

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

BRUNSWICK CORPORATION,)
)
 Plaintiff,)
)
 v.)
)
 MARSHALL C. FERRINO and)
 BOWL-A-RAMA OF MUSKOGEE, INC.,)
)
 Defendants.)

No. 6115 - Civil

FILED

APR - 5 1965

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

JUDGMENT

This cause came on regularly for hearing the 31st day of March, 1965, the plaintiff appearing by its attorney, F. Paul Thieman, Jr. of Crowe, Thieman & Froeb, 707 Mobil Building, Tulsa, Oklahoma, and the defendants appeared not but made default.

FINDINGS OF FACT

1. The Court finds the defendants, Marshall C. Ferrino and Bowl-A-Rama of Muskogee, Inc., to be in default.
2. The Court finds that the allegations of the complaint are true.
3. The Court finds that the defendants, Marshall C. Ferrino and Bowl-A-Rama of Muskogee, Inc., are indebted to plaintiff, Brunswick Corporation, upon the matters set forth in Count One of the complaint in the sum of \$37,627.33, together with interest at the rate of 10 per cent per annum from November 2, 1964 to and including the 31st day of March, 1965 in the sum of \$1,546.90, plus a reasonable attorneys fee.
4. The Court finds that the defendant, Bowl-A-Rama of Muskogee, Inc., is further indebted to plaintiff, Brunswick Corporation, in the sum of \$11,255.30 plus interest at 6 per cent per annum from

September 18, 1964 to and including March 31, 1965 in the sum of \$360.29.

5. The Court finds that defendant, Bowl-A-Rama of Muskogee, Inc., is further indebted to plaintiff, Brunswick Corporation, upon the matters set forth in Count Three of the complaint in the sum of \$1,338.60 plus interest at the rate of 6 per cent per annum thereon from October 19, 1963 to and including March 31, 1965 in the sum of \$115.99.

6. That plaintiff, Brunswick Corporation, is entitled to recover its attorneys fees herein in the reasonable sum of \$ 1,250.00 .

CONCLUSIONS OF LAW

1. The Court concludes that defendants, Marshall C. Ferrino and Bowl-A-Rama of Muskogee, Inc., are indebted to plaintiff, Brunswick Corporation, in the sum of \$37,627.33 plus interest at 10 per cent per annum from November 2, 1964 to and including March 31, 1965 in the sum of \$1,546.90, and that plaintiff, Brunswick Corporation, is entitled to a judgment against said defendants for the recovery of said sum, together with its attorneys fees in the sum of \$ 1,250.00 , and its costs as may be taxed by the Clerk or Court in the manner provided by the rules of civil procedure.

2. The Court further concludes that the defendant, Bowl-A-Rama of Muskogee, Inc., is further indebted to plaintiff, Brunswick Corporation, in the sum of \$13,070.18 and plaintiff, Brunswick Corporation, is entitled to a further judgment against said defendant for the recovery of said sum and costs.

JUDGMENT

IT IS HEREBY ADJUDGED that plaintiff, Brunswick Corporation, have and recover from the defendants, Marshall C. Ferrino and Bowl-A-Rama of Muskogee, Inc., the sum of \$ 40,424.23 .

IT IS FURTHER ADJUDGED that plaintiff, Brunswick Corporation,
have and recover from the defendant, Bowl-A-Rama of Muskogee, Inc.,
the further sum of \$ 14,320.18 .

Judgment entered this 5th day of April , 1965.

s/ Fred Daugherty

JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 440.75 Acres of Land, More or Less,)
 Situate in Rogers County, Oklahoma,)
 and Glenn H. Chappell, et al,)
 and Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 5116

TRACT NO. 4612-A

FILED

APR - 6 1965

J U D G M E N T

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

1.

Now, on this 6 day of April, 1965, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This Judgment applies only to the lessor interest in the estate condemned in Tract No. 4612-A, as such estate and tract are described in the Declaration of Taking filed in this action.

3.

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

4.

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

5.

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

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the lessor interest in 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 11 below.

7.

On the date of taking in this action, the owners of the lessor interest in the estate taken in subject tract were the defendants whose names are shown in paragraph 11 below. Such named defendants are the only persons asserting any interest in the lessor 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 awarded by this Judgment.

8.

The owners of the lessor interest in the estate taken in 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 such interest is in the amount shown as compensation in paragraph 11 below, and such stipulation should be approved.

9.

It Is Therefore ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tract named in paragraph 2 herein, as such tract is particularly described in the Complaint and Declaration of Taking filed herein; and the lessor interest in such tract, to the extent of the estate described and for the uses and purposes described in such Declaration of Taking, is condemned and title thereto is vested in the United States of America, as of January 31, 1961, and all defendants herein and all other persons interested in such interest are forever barred from asserting any claim thereto.

10.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the lessor interest in the estate condemned herein in subject tract were the defendants whose names appear below in paragraph 11, and the right to just compensation for such lessor interest in the estate taken herein in this tract is vested in the parties so named.

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

TRACT NO. 4612-A,
lessor interest only

Owners:

Hinman Stuart Milam ----- 1/3
Mildred Milam Viles ----- 1/3
Mary Milam Stevenson ----- 1/3

Award of just compensation		
pursuant to stipulation -----	\$4,000.00	\$4,000.00
Deposited as estimated compensation -----		\$1,340.00
Disbursed to owners -----	None	
Balance due to owners -----	<u>\$4,000.00</u>	
Deposit deficiency -----		<u>\$2,660.00</u>

It Is Further ORDERED that the plaintiff shall deposit in the Registry of this Court, to the credit of Tract No. 4612-A, the deposit deficiency in the amount of \$2,660.00.

The Clerk of this Court then shall disburse the deposit for Tract No. 4612-A as follows:

TO:

Hinman Stuart Milam -----\$1,333.34
Mildred Milam Viles -----\$1,333.33
Mary Milam Stevenson -----\$1,333.33

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

CIVIL ACTION NO. 5407

Tract No. 4614-1

FILED

APR - 6 1965

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

J U D G M E N T

1.

Now on this 6 day of April, 1965, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on an option contract, wherein the owners and the plaintiff have agreed upon the amount of just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff finds:

2.

This Judgment applies only to the estate condemned in Tract No. 4614-1, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this Civil Action.

3.

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

4.

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

5.

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

6.

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

7.

On the date of taking in this action, the owners of the estate taken in the subject tract were the defendants whose names are shown in paragraph 11 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 an option contract, as alleged in the Complaint, wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in paragraph 11, and such option contract should be approved.

9.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the 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 the Declaration of Taking, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim thereto.

10.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estate condemned herein in the subject tract were the persons whose names appear below in paragraph 11, and the right to just compensation for the estate taken herein in this tract is vested in the parties so named.

ph

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

PAT MURTA, BEN A. BAGBY and
GEORGE NORVELL, JR.,

Plaintiffs,

vs.

PAMPAS PETROLEUM COMPANY,

Defendant.

Civil Action

No. 5 5 8 9

~~FILED~~

~~APR 6 1965~~

J U D G M E N T

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

This cause came on for trial before the court without a jury on March 17, 1965, and the issues having been tried, and the court having directed that plaintiffs recover from defendant the sum of one thousand two hundred and fifty dollars (\$1,250.00) and the costs of action, it is hereby

ORDERED, ADJUDGED and DECREED that plaintiffs recover from defendant the sum of one thousand two hundred and fifty dollars (\$1,250.00) and their costs of action.

DATED ^{April - 6th} ~~March~~ 7 1965.

Luther Robinson
XXXXXXXXXX
U.S. District Judge

APPROVED:

Doris M. Thornton

By Gerald S. Rosen

Attorney for plaintiffs

FILED ✓

APR - 6 1965

ROSENSTEIN, MESIROW & FIST

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

By Aaron Mesirou

Attorneys for defendant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.)
682.75 Acres of Land, More or Less,)
Situate in Creek and Pawnee Counties,)
Oklahoma, and J. F. Quinlan, et al,)
and Unknown Owners,)
Defendants.)

Civil No. 5924

Tracts Nos. 4334-1, 2 & E

FILED

APR - 6 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 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 defendant was the sole owner of the oil lessee interest on the date of taking, and is entitled to receive the award therefor.

4. The Court finds that plaintiff and W. C. McBride, Inc., 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 \$28,500.00, inclusive of interest.

5. The Court finds the amount of \$28,500.00, inclusive of interest, is just compensation for the taking of the oil lessee estate by the plaintiff in the above tracts, as such estate and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$22,000.00 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 tracts hereinabove referred to, as said tracts are described therein, is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above oil lessee interest is the sum of \$28,500.00, inclusive of interest:

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$6,500.00, 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.

W. C. McBride, Inc. \$28,500.00

Entered APR 6 1965

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant United States Attorney

nld

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

WARREN K. FARRIMOND,)
)
 Plaintiff,)
)
 vs.)
)
 R. G. MALCHI, W. A. MALCHI,)
 W. A. MALCHI, JR., as individuals)
 and as partners d/b/a MALCHI)
 AUTOMOTIVE SUPPLY, a partner-)
 ship,)
 Defendants.)

Civil No. 6021

FILED

APR - 7 1965

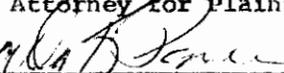
NOBLE C. HOOD
Clerk, U. S. District Court

STIPULATION FOR SETTLEMENT
AND DISMISSAL

COME NOW the counsel representing the respective parties herein, and stipulate and agree that all of the issues in the above entitled action have been settled and compromised for the sum of Three Hundred Dollars (\$300.00) in full satisfaction, payment and receipt of all obligations due and owing the plaintiff by the defendants in respect to all claims for wages, overtime payment, penalties, attorney fees and costs, and that upon execution and filing of this stipulation and agreement for dismissal, that the Clerk of said Court should be authorized and allowed to enter an order of dismissal as to said action with prejudice as to the bringing of any further or future action in reference thereto.



E. J. Eagleton,
Attorney for Plaintiff.



William K. Powers,
Attorney for Defendants.

RELEASE OF ALL CLAIMS

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, being of lawful age, for the sole consideration of Three Hundred Dollars (\$300.00) to the undersigned in hand paid, receipt whereof is hereby acknowledged, does hereby and for my heirs, executors, administrators, successors and assigns, release, acquit and forever discharge R. G. MALCHI, W. A. MALCHI, W. A. MALCHI, JR., as individuals and as partners doing business as MALCHI AUTOMOTIVE SUPPLY, a partnership, and their agents, servants, successors, heirs, executors, administrators and all other persons, firms, corporations, associations or partnerships, of and from any and all liability of and arising from my employment with MALCHI AUTOMOTIVE SUPPLY, a partnership, for any and all claims, accounts, debts and obligations owing for services rendered as an employee for alleged overtime payments and for all other claims arising from and by virtue of the Fair Labor Standards Act, and said payment is accepted in full and complete satisfaction of all such claims, penalties, attorney fees, and court costs accrued or accruing.

Dated this 31st day of March, 1965.

Warren K. Farrimond
Warren K. Farrimond

Approved:

E. J. Bagleton
E. J. Bagleton.

ORDER OF DISMISSAL

PURSUANT TO the stipulation above set out and recited, said action is hereby dismissed, with prejudice to the bringing of any further or future action.

4/7/65

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



UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 653.25 Acres of Land, More or Less,)
 Situate In Nowata County, Oklahoma,)
 and Charles Edward Bratcher, et al,)
 and Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 4975
TRACTS NOS. 5707-I and
5708-L
combined

FILED

APR - 8 1965

J U D G M E N T

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

1.

Now, on this 8 day of April, 1965, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on stipulations agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

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

3.

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

4.

Service of Process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in the subject 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 estate described in paragraph 2 herein. Pursuant thereto on July 29, 1960, the United States of America has filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

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

7.

On the date of taking in this action, the owners of the estate taken in the 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 estate taken in such tracts, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation awarded by this Judgment.

8.

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

9.

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

10.

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

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estate condemned herein in the subject tracts were the persons whose names appear below in paragraph 12, and the right to just compensation is vested in the parties so named, as their respective interests appear therein.

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

TRACTS NOS. 5707-I AND 5708-L COMBINED

Owners:

Lessor interest:

Emma M. Gray ----- 1/2
 Emmitt McMahon ----- 1/2

Oil and gas lessee interest:

Owner No.

1. Irving J. Vawter ----- 48%
 2. Louise Haakinson ----- 5%
 3. Ethel L. Smith ----- 5%
 4. Ernie Hinto ----- 5%
 5. A. F. Burger ----- 5%
 6. Emma Pooler ----- 17%
 7. Maurice Ames and Clara Ames ---- 10%
 8. Frances E. Mikkelson ----- 3%
 9. Matthew P. Szerencse ----- 2%

Award of just compensation for all interests ----- \$7,487.00
 Deposited as estimated compensation for all interests----- \$6,487.00

Allocation of award and disbursals:

1. To lessor interest:

Total award for lessor interest
 pursuant to stipulations----- \$1,400.00

Disbursed to owners ----- None

Balance due to owners:

To Emma M. Gray ----- \$ 700.00
 To Emmitt McMahon ----- \$ 700.00

2. To oil and gas lessee interest:

Total award for this interest
pursuant to stipulation ----- \$6,087.00

Distribution among owners:

Owner No.	Share of Award	Disbursed	Balance due
1	\$2,921.76	None	\$2,921.76
2	304.35	\$264.35	40.00
3	304.35	264.35	40.00
4	304.35	None	304.35
5	304.35	264.35	40.00
6	1,034.79	898.79	136.00
7	608.70	528.70	80.00
8	182.61	None	182.61
9	121.74	None	121.74
	\$6,087.00	\$2,220.54	\$3,866.46

Deposit deficiency for all interests ----- \$1,000.00

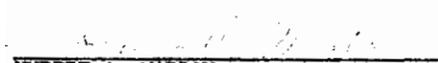
13.

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 the total deposit deficiency for subject tracts in the sum of \$1,000.00 and such sum shall be placed in the deposit for the subject tracts.

The Clerk of this Court then shall disburse from the sum on deposit for subject tracts the balances due to the respective owners as shown in the schedule in paragraph 12.


UNITED STATES DISTRICT JUDGE

APPROVED:


HUBERT A. MARLOW
Assistant United States Attorney

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

EVELYN ANN SHELTON,)
)
 Plaintiff,)
)
 VE.)
)
)
)
 NORMAN GELINAS,)
)
)
)
 Defendant.)

FILED

NO. 1130

APR -8 1965

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

STIPULATION FOR DISMISSAL

COMET now the plaintiff and the defendant, and hereby do come
to dismiss, with prejudice, the above-captioned cause, for the reasons set
upon the grounds that the cause has been compromised, settled, and
resolved.

WHEREFORE, premises considered, the plaintiff and the defendant,
pray that the Court dismiss the above-captioned cause, with prejudice, at
the cost of the defendant.

ELDER & SCOTT,

By Lawrence Elder,

Attorneys for the Plaintiff,

ALFRED B. KNIGHT,

Alfred B. Knight
Attorney for the Defendant.

ORDER

NOW, on this 8th day of April, 1965, the above-captioned cause, by
Order of the Court, is dismissed with prejudice, on stipulation of the
parties hereto, at the cost of the defendant.

[Signature]

UNITED STATES DISTRICT JUDGE

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

JOHN R. SHELTON,

Plaintiff,

vs.

NORMAN GELINAS,

Defendant.

NO. 9149

FILED

APR - 9 1965

NOBLE C. HOOD
Clk. U. S. District Court

STIPULATION FOR DISMISSAL

COMES now the plaintiff and the defendant, and move the Court to dismiss, with prejudice, the above-captioned cause, for the reason and upon the grounds that the cause has been compromised, settled, and resolved.

WHEREFORE, premises considered, the plaintiff and the defendant, pray that the Court dismiss the above-captioned cause, with prejudice, at the cost of the defendant.

ELDER & SCOTT,

By Lawrence Elder,

Attorneys for the Plaintiff,

ALFRED B. KNIGHT

Alfred B. Knight
Attorney for the Defendant.

ORDER

NOW, on this 9 day of April, 1965, the above-captioned cause, by Order of the Court, is dismissed with prejudice, on stipulation of the parties hereto, at the cost of the defendant.

Clifford B. ...

UNITED STATES DISTRICT JUDGE

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

GRAND RIVER DAM AUTHORITY,)
a public corporation,)
)
Petitioner,)
)
vs.) Civil No. 6103
)
10.4 Acres of Land, more or less,)
in Mayes County, Oklahoma, United)
States of America, Stand Hummingbird,)
et al.,) Defendants.)

FILED
APR 12 1965

ORDER CONFIRMING REPORT OF COMMISSIONERS
AS TO TRACT NO. 4 (PS 1-R12).

NOBLE C. HOOD
Clk. U. S. District Court

NOW, on this the 26 day of February, 1965, the Court

considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

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

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 4th day of January, 1965, should be confirmed and approved in every respect.

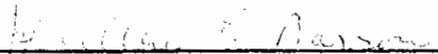
IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 4th day of January, 1965, is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein.

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

Tract No. 4 (PS 1 -R12) Fee Title to:
A strip of land 150 feet in width in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 30, T 21 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:
Beginning at a point in the west boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ 118 feet from the northwest corner thereof, thence in a southeasterly direction to a point in the south boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ 187 feet from the southwest corner thereof, containing 2.2 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 12th day of January, 1965, upon the depositing of the sum of \$ 80.00 with the registry of this Court for the lands and estates taken in and to the above described land.



U. S. District Judge

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

GRAND RIVER DAM AUTHORITY,)
a public corporation,)
)
Petitioner,)
)
vs.) Civil No. 6109
)
16.3 ACRES OF LAND AND A STRIP)
OF LAND 300 FEET WIDE IN MAYES)
COUNTY, OKLAHOMA, AND GENEVA)
GERMAN, ET AL.,)
)
Defendants.)

FILED
APR 12 1965
NOBLE C. HOWE
Chief U. S. District Court

ORDER CONFIRMING REPORT OF COMMISSIONERS

NOW, on this the 12th day of April, 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 days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 18th day of January, 1965, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 18th day of January, 1965, is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein. The lands and/or estate taken are described as follows, to-wit:

TRACT NO. 1 (PS 1 - R6 A & B)
(See Title To)

PS 1-R6A:

A tract of land in the N1/2 NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 36, T 21 N, R 20 E of the Indian Base and Meridian in Mayes County, Oklahoma, described as follows, to-wit:

Beginning at the southwest corner of said N1/2 NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, thence northerly along the west boundary of said N1/2 NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 49 feet, thence in a northeasterly direction to a point in the east boundary of said N1/2 NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ 129 feet from the southeast corner thereof, thence southerly along said east boundary to said southeast corner, thence westerly along the south boundary of said N1/2 NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ to the point of beginning, containing 1.3 acres; and

PS 1-R6B:

A strip of land 200 feet in width in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, S1/2 NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, S1/2 N1/2 NE $\frac{1}{4}$, and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, T 21 N, R 20 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the west boundary of said NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ 9 feet south of the northwest corner thereof, thence on a curve to the left with a radius of 479.34 feet a distance of 99 feet to a point in said S1/2 N1/2 NE $\frac{1}{4}$ 37 feet north and 27 feet east of the southwest corner thereof, thence in a northeasterly direction to a point 241 feet north and 54 feet east of said southwest corner, thence on a curve to the right with a radius of 359.26 feet a distance of 212.59 feet to a point 428 feet north and 150 feet east of said southwest corner, thence in a northeasterly direction to a point 513 feet north and 232 feet east of said southwest corner, thence on a curve to the right with a radius of 287.94 feet a distance of 467.50 feet to a point 503 feet north and 646 feet east of said southwest corner, thence in a southeasterly direction to a point 426 feet north and 713 feet east of said southwest corner, thence on a curve to the left with a radius of 359.26 feet a distance of 226.28 feet to a point 311 feet north and 909 feet east of said southwest corner, thence in a southeasterly direction to a point 293 feet north and 1939 feet east of said southwest corner, thence on a curve to the left with a radius of 955.37 feet a distance of 822 feet to a point 460 feet north and 815 feet west of the southeast corner of said S1/2 N1/2 NE $\frac{1}{4}$, thence in a northeasterly direction to a point 677 feet north and 533 feet west of said southeast corner, thence on a curve to the right with a radius of 359.26 feet a distance of 427.66 feet to a point 700 feet north and 128 feet west of said southeast corner, thence in a southeasterly direction to a point in the east boundary of said S1/2 N1/2 NE $\frac{1}{4}$ 622 feet from the southeast corner thereof, containing 15.0 acres; the two tracts containing 16.3 acres.

TRACT NO. 2 (323-6.6)
(Perpetual Easement)

A strip of land 300 feet in width in the N1/2 S1/2 NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, T 21 N, R 20 E of the Indian Base and Meridian, in Mayes County, Oklahoma, described as follows, to-wit:

Beginning at a point in the south boundary of said N1/2 S1/2 NE $\frac{1}{4}$ 1065 feet from the southeast corner thereof, thence in a northeasterly direction to a point in the east boundary of said SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ 267 feet from the southeast corner thereof.

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 a perpetual easement to erect, operate and maintain a line or lines of poles, towers, structures, wires and fixtures for the transmission of electric power and energy, upon, over and across the lands designated "perpetual easement" together with the perpetual right to set the necessary guy and brace poles and anchors and attach all necessary guy wires thereto and to enter upon said easement tract herein described for the purpose of erecting, maintaining and operating said poles, towers, structures, wires and fixtures and the right to cut down, trim or remove any trees that may in the judgment of the petitioner interfere with or endanger said line or lines or their maintenance or operation.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 26th day of January, 1965, upon the depositing of the sum of \$1882.00 with the registry of this court for the lands and estates taken in and to the above described land.

U. S. District Judge

Approved:

Ungerman, Grabel, Ungerman & Leiter

By 15/ David E. Ungerman
Attorneys for Plaintiff

12/ Frank Robert Hickman
Frank Robert Hickman
Attorney for Defendant

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

MRS. EULA PAE ABM,
E. E. " L,
Secalia, Missouri,
Plaintiff,

vs.

No. 6101

ELMER LEE GOFF,
2107 W. Frankfort,
Tulsa, Oklahoma,

and

ROSE MARIE CROWLEY,
202 S. Denver,
Tulsa, Oklahoma,

and

DONNA GRIFFIN,
202 S. Denver,
Tulsa, Oklahoma,

Defendants.

FILED

1934

NOBLE C. HOOD,
U.S. District Court

D I S M I S S A L

Comes now the plaintiff in the above styled case and hereby
dismisses her cause of action against the defendants, Rose Marie
Crowley and Donna Griffin, without prejudice, with costs to the
plaintiff.

Joseph W. Meyer
JOSEPH W. MEYER
Attorney for Plaintiff

HOUSTON, KLEIN & DAVIDSON

By *William D. Eckert*
WILLIAM D. ECKERT
Attorneys for Defendants, Rose
Marie Crowley and Donna Griffin

(2) *Fred Daughart*

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

THE UNITED STATES OF AMERICA
for the Use and Benefit of
BUTLER-SPARKS EQUIPMENT CO.,
ET AL.,

Plaintiffs,

VS.

H. A. JOHNSON and N. H.
ROANE, ET AL.,

Defendants.

Civil Action
No. 5884 ✓

FILED

APR 14 1965

J U D G M E N T

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

This cause came on for trial before the Court without a jury on this the 5th day of April, 1964, on the complaint of Sinclair Refining Company, one of the plaintiffs herein, praying for judgment against the defendants, H. A. Johnson and N. H. Roane, joint venturers, doing business as Johnson and Roane, and the United States Fidelity & Guaranty Company, a corporation. All of the parties appeared in person and by their attorneys of record, and testimony having been offered by the parties, and the Court having filed its findings of fact and conclusions of law and order for judgment; now, pursuant to said order for judgment, IT IS HEREBY

ORDERED AND ADJUDGED that the plaintiff, Sinclair Refining Company, have judgment against the defendants, H. A. Johnson and N. H. Roane, joint venturers, doing business as Johnson and Roane, and United States Fidelity & Guaranty Company, a corporation, in the sum of \$4,045.46 with interest thereon at the rate of 6% per annum from October 6, 1964, until paid, interest to date totalling \$121.36, and for its

costs and disbursements in this action to be hereinafter taxed,
on notice, and hereinafter inserted by the Clerk of the Court
in the sum of \$ 35⁰⁰.

April 13 - 1965

Luther Bohannon
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

McCLELLAND, COLLINS, SHEEHAN,
BAILEY, BAILEY & SHORT

By *gm sheehan*
Attorneys for Plaintiff
Sinclair Refining Company
200 Hightower Building
Oklahoma City, Oklahoma 73102

McGEE and DOWD

By *W. J. McGee*
Attorneys for Defendant
H. A. Johnson

Donald Church
DONALD CHURCH
Attorney for Defendant
N. H. Roane

SANDERS, McELROY & WHITTEN

By *David H. Sanders*
Attorneys for Defendant
United States Fidelity & Guaranty Company

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

UNIVERSITY OF TULSA,
an Oklahoma corporation,

Plaintiff,

vs.

AETNA LIFE INSURANCE COMPANY,
a Corporation,

Defendant.

No. 6039 - Civil

FILED

APR 14 1965

ORDER
ON MOTION FOR NEW TRIAL

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

Defendant's Motion for New Trial came on for hearing, and after argument of counsel, the Court requested counsel to submit Briefs, which have been submitted, and after careful consideration of defendant's Motion for New Trial, argument, and Briefs, the Court is of the opinion Motion for New Trial should be denied.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that defendant's Motion for New Trial be and the same is hereby denied and overruled.

DATED this 14 day of April, 1965.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.)
418.73 Acres of Land, More or Less,)
Situate in Pawnee, Osage and Creek)
Counties, Oklahoma, and F. Jerome)
McNulty, et al, and Unknown Owners,)
Defendants.)

Civil No. 5352
Tracts Nos. 4712 & E

FILED

APR 15 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 \$5,000.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$4,350.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and Walter and Gertrude Doolin, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$5,000.00, inclusive of interest.

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 \$750.00 for her 1/2 interest, 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 Walter and Gertrude Doolin, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate in the above tracts is the sum of \$1,500.00 for their 1/2 interest, inclusive of interest.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$2,250.00, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$750.00, 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:

Betty Shreves Clinkenbeard	\$ 750.00
Walter and Gertrude Doolin	1,500.00
	<hr/>
	\$2,250.00

Entered APR 15 1955

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

ksm

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

UNITED STATES OF AMERICA)
for the use of KENNETH M. RASCH,)
an individual d/b/a RASCH CON-)
STRUCTION COMPANY,)
Plaintiff,)
vs.)
JACK L. BUTLER CONSTRUCTION CO.,)
INC., and COMMERCIAL INSURANCE)
COMPANY OF NEWARK, NEW JERSEY,)
Defendants.)

Civil No. 6030

FILED

APR 15 1965

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

This matter coming on for decision this 31st day of March, 1965, the plaintiff appearing in person and by his counsel William K. Powers of Dyer, Powers, Gotcher & Marsh, and the defendants appearing by their counsel Lawrence Johnson of Farmer, Woolsey, Flippe & Bailey, the Court, being fully advised in the premises, announced its decision and judgment from the bench and directed the preparation of Findings of Fact and Conclusions of Law in conformity with said decision, and said Findings of Fact and Conclusions of Law having heretofore been made, approved and duly entered,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff have and recover of and from the defendant Jack L. Butler Construction Co., Inc., a corporation, and Commercial Insurance Company of Newark, New Jersey, the sum of \$42,321.56 together with interest at the rate of six percent per annum from October 1, 1964 until paid, and for its costs herein expended, plaintiff to submit bill of costs to the Clerk of said Court within ten days from the filing of said judgment, for all

of which let execution issue.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the defendant Jack L. Butler Construction Co., Inc. take nothing by virtue of its cross-claim or cross-petition filed herein and that the same is hereby denied.

Fred Daugherty

Fred ~~Daugherty~~ Daugherty, Judge
United States District Court
Northern District of Oklahoma

APPROVED:

DYER, POWERS, GOTCHER & MARSH,

By *William K. Powers*
William K. Powers,
Attorneys for Plaintiff

FARMER, WOOLSEY, FLIPPO & BAILEY,

By *Lawrence Johnson*
Lawrence Johnson,
Attorneys for Defendants.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

432.94 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and P. L. Hayes, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4900

Tract No. L-1251
(Subsurface interest only)

FILED

APR 16 1965

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

J U D G M E N T

1.

NOW, on this 15th day of April, 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 subsurface interest in the estate condemned in Tract No. L-1251, 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 interest described in paragraph 2 herein. Pursuant thereto, on March 28, 1960, the United States of America has filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the interest described in paragraph 2 herein, 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 subsurface interest in the estate taken in subject tract were the defendants whose names are shown in paragraph 12 below. Such named defendants are the only persons asserting any interest in such interest, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive just compensation awarded by this judgment.

8.

The owners of the subsurface interest in the estate taken in 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 such described interest in subject tract is in the amount shown as compensation in paragraph 12 below, and such Stipulation should be approved.

9.

A deficiency exists between the amount deposited as estimated compensation for the subsurface interest in the estate taken in the 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 subsurface interest in the estate described in such Declaration of Taking, and for the uses therein described, is condemned, and title thereto is vested in the United States of America as of the date of filing such Declaration of Taking, and all defendants herein and all other persons interested in such interest are forever barred from asserting any claim thereto.

11.

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

TRACT NO. L-1251
(Subsurface interest only)

Owners:

Estate of W. G. Phillips, deceased,
Maude H. Phillips is executrix.

Maude H. Phillips

Hinman Stuart Milam

Mildred M. Viles

Mary M. Stevenson

Bob Chiles

Award of just compensation for all subsurface interest, pursuant to stipulation -----		\$3,100.00										
	<table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse;"> <thead> <tr> <th style="padding: 2px;">Bob Chiles</th> <th style="padding: 2px;">All other Owners</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">Share of award pursuant to stipulation -----</td> <td style="padding: 2px;">\$400.00 \$2,700.00</td> </tr> <tr> <td style="padding: 2px;">Deposited as estimated compensation -</td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">Disbursed to owners -----</td> <td style="padding: 2px;">\$168.75 \$2,006.25</td> </tr> <tr> <td style="padding: 2px;">Balance due to owners -----</td> <td style="padding: 2px;">\$231.25 \$ 693.75</td> </tr> </tbody> </table>	Bob Chiles	All other Owners	Share of award pursuant to stipulation -----	\$400.00 \$2,700.00	Deposited as estimated compensation -		Disbursed to owners -----	\$168.75 \$2,006.25	Balance due to owners -----	\$231.25 \$ 693.75	
Bob Chiles	All other Owners											
Share of award pursuant to stipulation -----	\$400.00 \$2,700.00											
Deposited as estimated compensation -												
Disbursed to owners -----	\$168.75 \$2,006.25											
Balance due to owners -----	\$231.25 \$ 693.75											
		\$2,175.00										
		\$ 925.00										

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 Tract No. L-1251, the deficiency sum of \$925.00 and the Clerk of this Court then shall disburse from the deposit for the subject tract certain sums as follows:

To Bob Chiles -----\$231.25

To Maude H. Phillips, executrix
of the estate of W. G. Phillips,
deceased, Maude H. Phillips,
Hinman Stuart Milan,
Mildred M. Viles, and
Mary M. Stevenson, jointly,-----\$693.75

15/ Allen E. Barron
UNITED STATES DISTRICT JUDGE

APPROVED:

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

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

UNITED STATES OF AMERICA,

PLAINTIFF,

-vs-

OSAGE APARTMENTS, INC., ET AL.,

DEFENDANTS.

CIVIL NO. 5160

FILED

MAR 16 1965

JUDGMENT

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

Now on this 16th day of March 1965 the Application of the North Side State Bank for distribution of the funds on hands held by the Receiver, came on for hearing before the undersigned Judge of said Court and the Court having heard the evidence, argument of counsel and being fully advised in the premises, finds:

That the Receiver has on hands for distribution to the persons entitled thereto, the sum of \$10,029.01.

The Court finds that the Plaintiff has a deficiency judgment in the sum of \$67,681.67; that the North Side State Bank has a deficiency judgment of \$2,182.32.

The Court further finds that said money should be distributed on a percentage basis, that is:

The Plaintiff, United States of America receive 96.88%,

The Defendant, North Side State Bank receive 3.12%,

of said funds on hand.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Receiver be and hereby is directed to pay to the United States of America the sum of \$9,716.50, to the North Side State Bank the sum of \$312.51.

IT IS THE FURTHER ORDER OF THIS COURT, that the said Receiver upon the distribution of said money on hands as hereinabove set forth, be and is hereby directed to file his affidavit of distribution of said money in accordance herewith and upon the filing of said affidavit, the said Receiver to be discharged/and a discharge of the Receiver be issued by the Clerk of said Court.

U.S. AS TO FORM:

ATTORNEY FOR UNITED STATES OF AMERICA, PLAINTIFF

U.S. AS TO FORM:

ATTORNEY FOR NORTH SIDE STATE BANK, DEFENDANT

Robert Doherty
U.S. DISTRICT CLERK

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

UNITED STATES OF AMERICA, for the Use)
and Benefit of THE FIRST NATIONAL BANK)
OF JACKSON, JACKSON, MISSISSIPPI,)
Assignee of STANDARD INDUSTRIES, INC.,)

Plaintiff,)

vs.)

No. 5684-Civil)

UNITED STATES FIDELITY & GUARANTY)
COMPANY, a corporation; NATIONAL)
SURETY CORPORATION, a corporation;)
and THE AETNA CASUALTY & SURETY)
COMPANY, a corporation,)

Defendants and)
Third-Party Plaintiffs,)

vs.)

HYDE CONSTRUCTION CO., INC., a corpor-)
ation, R. W. HYDE, JR., individually,)
E. E. MORGAN, individually, H & F)
ENGINEERING CO., INC., a corporation,)
and LACOSTE, INC., a corporation;)
TALBERT & BROWN CONTRACTORS, INC., a)
corporation; UNIVERSAL BRIDGE COMPANY,)
a corporation; SLADE & McELROY, INC.,)
a corporation; HYDE-MORGAN, a co-)
partnership,)

Third-Party Defendants.)

UNITED STATES OF AMERICA, for the Use)
and Benefit of THE FIRST NATIONAL BANK)
OF JACKSON, JACKSON, MISSISSIPPI,)
Assignee of IDEAL CEMENT COMPANY,)

Plaintiff,)

vs.)

No. 5685-Civil)

UNITED STATES FIDELITY & GUARANTY)
COMPANY, a corporation, et al.)
(as above named),)

Defendants and)
Third-Party Plaintiffs,)

vs.)

HYDE CONSTRUCTION COMPANY, INC., a)
corporation, et al. (as above named),)

Third-Party Defendants.)

FILED

Apr 16 1965

NOBLE C. HOOD
Clerk U. S. District Court

UNITED STATES OF AMERICA, For the Use)
and Benefit of STANDARD INDUSTRIES,)
INC., a corporation, and FIRST NATIONAL)
BANK OF JACKSON, JACKSON, MISSISSIPPI,)
a banking corporation,)

Plaintiffs,)

vs.)

No. 5562-Civil)

UNITED STATES FIDELITY AND GUARANTY)
COMPANY, a corporation, et al. (as)
above named),)

Defendants and)
Third-Party Plaintiffs,)

vs.)

HYDE CONSTRUCTION COMPANY, INC., a)
corporation, et al. (as above named),)

Third-Party Defendants.)

J U D G M E N T

The Court having this day filed with the Court Clerk an Opinion wherein the essential facts and conclusions of law are found and stated, and based thereon, IT IS

THE JUDGMENT OF THE COURT that the relief prayed for by the plaintiffs in each of the above-styled cases be and the same is hereby denied, and judgment is rendered in each of these cases as consolidated in favor of the defendants, United States Fidelity & Guaranty Company, National Surety Corporation, and Aetna Casualty and Surety Company.

IT IS FURTHER ORDERED that all costs in each of these cases before and after consolidation are taxed against The First National Bank of Jackson, Mississippi.

DATED this 16th day of April, 1969.

Richard L. Johnson

UNITED STATES DISTRICT JUDGE

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

E. C. BREENE, JR., and
LOIS Y. BREENE,

Plaintiffs,

-vs-

VICK CHEMICAL COMPANY,
A Delaware Corporation; WM
S. MERRELL COMPANY,
A Delaware Corporation; and
RICHARDSON-MERRELL, INC.,
A Delaware Corporation,

Defendants.

No. 6018

FILED

APR 16 1965

NOBLE C. HOOD
Clerk U. S. District Court

ORDER OF DISMISSAL

It having been shown to the court this cause has been fully compro-
mised and settled, it is hereby dismissed with prejudice.

Dated this 16th day of April, 1965.



Judge

John A. ...

Petitioner

vs

UNITED STATES

United States of America,

Respondent.

FILED

SEP 16 1965

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

O. J. ...

This case is being set before me, the undersigned Judge, for
1965 Aug 10 10 11 AM, upon the motion for writs of habeas corpus
to 28 U.S.C. 2254, filed herein by the petitioner, Jason Sanders, and the
Court having previously considered said motion and the files and records
in this case and in Criminal Case No. 100-10000-1, the Court, and being fully
advised in the premises finds:

That the sentence imposed upon the petitioner in Criminal Case
No. 100-10000-1 on the 10th day of June, 1965, is within the limits prescribed
by the statutes under which the sentence was imposed which statutes are
themselves admirably valid.

That the imposition of sentence in this case was not affected in
any way by any such circumstances which would render the United States v.
1965, 37 F.2d 1000 (7 Cir. 1960), cited by the petitioner in his motion,
as applicable to the instant proceeding. Intervenor, 31 F.2d 1000 (7 Cir. 1960),
United States v. Elly, supra, would be applicable as a matter of law to
one South Carolina in Smith v. United States, 315 F.2d 1000 (7 Cir. 1963).

That at the time sentence was imposed the Court believed that it
was a case of sentence for the petitioner under the evidence in the case and
all the other circumstances, including the advice of the Probation Officer,
which aided the Court in arriving at the sentence, and the Court did not
know at that time of the facts and circumstances of the case.

That the petitioner's motion for writs of habeas corpus is denied.
The Court is advised that the petitioner is a member of the United States
Marine Corps and is a member of the United States Marine Corps.

best as possible, to ascertain what the law is, and then to follow the
rule (1) the court has the right to do so.

Make the file and records in this case and (Criminal Case No. 1110) a
reference to the petition for a writ of habeas corpus and it is
therefore unnecessary to hold a hearing on the petition to have him
released.

IT IS SO ORDERED, ADJUDGED AND DECREED that the motion to
vacate sentence pursuant to 28 U.S.C. 2254 filed herein by the petitioner,
James Sanders, be and it hereby is overruled and denied.

Walter B. Brown

UNITED STATES DISTRICT JUDGE

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

THE UNITED STATES OF AMERICA, for
the Use and Benefit of TEXACO, INC.,
a corporation,

Plaintiff,

vs.

H. A. JOHNSON and N. H. ROANE,
a Joint Venture, doing business
as JOHNSON & ROANE, and UNITED
STATES FIDELITY & GUARANTY COMPANY,
a corporation,

Defendants.

No. 6155-Civil

FILED

APR 16 1965

NOBLE C. HOOD
Clerk U. S. District Court

ORDER

This matter came on for hearing before the Court upon the Motion of United States Fidelity & Guaranty Company for Summary Judgment. The Court, having carefully considered the file in this case and the Briefs and authorities contained therein, furnished by the parties, finds that the last material furnished by the Use Plaintiff, Texaco, Inc., a corporation, was on February 8, 1964, as shown by Exhibits attached to the Use Plaintiff's Complaint. The Court further finds that the Complaint in this case was filed on March 11, 1965, more than one year after the date the last materials were furnished to the project in question by the Use Plaintiff.

The Court further finds that the United States Army Corps of Engineers by letter dated February 26, 1964, to the contractor, H. A. Johnson and N. H. Roane, a Joint Venture, doing business as Johnson & Roane, accepted as completed the contractor's obligation, on February 19, 1964.

The Court further finds that the statutory period within which the Use Plaintiff must file his lawsuit cannot be extended by any agreement as between supplier and the contractor as to billing or as to credits for returned materials or otherwise.

The Court further finds that since this Complaint was not filed within the statutory period of one year, the Court does not have jurisdiction, and further because the amount sued for is less than the jurisdictional requirement. Therefore, the suit must be dismissed in toto, and

IT IS SO ORDERED.

DATED this 16th day of April, 1965.


UNITED STATES DISTRICT JUDGE

IN THE 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
AND PAWNEE COUNTIES, OKLAHOMA,

Defendants.

NO. 5108 CIVIL

FILED

APR 19 1965

NOBLE C. HOOD

ORDER OVERRULING OBJECTIONS OF MERLE A. COLLINS Clerk, U. S. District Court

Tracts Nos. 2421 and 2421E-1 thru E-4

Upon consideration of the objections filed by the defendant, Merle A. Collins, to the award of the Commissioners, the Court finds that the objections should be overruled for the following reasons:

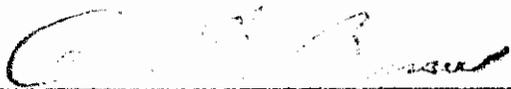
1. Defendant complains that the Commission disregarded evidence introduced by defendant of prices paid for land located in the same township as the land taken. These sales were made during the period from June, 1958, to February, 1960, and two of the properties had been subdivided into cabin sites at the time the Commission viewed the property. The Commission properly determined that these sales should not be considered in arriving at market value because the prices paid therefor were influenced by the construction of the lake project. U.S. vs. Miller, 317 U.S. 369, 378, 379.

2. Defendant also complains that the Commission erroneously classified land as timber pasture when it should have been classified as forest, woodlot or tree timber crop. It would appear from the report of the Commission that they considered the value of the timber in arriving at the award, but they followed the instructions of the Court and did not evaluate the timber apart from the land.

3. There is substantial evidence to support the conclusions reached by the Commission as to just compensation, the findings are well within the range of testimony, are not arbitrary nor clearly erroneous, and are binding on the Court.

IT IS, THEREFORE, ORDERED that the objection to the award of the Commission is hereby overruled.

Dated this 19 day of April, 1966.


UNITED STATES DISTRICT JUDGE

WL:chk
4-19-65

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

PEANUT PRODUCTS COMPANY,)
a Division of RAMO, INC.,)
a Delaware corporation,)
)
Plaintiff,)
)
vs.)
)
CLAY E. ROBERTS and J. E. MAYDEN,)
individually and doing business under the)
trade name of "Holiday Sales, Inc.", and)
HOLIDAY SALES, INC., a corporation,)
)
Defendants.)

Civil Action
No. 6090

FILED

APR 19 1965

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

ORDER

Now, on this 19 day of April, 1965, upon Stipulation of the parties, it is hereby ordered by the Court:

1. That the Stipulation of the parties hereto be accepted, and the identity of Forty-First and Riverside, Inc., and defendant Holiday Sales, Inc., be established without further proof thereof.
2. That the Alternative Second Count of plaintiff's Amended Complaint, seeking judgment against Clay E. Roberts and J. E. Mayden, be dismissed as to defendants Clay E. Roberts and J. E. Mayden, individually and doing business under the trade name of "Holiday Sales Inc.", and that this cause proceed solely as to defendant Holiday Sales, Inc., a corporation.
3. That defendant Holiday Sales, Inc., a corporation, be and is hereby granted an extension of time until the 26th day of April, 1965, within which to plead to or answer plaintiff's Amended Complaint.
4. That plaintiff's Amended Complaint be considered amended by said Stipulation to reflect the change of name of the plaintiff from "Peanut Products Company" to "The Buster Nut Company" and that the caption of this Cause be amended to substitute "The Buster Nut Company, formerly Peanut Products Company, a Division of Ramo, Inc., a Delaware corporation," for

LAW OFFICES
 UNGERMAN,
 GRABEL,
 UNGERMAN
 & LEITER

 SIXTH FLOOR
 WRIGHT BUILDING
 TULSA, OKLAHOMA

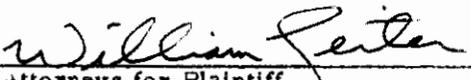
"Peanut Products Company, a Division of Ramo, Inc., a Delaware corporation," and that all further proceedings in this cause reflect such change in the caption of said cause.

Dated this 19 day of April, 1965.

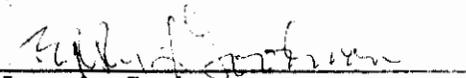

Fred Daugherty
District Judge

APPROVED:

Ungerman, Grabel, Ungerman & Leiter

By 
Attorneys for Plaintiff

David M. Thornton
Jerry L. Goodman

By 
Jerry L. Goodman
Attorneys for Defendants

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

PUBLIC SERVICE COMPANY OF OKLAHOMA,)
an Oklahoma corporation,)
)
Plaintiff,)
)
vs.)
)
A 130-foot wide easement and right-)
of-way for electric power transmission)
line purposes to be located upon, over)
and across certain tracts of land in)
Creek County, Oklahoma,)
)
AND)
)
The United States of America as a)
matter affecting the title to certain)
Creek Indian lands previously allotted)
in fee with certain restraints on)
alienation and presently owned by)
restricted Creek Indians,)
)
AND)
)
Nancy Cloud, et al,)
)
Defendants.)

No. 6100

FILED

APR 19 1965

NOBLE C. HOOD
Clerk U. S. District Court

FINAL DECREE AUTHORIZING TAKING IN CONDEMNATION

NOW, on this the 12th day of April, 1965, this cause comes on for hearing regularly to be heard. Plaintiff appearing by its attorney, William J. Dale, and Defendants, Nancy Cloud, Creek Roll No. 3428, and Anderson Bigpond, Creek Roll No. NB-241, appearing by Sam Taylor, Assistant United States Attorney for the Northern District of the State of Oklahoma, and Defendant, Gladys Clinton, guardian of Wilson Clinton, an incompetent fullblood Creek, No. 3425, appearing by her attorney, John R. Carle.

All parties having announced ready for hearing, the Court's attention was drawn to each and every one of the following pleadings heretofore filed in this proceeding, to wit:

The Compliant and Application for Order directing manner of service, verified under oath; Order of this Court dated December

9, 1964, directing manner of service of Notice; Notice by the Clerk of the Court to the Area Director, Muskogee Area Office, Bureau of Indian Affairs, Department of Interior, Muskogee, Oklahoma, and to Nancy Cloud and the Attorney General of the United States and the United States Attorney for the Northern District of Oklahoma, by attorney for Plaintiff; Affidavit of Service of Notice executed under oath by Alton McKnight, agent for Plaintiff; Affidavit of Mailing and Delivery of Notice executed under oath by William J. Dale, attorney for Plaintiff; Entry of Appearance by Defendants; Order Appointing Commissioners; Report of Commissioners; Bill of Commissioners Receipt; Order fixing Commissioners Fees; and Demand for Jury Trial.

Whereupon Plaintiff, by and through its attorney, in open Court, waived its demand for trial by Jury and the Defendants, Nancy Cloud, Creek Roll No. 3428, Anderson Bigpond, Creek Roll No. NB-241, and Gladys Clinton, guardian of Wilson Clinton, an incompetent fullblood Creek, Roll No. 3425, in open Court withdrew their demands for Jury trial, determination of damages having thus been submitted to the Court for decision, Plaintiff and Defendants then introduced their respective testimony relative to the damages suffered by the parties in interest in and to the lands herein sought to be condemned and which will result from appropriation by Plaintiff of a perpetual easement and right-of-way for an electric power transmission line, all as hereinafter more particularly set out, and the Court having examined the Report of Commissioners filed herein and thus being fully advised in the premises:

THE COURT FINDS: That the matters set out in the verified Complaint herein filed by Plaintiff are true and correct and said Plaintiff, a corporation organized under the laws of the State of Oklahoma, authorized and qualified to furnish light, heat and power by electricity, engaged in the generation and production of

electricity for light, heat and power purposes, and for the distribution and sale thereof throughout Eastern and Southwestern Oklahoma, characterized by the laws of the State of Oklahoma as a public service corporation, and operating as such, is therefore authorized by the laws of the State of Oklahoma, to exercise the right of eminent domain to acquire rights-of-way for electric power transmission and distribution and it further appearing that the taking and use of an easement and right-of-way for said purposes is a taking and use for a public purpose and that said Plaintiff should be granted the relief prayed in its said Complaint; and that this Court has proper jurisdiction of this cause by reason of the Act of Congress of March 3, 1901, Chap. 832, ¶3, 31 Stat. 1084, 25 USCA ¶357; and that notice of this proceeding has been served according to law and order of this Court upon all parties in interest in and to the land involved herein, and including the United States of America which is an interested party by reason of the fact that this matter effects the title to certain Creek Indian lands previously allotted in fee with certain restraints on alienation which are still in effect with respect to said land; that all necessary parties to this cause are now properly before the Court for final disposition of this proceeding; that Plaintiff has waived its demand for Jury trial and the Defendants, in open Court withdrew their demands for Jury trial and have joined with Plaintiff in praying that final disposition be made of this proceeding and that the Court make its findings with respect to damage; that the easement and right-of-way sought to be condemned by Plaintiff herein will not, in any manner, constitute a burden or encumbrance upon the mineral interests in said land involved herein.

THE COURT FINDS: That the description of the lands upon, over and across which Plaintiff seeks herein to condemn said

easement and right-of-way together with the owners thereof, Defendants herein, and the reasonable and adequate damages occurring to said lands as a result of said appropriation of said easement and right-of-way is as follows:

Tract No. 1:

The Northwest Quarter (NW $\frac{1}{4}$) of Section Twenty-seven (27), Township Sixteen North (T16N), Range Ten East (R10E), in Creek County, Oklahoma.

To construct upon, over and across said tract an electric power transmission line carrying, initially, nominal voltage of 345 KV, having three conductors and two shield wires, all mounted on steel tower structures, running about a center line as follows:

Entering said tract at a point approximately 448 feet West of the Northeast corner thereof, running in a Southwesterly direction on a straight line and leaving said tract at a point approximately 1059 feet South of the Northwest corner thereof. Traversing said tract a total distance of approximately 148 rods.

Including the location of three steel tower structures.

To the owners thereof, Gladys Clinton, guardian of Wilson Clinton, Creek Roll No. 3425, an incompetent, as their interests may appear.

TOTAL DAMAGES AWARDED:

Nine Hundred & No/100-----Dollars (\$900.00).

Tract No. 2:

The South Half (S $\frac{1}{2}$) of the Northwest Quarter (NW $\frac{1}{4}$) and Lot # 4 (Northwest Quarter (NW $\frac{1}{4}$), Northwest Quarter (NW $\frac{1}{4}$)) of Section One (1), Township Fifteen North (T15N), Range Nine East (R9E) in Creek County, Oklahoma.

To construct upon, over and across said tract an electric power transmission line carrying, initially, nominal voltage of 345 KV, having three conductors and two shield wires, all mounted on steel tower structures, running about a center line as follows:

Entering said tract at a point approximately 1150 feet East of the Northwest corner thereof, running in a Southwesterly direction on a straight line and leaving said tract at a point approximately 574 feet South of the Northwest corner thereof. Traversing said tract a total distance of approximately 77 rods.

Including the location of one steel tower structure.

To the owners thereof, Anderson Bigpond, Creek Roll No. NB-241, and Martha Bigpond, his wife, as their interests

may appear.

TOTAL DAMAGES AWARDED:

Three Hundred Eighty & No/100-----Dollars (\$380.00).

Tract No. 3:

The North Half (N $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$) and the Southeast Quarter (SE $\frac{1}{4}$) of Northeast Quarter (NE $\frac{1}{4}$) of Section Nine (9), Township Fifteen North (T15N), Range Nine East (R9E) in Creek County, Oklahoma.

To construct upon, over and across said tract an electric power transmission line carrying, initially, nominal voltage of 345 KV, having three conductors and two shield wires, all mounted on steel tower structures, running about a center line as follows:

Entering said tract at a point approximately 751 feet South of the Northeast corner thereof, running in a Southwesterly direction on a straight line and leaving said tract at a point approximately 1225 feet North of the Southwest corner of the Southeast Quarter (SE $\frac{1}{4}$), Northeast Quarter (NE $\frac{1}{4}$). Traversing said tract a total distance of approximately 85 rods.

Including the location of one steel tower structure.

To the owner thereof, Nancy Cloud Harry, Creek Roll No. 3428, as her interest may appear.

TOTAL DAMAGES AWARDED:

Four Hundred Ten & No/100-----Dollars (\$410.00).

THE COURT FURTHER FINDS that the nature of the property and the rights with respect to said lands so to be taken and the uses for which such property is to be taken are:

A perpetual easement and right-of-way one hundred thirty (130) feet in width for the purpose of erecting, operating and maintaining upon, over and along the route and across the lands hereinafter fully described, an electric power transmission line, consisting of steel tower structures carrying wires and fixtures, operating initially at 345 thousand volts, carrying, for transmission, electric power and energy, and telephone and telegraph messages necessary to the operation thereof, together with the right and privilege of ingress for the purpose of constructing said electric power transmission line at any time and including also the right to cut down, trim, remove or chemically treat trees and undergrowth and to prohibit the placement of or remove other obstacles which may, in Plaintiff's judgment, interfere with or endanger said line, its maintenance or operation, within an area of sixty five (65) feet on either side of the center line thereof, BUT RESERVING, nevertheless,

to the landowners, lessees and tenants of said lands, including the 130 foot width of said easement, as is not inconsistent with or dangerous to the operation and maintenance of said electric power transmission line.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the entry upon and taking forthwith of said perpetual easement and right-of-way as found and described above herein, upon, over and across said lands as hereinbefore set out, by Plaintiff, for construction, operation, maintenance, reconstruction or removal of this electric power transmission line, all as prayed for in said Complaint, is hereby authorized and confirmed in all things and said Plaintiff, Public Service Company of Oklahoma, is hereby vested with said perpetual easement and right-of-way, together with perpetual right of ingress and egress, all free and clear of any and all claims of Defendants herein who are hereby perpetually enjoined and barred from hereafter claiming adversely to Plaintiff's said right, privileges and estate ordered, adjudged, decreed and granted herein.

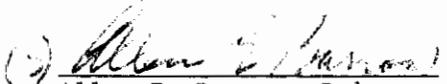
IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff pay into depository of this Court the sum of \$1690.00, as damages and the Clerk of this Court thereafter make payable and distribute to and for the use of the owners of said tracts, according to their interests as hereinafter set out, all as provided by law.

Bureau of Indian Affairs, Muskogee, Oklahoma, for deposit to the Individual Indian Money Account of Wilson Clinton, Creek Roll No. 3425	\$900.00
Bureau of Indian Affairs, Muskogee, Oklahoma, for deposit to the Individual Indian Money Account of Anderson Bigpond, Creek Roll No. NB-241	\$380.00
Bureau of Indian Affairs, Muskogee, Oklahoma, for deposit to the Individual Indian Money Account of Nancy Cloud, Creek Roll No. 3428	\$410.00

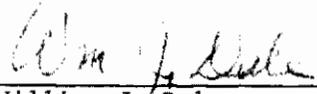
IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the perpetual easement and right-of-way taken by Plaintiff and described herein and the operation of said electric power trans-

mission line does not include any interest in and will not, in any way, constitute a burden or encumbrance upon the mineral interest in said lands, and further that the damages awarded herein shall not be construed as concluding the rights of any Defendant, to the extent of their interests therein, if entitled to claim, sue for and recover damages, if any, that may occur, in the future, occasioned by the maintenance of said electric power transmission line.

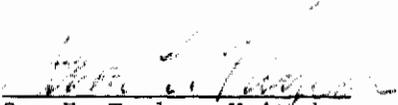
IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY the Court that the cost of this proceeding be taxed against the Plaintiff and the case be closed.

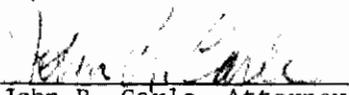

Allen E. Barrow, Judge,
U.S. District Court for the
Northern District of Oklahoma

APPROVED FOR PLAINTIFF:


William J. Dale
Attorney

APPROVED FOR DEFENDANTS:


Sam E. Taylor, United
States Attorney for the
Eastern District of Oklahoma


John R. Carle, Attorney
for Gladys Clinton, guardian
of Wilson Clinton

STATE OF OKLAHOMA)
) SS.
COUNTY OF ~~MUSKOGEE~~)
Tulsa

I, the undersigned Clerk of the United States District Court for the Northern District of Oklahoma, DO HEREBY CERTIFY that pursuant to the making and filing of the foregoing Final Decree authorizing taking in condemnation, and on the 19th day of April, 1965, Public Service Company of Oklahoma, Plaintiff in said cause, deposited in my office, in said cause, for the use and benefit of the parties in interest and owners of lands in said Decree described, the full amount of all damages to said parties awarded, and has further paid all costs accruing in said action to this date.

WITNESS my hand and seal of my office, hereto affixed at the Federal Building, Tulsa, Oklahoma, this the 19th day of April, 1965.

Clerk, U. S. District Court
for the Northern District
of Oklahoma

By: *Gene H. Ballinger*
Deputy

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

271.89 ACRES OF LAND, SITUATE IN
TULSA, PAWNEE AND CREEK COUNTIES,
AND SIDNEY GORE, ET AL.,

Defendants.

NO. 6129 CIVIL
APR 19 1965
FILED

APR 19 1965

ORDER OVERRULING OBJECTION TO TAKING NOBLE C. HOOD
Clerk, U. S. District Court

Upon consideration of the objection to the taking of property filed by Floyd F. Ashby and George Campbell, and the brief filed in support thereof, the Court finds that the objection should be overruled for the following reasons:

The United States has the right of eminent domain, and this power is essential to sovereign government. Kohl v. U.S., 91 U.S. 367; U.S. vs. Carmack, 329 U.S. 230. The United States may acquire by condemnation any land needed to maintain, operate or prosecute works for the improvement of rivers and harbors. 33 USCA 591.

The necessity, desirability or expediency of taking is not for judicial review. U.S. vs. Twin City Power Co. 350 U.S. 222. The amount and character of land to be taken for a project and the need for a particular tract to complete the integrated plan rests in the discretion of the legislative branch of the government. Beisan vs. Parker, 348 U.S. 26, 35.

IT IS, THEREFORE, ORDERED that the objection to the taking of property is hereby overruled.

Dated this 19 day of April, 1965.

UNITED STATES DISTRICT JUDGE

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

Mary S. Dunn, a widow, etc.,)
Plaintiff)
-vs-)
St. Louis, San Francisco Railway)
Company, a foreign corporation,)
Defendant)

✓
Civil No. 5290

FILED

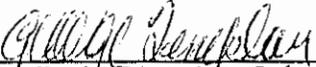
APR 21 1965

ORDER OVERRULING PLAINTIFF'S MOTION FOR
NEW TRIAL

NOBLE C. HOOD
Clerk U. S. District Court

The plaintiff having filed a Motion for New Trial, the same was presented by briefs and oral argument to this Court on March 22, 1965, at which time this Court overruled said motion.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiff's Motion for New Trial is overruled as of March 22, 1965.



U. S. District Judge

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

McCullough Tool Company, a corpora-)
tion,)
Plaintiff)
-vs-)
St. Louis, San Francisco Railway)
Company, a foreign corporation,)
Defendant)

No. 5291 Civil

FILED

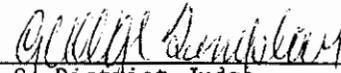
APR 21 1965

ORDER OVERRULING PLAINTIFF'S MOTION FOR
NEW TRIAL

NOBLE C. HOOD
Clerk U. S. District Court

The plaintiff having filed a Motion for New Trial, the same was presented by briefs and oral argument to this Court on March 22, 1965, at which time this Court overruled said motion.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiff's Motion for New Trial is overruled as of March 22, 1965.



U. S. District Judge

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

W. WILLARD WIRTZ, SECRETARY OF]
LABOR, UNITED STATES DEPARTMENT]
OF LABOR,]

Plaintiff]

v.]

HOLLOWAY MATERIALS AND SUPPLY]
COMPANY, INC.,]

Defendant]

CIVIL ACTION

FILE NO. 6007

FILED

APR 21 1965

NOBLE C. HOWE
Cl. F. U. S. District C.

JUDGMENT

Now on the 21 day of April, 1965, the above entitled and numbered cause came duly on for consideration, and it being made to appear to the Court that the parties hereto have agreed to the entry of a judgment without further contest in the sum of \$3,135.32, as set forth below, and the Court being fully advised in the premises finds that said sums are the amounts reasonably due the employees on whose behalf this case was instituted, and finds that said judgment should be entered;

It is, therefore, ORDERED, ADJUDGED AND DECREED, that the plaintiff have and recover from the defendant above named the following sums on behalf of the persons named, together with interest at the rate of 6 per cent per annum on any part of such sums remaining unpaid sixty days after the entry of this judgment:

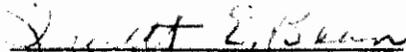
Taylor Baker	\$ 248.57
Thurman E. Knauls	311.67
Henry L. McCarty	145.53
Alvin H. Scott	111.63
Marvin Daniels	140.97
Troy Knauls	183.30
James Perkins	100.00
Clarence E. Durant	54.13
Eastman Brown	600.00
Garfield Nivins	650.50
Theodore J. DuBois	589.02

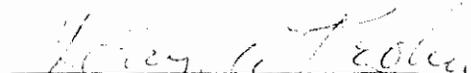
It is further ORDERED, ADJUDGED AND DECREED that no court costs be allowed or taxed in this case.



UNITED STATES DISTRICT JUDGE

Agreed to and Approved:


Attorney for Plaintiff


Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Libelant,

vs

One 1960 Buick 4-door Hardtop
Automobile, Motor No. 8G4008697,
its tools and appurtenances,

Respondent.

Civil No. 6055

FILED

APR 22 1965

DECREE

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

This matter comes on before me, the undersigned Judge, this 22 day of April, 1965, the Court having heretofore taken this case under advisement on the 13th day of April 1965. On that date the cause was called in open Court for trial and both sides announced ready. The libelant was present and represented by and through Lawrence A. McCloud, Assistant United States Attorney. Chief Norton Finance Company was present by and through its attorneys, William K. Powers and Norman Landa. Both sides agreed to stipulate to all matters contained within the Pre-Trial Order. Both sides further agreed to stipulate to the below stated Findings of Fact. Thereupon both sides rested. The Court having carefully considered this matter and being fully advised in the premises makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1.

The captioned vehicle was executively seized by Agents of the Alcohol and Tobacco Tax about three-fourths mile west of Claremore, Oklahoma, in the Northern Judicial District of Oklahoma, on or about August 13, 1964.

2.

The captioned vehicle was judicially seized and notice given by the United States Marshal for the Northern District of Oklahoma, as will appear from the files and records in the case.

3.

The title in the captioned automobile is registered by the State of Oklahoma to Harold Whittley, Jr., and that Chief Norton Finance Company is

the holder of a certain Conditional Sales Contract No. 356 covering the captioned vehicle in question and has an interest in the said vehicle.

4.

That on or about August 12, 1964, Harold Whittley, Jr., did transport from 400 Mission, Claremore, Oklahoma, in the vehicle in question, to a point on State Highway 29, about three-fourths mile west of Claremore, Oklahoma, in the Northern Judicial District of Oklahoma, sixteen (16) gallons of distilled spirits or moonshine whiskey, the immediate containers thereof not having been stamped by a stamp evidencing the determination of the tax or indicating compliance with the law. That the said captioned vehicle was used for the transportation, concealment, and removal of the nontaxpaid moonshine whiskey.

5.

That at all material times herein, Harold Whittley, Jr., had a criminal record for violation of Internal Revenue Laws relating to nontaxpaid spirits, and such record was at all times available at the offices maintaining such records and the offices of the Alcohol and Tobacco Tax and the United States Marshal, but the claimant, Chick Norton Finance Company, did not make inquiry of the reputation or record of Harold Whittley, Jr., at the places enumerated by the statute.

CONCLUSIONS OF LAW

1.

That this Court has jurisdiction of this action.

2.

That the captioned vehicle was used by Harold Whittley, Jr., for the transportation and concealment of the property described in 26 U.S.C. 7301(a), and is therefore by reason of the provisions of 26 U.S.C. 7301(e) subject to and should be condemned and forfeited to the United States of America.

3.

That the captioned vehicle was possessed and used by Harold Whittley, Jr., in violation of 26 U.S.C. 5205(a)(2), 5601(a)(12), 5604(a)(1) and 7206(h), and therefore by reason of 26 U.S.C. 7302 is subject to and should be condemned and forfeited to the United States of America.

4.

That by reason of the criminal record of Harold Whittley, Jr., who was

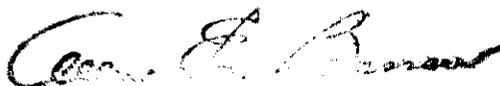
convicted May 1, 1953, in the District Court of the United States for the Northern District of Oklahoma in Case No. 12223 for violation of the Federal liquor laws involving the use of an automobile. Harold Whittley, Jr., at all essential times herein had a criminal record and reputation for violation of the Internal Revenue Laws relating to nontaxpaid spirits, and Chick Norton Finance Company not having made inquiry of the reputation or record of Harold Whittley, Jr., at the places enumerated by the statute was and is not entitled to any relief, and therefore their request for remission or mitigation of this forfeiture should be and is hereby denied.

That Harold Whittley, Jr., is not entitled to any remission or mitigation of forfeiture.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the 1950 Buick 4-door Hardtop Automobile, Motor No. 664008607, its tools and appurtenances be and it hereby is condemned and forfeited to the United States of America

IT IS FURTHER ORDERED ADJUDGED AND DECREED that the prayer of Chick Norton Finance Company for remission and mitigation of forfeiture be and it is hereby denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the said vehicle be turned over and delivered by the United States Marshal to the Alcohol and Tobacco Tax of the Internal Revenue Service, of the Department of Treasury of the United States of America, for its official use.


CECIL E. BROWN
UNITED STATES DISTRICT JUDGE

*Filed in open ct.
4-23-65*

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Jad Alexander Morgan,)
)
 Petitioner,)
)
 vs.)
)
 United States of America,)
)
 Respondent.)

Civil No. 6112 ✓

FILED
IN OPEN COURT

APR 23 1965

ORDER

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

This matter coming on before me, the undersigned Judge, this 23d day of April, 1965, upon the motion pursuant to 28 U.S.C. 2255, filed herein by Jad Alexander Morgan, and the petitioner appearing through his court appointed counsel, Robert G. Brown, and the respondent appearing by Phillips Breckinridge, Assistant United States Attorney, and the court having carefully considered said motion and the files and records in this case and Criminal Case No. 13361, and having heard the statements of counsel finds:

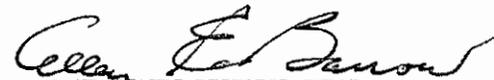
That on or about the 19th day of March, 1959, the petitioner herein was sentenced upon his plea of guilty to the custody of the Attorney General under the provisions of the Federal Youth Corrections Act.

That thereafter, on or about the 24th day of December, 1964, he filed his present motion in this court. That the only complaint asserted in the motion concerns the fact that the petitioner could be held in custody of some type for a period of six (6) years which period exceeds the maximum period of imprisonment provided for by 18 U.S.C. 2312, the statute defining the offense with which petitioner was charged, and that the petitioner was not aware of the possibility of such a sentence under the Youth Corrections Act when he entered his plea. Petitioner does not allege that his plea of guilty was otherwise involuntary or that there is any other basis for collaterally attacking his conviction.

That on or about the 18th day of March, 1965, the petitioner herein was released from the Federal Reformatory at El Reno, Oklahoma, having served his time on the sentence which he seeks to set aside in full. Since

the petitioner does not allege or assert that his conviction itself upon his voluntary plea of guilty is subject to any infirmity or vulnerable to a collateral attack by reason of the deprivation of any constitutional right or otherwise, but only maintains that the length of the sentence imposed was improper, and since that sentence has now been served in full, there remains no reason for the granting of any relief to the petitioner upon his motion and said motion should be denied.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion pursuant to 28 U.S.C. 2255 filed herein by Jad Alexander Morgan be and it hereby is overruled and denied.


CELLA E. BAROW
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.)
619.30 Acres of Land, More or Less,)
Situat e in Pawnee and Creek Counties,)
Oklahoma, and James T. Hoke, et al.,)
and Unknown Owners,)
Defendants.)

Civil No. 6131 ✓

Tract No. 37 **FILED**

APR 28 1965

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

J U D G M E N T

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

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

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

4. The Court finds the amount of \$1,515.00, 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 \$1,030.00 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 Evelyn Carter and Maude Poos, defendants, herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tract is the sum of \$1,515.00, 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 \$1,515.00, inclusive of interest, of which amount the sum of \$515.00 has been previously disbursed to Evelyn Carter;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$485.00, 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:

Maude Poos \$1,000.00

Dated APR 23 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
NORTHERN DISTRICT OF OKLAHOMA

UNION CARBIDE CORPORATION,

Plaintiff,

v.

CITIES SERVICE OIL COMPANY,

Defendant.

Civil Action
No. 5993 ✓

FILED

APR 27 1965

STIPULATION AND ORDER OF DISMISSAL
UNDER RULE 41 (a) (1), F.R.C.P.

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

The parties hereto having composed their differences,
IT IS STIPULATED AND AGREED by and between the parties, by their
attorneys, and subject to the approval of the Court, as follows:

1. The complaint be, and it hereby is dismissed.
2. Each party shall bear its own costs.

BOESCHE, McDERMOTT & ESKRIDGE

By *Thomas E. Esch*
Third Floor, Drew Building
Tulsa, Oklahoma
Attorneys for Plaintiff

MARTIN, LOGAN, MOYERS, MARTIN & CONWAY

By *William Martin*
527 National Bank of Tulsa Building
Tulsa, Oklahoma
Attorneys for Defendant

SO ORDERED:

Luther Johnson
U.S.D.J.

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

United States of America,

Plaintiff,

vs.

85 Bags, Labeled in part
"100 Lbs. Net -- Cream of
Wheat Flour, Ronceman Milling
Co., Ionia, Michigan,"

Claimant.

Civil No. 6091

APR 27 1965

NOBLE C. HOOD
Clk U. S. District Court

D E C R E E

THIS MATTER comes on for hearing on Motion of the Plaintiff, United States of America, for default judgment and the plaintiff appearing by its counsel, Sam E. Taylor, Assistant United States Attorney, for the Northern District of Oklahoma and the claimants, Hodges Merchandise Company appearing not, and

The Court having examined the file herein finds that the Libel of Information was filed herein on November 21, 1964; that a Monition was duly issued and served by the United States Marshal for the Northern District of Oklahoma on November 25, 1964; that the Hodges Merchandise Company nor any other claimant has appeared or otherwise moved herein; and that the default of Hodges Merchandise Company has been duly entered herein;

The Court further finds that the allegations of the Libel of Information are true and correct; that the articles of food described therein and seized by the United States Marshal are adulterated while held for sale after shipment in interstate commerce; that such articles of food are within the jurisdiction of this Court and are liable to seizure and condemnation pursuant to the provisions of 21 USCA. 324

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that all of the adulterated articles of food seized and held by the United States Marshal for the Northern District of Oklahoma under and

pursuant to the motion heretofore issued and served herein, be
and they are hereby ordered condemned and destroyed by the United
States Marshal for the Northern District of Oklahoma.

Dated this 26 day of April 1965.

[Signature]
UNITED STATES DISTRICT JUDGE

APPROVED:

[Signature]
SAM E. TAYLOR
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA } 55
I HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY OF THE ORIGINAL ON FILE
IN THIS COURT.
NOBLE C. HOOD, CLERK
BY *[Signature]*
DEPUTY

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

K. C. JEFFRIES and MAXINE JEFFRIES,)
Plaintiffs,) CIVIL ACTION
-vs-) No. 6124
THE ATLANTIC REFINING COMPANY, a)
corporation, and AMERICAN PETROLEUM)
CORP., a corporation,)
Defendants.)

FILED

APR 28 1965

NOBLE C. HOOD
Clerk U. S. District Court

ORDER REMANDING

The Motion of the plaintiffs to remand this suit to the District Court of Ottawa County, Oklahoma, came on for hearing before the Court on this 23rd day of April, 1965, pursuant to regular setting and notice to parties, and the Court having heard the argument of counsel, and being well and fully advised in the premises, entered an Order Remanding the cause to the District Court of Ottawa County, State of Oklahoma.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Motion of plaintiffs to remand this cause to the District Court of Ottawa County, State of Oklahoma, be and it is hereby sustained and the cause is remanded to the District Court of Ottawa County, State of Oklahoma from which it was removed, for further proceedings. The Clerk is directed to take the necessary actions to effectuate the return of this cause to State Court.

Dated at Tulsa, Oklahoma, this 27th day of April, 1965.



Allen E. Barrow
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.) Civil No. 4963
)
492.84 Acres of Land, More or) Tract No. F-613
Less, Situate in Creek and) F-613E-1
Pawnee Counties, Oklahoma, and) F-613E-2
Curt D. Edgerton, et al, and)
Unknown Owners,)
Defendants.)

FILED
APR 29 1965

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

FINAL JUDGMENT
DETERMINING OWNERSHIP, JUST COMPENSATION AND ORDERING DISTRIBUTION

On this 28 day of April 1965, this Court finds that the proceedings in this matter have reached the point where nothing remains to be done except the rendering of this Court's final judgment as to the issue of just compensation and determining the names of the persons entitled to the award, and ordering disbursement of funds. Accordingly, this Court, after examining the files and the record of all the proceedings in this action, makes the following findings of fact:

1. That this Court has jurisdiction over the parties and the subject matter of this action.
2. That, under the authority set forth in the Declaration of Taking and the Complaint in Condemnation filed herein on July 18, 1960, the United States of America has acquired the ownership of the land designated therein as Tracts Nos. F-613, F-613E-1, and F-613E-2 to the extent set forth in the Declaration of Taking.
3. That this Court, pursuant to Rule 71A(h) of the Federal Rules of Civil Procedure, caused the issue of just compensation to be determined by a Commission, which Commission, after notice and a hearing, determined, according to their report which has been filed herein, that just compensation for the taking of the estates set forth in the Complaint and Declaration of Taking should be the sum of \$17,017.00.

4. That all of the owners of the oil and gas leasehold interest affected by said tracts have heretofore agreed, either by option or by stipulation, that just compensation for these takings should be the sum of \$17,017.00.

5. That prior to the filing of the Declaration of Taking, the United States of America had already acquired, by direct purchase, the subordination of the mineral estate to the various superior rights of the Government in said land, as more fully set forth in the Complaint and Declaration of Taking, so that on the date of the filing of the Declaration of Taking the only interests remaining in said land which had not been subordinated were those of the owners of an oil and gas leasehold estate. The owners of said oil and gas leasehold estate are as follows:

Gulf Coast Leaseholds, Inc.	Reuben Hays
Kirby Production Co.	Joseph B. Hall
Elizabeth Asbury Stone	Willis D. Gradison
The Stone Foundation	Madeline R. Goodwin
The Westheimer Fund	Earl A. Emerson
Frank Zimmerman	John J. Emery
William J. Williams	Lawrence L. Davis
John W. Warrington	James A. Conner
Leonard Wagner	Arthur M. Bettman
Walter W. Tangeman	Harry Benet
Arthur W. Schubert	Francis Boyer
Frank Peabody	Robert C. Austin
Katherine H. E. Nichols	Jacob Lichter and Gennie L.
H. W. Nichols, Jr.	Lichter, d/b/a Lichter Oil
Lawrence H. Kyte	Lela Howard Wood
M. E. Koons	Mary Stuart Wood
John F. Koons	Mary Wood Foster
Alfred C. Howard	Betty Wood Ortenburger
Susan H. Cramer, Trustee	Virgil William Wood
Kathryn Hamilton	Homa Wood
Paul Hamilton	Dudley A. Wood
Hartzell Industries, Inc.	First Cinco

6. At a hearing on the 5th day of April, 1965, pursuant to notice, no one appeared for the purpose of asserting that the ownership of said tracts is other than as set forth in the preceding paragraph.

7. That on the date of the filing of the Declaration of Taking, the sum of \$17,017.00 was deposited, and that by order of

this Court, the sum of \$17,017.00 has been previously distributed to Kirby Petroleum Company, pursuant to agreement, for the benefit of the above named owners of various interests in the oil and gas leasehold estate.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED:

1. That on July 18, 1960, the United States of America became vested with the ownership of these tracts of land to the extent set forth in the Complaint and Declaration of Taking.

2. That on the date of the filing of the Declaration of Taking, only those named in paragraph 5, supra, were the owners of an interest in the oil and gas leasehold estate in these tracts of land, and therefore, the only ones entitled to share in the award of just compensation.

3. That the amount of just compensation payable by the United States of America for the estates taken in said land is the sum of \$17,017.00, which is the amount awarded by the Commission in their report, which report is hereby adopted and approved in all respects, and also the total amount agreed to by the owners of the oil and gas leasehold, either by options or stipulations, which options and stipulations are hereby approved.

4. The total amount of just compensation payable by the United States of America has heretofore been paid as set forth herein, and the United States of America is hereby discharged of all of its obligations for the taking of these tracts.

ALLEN E. DARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

John M. Imel
United States Attorney

/s/ Max E. Findley

Max E. Findley
Special Assistant to U.S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

114.77 Acres of Land, More or Less,
Situate in Nowata County, Oklahoma,
and Sooner Pipe and Supply Corp., et
al, and Unknown Owners,

Defendants.

CIVIL ACTION NO. 5297

All Interests In All Tracts

J U D G M E N T

1.

NOW, on this 23 day of April, 1965, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on April 13, 1965, and the Court, after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

This judgment applies to the entire estate taken in all tracts included in this civil action, as such tracts and estates are described in the Complaint and the Declaration of Taking filed herein.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tracts of land. Pursuant thereto, on November 17, 1961, the United States of America filed its Declaration of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

6.

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

7.

The Report of Commissioners filed herein on April 13, 1965, heretofore is accepted and adopted as a finding of fact as to the lessor interests in the estate taken in Tracts Nos. 6731-3 and 6731-5. The amount of just compensation for the above described interests, as fixed by the Commission, is set out in paragraph 12 below.

8.

The owner of all interests in this civil action not described in paragraph 7 above, together with the plaintiff, has executed certain option contracts as alleged in the Complaint, wherein the parties have agreed upon the amount of just compensation due to said owner as a result of the taking involved in this civil action. Such option contracts should be approved.

9.

This judgment will create a deficiency between the amount deposited as estimated just compensation for Tract No. 6731-3 and the amount fixed by the Commission and the Court as just compensation for the estate taken in such tract, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out in paragraph 12 below.

10.

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

11.

It Is, Therefore, ORDERED, ADJUDGED, AND DECREED that the United States of America has the right, power and authority to condemn for public use the tracts described in the Complaint and the Declaration of Taking filed herein, and such property, to the extent of the estates described and for the uses and

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

12.

It Is Further ORDERED, ADJUDGED, AND DECREED that on the date of taking, title to the estates taken herein in the subject tracts was vested in the defendants named as owners in the schedule below in this paragraph; the right to receive the just compensation for the estates taken herein in subject tracts is vested in the parties so named as their respective interests appear in such schedule; the option contracts described in paragraph 8 above and the Report of Commissioners of April 13, 1965 hereby are confirmed and the sums therein fixed are adopted as just compensation for the estates taken in the subject tracts, as shown by the following schedule.

TRACT NO. 6731-10

Owner: Sooner Pipe & Supply Corporation

Award of just compensation, pursuant to option contract - - - - -	\$3,640.00	\$3,640.00
Deposited as estimated compensation - - - - -		<u>\$3,640.00</u>
Disbursed to owner - - - - -	<u>\$3,640.00</u>	

TRACT NO. 6731-3

Owners:

Lessor interest:

Bess Schwerman - - - - - 1/8
 William Carrico - - - - - 1/8
 Melvin Carrico - - - - - 1/8
 Lucille O'Grady - - - - - 1/8
 Stella Carrico Gray Montague - - - - 1/8
 Paul Carrico - - - - - 1/8
 Felix Carrico - - - - - 1/8
 Elbert Carrico - - - - - 1/8

Oil and gas lessee interest:

Sooner Pipe and Supply Corporation

TRACT NO. 6731-3 Cont'd

Award of just compensation for all interests - - - - - \$30,525.00

Allocation of award, deposit and disburseals:

	<u>Lessor Interest</u>	<u>Lessee Interest</u>	
Share of Award pursuant to Commissioners' Report - -	\$1,750.00		
Share of Award pursuant to Option - - - - -		\$28,775.00	
Deposited as estimated compensation for all interests - - - - -			\$29,825.00
Disbursed - - - - -	\$1,050.00	\$28,775.00	
Balance due to owners - - -	\$700.00	None	
Deposit deficiency - - - - -			\$700.00

TRACT NO. 6731-5

Owners:

Lessor interest:

1. R. B. Ingram - - - - - 3/20
2. Charles B. Cozart and Ann Ella Cozart - - - - - 6/20
3. Grace Smeardon - - - - - 11/40
4. Barbara Y. Schwabe - - - - - 1/3 of 11/40
5. George B. Schwabe, Jr. - - - - - 2/15 of 11/40
6. Robert Vernon Schwabe - - - - - 2/15 of 11/40
7. John Leonard Schwabe - - - - - 2/15 of 11/40
8. Emily Jeanette Baily - - - - - 2/15 of 11/40
9. William Henry Schwabe - - - - - 2/15 of 11/40

Oil and gas lessee interest:

Sooner Pipe and Supply Corporation

Award of just compensation for all interests - - - - - \$18,270.00

Allocation of award, deposit, and disburseals:

	<u>Lessor Interest</u>	<u>Lessee Interest</u>	
Share of Award pursuant to Commissioners' Report -	\$1,925.00		
Share of Award pursuant to Option - - - - -		\$16,345.00	
Deposited as estimated compensation for all interests - - - - -			\$18,270.00
Disbursed to owners:		\$16,345.00	
To Owners Nos. 3, 4, 5, 6, 7, 8 and 9 - - - - -	\$1,058.75		
Balance due to owners:		None	
To Owners Nos. 1 and 2	\$666.25		
Deposit deficiency or surplus - - - - -			None

TRACTS NOS. 6635-R, 6636-R,
6636-S and 6731-R, COMBINED

Owner: Sooner Pipe and Supply Corporation

Award of just compensation, pursuant to Option Contract - - - - -	\$1.00	\$1.00
Deposited as estimated compensation - - - - -		<u>\$1.00</u>
Disbursed to owner - - - - -	<u>\$1.00</u>	

13.

It Is Further ORDERED, ADJUDGED, AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for Tract No. 6731-3 in the amount of \$700.00, together with interest on such deficiency at the rate of 6% per annum from November 17, 1961, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for said Tract No. 6731-3.

Upon receipt of such sum, the Clerk of this Court shall disburse 1/8 of such sum to each of the owners of the lessor interest in said Tract No. 6731-3 as shown in the schedule in paragraph 12 above.

14.

It Is Further ORDERED that the Clerk of this Court shall disburse from the deposit for Tract No. 6731-5 in this civil action the sum of \$288.75 to R. B. Ingram.

The balance on deposit for such Tract No. 6731-5, in the amount of \$577.50, shall not be disbursed at the present time because the whereabouts of the owners, Charles B. Cozart and Ann Ella Cozart, is wholly unknown. An appropriate order of distribution will be entered in the event such owners be located.

In the event that such funds remain on deposit for a period of five years, then the Clerk of this Court, without further order, shall disburse the undistributed balance in the deposit for this tract to the Treasurer of the United States, pursuant to Title 28, Section 2042, U S.C.

Allen E. Brown
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE N
ORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

169.50 Acres of Land, More or Less,
Situat in Nowata and Rogers Counties,
Oklahoma, and Tom C. Burckhalter, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 5400

TRACTS NOS. L-1299 and
5602-S

FILED

APR 29 1965

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

J U D G M E N T

1.

NOW, on this 28 day of April, 1965, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Reports of Commissioners filed herein on April 13, 1965, and the Court after having examined the files in this action and being advised by counsel for the plaintiff finds that:

2.

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

3.

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

4.

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

5.

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

6.

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

7.

The Reports of Commissioners filed herein on April 13, 1965, are hereby accepted and adopted as findings of fact as to all tracts covered by such reports. The amounts of just compensation as to the subject tracts as fixed by the Commission are set out in paragraph 11 below.

8.

This Judgment will create a deficiency between the amount deposited as estimated compensation for Tract No. 5602-S, but it will create a surplus in the deposit for Tract No. L-1299, as set out in paragraph 11 below. The surplus in the one deposit should be used to satisfy the deficiency in the deposit for the other tract.

9.

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

10.

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

11.

It Is Further ORDERED, ADJUDGED AND DECREED that the right to receive just compensation for the estates taken herein in subject property

is vested in the defendants whose names appear below in this paragraph; the Reports of Commissioners of April 13, 1965, are hereby confirmed and the sums therein fixed are adopted as the awards of just compensation for subject property as shown by the following schedule:

TRACT NO. L-1299

Owners:

1. All interest except 1/32 nonparticipating royalty was owned by:

Ula U. Ross and
Morgan George

2. A 1/32 nonparticipating royalty interest was owned by:

Elliott Howe ----- 1/2
Marjorie Fehlman and
Mercedes Fehlman ----- 1/2

Award of just compensation for all interests -----			:\$2,000.00
Allocation of award, deposit and disbursals:			:
			:
		<u>: Interest #1 :</u>	<u>: Interest #2 :</u>
Share of award -----	:\$1,950.00	:	\$50.00
Deposited as estimated compensation -----		:	:\$3,500.00
Disbursed to owners -----	375.00	:	None
Balance due to owners -----	:\$1,575.00	:	\$50.00
Deposit surplus -----		:	:\$1,500.00

TRACT NO. 5602-S

Owners:

1. All interest except 1/32 nonparticipating royalty was owned by:

Ula U. Ross and
Morgan George

2. a 1/32 nonparticipating royalty interest was owned by:

Elliott Howe ----- 1/2
Marjorie Fehlman and
Mercedes Fehlman ----- 1/2

Award of just compensation for all interests -----			:\$ 610.00
Allocation of award, deposit and disbursals:			:
			:
		<u>: Interest #1 :</u>	<u>: Interest #2 :</u>
Share of award -----	\$585.00	:	\$25.00
Deposited as estimated compensation -----		:	380.00
Disbursed to owners	none	:	none
Balance due to owners -----	\$585.00	:	\$25.00
Deposit deficiency -----		:	:\$ 230.00

It Is Further ORDERED that the Clerk of this Court shall transfer the sum of \$230.00 from the deposit for Tract No. L-1299 to the deposit for Tract No. 5602-S in the subject civil action. The Clerk then shall make certain disbursals as follows:

From the deposit for Tract No. L-1299:

To Ula U. Ross and Morgan George, jointly ---	\$1,575.00
To Treasurer of the United States of America-	\$1,270.00
To Marjorie Fehlman and Mercedes Fehlman, jointly -----	\$ 25.00
To Elliott Howe -----	\$ 25.00

From the deposit for Tract No. 5602-S:

To Ula U. Ross and Morgan George, jointly ----	\$ 585.00
To Marjorie Fehlman and Mercedes Fehlman, jointly -----	\$ 12.50
To Elliott Howe -----	\$ 12.50

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

CIVIL ACTION NO. 5404

Tracts Nos. 6636-12 and
6636-13

F O O

RE - JUDG

J U D G M E N T

NOBLE C. BROWN
Ch. J. S. District Court

1.

NOW, on this 28 day of April, 1965, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Reports of Commissioners filed herein on April 13, 1965, and the Court after having examined the files in this action and being advised by counsel for the plaintiff finds that:

2.

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

3.

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

4.

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

5.

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

6.

On the filing of the Declaration of Taking, there were deposited in the Registry of this Court as estimated compensation for the taking of the described estates in subject tracts, certain sums of money and none of these deposits has been disbursed as set out in paragraph 11 below.

7.

The Reports of Commissioners filed herein on April 13, 1965, are hereby accepted and adopted as findings of fact as to the subject tracts. The amount of just compensation as to the subject tracts as fixed by the Commission is set out in paragraph 11 below.

8.

This Judgment will create a surplus in the deposit for each one of the subject tracts as shown in paragraph 11 below. Such surplus funds should be refunded to the plaintiff.

9.

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

10.

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

11.

It Is Further ORDERED, ADJUDGED and DECREED that the right to receive just compensation for the estates taken herein in subject tracts is vested in the defendants whose names appear below in this paragraph; the Reports of Commissioners of April 13, 1965, hereby are confirmed and the sums therein fixed are adopted as just compensation for subject tracts as shown by the following schedule:

TRACT NO. 6636-12

Owners:

Gordon Hale Lovett ----- 1/2

Edward Craig Lovett, Jr. ----- 1/2

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

Award of just compensation ----- \$200.00 \$200.00

Disbursed to owners ----- None

Balance due to owners ----- \$200.00

Deposit surplus ----- \$150.00

TRACT NO. 6636-13

Owners:

Lessor interest:

Forest H. Lindsay ----- 1/4

Georgia Millison ----- 1/4

Frank G. Weimer ----- 1/4

Paul P. Pinkerton ----- 1/4

Oil and gas lessee interest:

Forest Oil Corporation

Deposited as estimated compensation ----- \$550.00

Award of just compensation ----- \$300.00 \$300.00

Allocated:

	:Lessor	: Lessee	:
	:Interest	: Interest	:
	:	:	:
	: \$200.00	: \$100.00	:
	:	:	:
Disbursed -----	: None	: None	:
	:	:	:
Balance due to owners----	: \$200.00	: \$100.00	:
Deposit surplus -----			: \$250.00

12.

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

Tract No. 6636-12:

To Gordon Hale Lovett ----- \$100.00

To Edward Craig Lovett, Jr. ----- \$100.00

To Treasurer of the United States of America ----- \$150.00

Tract No. 6636-13:

To Forest H, Lindsay -----	\$50.00
To Georgia Millison -----	\$50.00
To Frank G. Weimer -----	\$50.00
To Forest Oil Corporation -----	\$100.00
To Treasurer of the United States of America -----	\$250.00

The balance of the deposit for Tract No. 6636-13, in the sum of \$50.00, representing the share of Paul P. Pinkerton of the award for such tract shall not be disbursed at this time because the whereabouts of such owner is wholly unknown. An appropriate Order of Distribution may be entered in the event he is located.

In the event that the balance due to such defendant remains on deposit for a period of five years from the date of filing this Judgment, then, after that period, the Clerk of this Court, without further order shall disburse the balance on deposit for Tract No. 6636-13 in this action to the Treasurer of the United States of America, pursuant to the provisions of Title 28, Section 2042, U.S.C.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)	
)	
Plaintiff,)	CIVIL ACTION NO. 5406
)	
vs.)	Tracts Nos.
)	N-1408 (All interests)
252.62 Acres of Land, More or Less,)	6635-10 (All interests)
Situate in Nowata & Rogers Counties,)	6635-B (Lessee interest only)
Oklahoma, and Thomas A. Jirik, et al,)	
and Unknown Owners,)	
)	
Defendants.)	

J U D G M E N T

1.

NOW, on this APR 29 1965, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Reports of Commissioners filed herein on April 15, 1965, and the Court after having examined the files in this action and being advised by counsel for the plaintiff finds that:

2.

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

3.

This Judgment applies only to the estates taken in Tracts Nos. N-1408 and 6635-10, and to the oil and gas leasehold interest only in the estate taken in Tract No. 6635-B.

4.

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

5.

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

6.

On the filing of the Declaration of Taking, there were deposited in the Registry of this Court as estimated compensation for the taking of the interests described in paragraph 3 herein, certain sums of money and part of these deposits has been disbursed, as set out in paragraph 11 below.

7.

The Reports of Commissioners filed herein on April 15, 1965, are hereby accepted and adopted as findings of fact as to all tracts covered by such reports. The amounts of just compensation as to the subject tracts as fixed by the Commission are set out in paragraph 11 below.

8.

This Judgment will create an overdeposit in the deposit for Tract No. N-1408, and an overpayment to the owner of this tract, but it will create a deficiency in the deposits for Tracts Nos. 6635-10 and 6635-B, as set out in paragraph 11 below. The plaintiff should have judgment against the owner of Tract No. N-1408 for the overpayment to him. The plaintiff should deposit a sum sufficient to cover the deficiencies in the other two deposits.

9.

There is a dispute between certain ones of the defendants as to whether there was a valid oil and gas lease covering Tract No. 6635-10. This dispute may require a hearing before the Court. Therefore, the ownership of such tract will not be determined by this Judgment.

The defendants named in paragraph 11 as owner of Tract No. N-1408 and as owners of the leasehold interest in Tract No. 6635-B are the only defendants asserting any interest in the interests herein condemned in such tracts, all other defendants having either disclaimed or defaulted; the named defendants, as of the date of taking, were the owners of such described interests and, as such, are entitled to receive the just compensation awarded by this Judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tracts, as such tracts are described in the Declaration of Taking filed herein, and all interests in Tracts Nos. N-1408, and 6635-10, and the oil and gas leasehold interest only in Tract No. 6635-B, to the

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

11.

It Is Further ORDERED, ADJUDGED and DECREED that the right to receive just compensation for the estate taken herein in Tract No. N-1408, and for the oil and gas leasehold interest in the estate taken in Tract No. 6635-B is vested in the defendants whose names appear below in this paragraph. The persons entitled to receive the just compensation for Tract No. 6635-10 will be determined by the Court after a hearing. The Reports of Commissioners of April 15, 1965, are hereby confirmed and the sums therein fixed are adopted as the awards of just compensation for subject property as shown by the following schedules:

TRACT NO. N-1408

Owner:

W. F. Sixkiller (as heir of Clara M. Sixkiller, deceased)

Deposited as estimated compensation -----	\$3,625.00	\$3,625.00
Disbursed to owner -----	<u>\$3,625.00</u>	
Award of just compensation pursuant to Commissioners' Report -----		\$2,500.00
Overdeposit and overpayment to owner -----		<u>\$1,125.00</u>

TRACT NO. 6635-10

Ownership: Undetermined.

Award of just compensation pursuant to Commissioners' Report -----	\$1,000.00	\$1,000.00
Deposited as estimated compensation -----		\$ 975.00
Disbursed to owners -----	None	
Balance due to owners -----	<u>\$1,000.00</u>	
Deposit deficiency -----		\$ 25.00

TRACT NO. 6635-B
(Oil and Gas Leasehold Interest Only)

Owners:

Edward Berger -----	8/100
Thomas C. Haber -----	2/100
Harold Humke -----	1/100
Jesse Earl Wells -----	2/100
Benjamin Mensendick -----	3/100
Arthur L. Kirchherr -----	2/100
John Larsen -----	2/100
Russell L. Miller -----	1/100
Donald R. Pence -----	1/100
Homer A. Plank -----	1/100
Lena Pearl Roth -----	1/100
Richard A. Smith -----	1/100
William Wellins -----	1/100
Royal H. Barnett -----	3/100
Nettie Cochran -----	1/100
Charles E. Frey -----	1/100
Dr. Ellsworth E. Gribler -----	2/100
Emmett J. Griep -----	1/100
Elmer Humke -----	1/100
T. A. Fletcher -----	11/100
Russell Seibel -----	1/100
Everett Humke -----	2/100
F. Dale Durfee -----	1/100
LeRoy Grimes -----	1/100
Henry Humke -----	4/100
Ethel M. Fletcher -----	1/100
Josephine G. Plenge -----	3/100
F. Dale Durfee and F. Mae Durfee --	1/100
William J. Weckbach and Margaret M. Weckbach -----	1/100
Orville F. Hobson -----	2/100
Roy Wade -----	1/100
Charles W. Davidson -----	36/100

Award of just compensation pursuant to Commissioners Report -----	\$500.00	\$500.00
Deposited as estimated compensation -----		\$375.00
Disbursed to owners -----	None	
Balance due to owners -----	<u>\$500.00</u>	
Deposit deficiency -----		<u>\$125.00</u>

12.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiencies for Tracts Nos. 6635-10 and 6635-B, as shown in paragraph 11, together with interest on such deficiencies at the rate of 6% per annum from May 17, 1962, until the date of deposit of such deficiency sums; and such sums shall be placed in the respective deposits for subject tracts in this Civil Action.

Upon receipt of such sums, the Clerk of this Court shall disburse from the deposit for Tract No. 6635-B to each of the owners of said

tract, except Charles W. Davidson, that portion of the total deposit as shown by the fraction set opposite his or her name in paragraph 11 above.

Disbursal of the Charles W. Davidson share of the award for Tract No. 6635-B will be made after an accounting with such owner regarding other cases now pending in this Court.

13.

It Is Further ORDERED that the plaintiff, United States of America, have judgment against W. F. Sixkiller for the overpayment made to him from the deposit for Tract No. N-1408, in the amount of \$1,125.00 together with interest thereon at the rate of 6% per annum from the date of filing this Judgment until payment be made.

To make payment of this Judgment W. F. Sixkiller shall deposit the amount of the Judgment, together with all accrued interest, with the Clerk of the United States District Court for the Northern District of Oklahoma.

When payment of this Judgment against W. F. Sixkiller has been made, the Clerk of this Court shall disburse the full amount of the payment to the Treasurer of the United States.

(s) Allen E. Barrow
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

CIVIL ACTION NO. 5406

Tracts Nos. 4623-F
4626-S
4627-S

[REDACTED]

[REDACTED]

J U D G M E N T

1.

MAILED
CIVIL DISTRICT CLERK

NOW, on this APR 21 1965, this matter comes on for

disposition on application of the plaintiff, United States of America, for entry of Judgment on the Reports of Commissioners filed herein on April 14, 1965, and the Court after having examined the files in this action and being advised by counsel for the plaintiff finds that:

2.

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

3.

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

4.

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

5.

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

6.

On the filing of the Declaration of Taking, there were deposited in the Registry of this Court as estimated compensation for the taking of the described estates in subject tracts, certain sums of money and none of these deposits has been disbursed, as set out in paragraph 11 below.

7.

The Reports of Commissioners filed herein on April 14, 1965, are hereby accepted and adopted as findings of fact as to all tracts covered by such reports. The amounts of just compensation as to the subject tracts as fixed by the Commission are set out in paragraph 11 below.

8.

This Judgment will create a surplus in the deposit for Tract No. 4623-F, but it will create a deficiency in the deposits for Tracts Nos. 4626-S and 4627-S, as set out in paragraph 11 below. The surplus in the one deposit should be refunded to the Plaintiff, and the Plaintiff should deposit a sum sufficient to cover the deficiencies in the other two deposits.

9.

There is a dispute between certain ones of the defendants as to whether there was a valid oil and gas lease covering Tract No. 4623-F. This dispute will require a hearing before the Court. Therefore, the ownership of such tract will not be determined by this Judgment. The defendants named in paragraph 11 as owners of Tracts Nos. 4626-S and 4627-S are the only defendants asserting any interest in the estates condemned in such tracts, all other defendants having either disclaimed or defaulted; the named defendants, as of the date of taking, were the owners of such estates and, as such, are entitled to receive the just compensation awarded by this Judgment.

10.

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

It Is Further ORDERED, ADJUDGED and DECREED that the right to receive just compensation for the estates taken herein in Tracts Nos. 4626-S and 4627-S is vested in the defendants whose names appear below in this paragraph. The persons entitled to receive the just compensation for Tract No. 4623-F will be determined by the Court after a hearing. The Reports of Commissioners of April 14, 1965, are hereby confirmed and the sums therein fixed are adopted as the awards of just compensation for subject property as shown by the following schedules:

TRACT NO. 4623-F

Owners:

To be determined after a hearing by the Court.

Deposited as estimated compensation for entire estate taken -----		\$1,120.00
Award of just compensation for entire estate taken -----	\$1,080.00	\$1,080.00
Disbursed to owners -----	None	
Balance due to owners -----	<u>\$1,080.00</u>	
Deposit surplus -----		\$ 40.00

TRACT NO. 4626-S

Owners:

Garland G. Boyd and Leona E. Boyd

Award of just compensation -----	\$ 600.00	\$ 600.00
Deposited as estimated compensation -----		\$ 450.00
Disbursed to owners -----	None	
Balance due to owners -----	<u>\$ 600.00</u>	
Deposit deficiency -----		<u>\$ 150.00</u>

TRACT NO. 4627-S

Owners:

Garland G. Boyd and Leona E. Boyd

Award of just compensation -----	\$1,460.00	\$1,460.00
Deposited as estimated compensation -----		\$1,095.00
Disbursed to owners -----	None	
Balance due to owners -----	<u>\$1,460.00</u>	
Deposit deficiency -----		<u>\$ 365.00</u>

12.

It Is Further ORDERED that the Clerk of this Court shall disburse from the deposit for Tract No. 4623-F, in the subject civil action, the deposit surplus in the amount of \$40.00 to the Treasurer of the United States of America.

13.

It Is Further ORDERED, ADJUDGED and DECREED, that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiencies for Tracts Nos. 4626-S and 4627-S, as shown in paragraph 11, together with interest on such deficiencies at the rate of 6% per annum from May 17, 1962, until the date of deposit of such deficiency sums; and such sums shall be placed in the respective deposits for subject tracts in this Civil Action. Upon receipt of such sums, the Clerk of this Court shall disburse the entire sums then on deposit for Tracts Nos. 4626-S and 4627-S, jointly to Garland G. Boyd and Leona E. Boyd.

ALLEN E. EARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

508.62 Acres of Land, More or Less,
Situat in Rogers County, Oklahoma,
and Henry Brown, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 5407

Tract No. J-1039E

FILED

APR 29 1965

J U D G M E N T

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

1.

NOW, on this APR 29 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. J-1039E, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action.

3.

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

4.

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

5.

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

6.

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

7.

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

8.

The owner of the estate taken in 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 owner. Such deficiency is set out in paragraph 12 below.

10.

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

11.

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

12.

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

TRACT NO. J-1039E

Owner:

Ruth M. Karns

Award of Just Compensation pursuant to stipulation -----	\$1,500.00	\$1,500.00
Deposited as estimated compensation -----		\$1,025.00
Disbursed to owner -----	None	
Balance due to owner -----	<u>\$1,500.00</u>	
Deposit deficiency -----		<u>\$ 475.00</u>

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall deposit in the Registry of this Court, in this Civil Action, to the credit of subject tract, the deficiency sum of \$475.00, and the Clerk of this Court then shall disburse from the deposit for subject tract the sum of \$1,500.00 to Ruth M. Karns.

ALLEN E. FARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

CIVIL ACTION NO. 5411
Tracts Nos. 6624-A and
6625-A
Lessor Interest Only.

J U D G M E N T

NOBLE ...
U.S. District Court

1.

NOW, on this APR 28 1965, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of Judgment on the Reports of Commissioners filed herein on April 14, 1965, and the Court after having examined the files in this action and being advised by counsel for the plaintiff finds that:

2.

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

3.

This Judgment applies only to the lessor interest in the estates taken in Tracts Nos. 6624-A and 6625-A, as such estates and tracts are described in the Complaint and Declaration of Taking filed herein.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject tracts of land. Pursuant thereto, on May 22, 1962, the United States of America filed its Declaration of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such Declaration of Taking.

6.

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

7.

The Reports of Commissioners filed herein on April 14, 1965, are hereby accepted and adopted as findings of fact as to the subject property. The amount of just compensation for the lessor interest in the estates taken in the subject tracts, as fixed by the Commission, is set out in paragraph 11 below.

8.

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

9.

The defendants named in paragraph 11 as owners are the only defendants asserting any interest in the lessor interest in the estates taken in subject tracts, all other defendants having either disclaimed or defaulted; as of the date of taking the named defendants were the owners of such lessor interest and, as such, are entitled to receive the just compensation awarded by this Judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tracts, described in the Declaration of Taking filed herein, and the lessor interest in such property, to the extent of the estates described in the Declaration of Taking filed herein and for the uses and purposes therein described, is CONDEMNED, and title thereto is vested in the United States of America, as of the date of filing the Declaration of Taking, and all defendants herein and all other persons are forever barred from asserting any claim thereto.

It Is Further ORDERED, ADJUDGED and DECREED that the right to receive just compensation for such lessor interest in the estates taken herein in subject tracts is vested in the defendants whose names appear below in this paragraph; the Reports of Commissioners of April 14, 1965, are hereby confirmed and the sums therein fixed are adopted as just compensation, as shown by the following schedule:

LESSOR INTEREST ONLY IN
TRACTS NOS. 6624-A AND 6625-A COMBINED

Owners:

Unit No. 1 - NE SW NW of Sec. 25, T26N, R16E,
containing 10 acres of subject tracts:

H. M. McMillan ----- 1/2
Elizabeth Fell Oven ----- 17 1/2% of 1/2
Frances Fell Kilpatrick -- 17 1/2% of 1/2
Georgie S. Fell ----- 28% of 1/2
John W. Nichols, Trustee-- 37% of 1/2

Unit No. 2 - N 1/2 NW NW, and SE NW NW of Sec. 25, T26N, R16E,
containing 30 acres of subject tracts:

June Collins ----- 1/2
H. M. McMillan ----- 1/4
Elizabeth Fell Oven ----- 17 1/2% of 1/4
Frances Fell Kilpatrick-- 17 1/2% of 1/4
Georgie S. Fell ----- 28% of 1/4
John W. Nichols, Trustee-- 37% of 1/4

Unit No. 3 - W 1/2 SW of Sec. 24, T26N, R16E,
containing 70 acres of subject tracts:

Ownership of this unit is exactly like that of
Unit No. 2.

Unit No. 4 - SW NW NW of Sec. 25, T26N, R16E,
containing 10 acres of subject tracts:

Fred U. Grant and June R. Grant

Awards of just compensation:

For Unit No. 1 -----	\$ 320.00	
For Unit No. 2 -----	\$ 360.00	
For Unit No. 3 -----	\$1,510.00	
For Unit No. 4 -----	\$ 165.00	
Total for all Units -----	\$2,355.00	\$2,355.00

Deposited as estimated compensation for all units -----	\$2,248.00
Disbursed to owners -----	None
Balance due to owners -----	\$2,355.00
Deposit deficiency -----	\$ 107.00

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the subject tracts in the amount of \$107.00, as shown in paragraph 11, together with interest on such deficiency at the rate of 6% per annum from May 22, 1962, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tracts in this Civil Action. Upon receipt of such sum, the Clerk of this Court shall disburse from the deposit for the subject tracts certain sums as follows:

To H. M. McMillan ----- .26646 of the total deposit.
 To Elizabeth Fell Oven ----- .04663 of the total deposit.
 To Frances Fell Kilpatrick ----- .04663 of the total deposit.
 To Georgie S. Fell ----- .07460 of the total deposit.
 To John W. Nichols, Trustee ----- .09859 of the total deposit.
 To June Collins ----- .39703 of the total deposit.

It Is Further ORDERED that the balance (.07006) of the deposit for the subject tract, representing the share of the award due to Fred U. Grant and June R. Grant shall not be disbursed at this time because the whereabouts of said owners is wholly unknown. An appropriate Order of Distribution will be entered in the event such owners are located.

In the event that the balance due to such defendants remains on deposit for a period of five 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 the lessor interest in Tracts Nos. 6624-A and 6625-A, in this action to the Treasurer of the United States of America, pursuant to the provisions of Title 28, Section 2042, U.S.C.

ALLEN B. SURON

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
 Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
-vs-)
147.59 Acres of Land, More or Less,)
Situate in Tulsa, Creek and Pawnee)
Counties, Oklahoma, and J. T.)
O'Reilly, et al., and Unknown)
Owners,)
Defendants.)

Civil No. 5465

Tract No. 0925-3M

APR 28 1965

NOBLE C. BOGD
Clk. U. S. District Court

FINAL JUDGMENT
DETERMINING OWNERSHIP, JUST COMPENSATION AND ORDERING DISTRIBUTION

On this 28 day of April, 1965, this Court finds that the proceedings in this matter have reached the point where nothing remains to be done except the rendering of this Court's final judgment as to the issue of just compensation and determining the names of the persons entitled to the award, and ordering disbursement of funds. Accordingly, this Court, after examining the files and the record of all the proceedings in this action, makes the following findings:

1. That this Court has jurisdiction over the parties and the subject matter of this action.
2. That, under the authority set forth in the Declaration of Taking and the Complaint in Condemnation filed herein on September 7, 1962, the United States of America has acquired the ownership of the land designated therein as Tract No. 0925-3M to the extent set forth in the Declaration of Taking.
3. That on the date of the filing of the Declaration of Taking, the sum of \$46,500.00 was deposited into the registry of this Court for the benefit of the persons entitled thereto as estimated just compensation for the taking of said land.
4. That on April 5, 1965, this Court determined, after notice and a hearing, that said tract was owned, as of the date of the filing of the Declaration of Taking, by only those named in, and in

the manner set forth in, the Government's Motion for Judgment filed herein on March 10, 1965.

5. That the United States of America and the following named Defendants have stipulated that the amount of just compensation to be paid said Defendants for the taking of the estate acquired in this proceeding in said land, inclusive of interest, is as follows:

L. B. Jackson, Jr.	\$ 164.00
Rochwile, Inc.	4,800.00
Ray Lake	210.00
Fred Amen	76.00
H. I. Besser Roe	1,200.00
Renard L. Clayton and Wynona L. Clayton	2,415.53
L. B. Jackson Company	37,800.00

6. That this Court, pursuant to Rule 71A(h) of the Federal Rules of Civil Procedure, caused the issue of just compensation to be determined by a Commission, without regard to any previous settlements so that just compensation could be determined as to those Defendants who have not stipulated with the Government. Accordingly, the Commission, after notice and a hearing, determined (according to its report which has been filed herein) that just compensation for the taking of the estate set forth in the Complaint and Declaration of Taking should be the sum of \$46,500.00 for Tract No. 0925-3M, and that those Defendants who have not agreed with the Government on the issue of just compensation should share in said award as follows:

Iva Mae Lamb	\$156.00
Chris J. Miller	50.00

7. That by order of this Court the following amounts have been previously distributed to the following named Defendants:

Ray Lake	\$ 210.00
Renard L. Clayton and Wynona L. Clayton	2,415.53
L. B. Jackson Company	37,800.00

and that there remains on deposit, available for distribution, the sum of \$6,074.47.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That on September 7, 1962, the United States of America became vested with the ownership of this tract of land to the extent set forth in the Complaint and Declaration of Taking.

2. That the names of those entitled to receive just compensation, as of the date of the filing of the Declaration of Taking, are as set forth in the Government's Motion for Judgment filed herein on March 10, 1965, which is incorporated herein by reference; and that the extent of the ownership of each person so named is as set forth in said Motion.

3. That the amount of just compensation payable by the United States of America for the estate taken in said land is the sum of \$46,871.53, which is the total amount of all the stipulations entered into between the Government and the Defendants referred to in paragraph 5, supra, (\$46,665.53) which stipulations are hereby approved, plus the sum of \$206.00 which is the proportionate share of the Commission's award for those Defendants who have not stipulated with the Government as more particularly set forth in paragraph 6, supra.

4. That the difference between the total amount deposited (\$46,500.00) and the total amount of just compensation (\$46,871.53) is the sum of \$371.53 for which sum a deficiency judgment is hereby granted against the United States of America without interest thereon. Interest is not due on the amount of this deficiency for the reason that funds have always been on deposit and available for distribution for those Defendants who have not stipulated with the Government.

5. That their proportionate share of the total amount of just compensation has already been distributed to the following named Defendants:

Ray Lake
Renard L. Clayton and Wynona L. Clayton
L. B. Jackson Company

and that, as to these Defendants, all obligations of the United States of America have been discharged.

IT IS FURTHER ORDERED that when the amount of the deficiency (\$371.53) has been deposited into the registry of this Court, then the total amount available for distribution (\$6,446.00) shall be distributed by the Clerk of this Court in the following manner:

L. B. Jackson, Jr. -----	\$ 164.00
Mayo Building	
Tulsa, Oklahoma	
Rochwile, Inc. -----	\$4,800.00
c/o L. B. Jackson, Jr.	
Mayo Building	
Tulsa, Oklahoma	
Fred Amen -----	\$ 76.00
837 Marcilene	
Wichita, Kansas	
R. O. Shelby, Administrator -	\$1,200.00
of the Estate of H. I.	
Besser Roe, now deceased,	
4917 E. 27th Pl.	
Tulsa, Oklahoma	
Iva Mae Lamb -----	\$ 156.00
2080 E. 5th Street	
Stockton, California	
Chris J. Miller -----	\$ 50.00
Address Unknown	

IT IS FURTHER ORDERED that if the Clerk of this Court is unable to pay the distributive share to any of the Defendants named in the preceding paragraph, then the Clerk of this Court shall pay such distributive share to the Treasurer of the United States in accordance with Title 28, United States Code, Section 2042.

ALLEN E. BARROW

United States District Judge

APPROVED:

John M. Imel
United States Attorney

/s/ Max E. Findley

Max E. Findley
Special Assistant to U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)	
)	
Plaintiff,)	CIVIL ACTION NO. 5480
)	
vs.)	Tract No. R-1890
)	
175.00 Acres of Land, More or Less,)	
Situate in Nowata County, Oklahoma,)	
and PIC Management Corporation, Inc., et al.,)	
and Unknown Owners,)	
)	
Defendants.)	

FILED
APR 19 1965

J U D G M E N T

Notary
Clerk, U.S. District Court

1.

NOW on this APR 29 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, whereby the owners and the plaintiff have agreed upon the amount of just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This Judgment applies only to the estate condemned in Tract No. R-1890, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this Civil Action.

3.

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

4.

Service of Process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in the subject 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 September 25, 1962, the United States of America has filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

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

7.

On the date of taking in this action, the owners of the estate taken in the 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 so taken.

8.

The owners of the lessee interest in the estate taken in the subject tract and the United States of America have executed an option contract, as alleged in the Complaint, and the owners of the lessor interest in the estate taken in the subject tract together with the plaintiff 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 and such option contract and stipulation should be approved.

9.

This Judgment will create a deficiency between the amount deposited as estimated just compensation for subject tract and the amount fixed by the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the government. This deficiency is set out in paragraph 12 below.

10.

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

The Clerk of this Court then shall disburse from the deposit for the subject tract certain sums as follows:

To F. A. Calvert -----	\$425.00
To Eva Payne Glass -----	\$212.50
To Ernes Frances Bradfield ----	\$106.25
To Julian W. Glass, Jr.-----	\$106.25

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
 vs.)
 2851.79 Acres of Land, More or Less,)
 Situate in Osage County, Oklahoma,)
 and Osage Tribe of Indians, et al.,)
 and Unknown Owners,)
 Defendants.)

Civil No. 5763
Tracts Nos. 1027-2M
1028-3M
1033-2M
1034-1M

FILED
AUG 11 1964

J U D G M E N T

NOTED
CLERK, U.S. DISTRICT COURT

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tracts, based on the Report of Commissioners filed herein on the 13th day of October, 1964.

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

3. The Report of Commissioners filed herein on the 13th day of October, 1964, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to the subject tracts as fixed by the Commission is set out in paragraph 5 below.

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

5. 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 \$500.00, as determined by the Report of Commissioners of October 13, 1964, which report is hereby confirmed and the sums therein fixed and adopted as just compensation for subject tracts, as shown by the following schedule:

TRACTS NOS. 1027-2M, 1028-3M, 1033-2M, and 1034-1M

Owners: Saul J. Glenn, J. Glenn, and Leonard Seigel

Award of Just Compensation	\$500.00
Deposited as estimated compensation	\$800.00
Disbursed to Owner	0.00
Balance due to Owner	\$500.00
Deposit Deficiency	0.00

6. 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.

Saul J. Glenn, J. Glenn, and Leonard Seigel . . . \$500.00

7. There exists a \$300.00 surplus resulting from the final award being less than the estimated just compensation. The Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount of \$300.00, payable to the order of the Treasurer of the United States and to mail the check to said payee.

Entered

ALLEN E. HARROW

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.)
2102.11 Acres of Land, More or Less,)
Situate in Osage County, Oklahoma,)
and D. P. Weems, et al., and)
Unknown Owners,)
Defendants.)

Civil No. 5825

Tract Nos. 1815-1MA & 1MB

FILED

APR 29 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 oil lessee interest in the above tracts, based on the Report of Commissioners filed herein on the 8th day of April, 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 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 Report of Commissioners filed herein on the 8th day of April, 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 oil lessee interest 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 the oil lessee interest 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 oil lessee interest 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 oil lessee interest is the sum of \$321.00, as determined by the Report of Commissioners of April 8, 1965, which report is hereby confirmed and the sums therein fixed and adopted as just compensation for the oil lessee interest, as shown by the following schedule:

TRACT NOS. 1815-1MA & 1MB

Owner: R. E. Williams

Award of Just Compensation	\$321.00
Deposited as estimated compensation	200.00
Disbursed to Owner	0
Balance due to Owner	321.00
Deposit Deficiency	121.00

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$121.00, with interest at 6% per annum from November 15, 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:

R. E. Williams . . . \$321.00, plus all accrued interest

Dated

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

ajs

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,)
)
vs.)
)
1929.31 Acres of Land, More or Less,)
Situat e in Osage County, Oklahoma,)
and D. P. Weems, et al., and Unknown)
Owners,)
)
Defendants.)

Civil No. 5826

Tract No. 1823-1M

FILED

APR 29 1965

NOBLE C. FLOOD
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 oil lessee interest in the above tract, based on the Report of Commissioners filed herein on the 8th day of April, 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 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 Report of Commissioners filed herein on the 8th day of April, 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 oil lessee interest as fixed by the Commission is set out in paragraph 5 below.

4. The Court finds upon the evidence presented that the defendants listed below in paragraph 5 were the sole owners of the oil lessee interest on the date of taking and are entitled to receive the award thereof.

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

(a) The vesting in plaintiff of title to the estate set forth in the Complaint and Declaration of Taking in and to the land 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 oil lessee interest is the sum of \$800.00, as determined by the Report of Commissioners of April 8, 1965, which report is hereby confirmed and the sums therein fixed and adopted as just compensation for subject tract, as shown by the following schedule:

<u>Tract No. 1823-1M</u>	
Owner: R. E. Williams	
Award of Just Compensation	\$800.00
Deposited as estimated compensation	\$800.00
Disbursed to Owner	0.00
Balance due to Owner	\$800.00
Deposit Deficiency	0.00

6. 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.

R. E. Williams \$800.00

Entered APR 28 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,)
)
 vs.)
)
 1929.31 Acres of Land, More or Less,)
 Situate in Osage County, Oklahoma, and)
 W. G. Rogers, et al., and Unknown)
 Owners,)
)
 Defendants.)

Civil No. 5826
Tract No. 1813-6M

F E B 1965
A 1965

NOBLE C. HOOD,
Clk. 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 oil lessee interest in the above tracts, based on the Report of Commissioners filed herein on the 8th day of April, 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 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 Report of Commissioners filed herein on the 8th day of April, 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 oil lessee interest 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 the oil lessee interest 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 oil lessee interest 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 oil lessee interest is the sum of \$1,200.00 as determined by the Report of Commissioners of April 8, 1965, which report is hereby confirmed and the sums therein fixed and adopted as just compensation for the oil lessee interest, as shown by the following schedule:

TRACT NO. 1813-6M

Owner: R. E. Williams	
Award of Just Compensation	\$1,200.00
Deposited as estimated compensation	\$ 115.00
Disbursed to Owner	0.00
Balance due to Owner	\$1,200.00
Deposit Deficiency	\$1,085.00

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$1,085.00, with interest at 6% per annum from November 15, 1965, 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.

R. E. Williams \$1,200.00 plus all accrued interest

Entered APR 28 1965

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

Robert P. Santee
Assistant U. S. Attorney

nld

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

FRANK N. CYR, JR.

Plaintiff,

vs.

IONIC PETROLEUM LIMITED,
an Oklahoma corporation,

Defendant.

No. 127

FILED

APR 30 1965

DISMISSAL WITH PREJUDICE

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

This cause coming on for trial before me, Luther Bohanon, Judge of the said Court, on the 11th day of January 1965, and the plaintiff appearing by and through his attorneys, Spillers & Spillers by G. C. Spillers, Jr., and the defendant appearing by and through its attorneys, Boone & Ellison by James O. Ellison; thereupon the parties announced this cause had been settled and compromised and the parties requested that the plaintiff be permitted to dismiss his cause of action with prejudice and the Court being fully advised in the premises finds that the said application should be granted:

IT IS, THEREFORE, ORDERED by this Court that the plaintiff's cause of action be and the same is hereby dismissed with prejudice.

(s) *Luther Bohanon*
Judge

OK AS TO FORM:

SPILLERS & SPILLERS

G. C. Spillers, Jr.
G. C. Spillers, Jr.
Attorneys for Plaintiff.

BOONE & ELLISON

James O. Ellison
James O. Ellison
Attorneys for Defendant.

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

ROBERT W. TURNER, Plaintiff,)
)
)
 -vs-)
)
)
 STANDARD MAGNESIUM & CHEMICAL)
 COMPANY, a Delaware corporation;)
 KAISER ALUMINUM & CHEMICAL)
 CORPORATION, a Delaware corporation,)
 d/b/a Standard Magnesium & Chemical)
 Company as a trade name; and, COOK)
 PAINT AND VARNISH COMPANY, a)
 Delaware corporation; Defendants.)

FILED

APR 30 1965

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

No. 6084-Civil

ORDER OF DISMISSAL

This April 23, 1965, this case comes on for hearing upon motions of defendants, plaintiff appearing by Jack B. Sellers of Sapulpa, Oklahoma, and defendants appearing by their respective counsel of record, whereupon plaintiff filed notice of dismissal with the clerk of this court pursuant to rule 41 (a) of the Federal Rules of Civil Procedure and the court, having examined the proceedings herein, and finding that defendants have not answered nor filed motion for summary judgment, finds that said notice of dismissal is proper and this action is dismissed.

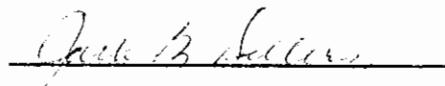
NOW, THEREFORE, IT IS THE ORDER, JUDGMENT, AND DECREE of this court that upon the notice of dismissal of plaintiff, this action is dismissed.



ALLEN BARROW, Judge
United States District Court
Northern District of Oklahoma

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing Order of Dismissal was mailed to counsel of record for the defendants this 29th day of April, 1965.



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

TED UTLEY, Plaintiff,)
)
)
 -vs-)
)
)
 STANDARD MAGNESIUM & CHEMICAL)
 COMPANY, a Delaware corporation;)
 KAISER ALUMINUM & CHEMICAL)
 CORPORATION, a Delaware corporation,)
 d/b/a Standard Magnesium & Chemical)
 Company as a trade name; and, COOK)
 PAINT AND VARNISH COMPANY, a)
 Delaware corporation, Defendants.)

FILED

APR 30 1965

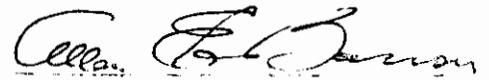
NOBLE C. HOOD
Clerk, U. S. District Court

No. 6085-Civil

ORDER OF DISMISSAL

This April 23, 1965, this case comes on for hearing upon motions of defendants, plaintiff appearing by Jack B. Sellers of Sapulpa, Oklahoma, and defendants appearing by their respective counsel of record, whereupon plaintiff filed notice of dismissal with the clerk of this court pursuant to rule 41 (a) of the Federal Rules of Civil Procedure and the court, having examined the proceedings herein, and finding that defendants have not answered nor filed motion for summary judgment, finds that said notice of dismissal is proper and this action is dismissed.

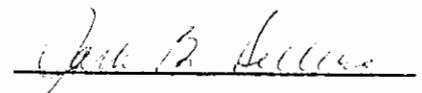
NOW, THEREFORE, IT IS THE ORDER, JUDGMENT, AND DECREE of this court that upon the notice of dismissal of plaintiff, this action is dismissed.



ALLEN BARROW, Judge
 United States District Court
 Northern District of Oklahoma

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing Order of Dismissal was mailed to counsel of record for the defendants this 29th day of April, 1965.



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

THOMAS ALFRED McHAUL,
Plaintiff,
vs.
UNITED STATES OF AMERICA,
Defendant.

No. 0013 Civil
FILED
APR 30 1965

ROBLE C. HOOD
ORDER OVERRULING MOTION TO VACATE SENTENCE U. S. District Court

This motion coming on before me, the undersigned Judge, on this 7th day of April, 1965, upon the motion of the petitioner, Thomas Alfred McHaul, to vacate and set aside the judgments of conviction and sentences in Criminal Cases Nos. 13,428 and 13,452 in this Court, and the Court having considered the motion, finds:

That the petitioner complained in his motion that his waiver of counsel was not competently and intelligently made, and that he was not advised prior to entering a plea of guilty to each charge that he might receive a sentence in excess of the maximum sentence provided in the statute violated.

The transcript of the proceedings in Criminal cases Nos. 13,428 and 13,452, disclose that the petitioner was advised at the time of his arraignment and again prior to sentencing that he had the constitutional right to be represented by counsel, and petitioner waived such right in open court. His contention that he did not competently and intelligently waive his right to counsel states only conclusions and no facts are alleged upon which such conclusions are based. Therefore, the motion is legally insufficient and he is not entitled to a hearing on this motion insofar as this contention is concerned. *Wilkins v. U.S.*, 250 F.2d 810; *Stephens v. U.S.*, 241 F.2d 107.

Petitioner was charged with two violations of the National Motor Vehicles Theft Act and could have received a maximum sentence of five years in each case, or a total of ten years. He was sentenced under the Youth Corrections Act in both cases, the sentences to run concurrently. Therefore, he did not receive a greater sentence than he could have received under the statute violated, and the case of *Pilkington v. United States*, 315 F.2d 204, has no application to the facts in his cases.

Even if the contentions in petitioner's motion were well founded, no useful purpose would be served in having a hearing on the motion or in setting aside the sentences imposed. Petitioner's YCA sentences expire on September 29, 1965. On June 5, 1963, he was paroled from his YCA sentences, his parole time to be served concurrently with a subsequent five year sentence imposed for attempted escape. In addition, he has a detainer on file for a burglarly and auto theft charge in Butler County, Kansas. (See attached letter)

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that petitioner's motion to vacate and set aside judgments and sentences be and it is hereby overruled and denied.

151 Allen L. ...
UNITED STATES DISTRICT JUDGE

UNITED STATES DEPARTMENT OF JUSTICE
BUREAU OF PRISONS
UNITED STATES PENITENTIARY
TERRE HAUTE, INDIANA

April 27, 1965

Mr. Howard N. Scott
Chief Probation Officer
Federal Building
Tulsa, Oklahoma

RE: McNAUL, Thomas Alfred
Reg. No. A-17896-TH

Dear Sir:

This is in reference to your letter of April 22, 1965, concerning McNaul. Our records indicate the following:

1. The YCA sentence expires September 29, 1965.
2. The five (5) year sentence for escape has a tentative mandatory release date of February 10, 1967. Full time date of sentence is June 4, 1968
3. McNaul was eligible for parole April 1, 1964 on present sentence. Parole was denied on May 13, 1964.
4. Parole has been considered on present sentence. YCA sentence has no affect on present sentence.
5. Has a detainer on file for Burglary and Auto Theft from Sheriff's Office, El Dorado, Kansas. The U. S. Board of Parole does grant paroles to detainer if they so desire.

We trust the above information will be helpful to you. If at any time we can be of further service, please advise.

Sincerely,

J. D. Devlin
Advisory Assistant
Classification and Parole

RECEIVED

APR 28 1965

U. S. PROBATION OFFICER
NO. DIST. OF OKLA.

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

Jack J. Gray,)
)
 Plaintiff,)
)
 vs.) Civil Action No. 6126
)
 Oklahoma Land & Cattle Company,)
 a corporation, and W. C. Row,) **FILED**
)
 Defendants.) **APR 30 1965**

ORDER REMANDING CASE

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

The plaintiff's Complaint was filed in the District Court of Osage County, Oklahoma, from which it was removed to this Court by the defendants. The plaintiff has filed a Motion to Remand.

The Complaint alleges that on or about June 23, 1964, William Fletcher, the owner of certain land, entered into a ten year grazing lease of said land with the plaintiff. The lease, No. 42347, Bureau of Indian Affairs of the U. S. Department of Interior, was approved by the Superintendent of the Osage Indian Agency on July 20, 1964, for a term beginning January 1, 1965, and ending December 31, 1974. It is further alleged by the plaintiff that the defendant Row is the agent of the defendant, Oklahoma Land & Cattle Company; that Row as agent sought to purchase plaintiff's lease, and plaintiff refused to sell his lease to the defendant, Oklahoma Land & Cattle Company; that on or about October 27, 1964, the defendants then induced William Fletcher to breach his said contract with the plaintiff, to sign a new lease, and to join with the defendant, Oklahoma Land & Cattle Company, in an appeal to the Area Director of the U. S. Department of Interior at Muskogee, Oklahoma, to obtain a cancellation of the above mentioned lease to the plaintiff.

The plaintiff contends that the actions of the said defendants

were wilful and made with the intention of depriving the plaintiff of the benefit of his lease contract; that the defendants are persisting and continuing in their efforts to invalidate the contract necessitating the plaintiff to employ an attorney; that the plaintiff has expended over \$1800.00 and has been damaged in numerous other ways in the sum of \$20,000 actual damages. The plaintiff alleges that the actions of the defendants have been wilful and were actuated out of malice to the plaintiff, by reason whereof the plaintiff seeks punitive damages in the amount of \$10,000,000.00, and a judgment in the sum of \$10, 020,000.00, and costs of this action.

On January 25, 1965, the defendants filed a Petition for Removal, and the defendant, Oklahoma Land & Cattle Company, on February 1, 1965, filed a Motion to Dismiss for lack of jurisdiction over it and for insufficiency of process.

The defendants' Petition for Removal states that the amount in dispute exceeds the sum of \$10,000.00, exclusive of interest and costs and that this action is of a civil nature over which the District Courts of the United States have original jurisdiction, in that the issues presented cannot be disposed of without applying Federal Statutes.

It is the plaintiff's contention that his cause of action is not properly removable to this Court because the Complaint does not disclose that the cause of action of the plaintiff arose under any Federal law which is the subject of controversy between the parties.

Title 28, Section 1441(b) of the United States Code provides that "Any civil action of which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship of the parties."

In considering the right to remove this case to the Federal Court, it must be decided whether the Complaint on its face shows that the matter in controversy arises under the laws of the United States, and that a construction and application of those laws are necessary to the final and just determination of the issue which the complaint tenders. That decision can be reached by a correct examination of the Complaint.

The Complaint alleges an actionable wrong due to the malicious acts of the defendants to procure the breach of the plaintiff's lease with Fletcher. It is an action involving the common-law wrong of malicious interference with contractual rights. The fact that the lease may be based upon and derived from Federal law does not give rise to a federal question under the removal statute. It is only when a federal right is an essential element of the action that the right, for purposes of the Removal Act, is deemed to be one arising from federal law. Gully v. First National Bank, 299 U. S. 109, 57 S. Ct. 96; Starin v. New York, 115 U. S. 248, 257, 6 S. Ct. 28; First National bank v. Williams, 252 U. S. 504, 512, 40 S. Ct. 372.

"A suit to enforce a right which takes its origin in the laws of the United States is not necessarily, or for that reason alone, one arising under those laws, for a suit does not so arise unless it really and substantially involves a dispute or controversy respecting the validity, construction, or effect of such a law, upon the determination of which the result depends." Shulthis v. McDougal, 225 U. S. 561, 569, 32 S. Ct. 704, 706.

The case here does not meet this test. The Complaint does not show that the plaintiff's right to be free from the malicious interference with his contract is dependent upon a disputed construction of any federal statute. On the contrary, this action is characterized as an ordinary tort action. It appears clear that the plaintiff is relying wholly upon his tort action under State law.

It follows that this case is not removable and the plaintiff's Motion to Remand should therefore be sustained. It is accordingly ordered that the Motion to Remand is granted, and that the case be remanded to the District Court of Osage County, Oklahoma.

Dated this 30 day of April, 1965.

(s) Fred Daugherty
Fred Daugherty
United States District Judge

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

W. WILLARD WIRTZ, SECRETARY OF LABOR :
UNITED STATES DEPARTMENT OF LABOR :
: :
Plaintiff : CIVIL ACTION
: :
vs. : FILE NO. 6143
: :
JOHN FORBES, doing business as :
WESTSIDE JANITOR AND MAINTENANCE :
SERVICE :
: :
Defendant :

FILED

APR 30 1965

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

J U D G M E N T

Plaintiff, W. Willard Wirtz, Secretary of Labor, United States Department of Labor, has filed his complaint. The defendant has appeared by counsel, filed his answer and agreed to the entry of this judgment without contest. It is, therefore, with the agreement of the parties,

ORDERED, ADJUDGED and DECREED that the defendant, John Forbes, doing business as Westside Janitor and Maintenance Service, his agents, employees, representatives and all persons acting or claiming to act in his behalf and interest be and they hereby are enjoined from violating the provisions of the Fair Labor Standards Act of 1938 (Act of June 25, 1938, 52 Stat. 1060 as amended, 63 Stat. 910; U.S.C., Title 29, Sec. 201 et seq.), hereinafter referred to as the Act, in any of the following particulars:

I.

The defendant shall not, contrary to the provisions of Sections 6 and 15(a)(2) of the Act, pay any of his employees while they are engaged in interstate commerce or in the production of goods for interstate commerce at wage rates less than \$1.25

per hour or at a wage rate which might be established as the applicable minimum wage rate for their employment at some subsequent date.

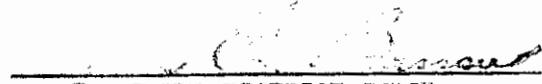
II.

Defendant shall not, contrary to the provisions of Sections 7 and 15(a)(2) of the Act, employ any of his employees in interstate commerce and in the production of goods for interstate commerce for workweeks longer than 40 hours per week and fail to compensate said employees at rates not less than one and one-half time the regular rate at which they were employed for each hour worked in excess of 40 hours per week.

III.

Defendant shall not, contrary to the provisions of Sections 11(c) and 15(a)(2) of the Act, fail to make, keep and preserve adequate and accurate records of his employees and the wages, hours and other conditions and practices of employment maintained by him as prescribed by regulations issued and from time to time amended, under the authority of the Secretary of Labor, United States Department of Labor.

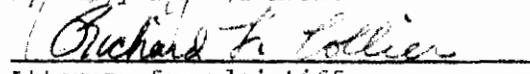
This judgment is entered this 30 day of April 1965.


UNITED STATES DISTRICT JUDGE

Agreed:

Defendant


Attorney for defendant


Attorney for plaintiff