



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

ALLAN H. STOCKER, Trustee in Bankruptcy )  
for WILLIAM HARVEY SMITH, a sole trader, )  
d/b/a SMITH OFFICE SUPPLY, a Bankrupt, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
L. E. SCOTT, )  
 )  
Defendant. )

Civil Action

No. 5868

**FILED**

ORDER GRANTING PLAINTIFF'S MOTION MAR - 2 1965  
FOR PARTIAL SUMMARY JUDGMENT AND  
OVERRULING DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT NOBLE C. HOOD  
Clerk, U. S. District Court

Now, on this 2 day of March, 1965, the above

cause came before the Court for decision on the motion of the Plaintiff for partial summary judgment on the issue of the liability of the Defendant, and on the motion of the Defendant for summary judgment; and the Court, having duly considered said motions, the pleadings, affidavits, answers to interrogatories and admissions on file in this cause, having duly considered the briefs filed by counsel, and being fully advised in the premises,

The Court finds, and IT IS BY THE COURT ORDERED, ADJUDGED AND DECREED, that the following material facts exist without ~~substantial~~ controversy:

1. On December 31, 1962, the bankrupt, William H. Smith, and his wife, Mary E. Smith, executed an installment note (Exhibit A to the Complaint), payable to the Defendant, L. E. Scott, or order, in the principal sum of \$85,904.74.

2. On the said 31st day of December, 1962, the bankrupt, William H. Smith, and his wife, Mary E. Smith, executed an instrument denominated "Financing Statement and Chattel Mortgage" (Exhibit B to the Complaint), under the terms of which they, as mortgagors, mortgaged the

following described personal property to the Defendant, L. E. Scott, as security for payment of said installment note:

"All the items of personal property on hand and used in connection with the operation of the business known as Smith's Office Supply in Bartlesville, Oklahoma, including

All the furniture and fixtures;

All the stock in trade, wares and merchandise; and

All the right of the goodwill of the business".

3. The chattel mortgage from the bankrupt and his wife to the Defendant (Exhibit B to the Complaint; the instrument denominated "Financing Statement and Chattel Mortgage") was duly acknowledged before Ada Peace, a notary public, in her office on the 31st day of December, 1962, in the presence of the Defendant, and was, on that date, delivered to the Defendant.

4. Both the installment note (Exhibit A to the Complaint) and the chattel mortgage (Exhibit B to the Complaint) were delivered to the Defendant on December 31, 1962.

5. Said chattel mortgage (Exhibit B) was filed in the office of the County Clerk of Washington County, Oklahoma, on January 4, 1963.

6. On January 18, 1962, an instrument denominated "Financing Statement" (Exhibit C to the Complaint) was filed in the office of the County Clerk of Oklahoma County, Oklahoma.

7. On October 28, 1963, the bankrupt was insolvent and was in default in the payment of said installment note.

8. On the said 28th day of October, 1963, the Defendant, L. E. Scott, took possession of all of the business assets of the bankrupt, i. e., those being used in connection with the operation of the business known as Smith Office Supply, in which Defendant asserted a security interest under the aforesaid chattel mortgage, except certain accounts of the bankrupt for commissions due him from Remington-Rand Corporation and Victor

A ding Machine Company.

9. On the said 28th day of October, 1963, the Defendant knew that the bankrupt had other creditors, had at least reasonable cause to believe that the bankrupt was insolvent, and in fact believed that the bankrupt was then insolvent.

10. A voluntary petition in bankruptcy was filed by the bankrupt on November 18, 1963, twenty-one days after the Defendant took possession of the aforesaid assets of the bankrupt, and, on the said 18th day of November, 1963, the bankrupt was adjudicated a bankrupt.

11. Plaintiff was appointed Trustee in Bankruptcy for the said bankrupt in Cause No. 63-865 in Bankruptcy in this Court on the 12th day of December, 1963, duly qualified as Trustee in Bankruptcy, is duly acting as Trustee in Bankruptcy at this time, and was duly authorized to institute and prosecute this action.

12. This action arises under the laws of the United States, to-wit: The Bankruptcy Act of 1938, as amended, Title 11, U.S. Code, and this Court has jurisdiction under Title 28, U.S. Code, Sec. 1334, and Sec. 60b of the Bankruptcy Act, as amended, Title 11, U.S. Code, Sec. 96b.

13. The Uniform Commercial Code, Title 12A, Oklahoma Statutes, was adopted by the State of Oklahoma on July 21, 1961, but, under the provisions thereof, did not become effective until January 1, 1963.

14. Section 10-101 of the Uniform Commercial Code provides that the Code shall "become effective at midnight on December 31, 1962", and that "It applies to transactions entered into and events occurring after that date".

15. Section 10-103 of the Code provides that "Transactions validly entered into before the effective date specified in Section 10-101 and the rights, duties and interests flowing from them remain valid thereafter and may be terminated, completed, consummated or enforced as required or

permitted" under the former law, which existed prior to the effective date of the Code.

The Court finds, and IT IS BY THE COURT ORDERED, ADJUDGED AND DECREED, that the following material facts are, actually and in good faith, controverted:

1. The specific items of property of the bankrupt, of which the Defendant took possession on October 28, 1963, which are stock in trade, wares and merchandise (other than durable goods, if any, having a per unit retail sales value of at least \$50.00), cash on hand in the bankrupt's business, cash on deposit in bank accounts of the business, accounts receivable of the bankrupt, checks, notes, choses in action, other intangible property, and motor vehicles of the bankrupt.

2. The value of such property.

From the foregoing facts, THE COURT concludes, as a matter of law, and IT IS BY THE COURT ORDERED, ADJUDGED AND DECREED:

1. The Uniform Commercial Code, Title 12A, Oklahoma Statutes, became effective after the execution and delivery of the note and mortgage here involved and does not govern the validity of said mortgage or the rights of the parties herein.

2. Under the Oklahoma Statutes in force on December 31, 1962, when the note and chattel mortgage were executed and delivered (46 O.S., 1961, Secs. 91-94; 15 O.S., 1961, Secs. 631 et seq.), the mortgage of the bankrupt to the Defendant was invalid and void as against creditors, and therefore invalid and void as against the Plaintiff Trustee in Bankruptcy, as to stock in trade, wares and merchandise (other than durable goods, if any, having a per unit retail sales value of at least \$50.00); goodwill; cash on hand in the bankrupt's business; cash on deposit in bank accounts of the bankrupt's business

accounts receivable; checks; notes; choses in action; other intangible property; and motor vehicles (none being specified in the mortgage).

3. The possession by the Defendant of the bankrupt's business assets on October 28, 1963, constituted a preferential transfer under the provisions of Section 60a of the Bankruptcy Act of 1939, as amended, 11 U.S. Code, Sec. 96a, which transfer may be avoided by the Plaintiff Trustee in Bankruptcy under Sec. 60b of the Bankruptcy Act, 11 U. S. Code, Sec. 96b.

4. The motion of the Plaintiff for partial summary judgment as to the issue of liability of the Defendant should be and is hereby sustained.

5. The motion of the Defendant for summary judgment should be and is hereby overruled.

6. Plaintiff is entitled to judgment against the Defendant for the recovery of the property described in the Complaint, or for the value thereof, if possession cannot be had.

IT IS THEREFORE ORDERED BY THE COURT that this cause be set for trial before the Court for the determination of the specific property which the Plaintiff is entitled to recover from the Defendant and the value thereof, and that upon such trial that judgment be entered for the Plaintiff for the recovery of such property or for the value thereof if possession cannot be recovered from the Defendant.

Dated this 2<sup>nd</sup> day of March, 1965.

(s) Fred Daugherty  
Fred Daugherty  
United States District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

LOFFLAND BROTHERS COMPANY,  
a corporation,

Plaintiff,

vs.

UNITED STATES OF AMERICA, AND  
J. W. FLEENER, FOR HIMSELF,  
AND ON BEHALF OF EACH AND ALL  
OTHER PERSONS SIMILARLY  
SITUATED,

Defendants,

BIGHOLE DRILLERS, INC., a  
corporation,

Intervenor.

Civil Action No. 6141

**FILED**

MAR - 3 1965

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

ORDER FOR PRELIMINARY INJUNCTION

This cause coming on to be heard on the Motion for Preliminary Injunction by the Plaintiff, LOFFLAND BROTHERS COMPANY, filed herein on the 16th day of February, 1965; which said Motion for Preliminary Injunction was joined in by the Intervenor, BIGHOLE DRILLERS, INC., in open Court; and due notice having been given to the Defendant, UNITED STATES OF AMERICA, acting by and through its agent, the Atomic Energy Commission; and the Plaintiff and Intervenor and the Defendant, UNITED STATES OF AMERICA, appearing by counsel; and the Court having considered the arguments of counsel and being fully advised in the premises, makes the following Findings of Fact:

1. That the facts contained in the verified Complaint of the Plaintiff, LOFFLAND BROTHERS COMPANY, and in the verified Complaint of the Intervenor, BIGHOLE DRILLERS, INC., shall be taken as true as therein set forth; the Defendant, UNITED STATES OF AMERICA, making no specific objection to same nor presenting any facts in opposition thereto.

2. That the Defendant, UNITED STATES OF AMERICA, acting by and through its agent, the Atomic Energy Commission, is withholding payment of certain money due Plaintiff under Contracts numbered AT(26-1)-95 and AT(26-1)-103, referred to in the Plaintiff's Complaint, between the Plaintiff and the Defendant, UNITED STATES OF AMERICA, which said sums are at least equal to the fringe benefits accrued and accruing under said Contracts.

3. That the Defendant, UNITED STATES OF AMERICA, acting by and through its agent, the Atomic Energy Commission, is withholding payment of certain money due Intervenor under Contracts numbered AT(26-1)-88, AT(26-1)-104, and AT(26-1)-117, referred to in Intervenor's Complaint in Intervention, between Intervenor, BIGHOLE DRILLERS, INC., and the Defendant, UNITED STATES OF AMERICA, which said sums are at least equal to the fringe benefits accrued and accruing under said Contracts.

4. That the Defendant, UNITED STATES OF AMERICA, acting by and through its agent, the Atomic Energy Commission, has threatened both the Plaintiff and the Intervenor to declare their respective Contracts to be in default unless the Plaintiff and Intervenor pay amounts equalling said fringe benefits accrued and accruing under their respective Contracts to funds established by the International Union of Operating Engineers, Local 12; and that in the event of such threatened default, the Defendant, UNITED STATES OF AMERICA, acting by and through its agent, the Atomic Energy Commission, would pay amounts equal to said fringe benefits accrued and accruing under said contracts out of the suspense funds due Plaintiff and Intervenor, to said funds established by the International Union of Operating Engineers, Local 12. That in the event the Defendant, UNITED STATES OF AMERICA, acting by and through its agent, the Atomic Energy Commission, declared such a

default of said Contracts and made such a distribution of the sums equal to said fringe benefits accrued and accruing under said Contracts to the funds established by the International Union of Operating Engineers, Local 12, such would materially affect the main issues pending in this action and the issues involved in application for Preliminary Injunction are directly incidental and germane to the main action; that same would result in irreparable damage and harm to the Plaintiff and Intervenor which could not be compensated in money damages and same should be enjoined pending the determination by the Court of the issues before it.

5. That no security is required under Rule 65 of the Federal Rules of Civil Procedure for the reason that no damages or costs will be incurred by either party on the issuance of said Preliminary Injunction, to which finding counsel for the Defendant, UNITED STATES OF AMERICA, agreed.

The Court makes the following Conclusions of Law:

1. That the Court has jurisdiction of the parties and the subject matter of the main cause of action alleged in the Complaint and the Complaint in Intervention, and of the subject matter of the Motion for Preliminary Injunction presently before the Court.

2. That the acts threatened against the Plaintiff and the Intervenor by the Defendant, UNITED STATES OF AMERICA, acting by and through its agent, the Atomic Energy Commission, would result in irreparable damage and injury to the Plaintiff and Intervenor for which there is no adequate remedy at law, and, among other things, expose Plaintiff and Intervenor to the penalties of Section 3 of the Davis-Bacon Act, as Amended.

3. That the Court has the power under the Statutes of the United States to enjoin the Defendant, UNITED STATES OF AMERICA, acting by and through its agent, the Atomic Energy

Commission, for the reason that the issues involved in the Motion and Application for Preliminary Injunction are incidental and germane to the main action pending herein, and that the Preliminary Injunction, as hereinafter Ordered, should be granted to maintain the status quo pending a final decision in this case.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COURT that the Defendant, UNITED STATES OF AMERICA, acting by and through its agent, the Atomic Energy Commission, its agents, servants, employees, and attorneys, are hereby enjoined by this Preliminary Injunction, pending the final determination of this case, from:

1. Declaring Plaintiff in default of, or of terminating, the Contracts numbered AT(26-1)-95 and AT(26-1)-10, between Plaintiff and the Defendant, UNITED STATES OF AMERICA, by reason of Plaintiff not making payments of the fringe benefits accrued or accruing under said Contracts to the International Union of Operating Engineers' funds; and,

2. Declaring Intervenor in default of, or of terminating, the Contracts numbered AT(26-1)-88, AT(26-1)-104 and AT(26-1)-117, between Intervenor and the Defendant, UNITED STATES OF AMERICA, by reason of Intervenor not making payments of the fringe benefits accrued or accruing under said Contracts to the International Union of Operating Engineers' funds; and,

3. From making any disposition or payment of the suspense funds held by the UNITED STATES OF AMERICA and due the Plaintiff and Intervenor under their respective Contracts, insofar as said funds relate to the fringe benefit wages and compensation accrued and accruing under each said Contract, pending further Order of this Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED BY THE COURT that this Preliminary Injunction shall remain in full force and effect until April 23, 1965, or as soon thereafter

as same may be heard by the Court, at which time further hearing shall be had to show cause why this Preliminary Injunction should not be further extended pending a final trial and decision in this case.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED BY THE COURT that no costs or damages will be incurred by the Defendant, UNITED STATES OF AMERICA, by reason of this Preliminary Injunction and therefore, the Plaintiff and Intervenor are not required to give any security under Rule 65 of the Federal Rules of Civil Procedure.

DATED this 23rd day of February, 1965.

(5) Luther Bohanon  
LUTHER BOHANON  
United States District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

CIVIL ACTION NO. 4962

Tract No. O-1501

FILED

MAR - 4 1965

NOTICE OF FILING  
Clark, U. S. District Court

J U D G M E N T

1.

NOW, on this \_\_\_\_\_ day of March , 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. O-1501, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on July 15, 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 all of this deposit has been disbursed, as set out in paragraph 12 below.

7.

On the date of taking in this action, the owners of the estate taken in 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, 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. O-1501

Owners:

Nadine L. Matthews - - - - - 1/3  
Elizabeth K. Dickerson - - - - - 1/3  
Edna M. Eaton - - - - - 1/3

Award of just compensation		
pursuant to stipulation - - - - -	\$11,350.00	\$11,350.00
Deposited as estimated compensation - - - - -		10,350.00
Disbursed to owners - - - - -	<u>10,350.00</u>	
Balance due to owners - - - - -	\$ 1,000.00	
Deposit deficiency - - - - -		\$1,000.00

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 \$1,000.00. The Clerk of this Court then shall disburse from the deposit for the subject tract certain sums as follows:

To Nadine L. Matthews - - - - - \$333.34  
To Elizabeth K. Dickerson - - - - - \$333.33  
To Edna M. Eaton - - - - - \$333.33

UNITED STATES DISTRICT JUDGE

APPROVED:

HUBERT A. MARLOW  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Tracts Nos. 5719-G and

5720-E

**FILED**

MAR - 4 1965

J U D G M E N T

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

1.

Now, on this \_\_\_\_\_ day of March , 1965, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of judgment on an option contract and 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 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 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 21, 1962, the United States of America has filed its declaration of taking of such described property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

On filing 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 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 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 either having 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 a contract of option for the purchase of subordination of mineral estate, as alleged in the Complaint, or 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 herein, and such option and stipulation should be approved.

9.

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

10.

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, 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 persons whose names appear below in paragraph 12, and the right to just compensation for the estates taken in these tracts is vested in the parties so named as their respective interests appear therein.

12.

It Is Further ORDERED, ADJUDGED, AND DECREED that the Stipulation as to Just Compensation and the option contract mentioned in paragraph 8 above, are hereby 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. 5719-G AND 5720-E

Owners:

Lessor interest:

Owner No.

- 1. Jacob E. Myers, Jr. ----- 1/4
- 2. Latoyah M. Stanart ----- 1/4
- 3. Nadine L. Matthews ----- 1/6
- 4. Elizabeth K. Dickerson ----- 1/6
- 5. Edna M. Eaton ----- 1/6

Oil and gas leasehold interest:

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

Award of just compensation for all interests -----				\$62,229.00
Allocation of award, deposit and disbursements:				
	: Lessor Interest	: Leasehold Interest		
		: Overriding		
		: Working royalty		
		: Interest		
Share of award pursuant to stipulation ----	: \$10,849.00			
Share of award pursuant to option contract-		: \$45,425.00	\$5,955.00	
Deposited as estimated compensation for all interests -----				\$61,229.00
Disbursed to owners:				
Owner No.				
1.-----	\$2,462.25			
2.-----	None			
3.-----	\$1,641.50			
4.-----	\$1,641.50			
5.-----	\$1,641.50			
	: Total	\$7,386.75	\$45,425.00	\$5,955.00
Balance due to Owners -----	: \$3,462.25	: None	: None	
Deposit deficiency-----				\$1,000.00

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 total deposit deficiency in the sum of \$1,000.00. Upon deposit of this sum, the Clerk of the Court shall disburse from the deposit for subject tracts certain sums as follows:

To:

Jacob E. Myers -----	\$ 250.00
Latoyah M. Stanart -----	\$2,712.25
Nadine L. Matthews -----	\$ 166.67
Elizabeth K. Dickerson -----	\$ 166.67
Edna M. Eaton -----	\$ 166.66

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UNITED STATES DISTRICT JUDGE

APPROVED:

HUBERT A. MARLOW  
Assistant U. S. Attorney

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**

MAR -4 1965

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

AMENDMENT TO ORDER

In the Order of February 23, 1965 the Court made the following  
Order, inter alia;

"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 hereby ordered and adjudged that the above quoted paragraph  
shall be amended as follows:

-- IT IS ORDERED that plaintiffs' Patent No.  
2, 609, 099 and Patent No. 2, 888, 032 be and  
the same are hereby cancelled, voided and  
held for naught. The Court has determined that  
there is no just reason for delay with respect to  
the aforementioned patents and, accordingly,  
directs the entry of judgment adjudging that  
Patent No. 2, 609, 099 and Patent No. 2, 888, 032  
are hereby cancelled, voided and held for naught. --

DATED this 3<sup>rd</sup> day of March, 1965.

*Arthur Robinson*  
UNITED STATES DISTRICT JUDGE

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

DEAN TERRILL, F. W. STRAUS, H. BARRY  
McCORMICK, RUTH SHILLESTAD, STANLEY A.  
KAPLAN and McCORMICK & HENDERSON, INC.,  
a corporation,

Plaintiffs,

v.

HARRY SCHULTZ and JON CARSON,

Defendants.

No. 5257 - CIVIL

**FILED**

MAR - 6 1965

J U D G M E N T

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

Pursuant to the findings of fact and conclusions of law  
this day filed,

IT IS ORDERED, ADJUDGED AND DECREED as follows:

1. The Court has jurisdiction of this action and venue  
is properly in the United States District Court for the Northern  
District of Oklahoma.

2. Jon Carson and Harry Schultz shall have and recover  
from the following plaintiffs the following amounts:

F. W. Straus	\$ 3,984.90
H. Barry McCormick	1,593.97
Ruth Shillestad	1,593.97
McCormick & Henderson, Inc.	1,593.97
Stanley A. Kaplan	1,115.77

TOTAL \$ 9,882.58

3. The plaintiff, Dean Terrill, shall have and recover  
from the following plaintiffs the following amounts:

F. W. Straus	\$ 2,538.73
H. Barry McCormick	1,015.49
Ruth Shillestad	1,015.49
McCormick & Henderson, Inc.	1,015.49
Stanley A. Kaplan	710.85

TOTAL \$ 6,296.05

4. Plaintiff, Dean Merrill, is entitled to 25% of the working interest runs from the Hallett-Schultz Skinner Sand Unit from and after May 31, 1964, until from the runs attributable to such 25% interest he has received amounts as follows:

- (a) \$17,563.83, plus
- (b) An amount equal to 25% of the cost of the operation and development of the Hallett-Schultz Skinner Sand Unit from and after May 31, 1964, plus
- (c) An amount equal to 25% of the 15% monthly payment from and after May 31, 1964, and thereafter such interest shall terminate and be owned in the same proportion by the same persons as own the other 75% working interest.

5. Dean Terrill shall from May 31, 1964, until the 25% interest provided for in paragraph 4 of this judgment has terminated, account to Harry Schultz and Jon Carson, in equal shares, for 15% of amounts so received from the sale of production attributable to such 25% interest, but shall be entitled to off-set amounts due on such 15% payment against amount due him on his 1/16th of 7/8ths overriding royalty interest.

6. The following persons are entitled to 75% of the working interest runs from the Hallett-Schultz Skinner Sand Unit from and after May 31, 1964, in the following proportions:

Dean Terrill	38%
F. W. Straus	25%
H. Barry McCormick	10%
Ruth Shillestad	10%
McCormick & Henderson, Inc.	10%
Stanley A. Kaplan	7%

until such time as there has been recovered from runs attributable to such interest amounts as follows:

- (a) \$46,113.39, plus
- (b) An amount equal to 75% of the cost of operation and development of the Hallett-Schultz Skinner Sand Unit from and after May 31, 1964, plus
- (c) An amount equal to the 75% interest of the 15% monthly payment from and after May 31, 1964.

During the time that such persons are entitled to such 75% of the working interest runs they shall account for 15% of the amounts so received by them from and after May 31, 1964, to Jon Carson and

Harry Schultz in equal shares, except that Dean Terrill shall offset against the amounts so due by him any additional amount necessary to secure payment to him in full of his 1/16th of 7/8ths overriding royalty interest.

7. After the persons named in paragraph 6 have received the amounts therein provided for, then at such time said 75% interest in the oil and gas leasehold estate shall be owned as follows, and the parties hereto shall be entitled to participate in production from the Hallett-Schultz Skinner Sand Unit attributable to said 75% interest in the following proportions:

Harry Schultz	37.5%
Jon Carson	37.5%
Dean Terrill	37 % of 25%
F. W. Straus	25 % of 25%
H. Barry McCormick	10 % of 25%
Ruth Shillestad	10 % of 25%
McCormick & Henderson, Inc.	10 % of 25%
Stanley A. Kaplan	7 % of 25%

except that out of the interest of Jon Carson and Harry Schultz, Dean Terrill shall have and receive an overriding royalty interest of 1/16th of 7/8ths of production.

DATED this 4 day of March, 1965.

Ruth Bohannon  
JUDGE OF THE UNITED STATES DISTRICT COURT

APPROVED AS TO FORM:

Russell Thompson  
Attorneys for Plaintiffs

John F. ...  
Attorneys for Defendants

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
Plaintiff,  
vs.  
1,849.80 Acres of Land, More or Less,  
Situate in Tulsa and Pawnee Counties,  
Oklahoma, and A. W. Swift, et al.,  
and Unknown Owners,  
Defendants.

Civil No. 4972  
Parcels Nos. A, B, C, D & E

FILED

MAR -9 1965

J U D G M E N T

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

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

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

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

4. The Court finds the amount of \$57,700.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$57,700.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and A. W. Swift, doing business as A. W. Swift & Company, a proprietorship, and Lolita E. Swift entered into a contract, as evidenced by an option for the purchase of a gas distribution

system granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$57,700.00, inclusive of interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tracts; that the contract and agreement is a valid one.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$57,700.00, inclusive of interest, which amount has been previously disbursed to these defendants.

Dated MAR 9 1965

/s/ Allen E. Barrow

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UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

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ROBERT P. SANTEE  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 Plaintiff, ) Civil No. 5826  
 )  
 vs. ) Tract No. 1823-4M  
 )  
 1,929.31 Acres of Land, More or Less, )  
 Situate in Osage County, Oklahoma, )  
 and W. G. Rogers, et al, and Unknown )  
 Owners, )  
 )  
 Defendants. )

SEP 9 1955

PARTIAL JUDGMENT

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

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

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

4. The Court finds that prior to the institution of the above proceeding the United States of America and W. C. Tulloch entered into a contract, as evidenced by an option granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$2,075.00 for his oil production payment, inclusive of interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tracts; that the contract and agreement is a valid one.

The Court further finds that plaintiff and D. E. Dunne, Jr., defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking is the estate taken in the above tract is the sum of \$15,000.00 for his interest only, inclusive of interest.

5. The Court finds the amount of \$17,075.00, inclusive of interest, is just compensation for the taking of the oil lessee estate by the plaintiff in the above tract, as such estate and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$9,025.00 was deposited into the Registry of this Court as estimated just compensation for said oil lessee interest upon the filing of the Declaration of Taking herein.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above oil lessee interest is the sum of \$17,075.00, inclusive of interest, of which amount the following sums have heretofore been disbursed:

D. E. Dunne, Jr. . . . .	\$6,950.00
Lutitia Farris, Administratrix of Estate of W. C. Tulloch, deceased . . . . .	<u>\$2,075.00</u>
Total	\$9,025.00

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$8,050.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payee.

D. E. Dunne, Jr. . . . .	\$8,050.00
c/o Harold Thweatt, Attorney	

Entered MAR 9 1965

/s/ Allen E. Barrow

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UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

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ROBERT P. SANTEE  
Assistant U. S. Attorney

nld

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
Plaintiff, )  
vs. )  
646.79 Acres of Land, More or Less, )  
Situating in Pawnee County, Oklahoma, )  
and Carol Spess, et al, and )  
Unknown Owners, )  
Defendants. )

Civil No. 5855

Tract No. 1717-1M

FILED

MAR 9 1965

J U D G M E N T

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

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

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

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

4. The Court finds the amount of \$1,768.37, inclusive of interest, is just compensation for the taking of the estate by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$1,454.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and A. H. Hayden, C. L. Branch, Cobra Oil Company, Colonial Royalties Co., Helen Norvell, and Marjorie Hausman entered into a contract, as evidenced by an option for the purchase of land

granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$1,037.49 for their respective interests, inclusive of interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tract; that the contract and agreement is a valid one.

6. The Court finds that plaintiff and Mullendore Trust Co., Bessie M. Johnson, Mildred M. Adams, Patience M. McNulty, Dale Archer McNulty, Eugene C. Mullendore, and Jessamine Chase, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tract is the sum of \$662.72 for their respective interests, inclusive of interest.

7. The Court finds that defendants Grace Dinwiddie and Grace Dinwiddie, Attorney-in Fact for Marion Garrett Hansen, Mable G. Bargloff, and Jennie G. Hawkes, have failed to appear or answer nor have their attorneys appeared or answered in their behalf, and that said parties defendant are in default at this time.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$1,768.37, inclusive of interest, of which sum the following amounts have previously been disbursed:

A. H. Hayden . . . . .	\$242.33
C. L. Branch . . . . .	<u>\$567.97</u>
Total	\$810.30

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$314.37, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payees:

Bessie M. Johnson . . . . .	\$225.00
Mildred M. Adams . . . . .	\$215.00

Patience M. McNulty and Dale Archer McNulty . . .	\$150.00
Eugene C. Mullendore . . . . .	\$ 50.00
Cobra Oil Company . . . . .	\$ 90.88
Colonial Royalties Co. . . . .	\$ 90.88
Grace Dinwiddie . . . . .	\$ 17.04
Grace Dinwiddie, Attorney-in- Fact for Marion Garrett Hansen, Mable G. Bargloff, and Jennie G. Hawkes . . . . .	\$ 51.12
Jessamine Chase . . . . .	\$ 22.72
Helen Norvell . . . . .	\$ 22.72
Marjorie Hausman . . . . .	\$ 22.71
Total	\$958.07

Entered MAR 9 1965

/s/ Allen E. Barrow

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UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

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ROBERT P. SANTEE  
Assistant U. S. Attorney

nld

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
vs.  
31.04 Acres of Land, More or Less,  
Situate in Pawnee, Osage and Creek  
Counties, Oklahoma, and E. C. Tatum,  
et al., and Unknown Owners,  
Defendants.

Plaintiff,

Civil No. 5889

Tract Nos.

3426E-1

3426E-2

FILED

MAR 19 1955

J U D G M E N T

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

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

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

4. The Court finds the amount of \$380.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$200.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and Bessie M. Johnson, Mildred M. Adams, Patience M. McNulty, Dale Archer McNulty and Eugene C. Mullendore, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$380.00, inclusive of interest.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$380.00, inclusive of interest, of which sum the following amounts have been previously disbursed:

Patience M. McNulty . . . . .	\$54.89
Dale Archer McNulty . . . . .	4.77
Eugene C. Mullendore. . . . .	<u>18.93</u>
	\$78.59

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$180.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

Bessie M. Johnson . . . . .	\$ 125.00
Mildred M. Adams . . . . .	120.00
Patience M. McNulty. . . . .	30.11
Dale Archer McNulty. . . . .	10.23
Eugene C. Mullendore . . . . .	<u>16.07</u>
	\$301.41

Dated MAR 9 1965

/s/ Allen E. Barrow

APPROVED:

United States District Judge

/s/ Robert P. Santee

ROBERT P. SANTEE  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
Plaintiff, ) Civil No. 5924  
vs. )  
682.75 Acres of Land, More or Less, )  
Situate in Creek and Pawnee Counties, ) Tracts Nos. 3048 & E-1 thru  
Oklahoma, and J. F. Quinlan, et al, ) E-3  
and Unknown Owners, ) FILED  
Defendants. ) MAR 18 1966

J U D G M E N T

NOBLE T. F. ...  
Clerk, U. S. District Court

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

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

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

4. The Court finds the amount of \$10,928.25, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$10,716.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding that the United States of America and Edward T. Vorbeck, Marion W. Vorbeck and J & J Oil & Gas Company, R. Feldman, Raymond G. Feldman, and John E. Heard entered into a contract, as evidenced by an option for the

purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$10,338.50 for their respective interests, inclusive of interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tracts; that the contract and agreement is a valid one.

6. The Court finds that plaintiff and Bessie M. Johnson, Mildred M. Adams, Eugene C. Mullendore, Patience M. McNulty, Dale Archer McNulty, and Everett Berry, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$115.00, inclusive of interest.

7. The Court finds that defendants Margaret Berry, Elida Berry Dannenberg, Lesta Berry Scott, Catherine Berry McKinney, Robert G. Berry, George B. Holden, Charles A. Holden, Jr., Nellie Berry, and Ray Berry have failed to appear or answer nor have their attorneys appeared on answered in their behalf, and that said parties defendant are in default at this time.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$10,928.25, inclusive of interest, of which amount the following sums have previously been disbursed:

Edward T. Vorbeck . . . . .	\$ 1,291.25
Marion W. Vorbeck . . . . .	\$ 1,291.25
Eugene C. Mullendore . . . . .	\$ 14.55
Patience M. McNulty . . . . .	\$ 61.66
Dale Archer McNulty . . . . .	\$ 4.50
J & J Oil & Gas Co., R. Feldman, Raymond G. Feldman and John E. Heard . . . .	\$ 4,156.00
J & J Oil & Gas Co., R. Feldman and Raymond G. Feldman . . . . .	<u>\$ 3,600.00</u>
Total	\$10,419.21

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$212.25, without interest. Upon

receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees.

Bessie M. Johnson . . . . .	\$110.00
Mildred M. Adams . . . . .	\$105.00
Eugene C. Mullendore . . . . .	\$ 20.45
Patience M. McNulty . . . . .	\$ 38.34
Dale Archer McNulty . . . . .	\$ 10.50
Everett Berry (Estate of) . . . . .	\$ 50.00
Margaret Berry . . . . .	\$ 13.99
Elida Berry Dannenberg . . . . .	\$ 13.99
Lesta Berry Scott . . . . .	\$ 13.99
Catherine Berry McKinney . . . . .	\$ 13.99
Robert G. Berry . . . . .	\$ 13.99
George B. Holden . . . . .	\$ 7.01
Charles A. Holden, Jr. . . . .	\$ 7.01
Nellie Berry . . . . .	\$ 76.79
Ray Berry . . . . .	<u>\$ 13.99</u>
Total	\$509.04

Entered MAR 9 1965

ALLEN E. DARROW

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UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

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ROBERT P. SANTEE  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
Plaintiff,  
vs.  
959.26 Acres of Land, More or Less,  
Situate in Creek and Pawnee Counties,  
Oklahoma, and Herbert W. Moody, et al.,  
and Unknown Owners,  
Defendants.

Civil No. 5997  
Tract No. 3217E

J U D G M E N T

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

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

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

4. The Court finds the amount of \$113.44, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$50.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and Mary Erma Robins entered into a contract, as evidenced by an option for the purchase of land granted by said defendant and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$46.88, inclusive of interest, for her share, would be awarded as just compensation for the taking of the estates to be condemned in the above tract; that the contract and agreement is a valid one.

6. The Court finds that plaintiff and Bessie M. Johnson, Mildred M. Adams, Patience M. McNulty and Eugene C. Mullendore, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tract is the sum of \$65.00, inclusive of interest, for their interests.

7. The Court finds that defendant R. A. Shepherd has failed to appear or answer, nor has his attorney appeared or answered in his behalf, and that said party defendant is in default at this time.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$113.44, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$63.44, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

Mary Erma Robins . . . . .	\$46.88
Bessie M. Johnson . . . . .	25.00
Mildred M. Adams . . . . .	25.00
Patience M. McNulty. . . . .	7.50
Eugene C. Mullendore . . . . .	<u>7.50</u>
	\$111.88

(d) The Clerk of the Court is hereby authorized and directed to retain the amount set out below for this tract for a period of five years from the date of this judgment, unless said deposit is properly claimed by the defendant owner set forth above, and in event said deposit is not claimed, the Court Clerk is directed, without further order of this Court, to return said deposit, five years from this date, into the United States Treasury:

R. A. Shepherd . . . . . \$1.56

Dated **MAR** 9 1965

./s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 ) Plaintiff, ) Civil No. 5997  
 )  
 vs. ) Tract No. 3221  
 )  
 959.26 Acres of Land, More or Less, )  
 Situate in Creek and Pawnee Counties, )  
 Oklahoma, and Herbert W. Moody, et al, )  
 and Unknown Owners, )  
 )  
 ) Defendants. )

J U D G M E N T

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

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

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

4. The Court finds the amount of \$2,660.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$2,080.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and Bessie M. Johnson, Mildred McNulty  
M. Adams, Eugene C. Mullendore, Patience McNulty, and Dale Archey, defendants

herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tract is the sum of \$2,600.00, inclusive of interest.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$2,660.00, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$580.00, without interest.

Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

Bessie M. Johnson . . . . .	\$825.00
Mildred M. Adams . . . . .	\$815.00
Eugene C. Mullendore . . . . .	\$250.00
Patience McNulty . . . . .	\$700.00
Dale Archer McNulty . . . . .	\$ 70.00

Entered **MAR** 9 1965

/s/ Allen E. Barrow

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UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

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ROBERT P. SANTEE  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
Plaintiff,  
vs.  
959.26 Acres of Land, More or Less,  
Situate in Creek and Pawnee Counties,  
Oklahoma, and Herbert W. Moody, et al.,  
and Unknown Owners,  
Defendants.

Civil No. 5997

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

J U D G M E N T

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

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

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

4. The Court finds the amount of \$1,780.50, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$1,668.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and Bessie M. Johnson, Mildred M. Adams, Eugene C. Mullendore, Patience McNulty and Dale Arthur McNulty, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$150.00, inclusive of interest, for their interests.

6. The Court finds that defendants O. V. Mullendore, R. F. Mullendore, Adele D. Owen Estate and L. H. Fox have failed to appear or answer, nor have their attorneys appeared or answered in their behalf, and that said parties defendant are in default at this time.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$1,780.50, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$112.50, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

Bessie M. Johnson . . . . .	\$ 50.00
Mildred M. Adams. . . . .	50.00
Eugene C. Mullendore. . . . .	15.00
Patience McNulty . . . . .	25.00
Dale Archer McNulty . . . . .	10.00
O. V. Mullendore . . . . .	398.25
R. F. Mullendore. . . . .	37.50
Adele D. Owen Estate. . . . .	360.75
L. H. Fox Estate . . . . .	834.00
	<u>\$1780.50</u>

Dated *March 9, 1965*

  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
ROBERT P. SANTEE  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
Plaintiff, ) Civil No. 5997  
vs. ) Tracts Nos. 330h and E-1  
) thru E-5  
559.26 Acres of Land, More or Less, )  
Situating in Creek and Pawnee Counties, )  
Oklahoma, and Herbert W. Moody, et al., )  
and Unknown Owners, )  
Defendants. )

J U D G M E N T

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

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

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

4. The Court finds the amount of \$14,245.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$12,200.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and Bessie M. Johnson, Mildred M. Adams, Patience M. McNulty, Dale Archer McNulty, and Eugene C. Mullendore, defendants herein, have by the stipulation agreed that the just compensation

to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$14,245.00, inclusive of interest.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$14,245.00, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$2,045.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees.

Bessie M. Johnson, c/o Louis Byers, Atty. . . . .	\$ 4,700.00
Mildred M. Adams, c/o Louis Byers, Atty. . . . .	\$ 4,625.00
Patience M. McNulty, c/o Curtis Harris, Atty. . . . .	\$ 4,500.00
Dale Archer McNulty, c/o Curtis Harris, Atty. . . . .	\$ 350.00
Eugene C. Mullendore, c/o Curtis Harris, Atty. . . . .	\$ 70.00
Total	\$14,245.00

Entered MAR 9 1965

/s/ Allen E. Barrow

---

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

---

ROBERT P. SANTEE  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,	)	
	Plaintiff,	)
vs.	)	Civil No. 5997
	)	
959.26 Acres of Land, More or Less,	)	Tract Nos. 3426E-1 & E-2
Situate in Creek and Pawnee Counties,	)	
Oklahoma, and Herbert W. Moody, et al,	)	
and Unknown Owners,	)	
	)	
	Defendants.	)

J U D G M E N T

NOV 19 1985  
Clerk, U. S. Court

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

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

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

4. The Court finds the amount of \$331.25, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$204.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and Bessie M. Johnson, Mildred M. Adams, Patience M. McNulty, Dale Archer McNulty, and Eugene C. Mullendore, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken

in the above tracts is the sum of \$315.00, for their interests, inclusive of interest.

6. The Court finds that defendants, Adele D. Owen Estate, Thomas Moore Estate, and J. N. Shelts Estate, have failed to appear or answer nor have their attorneys appeared or answered in their behalf, and that said parties defendant are in default at this time.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$331.25, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$127.25, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

Bessie M. Johnson .....	\$100.00
Mildred M. Adams .....	95.00
Patience M. McNulty .....	70.00
Dale Archer McNulty .....	15.00
Eugene C. Mullendore .....	35.00
	<hr/>
	\$315.00

(d) The Clerk of the Court is hereby authorized and directed to retain the amounts set out below for these tracts for a period of five years from the date of this judgment, unless said deposit is properly claimed by the defendant owner set forth below, and in event said deposit is not claimed, the Court Clerk is directed, without further order of this Court, to return said deposit, five years from this date, into the United States Treasury:

Adele D. Owen Estate .....	\$10.00
Thomas Moore Estate .....	2.50
J. N. Shelts Estate .....	3.75
	<hr/>
	\$16.25

Entered MAR 9 1965

/s/ Allen E. Barrow

---

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

---

ROBERT P. SANTEE  
Assistant U. S. Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHEAN 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, )  
Defendant. )

No. 6062-C

**FILED**

MAR - 9 1965

JOURNAL ENTRY OF JUDGMENT

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

Use plaintiff's Motion for judgment against the defendant Commercial Insurance Company of Newark, a corporation, 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 \$3879.02 with interest thereon at the rate of six percent (6%) 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, Commercial Insurance Company of Newark, a corporation, the sum of \$3879.02, which amount includes attorney's fees and court costs, with interest thereon at the rate of six (6%) percent from December 22, 1964, until paid.

Dated this 9 day of March, 1965.

(s) *Fred Daugherty*  
Fred Daugherty  
U.S. District Judge

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

UNITED STATES OF AMERICA for  
the use and benefit of  
STANDARD INDUSTRIES, INC., a  
corporation,

Plaintiff,

vs.

COMMERCIAL INSURANCE COMPANY  
OF NEWARK, NEW JERSEY, a  
corporation; and JACK L. BUTLER  
CONSTRUCTION CO., INC., a  
corporation,

Defendants.

No. 6097 Civil

**FILED**

MAR - 9 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 for a pre-trial conference. Plaintiff, Standard Industries, Inc., appeared by its counsel, James L. Kincaid of Lupardus, Holliman & Huffman, and the defendants, Jack L. Butler Construction Co., Inc. and Commercial Insurance Company of Newark, New Jersey, appeared by their counsel, Lawrence Johnson of Farmer, Woolsey, Flippo & Bailey. The Court, after examining the pleadings, hearing the arguments of counsel, and noting the admissions of counsel, finds the facts and concludes to the law as set forth in the attached Findings of Fact and Conclusions of Law.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff, Standard Industries, Inc., be and the same is hereby granted judgment against the defendants, and each of them, in the amount of \$24,372.55, together with interest thereon at the rate of six per cent (6%) per annum, from the date the amounts were due and owing, which interest totals the sum of \$962.72, together with its costs herein in the amount of \$43.72.

*Luther Bohannon*  
\_\_\_\_\_  
Judge of the District Court

APPROVED AS TO FORM:

*James L. Kincaid*  
\_\_\_\_\_  
James L. Kincaid

Attorney for Plaintiff,  
Standard Industries, Inc.

*Lawrence Johnson*  
\_\_\_\_\_  
Lawrence Johnson

Attorney for Defendants,  
Commercial Insurance Company  
of Newark, New Jersey, and  
Jack L. Butler Construction  
Co., Inc.

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
Plaintiff, )  
vs. )  
182.27 Acres of Land, More or Less, )  
Situate in Tulsa, Creek, & Pawnee )  
Counties, Oklahoma, and James T. )  
Steil, et al., and Unknown Owners, )  
Defendants. )

Civil No. 5108

Tract Nos. 2419-1 & 2 &  
E-1 thru E-4

FILED

MAR 10 1965

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

J U D G M E N T

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

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

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

4. The Court finds the amount of \$8,700.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$7,250.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and James B. Collins, defendant herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$8,700.00, inclusive of interest.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$8,700.00, inclusive of interest, of which amount the sum of \$7,250.00 has previously been disbursed to this defendant;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$1,450.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payee:

James B. Collins . . . . . \$1,450.00

Dated MAR 9 1965

/s/ Allen E. Barrow

---

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

---

ROBERT P. SANTEE  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
Plaintiff,  
vs.  
427.05 Acres of Land, More or Less,  
Situating in Pawnee, Osage, and Creek  
Counties, Oklahoma, and Glen A. Milam,  
et al., and Unknown Owners,  
Defendants.

Civil No. 5844

Tract Nos. 4225 & E

**FILED**

MAR 10 1965

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

SECOND 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 a Second Amendment to a judgment entered herein on October 20, 1964, which original judgment determined the ownership and the just compensation to be awarded the former owners of the above tracts, and which Amended Judgment, entered on March 2, 1965, altered the original judgment by the addition to paragraph 5 of the following language:

"The Court further finds that plaintiff and Walter W. Lauener, defendant herein, have by stipulation agreed that defendant has the right to remove two cow sheds (10½' x 14' and 11' x 47') on or before March 1, 1965, without deduction for salvage value."

2. The Court finds that the above language added at the conclusion of paragraph 5 was erroneous and that the following paragraph should be substituted entirely in lieu thereof:

"The Court further finds that plaintiff and Walter W. Lauener, defendant herein, have by stipulation agreed that defendant has the right to remove a hay barn and shed (32' x 50') on or before March 15, 1965, without deduction for salvage value."

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the judgment entered October 20, 1964, as amended by judgment entered March 2, 1965, is hereby further amended as set out above.

Dated MAR 9 1965

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE  
Assistant U. S. Attorney

a.js

WL:chk  
2-18-65

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

R. V. MCGINNIS THEATRES & PAY T. V., INC., )  
a corporation, )

Plaintiff, )

vs. )

VIDEO INDEPENDENT THEATRES, INC., )  
a corporation, et al., )

Defendants. )

Civil Action  
No. 6015

FILED

MAR 10 1965

ORDER

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

Upon stipulation of the Plaintiff, Defendant Admiral Drive-In,  
(formerly) a co-partnership composed of Alex Blue and H. B. Robb, Jr.,  
co-partners, and Admiral Twin Drive-In Theatre, Inc., a corporation,

IT IS BY THE COURT ORDERED that Admiral Twin Drive-In  
Theatre, Inc., a corporation, be and is hereby added as and made a party  
Defendant in this action.

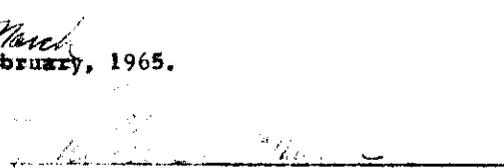
IT IS FURTHER ORDERED BY THE COURT that this action be  
discontinued and dismissed without prejudice as to Defendant Admiral  
Drive-In, a co-partnership composed of Alex Blue and H. B. Robb, Jr.,  
co-partners.

IT IS FURTHER ORDERED BY THE COURT that Plaintiff be and is  
hereby granted leave to file an Amendment to its Complaint, within ten (10)  
days from the date hereof, and that the caption of this action be amended to  
reflect the addition of Admiral Twin Drive-In Theatre, Inc., a corporation,  
as a party Defendant.

Dated this 10<sup>th</sup> day of February, 1965.

LAW OFFICES  
UNGERMAN,  
GRABEL,  
UNGERMAN  
& LEITER

SIXTH FLOOR  
WRIGHT BUILDING  
TULSA, OKLAHOMA

  
Luther Bohanon  
United States District Judge

APPROVED:

Ryan & Ryan

Ungerman, Grabel, Ungerman & Leiter

By William Fala  
Attorneys for Plaintiff

Jack I. Gaither  
Jack I. Gaither  
Attorney for Defendant Admiral  
Drive-In, a co-partnership, etc.,  
and for Admiral Twin Drive-In  
Theatre, Inc., a corporation



UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
Plaintiff,  
vs.  
491.80 Acres of Land, More or Less,  
Situate in Creek & Pawnee Counties,  
Oklahoma, and Albert E. Findley, et al.,  
and Unknown Owners,  
Defendant.

Civil No. 5999

Tract Nos. 2902, E, &  
E-3 thru E-9

**FILED**

MAR 16 1965

J U D G M E N T

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

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

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

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

4. The Court finds the amount of \$17,700.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$14,488.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and Ray Spess, Emil T. Brodell and the Heirs of John Droppleman, deceased, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$17,700.00, inclusive of interest.

6. The Court finds that defendants Fay M. Brodell Youngman, Arthur C. Brodell, Esther S. Payne, Leslie J. Brodell, June Brodell Bigham, Carolyn Brodell Hill, Carolyn Brodell Hill, Trustee for Roy Joe Brodell, and Marilou Brodell Brooks have failed to appear or answer, nor have their attorneys appeared or answered in their behalf, and that said parties defendant are in default at this time.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$17,700, inclusive of interest, of which amount the sum of \$5,524.00 has been previously disbursed to Ray Spess;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$3,212.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

Emil T. Brodell . . . . .	\$4,200.00
Ray Spess . . . . .	1,226.00
John Droppleman Heirs . . . . .	6,750.00
	<u>\$12,176.00</u>

Dated *March 15, 1965*

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE  
Assistant U. S. Attorney

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

THE UNITED STATES OF AMERICA )  
for the use and benefit of STAR )  
BUILDERS, INC., a corporation, )  
 )  
Plaintiff. )  
 )  
-vs- )  
 )  
COMMERCIAL INSURANCE COMPANY )  
OF NEWARK, NEW JERSEY, a )  
corporation, )  
 )  
Defendant. )

FILED

MAR 16 1965

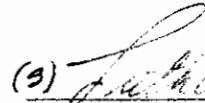
NOBLE C. HOOD  
Clerk, U. S. District Court

CIVIL ACTION  
NO. 6043

JOURNAL ENTRY OF JUDGMENT

NOW ON THIS 16th day of March, 1965, the above styled matter came on for hearing before the Honorable Luther Bohanon, Judge of the United States District Court for the Northern District of Oklahoma, and the Plaintiff appearing by its attorney of record Steven E. Smith, and the Defendant appearing by its attorney of record Lawrence A. G. Johnson, and both parties having waived trial by jury in open court, proceeded to present their respective evidence. The Plaintiff then presented its evidence by witnesses sworn and examined in open court, and by the admission of exhibits and by stipulations between the parties, and upon resting, the Defendant interposed its Demurrer, the Plaintiff's evidence, which was overruled. The Defendant then presented its evidence by witnesses sworn and examined in open court, and upon the Defendant resting, the Court found the issues in favor of the Plaintiff and against the Defendant as follows: That the Plaintiff and Defendant entered into a contract whereby the Defendant became bound to pay the Plaintiff the sum of Fifteen Thousand Six Hundred Sixty-eight and 80/100 Dollars (\$15,668.80), and that the Defendant is not entitled to any claims for offsets, setbacks, or back charges. The Court further found that the Plaintiff is entitled to recover interest in the amount of six per cent (6%) on the entire amount due, from the 1st day of November, 1964, until paid.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED  
that the Plaintiff, Star Builders, Inc., a corporation (suing in the name of The  
United States of America), have and recover judgment against the Defendant,  
Commercial Insurance Company of Newark, New Jersey, a corporation, in  
the sum of Fifteen Thousand Six Hundred Sixty-eight and 80/100 Dollars  
(\$15,668.80) together with interest at the rate of six per cent (6%) per annum  
from the 1st day of November, 1964, until paid, and the costs of this action,  
for which let execution issue.

(3)   
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

  
LAWRENCE A. G. JOHNSON  
Attorney for Defendant

  
STEVEN E. SMITH  
Attorney for Plaintiff

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

Charles Lance Stapley, )  
Plaintiff, )  
vs. )  
United States of America, )  
Defendant. )

Civil No. 6050

FILED

FEB 17 1965

ORDER

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

This matter coming on before me, the undersigned Judge, this 17th day of February, 1965, upon the motion of the petitioner, Charles Lance Stapley, to vacate and set aside sentence pursuant to 28 U.S.C. 2255, and the petitioner appearing in person and by his attorneys, Fred W. Woodson and Richard Gable, and the defendant being represented by Phillips Breckinridge, Assistant United States Attorney, and witnesses having been sworn and testimony taken, and the court having examined the files and records in this case and Criminal Case No. 14039 in this court, and being fully advised in the premises finds:

That while the petitioner was testifying in his own behalf and at the end of said testimony he indicated in open court, and while under oath to this court, that he wished to withdraw his motion to vacate pursuant to 28 U.S.C. 2255. That thereafter the court advised said petitioner to consult with his attorneys, and after such consultation the petitioner again, while still under oath, advised the court that he wished to withdraw said motion. That the court inquired of both attorneys representing petitioner whether they concurred in this request. That both said attorneys indicated to the court that they did so concur and that in their judgment it would be to the petitioner's best interest to withdraw the motion which he has filed herein.

For the foregoing reasons the petitioner should be allowed to withdraw said motion and the same should therefore be considered withdrawn and as such dismissed, overruled and denied.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion pur-

grant to 28 U.S.C. 2255 filed herein by the petitioner, Charles Vance  
Stapley, be and it hereby is overruled and denied.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

James Victor Dowty,  
Plaintiff,  
vs.  
United States of America,  
Defendant.

Civil No. 6140

FILED

MAR 17 1965

ORDER

NEVILLE S. HOGG  
Chief U.S. District Court

This matter coming on before me, the undersigned Judge, this 17 day of March, 1965, upon the motion to vacate sentence pursuant to 28 U.S.C. 2255 filed herein by the petitioner, James Victor Dowty, and the court having carefully considered said motion and the files and records in this case, as well as Criminal No. 13603 in this court, finds:

That on the 14th day of November, 1960, the petitioner, James Victor Dowty, waived indictment and entered a plea of guilty to the information filed in this court in Criminal Case No. 13603 charging the petitioner with a violation of 18 U.S.C. 2312. That thereafter on the 14th day of December, 1960, the defendant was sentenced to two (2) years in the custody of the Attorney General upon his plea of guilty to said charge by the Honorable Royce H. Savage, then United States District Judge for the Northern District of Oklahoma.

That in his motion filed herein on the 15th day of February, 1965, the only grounds asserted by the petitioner for setting aside the aforesaid judgment of conviction are certain allegedly wrongful acts of the United States Board of Parole. That the petitioner has alleged nothing in his motion which in any way forms a basis of attack upon his conviction in Criminal Case No. 13603. He has set forth nothing which would invalidate that conviction nor furnished any reasons for setting it aside. His only complaints are directed toward

alleged acts of the United States Parole Board which could, of course, in no way constitute any basis for setting aside the original conviction. As heretofore stated, his motion is completely silent as to any reason for this court to grant him any relief under 28 U.S.C. 2255. If, which is highly unlikely, the petitioner is now being wrongfully restrained of his liberty, it is not by reason of any infirmity in the judgment of conviction entered on December 14, 1960, in Case No. 13603, and petitioner's redress, if he is entitled to any, must come through habeas corpus and not 28 U.S.C. 2255.

That although the petitioner does not really urge it as a ground for setting aside the conviction, there is in his motion a statement that his court appointed counsel was not present at the time he was sentenced. While he does not ask for any relief as a result of this, in order to absolutely safeguard his rights, the court has examined the reporter's transcript in Case No. 13603. It reveals that petitioner was represented by counsel in open court at the time he waived indictment and entered his plea of guilty on November 14, 1960. It further reveals that on December 14, 1960, when the case was called for sentencing the court was informed that the attorney representing petitioner was out of town. At that time petitioner specifically requested that the court proceed to impose sentence without the attorney being present. After being further advised by the court of his rights in this regard, the petitioner indicated that he understood what his rights were and again specifically waived his right to have the attorney present. This procedure clearly does not provide any basis for setting aside the judgment of conviction under 28 U.S.C. 2255. The record is plain that the petitioner waived his right to have counsel present at the time of sentence.

That since the files and the records in this case and Criminal Case No. 13603 conclusively show that the petitioner is entitled to no relief, there is no need for a hearing on his present motion nor for him to be brought before the court to testify.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that the motion of James Victor Dowty to vacate and set aside sentence pursuant to 28 U.S.C. 2255 be and it hereby is overruled and denied.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
  
Plaintiff,  
  
vs.  
  
731.06 Acres of Land, More or Less,  
Situate in Nowata County, Oklahoma,  
and Ruby Helen Barnes, et al,  
and Unknown Owners,  
  
Defendants.

CIVIL ACTION NO. 4888  
  
WORKING INTEREST ONLY  
IN ALL TRACTS

**FILED**

**MAR 22 1965**

J U D G M E N T  
(Partial)

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

1.

NOW, on this \_\_\_\_\_ day of \_\_\_\_\_, 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 working interest in the estates condemned in all tracts included in this civil action, as such estates and tracts are described in the Complaint and the Declaration of Taking filed in this civil action. Such working interest consists of certain fractional interests in the estate taken in the various tracts as follows, to-wit:

<u>Mineral Tract No.</u> <u>As Filed in Case</u>	<u>Interest Owned by</u> <u>Forest</u>
5601-A	19/24 of 8/8
5601-B	19/24 of 8/8
5601-C	17/24 of 8/8
5601-D	19/24 of 8/8
5601-E	19/24 of 8/8
5601-F	41/48 of 8/8
5601-MA	19/24 of 8/8
5601-M	19/24 of 8/8
5706-B	19/24 of 8/8
5706-D	19/24 of 8/8

<u>Mineral Tract No. Filed In Case</u>	<u>Interest Owned by Forest</u>
5706-0	41/48 of 8/8
6636-16 and 6636-22	19/24 of 8/8
6636-21	19/24 of 8/8
6636-23	2/3 of 8/8

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 March 16, 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 the working interest in the estates taken in the subject tracts a certain sum of money and all of this deposit has been disbursed, as set out in paragraph 12, below.

7.

On the date of taking in this action, the owner of the working interest in the estates taken in the 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 working 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 awarded by this judgment.

8.

The owner of the working interest in 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 such interest in the estates condemned in subject 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 working interest in 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 all tracts included in this civil action, as such tracts are particularly described in the Complaint and Declaration of Taking filed herein; and such tracts, to the extent of the working interest only in the estates 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 working interest in the estates condemned herein in subject tracts, was the party whose name appears below in paragraph 12, and the right to receive the just compensation awarded by this judgment 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 working interest in the estates condemned herein in subject tracts as follows:

WORKING INTEREST ONLY IN ALL TRACTS IN THIS CASE

Owner: Forest Oil Corporation.

Award of just compensation pursuant to stipulation -----	\$102,058.66	\$102,058.66
Deposited as estimated compensation -----		\$100,357.41
Disbursed to owner -----	\$100,357.41	
Balance due to owner -----	\$ 1,701.25	
Deposit deficiency -----		\$ 1,701.25

---

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 \$1,701.25, and the Clerk of this Court then shall disburse from the deposit for such tracts the sum of \$1,701.25 to Forest Oil Corporation.

/s/ Allen E. Barrow

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UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

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HUBERT A. MARLOW  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

84.56 Acres of Land, More or Less,  
Situate in Nowata and Rogers Counties,  
Oklahoma, and James Rogers, et al.

Defendants.

CIVIL ACTION NO. 5223

Tract No. B-286

**FILED**

**MAR 22 1965**

J U D G M E N T

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

1.

Now, on this \_\_\_\_\_ day of \_\_\_\_\_, 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. B-286, 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 7, 1961, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of a certain estate in 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. B-286

Owners:

Will Rogers, Jr. ----- 1/3  
Mary Rogers Brooks ----- 1/3  
James Rogers ----- 1/3

Award of just compensation pursuant to stipulation -----	\$375.00	\$375.00
Deposited as estimated compensation -----		\$225.00
Disbursed to owners -----	None	
Balance due to owners -----	<u>\$375.00</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 the subject tract, the deficiency sum of \$150.00. The Clerk of this Court then shall disburse from the deposit for the subject tract certain sums as follows:

To:

Will Rogers, Jr. -----	\$125.00
Mary Rogers Brooks -----	\$125.00
James Rogers -----	\$125.00

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

APPROVED:

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

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

CIVIL ACTION NO. 5976

NATIONAL TRAILER CONVOY, INC.,  
Plaintiff,  
vs  
UNITED STATES OF AMERICA and  
INTERSTATE COMMERCE COMMISSION,  
Defendants,)

FILED

MAR 22 1965

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

J U D G M E N T

This action came on for hearing before the Court, Honorable Jean S. Breitenstein, Circuit Judge, Honorable Fred Daugherty and Honorable Allen E. Barrow, District Judges, presiding, and the issues having been duly heard and a decision having been duly rendered,

It is Ordered and Adjudged that the order of the Interstate Commerce Commission entered in its Docket No. MC-106398(Sub-No. 167), National Trailer Convey, Inc., Extension - Portable Buildings, wherein the Commission found that the certificate of National Trailer Convoy, Inc., did not authorize the transportation of commodities referred to as sectionalized homes and denied National's request for such authority, is affirmed.

Dated at Tulsa, Oklahoma, this 22nd day of March, 1965.

Noble C. Hood, Clerk

By *N. M. Ewing* Deputy

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
Plaintiff, ) Civil No. 5514  
vs. ) Parcel No. 2  
Certain Land in the City of Tulsa, )  
County of Tulsa, State of Oklahoma, )  
and Consumers Oil Stations, Inc., )  
et al., and Unknown Owners, )  
Defendants. )

**FILED**

**MAR 23 1965**

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

J U D G M E N T

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

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

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

4. The Court finds the amount of \$45,000.00 is just compensation for the taking of the estates by the plaintiff in the above parcel, as such estates and said parcel are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$36,000.00 was deposited into the Registry of this Court as estimated just compensation for said parcel upon the filing of the Declaration of Taking herein.

5. The issue of just compensation was tried to a jury on February 16 and 17, 1965, and the jury's verdict resulting therefrom was in favor of these defendants in the amount of \$45,000.00;

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above parcel is the sum of \$45,000.00 of which amount the sum of \$36,000.00 has previously been disbursed to these defendants;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$9,000.00, with interest of 6% per annum from December 3, 1962, until the date of deposit of such deficiency. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payees.

M. J. Stricker, Jr. and Rowena Stricker . . . \$9,000.00 plus all accrued interest

Entered 3/22/65

/s/ Luther Bohanon  
~~/s/ Allan E. Harrow~~

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UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

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ROBERT P. SANTEE  
Assistant U. S. Attorney

/s/ Paul Edwards

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PAUL EDWARDS  
Attorney for defendants, M. J.  
Stricker, Jr., and Rowena Stricker

nld

PAUL EDWARDS, ATTORNEY  
CINCINNATI OFFICE  
1501 MARKET STREET, SUITE 1500  
CINCINNATI, OHIO 45202

PAUL EDWARDS ATTORNEY  
EMERY BUILDING  
TULSA, OKLAHOMA

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

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

Civil No. 5514

Parcel No. 26

**FILED**

**MAR 23 1965**

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

J U D G M E N T

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

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

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

4. The Court finds the amount of \$60,000.00 is just compensation for the taking of the estates by the plaintiff in the above parcel, as such estates and said parcel are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$46,500.00 was deposited into the Registry of this Court as estimated just compensation for said parcel upon the filing of the Declaration of Taking herein.

5. The issue of just compensation was tried to a jury on February 16 and 17, 1965, and the jury's verdict resulting therefrom was in favor of this defendant in the amount of \$60,000.00.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above parcel is the sum of \$60,000.00 of which amount the sum of \$46,500.00 has previously been disbursed to this defendant;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$13,500.00, with interest at 6% per annum from December 3, 1962, until the date of deposit of such deficiency. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payee.

Jerry V. Miller (now Jones) . . . . . \$13,500.00 plus all accrued interest

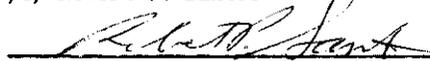
Entered 3-22-65

/s/ Luther Bohanon  
~~/s/ Allen E. Berrow~~

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee



ROBERT P. SANTEE  
Assistant U. S. Attorney

/s/ Paul Edwards



PAUL EDWARDS  
Attorney for defendant, Jerry V. Jones,  
formerly said Jerry V. Miller

nld

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

241.63 Acres of Land, More or Less,  
Situate in Nowata and Rogers Counties,  
Oklahoma, and Nettie Wilson, et al,  
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 5678

Tracts Nos. 5608-2S  
5608-3S  
5608-4S

**FILED**

**MAR 25 1965**

ORDER SETTING ASIDE JUDGMENT

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

NOW on this 22 day of February, 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 to cancel and set aside a certain Judgment filed herein, and having examined the files in the case and being advised by counsel for plaintiff, the Court finds:

On February 19, 1965, a certain Judgment was filed herein with reference to Tracts Nos. G-704, 5608-2S, 5608-3S, and 5608-4S. Insofar as said Judgment related to Tract No. G-704, it was correct and should not be disturbed. The said Judgment, however, through inadvertence, caused by insufficient information, with respect to Tracts Nos. 5608-2S, 5608-3S, and 5608-4S, was incomplete, in that one more tract included within the same ownership should have been included in the Judgment. The Judgment also fixed an award in an insufficient amount and provided for a disbursement to the owner, Earl McComic, in an amount too small.

Pursuant to the Judgment the Clerk issued his Check No. 665, dated February 19, 1965, drawn on the Farmers and Merchants State Bank, payable to Earl McComic in the amount of \$2,275.00. This check has been returned to the Clerk for cancellation.

The Court concludes that the plaintiff's motion should be sustained, the Judgment as to the subject tracts together with the Clerk's Check No. 665 should be cancelled and set aside, and a new Judgment entered.

It Is Therefore ORDERED that the Judgment filed herein on February 19, 1965, insofar only as it applies to Tracts Nos. 5608-2S, 5608-3S, and 5608-4S, hereby is cancelled, set aside and held for naught, and a new Judgment setting forth proper and correct findings, conclusions and a correct award shall be entered.

It Is Further ORDERED that the Clerk of this Court shall cancel the above described Check No. 665.

/s/ Allen E. Barrow

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UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert A. Harlow

---

ROBERT A. HARLOW  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
  
Plaintiff,  
  
vs.  
  
241.63 Acres of Land, More or Less,  
Situat e in Nowata and Rogers Counties,  
Oklahoma, and Nettie Wilson, et al,  
and Unknown Owners,  
  
Defendants.

CIVIL ACTION NO. 5678

Tracts Nos. 5608-2S  
5608-3S  
5608-4S  
5609-S

**FILED**

MAR 25 1965

J U D G M E N T

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

On MAR 24 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 except W. E. Rowsey, whose address is unknown. 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, Earl McComic, appeared by his attorney, Glenn H. Chappell. 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.

Mr. Earl McComic, the owner of Tracts Nos. 5608-2S, 5608-3S, 5608-4S, and 1/2 interest in the estate taken in Tract No. 5609-S, together with the plaintiff, has executed an option contract, as alleged in the Complaint, whereby he and the plaintiff have agreed upon the amount of just compensation for his interest in the estates taken in the subject tracts and such contract should be approved.

7.

The Court has considered the plaintiff's evidence offered at the pre-trial conference regarding the W. E. Rowsey 1/2 interest in the estate taken in Tract No. 5609-S and finds that the decrease in market value of such interest caused by this action was \$48.00, and such sum should be adopted as the award of just compensation for such 1/2 interest.

8.

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.

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 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 contract described in paragraph 6 above is approved. The sum hereby adopted as the award of just compensation for the estates herein taken in such tracts and the manner in which such award should be allocated are as set out in the schedule which follows, to-wit:

TRACTS NOS. 5608-2S, 5608-3S, 5608-4S, AND 5609-S COMBINED

Owners:

1. W. E. Rowsey owned an undivided 1/2 interest in Tract No. 5609-S.
2. Earl McComic owned all interest in these 4 tracts except that owned by W. E. Rowsey.

Award of just compensation	:	:	:
for all 4 tracts -----	:	:	:\$2,780.00
Allocation of award:	:	:	:
1. To W. E. Rowsey	:	:	:
pursuant to Court hearing - :\$48.00	:	:	:
2. To Earl McComic	:	:	:
pursuant to option contract:-----	:	:\$2,732.00	:
Deposited as estimated compensation	:	:	:
for all 4 tracts combined -----	:	:	:\$2,421.00
Disbursed to owners -----	None	:	None
Balance due to owners -----	:\$48.00	:	:\$2,732.00
Deposit deficiency -----	:	:	:\$ 359.00

It Is Further ORDERED that the plaintiff shall deposit in the Registry of this Court in this civil action the deposit deficiency in the sum of \$359.00 and such sum shall be credited to the deposit for Tract No. 5608-4S.

The Clerk of this Court then shall disburse from the sums on deposit for the subject tracts the sum of \$2,732.00 to Earl McComic. This disbursal shall be allocated among the tracts as follows:

Tract No. 5608-2S	-----	\$ 25.00
Tract No. 5608-3S	-----	\$ 25.00
Tract No. 5608-4S	-----	\$2,634.00
Tract No. 5609-S	-----	\$ 48.00

The balance of \$48.00 in the deposit for Tract No. 5609-S shall not be disbursed at this time. An appropriate order of distribution will be entered when the whereabouts of the defendant, W. E. Rowsey, 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 such Tract No. 5609-S in this action 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:

---

HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
Plaintiff, ) Civil No. 5402  
vs. )  
Tracts Nos. 4715E-1 & E-2  
165.79 Acres of Land, More or Less, )  
Situating in Tulsa, Pawnee, Osage, and )  
Creek Counties, Oklahoma, and John B. )  
Anderson, et al., and Unknown Owners, )  
Defendants. )

FILED

MAR 26 1965

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

PARTIAL JUDGMENT

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

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

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

4. The Court finds the amount of \$250.00, inclusive of interest, is just compensation for the taking of an ingress and egress right in the above tracts by the plaintiff, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. No amount was deposited into the Registry of this Court as estimated just compensation for said ingress and egress right in the above tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and Jon W. Beam and Corinne J. Beam, defendants herein, have by the stipulation agreed that the just

compensation to be paid by the plaintiff for the taking of an ingress and egress right taken in the above tracts is the sum of \$250.00, inclusive of interest.

6. This Partial Judgment is to be considered with a judgment entered March 25, 1964, in that between both judgments all interests and the just compensation therefor have been determined;

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

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

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

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$250.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payees.

Jon W. and Corinne J. Beam . . . . . \$250.00

Entered MAR 24 1965

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE  
Assistant U. S. Attorney



reserving to the Osage Tribe of Indians, its trustees, successor in Ownership, or assigns, all oil, gas, coal, or other minerals covered by said lands as reserved by the Act of Congress of June 28, 1906 (34 Stat. 539), as amended,

(b) That the Plan of Relocation filed with the Complaint be and the same is hereby approved and confirmed.

(c) That the full, just and adequate compensation payable by the United States of America for the taking of said tract of land be and the same is adjudged to be the execution of the Plan of Relocation, as set forth in the Relocation plan as shown to be completed by the Completion Report

(d) That the fee simple title, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving to the Osage Tribe of Indians, its trustees, successors in ownership, or assigns, all oil, gas, coal, or other minerals covered by said lands as reserved by the Act of Congress of June 28, 1906 (34 Stat. 539), as amended, in the cemetery described in the Complaint filed herein as Tract No. 2626C shall vest in the plaintiff from and after the date of this judgment.

Dated \_\_\_\_\_

/s/ Allen E. Barrow

APPROVED:

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

/s/ Robert P. Santee

\_\_\_\_\_  
ROBERT P. SANTEE  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
Plaintiff,  
vs.  
2.50 Acres of Land, More or Less,  
Situate in Pawnee County, Oklahoma,  
and Gordon W. Hensley, et al., and  
Unknown Owners,  
Defendants.

Civil No. 5817  
Tract Nos. 3033C  
3006C

FILED

MAR 26 1955

J U D G M E N T

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final judgment determining the ownership and the just compensation.

2. The Court finds that the Complaint was duly filed and that the Court has jurisdiction of the parties and the subject matter of this action; that service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties.

3. The Court finds that notice of the right to disinter bodies buried in the cemetery described in the Complaint filed herein as Tract Nos. 3033C and 3006C, and reinter them in other locations, has been served upon all parties defendant herein, either by personal service or by publication of notice as required by law.

4. The Court finds that the plaintiff has heretofore filed a Completion Report on the Relocation Plan and no objection has been filed thereto by any of the parties defendant or any other person.

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

(a) The following estate taken is hereby condemned for the uses and purposes of the United States of America as set out in the Complaint filed herein pursuant to the request of the Secretary of the Army:

The fee simple title, subject, however, to existing easements for public roads and highways, public utilities, railroads and pipelines:

(b) That the Plan of Relocation filed with the Complaint be and the same hereby is approved and confirmed.

(c) That the full, just and adequate compensation payable by the United States of America for the taking of said tract of land be and the

same is adjudged to be the execution of the Plan of Relocation, as set forth in the Relocation Plan as shown to be completed by the Completion Report.

(d) That the fee simple title, subject, however to existing easements for public roads and highways, public utilities, railroads and pipelines, in the cemeteries described in the Complaint filed herein as Tract Nos. 3033C and 3006C shall vest in the plaintiff from and after the date of this judgment.

Dated \_\_\_\_\_

/s/ Allen E. Barrow

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UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

---

ROBERT P. SANTEE  
Assistant U. S. Attorney

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

UNITED STATES OF AFRICA for the use of JACKSON READY-MIX CONCRETE, a corporation,

Plaintiff,

-vs-

HYDE CONSTRUCTION COMPANY, INC., UNITED STATES FIDELITY AND GUARANTY COMPANY, NATIONAL SURETY CORPORATION, and THE AETNA CASUALTY AND SURETY CORPORATION,

Defendants,

-and-

UNITED STATES FIDELITY AND GUARANTY COMPANY, NATIONAL SURETY CORPORATION, and THE AETNA CASUALTY AND SURETY CORPORATION,

Third-Party Plaintiffs,

-vs-

HYDE CONSTRUCTION COMPANY, INC., a Mississippi Corporation; R. W. HYDE, JR., E. E. MORGAN; H & F ENGINEERING COMPANY, INCORPORATION, a Mississippi Corporation; LACOSTE, INC., a Mississippi Corporation; TALBERT & BEGON CONTRACTORS, INC., a Mississippi Corporation; UNIVERSAL BRIDGE COMPANY, a Mississippi Corporation; STARR & McELROY, INC., a Mississippi Corporation; and HYDE-MORGAN, a partnership composed of R. W. HYDE, JR., and E. E. MORGAN,

Third-Party Defendants

Civil Action

No. 5485.

FILED

MAR 25 1965

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

JUDGMENT

Now on this 30th day of March, 1965, Findings of Fact and Conclusions of Law having been made and entered by the Court, judgment is entered herein accordingly.

NOW, THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED by the Court that it be adjudicated and decreed that third-party plaintiffs, United States Fidelity and Guaranty Company, National Surety Corporation and The Aetna Casualty and Surety Corporation, have paid the plaintiff, Jackson Ready-Mix Concrete, one-half of the judgment it recovered herein on the 6th day of March, 1965, for \$14,533.20, and that the third-party defendant E. F. Morgan has paid one-half of said judgment together with accrued interest, and upon the final adjudication by a court of competent jurisdiction in the State of Mississippi that third-party defendant E. F. Morgan is or is not liable to said third-party plaintiffs, then in that event that third-party defendant E. F. Morgan will reimburse third-party plaintiffs for all monies paid together with interest in the event that he is adjudicated to be liable, and in the event that he is adjudicated not to be liable then in that event the third-party plaintiffs will reimburse E. F. Morgan for all monies <sup>paid</sup> paid to the plaintiff herein together with accrued interest thereon.

40

BE IT FURTHER ADJUDICATED AND DECREED by the Court that third-party defendants, Hyde Construction Company, Inc., E. J. Hyde, Jr., H & F Engineering Company, Inc., LaCoste, Inc., Talbert & Brown Contractors, Inc., Universal Bridge Company, and Glade & McElroy, Inc., are liable to third-party plaintiffs, United States Fidelity and Guaranty

Company, National Surety Corporation and The Fetna Casualty and Surety Corporation, for all monies heretofore paid to plaintiff, Jackson Ready-Mix Concrete, and are liable to third-party plaintiffs for all monies they shall pay F. E. Morgan as reimbursement for the monies he has paid plaintiff, Jackson Ready-Mix Concrete, together with interest thereon.

UNITED STATES DISTRICT JUDGE  
FOR THE NORTHERN DISTRICT  
OF OKLAHOMA.

APPROVED:

CLYDE J. WATTS,

Attorney for Third-Party Plaintiffs.

DAVID H. SANDERS,

Attorney for Third-Party Defendants.

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

Robert A. Whitebird, George A. Romick  
Phillip A. Romick, Jr., Woodrow Green-  
back, Lula May Greenback, Any Green-  
back, Shirley Greenback Sixkiller,  
Chas Valliere King, and Walter King,

Plaintiffs,

Stewart L. Udall, Secretary of the United  
States Department of the Interior,  
Philio Nash, Commissioner of the United  
States Bureau of Indian Affairs, Virgil  
Harrington, Area Director, Muskogee,  
Oklahoma, Office of the United States  
Bureau of Indian Affairs, and/or the  
United States of America,

Involuntary Plaintiffs,

vs.

The Eagle-Picher Company, a corporation,  
Defendant.

No. 5929

FILED

MAR 29 1965

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

ORDER DISMISSING INVOLUNTARY PLAINTIFFS

Upon consideration of the Amended Motion to Dismiss filed herein by involuntary plaintiffs and the briefs submitted in support thereof and in opposition thereto, the Court finds that said Amended Motion to Dismiss should be sustained.

It is fundamental law that a sovereign may not be sued or proceeded against in a legal action in its own or other courts without its consent. Choctaw and Chickasaw Nations v. Seitz, (10th Cir.) 193 F. 2d, 456; Skokomish Indian Tribe v. France, 269 F. 2d, 555. This basic sovereign immunity extends to the inclusion or exclusion in a legal action in any capacity and in this particular instance this would encompass the position of involuntary plaintiff. Rule 19, F. R. C. P., certainly in no way provides for the waiver of sovereign immunity, and no other authority has been presented to the Court showing in what manner or by what means the United States could be joined in this action as involuntary plaintiff against its consent.

The language of the Complaint and the manner in which the officers and officials are included in this litigation leads the Court to find that such relief as is requested of them is in reality a request for relief from the United States, and is in effect, as to them individually, an action against the sovereign. Such action against officers and officials of the sovereign is not permitted without the sovereign's consent.

The plaintiffs argue in their brief in response to the Amended Motion that they are seeking mandamus against these officials. The Court does not so interpret the language of the Complaint and finds that a cause of action in mandamus has not been clearly and properly pleaded, and relying upon the law of mandamus in defense of the joinder of these officials as involuntary plaintiffs is of no comfort to plaintiffs herein and can be of no avail to them in defense to the action in this case.

As thus viewed, this action must be dismissed as to each of the involuntary plaintiffs, or more correctly stated, each involuntary plaintiff must be dismissed from this action.

The Court does not reach the question as to whether or not such involuntary plaintiffs are indispensable parties herein for such question, the Court feels, has not been raised by the pleadings, nor is it necessary to reach this question for a determination of this motion. From a study of this case it would appear that the presence of the United States in this case would be highly desirable and proper for the efficient, orderly and speedy administration of justice and a full determination of all the rights and duties of all concerned. This presence, however, could only be made possible through their desire and consent to be so present. In view of the *Choctaw and Chickasaw Nations v. State* and *Skokomist Indian Tribes v. France* cases, supra, the Court doubts that the presence of the United States would be deemed indispensable herein. However, the problems

raised by its absence herein could be easily averted by its voluntarily participation herein, but the Court cannot force that participation.

It is, therefore, ordered that the amended motion to Dismiss filed herein by the involuntary plaintiff is sustained and the involuntary plaintiffs are dismissed from this action.

Dated this 27 day of March, 1965.

(s) Fred Daugherty  
Fred Daugherty  
United States District Judge

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

BYRON BURDETTE BASOM,

Plaintiff,

-vs-

NO. 6102 CIVIL

UNITED BENEFIT LIFE INSUR-  
ANCE COMPANY, a corporation,

Defendant.

FILED

MAR 29 1965

ORDER REMANDING CAUSE TO STATE COURT NOBLE C. HOOD  
Clerk, U. S. District Court

NOW on this 17th day of March, 1965, this matter coming on before me, the undersigned Judge of the United States District Court for the Northern District of Oklahoma, upon the petition for removal filed herein by defendant, United Benefit Life Insurance Company, a corporation, and upon the motion of plaintiff, Byron Burdette Basom, to remand, defendant being present by REX K. TRAVIS of DUVALL AND HEAD, and the plaintiff being present by his attorney, LAMOIN OLDHAM, and the Court being fully advised in the premises finds that this cause was improvidently removed from the State Court, the amount involved being insufficient to give this Court jurisdiction, and that said cause should be remanded to the State Court,

IT IS THEREFORE ORDERED that the above entitled cause be, and the same is, hereby remanded to the District Court of Tulsa County, State of Oklahoma, and that said defendant pay the cost incurred by reason of the removal proceedings.

APPROVED:

LAMOIN OLDHAM  
LAMOIN OLDHAM, 221 Wright  
Bldg., Tulsa, ATTORNEY FOR  
PLAINTIFF

REX K. TRAVIS of DUVALL AND HEAD  
REX K. TRAVIS of DUVALL AND  
HEAD, 1st Equity Bldg., Okla. City  
ATTORNEY FOR DEFENDANT

LUTHER BOHANON  
LUTHER BOHANON, Judge of the Dis-  
trict Court of the United States,  
Northern District of Oklahoma

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

GRAND RIVER DAM AUTHORITY, )  
a public corporation, )  
 )  
Petitioner, )  
 )  
vs. )  
20 ACRES OF LAND IN MAYES COUNTY, ) Civil No. 5983  
OKLAHOMA, UNITED STATES OF AMERICA, )  
NANCY CAMPBELL, ET AL., )  
 )  
Defendants. )

FILED

MAR 30 1965

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

NOW, on this the 30 day of March, 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 14th day of August, 1964, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 14th day of August, 1964, 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:

PS 1-14 Fee Title to:

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

The E $\frac{1}{2}$  NW $\frac{1}{4}$  SE $\frac{1}{4}$  in Section 32, T 21 N, R 21 E of the Indian Base and Meridian, containing 20.0 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 21st day of August, 1954, upon the depositing of the sum of \$ 500.00 with the registry of this Court for the lands and estates taken in and to the above described land.

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

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,	)	
	)	
Plaintiff,	)	Civil No. 5419
	)	
vs.	)	Tract No. 3759E
	)	
753.01 Acres of Land, More or Less,	)	
Situate in Pawnee and Osage Counties,	)	<b>FILED</b>
Oklahoma, and Jacob Fein, et al.,	)	
and Unknown Owners,	)	<b>MAR 31 1965</b>
	)	
Defendants.	)	<b>NOBLE C. HOOD</b> Clerk, U. S. District Court

J U D G M E N T

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tracts, based on the Report of Commissioners filed herein on the 15th day of March, 1965.

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

3. The Report of Commissioners filed herein on the 15th day of March, 1965, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to the subject tracts as fixed by the Commission is set out in paragraph 6 below.

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

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

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$1,422.00 as determined by the Report of Commissioners of March 15, 1965, which report is hereby confirmed and the sums therein fixed and adopted as just compensation for subject tracts, as shown by the following schedule:

TRACT NO. 3759E

Owner:	Tom Tate	
Award of Just Compensation		\$1,422.00
Deposited as estimated compensation		200.00
Disbursed to Owner		0
Balance due to Owner		\$1,422.00
Deposit Deficiency		\$1,222.00

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$1,222.00, with interest at 6% per annum from June 1, 1962, until the date of deposit of such deficiency. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payee.

Tom Tate . . . . . \$1,422.00 plus all accrued interest

Executed MAR 30 1965

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE  
Assistant U. S. Attorney

nld

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,	)	
	)	
Plaintiff,	)	Civil No. 5419
	)	
vs.	)	Tracts Nos. 3769E-1 & E-2
	)	
753.01 Acres of Land, More or Less,	)	
Situate in Pawnee and Osage Counties,	)	
Oklahoma, and Jacob Fein, et al., and	)	
Unknown Owners,	)	
	)	
Defendants.	)	

**FILED**  
**MAP 31 1965**

J U D G M E N T

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

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tracts, based on the Report of Commissioners filed herein on the 15th day of March, 1965.

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

3. The Report of Commissioners filed herein on the 15th day of March, 1965, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to the subject tracts as fixed by the Commission is set out in paragraph 6 below.

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

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

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$1,500.00 as determined by the Report of Commissioners of March 15, 1965, which report is hereby confirmed and the sums therein fixed and adopted as just compensation for subject tracts, as shown by the following schedule:

TRACTS NOS. 3769E-1 & E-2

Owner: Frank Dale Higgins

Award of Just Compensation	\$1,500.00
Deposited as estimated compensation	\$ 200.00
Disbursed to Owner	0
Balance due to Owner	\$1,500.00
Deposit Deficiency	\$1,300.00

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

Frank Dale Higgins . . . . . \$1,500.00 plus all accrued interest

Entered MAR 30 1965

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE  
Assistant U. S. Attorney

nld

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )

Plaintiff, )

vs. )

178.69 Acres of Land, More or Less,  
Situate in Osage, Tulsa and Creek  
Counties, Oklahoma, and Nora Clifford,  
et al., and Unknown Owners, )

Defendants. )

Civil No. 5716

Tract No. 3629E

**FILED**

**MAR 31 1965**

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

J U D G M E N T

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tracts, based on the Report of Commissioners filed herein on the 15th day of March, 1965.

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

3. The Report of Commissioners filed herein on the 15th day of March, 1965, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to the subject tracts as fixed by the Commission is set out in paragraph 6 below.

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

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

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$5,500.00 as determined by the Report of Commissioners of March 15, 1965, which report is hereby confirmed and the sums therein fixed and adopted as just compensation for subject tracts, as shown by the following schedule:

TRACT NO. 3629E

Owner: Eugene and Eula Higgins

Award of Just Compensation	\$5,500.00
Deposited as estimated compensation	\$1,625.00
Disbursed to Owner	\$1,525.00
Balance due to Owner	\$3,975.00
Deposit Deficiency	\$3,875.00

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$3,875.00, with interest at 6% per annum from August 8, 1963, until the date of deposit of such deficiency. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payee.

Eugene and Eula Higgins . . . . . \$3,975.00 plus all accrued interest

Entered MAR 30 1965

ALLEN E. BARROW

---

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

---

ROBERT P. SANTEE  
Assistant U. S. Attorney

nld