00
Deposited as estimated compensation - - - -	<u>\$700.00</u>	
Disbursed to owner - - - - -		<u>\$700.00</u>

TRACTS NOS. G-754, G-754E-1 AND G-754E-2

Owner:

Dora E. Paullus

Award of just compensation, pursuant to Stipulation - - - - -	\$816.00	\$816.00
Deposited as estimated compensation - - - -	<u>\$816.00</u>	
Disbursed to owner - - - - -		<u>\$816.00</u>

ALLEN S. ...  
UNITED STATES DISTRICT JUDGE

APPROVED:

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

NOV 2 1935

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

MOBIE C. MOOT  
Clerk, U. S. District Court

United States of America,	Plaintiff,	)	Civil No. 4963
vs.		)	
492.84 Acres of Land, More or Less,		)	Tract Nos. 2537 &
Situate in Creek and Pawnee Counties,		)	E-1 thru E-7
Oklahoma, and Curt D. Edgerton, 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 \$1,950.00, 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 \$1,950.00 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 John Austin Cunningham, Lela Ouida Cunningham, Virginia Trimble, John J. Cunningham Estate, Mabel J. Cunningham, Virginia Walker, Cammie Esther Cunningham, Shelby Cunningham, Flossie D. Comer, and Jerry M. Cunningham, 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 \$1,950.00, inclusive of interest. It is further found by the Court that plaintiff and defendants have entered into a Revestment Stipulation whereby certain lands were revested to these defendants. The Revestment Stipulation is incorporated herein by reference as fully as if set out in its entirety.

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; the Revestment Stipulation referred to above is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$1,950.00, inclusive of interest;

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

John Austin Cunningham .....	\$	34.43
Iela Ouida Cunningham .....		34.43
Virginia Trimble .....		34.43
John J. Cunningham Estate .....		165.79
Mabel J. Cunningham .....		165.79
Virginia Walker .....		165.79
Cammie Esther Cunningham .....		165.79
Shelby Cunningham .....		165.79
Flossie D. Comer .....		165.79
Jerry M. Cunningham .....		851.97
		<hr/>
		\$1,950.00

Entered 10 10 1984

/s/ Allen E. Barrow

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UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

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ROBERT P. SANTEE  
Assistant U. S. Attorney

ksm

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
Plaintiff, )  
vs. )  
1033.72 Acres of Land, More or Less, )  
Situate in Tulsa, Creek and Pawnee )  
Counties, Oklahoma, and Pearl B. )  
Jackson Co., et al., and Unknown )  
Owners, )  
Defendants. )

Civil No. 4982

Tract No. 2318 **FILED**

NOV 24 1964

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

AMENDED 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 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 13th day of October, 1964. This judgment replaces entirely and is substituted for the judgment filed herein on November 17, 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 13th day of October, 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 \$3,638.25, as determined by the Report of Commissioners of October 13, 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. 2318

Owner:	James R. Spess and Lily R. Spess (Lessors) and P. R. Williams (Lessee)
Award of Just Compensation:	\$3,638.25
Deposited as Estimated Compensation:	2,675.00
Disbursed to Owners:	2,006.25
Balance Due to Owner:	1,632.00
Deposit Deficiency:	963.25

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$963.25, with interest at 6% per annum from August 4, 1960 on the sum of \$1,632.00 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:

James R. & Lily R. Spess .....	\$ 847.50	) plus all accrued interest
P. R. Williams .....	784.50	
	<u>\$1,632.00</u>	)

Entered

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE  
Assistant U. S. Attorney

ksm

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 413.36 Acres of Land, More or Less, )  
 Situate in Nowata County, Oklahoma, )  
 and Emma E. Mortlock, et al, and )  
 Unknown Owners, )  
 )  
 Defendants. )

CIVIL ACTION NO. 4990  
Tract No. P-1632

FILED

NOV 21 1964

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

J U D G M E N T

On November 1, 1964, this cause, as to the captioned tract, came before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma, for disposition of the plaintiff's motion for judgment. After being advised by counsel for plaintiff and having examined the files in the case, the Court finds:

1.

The Court has jurisdiction of the parties and the subject matter of this action. This judgment applies only to the estate condemned in Tract No. P-1632, as such tract and estate are described in the Complaint and the Declaration of Taking filed herein.

2.

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

3.

A pre-trial hearing in this case was held before the Court on October 27, 1964. Due notice of such hearing was given to the parties. The plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. None of the defendants appeared at such hearing, either in person or by attorney, in connection with the subject tract, and none of the defendants have made any appearance at any other time in connection with the subject tract.

4.

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

condemn for public use the subject tract, as such tract is particularly described in such Complaint. Pursuant thereto, on August 11, 1960, the United States of America filed its Declaration of Taking of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

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

6.

The Court has considered the evidence offered by plaintiff at the above-mentioned pre-trial conference and finds that the fair market value of the subject property, as of the date of taking, was \$50.00, and such sum should be adopted as the award of just compensation for the taking of the described estate in the subject property.

7.

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

8.

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

9.

It Is Further ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owners of the estate condemned herein in the subject property were

the defendants whose names appear in the schedule below; the right to just compensation for the estate taken in this property is vested in the parties so named, as their interests appear therein; and the sum of \$50.00 hereby is adopted as the award of just compensation for the estate herein taken in subject property; all as follows, to-wit:

TRACT NO. P-1632

Owners:

Trustees of the Christian Church

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

---

10.

It Is Further ORDERED that the Clerk of this Court shall disburse from the deposit for Tract No. P-1632 certain sums as follows:

To Trustees of the Christian Church, the sum of \$50.00.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
Plaintiff, )  
vs. )  
181.15 Acres of Land, More or Less, )  
Situat in Pawnee and Osage Counties, )  
Oklahoma, and Nathan Rosenberg, et al., )  
and Unknown Owners, )  
Defendants. )

Civil Action No. 5359  
Tract Nos. 3019E-3  
3019E-4  
3019E-5 FILED

NOV 24 1964

AMENDED JUDGMENT

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

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for an Amended 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 13th day of October, 1964. This judgment replaces entirely and is substituted for the judgment entered herein on November 17, 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 13th day of October, 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 defendant listed below in paragraph 6 was the sole owner of the above-captioned tracts 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 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 \$1,870.00, as determined by the Report of Commissioners of October 13, 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. 3019E-3, E-4 & E-5

Owner: O. R. Batson

Award of Just Compensation	\$1,870.00
Deposited as Estimated Just Compensation	900.00
Disbursed to Owner	900.00
Balance due to Owner	970.00
Deposit Deficiency	970.00

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$970.00, with interest at 6% per annum from March 5, 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 payee;

O. R. Batson . . . . . \$970.00, plus all accrued interest

Entered

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

Civil No. 5446

Tract No. 3751E

FILED

NOV 21 1964

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

AMENDED 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 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 13th day of October, 1964. This judgment replaces entirely and is substituted for the judgment filed herein on November 17, 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 13th day of October, 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 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 \$4,820.00, as determined by the Report of Commissioners of October 13, 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. 3751E

Owner: Eugene C. Mullendore

Award of Just Compensation	\$4,820.00
Deposited as Estimated Compensation	2,500.00
Disbursed to Owner	2,500.00
Balance due to Owner	2,320.00
Deposit Deficiency	2,320.00

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$2,320.00, 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 payee:

Eugene C. Mullendore . . . . \$2,320.00, plus all accrued interest.

Entered : 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE  
Assistant U. S. Attorney

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

ROY CECIL PILGRIM, as father  
and next friend of DANIEL  
CECIL PILGRIM, a minor,  
Plaintiff,

vs.

AMERICAN MACHINE & FOUNDRY,  
a corporation, and  
WILLIAM T. PILGRIM,  
Defendants.

No. 5940 Civil

**FILED**

NOV 25 1964

O R D E R

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

Upon consideration of the Motion to Remand filed herein by the plaintiff and the briefs submitted in support thereof and in opposition thereto, the Court finds that said motion should be granted.

The cause was removed to this Court on the basis of a fraudulent joinder, legalistically speaking, of the resident defendant herein. The only issue to be considered by the Court at this juncture is whether or not plaintiff has plead a cause of action against the resident defendant on the face of his initial pleading. It has not been demonstrated to this Court's satisfaction that the plaintiff's allegations would not support a valid cause of action against the resident defendant, assuming the truth of plaintiff's allegations, as we must, and all the reasonable inferences therefrom. The favored policy of Federal Courts is to restrict their jurisdiction and resolve doubts against removal. In a doubtful case removal should be restricted and the case remanded to the State Courts for adjudication. The Court finds that such is the case here before it and therefore sustains plaintiff's Motion to Remand.

It is, therefore, ordered this 25 day of November, 1964, that plaintiff's Motion to Remand be sustained and this cause is hereby remanded to the District Court of Tulsa County, Oklahoma.

(s) Fred Daugherty  
United States District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
Plaintiff, )  
vs. )  
1,699.52 Acres of Land, More or Less, )  
Situat e in Tulsa, Creek and Pawnee )  
Counties, Oklahoma, and Lillie S. )  
Mathews, et al, and Unknown Owners, )  
Defendants. )

Civil No. 4967 ✓

Tract Nos. G-734-1, -2, -3,  
& E-1 thru E-8

**FILED**

NOV 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 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 \$1,892.00, 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 \$1,892.00 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 the Commissioners of the Land Office, State of Oklahoma, 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 \$1,892.00, 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 \$1,892.00, 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 hereinafter set forth, payable to the order of the following-named payees:

Commissioners of the Land Office, State of Oklahoma ..... \$1,892.00

Entered NOV 27 1964

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE  
Assistant U. S. Attorney