

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Elliott Truck Lines, Inc.,  
a corporation,

Defendant.

Civil No. 6065

FILED

FEB 11 1965

Noble C. Hood,  
Clerk, U. S. District Court

DEFAULT JUDGMENT BY THE CLERK

This cause came on to be heard on motion of the plaintiff for default judgment for the relief demanded in the complaint, and it appearing the complaint and summons in this action were served on the defendant on November 2, 1964, as appears from the Marshal's return of service of said summons; that the time within which the defendant may answer or otherwise move as to the complaint has expired; that the defendant has not answered or otherwise moved and that the time for defendant to answer or otherwise move has not been extended.

It further appearing, as evidenced by the affidavit of the plaintiff, that the defendant is neither an infant nor incompetent person, and that the defendant is not in the military service of the United States.

It further appearing plaintiff's claim against the defendant is for a sum certain which can by computation be made certain.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff recover of the defendant the amount prayed for in the sum of \$ 300.00 and the costs of this action.

Dated this 1st day of Febry., 19 65.

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

By M. M. Ewing  
Deputy

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA.

United States of America,

Plaintiff,

vs.

Lawrence M. Murphy,

Defendant.

Civil No. 6071

DEFAULT JUDGMENT BY THE CLERK

This cause came on to be heard on motion of the plaintiff for default judgment for the relief demanded in the complaint, and it appearing the complaint and summons in this action were served on the defendant on December 15, 1964, as appears from the Marshal's return of service of said summons: that the time within which the defendant may answer or otherwise move as to the complaint has expired; that the defendant has not answered or otherwise moved and that the time for defendant to answer or otherwise move has not been extended.

It further appearing, as evidenced by the affidavit of the plaintiff, that the defendant is neither an infant nor incompetent person, and that the defendant is not in the military service of the United States.

It further appearing plaintiff's claim against the defendant is for a sum certain which can by computation be made certain.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff recover of the defendant the amount prayed for in the sum of \$640.18, with interest thereon at the rate of 6% per annum from November 27, 1957, until paid, and the costs of this action.

Dated this 1st day of Feb, 1965.

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

By

*J. M. Ewing*  
Deputy

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

Tracts Nos: 6626-E and  
6626-G

FILED

FEB - 2 1965

J U D G M E N T

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

1.

NOW, on this \_\_\_\_\_ day of \_\_\_\_\_, 1965, 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 December 21, 1964, and the Court after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

This Judgment applies only to the estates taken in Tracts Nos. 6626-E and 6626-G, as such tracts and estates are described in the Complaint and the Declaration of Taking, filed herein.

4.

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

5.

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

6.

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

7.

The Report of Commissioners filed herein on December 21, 1964, is hereby accepted and adopted as a finding of fact as to the lessor interest in Tract No. 6626-E and as to the entire estate taken in Tract No. 6626-G. The amount of just compensation for the described interests in these two tracts, as fixed by the Commission, is set out in paragraph 12 below.

8.

The owners of the oil and gas lessee interest in Tract No. 6626-E together with the plaintiff have executed and filed herein a stipulation as to just compensation wherein they have agreed that the sum of \$2,945.00 is just compensation for such lessee interest, and such stipulation should be approved.

9.

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 12 below.

10.

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

11.

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

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

12.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, title to the estates taken herein in the subject tracts was vested in the defendants named as owners in the schedule below in this paragraph; the right to receive the just compensation for the estates taken herein in subject tracts is vested in the parties so named as their respective interests appear in such schedule; the stipulation as to just compensation mentioned in paragraph 8 above and the Report of Commissioners of December 21, 1964, hereby are confirmed and the sums therein fixed are adopted as just compensation for the estates taken in the subject tracts, as shown by the following schedule:

TRACT NO. 6626-E

Owners:

Lessor interest:

Russell M. Weaver, trustee ----- 3/8

James Bolard More )  
Mary More Harriff ) ----- 1/4  
George Robert More )

Ernest Frances Bradfield )  
Julian W. Glass, Jr. and ) ----- 3/8  
Eva Payne Glass )

Oil and gas lessee interest:

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

Total award of just compensation ----- \$ 3,595.00

Allocated as follows:

To lessor interest pursuant  
to Commissioner's Report ----- -\$650.00

To lessee interest pursuant  
to stipulation ----- \$2,945.00

Deposited as estimated compensation ----- \$3,225.00

Disbursed to owners:

To lessors ----- None

To lessees ----- \$2,945.00

Balance due to lessors ----- \$650.00

Deposit deficiency ----- \$ 370.00

TRACT NO. 6626-G

Owners:

Lessor interest:

Unit 1: As to  $N\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$ , Section 26, T.26 N., R.16 E.  
 Alice Lovell Robertson ----- All

Unit 2: As to  $S\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$ , Section 26, T.26 N., R.16 E.  
 Julian W. Glass, Jr. ----- 3/32  
 Ernest Frances Bradfield ----- 3/32  
 Eva Payne Glass ----- 6/32  
 Russell M. Weaver, Trustee ----- 3/8  
 James Bolard More )  
 Mary More Harriff ) ----- 1/4  
 George Robert More )

Unit 3: As to  $SE\frac{1}{4} NE\frac{1}{4} NE$ ,  $N\frac{1}{2} NE\frac{1}{4} SW\frac{1}{4} NE\frac{1}{4}$ ,  $N\frac{1}{2} NW\frac{1}{4} SE\frac{1}{4} NE\frac{1}{4}$ ,  
 $NW\frac{1}{4} NE\frac{1}{4} SE\frac{1}{4} NE\frac{1}{4}$ ,  $N\frac{1}{2} SW\frac{1}{4} NE\frac{1}{4} SE\frac{1}{4} NE\frac{1}{4}$ , Section 26, T.26 N., R.16  
 Julian W. Glass, Jr. ----- 1/8  
 Ernest Frances Bradfield ----- 1/8  
 Eva Payne Glass ----- 1/4  
 Edith Hall, )  
 F. Wallace Hall, )  
 Bernice Enola Butler, ) ----- 1/2  
 Bessie Rozella Byars, )  
 Anna Lynn Maxwell, and )  
 Helen Lois Burns )

Oil and gas lessee interest:

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

Total award of just compensation  
 pursuant to Commissioner's Report ----- \$7,488.00

Allocated as follows:

	<u>Lessor Interest</u>	<u>Lessee Interest</u>	
	<u>Unit 1</u>	<u>Unit 2</u>	<u>Unit 3</u>
	\$61.00	\$42.00	\$807.00
Deposited as estimated compensation -----			\$6,578.00
Disbursed to owners -----	None	None	None
			<u>\$6,578.00</u>
Balance due to owners -----	<u>\$61.00</u>	<u>\$42.00</u>	<u>\$807.00</u>
Deposit deficiency -----			\$ 574.00

13.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the total deposit deficiency for the subject property in the

amount of \$944.00, together with interest on such deficiency at the rate of 6% per annum from August 5, 1960, until the date of deposit of such deficiency sum; 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 (plus all accrued interest thereon) as shown in paragraph 12.

Upon receipt of such sum, the Clerk of this Court shall disburse from the deposits for the subject tracts certain sums as follows:

Tract No. 6626-E:

- To Russell M. Weaver, trustee -----\$243.75 plus  
3/8 of all accrued interest on the deposit  
deficiency for this tract.
- To Ernest Frances Bradfield, Julian W. Glass, Jr.  
and Eva Payne Glass ----- \$243.75 plus  
3/8 of all accrued interest on the deposit  
deficiency for this tract.

Tract No. 6626-G:

- To Alice Lovell Robertson ----- \$61.00 plus  
6.7% of all accrued interest on the  
deposit deficiency for this tract.
- To Julian W. Glass, Jr., Ernest Frances  
Bradfield and Eva Payne Glass -----\$419.25 plus  
4.6% of all accrued interest on the  
deposit deficiency for this tract.
- To Russell M. Weaver, trustee -----\$ 15.75 plus  
1.7% of all accrued interest on the  
deposit deficiency for this tract.
- To Bernice Enola Butler -----\$ 67.25 plus  
7.39% of all accrued interest on the  
deposit deficiency for this tract.
- To Bessie Rozella Byars -----\$ 67.25 plus  
7.39% of all accrued interest on the  
deposit deficiency for this tract.
- To Anna Lynn Maxwell -----\$ 67.25 plus  
7.39% of all accrued interest on the  
deposit deficiency for this tract.

14.

It Is Further ORDERED that the balance on deposit for each of the subject tracts, after the payments specified in paragraph 13 have been made, shall not be disbursed at this time because the whereabouts of the persons entitled thereto is wholly unknown. An appropriate order of distribution will be entered if any of these owners be found.

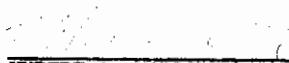
In the event that the balances in the deposits for these two tracts remain on deposit for a period of 5 years from the date of filing

this judgment, then, after that period, the Clerk of this Court, without further order shall disburse such balances to the Treasurer of the United States of America, pursuant to the provisions of Title 28, Section 2042, U.S.C.

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UNITED STATES DISTRICT JUDGE

APPROVED:

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HUBERT A. MARLOW  
Assistant United States Attorney

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

Tracts Nos. R-1828 and  
R-1828M

(Lessor interest only)

**FILED**

FEB - 2 1965

J U D G M E N T

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

1.

NOW, on this 1 day of February, 1965, 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 December 21, 1964, and the Court after having examined the files in this action and being advised by counsel for the plaintiff finds that:

2.

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

3.

This Judgment applies only to the lessor interest in the estates taken in the tracts enumerated in the caption above, as such tracts and estates 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 property. Pursuant thereto, on August 11, 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 lessor interest in the described estates in subject tracts, a certain sum of money and none of this deposit has been disbursed as set out in Paragraph 11 below:

7.

The Report of Commissioners filed herein on December 21, 1964, is hereby accepted and adopted as a finding of fact as to the lessor interest in the estates taken in the subject tracts. The amount of just compensation as to the subject tracts as fixed by the Commission is set out in Paragraph 11 below.

8.

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

9.

The defendants named in Paragraph 11 as owners of subject tracts are the only defendants asserting any interest in the subject property, all other defendants having either disclaimed or defaulted; the named defendants are the owners of the lessor interest in the estates taken in the subject tracts 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, described in the Declaration of Taking filed herein, and such property, to the extent of the lessor interest in the estates described in the Declaration of Taking filed herein, and for the uses and purposes indicated in such instrument, 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 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 lessor interest in the estates taken herein in subject tracts is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of December 21, 1964, is hereby confirmed and the sums therein fixed are adopted as just compensation for subject tracts as shown by the following schedule:

TRACTS NOS. R-1828 and R-1828M  
(Lessor Interest)

Owners:

Eva Payne Glass  
Ernest Frances Bradfield  
Julian W. Glass, Jr.  
H. S. Milan  
Mildred Viles and  
Mary Stevenson

Award of just compensation pursuant  
to Commissioner's Report ----- \$1,200.00

Allocated:

To Glass, Bradfield and  
Glass interest ----- \$756.00

To Milan, Viles and  
Stevenson interest ----- \$444.00

Deposited as estimated compensation ----- \$ 338.00

Disbursed to owners ----- None            None

Balance due to owners:

To Glass, Bradfield and  
Glass ----- \$756.00

To Milan, Viles and  
Stevenson ----- \$444.00

Deposit deficiency ----- \$ 862.00

12.

It Is Further ORDERED, ADJUDGED AND DECREED, that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the subject tracts in the amount of \$862.00, together with interest on such deficiency at the rate of 6% per annum from August 11, 1960, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tracts in this Civil Action. Upon receipt of such sum, the Clerk of this Court shall disburse from the deposit for the subject tracts certain sums as follows:



UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

474.76 Acres of Land, More or Less,  
Situate in Nowata and Rogers Counties,  
Oklahoma, and C. S. Kornegay, et al,  
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4994

Tracts Nos. E-507 and  
E-508

FILED

FEB - 2 1965

J U D G M E N T

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

1.

NOW, on this 22 day of Feb, 1965, 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 December 21, 1964, and the Court after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

This Judgment applies only to the estates taken in Tracts Nos. E-507 and E-508, as such tracts and estates are described in the Complaint and the Declaration of Taking, filed herein.

4.

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

5.

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

6.

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

7.

The Report of Commissioners filed herein on December 21, 1964, is hereby accepted and adopted as a finding of fact as to the entire estate taken in Tract No. E-507 and as to the oil and gas leasehold interest in the estate taken in Tract No. E-508. The amount of just compensation for the above described interests, as fixed by the Commission, is set out in paragraph 12 below.

8.

The owners of the lessor interest in the estate taken in Tract No. E-508 together with the plaintiff have executed and filed herein a stipulation as to just compensation wherein they have agreed that the sum of \$326.00 is just compensation for such lessor interest, and such stipulation should be approved.

9.

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 12 below.

10.

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

11.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power and authority to condemn for public use the tracts described in paragraph 3 herein, and such property, to the

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

12.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, title to the estates taken herein in the subject tracts was vested in the defendants named as owners in the schedule below in this paragraph; the right to receive the just compensation for the estates taken herein in subject tracts is vested in the parties so named as their respective interests appear in such schedule; the stipulation as to just compensation mentioned in paragraph 8 above and the Report of Commissioners of December 21, 1964, hereby are confirmed and the sums therein fixed are adopted as just compensation for the estates taken in the subject tracts, as shown by the following schedule.

TRACT NO. E-507

Owners:

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

Award of just compensation pursuant to Commissioner' Report -----	\$350.00	\$350.00
Deposited as estimated compensation -----		\$250.00
Disbursed to owners -----	None	
Balance due to owners -----	<u>\$350.00</u>	
Deposit deficiency -----		<u>\$100.00</u>

TRACT NO. E-508

Owners:

Lessor interest:

Henry Snook (Now deceased and his decreed heirs are:  
 Clurcy Snook and  
 H. C. Snook, Jr.

Oil and gas leasehold interest:

Working interest:

W. D. Heller -----	.016
Dr. R. M. DiCosolo -----	.016
Albert R. Hock -----	.052
Edison Fuel & Material Company ----	.021
Raymond Keller -----	.016
F. J. Keller -----	.016
E. A. Keller Company-----	.042
Thomas Keller -----	.008
Rex Carter -----	.016
George E. Dolezal-----	.019
William Zeigler -----	.012
John T. Allmand -----	.062
Rolan Franzen -----	.006
Raymond Keller and Fred J. Keller assignees of the estate of William A. Armstrong, deceased --	.072
Roy C. Garis, Administrator of the estate of Ralph I. Garis, deceased -----	.626

Overriding Royalty Interest:

Heirs of George T. Hoot, who are:  
Mary A. Hoot  
L. L. Hoot  
Russel D. Hoot

Award of just compensation -----	\$2,876.00
Deposited as estimated compensation -----	<u>\$1,898.00</u>
Deposit deficiency -----	\$ 978.00

Allocation of award, and disburseals:

	Share of Award	Disbursed	Balance Due	Fraction of accrued Interest
Henry Snook, by stipulation-----	\$326.00	\$326.00	None	None
W. D. Heller -----	36.00	21.03	\$14.97	.014
Dr. R. M. DiCosolo -----	36.00	21.03	14.97	.014
Albert R. Hock-----	117.00	70.10	46.90	.046
Edison Fuel & Material Co.---	47.25	28.04	19.21	.019
Raymond Keller -----	36.00	21.03	14.97	.014
F. J. Keller -----	36.00	21.03	14.97	.014
E. A. Keller Company-----	94.50	56.08	38.42	.038
Thomas Keller -----	18.00	10.35	7.65	.007
Rex Carter -----	36.00	21.03	14.97	.014
George E. Dolezal -----	42.75	25.23	17.52	.017
William Zeigler -----	27.00	16.82	10.18	.011
John T. Allmand -----	139.50	84.12	55.38	.054
Rolan Franzen -----	13.50	8.41	5.09	.005
Raymond Keller and Fred J. Keller, assignees of the estate of William A. Armstrong, Deceased ----	162.00	98.14	63.86	.064
Roy C. Garis, Administrator of the estate of Ralph I. Garis, deceased -----	1,408.50	343.56	564.94	.552
Mary A. Hoot -----	100.00	75.34	24.66	.039
L. L. Hoot -----	100.00	75.33	24.67	.039
Russel D. Hoot-----	100.00	75.33	24.67	.039

It is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the total deposit deficiency for the subject property in the amount of \$1,078.00, together with interest on such deficiency at the rate of 6% per annum from August 15, 1960, until the date of deposit of such deficiency sum; 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 (plus all accrued interest thereon) as shown in paragraph 12.

Upon receipt of such sum, the Clerk of this Court shall disburse:

1. From the deposit for Tract No. E-507, to C. S. Kornegay, Jeanette Kornegay, Wade H. Kornegay, Jr. and Fay Louise Confer, jointly, the sum of \$350.00, plus all of the accrued interest on the deposit deficiency for such tract.
2. From the deposit for Tract No. E-508 the balance due to each owner together with his fractional share of the accrued interest on the deposit deficiency as shown in the schedule for such Tract No. E-508 in paragraph 12 above.

ALLEN E. LARSON

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UNITED STATES DISTRICT JUDGE

APPROVED:

*Hubert A. Marlow*

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HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO. 5115
	)	
vs.	)	Tracts Nos. J-1029 and
	)	
345.00 Acres of Land, More or Less,	)	5720-S
Situate in Nowata and Rogers Counties,	)	
Oklahoma, and Harry E. Bagby, et al,	)	
and Unknown Owners,	)	
	)	
Defendants.	)	

**FILED**

FEB - 2 1965

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

J U D G M E N T

1.

NOW, on this 2 day of February, 1965, 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 December 21, 1964, and the Court after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

This Judgment applies only to the estates taken in Tracts Nos. J-1029 and 5720-S, as such tracts and estates are described in the Complaint and the Declaration of Taking, filed herein.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject tracts of land. Pursuant thereto, on January 31, 1961, the United States of America filed its Declaration of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

6.

On the filing of the Declaration of Taking, there 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 Report of Commissioners filed herein on December 21, 1964, is hereby accepted and adopted as a finding of fact as to the entire estate taken in Tract No. J-1029 and as to the lessor interest in the estate taken in Tract No. 5720-S. The amount of just compensation for the above described interests, as fixed by the Commission, is set out in paragraph 12 below.

8.

The owners of the leasehold interest in the estate taken in Tract No. 5720-S, together with the plaintiff, have executed and filed herein a Stipulation as to Just Compensation wherein they have agreed that the sum of \$2,650.00 is just compensation for such leasehold interest, and such stipulation should be approved.

9.

This Judgment will create a deficiency between the amount deposited as estimated compensation for Tract No. 5720-S and the award fixed by the Commission and the Court, but it will also create a surplus in the deposit for Tract No. J-1029. Such deficiency and surplus are shown in the schedule in paragraph 12 below. The surplus in the deposit for the one tract should be used, insofar as necessary, to supply the deficiency in the deposit for the other and the remaining surplus should be refunded to the plaintiff.

10.

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

11.

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

use the tracts described in paragraph 3 herein, and such property, to the extent of the estates described and for the uses and purposes described in the Declaration of Taking filed herein, is condemned, and title thereto is vested in the United States of America, as of the date of filing the Declaration of Taking, and all defendants herein and all other persons are forever barred from asserting any claim thereto.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, title to the estates taken herein in the subject tracts was vested in the defendants named as owners in the schedule below in this paragraph; the right to receive the just compensation for the estates taken herein in subject tracts is vested in the parties so named as their respective interests appear in such schedule; the Stipulation as to Just Compensation mentioned in paragraph 8 above and the Report of Commissioners of December 21, 1964, hereby are confirmed and the sums therein fixed are adopted as just compensation for the estates taken in the subject tracts, as shown by the following schedule:

TRACT NO. J-1029

Owners:

Lessor interest:

Douglas Blythe and  
Virginia Blythe  
Subject to mortgage to The First National  
Bank of Nowata.

Oil and gas leasehold interest:

Veva L. Borton  
D. P. Cobb  
R. Winfield Scott  
W. G. McCartney and  
Glen G. Hayes

Award of just compensation pursuant to Commissioners' Report -----\$12,725.00

Allocation of award, deposit and disburseals:

	<u>Lessor interest</u>	<u>Leasehold Interest</u>
Share of award pursuant to Commissioners' Report-	\$4,500.00	\$8,225.00
Deposited as estimated compensation -----	\$2,600.00	\$20,075.00
Disbursed to owners --	\$2,600.00	None
Balance due to owners---	\$1,900.00	\$8,225.00
Deposit deficiency -----	\$1,900.00	
Overdeposit -----		\$11,850.00

TRACT NO. 5720-S

Owners:

Lessor interest:

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

Leasehold interest:

Forest Oil Corporation ----- Working interest  
 Wisner Oil Company ----- Overriding royalty interest

Award of just compensation -----			\$5,245.00
	<u>Lessor</u>	<u>Working</u>	<u>Overriding</u>
	<u>Interest</u>	<u>Interest</u>	<u>Royalty</u>
			<u>Interest</u>
Share of award pursuant to Commissioners' Report	\$2,595.00		
pursuant to stipulation -----		\$2,550.00	\$100.00
Deposited as estimated compensation -----			\$2,850.00
Disbursed to owners -----	None	\$2,550.00	\$100.00
Balance due to owners -----	<u>\$2,595.00</u>	<u>None</u>	<u>None</u>
Deposit deficiency -----			\$2,395.00

13.

It Is Further ORDERED that the Clerk of this Court shall disburse from the deposit for Tract No. J-1029 certain sums as follows:

To Douglas Blythe, Virginia Blythe and The First National Bank of Nowata, jointly, the sum of \$2,356.62. (Being the balance due plus interest on the deficiency at 6% per annum from January 31, 1961 to February 2, 1965.)

To Treasurer of the United States of America the sum of \$3,922.80.

The balance due to the leasehold interest in Tract No. J-1029 may be disbursed by appropriate Order of Distribution as soon as the owners agree and advise the Court as to the amount which should be distributed to each owner.

14.

It Is Further ORDERED that the Clerk of this Court shall transfer the sum of \$2,970.58 from the deposit for Tract No. J-1029 to the deposit for Tract No. 5720-S. The Clerk then shall disburse from the deposit for

Tract No. 5720-S the total sum of \$3,170.58 (being the balance due plus interest on the deficiency at 6% per annum from January 31, 1961 to February 2, 1965) to the owners as follows:

To Mary Louise Conine -----	\$ 792.65
To Hugh Conine -----	\$ 792.65
To Julian W. Glass, Jr. -----	\$ 396.32
To Ernest Frances Bradfield -----	\$ 396.32
To Eva Payne Glass -----	\$ 792.64

/s/ Allen E. Barrow

---

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW  
Assistant United States Attorney

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

THE UNITED STATES OF AMERICA  
for the use and benefit of  
BUTLER-SPARKS EQUIPMENT COMPANY,  
a corporation,

Plaintiff

and

THE UNITED STATES OF AMERICA  
for the use and benefit of  
ALBERT & HARLOW, INC., a corporation

Consolidated Plaintiff

vs.

H. A. JOHNSON and N. H. ROANE,  
individually and as Partners,  
d/b/a ROANE and JOHNSON and  
UNITED STATES FIDELITY &  
GUARANTY COMPANY, a corporation

Defendants.

CIVIL ACTION

No. 5884

FILED

FEB - 8 1965

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

JOURNAL ENTRY OF JUDGMENT

On this 22nd day of January, 1965, the above entitled cause comes on and for hearing upon the motion of Use Plaintiff, Albert & Harlow, Inc., for summary judgment. Said plaintiff appeared by its counsel Sam P. Daniel, Jr., of Lupardus, Holliman & Huffman; defendant United States Fidelity & Guaranty Company appeared by its counsel Dave Sanders of McElroy & Whitten; defendant N. H. Roane appeared by its counsel Donald Church; and defendant, H. A. Johnson, appeared by his counsel, Timothy W. Dowd. The Court, after hearing the motion, considering all affidavits appended thereto, together with reference therein to the deposition filed in this case and hearing the arguments of counsel finds the facts and concludes as to the law as are set forth in the attached Findings of Facts and Conclusions of Law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

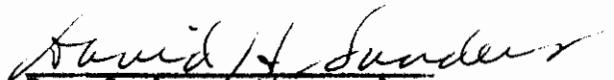
The motion for summary judgment of Albert & Harlow, Inc., is hereby sustained and granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff, Albert & Harlow, Inc., be and the same is hereby granted judgment against the defendants and each of them in the amount of \$3,962.27 together with its costs herein, for which let execution issue.

  
\_\_\_\_\_  
Judge of the District Court

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Donald Church, attorney for  
N. H. Roane

  
\_\_\_\_\_  
Dave Sanders, attorney for  
United States Fidelity & Guaranty Co.

  
\_\_\_\_\_  
Timothy W. Dowd, attorney for  
H. A. Johnson

~~ORIGINAL SIGNED BY~~  
SAM P. DANIEL, JR.

\_\_\_\_\_  
Sam P. Daniel, Jr., attorney  
for Albert & Harlow, Inc.

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

1. These actions arise under the Act of August 24, 1935, 49 Stats. 793 (40 U.S.C.A. 270a and 270b), known as The Miller Act, and jurisdiction is conferred on this court thereunder.

2. On or about the 18th day of December, 1962, defendants Johnson and Roane entered into a contract in writing (No. D-34-066-CIVENG-63-1577) with the United States of America wherein and whereby it was agreed that said defendants, as a Joint Venture, known as Johnson & Roane, were to perform the work of clearing lands in connection with the construction and completion of the Keystone Dam on the Arkansas River in Oklahoma, in accordance with the specifications, drawings, terms, and conditions specifically set forth in said contract, in consideration whereof, the United States of America agreed to pay to the defendants the sum of One Million Two Hundred Ninety-nine Thousand, Five Hundred Forty-two Dollars (\$1,299,542.00).

3. On or about the 18th day of December, 1962, pursuant to the aforesaid Miller Act, and pursuant to the terms of the aforesaid contract, the defendant Johnson & Roane, as principal, and the defendant United States Fidelity & Guaranty Company, as surety, for a good and valuable consideration duly made, executed, and delivered to the United States of America a bond for the protection of all persons supplying labor and materials in the prosecution of the work provided for in said contract for the use of each of such persons, conditioned as required by the said Act.

4. During the course of performance of the above-described contract, the defendants by and through H. A. Johnson and other agents, servants, and employees of defendants

Johnson and Roane, did order certain labor and materials to be furnished by Albert & Harlow, Inc. for use in and performance of such contract; and Albert & Harlow, Inc. did, from the 6th day of June, 1963, through and including the 28th day of February, 1964, agree to and in performance of said agreement supply parts, labor, materials, and services on certain pieces of clearing equipment owned and/or operated by the defendants herein in performance of said clearing contract.

That each of said parts and materials furnished and labor and services so performed were either delivered to or performed upon said equipment located at or used at the location of said reservoir clearing project and that each of said parts, material and said labor and services performed were in the nature of ordinary repairs and maintenance and were used and consumed in the performance of said clearing project.

5. That the reasonable and total value of said parts, material, labor and services so delivered and performed is \$3,962.27.

No payments have been made which would be credits in the above amount and that the amount thereof is due and payable and has been due and payable.

6. This claim of the plaintiff, Albert & Harlow, Inc. herein is a proper Miller Act claim and chargeable to the payment bond executed by H. A. Johnson, N. H. Roane, and the United States Fidelity & Guaranty Company, covering the Keystone Reservoir Clearing Project.

  
\_\_\_\_\_  
Judge of the District Court

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

ELIZABETH T. WALLACE, Widow of )  
Everett Wesley Wallace, deceased, )  
for herself and minor child, )  
FRANKLIN EVERETT WALLACE, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
M & M MFG. CO., of )  
Bradford, Pennsylvania, )  
 )  
Defendant. )

NO. 6068

FILED

FEB - 8 1965

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

ORDER SUSTAINING DEFENDANTS MOTION TO DISMISS  
AND SUMMARY JUDGMENT

NOW, on this 22nd day of January, 1965, there came on for hearing pursuant to regular assignment, defendants Motion to Dismiss and Summary Judgment. Plaintiffs appearing by and through their attorney, A. L. Coffey, and defendant appearing by and through his attorney Alfred B. Knight by Richard D. Wagner.

Upon argument of counsel, complete examination of the records and pleadings filed herein, and the Court being fully advised in the premises, makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

I

That this action was first begun in the Superior Court of Creek County, State of Oklahoma, against M & M Manufacturing Company, a resident and having its principal place of business in the state of Pennsylvania.

II

That Petition For Removal was filed herein on the 20th day of October, 1964, by M & M Manufacturing Company, same being proper and in all respects and compliance with the jurisdictional requirements of this court. That said defendant, M & M Manufacturing Company, is a "Trade Name" and Pringle Powder Company, a Corporation organized and incorporated under the laws of the State of Pennsylvania, and having its principal place of business in the City of Bradford, State of Pennsylvania, does business under such trade name, and that in fact M & M Manufacturing Company is not a separate legal entity, but the same as Pringle Powder Company.

III

Defendant, by way of answer, alleged that the plaintiff, Elizabeth T. Wallace, and her children, including Franklin Everett Wallace, did on the 6th day of March, 1963, recover judgment against Pringle Powder Company in the State Industrial Court, sitting in the City of Tulsa, State of Oklahoma, such remedy sought by plaintiff under and by virtue of the Workmen's Compensation

Laws of the State of Oklahoma. A certified copy of the proceeding in the State Industrial Court was attached to the Answer and marked Exhibit "A".

IV

That Pringle Powder Company, a Corporation, was and is the business association that the defendant plead and admitted was doing business under the Trade Name of M & M Manufacturing Company; and that Pringle Powder Company does business under the style and trade name of M & M Manufacturing Company, and in fact, both are one and the same and are not separate legal entities.

V

That the plaintiff, Elizabeth T. Wallace, is the same person as Elizabeth Teresa Wallace, and was a proper claimant in the State Industrial Court, in Oklahoma City, Oklahoma, in a certain Workman's Compensation Case, Claim No. D-16042. That the plaintiff did recover a judgment in her behalf and behalf of her minor children, same including Franklin Everett Wallace, in said State Industrial Court for the sum of FOURTEEN THOUSAND FIVE HUNDRED DOLLARS (\$14,500.00).

VI

That under the laws of the State of Oklahoma, this plaintiff, by her proceeding under the Oklahoma Workman's Compensation Laws did validly effect a proper recovery afforded her and said minor children under the substantive law of the State of Oklahoma; and that said recovery was exclusive and therefore would, and does estop further recovery as a result of the injury.

VII

That the electric time bomb, if having been made by the defendant improperly because of design, assembly, or manufacture, said bomb being used by the employee of the defendant, and assuming that said bomb did cause the death of the deceased while in the employment of the defendant, the fact that defendant had manufactured said appliance for the use of its employee would make no difference in the ruling of this Court on this Motion.

CONCLUSIONS OF LAW

I

That the Court has jurisdiction of the subject matter as the same is provided for by law, and that this Court has jurisdiction of the parties herein.

II

That the relief prayed for by defendant be granted, and that the Motion to Dismiss and for Summary Judgment filed by the defendant herein, be sustained, and that in particular the defendant has no obligation or liability to the plaintiff or any of them for the reason that the defendant M & M Manufacturing Company, is one and the same as Pringle Powder Company; and for the further reason that at the time of the death of Everett W. Wallace he was an employee of the defendant, Pringle Powder Company, and engaged in his employment at the time of the injuries that caused his death; and for the further reason that prior to the filing of this action at bar, Elizabeth T. Wallace, in her own behalf and for the minor children of said deceased, including Franklin Everett Wallace her son, did file in the State Industrial Court of the State of Oklahoma, proper pleading in a certain Workman's Compensation Case, Claim No. D-16042, and as a result of said Workman's Compensation Claim, did recover the amount of FOURTEEN THOUSAND FIVE HUNDRED DOLLARS (\$14,500.00) in favor of said plaintiff and her minor children; and for the further reason that said judgment entered by the State of Oklahoma, was paid to said plaintiff and minor children; and for the further reason and under the laws of the State of Oklahoma, by plaintiffs recovery under the Oklahoma Workman's Compensation Laws did validly effect a proper recovery afforded her under the substantive law of Oklahoma; that said recovery was exclusive and therefore would and does estop further recovery herein; and for the further reason that the alleged instrumentality causing the death of the deceased was allegedly manufactured by the defendants employer to be used by its employees, would have no effect upon the judgment of this Court, as plaintiffs election and recovery under the Workman's Compensation Law of the State of Oklahoma was a proper election and said recovery would be, and is, exclusive and in place of all other liability of the employer to the spouse or dependants of said deceased.

III

That the plaintiffs, and each of them, should be restrained and enjoined from proceeding further in any manner against the defendant herein by reason of the accident which occurred on the 19th day of December, 1962, wherein Everett W. Wallace did lose his life while in the scope of his employment by defendant.

Now on the findings of fact and conclusion of law heretofore made in this cause, the Court finds that the following should be entered and the clerk is ordered and directed to enter the same:



UNITED STATES DISTRICT COURT FOR THE

EASTERN DISTRICT OF CALIFORNIA

United States Insurance

Plaintiff,

Elisabeth Graham Young Railroad  
Company,

Defendant.

Civil No. 673

FILED

FEB - 6 1965

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

DEFAULT JUDGMENT

This cause came on to be heard on motion of the plaintiff for a default judgment for the relief demanded in the complaint, and it appearing the complaint and summons in this action were served on the defendant on April 4, 1964, as appears from the Marshal's return of service of said summons that the time within which the defendant may answer or otherwise move as to the complaint has expired that the defendant has not answered or otherwise moved and that the time for defendant to answer or otherwise move has not been extended.

It further appearing, as evidenced by the affidavit of the plaintiff that the defendant is neither an infant nor incompetent person, and that the defendant is not in the military service of the United States.

It further appearing plaintiff's claim against the defendant is for a sum certain which can by computation be made certain.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff recover of the defendant the amount prayed for in the sum of \$250.00 and the costs of this action.

Dated this 2 day of February 1965



UNITED STATES DISTRICT JUDGE

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

Dorothea Crow, Arthur Goettel, Alma M. Miller, )  
Ireva Stoner, Betty J. Edwards, Betty J. Fields, )  
Bonnie McCreedy Harper, Margaret Peacock, )  
Imogene Stoops, Florence Browning Dry, La Vana )  
Barger, Marguerite Williams, Loyce Mullin, )  
Jannett Jones, Louella Palmer, Della Martin, )  
Doris Wright, Deloris Nichols, Evelyn A. Tippit, )  
Arlene Easley, Joyce F. Douse, Gladys Roblyer, )  
Vivian L. King, Elizabeth E. Maurer, Lyndall )  
Herman, Dorothy Nell Cole, Wanda J. Reynolds, )  
Anna Louise Moates, Ruth Gebhart, Hazel Taylor, )  
Ruth Vaughan, Rosa Lea Anderson, Zelpha Louise )  
Barton, Imogene Harrison, Alfred Cole, Lyn Nell )  
Lemons, Lucille Heppel, Jessie Faye LaFolier, Alma )  
Ruth Simmons, Jewell M. Way, Sharon Stelle, )  
Nadine Ruth Woodard, Lela Rae Nowlin, Ina M. )  
Harrison, Helen Heatherly, Linda Heatherly, )  
Francis Dolores Harrington, Lela Jane Rhodes, )  
Frances Townsend, Carol Townsend, Betty L. )  
Riley, Patricia Dewett Housley, Lavon Rickner, )  
Virginia Rickner, Helen White, Louann Palmer, )  
Maxine Young, Rosalee Duffell, Rosemary McGhee )  
Hopkins, Carolyn French Elliott, Rachel Oswald, )  
Pearline Blevins, Clara Melloy, Georgia Minniear, )  
Alice L. Gilbert, Vera Guffey, Marsha Ratzloff, )  
Mary Jones, Charlotte J. Bailey Frost, June Yost, )  
Alma Couch, Johnnie Johnston, Iva Leatherman, )

Plaintiffs, )

vs. )

Glenn Berry Manufacturers, Inc., )

Defendants. )

*Civil Action*

No. 21966

6095

FILED

FEB - 8 1965

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

ORDER REMANDING CASE

Upon consideration of the Motion to Strike and Motion to Remand filed herein by the plaintiffs, the Court finds that both said motions should be granted.

The plaintiffs' initial pleading filed in this case was susceptible of at least two different interpretations as to the theory of recovery upon which plaintiffs were proceeding. This ambiguity was cleared up by the letter of January 15, 1964, from plaintiffs' counsel to the Court in response to the Court's specific inquiry regarding plaintiffs' theory of recovery. The reference to the Fair Labor Standards Act having been included in plaintiffs' petition by inadvertence and the gravamen of plaintiffs' theory of

recovery having no reference to this Federal legislation, the plaintiffs' Motion to Strike the phrase referring thereto will be sustained.

As plaintiffs' petition originally stood, being susceptible of at least two different interpretations as noted above, the Court would resolve this ambiguity in favor of State court jurisdiction in keeping with the philosophy of resolving doubts in such cases against removal jurisdiction and thus treating the reference to the Fair Labor Standards Act as mere surplusage.

Thus, as originally filed, and certainly as now amended by the striking out the surplus phrase, the petition would not sustain the jurisdiction of this Court and the case herein must be remanded.

Should, however, the Fair Labor Standards Act be inserted into the litigation to follow herein in State court or become an element in plaintiffs' recovery therein, it may be that Federal jurisdiction will then and there be properly found, and the defendant, if it so desires, will be in a position to assert removal proceedings anew. This is not anticipated, however, in view of counsel for plaintiffs' reply to the letter inquiry of the Court of January 13, 1965.

It is, therefore, ordered this 3rd day of February, 1965, that plaintiffs' Motion to Strike and Motion to Remand herein be sustained and this cause be remanded to the State District Court from which it was removed. The Clerk is directed to take the necessary actions to effectuate the return of this case to State court.

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

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

CIVIL ACTION NO. 4947

Tracts Nos. 6731-6A  
6731-6B  
6731-6C  
6732-1 and  
R-1865E

FEB 24 1965

J U D G M E N T

1.

NOW, on this 7<sup>th</sup> day of February, 1965, 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 December 21, 1964, and the Court after having examined the files in this action and being advised by counsel for the plaintiff finds that:

2.

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

3.

This Judgment applies only to the estates taken in the tracts enumerated in the caption above, as such tracts and estates 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 property. Pursuant thereto, on June 9, 1960, the United States of America filed its Declaration of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such Declaration of Taking.

6.

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

7.

The Report of Commissioners filed herein on December 21, 1964, is hereby accepted and adopted as a finding of fact as to the estates taken in the subject tracts. The amount of just compensation as to the subject tracts as fixed by the Commission is set out in Paragraph 11 below.

8.

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

9.

The defendants named in Paragraph 11 as owners of subject tracts are the only defendants asserting any interest in the estates condemned herein, all other defendants having either disclaimed or defaulted; the named defendants as of the date of taking were 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, described in the Declaration of Taking filed herein, and such property, to the extent of the estates described in the Declaration of Taking 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 such 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 tracts is vested in the defendants whose names appear below in this paragraph;

the Report of Commissioners of December 21, 1964, is hereby confirmed and the sums therein fixed are adopted as just compensation for subject tracts as shown by the following schedule:

TRACTS NOS. 6731-6A, 6731-6B, 6731-6C, 6732-1 AND R-1865E  
COMBINED

Owners:

Lessor interest in 6731-6A and 6731-6B:

Heirs of Mayme Levine, deceased, who are:  
Joe Nathan Levine -----1/2  
Harold Morton Levine -----1/2

Lessor interest in 6731-6C:

J. W. Bishop (also known as John W. Bishop)  
Maggie L. Bishop

Lessor interest in 6732-1:

Amax Petroleum Corporation  
(Successor in interest to American Climax Petroleum Company)

Lessor interest in R-1865E:

John W. Bishop and  
Maggie L. Bishop

Lessee interest in all 5 tracts:

Amax Petroleum Corporation

Award of just compensation for entire estates  
taken in all 5 tracts -----\$1,190.00

Allocation of award, deposits and disburseals:

	Lessor interest: in 6731-6A and 6731-6B	Lessor interest: in 6731-6C and R-1865	Lessor interest: in 6732-1 and Lessee interest: in all tracts	
Share of award pursuant to Commissioners' Report -----	\$115.00	\$ 25.00	\$1,050.00	:
Deposited as estimated compensation for all 5 tracts -----	:	:	:	\$ 725.00
Disbursed -----	None	None	\$ 650.00	:
Balance due to owners -----	\$115.00	\$ 25.00	\$ 400.00	:
Deposit deficiency for all 5 tracts -----				\$ 465.00

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit

of the owners the deposit deficiency for the subject tracts in the total sum of \$465.00, together with interest on such deficiency at the rate of 6% per annum from June 9, 1960, until the date of deposit of such deficiency sum; and such sum shall be credited to the deposits for subject tracts in this Civil Action. Upon receipt of such sum, the Clerk of this Court shall disburse from the combined deposits for the subject tracts certain sums as follows:

- To Joe Nathan Levine the sum of \$57.50 plus 4.83% of the accrued interest on the deposit deficiency for subject tracts.
- To Harold Morton Levine the sum of \$57.50 plus 4.83% of the accrued interest on the deposit deficiency for subject tracts.
- To John W. Bishop and Maggie L. Bishop, jointly, the sum of \$25.00 plus 2.1% of the accrued interest on the deposit deficiency for subject tracts.
- To Amak Petroleum Corporation the sum of \$400.00 plus 88.24% of the accrued interest on the deposit deficiency for subject tracts.

ALLEN H. HARRIS

---

UNITED STATES DISTRICT JUDGE

APPROVED:

*Hubert A. Marlow*

---

HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
  
Plaintiff,  
  
vs.  
  
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. 4622-1 and  
4623-6

FILED

FEB 4 1965

NOBLE CLARK  
Clark, U. S. District Court

J U D G M E N T

1.

NOW, on this 4 day of February 1965, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

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

3.

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

4.

Service of process has been perfected either personally, or by publication notice, as provided by Rule 71A of Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in subject 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 8, 1960, the United States of America filed its Declaration of Taking of such described property, and title to the described estates in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the registry of this Court, as estimated compensation for the taking of certain estates in subject tracts, a certain sum of money, and none of this deposit has been disbursed, as set out in paragraph 12 below.

7.

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

8.

The owners of the subject tracts and the United States of America have executed and filed herein a Stipulation as to Just Compensation wherein they have agreed that just compensation for the estates condemned in subject tracts is in the amount shown as compensation in paragraph 12 below, and such Stipulation should be approved.

9.

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

10.

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

11.

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

12.

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

TRACTS NOS. 4622-1 AND 4623-6

Owners:

Garland G. Boyd ----- 1/2  
June H. Collins ----- 1/2

Award of just compensation		
pursuant to stipulation -----	\$3,700.00	\$3,700.00
Deposited as estimated compensation -----		\$3,400.00
Disbursed to owners -----	None	
Balance due to owners -----	<u>\$3,700.00</u>	
Deposit deficiency -----		<u>\$ 300.00</u>

13.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the registry of this Court, in this Civil Action, to the credit of the subject tracts, the deficiency sum of \$300.00, and the Clerk of this Court then shall disburse from the deposit for the subject tracts certain sums as follows:

To Garland G. Boyd -----\$1,850.00  
To June H. Collins -----\$1,850.00

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

APPROVED:

\_\_\_\_\_  
HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

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

CIVIL ACTION NO. 4990  
Tracts Nos. R-1845 and  
6625-14

FILED  
FEB 4 1965

J U D G M E N T

NOTES  
Clerk, U.S. District Court

1.

NOW, on this 4 day of February, 1965, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on the Reports of Commissioners filed herein on December 21, 1964, and the court after having examined the files in this action and being advised by counsel for plaintiff finds:

2.

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

3.

This Judgment applies only to the estates taken in the tracts enumerated in the caption above, as such tracts and estates 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 August 11, 1960, the United States of America filed its Declaration of Taking of such tracts of land, and title to such tracts should be vested in the United States of America.

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 subject tracts certain sums of money and part of these deposits has been disbursed as set out in Paragraph 12 below.

7.

The Reports of Commissioners filed herein on December 21, 1964, are hereby accepted and adopted as a finding of fact as to all interests covered by such reports. The amounts of just compensation as to subject tracts as fixed by the Commission is set out in Paragraph 12 below:

8.

The owner of an undivided  $\frac{2}{3}$  interest in the estate taken in Tract No. R-1845 and the owners of  $\frac{1}{2}$  of the lessor interest in the estate taken in Tract No. 6625-14, and the owners of the oil and gas lessee interest in the estate taken in Tract No. 6625-14, together with the United States of America, have executed and filed herein certain stipulations as to just compensation whereby the parties have agreed upon the amount of just compensation for such described interests. These stipulations should be approved.

9.

This Judgment will create a deficiency between the amount deposited as estimated just compensation for Tract No. 6625-14 and the amount fixed by the Commission and the Court as just compensation for such tract, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out in Paragraph 12 below.

10.

The defendants named in Paragraph 12 as owners of 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.

11.

It Is Therefore ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tracts, as such tracts are described in the Declaration of

Taking filed herein, and such property, to the extent of the estate 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.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, title to the estates taken herein in subject tracts was vested in the defendants whose names appear in the schedule below in this paragraph; the right to receive the just compensation for the estates taken herein is vested in the parties so named, as their respective interests appear in such schedule; the Reports of Commissioners of December 21, 1964, and the stipulations mentioned in Paragraph 8 above hereby are confirmed and the sums therein fixed are adopted as just compensation for subject tracts, as shown by the following schedule:

TRACT NO. F-1845

Owners:

E. P. Montgomery ----- 2/3  
 (Now deceased and John T. Montgomery  
 is administrator of his estate.)

Heirs of George Conrad, deceased --- 1/3  
 (Area Director, Bureau of Indian  
 Affairs, should receive the award  
 for this interest.)

Award of just compensation ----- \$350.00  
 Allocated:

To Montgomery interest pursuant  
 to stipulation -----\$233.33

To Conrad interest pursuant to  
 Commissioner's Report -----\$116.67

Deposited as estimated compensation ----- \$350.00

Disbursed to owners:

To E. P. Montgomery ----- \$166.67

To George Conrad heirs -----\$ 79.37

Balance due to owners:

To E. P. Montgomery estate ---- \$ 66.66

To George Conrad heirs -----\$ 37.30

TRACT NO. 6625-14

Owners:

Lessor Interest:

Mattie K. Santrock and  
Eloise W. Dugger ----- 1/2

Bell Coble ----- 11/24

John F. Pendleton ----- 1/24

Oil and gas lessee interest:

Hinman Stuart Milam ----- 1/6

Mildred Viles ----- 1/6

Mary Stevenson ----- 1/6

P.I.C. Management Co., Inc. ----- 1/2

Total award of just compensation ----- \$2,275.00

Allocation of award:

	<u>Santrock &amp; Dugger 1/2 of lessor interest</u>	<u>Coble 11/24 of lessor interest</u>	<u>Pendleton 1/24 of lessor interest</u>	<u>Oil &amp; Gas lessee interest</u>
pursuant to Commissioners Report-----	\$300.00			
pursuant to stipulations-----		\$275.00	\$ 25.00	\$1,675.00
Deposited as estimated compensation-----				\$ 900.00
Disbursed to owners: -----	\$300.00	\$275.00	\$ 25.00	None
Balance due to owners -----	None	None	None	\$1,675.00
Deposit deficiency -----				\$1,375.00

13.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for Tract No. 6625-14 as shown in Paragraph 12, without interest, and such sum shall be placed in the deposit for Tract No. 6625-14 in this Civil Action. Upon receipt of such sum, the Clerk of this Court shall disburse certain sums as follows from the deposit for Tract No. 6625-14:

To Hirman Stuart Milam the sum of ----- \$279.17

To Mildred Viles the sum of ----- \$279.17

To Mary Stevenson the sum of ----- \$279.16

To P.I.C. Management Co., Inc. the sum of ----- \$837.50

14.

It Is Further ORDERED that the Clerk of this Court, forthwith shall disburse from the deposit for Tract No. R-1845 certain sums as follows:

To John T. Montgomery, administrator of the estate of E. P. Montgomery, deceased, the sum of --- \$66.66

To Area Director, Bureau of Indian Affairs, Muskogee Area Office, for the benefit of the heirs of George Conrad, deceased, the sum of ----- \$37.30

*s/ Allen C. 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

FILED  
FEB 4 1965

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

United States of America,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO. 5000
	)	
vs.	)	Tracts Nos.
	)	4731-S -- All interests except
493.75 Acres of Land, More or Less,	)	1/4 of lessor interest.
Situate in Rogers and Nowata Counties,	)	
Oklahoma, and Ivoy Byrd, et al,	)	5730-D -- All interests
and Unknown Owners,	)	K-1127 -- All interests
	)	T-2038 -- All interests
Defendants.	)	

J U D G M E N T

NOW, on this 3 day of February<sup>1</sup>, 1965, 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 December 21, 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 certain interests in the estates taken in the tracts listed in the caption above, as such tracts and estates are described in the Complaint and the Declaration of Taking filed herein. The interests covered are all interests in the estates taken in all four tracts except 1/4 of the lessor interest in Tract No. 4731-S.

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 August 19, 1960, the United States of America filed its Declaration of Taking of certain estates in such tracts of land and on January 11, 1961, filed an

amendment to such Declaration of Taking as to Tract No. 4731-S only, and title to such property should be vested in the United States of America, as of the date of filing such instruments.

6.

On the filing of the Declaration of Taking, and the amendment 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 Reports of Commissioners filed herein on December 21, 1964, are hereby accepted and adopted as findings of fact as to 3/4 of the lessor interest in the estate taken in Tract No. 4731-S, as to all interests in the estates taken in Tracts Nos. 5730-D and T-2038, and as to all interests except 99.75% of 7/96 interest in the estate taken in Tract No. K-1127. The amount of just compensation for the described interests in these tracts, as fixed by the Commission, is set out in paragraph 12 below.

8.

The owners of the oil and gas lessee interest in Tract No. 4731-S together with the plaintiff have executed and filed herein a Stipulation as to Just Compensation wherein they have agreed that the sum of \$12,000.00 is just compensation for such lessee interest, and such stipulation should be approved. Kirby Production Company, the owner of 99.75% of 7/96 interest in the estate taken in Tract No. K-1127, together with the plaintiff, has executed and filed herein a Stipulation as to Just Compensation wherein the parties have agreed that the sum of \$181.83 is just compensation for such interest and such stipulation should be approved.

9.

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 12 below.

10.

There is a dispute between the owner of the subsurface estate under Tract No. T-2038 and the owners of an oil and gas lease covering such tract,

as to whether such lease was in effect on the date of taking in this action. There is also a dispute about the ownership of an undivided 1/4 interest in the lessor interest in the estate taken in Tract No. 4731-S. These disputes will be resolved by a hearing before the Court at a later date. Therefore, the ownership of these interests should not be determined by this Judgment. As to the other interests in the subject tracts, the defendants named in paragraph 12 as owners of the estates taken in subject tracts are the only defendants asserting any interest in the estates condemned herein, all other defendants having either disclaimed or defaulted; the named defendants, as of the date of taking, were the owners of the estates condemned herein, and as such, are entitled to receive the awards of just compensation.

11.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power and authority to condemn for public use the property described in paragraph 3 herein, and such property, to the extent of the estates described and for the uses and purposes described in the Declaration of Taking and the amendment thereto filed herein, is condemned, and title thereto is vested in the United States of America, as of the date of filing the Declaration of Taking and its amendment, and all defendants herein and all other persons are forever barred from asserting any claim thereto. Provided that the Declaration of Taking and this Judgment do not include or cover any coal rights in Tract No. 4731-S, and such coal rights remain vested in the owners.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, title to the estates taken herein in the subject tracts, with the exceptions of Tract No. T-2038 and 1/4 of the lessor interest in Tract No. 4731-S, was vested in the defendants named as owners in the schedule below in this paragraph; the right to receive the just compensation for the estates taken herein in subject tracts is vested in the parties so named as their respective interests appear in such schedule; the Stipulations as to Just Compensation mentioned in paragraph 8 above and the Reports of Commissioners of December 21, 1964, hereby are confirmed and the sums therein fixed are adopted as just compensation for the estates taken in the subject tracts, as shown by the following schedule:

TRACT NO. 4731-S

3/4 of lessor interest and all lessee interest

Owners:

3/4 of lessor interest:

Ivoy Byrd -----1/4 (of whole lessor interest  
Blanche M. Jenkins ----- 1/4 (of whole lessor interest  
Ownership of remaining interest is undetermined.

Oil and gas lessee interest:

J. O. Wilburn and  
R. M. Wilburn, doing business as Wilburn Oil Company.

Award of Just Compensation -----\$16,211.00  
(Does not include any compensation  
for coal rights.)

Allocation of award, deposit and disbursals:

	3/4 of Lessor Interest			Lessee
	Ivoy	Blanche	Undeterm-	Interest
	Byrd	M. Jenkins	ined owners	
	Interest	Interest	Interest	
Share of award pursuant to Commissioners' Report -----	\$1,403.67	\$1,403.67	\$1,403.66	
Share of award pursuant to stipulation -----				\$12,000.00
Deposited as estimated compensation -----				\$14,475.00
Disbursed -----	\$ 825.00	None	None	\$12,000.00
Balance due -----	\$ 578.67	\$1,403.67	\$1,403.66	<u>None</u>
Deposit deficiency -----				\$1,736.00

TRACT NO. 5730-D

Owners:

Lessor interest:

First National Bank of Coffeyville, Kansas, Trustee  
under the will of Herbert L. Campbell, deceased ---- 1/2

Edward C. Lawson ----- 1/2  
(Now deceased and Edward C. Lawson, Jr.,  
is executor.)

Oil and gas leasehold interest:

Working interest:

John N. Liaskos ----- 1/2  
Veva L. Borton ----- 1/4  
E. J. Richter and  
Sue Richter ----- 1/4  
(E. J. Richter is now deceased and  
Sue Richter is only heir.)

Overriding Royalty interest:

L. F. Merrell

Award of just compensation  
pursuant to Commissioners' Report ----- \$31,000.00

Allocation of award, deposit and disbursements:

	Lessor Interest	Working Interest	Overriding Royalty Interest	
Share of award -----	\$7,000.00	\$21,500.00	\$2,500.00	
Deposited as estimated compensation -----				\$17,550.00
Disbursed to owners ----- (In fractional amounts as shown under owners.)	1,995.00	14,685.00	870.00	
Balance due -----	\$5,005.00	\$ 6,815.00	\$1,630.00	
Deposit deficiency -----				\$13,450.00

TRACT NO. K-1127

Owners:

H. T. Stanart ----- 2/3  
 George D. Hansen ----- 1/96  
 L. C. Colter (now deceased,  
 Carol Morgan is Executrix)----- 1/12  
 G. A. Sams ----- 1/12  
 L. G. Galamba, Jr. ----- 1/12  
 Yetta Rosenbloom ----- 1/8 of 1% of 7/96  
 Isabel Weber----- 1/8 of 1% of 7/96  
 Kirby Production Company ----- 99.75% of 7/96

Award of just compensation ----- (pursuant to Commissioners' Report on all interests except Kirby's, which was settled by stipulation)	\$2,500.00	\$2,500.00
Deposited as estimated compensation -----		\$2,500.00
Disbursed to owners -----	\$2,500.00	

TRACT NO. T-2038

Owners:

Undetermined

Award of just compensation -----	\$ 580.00	\$ 580.00
Deposited as estimated compensation -----		\$ 290.00
Disbursed to owners -----	<u>None</u>	
Balance due to owners -----	\$ 580.00	
Deposit deficiency -----		\$ 290.00

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the total deposit deficiency for the subject property in the amount of \$15,476.00, together with interest on such deficiency at the rate of 6% per annum from August 19, 1960, until the date of deposit of such deficiency sum; 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 (plus all accrued interest thereon) as shown in paragraph 12.

Upon receipt of such sum, the Clerk of this Court shall disburse from the deposits for the subject tracts certain sums as follow:

Tract No. 4731-S:

- To Ivoy Byrd the sum of \$578.67 plus 1/3 of all accrued interest on the deposit deficiency for this tract.
- To Blanche M. Jenkins the sum of \$1,403.67 plus 1/3 of all accrued interest on the deposit deficiency for this tract.

Tract No. 5730-D:

- To First National Bank of Coffeyville, Kansas, trustee under the will of Herbert L. Campbell, deceased the sum of \$2,502.50 plus .113% of all accrued interest on the deposit deficiency for this tract.
- To Edward C. Lawson, Jr., executor of the estate of Edward C. Lawson, deceased, the sum of \$2,502.50 plus .113% of all accrued interest on the deposit deficiency for this tract.
- To L. F. Merrell the sum of \$1,630.00 plus .081% of all accrued interest on the deposit deficiency for this tract.

The Court will enter appropriate Orders of Distribution for the balances on deposit for Tracts Nos. 4731-S, 5730-D and T-2038 as soon as the required deficiency deposit is made and the disputes mentioned in paragraph 10 have been resolved.

*18/ Allen E. Barron*  
 UNITED STATES DISTRICT JUDGE

APPROVED:

*15/ 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. )  
 )  
 279.50 Acres of Land, More or Less, )  
 Situate in Nowata and Rogers Counties, )  
 Oklahoma, and Charles F. Dominy, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

CIVIL ACTION NO. 5113  
Tracts Nos. 4636-11  
3601-3S  
4636-13

**FILED**

FEB -4 1965

J U D G M E N T

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

1.

NOW, on this 2 day of February, 1965, 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 December 21, 1964, and the Court after having examined the files in this action and being advised by counsel for the plaintiff finds that:

2.

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

3.

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

4.

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

5.

The Acts of Congress set out in Paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject tracts of land. Pursuant thereto, on December 21, 1964, 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 were deposited in the Registry of this Court as estimated compensation for the taking of the described estates in subject tracts, certain sums of money and part of these deposits has been disbursed, as set out in Paragraph 11 below.

7.

The Reports of Commissioners filed herein on December 21, 1964, are hereby accepted and adopted as findings of fact as to all tracts covered by such reports. The amounts of just compensation as to the subject tracts as fixed by the Commission are 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, as of the date of taking were 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 such property, 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.

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 December 21, 1964, are hereby confirmed and the sums therein fixed are adopted as the awards of just compensation for subject property as shown by the following schedule:

TRACTS NOS. 4636-11 and 3601-38

Owners:

American United Life Insurance Company ----- 1/4  
 Fred Lee Barger ----- 3/4

Award of Just Compensation  
 pursuant to Commissioners' Report ----- \$ 732.00

Allocated as follows:

To American ----- \$183.00  
 To Barger ----- \$549.00

Deposited as estimated compensation ----- \$ 325.00

Disbursed to owners:

To American ----- None  
 To Barger ----- \$187.50

Balance due to owners:

To American ----- \$183.00  
 To Barger ----- \$361.50

Deposit deficiency ----- \$ 407.00

TRACT NO. 4636-13

Owner:

Fred Lee Barger

Award of just compensation  
 pursuant to Commissioners' Report ----- \$210.00 \$ 210.00

Deposited as estimated compensation ----- \$ 125.00

Disbursed to owner ----- \$100.00

Balance due to owner ----- \$110.00

Deposit deficiency ----- \$ 85.00

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiencies for the subject tracts as shown in Paragraph 11, together with interest of such deficiencies at the rate of 6% per annum from January 31, 1961, until the date of deposit of such deficiency sums; and such sums shall be placed in the respective deposits for subject tracts in this Civil Action. Upon receipt of such sums, the Clerk of this Court shall disburse from the deposits for the subject tracts certain sums as follows:

Tracts Nos. 4636-11 and 3601-3S:

To American United Life Insurance Company the sum of \$183.00 plus 1/4 of the accrued interest on the deposit deficiency for this tract.

To Fred Lee Barger the sum of \$361.50 plus 3/4 of the accrued interest on the deposit deficiency for this tract.

Tract No. 4636-13:

To Fred Lee Barger the sum of \$110.00 plus all accrued interest on the deposit deficiency for this tract.

  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
HUBERT A. MARLOW  
Assistant United States Attorney

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

UNITED STATES OF AMERICA )  
for the Use of J. D. METCALFE, )  
INC., an Oklahoma corporation, )  
Plaintiff, )  
vs. )  
JACK L. BUTLER CONSTRUCTION CO., )  
INC., and COMMERCIAL INSURANCE )  
COMPANY OF NEWARK, NEW JERSEY, )  
Defendants. )

Civil No. 6032

FILED

FEB - 5 1965

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

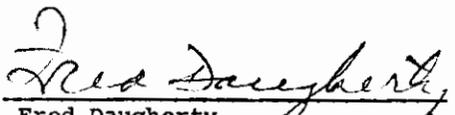
ORDER SUSTAINING MOTION FOR SUMMARY JUDGMENT

This matter coming on for hearing pursuant to plaintiff's motion for summary judgment, in accordance with Rule 56, and the defendant herein having by letter dated January 15, 1965 confessed said motion in all respects and particulars except as to allowance for attorney fees for and on behalf of the plaintiff herein, and the Court, being otherwise fully advised in the premises, finds that said motion for summary judgment should be and the same is hereby sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiff's motion for summary judgment be rendered for all items of rental recited therein, disallowing, however, any allowance for attorney fees for and on behalf of the plaintiff herein.

IT IS FURTHER ORDERED that an appropriate journal entry of judgment be prepared in accordance with this order, rendering judgment in favor of the plaintiff herein.

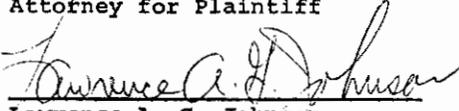
Executed at Oklahoma City, Oklahoma, this 5 day of February, 1965.

  
Fred Daugherty,  
United States District Judge.

APPROVED:



\_\_\_\_\_  
William K. Powers,  
Attorney for Plaintiff



\_\_\_\_\_  
Lawrence A. G. Johnson,  
Attorney for Defendants.

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

UNITED STATES OF AMERICA )  
for the Use of J. D. METCALFE, )  
INC., an Oklahoma Corporation, )  
Plaintiff, )

vs. )

JACK L. BUTLER CONSTRUCTION CO., )  
INC., and COMMERCIAL INSURANCE )  
COMPANY OF NEWARK, NEW JERSEY, )  
Defendants. )

Civil No. 6032

**FILED**

FEB -5 1965

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

JOURNAL ENTRY OF JUDGMENT

Now, on this 5 day of February, 1965, the Court having heretofore made and entered its order sustaining plaintiff's motion for summary judgment and allowing the same, the Court therefore enters judgment in favor of the plaintiff and against the defendants in the following amounts, with interest from the date set opposite said items at the rate of six percent per annum until paid:

\$2,750.00 rental "Cat" D-7 and Peerless Soil Cement Plant, from May 31, 1964;

\$210.00 rental, Distributor, from May 1, 1964;

\$60.00 rental, Truck Crane, May 25, 1964;

\$915.00 rental, Pugmill, June 9, 1964;

\$60.00 rental, Motor Crane, June 23, 1964.

Executed at Oklahoma City, Oklahoma, this 5 day of February, 1965.

*Fred Daugherty*  
Fred Daugherty,  
United States District Judge.

APPROVED:

*William K. Powers*  
William K. Powers,  
Attorney for Plaintiff.

*Lawrence A. G. Johnson*  
Lawrence A. G. Johnson,  
Attorney for Defendants.

IN UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF  
OKLAHOMA

United States of America for Use  
of Tulsa Equipment Company, a  
corporation,

Plaintiff,

-vs-

Jack L. Butler Construction  
Co., Inc., a corporation, and  
Commercial Insurance Company of  
Newark, a corporation,

Defendants.

No. 4102

**FILED**

FEB - 5 1965

JOURNAL ENTRY OF JUDGMENT NOBLE C. HOOD  
Clerk, U. S. District Court

Use plaintiff's Motion for Judgment against defendant,  
Jack L. Butler Construction Co., Inc., came on for hearing before  
the Court, and the Court finds there is no genuine issue as to any  
material fact and that use plaintiff is entitled to judgment in the  
sum of \$3,879.02, with interest thereon at the rate of six (6) percent  
from December 22, 1964, until paid, as a matter of law.

IT IS THEREFORE ORDERED that use plaintiff, Tulsa Equipment  
Company, a corporation, recover of the defendant, Jack L. Butler  
Construction Co., Inc., the sum of \$3,879.02 which amount includes  
attorney's fees and court costs, with interest thereon at the  
rate of (6%) six percent from December 22, 1964, until paid.

Dated this 5 day of February, 1965.

*Fred Daugherty*  
Fred A. Daugherty  
U. S. District Judge

APPROVED AS TO FORM:

*Harvey L. Harmon*  
OF FARMER, HARMON & SALTERFIELD  
Attorneys for Use Plaintiff

*Lawrence A. G. Johnson*  
OF FARMER, WOOLSEY, MATTO & BAYLEY  
Attorneys for Defendants

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. )  
 )  
 Defendants. )

CIVIL ACTION NO. 4952

Tracts Nos. U-2168E and  
U-2168E-2

**FILED**

FEB 10 1965

J U D G M E N T

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

1.

NOW, on this \_\_\_\_\_ day of February, 1965, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff finds:

2.

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

3.

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

4.

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

5.

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

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of certain estates in subject tracts a certain sum of money and none of this deposit has been disbursed, as set out in paragraph 12 below.

7.

On the date of taking in this action, the owner of the estates taken in subject tracts as described in paragraph 2 herein was the defendant whose name is shown in paragraph 12 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 estates taken in subject tracts and the United States of America have executed and filed herein a Stipulation as to Just Compensation, wherein they have agreed that just compensation for the estates condemned in such tracts is in the amount shown as compensation in paragraph 12, and such stipulation should be approved.

9.

A deficiency exists between the amount deposited as estimated compensation for the estates taken in subject tracts and the amount fixed by the Stipulation as to Just Compensation, and the amount of such deficiency should be deposited for the benefit of the owner. Such deficiency is set out in paragraph 12 below.

10.

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

11.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owner of the estates described in paragraph 2 herein, condemned herein in subject tracts, was the party whose name appears below in paragraph 12, and the right to receive the just compensation for the estates taken herein in these tracts is vested in the party so named.

12.

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

TRACTS NOS. U-2168E AND U-2168E-2

Owner:

Herbert L. Simpson

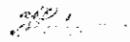
Award of just compensation		
pursuant to stipulation -----	\$450.00	\$450.00
Deposited as estimated compensation -----		\$300.00
Disbursed to owner -----	None	
Balance due to owner -----	\$450.00	
Deposit deficiency -----		\$150.00

13.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the Registry of this Court in this Civil Action, to the credit of subject tracts, the total deposit deficiency in the sum of \$150.00, and the Clerk of this Court then shall disburse from the deposit for such tracts the sum of \$450.00 to Herbert L. Simpson.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
\_\_\_\_\_  
HUBERT A. MARLOW  
Assistant United States Attorney

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-1611  
(Subsurface interest only)

Tract No. 5601-1  
(Lessor interest only)

**FILED**

FEB 10 1965

J U D G M E N T

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

1.

NOW on this \_\_\_\_\_ day of February, 1965, 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 subsurface interest in the estate taken in Tract No. P-1611 and to the lessor interest in the estate taken in Tract No. 5601-1, as such estates and tracts are described in the Complaint and Declaration of Taking filed herein.

3.

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

4.

Service of Process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in 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 interests described in Paragraph 2 herein. Pursuant thereto on August 11, 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 were deposited in the Registry of this Court as estimated compensation for the taking of the interests described in Paragraph 2, certain sums of money, and none of these deposits have been disbursed, as set out in Paragraph 12 below.

7.

On the date of taking in this action the owners of the interests described in Paragraph 2 above were the defendants whose names are shown in Paragraph 12 below. Such named defendants are the only persons asserting any interest in the described interests in the estates taken in such tracts, all other persons having either disclaimed or defaulted; and such named defendants are entitled to receive the just compensation for such described interests in the estates taken in these tracts.

8.

The owners of the interests described in Paragraph 2 above and the United States of America have executed and filed herein Stipulations as to Just Compensation, wherein they have agreed that just compensation for such described interests in the estates condemned in subject tracts is in the amounts shown as compensation in Paragraph 12, and such Stipulations should be approved.

9.

Deficiencies exist between the amounts deposited as estimated compensation for the interests described in Paragraph 2 above and the amounts fixed by the Stipulations as to Just Compensation, and the amounts of such deficiencies should be deposited for the benefit of the owners. Such deficiencies are set out in Paragraph 12 below.

10.

It Is Therefore ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in Paragraph 2 herein, as such tracts are particularly described in the Complaint and Declaration of Taking filed herein; and the subsurface interest only in Tract No. P-1611 and the lessor interest in Tract No. 5601-1, to the extent of the estates described in such Declaration of Taking, and for the uses and purposes therein indicated, 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 interests in such estates are forever barred from asserting any claim thereto.

11.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of Taking, the owners of the subsurface interest in the estate taken in Tract No. P-1611 and the lessor interest in the estate taken in Tract No. 5601-1 were the persons whose names appear below in Paragraph 12, and the right to just compensation for the interests taken herein in these tracts is vested in the parties so named.

12.

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

TRACT NO. P-1611 (Subsurface interest only)

Owner:

Emma E. Kell Mortlock

Award of just compensation pursuant to stipulation -----	\$1,000.00	\$1,000.00
Deposited as estimated compensation -----		\$ 750.00
Disbursed to owner -----	None	
Balance due to owner -----	<u>\$1,000.00</u>	
Deposit deficiency -----		<u>\$ 250.00</u>

TRACT NO. 5601-1 (Lessor Interest Only)

Owners:

Marcus Dale ----- 1/6  
 Delores Rozzell ----- 1/6  
 Carlie Ethel Dale ----- 1/6  
 Alice Dale ----- 1/4  
 Lucy Lee Dale ----- 1/4

Award of just compensation pursuant to stipulation -----	\$1,350.00	\$1,350.00
Deposited as estimated compensation -----		\$ 974.00
Disbursed to owners -----	None	
Balance due to owners -----	<u>\$1,350.00</u>	
Deposit deficiency -----		<u>\$ 376.00</u>

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the Registry of this Court in this Civil Action the total deposit deficiency of \$626.00, 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 as shown in Paragraph 12 above.

The Clerk of this Court then shall disburse certain sums as follows:

From the deposit for Tract No. P-1611, to Emma E. Kell Martlock  
the sum of -----\$1,000.00

From the deposit for Tract No. 5601-1, to:

- Marcus Dale -----\$ 225.00
- Delores Rozzell -----\$ 225.00
- Carlisle Ethel Dale -----\$ 225.00
- Alice Dale -----\$ 337.50
- Lucy Lee Dale -----\$ 337.50

UNITED STATES DISTRICT JUDGE

APPROVED:

HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
Plaintiff,  
vs.  
474.76 Acres of Land, More or Less,  
Situate in Nowata and Rogers Counties,  
Oklahoma, and C. S. Kornegay, et al,  
and Unknown Owners,  
Defendants.

CIVIL ACTION NO. 4994  
Leasehold interest in Tract No.  
E-509  
All interest in Tract No.  
G-713

**FILED**

FEB 10 1965

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

J U D G M E N T

1.

NOW on this 6 day of February, 1965, 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 to the entire estate taken in Tract No. G-713 and to the oil and gas leasehold interest only in the estate taken in Tract No. E-509, as such estates and tracts are described in the Complaint and Declaration of Taking filed herein.

3.

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

4.

Service of Process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in 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 August 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 were deposited in the Registry of this Court as estimated compensation for the taking of the interests described in paragraph 2, certain sums of money, and all of these deposits have been disbursed, as set out in paragraph 11 below.

7.

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

8.

The owners of the interests described in paragraph 2 above and the United States of America have executed and filed herein Stipulations as to Just Compensation, wherein they have agreed that just compensation for such described interests 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 the oil and gas leasehold interest only in Tract No. E-509 and all interests in Tract No. G-713, to the extent only of the estates described in such Declaration of Taking and for the uses and purposes therein described, 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 interests are forever barred from asserting any claim thereto.

10.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of Taking, the owners of the interests condemned herein in the subject tracts, as described in paragraph 2, were the persons whose names appear below in paragraph 11, and the right to just compensation for such interests taken herein in these tracts is vested in the parties so named.

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulations as to Just Compensation, mentioned in paragraph 8 above, hereby are confirmed; and the sums therein fixed are adopted as the awards of just compensation for the interests covered by this judgment, as follows, to wit:

TRACT NO. E-509  
Oil and Gas Leasehold Interest Only

Owner:

A. M. Maple

Award of just compensation pursuant to stipulation -----	\$1,000.00	\$1,000.00
Deposited as estimated compensation -----		<u>\$1,000.00</u>
Disbursed to owner -----	<u>\$1,000.00</u>	

TRACT NO. G-713

Owners:

Successors in interest of Gotham Oil and Gas Company,  
a defunct corporation, who are:

Wallace E. Meyers and ) -----	484/1171	
Margaret M. Schwartz ) -----		
Clara F. Wyvell -----	484/1171	
Lillian J. S. Smith and ) -----		
Helen B. Fluhrer ) -----	77/1171	
Anna B. Colburn -----	63/1171	
Fanny C. Moore Sawyer -----	63/1171	

Award of just compensation pursuant to separate stipulations -----	\$4,000.00	\$4,000.00
Deposited as estimated compensation -----		<u>\$4,000.00</u>
Disbursed to owners -----	<u>\$4,000.00</u>	

ALLEN E. BARRON.

-----  
UNITED STATES DISTRICT JUDGE

APPROVED:

*Hubert A. Marlow*

-----  
HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

3.45 Acres of Land, More or Less,  
Situate in Osage County, Oklahoma,  
and Ben Hurst, et al,  
and Unknown Owners,

Defendants. )

CIVIL ACTION NO. 4997

Tract No. E-38E

**FILED**

FEB 10 1965

J U D G M E N T

1.

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

Now, on this \_\_\_\_ day of February, 1965, this matter comes on for disposal on application of plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies only to the estate condemned in Tract No. E-38E, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in Paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described in Paragraph 2 herein. Pursuant thereto, on August 17, 1960, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the registry of this Court, as estimated compensation for the taking of a certain estate in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out in Paragraph 12 below.

7.

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

8.

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

9.

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

10.

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

11.

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

12.

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

TRACT NO. E-38E

Owners:

Ben Hurst and  
Enid M. Hurst  
Subject to a mortgage held by the Federal Land Bank  
of Wichita, Kansas.

Award of just compensation		
pursuant to stipulation -----	\$300.00	\$300.00
Deposited as estimated compensation -----		\$100.00
Disbursed to owners -----	None	
Balance due to owners -----	\$300.00	
Deposit deficiency -----		\$200.00

13.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the registry of this Court, in this Civil Action, to the credit of the subject tract, the deficiency sum of \$200.00. The Clerk of this Court then shall disburse such deposit as follows:

To Ben Hurst, Enid M. Hurst and The Federal Land Bank of  
Wichita, Kansas, jointly, the sum of \$300.00.

ALLEN E. ...

UNITED STATES DISTRICT JUDGE

APPROVED:

HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

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

CIVIL ACTION NO. 5223  
  
Tracts Nos. C-320E-2  
0-1543E-2  
0-1543E-3  
U-~~FILE~~ **FILED**

FEB 10 1965

J U D G M E N T

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

On FEB, 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  
enumerated 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.

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 August 7, 1961, 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.

4.

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 described estates in subject tracts, a certain sum of money, part of which has been disbursed as shown in paragraph 10.

5.

A pre-trial hearing in this case was held before the Court on December 14, 1964. Due notice of such hearing was given to all of the parties having known addresses. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. Charley R. Miller, Attorney, appeared on behalf of the Office of Solicitor, United States Department of Interior. None of the defendant owners appeared either in person or by attorney.

6.

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

Tract No. C-320E-2 -----	\$75.00
Tracts Nos. O-1543E-2 and O-1543E-3	
Lessor interest only -----	\$150.00
Tract No. U-2157E-2 -----	\$ 50.00

Such sums should be adopted as the awards of just compensation for the designated interests in the estates taken in the subject tracts and should be allocated to the various owners as shown in paragraph 10.

7.

The owners of the oil and gas leasehold interest (includes working interest and overriding royalty) in the estates taken in Tracts Nos. O-1543E-2 and O-1543E-3, together with the plaintiff, have executed and filed herein a Stipulation as to Just Compensation whereby they have agreed upon the sum of \$2,000.00 as just compensation for such described interest and such stipulation should be approved.

8.

The defendants named in paragraph 10 as owners of subject tracts are the only defendants asserting any interest in the estates condemned in the subject tracts, all other defendants having either disclaimed or defaulted; the named defendants are the owners of such estates, as of the date of taking,

and, as such, are entitled to receive the awards of just compensation. Provided that the owner of the life estate in the lessor interest in Tracts Nos. O-1543E-2 and O-1543E-3 is the one entitled to receive the award for such lessor interest.

Provided further that the Area Director, Bureau of Indian Affairs, United States Department of Interior, should receive the award due to the restricted Indians involved in this matter.

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 1 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 in such Declaration of Taking and for the uses and purposes therein indicated, are condemned and title thereto is vested in the United States of America as of August 7, 1961, and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto.

10.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in the subject tracts were the defendants whose names appear in the schedule below; the right to just compensation for the estates taken in these tracts is vested in the parties so named, as their interests appear therein. The sums hereby adopted as the awards of just compensation for the estates herein taken in subject tracts, are as set out in the schedule which follows, to wit:

TRACT NO. C-320E-2

Owners:

Heirs of Thomas Swimmer, deceased  
(Full Blood Cherokee, Roll No. 20328)

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

---





UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 279.50 Acres of Land, More or Less, )  
 Situate in Nowata and Rogers Counties, )  
 Oklahoma, and Charles F. Dominy, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

CIVIL ACTION NO. 5113

Tracts Nos. 5615-A  
5610-7 and  
5609-1

**FILED**

FEB 10 1965

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

J U D G M E N T

1.

Now, on this \_\_\_\_\_ day of February, 1965, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on stipulations agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

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

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power and authority to condemn for public use the estates described in paragraph 2 herein. Pursuant thereto on January 31, 1961, the United States of America filed its Declaration of Taking of such described property and title to the described estates in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there were deposited in the Registry of this Court as estimated compensation for the taking of certain estates in subject tracts certain sums of money and part of these deposits has been disbursed, as set out in paragraph 14 below.

7.

On the date of taking in this action, the owners of the estates taken in subject tracts as described in paragraph 2 herein were the defendants whose names are shown in paragraph 14 below. Such named defendants are the only persons asserting any interest in the estates taken in such tracts, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the estates taken in these tracts.

8.

The owners of  $\frac{4}{5}$  interest in the estate taken in Tract No. 5615-A and the owner of the estates taken in Tracts Nos. 5610-7 and 5609-1, together with the plaintiff have executed and filed herein certain Stipulations as to Just Compensation wherein they have agreed that just compensation for such described interests in the estates taken in the subject tracts is in the amounts shown as compensation in paragraph 14 and such stipulations should be approved.

9.

A pre-trial hearing in this case was held before the Court on October 27, 1964. John Snip and Julius James Snip, the owners of  $\frac{1}{5}$  interest in the estate taken in Tract No. 5615-A, did not appear at the pre-trial hearing and have made no other appearance in this case at any time.

10.

The Court has considered the plaintiff's evidence which was offered at the pre-trial hearing and finds that the fair market value of an undivided  $\frac{1}{5}$  interest in the estate taken in Tract No. 5615-A, as of the date of taking, was \$200.00. Such sum should be adopted as the award of just compensation for the described  $\frac{1}{5}$  interest.

11.

Certain deficiencies exist between the amounts deposited as estimated compensation for the subject tracts and the amounts fixed by the

parties and the Court as just compensation, and the amount of such deficiencies should be deposited for the benefit of the owners. Such deficiencies are set out in paragraph 14 below.

12.

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

13.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in subject tracts, were the parties whose names appear below in paragraph 14, and the right to just compensation for the estates taken herein in these tracts is vested in the parties so named.

14.

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 interests described in such paragraph 8. The sum of \$200.00 is adopted as the award of just compensation for the other 1/5 interest in the estate taken in Tract No. 5615-A, all as follows, to-wit:

TRACT NO. 5615-A

Owners:

1. Foster Terrell ----- 3/5
2. John Snip ----- 1/10
3. Julius James Snip ----- 1/10
4. Harold V. Aymer ----- 1/30  
(Now deceased and Eunice Aymer is  
legal representative of his estate.)
5. R. N. Aymer, guardian for Glen Aymer-- 1/30
6. Esther Gaines ----- 1/30
7. Edith Caldwell ----- 1/30
8. R. N. Aymer ----- 1/30
9. Murael McClintock ----- 1/30

Award of just compensation for all interests ----- \$1,500.00

Allocation of award, deposits and disburseals:

	1/5 Interest Owners Nos. 2 & 3	4/5 Interest All other owners	
Share of award pursuant to court hearing -----	\$200.00		
Share of award pursuant to stipulation -----		\$1,300.00	
Deposited as estimated compensation for all interests -----			\$1,000.00
Disbursed to owners:			
Owner Nos.			
1. -----		None	
2. -----	None		
3. -----	None		
4. -----		\$ 33.33	
5. -----		\$ 33.34	
6. -----		\$ 33.33	
7. -----		\$ 33.33	
8. -----		\$ 33.34	
9. -----		\$ 33.33	
Balance due to owners -----	\$200.00	\$1,100.00	
Deposit deficiency -----			\$ 500.00

TRACTS NOS. 5610-7 AND 5609-1

Owner:

Foster Terrell

Award of just compensation pursuant to stipulation -----	\$1,500.00	\$1,500.00
Deposited as estimated compensation -----		\$ 900.00
Disbursed to owner -----	None	
Balance due to owner -----	\$1,500.00	
Deposit deficiency -----		\$ 600.00

15.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the Registry of this Court in this Civil Action, to the credit of subject tracts, the total deposit deficiency in the sum of \$1,100.00, and such sum shall be allocated and credited to the deposits for the respective tracts in the amounts of the deposit deficiencies for the subject tracts as shown in paragraph 14 above.



UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 Plaintiff, )  
 vs. )  
 )  
 169.50 Acres of Land, More or Less, )  
 Situate in Nowata and Rogers County, )  
 Oklahoma, and Tom C. Burckhalter, et al. )  
 )  
 Defendants. )

CIVIL ACTION NO. 5400

Tracts Nos. 4732-G and  
4619-S

**FILED**

FEB 10 1965

J U D G M E N T

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

On \_\_\_\_\_, 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 enumerated 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.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tracts, as such tracts are particularly described in such Complaint. Pursuant thereto, on May 9, 1962, 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.

4.

Simultaneously with filing herein the Declaration of Taking, there were deposited in the Registry of this Court, as estimated compensation for

the taking of the described estates in subject tracts, certain sums of money, part of which has been disbursed as shown in paragraph 9.

5.

A pre-trial hearing in this case was held before the Court on December 14, 1964. Due notice of such hearing was given to all of the parties having known addresses. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. Mary E. Bible appeared in person. Wayne Breeiland appeared as attorney for H. M. McMillan. None of the other defendant owners appeared either in person or by attorney and no other persons have appeared at any time in connection with the subject tracts.

6.

The Court has considered the plaintiff's evidence offered at the pre-trial conference and has considered the option contracts executed by certain ones of the defendant owners as set forth in the Complaint, and finds that the decrease in market value of the ownerships under consideration, caused by this action, was as follows:

As to Tract No. 4732-G ----- \$638.00

As to Tract No. 4619-S ----- \$240.00.

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

7.

The defendants named in paragraph 9 as owners of subject tracts are the only defendants asserting any interest in the estates condemned in the subject tracts, all other defendants having either disclaimed or defaulted; the named defendants are the owners of such estates, 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 tracts named in paragraph 1 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 in such Declaration of Taking and for the uses and purposes therein indicated, are condemned and title thereto is vested in the United States of America as of May 9, 1962, and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto.

9.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in the subject tracts were the defendants whose names appear in the schedule below; the right to just compensation for the estates taken in these tracts is vested in the parties so named, as their interests appear therein. The sums hereby adopted as the awards of just compensation for the estates herein taken in subject tracts are as set out in the schedule which follows, to-wit:

TRACT NO. 4732-G

Owners:

Lessor interest:

W. L. Mullen ----- 1/16  
 H. M. McMillan ----- 1/16  
 Heirs of J. E. Bible, deceased ----- 7/8

Oil and gas lessee interest:

Tom C. Burckhalter

Award of just compensation for all interests -----	:	:	:	:	\$638.00
Allocation of award, deposit and disbursals:	:	:	:	:	
	:	:	:	:	
	:	Mullen and	:	:	
	:	McMillan	:	Bible	:
	:	Interest	:	Interest	:
	:		:	Lessee	:
	:		:	Interest	:
Share of award pursuant	:	:	:	:	:
to option contract -----	:	\$26.62	:		:
	:		:	\$425.00	:
Share of award pursuant	:	:	:	:	:
to Court hearing -----	:		:	\$186.38	:
	:		:		:
Deposited as estimated	:	:	:	:	:
compensation -----	:		:		:
	:		:		:
	:		:		\$638.00
Disbursed to owners -----	:	\$26.62	:	None	:
	:		:	\$425.00	:
Balance due to owners ----	:	None	:	\$186.38	:
	:		:	None	:

Owners:

Harry L. Reichman -----	1/4
Lulu C. Schorn -----	1/4
C. M. Easter and ) -----	1/2
Lillie M. Easter ) -----	

Award of just compensation for all interests -----		\$240.00
Allocation of award, deposit and disbursements:		
	: Reichman : Schorn : Easter	
	: Interest : Interest : Interest	
Share of award pursuant to option contract---	:	\$120.00
Share of award pursuant to Court hearing ----	\$60.00 : \$60.00 :	
Deposited as estimated compensation -----	:	<u>\$240.00</u>
Disbursed to owners-----	None : None : \$120.00	
Balance due to owners----	\$60.00 : \$60.00 : None	

10.

It Is Further ORDERED that the balance on deposit for the subject tracts shall not be disbursed at this time because the identity of the heirs of J. E. Bible, deceased, is not known, and the whereabouts of Harry L. Reichman and Lulu C. Schorn is not known. Appropriate Orders of Distribution will be entered by the Court upon proper application by any of such owners.

In the event that the balances due to such defendants remain on deposit for a period of 5 years from the date of filing this judgment, then after that period, the Clerk of this Court, without further order shall disburse the balances on deposit for subject tracts, in this action 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.  
169.50 Acres of Land, More or Less,  
Situate in Nowata and Rogers Counties,  
Oklahoma, and Tom C. Burckhalter, et al,  
and Unknown Owners,  
Defendants.

CIVIL ACTION NO. 5400  
Tracts Nos. 5602-8 and  
5611-5

FILED

FEB 10 1965

J U D G M E N T

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

1.

Now, on this 9 day of February, 1965, this matter comes on

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

2.

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

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint  
herein give the United States of America the right, power, and authority  
to condemn for public use the estates described in paragraph 2 herein.  
Pursuant thereto, on May 9, 1962, the United States of America filed its  
Declaration of Taking of such described property, and title to the described  
estates in such property should be vested in the United States of America  
as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of certain estates in subject tracts, a certain sum of money, and none of these deposits has been disbursed, as set out in paragraph 12 below.

7.

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

8.

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

9.

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

10.

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

11.

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

12.

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

TRACTS NOS. 5602-8 AND 5611-5

Owners:

R. B. Vandagriff and  
Louise M. Vandagriff

Award of just compensation		
pursuant to stipulation -----	\$1,725.00	\$1,725.00
Deposited as estimated compensation -----		\$1,225.00
Disbursed to owners -----	None	
Balance due to owners -----	<u>\$1,725.00</u>	
Deposit deficiency -----		<u>\$ 500.00</u>

13.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the Registry of this Court, in this Civil Action, to the credit of the subject tracts, the deficiency sum of \$500.00, and the Clerk of this Court then shall disburse from such deposit, to R. B. Vandagriff and Louise M. Vandagriff, jointly, the sum of \$1,725.00.

**ALLEN E. BARROW**

UNITED STATES DISTRICT JUDGE

APPROVED:

HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
252.62 Acres of Land, More or Less, )  
Situate in Nowata and Rogers Counties, )  
Oklahoma, and Thomas A. Jirik, et al, )  
and Unknown Owners, )  
 )  
Defendants. )

CIVIL ACTION NO. 5406  
Tract No. 6635-B  
(Lessor interest only)

**FILED**

FEB 10 1965

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

J U D G M E N T

1.

Now, on this 9 day of February, 1965, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies only to the lessor interest in the estate taken in Tract No. 6635-B, as such estate and tract are described in the Declaration of Taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in Paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described in Paragraph 2 herein. Pursuant thereto, on May 17, 1962, the United States of America has filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the registry of this Court, as estimated compensation for the lessor interest in the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out in Paragraph 12 below.

7.

On the date of taking in this action, the owner of the lessor interest in the estate taken in subject tract was the defendant whose name is shown in Paragraph 12 below, and such named defendant is entitled to receive the just compensation for the estate taken in this tract.

8.

The owner of the lessor interest in the estate taken in subject tract and the United States of America have executed and filed herein a Stipulation as to Just Compensation wherein they have agreed that just compensation for such interest in subject tract is in the amount shown as compensation in Paragraph 12 below, and such Stipulation should be approved.

9.

A deficiency exists between the amount deposited as estimated compensation for the lessor interest in the estate taken in subject tract and the amount fixed by the Stipulation as to Just Compensation, and the amount of such deficiency should be deposited for the benefit of the owner. Such deficiency is set out in Paragraph 12 below.

10.

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

11.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owner of the lessor interest in the estate condemned herein in subject tract was the defendant whose name appears below in Paragraph 12, and the right to just compensation for such lessor interest in the estate taken herein in this tract is vested in the party so named.

12.

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

TRACT NO. 6635-B  
Lessor interest only

Owner:

E. P. Montgomery  
(now deceased and John T. Montgomery is administrator.)

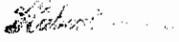
Award of just compensation		
pursuant to stipulation -----	\$100.00	\$100.00
Deposited as estimated compensation -----		\$ 65.00
Disbursed to owner -----	None	
Balance due to owner -----	\$100.00	
Deposit deficiency -----		<u>\$ 35.00</u>

13.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the registry of this Court, in this Civil Action to the credit of Tract No. 6635-B, the deficiency sum of \$35.00 and the Clerk of this Court then shall disburse from the deposit for the subject tract the sum of \$100.00 to John T. Montgomery, administrator of the estate of E. P. Montgomery, deceased.

APPROVED:

UNITED STATES DISTRICT JUDGE

  
HUBERT A. MARLOW  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 402.50 Acres of Land, More or Less, )  
 Situate in Nowata County, Oklahoma, )  
 and Francis N. Kincaide, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

CIVIL ACTION NO. 5404

Tracts Nos. 6636-11  
6626-5  
6626-5b  
6623-9 and  
6626-6  
6627-1S  
6623-N and  
6622-I  
6623-8 and  
6626-7

FILED  
FEB 11 1965  
NOTICE  
Clerk, U.S. District Court

J U D G M E N T

On FEB 11 1965, 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 enumerated 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.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tracts, as such tracts are particularly described in such Complaint. Pursuant thereto, on May 17, 1962, 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.

4.

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

5.

A pre-trial hearing in this case was held before the Court on December 14, 1964. Due notice of such hearing was given to all of 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 defendant owners appeared either in person or by attorney.

6.

The owner of the working interest in an oil and gas lease covering all of subject tracts except Tract No. 6636-11, together with the plaintiff, has executed and filed herein a Stipulation as to Just Compensation wherein they have agreed upon the award of just compensation for the interest of such owner in the estate taken in subject tracts, and such stipulation should be approved.

7.

The Court has considered the plaintiff's evidence offered at the pre-trial conference and has considered the Stipulation described in paragraph 6 and finds that the fair market value of the estate taken in Tract No. 6636-11, as of the date of taking, was \$3,000.00. The Court further finds that the decrease in fair market value of all the other ownerships under consideration, caused by this action, is in the total amount of \$12,605.00. Such sums should be adopted as the awards of just compensation for the estates taken in the subject tracts and should be allocated to the various owners as shown in paragraph 10.

8.

The defendants named in paragraph 10 as owners of subject tracts are the only defendants asserting any interest in the estates condemned in the subject tracts, all other defendants having either disclaimed or defaulted; the named defendants are the owners of such estates, as of the date of taking, and, as such, are entitled to receive the awards of just compensation.

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 1 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 in such Declaration of Taking and for the uses and purposes therein indicated, are condemned and title thereto is vested in the United States of America as of May 17, 1962, 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 tracts were the defendants whose names appear in the schedule below; the right to just compensation for the estates taken in these tracts is vested in the parties so named, as their interests appear therein. The Stipulation described in paragraph 6 above hereby is approved. The sums hereby adopted as the awards of just compensation for the estates herein taken in subject tracts and the manner in which the awards should be allocated among the owners are as set out in the schedule which follows, to-wit:

TRACT NO. 6636-11

Owner:

Francis N. (a/k/a Frank N. or F. N.) Kincaide

Award of just compensation pursuant to Court hearing -----	\$3,000.00	\$3,000.00
Deposited as estimated compensation -----		<u>\$3,000.00</u>
Disbursed to owner -----	\$2,700.00	
Balance due to owner -----	\$ 300.00	

TRACTS NOS.

6626-5, 6626-5b, 6623-9, 6626-6, 6627-1S  
6623-N, 6622-I, 6623-8 AND 6626-7 COMBINED

Owners:

Interest No. 1:

Lesser interest in all of these tracts except  
 Tracts Nos. 6623-N and 6622-I:

Clara I. Daugherty -----	50% and 1/2 of 19.51%
Merl Smith and ) -----	1/2 of 19.51%
John Merle Smith ) -----	
Nellie Augusta Miller -----	12.196%
Edgar C. Welsh -----	18.294%



1. From the deposit for Tract No. 6636-11,

to Francis N. Kincaide the sum of \$300.00.

2. From the combined deposits for Tracts Nos. 6626-5, 6626-5b,  
6623-9 and 6626-6, 6627-1S, and 6623-8 and 6626-7, to:

Clara I. Daugherty ----- \$1,929.20

Merl Smith and  
John Merle Smith, jointly ---- \$ 604.20

Nellie Augusta Miller ----- \$1,106.65  
Edgar C. Welsh ----- \$1,659.95

---

UNITED STATES DISTRICT JUDGE

APPROVED:

---

HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

252.62 Acres of Land, More or Less,  
Situate in Nowata and Rogers Counties,  
Oklahoma, and Thomas A. Jirik, et al,  
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 5406 ✓

Tract No. 6730-2

FILED

FEB 11 1965

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

J U D G M E N T

On FEB 11 1965, 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. 6730-2, 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.

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 May 17, 1962,  
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.

4.

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 described estate in subject tract, a certain sum of money, none of which has been disbursed as shown in paragraph 9.

5.

A pre-trial hearing in this case was held before the Court on December 14, 1964. Due notice of such hearing was given to all of 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 defendant owners appeared either in person or by attorney and no other persons have appeared at any time in connection with the subject tract.

6.

The Court has considered the plaintiff's evidence offered at the pre-trial conference and finds that the decrease in market value of the ownership under consideration, caused by this action, was \$75.00. Such sum should be adopted as the award of just compensation for the estate taken in the subject tract.

7.

The defendants named in paragraph 9 as owners of subject tract are the only defendants asserting any interest in the estate condemned in the subject tract, all other defendants having either disclaimed or defaulted; the named defendants are 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 tract named in paragraph 1 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 in such Declaration of Taking and for the uses and purposes therein indicated, is condemned and title thereto is vested in the United States of America as of May 17, 1962, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim thereto.



UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

198.39 Acres of Land, More or Less,  
Situate in Nowata County, Oklahoma,  
and Forest Oil Corporation, et al,  
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 5409

Tract No. 6719-D

**FILED**

FEB 11 1965

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

J U D G M E N T

On FEB 11 1965, 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. 6719-D, 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.

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 May 21, 1962, 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.

4.

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 described estate in subject tract, a certain sum of money, none of which has been disbursed as shown in paragraph 9.

5.

A pre-trial hearing in this case was held before the Court on December 14, 1964. Due notice of such hearing was given to all of 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, Forest Oil Corporation, was present by its agent, Arthur Robinson. John M. Wall appeared as attorney for Rigdon-Bruen Oil Company. None of the other defendants appeared either in person or by attorney and no other persons have appeared at any time in connection with the subject tract.

6.

The Court was advised at the pre-trial conference that the owners of the estate taken in the subject tract, together with the Plaintiff, have executed an option contract, as alleged in the Complaint, wherein the parties have agreed upon the amount of just compensation for the estate taken in this tract. Such contract should be approved and the sum therein fixed should be adopted as the award of just compensation.

7.

The defendants named in paragraph 9 as owners of subject tract are the only defendants asserting any interest in the estate condemned in the subject tract, all other defendants having either disclaimed or defaulted; the named defendants are 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 tract named in paragraph 1 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 in such Declaration of Taking and for the uses and purposes therein indicated, is condemned and title thereto is vested in the United States of America as of May 21, 1962,

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

9.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estate condemned herein in the subject tract were the defendants whose names appear in the schedule below; the right to just compensation for the estate taken in this tract is vested in the parties so named. The option contract described in paragraph 6 above is approved and the sum therein fixed is adopted as the award of just compensation for the estate herein taken in subject tract, as set out in the schedule which follows, to-wit:

TRACT NO. 6719-D

Owners:

Lessor interest:

Lawson Petroleum Company

Oil and gas lessee interest:

Rigdon-Bruen Oil Company

Award of just compensation			
pursuant to option contract -----			\$4,425.00
			:
Allocation of award, deposit and disbursements:			:
			:
	: Lessor	: Lessee	:
	: Interest	: Interest	:
	: -----	: -----	:
Share of award			:
pursuant to option -----	\$350.00	\$4,075.00	:
			:
Deposited as estimated			:
compensation -----			\$4,425.00
			:
Disbursed to owners -----	None	None	:
			:
Balance due to owners -----	\$350.00	\$4,075.00	:

10.

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

- To Rigdon-Bruen Oil Company ---- \$4,075.00
- To Lawson Petroleum Company ---- \$ 350.00

*[Signature]*  
UNITED STATES DISTRICT JUDGE

APPROVED:

*[Signature]*  
HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 460.50 Acres of Land, More or Less, )  
 Situate in Nowata and Rogers Counties, )  
 Oklahoma, and Jess Larson, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

CIVIL ACTION NO. 5411  
Tracts Nos. D-464 and  
6623-11

**FILED**  
FEB 11 1965

J U D G M E N T

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

On FEB 11 1965, 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 enumerated 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.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tracts, as such tracts are particularly described in such Complaint. Pursuant thereto, on May 22, 1962, 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.

4.

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

5.

A pre-trial hearing in this case was held before the Court on December 14, 1964. Due notice of such hearing was given to all of 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 defendant owners appeared either in person or by attorney.

6.

All of the owners of the estate taken in Tract No. 6623-11, with the exception of Harrill Rockett and M. Roberta Rockett, have executed, together with the Plaintiff, an option contract as alleged in the Complaint wherein they have agreed upon the amount of just compensation for the estate taken in such tract. Such option contract should be approved.

7.

The Court has considered the Plaintiff's evidence offered at the pre-trial conference and has considered the option contract described in paragraph 6 above and finds that the fair market value of an undivided 1/2 interest in the estate taken in Tract No. D-464 was \$97.00. The Court further finds that the decrease in market value of the estate taken in Tract No. 6623-11, caused by this action, was \$1,200.00. Such sums should be adopted as the awards of just compensation for the estates taken in subject tracts and should be allocated to the various owners as shown in paragraph 10.

8.

The defendants named in paragraph 10 as owners of subject tracts are the only defendants asserting any interest in the estates condemned in the subject tracts, all other defendants having either disclaimed or defaulted; the named defendants are the owners of such estates, as of the date of taking, and, as such, are entitled to receive the awards of just compensation.

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 1 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 in such Declaration of Taking and for the uses and purposes therein indicated, are condemned and title thereto is vested in the United States of America as of May 22, 1962 and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto.

10.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in the subject tracts were the parties whose names appear in the schedule below; the right to just compensation for the estates taken in these tracts is vested in the parties so named, as their interests appear therein. The option contract described in paragraph 6 above is confirmed. The sums hereby adopted as the awards of just compensation for the estates herein taken in subject tracts, and the manner in which the awards are allocated are as set out in the schedule which follows, to-wit:

TRACT NO. D-464

## Owners:

Patsy Carver -----	1/2		
United States of America -----	1/2		
(By prior direct purchase)			
Award of just compensation for 1/2 interest, pursuant to Court hearing -----		\$97.00	\$97.00
Deposited as estimated compensation -----			<u>\$97.00</u>
Disbursed to owner -----	None		
Balance due to owner -----		<u>\$97.00</u>	

Owners:

Lessor interest:

Lawson Petroleum Company and  
Edward C. Lawson

Oil and gas lessee interest:

Jack Kaufman and  
Amboline Kaufman ----- 3/8

Meredyth F. Joyal and  
Alberta M. Joyal ----- 1/4

Harold A. Wasson and  
Maudine Wasson ----- 1/4

Harrill Rockett and  
M. Roberta Rockett ----- 1/8

Award of just compensation for entire estate taken -----: \$1,200.00

Allocation of award, deposit and disburseals:

	: Lessor	: Lessee	
	: Interest	: Interest	
	-----		
Share of award pursuant to	:	:	:
Option Contract and	:	:	:
Court hearing -----	\$600.00	\$600.00	:
Deposited as estimated	:	:	:
compensation -----	:	:	: <u>\$1,200.00</u>
Disbursed to owners -----	\$600.00	None	:
Balance due to owners -----	None	\$600.00	:

11.

It Is Further ORDERED that the Clerk of this Court shall disburse from the deposit for Tract No. 6623-11 certain sums as follows:

To Jack Kaufman and Amboline Kaufman, jointly,  
the sum of ----- \$225.00

To Meredyth F. Joyal and Alberta M. Joyal, jointly,  
the sum of ----- \$150.00

To Harold A. Wasson and Maudine Wasson, jointly,  
the sum of ----- \$150.00

To Harrill Rockett and M. Roberta Rockett, jointly,  
the sum of ----- \$ 75.00

The award for Tract No. D-464 due to Patsy Carver shall not be disbursed at this time. An appropriate order of distribution will be entered when the whereabouts of such defendant becomes known.



of \$40,495.27; that a deficiency in the amount of \$5,395.27 resulted from such sale; that, at the time of the filing of said Motion, the defendants were entitled to credit in the total amount of \$750.00, reducing such deficiency to \$4,645.27; that an additional rental payment of \$250.00, for the month of January, 1965, has been received by plaintiff, for which defendants are entitled to credit, leaving a deficiency amount now owing of \$4,395.27, for which judgment should be entered.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that the Motion of plaintiff for Leave to Enter Deficiency Judgment against defendants Pete G. Clark, one and the same person as Pete Clark, and Evelyn Clark, one and the same person as Evelyn L. Clark, husband and wife, be and the same is hereby sustained,

AND IT IS BY THE COURT ORDERED, ADJUDGED AND DECREED that plaintiff have and is hereby granted, deficiency judgment against defendants Pete G. Clark, one and the same person as Pete Clark, and Evelyn Clark, one and the same person as Evelyn L. Clark, in the amount of \$4,395.27, and for costs accruing herein; for all of which let execution issue.

  
Allen E. Barrow  
United States District Judge

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

RANDY ALLAN THOMAS, a minor, )  
by and through his next friend, )  
DOYLE WATSON, )  
Plaintiff, )

-vs- )

HAROLD R. DORSEY, the administrator )  
of the Estate of Callie Grace Thomas, )  
deceased, and the Chicago, Rock )  
Island and Pacific Railroad Company, )  
a corporation, )  
Defendants. )

No. 6081-Civil

**FILED**

FEB 11 1965

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

ORDER

The above styled case came on for hearing before this Court on the 22nd day of January, 1965, by regular notice to Charles E. Daniel, attorney of record for plaintiff, and Loyd Benefield, attorney of record for defendant, Chicago, Rock Island and Pacific Railroad Company, and the Court being fully informed finds that said case should be dismissed under Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this case is hereby dismissed under Rule 41(b) of the Federal Rules of Civil Procedure, and the plaintiff be allowed an exception thereto.

*Luther Bohannon*  
UNITED STATES DISTRICT JUDGE

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

MRS. ROBERT E. FREEMAN, )  
 )  
 Plaintiff )  
 )  
 -vs- )  
 )  
 LAURA JOAN HICKS, )  
 )  
 Defendant )

NO. 6003 Civil

FILED

FEB 2 1965

MOTION FOR DISMISSAL WITH  
PREJUDICE

NEVILLE C. MOOD  
Clerk, U. S. District Court

Comes now the above named plaintiff and moves the Court  
to dismiss this cause with prejudice to her rights to the bringing of a  
future action.

13/ Mrs Robert E. Freeman  
Plaintiff

William A. Taylor  
Attorney for Plaintiff

ORDER OF DISMISSAL WITH PREJUDICE

Now on this 12 day of February, 1965, this cause comes on for  
hearing on plaintiff's request to dismiss this cause with prejudice. The Court  
being fully advised in the premises finds that the cause and all issues herein  
have been fully settled and compromised as between the parties and the Court  
finds that the cause should be and the same is hereby dismissed with prejudice.

15/ Allen E. Barron  
JUDGE

Approved as to form:

13/ Richard D. Gibson  
Attorney for Plaintiff

18/ Robert L. Shepherd  
Attorney for Defendant

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

GRAND RIVER DAM AUTHORITY, )  
a public corporation, )

Petitioner, )

vs. )

6 TRACTS OF LAND CONSISTING  
of 424.4 ACRES, MINNIE M.  
MARTIN, et al., )

Defendants. )

Civil No. 5774

**FILED**

FEB 15 1965

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

NOW, on this the 15 day of February, 19 65, the Court considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

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

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 7th day of November, 19 63 / as modified by the stipulation should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 7th day of November, 19 63, as modified is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein. The lands and/or estate taken are described as follows, to-wit:

TRACT NO. 1 (6 MF 40 + FE REV.)

(Fee Title To & Perpetual Easement Upon)

FEE TITLE TO:

The following described land situated in Mayes County, Oklahoma, to-wit: Those parts of the south 13.95 acres of Lot 1, the east 16.95 acres of Lot 2, Lot 4, the west 19.85 acres of Lot 3, and that part of Lot 8 lying south of the west 19.85 acres of Lot 3 lying south and west of the following described line: Beginning at a point in the north boundary of said south 13.95 acres of Lot 1 1320 feet west of the northeast corner thereof, thence in a southeasterly direction to a point in the south boundary of said south 13.95 acres of Lot 1 990 feet west of the southeast corner thereof, thence easterly along the south boundary of said south 13.95 acres of Lot 1 to the northwest corner of said east 16.95 acres of Lot 2, thence southerly along the west boundary of said east 16.95 acres of Lot 2 to a point in the meander line on the right bank of Grand River, thence in a southeasterly direction to a point in the south boundary of said east 16.95 acres of Lot 2 300 feet west of the southeast corner thereof, thence in a southeasterly direction to a point in said Lot 4 1295 feet west and 330 feet south of the northeast corner thereof, thence in a southeasterly direction to a point 825 feet west and 660 feet south of said northeast corner, thence in a southeasterly direction to a point in the east boundary of said Lot 4 1200 feet south of said northeast corner, thence in a southeasterly direction to a point in the east boundary of that part of said Lot 8 lying south of the west 19.85 acres of Lot 3 200 feet south of the northeast corner thereof, all in Sec. 27, T 23 N, R 21 E of the Indian Base and Meridian, containing 11.0 acres including any and all right, title and interest in and to the bed and banks of Grand River incident to the ownership of the above described land.

PERPETUAL EASEMENT UPON:

All of the south 13.95 acres of Lot 1 and all of the east 16.95 acres of Lot 2 and all of Lot 4 and all of the west 19.85 acres of Lot 3 and all that part of Lot 8 lying south of the west 19.85 acres of Lot 3 except those portions to be acquired in fee and described above, and all of the E $\frac{1}{2}$  NW $\frac{1}{4}$  and the SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  except those parts described as follows: Beginning at a point in the north boundary of said E $\frac{1}{2}$  NW $\frac{1}{4}$  660 feet east of the northwest corner thereof, thence southerly parallel to the west boundary of said E $\frac{1}{2}$  NW $\frac{1}{4}$  a distance of 50 feet, thence in a southwesterly direction to a point 330 feet east and 125 feet south of said northwest corner, thence southerly parallel to the west boundary of said E $\frac{1}{2}$  NW $\frac{1}{4}$  a distance of 205 feet, thence in a southeasterly direction to a point 660 feet south and 495 feet east of said northwest corner, thence in a southeasterly direction to a point 1155 feet south and 660 feet east of said northwest corner, thence in a southeasterly direction to a point 1320 feet south and 165 feet west of the northeast corner of said E $\frac{1}{2}$  NW $\frac{1}{4}$ , thence northerly parallel to the east boundary of said E $\frac{1}{2}$  NW $\frac{1}{4}$  a distance of 495 feet, thence easterly parallel to the north boundary of said E $\frac{1}{2}$  NW $\frac{1}{4}$  to a point in the east boundary thereof, thence northerly along said east boundary to the northeast corner of said E $\frac{1}{2}$  NW $\frac{1}{4}$ , thence westerly along the

north boundary of said E $\frac{1}{2}$  NW $\frac{1}{4}$  to the point of beginning; and Beginning at a point in the north boundary of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  495 feet east of the northwest corner thereof, thence in a southwesterly direction to a point 165 feet south and 165 feet east of said northwest corner, thence in a southeasterly direction to a point 330 feet south and 330 feet east of said northwest corner, thence southerly parallel to the west boundary of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  to a point in the south boundary of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , thence easterly along said south boundary to the southeast corner of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , thence northerly along the east boundary of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$ , to the northeast corner thereof, thence westerly along the north boundary of said SW $\frac{1}{4}$  SW $\frac{1}{4}$  NE $\frac{1}{4}$  to the point of beginning; and except that part of said west 19.85 acres of Lot 3 lying north and east of the following described line: Beginning at a point in the north boundary of said west 19.85 acres of Lot 3 330 feet west of the northeast corner thereof, thence in a southeasterly direction to a point in the east boundary of said west 19.85 acres of Lot 3 165 feet south of said northeast corner; all in Sec. 27, T 23 N, R 21 E of the Indian Base and Meridian, containing 139.7 acres

TRACT NO. 2 (7 MF 43 FE)

(Perpetual Easement Upon)

The following described land situated in Mayes County, Oklahoma, to-wit: That part of the W $\frac{1}{2}$  NE $\frac{1}{4}$  lying north and west of the following described line: Beginning at a point in the west boundary of said W $\frac{1}{2}$  NE $\frac{1}{4}$  495 feet south of the northwest corner thereof, thence easterly parallel to the north boundary of said W $\frac{1}{2}$  NE $\frac{1}{4}$ , a distance of 165 feet, thence in a northeasterly direction to a point in the north boundary of said W $\frac{1}{2}$  NE $\frac{1}{4}$  330 feet east of the northwest corner thereof, in Sec. 24, T 23 N, R 20 E of the Indian Base and Meridian, containing 2.8 acres.

TRACT NO. 3 (7 MF 46 + FE)

(Fee Title To & Perpetual Easement Upon)

FEE TITLE TO:

The following described land situated in Mayes County, Oklahoma, to-wit: That part of Lot 7 lying south of the following described line: Beginning at a point in the east boundary of said Lot 7 660 feet south of the northeast corner thereof, thence in a southwesterly direction to a point in the south boundary of said Lot 7 165 feet east of the southwest corner thereof, including any and all right, title and interest in and to the bed and banks of Grand River incident to the ownership of the above described land in Sec. 19, T 23 N, R 21 E of the Indian Base and Meridian, containing 3.5 acres.

PERPETUAL EASEMENT UPON:

All of Lot 7 lying south of the following described line: Beginning at the northeast corner of said Lot 7, thence in a southwesterly direction to a point 660 feet west and 330 feet south of said northeast corner, thence in a northwesterly direction to a point in the north boundary of said Lot 7 165 feet east of the northwest corner thereof, thence in a southwesterly direction to a point in the west boundary of said Lot 7 165 feet south of said northwest corner except that portion to be taken in fee and described above, in Sec. 19, T 23 N, R 21 E of the Indian Base and Meridian, containing 26.6 acres.

TRACT NO. 4 (7 MF 48 + FE)

(Fee Title To & Perpetual Easement Upon)

The following described land situated in Mayes County, Oklahoma, to-wit: All of Lot 4 of Sec. 19, and all of Lot 8 and that part of Lot 3 of Sec. 20 lying south of the following described line:

Beginning at a point in the east boundary of said Lot 3 660 feet south of the northeast corner thereof, thence in a southwesterly direction to a point 330 feet west and 825 feet south of said northeast corner, thence in a southwesterly direction to a point 1155 feet south and 330 feet east of the northwest corner of said Lot 3, thence in a southwesterly direction to a point in the west boundary of said Lot 3 1485 feet south of said northwest corner, in T 23 N, R 21 E of the Indian Base and Meridian, containing 51.6 acres including any and all right, title and interest in and to the bed and banks of Grand River incident to the ownership of the above described land.

PERPETUAL EASEMENT UPON:

All that part of Lot 3 described as follows: Beginning at a point in said Lot 3 330 feet west and 825 feet south of the northeast corner thereof, thence in a southwesterly direction to a point 1155 feet south and 330 feet east of the northwest corner of said Lot 3, thence in a southwesterly direction to a point in the west boundary of said Lot 3 1485 feet south of said northwest corner, thence northerly along said west boundary a distance of 165 feet, thence in a northeasterly direction to a point 990 feet south and 330 feet east of said northwest corner, thence in a northwesterly direction to a point 495 feet south and 165 feet east of said northwest corner, thence in a northeasterly direction to a point 330 feet south and 330 feet east of said northwest corner, thence in a southeasterly direction to a point 925 feet south and 495 feet east of said northwest corner, thence easterly parallel to the north boundary of said Lot 3 a distance of 165 feet, thence in a northeasterly direction to a point 495 feet south and 495 feet west of the northeast corner of said Lot 3, thence northerly parallel to the east boundary of said Lot 3 a distance of 330 feet, thence easterly parallel to the north boundary of said Lot 3 a distance of 330 feet, thence in a southwesterly direction to the point of beginning, in Sec. 20, T 23 N, R 21 E of the Indian Base and Meridian, containing 9.9 acres.

TRACT NO. 5 (9 MF 7 + FE)

(Fee Title To & Perpetual Easement Upon)

FEE TITLE TO:

The following described land situated in Mayes County, Oklahoma, to-wit: That part of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  described as follows: Beginning at a point in the south boundary of said NE $\frac{1}{4}$  SW $\frac{1}{4}$  400 feet west of the southeast corner thereof, thence in a northeasterly direction to a point in the east boundary of said NE $\frac{1}{4}$  SW $\frac{1}{4}$  330 feet north of said southeast corner, thence in a northwesterly direction to a point 165 feet east and 660 feet south of the northwest corner of said NE $\frac{1}{4}$  SW $\frac{1}{4}$ , thence in a northwesterly direction to said northwest corner, thence southerly along the west boundary of said NE $\frac{1}{4}$  SW $\frac{1}{4}$  to the southwest corner thereof, thence easterly along the south boundary of said NE $\frac{1}{4}$  SW $\frac{1}{4}$  to the point of beginning; and those parts of the NW $\frac{1}{4}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ , the E $\frac{1}{2}$  SE $\frac{1}{4}$  NW $\frac{1}{4}$ , the W $\frac{1}{2}$  NE $\frac{1}{4}$ , the SE $\frac{1}{4}$  NE $\frac{1}{4}$ , the SE $\frac{1}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$ , and the W $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$  described as follows: Beginning at a point

in the west boundary of said  $E\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$  300 feet north of the southwest corner thereof, thence in a northeasterly direction to a point in the east boundary of said  $W\frac{1}{2} NE\frac{1}{4}$  1100 feet north of the southeast corner thereof, thence in a northeasterly direction to a point in the north boundary of said  $SE\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$  150 feet west of the northeast corner of said  $SE\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$ , thence westerly along the north boundary of said  $SE\frac{1}{4} NE\frac{1}{4} NE\frac{1}{4}$  to a point 165 feet east of the northwest corner thereof, thence in a southwesterly direction to a point in the west boundary of said  $W\frac{1}{2} NE\frac{1}{4} NE\frac{1}{4}$  100 feet north of the southwest corner thereof, thence in a southwesterly direction to a point in said  $W\frac{1}{2} NE\frac{1}{4}$  330 feet east and 990 feet north of the southwest corner thereof, thence westerly parallel to the south boundary of said  $W\frac{1}{2} NE\frac{1}{4}$  to a point in the west boundary thereof, thence in a southwesterly direction to a point in said  $E\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$  495 feet south and 330 feet east of the northwest corner thereof, thence westerly parallel to the north boundary of said  $E\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$  to a point in the west boundary thereof, thence in a northwesterly direction to a point in the north boundary of said  $NW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$  165 feet east of the northwest corner thereof, thence southerly parallel to the west boundary of said  $NW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$  a distance of 495 feet, thence in a southwesterly direction to the southwest corner of said  $NW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$ , thence easterly along the south boundary of said  $NW\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$  to the southeast corner thereof, thence southerly along the west boundary of said  $E\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$  to the point of beginning, all in Sec. 13, T 23 N, R 20 E of the Indian Base and Meridian, containing 45.4 acres.

PERPETUAL EASEMENT UPON:

All of the  $NW\frac{1}{4} SE\frac{1}{4} SE\frac{1}{4} NW\frac{1}{4}$  except that portion to be taken in fee and described above; all of the  $E\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$  lying north of the following described line: Beginning at the southwest corner of said  $E\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$ , thence in a northeasterly direction to a point 330 feet north and 330 feet east of said southwest corner, thence in a northeasterly direction to a point in the east boundary of said  $E\frac{1}{2} SE\frac{1}{4} NW\frac{1}{4}$  495 feet north of the southeast corner thereof except that portion to be taken in fee and described above; all of the  $NE\frac{1}{4} SW\frac{1}{4}$  except that part described as follows: Beginning at a point in the north boundary of said  $NE\frac{1}{4} SW\frac{1}{4}$  660 feet east of the northwest corner thereof, thence in a southwesterly direction to a point 495 feet south and 330 feet east of said northwest corner, thence in a southeasterly direction to a point 660 feet south and 660 feet east of said northwest corner, thence easterly parallel to the south boundary of said  $NE\frac{1}{4} SW\frac{1}{4}$  a distance of 330 feet, thence southerly parallel to the east boundary of said  $NE\frac{1}{4} SW\frac{1}{4}$  a distance of 165 feet, thence easterly parallel to the south boundary of said  $NE\frac{1}{4} SW\frac{1}{4}$  to a point in the east boundary thereof, thence northerly along said east boundary to the northeast corner of said  $NE\frac{1}{4} SW\frac{1}{4}$ , thence westerly along the north boundary of said  $NE\frac{1}{4} SW\frac{1}{4}$  to the point of beginning and except that portion of the fee to be taken and described above; and all of the  $E\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4}$  lying south of the following described line: Beginning at a point in the west boundary of said  $E\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4}$  660 feet north of the southwest corner thereof, thence in a southeasterly direction to a point 495 feet north and 165 feet east of said southwest corner, thence in a northeasterly direction to a point in the east boundary of said  $E\frac{1}{2} NE\frac{1}{4} NW\frac{1}{4}$  495 feet south of the northeast corner thereof; and all that part of the  $W\frac{1}{2} NE\frac{1}{4}$  lying north of the following described line: Beginning at a point in the west boundary of said  $W\frac{1}{2} NE\frac{1}{4}$  495 feet north of the southwest corner thereof, thence in a northeasterly direction to a point in the east boundary of said  $W\frac{1}{2} NE\frac{1}{4}$

990 feet north of the southeast corner thereof except that part lying north and west of the following described line: Beginning at a point in the west boundary of said  $W\frac{1}{2}$   $NE\frac{1}{4}$  495 feet south of the northwest corner thereof, thence easterly parallel to the north boundary of said  $W\frac{1}{2}$   $NE\frac{1}{4}$  a distance of 165 feet, thence in a northeasterly direction to a point in the north boundary of said  $W\frac{1}{2}$   $NE\frac{1}{4}$  495 feet east of the northwest corner thereof and except that portion to be taken in fee and described above; and all those parts of the  $W\frac{1}{2}$   $NE\frac{1}{4}$   $NE\frac{1}{4}$  and the  $SE\frac{1}{4}$   $NE\frac{1}{4}$   $NE\frac{1}{4}$  lying north of the following described line: Beginning at a point in the west boundary of said  $W\frac{1}{2}$   $NE\frac{1}{4}$   $NE\frac{1}{4}$  100 feet north of the southwest corner thereof, thence in a northeasterly direction to a point in the north boundary of said  $SE\frac{1}{4}$   $NE\frac{1}{4}$   $NE\frac{1}{4}$  165 feet east of the northwest corner thereof; and those parts of the  $SE\frac{1}{4}$  described as follows: Beginning at a point in the south boundary of said  $SE\frac{1}{4}$  330 feet east of the southwest corner thereof, thence in a northwesterly direction to a point 165 feet north and 165 feet east of said southwest corner, thence easterly parallel to the south boundary of said  $SE\frac{1}{4}$  a distance of 495 feet, thence in a southeasterly direction to a point in the south boundary of said  $SE\frac{1}{4}$  825 feet east of the southwest corner thereof, thence easterly along said south boundary a distance of 165 feet, thence in a northeasterly direction to a point 495 feet north and 825 feet west of the southeast corner of said  $SE\frac{1}{4}$ , thence easterly parallel to the south boundary of said  $SE\frac{1}{4}$  to a point in the east boundary thereof, thence northerly along said east boundary a distance of 330 feet, thence in a northwesterly direction to a point 990 feet north and 495 feet west of the southeast corner of said  $SE\frac{1}{4}$ , thence northerly parallel to the east boundary of said  $SE\frac{1}{4}$  a distance of 330 feet, thence in a southwesterly direction to a point 1155 feet north and 660 feet west of the southeast corner of said  $SE\frac{1}{4}$ , thence westerly parallel to the south boundary of said  $SE\frac{1}{4}$  a distance of 330 feet, thence in a southwesterly direction to a point 825 feet north and 1320 feet east of the southwest corner of said  $SE\frac{1}{4}$ , thence in a southwesterly direction to a point 660 feet north and 825 feet east of said southwest corner, thence northerly parallel to the west boundary of said  $SE\frac{1}{4}$  a distance of 165 feet, thence westerly parallel to the south boundary of said  $SE\frac{1}{4}$  to a point 100 feet east of the west boundary thereof, thence in a northwesterly direction to a point in the west boundary of said  $SE\frac{1}{4}$  1120 feet north of the southwest corner thereof, thence southerly along said west boundary to said southwest corner, thence easterly along the south boundary of said  $SE\frac{1}{4}$  to the point of beginning except that portion contained in the K. O. & G. Railroad right-of-way; and that part of the  $SE\frac{1}{4}$  described as beginning at a point in the west boundary of said  $SE\frac{1}{4}$  1320 feet south of the northwest corner thereof, thence in a northeasterly direction to a point 330 feet east and 990 feet south of said northwest corner, thence northerly parallel to the west boundary of said  $SE\frac{1}{4}$  a distance of 660 feet, thence in a northeasterly direction to a point 165 feet south and 660 feet east of the northwest corner of said  $SE\frac{1}{4}$ , thence northerly parallel to the west boundary of said  $SE\frac{1}{4}$  to a point in the north boundary thereof, thence in a southwesterly direction to a point in the west boundary of said  $SE\frac{1}{4}$  165 feet south of the northwest corner thereof, thence southerly along

said west boundary to the point of beginning, all in Sec. 13, T 23 N, R 20 E of the Indian Base and Meridian, containing 137.5 acres.

TRACT NO. 6 (9 MF 12 FE)  
(Perpetual Easement Upon)

The following described land situated in Mayes County, Oklahoma, to-wit: That part of the SW $\frac{1}{4}$  SE $\frac{1}{4}$  and the W $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  lying east of the following described line: Beginning at a point in the south boundary of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  495 feet east of the southwest corner thereof, thence in a northeasterly direction to a point in the east boundary of said SW $\frac{1}{4}$  SE $\frac{1}{4}$  990 feet south of the northeast corner thereof, thence in a northeasterly direction to a point in said W $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  660 feet south and 165 feet west of the northeast corner thereof, thence northerly parallel to the east boundary of said W $\frac{1}{2}$  SE $\frac{1}{4}$  SE $\frac{1}{4}$  to a point in the north boundary thereof, all in Sec. 12, T 23 N, R 20 E of the Indian Base and Meridian, containing 13.8 acres.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 26th day of November, 1963, upon the depositing of the sum of \$ 39,460.00 with the registry of this Court for the lands and estates taken in and to the above described land.

(s) Arthur Robinson

U. S. District Judge

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

GRAND RIVER DAM AUTHORITY, )  
a public corporation, )

Petitioner, )

vs. )

266.5 ACRES OF LAND, MORE )  
OR LESS, IN MAYES COUNTY, )  
OKLAHOMA, OWEN WALTERS, ET AL., )

Defendants. )

Civil No. 5987

FILED

FEB 15 1965

ORDER CONFIRMING REPORT OF COMMISSIONERS  
AS MODIFIED.

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

NOW, on this the 15 day of February, 1965, the Court considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

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

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 5th day of August, 1964, as modified by the stipulation should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 5th day of August, 1964, as modified is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein.

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

TRACT NO. PS 1-11

Fee Title To:

The S $\frac{1}{2}$  NW $\frac{1}{4}$ , the S $\frac{1}{2}$  NE $\frac{1}{4}$ , the W $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$ , and all those parts of the N $\frac{1}{2}$  SW $\frac{1}{4}$  and the N $\frac{1}{2}$  SW $\frac{1}{4}$  SW $\frac{1}{4}$  lying north of the Chimney Rock Hollow Road, in Section 32, T 21 N, R 21 E of the Indian Base and Meridian containing 266.5 acres, in Mayes County, Oklahoma.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 25th day of August, 19 64, upon the depositing of the sum of \$ 18,000.00 with the registry of this Court for the lands and estates taken in and to the above described land.

(5) *Father Bohannon*

U. S. District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
  
Plaintiff,  
  
vs.  
  
508.62 Acres of Land, More or Less,  
Situate in Rogers County, Oklahoma,  
and Henry Brown, et al,  
and Unknown Owners,  
  
Defendants.

CIVIL ACTION NO. 5407

Tracts Nos. 4635-1S  
4635-2S  
4635-3S

FILED

FEB 16 1965

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

J U D G M E N T

On \_\_\_\_\_, 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 enumerated 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.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tracts, as such tracts are particularly described in such Complaint. Pursuant thereto, on May 17, 1962, 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.

4.

Simultaneously with filing herein the Declaration of Taking, there were deposited in the Registry of this Court, as estimated compensation for the taking of the described estates in subject tracts, certain sums of money, part of which has been disbursed as shown in paragraph 9.

5.

A pre-trial hearing in this case was held before the Court on December 14, 1964. Due notice of such hearing was given to all of the parties having known addresses. 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 First National Bank of Broken Arrow appeared by its attorney, Paul Simmons. James T. Michel and Lee Purdum appeared by their attorney, Kenneth L. Stainer. None of the other defendant owners appeared either in person or by attorney and no other persons have appeared at any time in connection with the subject tracts.

6.

The owners of the subject tracts and the Plaintiff have executed certain option contracts as alleged in the Complaint wherein they have agreed upon the amounts of the awards of just compensation for the estates taken in the subject tracts and such contracts should be approved.

7.

The defendants named in paragraph 9 as owners of subject tracts are the only defendants asserting any interest in the estates condemned in the subject tracts, all other defendants having either disclaimed or defaulted; the named defendants are the owners of such estates, as of the date of taking, and, as such, are entitled to receive the award of just compensation. Provided that there is a dispute between James T. Michel and The First National Bank of Broken Arrow as to whether a certain deficiency judgment held by the Bank constitutes a lien against the James T. Michel interest in the subject property, which would entitle the Bank to receive the award for the Michel interest. This dispute should be resolved by a hearing before the Court at a later date.

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in paragraph 1 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 in such Declaration of

Taking and for the uses and purposes therein indicated, are condemned and title thereto is vested in the United States of America as of May 17, 1962, and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto.

9.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, subject to the ownership dispute described in paragraph 7, the owners of the estates condemned herein in the subject tracts were the defendants whose names appear in the schedule below; the right to just compensation for the estates taken in these tracts is vested in the parties so named, as their interests appear therein. The dispute between James T. Michel and The First National Bank of Broken Arrow will be resolved by the Court by a hearing at a later date. The sums hereby adopted as the awards of just compensation for the estates herein taken in subject tracts are as set out in the schedule which follows, to-wit:

TRACT NO. 4635-1S

Owners:

Lessor interest: Ownership undetermined.

Claimants are:

James T. Michel, owner

Possibly subject to judgment lien claimed by  
The First National Bank of Broken Arrow.

Oil and gas lessee interest:

Lee Purdum

Award of just compensation for entire estate taken pursuant to option contract -----				: \$3,785.00
Allocation of award, deposit and disbursements:				:
	: Lessor	: Lessee		:
	: Interest	: Interest		:
Share of award				:
pursuant to option -----	: \$2,835.00	: \$950.00		:
Deposited as estimated				:
compensation -----				: \$3,785.00
Disbursed to owners -----	: None	: None		:
Balance due to owners -----	: \$2,835.00	: \$950.00		:

TRACT NO. 4635-28

Owners:

Frates Investment Company ----- 1/2 interest  
 (Power of Attorney for this Company  
 was vested in Dale Benedict.)

James T. Michel ----- 1/2 interest, but subject to  
 oil and gas lease, and possibly  
 subject to judgment lien claimed  
 by The First National Bank of  
 Broken Arrow.

Lee Purdum ----- Oil and gas lease on  
 Michel 1/2 interest.

Award of just compensation for entire estate taken  
 pursuant to option contract ----- : \$420.00

Allocation of award, deposit and disbursals:

	: Frates 1/2 : Interest	: 1/2 Lessor : Interest	: Purdum : Interest	
Share of award				
pursuant to option ----	\$150.00	\$150.00	\$120.00	
Deposited as				
estimated compensation -				<u>\$420.00</u>
Disbursed to owners -----	\$150.00	None	None	
Balance due to owners -----	None	\$150.00	\$120.00	

TRACT NO. 4635-38

Owners:

The State Life Insurance Company-- 1/2 interest

James T. Michel ----- 1/2 interest, but subject to an  
 oil and gas lease, and possibly  
 subject to judgment lien claimed  
 by The First National Bank of  
 Broken Arrow.

Lee Purdum ----- Oil and gas lease on  
 Michel 1/2 interest.

Award of just compensation for entire estate taken  
 pursuant to option contract ----- : \$195.00

Allocation of award, deposit and disbursals:

	: State Life : 1/2 Interest	: 1/2 Lessor : Interest	: Purdum : Interest	
Share of award				
pursuant to option ----	\$65.00	\$65.00	\$65.00	
Deposited as estimated				
compensation -----				<u>\$195.00</u>
Disbursed to owners -----	None	None	None	
Balance due to owners ---	\$65.00	\$65.00	\$65.00	

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

From each of the deposits for the 3 subject tracts the balance due to Lee Purdum, as shown in paragraph 9 above, making the total payment to him in the amount of \$1,135.00.

From the deposit for Tract No. 4635-3S, to The State Life Insurance Company, the sum of \$65.00.

An appropriate Order of Distribution of the balance on deposit for each of the subject tracts will be entered after the dispute between James T. Michel and The First National Bank of Broken Arrow has been resolved by the Court.

/s/ Allen E. Barrow

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UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

---

HUBERT A. MARLOW  
Assistant United States Attorney

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

Evelyn Throckmorton, )  
 )  
 Plaintiff, )  
-vs- )  
 )  
 The Atchison, Topeka and Santa Fe )  
 Railway Company, a corporation, )  
 )  
 Defendant. )

No. 5991  
CIVIL FILED

FEB 17 1965

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

ORDER OF DISMISSAL

This matter coming on for hearing on the joint stipulation of plaintiff and defendant for an order dismissing this cause with prejudice, and the court being fully advised in the premises finds that this cause has been fully settled between all of the parties hereto.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that this action be, and the same is hereby dismissed with prejudice at the cost of defendant.

DATED this 17 day of February, 1965.

  
\_\_\_\_\_  
Judge of the United States  
District Court for the  
Northern District of Oklahoma.

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs

C. C. Bledsoe and  
Lorena Mashburn,

Defendants.

Civil No. 5903

FILED

FEB 18 1965

ORDER FOR SUMMARY JUDGMENT NOBLE C. HOOD,  
Clerk, U. S. District Court

This cause comes on to be heard on motions of the defendant, C. C. Bledsoe, for summary judgment and for motion to incorporate suggested amendments to the pre-trial order and upon plaintiff's motion for summary judgment pursuant to Rule 56, Federal Rules of Civil Procedure, and the court having considered all of the pleadings, briefs, orders and exhibits filed herein and having found that there is no genuine issue as to any material fact and no controversial question of fact to be submitted to the trial court, and having concluded that plaintiff is entitled to judgment herein as a matter of law,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the motion of the defendant, C. C. Bledsoe, for summary judgment be and the same is hereby overruled and denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the motion of the defendant, C. C. Bledsoe, to incorporate certain amendments to the pre-trial order be and the same is hereby overruled and denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff have and recover judgment against the defendant, C. C. Bledsoe, for the sum of \$26.67 per month as trespass rental on the hereinafter described property from the 1st day of April, 1963, until said premises are vacated by the defendant, C. C. Bledsoe, with interest thereon at the rate of 6% per annum until paid, together with the costs of this action, accrued and accruing

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant, C. C. Bledsoe, vacate, quit, leave and deliver the following described premises to plaintiff within ten (10) days from and after February 12, 1965:

NW 1/4 of Section 2, Township 23 North, Range 6 East,  
Osage County, Oklahoma.

and upon the failure of the defendant, C. C. Bledsoe, to vacate, quit, leave and deliver up said premises, the Clerk of this court shall issue a writ of assistance to the United States Marshal for the Northern District of Oklahoma directing him to place the said plaintiff in full possession thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant, C. C. Bledsoe, is a trespasser upon the above described premises without legal right, title or interest therein, and that the defendant, Lorena Mashburn, has a legal and valid lease to said premises.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the oral application of the defendant, C. C. Bledsoe, for a supersedeas bond is denied insofar as such bond be made to stay the Order herein that C. C. Bledsoe vacate, quit, leave and deliver up the above described premises. The court will allow and set supersedeas bond to stay the money judgment herein upon the filing of Notice of Appeal.

Dated this 18<sup>th</sup> day of February, 1935.

UNITED STATES DISTRICT JUDGE

APPROVED:

  
\_\_\_\_\_  
Sam E. Taylor  
Assistant U. S. Attorney

FEB 19 1965

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

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

United States of America, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
175.00 Acres of Land, More or Less, )  
Situat e in Nowata County, Oklahoma, )  
and P.I.C. Management Corporation, Inc., )  
et al, and Unknown Owners, )  
 )  
Defendants. )

CIVIL ACTION NO. 5480

Tracts Nos. 5720-M and  
5721-A

5720-2 and  
5721-3

R-1836

R-1887 and  
6626-17

R-1889

J U D G M E N T

On FEB 18 1965, 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 enumerated 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.

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 September 25, 1962, 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.

4.

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

5.

A pre-trial hearing in this case was held before the Court on December 14, 1964. Due notice of such hearing was given to all of the parties having known addresses. 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, Hirman Stuart Milam appeared in person. Glenn H. Chappell appeared as attorney for the J. Wood Glass heirs and for F. A. Calvert. Charley Miller, attorney, appeared on behalf of the Office of Solicitor, U. S. Department of Interior. None of the other defendant owners appeared either in person or by attorney.

6.

The owners of certain interests in the subject tracts, together with the plaintiff have executed certain option contracts as alleged in the Complaint wherein they have agreed upon the amount of just compensation which such owners are to receive for their interest in the estates taken in the subject property and such contracts should be approved.

Mr. G. A. Spencer, the owner of a certain interest in Tract No. R-1889, together with the plaintiff, have executed and filed herein a Stipulation as to Just Compensation wherein they have agreed upon the amount of just compensation for such owner's interest in the estate taken in such tract and this Stipulation should be approved.

7.

The Court has considered the plaintiff's evidence offered at the pre-trial conference and has considered the option contracts and the Stipulation described in paragraph 6 and finds that the fair market value of the estates taken in Tract No. R-1889 and the decrease in fair market value of the other ownerships under consideration, caused by this action was as follows:

Tracts Nos. 5720-M and 5721-A -----	\$16,905.00
Tracts Nos. 5720-2 and 5721-3 -----	\$ 6,965.00
Tract No. R-1836 -----	\$ 4,600.00
Tracts Nos. R-1887 and 6626-17 -----	\$ 3,150.00
Tract No. R-1889 -----	\$ 3,674.00

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

8.

The defendants named in paragraph 10 as owners of subject tracts are the only defendants asserting any interest in the estates condemned in the subject tracts, all other defendants having either disclaimed or defaulted; the named defendants are the owners of such estates, as of the date of taking, and, as such, are entitled to receive the awards of just compensation. Provided, that the Area Director, Bureau of Indian Affairs, Muskogee Area Office, United States Department of Interior, should receive the share of the award going to the heirs of Joseph Duncan, deceased, who was a full blood Cherokee Indian.

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 1 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 in such Declaration of Taking and for the uses and purposes therein indicated, are condemned and title thereto is vested in the United States of America as of September 25, 1962, and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto.

10.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in the subject tracts were the defendants whose names appear in the schedule below; the right to just compensation for the estates taken in these tracts is vested in the parties so named, as their interests appear therein. The option contracts and the Stipulation as to Just Compensation described in paragraph 6 above are confirmed. The sums hereby adopted as the awards of just compensation for the estates herein taken in subject tracts and the manner of allocation of such awards are as set out in the schedule which follows, to-wit:

TRACTS NOS. 5720-M AND 5721-A COMBINED

Owners:

Lessor interest:

Margaret E. Becker

Oil and gas leasehold 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 for entire estate taken ----- : \$16,905.00

Allocation of award, deposit and disburseals: :

	: Lessor	: Lessee	
	: Interest	: Interest	
Share of award			:
pursuant to court hearing -----	\$660.00		:
Share of award			:
pursuant to option contract -----		\$16,245.00	:
Deposited as estimated compensation--			: <u>\$16,905.00</u>
Disbursed to owners -----	None	\$16,245.00	:
Balance due to owners -----	\$660.00	None	:

TRACTS NOS. 5720-2 AND 5721-3 COMBINED

Owners:

Lessor interest:

P.I.C. Management Co., Inc. )  
 Hinman Stuart Milam        )  
 Mildred M. Viles            )-----11/21  
 Mary M. Stevenson            )  
 Emma Koopman Bungarner ----- 2/21  
 Minnie Koopman Davenport ----- 2/21  
 Gertrude Koopman Davis ----- 2/21  
 F. L. Koopman ----- 2/21  
 Carolina Koopman Steffens ----- 2/21

Oil and gas lessee interest:

Owned and operated by lessors.

Award of just compensation for entire estate taken ----- : \$6,965.00

Allocation of award, deposit and disburseals: :

	: 11/21 of Lessor	: 10/21 of	
	: Interest and all	: Lessor	
	: of Lessee Interest	: Interest	
Share of award pursuant			:
to option contract -----	\$6,162.61		:
Share of award pursuant			:
to Court hearing -----		\$802.39	:
Deposited as estimated compensation--			: <u>\$6,965.00</u>
Disbursed to owners -----	\$6,162.61	None	:
Balance due to owners -----	None	\$802.39	:

TRACT NO. R-1836

Owners:

P.I.C. Management Co., Inc.)  
Hinman Stuart Milam ) ----- Mineral Owners  
Mildred Viles )  
Mary Stevenson )

Subject to 7/15 of 1/8 royalty interest owned by:

F. A. Calvert -----1/30 of 1/8  
Eva Payne Glass )  
Ernest Frances Bradfield and)-----1/30 of 1/8  
Julian W. Glass, Jr. )  
Heirs of Joseph Duncan, deceased -----6/15 of 1/8  
(Full Blood Cherokee No. 27151 -  
Area Director, Bureau of Indian Affairs  
should receive this share of the award.)

Award of just compensation for entire estate taken -----					\$4,600.00
Allocation of award, deposit and disbursals:					:
	: Mineral	: Glass &	: Duncan	:	:
	: Owners	: Calvert	: Bradfield:	: Heirs	:
	: Interest:	: Interest:	: Interest:	: Interest:	:
	:	:	:	:	:
Share of award	:	:	:	:	:
pursuant to	:	:	:	:	:
Option contract	:\$4,558.00:	\$3.00	\$3.00	\$36.00	:
	:	:	:	:	:
Deposited as	:	:	:	:	:
estimated compensa-	:	:	:	:	:
tion -----	:	:	:	:	:\$4,600.00
	:	:	:	:	:
Disbursed to owners --	:\$4,558.00:	None	None	None	:
	:	:	:	:	:
Balance due to owners--	None	\$3.00	\$3.00	\$36.00	:

TRACTS NOS. R-1887 AND 6626-17 COMBINED

Owners:

Interest No. 1:

Lessor interest but subject to outstanding 9/15 of 1/8 royalty interest:

Heirs of Joseph Duncan, deceased.  
(Full Blood Cherokee No. 27151 --Area Director, Bureau  
of Indian Affairs, should receive this share of the award.)

Interest No. 2:

8/15 of 1/8 royalty interest plus all of oil and gas lessee interest:

P.I.C. Management Co., Inc.  
Hinman Stuart Milam  
Mildred M. Viles  
Mary M. Stevenson

Interest No. 3:

1/30 of 1/8 royalty interest:

F. A. Calvert

Interest No. 4:

1/30 of 1/8 Royalty interest:

Eva Payne Glass  
Ernest Frances Bradfield and  
Julian W. Glass, Jr.



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

1. From the deposit for Tracts Nos. 5720-M and 5721-A, combined, to Margaret E. Becker ----- \$660.00
2. From the deposit for Tracts Nos. 5720-2 and 5721-3, combined, to:
  - Emma Koopman Bungarner ----- \$160.48
  - Minnie Koopman Davenport ----- \$160.48
  - Gertrude Koopman Davis ----- \$160.48
  - F. L. Koopman ----- \$160.48
  - Carolina Koopman Steffens ----- \$160.47

3. From the deposit for Tract No. R-1836, to:
  - F. A. Calvert ----- \$ 3.00
  - Eva Payne Glass, Ernest Frances Bradfield, and Julian W. Glass, Jr., jointly ----- \$ 3.00
  - Area Director, Bureau of Indian Affairs, Muskogee Area Office, for the benefit of the Heirs of Joseph Duncan, deceased - \$ 36.00
4. From the deposit for Tracts Nos. R-1887 and 6626-17, combined, to:
  - Area Director, Bureau of Indian Affairs, Muskogee Area Office, for the benefit of the Heirs of Joseph Duncan, deceased ----- \$ 24.00
  - F. A. Calvert ----- \$ 2.00
  - Eva Payne Glass, Ernest Frances Bradfield, and Julian W. Glass, Jr., jointly ----- \$ 2.00

It Is Further ORDERED that the portion of the award for Tract No. R-1889 due to Joe H. Carson shall not be disbursed at this time. An appropriate order of distribution will be entered when the whereabouts of such defendant becomes known.

In the event that the balance due to such defendant remains on deposit for a period of 5 years from the date of filing this judgment, then, after that period, the Clerk of this Court, without further order shall disburse the balance on deposit for Tract No. R-1889 in this action to the Treasurer of the United States of America, pursuant to the provisions of Title 28, Section 2042, U.S.C.

UNITED STATES DISTRICT JUDGE

APPROVED:

HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 437.26 Acres of Land, More or Less, )  
 Situate in Nowata County, Oklahoma, )  
 and Tollie T. Downing, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

CIVIL ACTION NO. 4862  
Tract No. X-2457E

**FILED**

FEB 19 1965

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

J U D G M E N T

1.

NOW, on this 17 day of February, 1965, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies only to the estate condemned in Tract No. X-2457E, as such estate and tract are described in the Declaration of Taking and the amendment thereto, filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on February 29, 1960, the United States of America has filed its Declaration of Taking of such described property and on September 3, 1964, has filed an Amendment to such Declaration of Taking, 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 and the Amendment thereto, there was deposited in the Registry of this Court, as estimated compensation for the taking of a certain estate in subject tract a certain sum of money, and part of this deposit has been disbursed, as set out in paragraph 12 below.

7.

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

8.

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

9.

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

10.

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

11.

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

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

12.

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

TRACT NO. X-2457E

Owners:

Keith B. Landrum and  
Ima S. Landrum

Award of just compensation pursuant to Stipulation -----	\$1,500.00	\$1,500.00
Deposited as estimated compensation -----		\$ 800.00
Disbursed to owners -----	300.00	
Balance due to owners-----	<u>\$1,200.00</u>	
Deposit deficiency -----		<u>\$ 700.00</u>

---

13.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the Registry of this Court, in this Civil Action, to the credit of Tract No. X-2457E, the deposit deficiency in the sum of \$700.00 and the Clerk of this Court then shall disburse to Keith B. Landrum and Ima S. Landrum, jointly, the sum of \$1,200.00

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UNITED STATES DISTRICT JUDGE

APPROVED:

---

HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO. 5678
	)	
vs.	)	Tracts Nos. G-704
	)	
241.63 Acres of Land, More or Less,	)	5608-2S
Situate in Nowata and Rogers Counties,	)	
Oklahoma, and Nettie Wilson, et al,	)	5608-3S
and Unknown Owners,	)	
	)	5608-4S
Defendants.	)	<b>FILED</b>

FEB 19 1965

J U D G M E N T

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

On FEB 18 1965, 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 enumerated 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.

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 26, 1963, 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.

4.

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

5.

A pre-trial hearing in this case was held before the Court on December 14, 1964. Due notice of such hearing was given to all of 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 defendant owners appeared either in person or by attorney.

6.

Mr. Earl McComic, the owner of Tracts Nos. 5608-2S, 5608-3S and 5608-4S, together with the Plaintiff, has executed an option contract as alleged in the Complaint whereby the parties have agreed upon the amount of just compensation for the estates taken in such tracts and such contract should be approved.

7.

The Court has considered the plaintiff's evidence offered at the pre-trial conference and finds that the fair market value of an undivided 1/2 interest in the estate taken in Tract No. G-704, as of the date of taking, was \$120.00. Such sum should be adopted as the award of just compensation for such interest.

8.

The defendants named in paragraph 10 as owners of subject tracts are the only defendants asserting any interest in the estates condemned in the subject tracts, all other defendants having either disclaimed or defaulted; the named defendants are the owners of such estates, as of the date of taking, and, as such, are entitled to receive the awards of just compensation.

9.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in paragraph 1 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 in such Declaration of Taking and for the uses and purposes therein indicated, are condemned and title thereto is vested in the United States of America as of June 26, 1963, and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto.

10.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in the subject tracts were the parties whose names appear in the schedule below; the right to just compensation for the estates taken in these tracts is vested in the parties so named, as their interests appear therein. The option contract described in paragraph 6 above is approved. The sums hereby adopted as the awards of just compensation for the estates herein taken in subject tracts are as set out in the schedule which follows, to-wit:

TRACT NO. G-704

Owners:

United States of America ----- 1/2  
 (by prior direct purchase)  
 Nettie Ann Wilson ----- 1/2

Award of just compensation for an undivided 1/2 interest pursuant to Court hearing -----	\$120.00	\$120.00
Deposited as estimated compensation -----		<u>\$120.00</u>
Disbursed to owner -----	None	
Balance due to owner -----	<u>\$120.00</u>	

TRACTS NOS. 5608-2S, 5608-3S, AND 5608-4S

Owner:

Earl McComie

Award of just compensation pursuant to option contract -----	\$2,275.00	\$2,275.00
Deposited as estimated compensation -----		<u>\$2,275.00</u>
Disbursed to owner -----	None	
Balance due to owner -----	<u>\$2,275.00</u>	

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

Tract No. G-704, to Nettie Ann Wilson ----- \$120.00

Tracts Nos. 5608-2S, 5608-3S, and 5608-4S,  
to Earl McComic -----\$2,275.00

---

UNITED STATES DISTRICT JUDGE

APPROVED:

---

HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

4.19 Acres of Land, More or Less,  
Situate in Nowata County, Oklahoma,  
and H. N. Weaver, et al,  
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 5865

Tract No. R-1895E

**FILED**

FEB 19 1965

J U D G M E N T

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

1.  
NOW, on this \_\_\_\_\_ day of February, 1965, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies only to the estate condemned in Tract No. R-1895E, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint 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 December 20, 1963, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of the Court as estimated compensation for the taking of a certain estate in subject tract a certain sum of money and none of this deposit has been disbursed, as set out in paragraph 12 below.

7.

On the date of taking in this action, the owner of the estate taken in subject tract was the defendant whose name is shown in paragraph 12 below. Such named defendant is the only person asserting any interest in the estate taken in such tract, all other persons having either disclaimed or defaulted, and such named defendant is entitled to receive the just compensation for the estate taken in this tract.

8.

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

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tract named in paragraph 2 herein, as such tract is particularly described in the Complaint and Declaration of Taking filed herein; and such tract, to the extent of the estate described and for the uses 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 owner of the estate condemned herein in subject tract was the defendant whose name appears below in paragraph 12, and the right to just compensation for the estate taken herein in this tract is vested in the party so named.

12.

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

TRACT NO. R-1895E

Owner:

June D. McMichael Holway

Award of just compensation pursuant to Stipulation -----	\$400.00	\$400.00
Deposited as estimated compensation -----		\$250.00
Disbursed to owner -----	None	
Balance due to owner -----	<u>\$400.00</u>	
Deposit deficiency -----		<u>\$150.00</u>

13.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the Registry of this Court, in this Civil Action, to the credit of subject tract, the deficiency sum of \$150.00, and the Clerk of this Court then shall disburse from the deposit for subject tract the sum of \$400.00 to June D. McMichael Holway.

UNITED STATES DISTRICT JUDGE

APPROVED:

HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 ) Plaintiff, )  
 )  
 vs. )  
 )  
 4.19 Acres of Land, More or Less, )  
 Situate in Nowata County, Oklahoma, )  
 and H. N. Weaver, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

CIVIL ACTION NO. 5865  
Tracts Nos. R-1830E  
R-1835E

**FILED**

FEB 19 1965

J U D G M E N T

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

On \_\_\_\_\_, 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 enumerated 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.

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 December 20, 1963, 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.

4.

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

5.

A pre-trial hearing in this case was held before the Court on December 14, 1964. Due notice of such hearing was given to all of 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 defendant owners appeared either in person or by attorney and no other persons have appeared at any time in connection with the subject tracts.

6.

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

As to Tract No. R-1830E ----- \$50.00

As to Tract No. R-1835E ----- \$40.00

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

7.

The defendants named in paragraph 9 as owners of subject tracts are the only defendants asserting any interest in the estates condemned in the subject tracts, all other defendants having either disclaimed or defaulted; the named defendants are the owners of such estates, as of the date of taking and, as such, are entitled to receive the award of just compensation. Provided, that the mortgagee interest in Tract No. R-1835E has not been damaged by this action and such mortgagee is not entitled to share in the award for such tract.

8.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in paragraph 1 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 in such Declaration of Taking and for the uses and purposes therein indicated, are condemned and title thereto is vested in the United States of America as of December 20, 1963, and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto.

9.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estates condemned herein in the subject tracts were the defendants whose names appear in the schedule below; the right to just compensation for the estates taken in these tracts is vested in the parties so named, as their interests appear therein. Provided, that the mortgagee of Tract No. R-1835E shall not share in the award for that tract. The sums hereby adopted as the awards of just compensation for the estates herein taken in subject tracts are as set out in the schedule which follows, to-wit:

TRACT NO. R-1830E

Owners:

H. N. Weaver and  
Maude Weaver

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

TRACT NO. R-1835E

Owners:

Jack Balentine and  
Kathleen Balentine  
Subject to mortgage held by  
State Federal Loan Association of Tulsa.  
(Mortgagee does not share in award.)

Award of just compensation pursuant to Court trial-----	\$40.00	\$40.00
Deposited as estimated compensation -----		<u>\$40.00</u>
Disbursed to owners -----	None	
Balance due to owners -----		<u>\$40.00</u>

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

Tract No. R-1830E, to H. N. Weaver and  
Maude Weaver, jointly ----- \$50.00

Tract No. R-1835E, to Jack Balentine and  
Kathleen Balentine, jointly ----- \$40.00

/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

Kay Thompkins, a minor, by and  
through her father and next  
friend, James J. Thompkins

vs.

Julius Carl Duffy

CIVIL ACTION FILE NO. 6033 ✓

**FILED**  
JUDGMENT

FEB 19 1965

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

This action came on for trial before the Court and a jury, Honorable Allen E. Barrow  
, United States District Judge, presiding, and the issues having been duly tried and  
the jury having duly rendered its verdict,

It is Ordered and Adjudged that the plaintiff take nothing, that the action  
be dismissed on its merits, and that the defendant, Julius Carl Duffy,  
recover of the plaintiff, Kay Thompkins, a minor, by and through her  
Father and Next Friend, James J. Thompkins, his costs of action.

Dated at Tulsa, Oklahoma , this 19th day  
of February , 19 65.

NOBLE C. HOOD  
Clerk of Court

UNITED STATES DISTRICT COURT }  
NORTHERN DISTRICT OF OKLAHOMA } SS

I HEREBY CERTIFY THAT THE FOREGOING  
IS A TRUE COPY OF THE ORIGINAL ON FILE  
IN THIS COURT.

NOBLE C. HOOD, CLERK  
BY Myrtle Hansen  
DEPUTY

By Myrtle Hansen  
Deputy

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

ELIZABETH T. WALLACE, )  
WIDOW OF EVERETT WESLEY )  
WALLACE, DECEASED, FOR )  
HERSELF AND MINOR CHILD, )  
FRANKLIN EVERETT WALLACE )

Plaintiff )

vs. )

No. 6042 Civil )

CAROLINE M. LAYTON WHITE, )  
WILLIAM DOUGLAS LAYTON, )  
R. M. LAYTON, AND CLYDE G. )  
LAYTON, CO-PARTNERS D/B/A )  
LAYTON OIL COMPANY, AND )  
JULES BOREL & CO. )

Defendants )

FILED

FEB 19 1965

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

ORDER

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
ON THE DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

On the 11th day of January, 1965, motion for summary judgment of defendants, Caroline M. Layton White, William Douglas Layton, R. M. Layton, and Clyde G. Layton, co-partners d/b/a Layton Oil Company, came on for consideration by the Court. The plaintiff appeared by counsel, Coffey & Lassiter, and defendants appeared by counsel, Sanders, McElroy & Whitten.

Upon consideration of the pleadings and files in the case, together with affidavits and exhibits offered and received in support of the motion of the defendants, the Court finds as follows:

FINDINGS OF FACT

I.

This is an action for wrongful death brought by Elizabeth T. Wallace, widow of Everett Wesley Wallace, deceased, for herself and minor child and heir at law, Franklin Everett Wallace, in the Superior Court of Creek County, Oklahoma, and removed by petition of the defendants to this Court. The action has heretofore been ordered dismissed as against the defendant, Jules Borel & Co. Plaintiff is now and was at the commencement of the action a resident and citizen of the State of Oklahoma, and the defendants, and each of them, were and are now residents and citizens of the State of Kansas. There is complete diversity of citizenship between plaintiff and all the parties defendant, and the amount sought to be recovered exceeds the sum of \$10,000.00. The action is therefore properly removed to this Court, and the Court has jurisdiction of the parties and of the subject matter.

II.

Layton Oil Company is the trade name of the defendant, Caroline M. Layton White, who on December 19, 1962, was engaged in the business of drilling oil wells with her own tools and crews in the State of Oklahoma, which said business constituted a hazardous occupation within the meaning and intent of the Workmen's Compensation Law of the State of Oklahoma, and the defendants, William Douglas Layton, R. M. Layton, and Clyde G. Layton, were in her employment.

III.

On or about December 19, 1962, the date of the death of Everett Wesley Wallace, the Pringle Powder Company was engaged as an independent contractor by the defendant, Caroline M. Layton White, to perform service of loosing a stuck core barrel in the well

which defendant was drilling, which said service was an integral part of the business, trade, or occupation of the defendant.

IV.

Everett Wesley Wallace, the deceased, for whose death damages are herein sought, was on or about December 19, 1962, an employee of Pringle Powder Company, and while engaged in such employment and while performing a service for Pringle Powder Company on the well of the defendant, Caroline M. Layton White, suffered fatal accidental injuries arising out of and in the course of his said employment.

V.

On or about January 4, 1963, plaintiff, Elizabeth T. Wallace, as widow of Everett Wesley Wallace, deceased, for herself and their minor child, Franklin Everett Wallace, filed an action in the State Industrial Court of the State of Oklahoma, for death benefits under the Workmen's Compensation Act, against the Pringle Powder Company, and thereafter upon trial of the cause an award was made for death benefits, which award was paid by Pringle Powder Company to the plaintiff herein for her use and benefit, and for the use and benefit of Franklin Everett Wallace, the sole and only other dependent heir at law of the deceased. The order of the State Industrial Court, which was entered and filed on March 15, 1963, was satisfied and paid on April 16, 1963, and no appeal was taken therefrom.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Court enters Conclusions of Law as follows:

BE IT ORDERED, ADJUDGED, AND DECREED, that:

I.

By reason of complete diversity of citizenship of plaintiff and all the defendants, and the requisite jurisdictional amount involved, this Court has jurisdiction of the parties and of the subject matter presented by defendant's motion for summary judgment.

II.

The defendant, Caroline M. Layton White, was engaged in a hazardous occupation covered by and subject to the provisions of the Workmen's Compensation Law of the State of Oklahoma, and as such, was, by 85 O.S. (1961), Sec. 11, liable to secure payment of compensation due to all direct employees, employees of independent contractors, subcontractors, or other employees engaged in her general business.

III.

Pringle Powder Company was the direct employer of Everett Wesley Wallace, deceased, and each of them were covered by and subject to the provisions of the Workmen's Compensation Act of Oklahoma. The exclusive remedy for the death of Everett Wesley Wallace was under the Workmen's Compensation Act.

IV.

A Workmen's Compensation claim having been filed, and benefits thereunder having been paid by Pringle Powder Company, the general employer of Everett Wesley Wallace, deceased, and the order having become final, the fact of the decedent's employment at the time of his death has been adjudicated, and plaintiff herein, having accepted the proceeds of the award by the State Industrial Court for

the death of the decedent, is estopped to deny the validity of that award and the findings therein made.

V.

The liability of defendant, Caroline M. Layton White d/b/a Layton Oil Company, and defendants, William Douglas Layton, R. M. Layton, and Clyde G. Layton, as her employees, under the terms of the Workmen's Compensation Law of the State of Oklahoma, 85 O.S. (1961), Sec. 11, to provide or secure payment of compensation for injury or death to employees of independent contractors, was exclusive, and the exclusive remedy of the plaintiff, Elizabeth T. Wallace, widow of Everett Wesley Wallace, deceased, for herself and minor child, Franklin Everett Wallace, to recover for death, was under the Workmen's Compensation Act, and plaintiff is without right to maintain this action against the defendants on account of such death.

VI.

Therefore, the Court hereby sustains the motion of the defendants for summary judgment, and hereby enters judgment in favor of the defendants, Caroline M. Layton White d/b/a Layton Oil Company, William Douglas Layton, R. M. Layton, and Clyde G. Layton, and against the plaintiff, Elizabeth T. Wallace, as widow of Everett Wesley Wallace, upon the ground and for the reason that the pleadings, depositions, and exhibits on file, including those offered at the time of the hearing on this motion, show that there is no genuine issue of any material fact, and defendants are entitled to judgment as a matter of law. The cause is therefore ordered dismissed.

  
United States District Judge

CERTIFICATE OF SERVICE

I, Bert McElroy, one of the attorneys for the defendants herein, do hereby certify that I have served a copy of the foregoing Order, including proposed Findings of Fact and Conclusions of Law, upon Coffey & Lassiter, attorneys for plaintiff, by delivering a true copy of the same to them at 514 Beacon Building, Tulsa, Oklahoma, on this 27 day of January, 1965.

*Bert McElroy*

---

Bert McElroy



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

WILLIAM R. CHEYNE,

Plaintiff

vs

JOYCE E. KEITH,

Defendant

CIVIL NO. 6099

FILED

FEB 22 1965

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

APPLICATION FOR ORDER DISMISSING  
CAUSE WITH PREJUDICE

Comes now the plaintiff and shows the Honorable Court that  
all issues between the parties hereto have been fully compromised  
and settled, that the above entitled cause of action is now moot,  
and prays the Court for an order dismissing the same with prejudice  
to plaintiff's right to bring a further action thereon.

W. M. Cheyne  
Plaintiff

J. Warren Jackson  
Attorney for Plaintiff

ORDER OF DISMISSAL

Now on this 22 day of February, 1965, upon application of  
the plaintiff hereto, the issues between the parties having been  
fully compromised and settled and the cause now having become  
moot, it is ordered that the same be dismissed with prejudice to  
the plaintiff's right to bring a further action thereon.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the  
above entitled cause be and is hereby dismissed with prejudice to the  
plaintiff's right to bring a further action thereon.

18/ Luther Bohanon  
Judge

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

DONALD G. GRISWOLD and  
CLA-VAL CO., INC.,

Plaintiffs,

vs.

OIL CAPITAL VALVE CO.,  
AEROPARTS MANUFACTURING  
CO., ROBERT E. RADFORD,  
and DOROTHY JOYCE RADFORD,  
as an individual and as  
Trustee for Joseph Britton  
Radford, Janice Joyce Radford,  
Robert E. Radford, Jr.,

Defendants.

Civil Action No. 5523

For Infringement of  
U.S. Letters Patent  
2,609,099 and  
2,888,032

FILED

FEB 23 1965

NOBLE C. HOOD  
U.S. District Court

ORDER

NOW on this 23 day of February, 1965, the Court  
having filed herein its Findings of Fact and Conclusions of  
Law,

IT IS ORDERED that plaintiff's Patent No. 2,609,099  
and Patent No. 2,888,032 be and the same are hereby cancelled,  
voided and held for naught.

IT IS FURTHER ORDERED that the defendant will,  
within twenty days from the date hereof, file with the Clerk  
of the Court a clear, concise statement of its claim for  
damages. Plaintiff shall, within a period of twenty days  
thereafter, file its answer or reply. Thereafter the case  
will be retried and heard, and a determination made with  
reference to the question of damages.

IT IS FURTHER ORDERED that the Court shall retain  
jurisdiction of this case until the question of damages has  
been determined.

IT IS FURTHER ORDERED that if and in the event this  
case should be appealed to the Tenth Circuit Court of Appeals,  
in that event the matter of damages will be held in suspense  
until the appellate court or courts shall have finally deter-  
mined the question or questions which may be on appeal.

DATED this 23 day of February, 1965.

Noble C. Hood  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

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

Civil No. 5710

Tract No. 3728~~E~~

FILED

FEB 23 1965

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

AMENDMENT TO JUDGMENT

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for an amendment to a judgment determining the ownership and just compensation to be awarded the former owners of the above tract, which judgment was filed on January 28, 1965

2. The Court finds that the aforesaid judgment was in error as to paragraph (b), which recited that the amount of \$530.00 had been previously disbursed to these defendants. The Court further finds that such amount should have been the sum of \$550.00.

3. The Court further finds that paragraph (c) should be amended by the addition of the Federal Land Bank of Wichita, Kansas, as a party payee to the remaining \$550.00 to be disbursed.

IT IS, THEREFORE, BY THE COURT ORDERED AND ADJUDGED that the judgment entered on January 28, 1965, be amended by the substitution in paragraph (b) of the sum of \$550.00 in lieu of the figure \$530.00, and that paragraph (c) be amended by the addition of the Federal Land Bank of Wichita, Kansas, as a party payee to the remaining \$550.00 to be disbursed.

Entered FEB 19 1965

/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

CIVIL ACTION FILE No. 6016

Marie Bynum James  
(Formerly Marie Bynum)

vs.

Humble Oil & Refining Company,  
a foreign corporation doing business  
in the State of Oklahoma

FILED  
JUDGMENT

FEB 23 1965

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

This action came on for trial before the Court and a jury, Honorable Allen E. Barrow, United States District Judge, presiding, and the issues having been duly tried and the jury having duly rendered its verdict, for the plaintiff.

It is Ordered and Adjudged that the plaintiff, Marie Bynum James (Formerly Marie Bynum) recover of the defendant, Humble Oil & Refining Company, a foreign corporation doing business in the State of Oklahoma, the sum of Three Thousand (\$3,000.00) Dollars, with interest thereon at the rate of 6% per annum from the date hereof until paid, and her cost of action.

k

Dated at Tulsa, Oklahoma, this 23rd day of February, 19 65.

NOBLE C. HOOD  
Clerk of Court  
By W. J. [Signature]  
Deputy

# United States District Court

FOR THE

~~NORTHERN DISTRICT OF OKLAHOMA~~

CIVIL ACTION FILE NO.

6036

Thelma C. Carlin

vs.

John T. Stringer and  
Nesbitt Fruit Products, Inc.,  
a California Corporation

**FILED**

FEB 26 1965

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

This action came on for trial before the Court and a jury, Honorable Allen E. Barrow, United States District Judge, presiding, and the issues having been duly tried and the jury having duly rendered its verdict, for the plaintiff.

It is Ordered and Adjudged that the plaintiff, Thelma C. Carlin, recover of the defendant, John T. Stringer and Nesbitt Fruit Products, Inc., a California Corporation, the sum of Twenty Seven Hundred (\$2700.00) Dollars, with interest thereon at the rate of 5% per annum from the date hereof until paid, and her cost of action.

Dated at Tulsa, Oklahoma, this 23rd day of February, 1965.

NOBLE C. HOOD  
Clerk of Court

*Allen E. Barrow*

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

VIRGINIA LEE FOSTER,

Plaintiff,

-vs-

JAMES W. ABELE, et al.,

Defendants,

and

THE LIBERTY MUTUAL INSURANCE COMPANY,  
175 Berkley Street, Boston, Mass.,

Garnishee.

NO. 6070 Civil

**FILED**

FEB 24 1965

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

MOTION OF PLAINTIFF TO DISMISS WITH PREJUDICE

Comes now the plaintiff and her attorney, Robert J. Childers and moves the Court to dismiss this cause against the Liberty Mutual Insurance Company and all other parties, with prejudice to any other action.

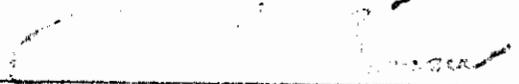
  
\_\_\_\_\_  
Plaintiff

  
\_\_\_\_\_  
C. Billy Rodgers

  
\_\_\_\_\_  
Robert J. Childers  
Her Attorneys

ORDER DISMISSING CAUSE WITH PREJUDICE

The Court, being fully advised in the premises, upon the Motion of the Plaintiff to dismiss this matter with prejudice, and the Court being fully advised that this matter has been settled to the satisfaction of the parties, hereby orders that the matter shall be dismissed with prejudice as to all parties concerned with this litigation. *Dated February 24, 1965*

  
\_\_\_\_\_  
Judge, U. S. District Court

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

Carl B. Adams, Plaintiff, )  
vs. ) Case No. 6078 - Civil  
William C. Haney, Defendant. )

FILED

FEB 24 1965

ORDER APPROVING DISMISSAL WITH PREJUDICE

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

Now, on this <sup>24th</sup> ~~22d~~ day of February, 1965, it appearing to the

Court that the plaintiff, Carl B. Adams, has made application to dismiss the above captioned case with prejudice on the grounds that said case has been settled, and that he has received all moneys due him as a result of the cause of action set forth in this case, plus all costs chargeable in said action;

IT IS THEREFORE ORDERED that said cause of action should be, and the same is hereby dismissed with prejudice.

  
Allen E. Barrow,  
United States District Judge

APPROVED:

  
Attorney for Plaintiff

  
Attorney for Defendant

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

James W. Stewart and Edith Stewart, )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 United States of America, )  
 )  
 Defendant. )

No. 5828 Civil

FILED

J U D G M E N T

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

The above entitled case came on for trial before the Court, without a jury, on November 18, 1964, plaintiffs and defendant appearing by their respective attorneys of record and testimony having been offered and the Court having filed its Findings of Fact, Conclusions of Law, and Order for Judgment, herein, now, pursuant thereto it is hereby

ORDERED, ADJUDGED AND DECREED, that the plaintiffs do have and recover a judgment against the defendant in the sum of Four Thousand Nine Hundred Ninety Dollars and Fifty-Two Cents (\$4,990.52), with interest thereon from December 20, 1962, as provided by law, and proper costs of this action.

Dated this 22 day of December, 1965.

United States District Judge

APPROVED AS TO FORM

*[Signature]*  
\_\_\_\_\_  
ATTORNEYS FOR PLAINTIFFS

*[Signature]*  
\_\_\_\_\_  
ATTORNEY FOR DEFENDANT

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

KAY TOMPKINS, a minor, by her )  
father and next friend, JAMES J. )  
TOMPKINS, )  
 )  
Plaintiff, )  
 )  
-vs- )  
 )  
THOMAS HENRY RICHARDS, JULIUS )  
CARL DUFFEY, an individual, and )  
JULIUS CARL DUFFEY d/b/a DUFFEY )  
INDUSTRIES, )  
 )  
Defendant. )

No. 6033 - Civil

**FILED**

FEB 25 1965

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

ORDER

This action came on for trial before the court and a jury, Honorable Allen E. Barrow, United States District Judge, presiding, on the 18th day of February 1965 and upon the conclusion of the opening statement made by plaintiff, the defendant, Thomas Henry Richards, moved for judgment on the opening statement. Whereupon the court took said motion under advisement. At the conclusion of the evidence on the part of the plaintiff, the court thereupon sustained the defendant Thomas Henry Richards' motion for judgment on the opening statement.

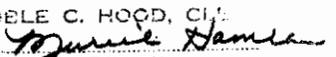
WHEREFORE, IT IS ORDERED AND ADJUDGED that the action be dismissed on its merits against Thomas Henry Richards and judgment rendered thereon in favor of Thomas Henry Richards and against the plaintiff.

  
United States District Judge

jh

UNITED STATES DISTRICT COURT }  
NORTHERN DISTRICT OF OKLAHOMA } SS

I HEREBY CERTIFY THAT THE FOREGOING  
IS A TRUE COPY OF THE ORIGINAL ON  
IN THIS COURT.

NOBLE C. HOOD, CL.  
BY   
DEPUTY

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

MARY B. DIKEMAN,

Plaintiff,

vs.

NO. 6048

CECIL B. SPARKS, and  
B. & H. INC., a Corporation,

Defendant.

FILED

FEB 25 1965

STIPULATION FOR DISMISSAL

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

COMES now the plaintiff and the defendant and move the Court to dismiss, with prejudice, the above-captioned cause, for the reason and upon the grounds that the cause has been compromised, settled, and resolved.

WHEREFORE, premises considered, the plaintiff and the defendant, pray that the Court dismiss the above-captioned cause, with prejudice, at the cost of the defendant.

HARRIS, GRAHAM & HARRIS, and  
DAVID H. SANDERS,

By David H. Sanders

Attorneys for the Plaintiff,

ALFRED B. KNIGHT,

Alfred B. Knight

Attorney for the Defendant.

Q E E E

NOW, on this 25 day of February, 1965, the above-captioned cause, by Order of the Court, is dismissed with prejudice, on stipulation of the parties hereto, at the cost of the defendant.

Allen E. [Signature]

UNITED STATES DISTRICT JUDGE

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

THE UNIVERSITY OF TULSA,  
An Oklahoma Corporation,

Plaintiff,

vs.

AETNA LIFE INSURANCE COMPANY,  
A Corporation,

Defendant.

NO. 6039- Civil

**FILED**

FEB 26 1965

JUDGMENT

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

The issues having been tried to a Jury on the 22nd., and 23rd., days of February, 1965, and said Jury having been duly impanelled and sworn to try the issues in said cause as provided by law; and, said Jury having heard the evidence, the Court's instructions, and having duly considered the same, returned a verdict into Court finding the issues in favor of the Plaintiff.

IT IS, THEREFORE, HEREBY ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff have and recover Judgment of and from the Defendant in the sum of Twenty-one Thousand Dollars (\$21,000.00), together with interest thereon at the rate of six per cent (6%) per annum from the 9th day of September, 1962.

  
LUTHER BOHANON  
United States District Judge