

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

United States of America,

Plaintiff,

vs.

Civil No. 5904

Tommie Scott,

Defendant.

FILED

JUN -1 1965

JUDGMENT

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

On this 11th day of May 1965, the above-entitled action coming on for hearing, the plaintiff appearing by Sam E. Taylor, Assistant United States Attorney for the Northern District of Oklahoma, and the defendant, Tommie Scott, appearing not, and the Court having examined the file, finds that the defendant was duly served with summons herein more than 20 days prior to this date, and having failed to appear, answer or otherwise plead, is and should be adjudged in default.

The Court further finds that plaintiff has filed herein an affidavit stating that the defendant, Tommie Scott, is not in the military or naval service of the United States and is not an infant or incompetent, which is found to be true.

The Court further finds that the material allegations of plaintiff's Complaint are true; that the defendant is indebted to the plaintiff in the sum of \$726.99 with interest at the rate of 4% per annum on the sum of \$682.12 from August 31, 1963, until paid.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff have judgment against the defendant, Tommie Scott for the sum of \$726.99, with interest at the rate of 4% per annum on the sum of \$682.12 from August 31, 1963, until paid, and the costs of this action.

Luther Bohannon
UNITED STATES DISTRICT JUDGE

APPROVED:

Sam E. Taylor
SAM E. TAYLOR
Assistant United States Attorney

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

THE UNITED STATES OF AMERICA, for)
the Use and Benefit of BOECKING-)
BERRY EQUIPMENT CO., a corporation,)
Plaintiff,)
-vs-) NO. 5984 Civil
H. A. JOHNSON and H. H. ROANE,)
individuals, doing business as)
JOHNSON & ROANE, a Joint Venture,)
and UNITED STATES FIDELITY &)
GUARANTY COMPANY, a corporation,)
Defendants.)

FILED

JUN - 2 1965

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

JOURNAL ENTRY OF JUDGMENT

On the 12th day of May, 1965, the above-entitled cause comes on for hearing upon the plaintiff, Boecking-Berry Equipment Co.'s, motion for summary judgment. Plaintiff appeared by its attorney, Robert S. Risley; Defendant United States Fidelity & Guaranty Company appeared by its counsel, Sanders, McElroy & Whitten by Dave Sanders; Defendant H. H. Roane appeared by his counsel, Donald Church; and Defendant H. A. Johnson appeared by his counsel, Timothy W. Dowd. The Court, after hearing the motion, considering the affidavit appended thereto, and hearing argument of counsel, finds the facts to be as set forth in the attached Findings of Fact.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

- (1) The motion for summary judgment of Boecking-Berry Equipment Co. is hereby sustained.
- (2) Plaintiff Boecking-Berry Equipment Co. is hereby granted judgment in the sum of \$3,531.07 plus interest in the sum of \$211.86.
- (3) Supersedeas bond is hereby fixed at \$10,000.

APPROVED AS TO FORM:

Donald Church
Donald Church, Attorney for H. H. Roane

Dave Sanders
Dave Sanders, Attorney for U. S. Fidelity & Guaranty Company

Timothy W. Dowd
Timothy W. Dowd, Attorney for H. A. Johnson

Robert S. Risley
Robert S. Risley, Attorney for Boecking-Berry Equipment Co.

Luther Bohannon
Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

LOFFLAND BROTHERS COMPANY,
a corporation,

Plaintiff,

vs.

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

Defendants.

BIGHOLE DRILLERS, INC., a
corporation,

Intervenor.

Civil Action
No. 6141

FILED

JUN - 2 1965

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

JUDGMENT AND DECREE

On this 20th day of May, 1965 the above entitled cause comes on for trial before the Honorable Luther Bohanon, Judge of the United States District Court for the Northern District of Oklahoma, without a jury.

The Plaintiff appears by R. Robert Huff, of the firm of Huff & Huff. The Defendant, United States of America, appears by John M. Imel, United States Attorney, and Hubert A. Marlow, Assistant United States Attorney.

The Defendants, J. W. Fleener and other persons similarly situated, appear by William P. Huckin, Jr., Attorney at Law, and the Intervenor, Bighole Drillers, Inc. appears by Francis S. Irvine and Don F. Bell of the firm of Kerr, Davis, Roberts, Heimann, Irvine & Burbage. And testimony having been offered, said cause was duly submitted for consideration and decision. The Court having filed its findings of fact, conclusions of law, and rendered its decision, it is hereby

ORDERED AND ADJUDGED that the Defendant, United States of America, has breached Contracts numbered AT (26-1)-95 and AT (26-1)-103 with the Plaintiff, Loffland Brothers Company, and that said Plaintiff have judgment against said Defendant for the sum of \$7,260.59 for special

attorneys' fees, telephone expense and travel expense occasioned by such breach, and for the sum of \$1,219.99 for interest arising from loss of use of funds retained by said Defendant, together with interest on said amounts and from the date of judgment, / for its costs in this action.

FURTHER ORDERED AND ADJUDGED that the Defendant, United States of America, has breached Contracts numbered AT (26-1)-88, AT (26-1)-104 and AT (26-1)-117 with the Intervenor, Bighole Drillers, Inc. and that said Intervenor have judgment against said Defendant for the sum of \$2,223.23 for special attorneys' fees, telephone expense and travel expense occasioned by said breach, and for the sum of \$1,262.87 for interest arising from loss of use of funds retained by said Defendant, together with interest on said amounts from the date of judgment, and for its costs in this action.

FURTHER ORDERED AND ADJUDGED that the payment by Plaintiff and Intervenor of said fringe benefit wage amounts into trust funds established by the International Union of Operating Engineers, Local # 12, would be a violation of Section 302 of the Labor Management Relations Act, as Amended, Title 29 USC, Section 186; Davis-Bacon Act, as Amended, Title 40, USC, Section 276(a); Copeland Act, Title 18, USC, Section 874; Nevada State Laws, Section 608.010, 608.020, 608.030, 608.040, 608.050, 608.140, 608.190, and 613.180, and all directions and orders of Defendant, United States of America, to pay said fringe benefit wage amounts into said funds established by the International Union of Operating Engineers, Local # 12, are null, void, and of no force and effect whatsoever.

FURTHER ORDERED AND ADJUDGED that the Trust Agreement attached to Plaintiff's Complaint as Exhibit "F", as it pertains to Plaintiff and Intervenor, complies in full with the terms and provisions of said Drilling Contracts and it is hereby approved; that the Plaintiff and Intervenor place said Trust Agreement into full force and effect by the

execution thereof with an appropriate national banking institution as trustee, and upon creation of such trust and its various trusteeship funds, that Plaintiff and Intervenor pay all fringe benefit wage amounts accrued and accruing for their respective employees, including that now being held and separately accounted for by Plaintiff and Intervenor, to said trustee to be held and disbursed in accordance with said Trust Agreement.

FURTHER ORDERED AND ADJUDGED that all rights of the Defendants, J. W. Fleener and All Other Persons Similarly Situated, all being employees of the Plaintiff, in and to the fringe benefit wage amounts accrued and accruing to their separate interests shall be fully satisfied and determined by the payment of such amounts into the trust and the various trusteeship funds approved by the Court, and that the rights of said Defendants to said amounts shall be limited to their respective rights and benefits under said trust, and that said Defendants shall have no other rights or claims to said fringe benefit wage amounts against the Plaintiff.

FURTHER ORDERED AND ADJUDGED that all fringe benefit wage amounts now held by Plaintiff and Intervenor or hereafter accruing to their employees, be invested in time deposits in a national banking institution or institutions or in securities of the United States of America in the name of Plaintiff and Intervenor until such time as they may be lawfully transferred to above approved trust together with any interest that may have accrued on said sums so invested.

FURTHER ORDERED AND ADJUDGED that the preliminary injunction against the Defendant, United States of America, be and the same is hereby continued in full force and effect only insofar as it enjoins said Defendant from declaring Plaintiff and Intervenor in default of, or of terminating, the Drilling Contracts which are the subject of this

action by reason of their not making payments of fringe benefit wage amounts accrued or accruing under said Contracts to trust funds of International Union of Operating Engineers, Local # 12, pending this Judgment becoming final.

Luther Bohannon
UNITED STATES DISTRICT JUDGE

Form Approved:

HUFF AND HUFF

By R. Robert Huff
Attorneys for the Plaintiff,
Loffland Brothers Company

John M. Imel, United States Attorney

By _____
Assistant United States Attorney,
Attorney for Defendant,
United States of America

William P. Huckin, Jr.
William P. Huckin, Jr.
Attorney for Defendants, J. W.
Fleener and Other Persons
Similarly Situated.

KERR, DAVIS, ROBERTS, IRVINE & BURBAGE

By Francis Kervie
Attorneys for Intervenor,
Bighole Drillers, Inc.

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

**METROPOLITAN LIFE INSURANCE
COMPANY, a Corporation,**

Plaintiff,

vs.

**ETHEL G. VOGT and HARRIETTE
VOGT STROUGHTON,**

Defendants.

No. 5568

FILED

JUN - 4 1965

ORDER OF DISBURSEMENT

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

Based upon the Findings of Fact and Conclusions of
Law filed herein on the 4th day of June, 1965,

IT IS ORDERED that Noble Hood, Clerk and Registrar
of this Court, pay to Ethel G. Vogt all remaining proceeds
of the deposit made by interpleaders, Metropolitan Life Insur-
ance Company and Pittsburgh Life Insurance Company, in the
amount of \$8,997.87, less any statutory deductions for Clerk
fees.

IT IS FURTHER ORDERED that the Registrar will secure
simultaneously with such disbursement a proper receipt.

DATED this 4th day of June, 1965.

(s) Luther Johnson
United States District Judge

JUN -4 1965

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

United States of America,	} Plaintiff,	
vs.		
2,102.11 Acres of Land, More or Less,	} Tract Nos. 1811-1MA &	
Situate in Osage County, Oklahoma,		} 1811-1MB
and D. P. Weems, et al, and		
Unknown Owners,	} Defendants.)	

Civil No. 5825

Tract Nos. 1811-1MA &
1811-1MB

AMENDED PARTIAL JUDGMENT

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for an Amended Partial Judgment determining the ownership and just compensation to be awarded the owners of the oil lessee interest in the above tracts. This Amended Partial Judgment entirely replaces and supplants a previous Partial Judgment entered herein on June 22, 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 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 prior to the institution of the above proceeding the United States of America and E & M Drilling Co., a partnership, by Jack L. Murphy, entered into a contract, as evidenced by an option for the purchase of land granted by said defendant and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$150.00, inclusive of interest, would be awarded as just compensation for the taking of the oil lessee estate to be condemned in the above tracts; that the contract and agreement is a valid one.

5. The Court finds the amount of \$150.00, 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 \$150.00 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, of which amount the sum of \$125.00 has heretofore been disbursed to this defendant.

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 \$150.00, inclusive of interest;

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

E & M Drilling Company - - - - - \$25.00

Entered JUN 4 1965

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,
vs.
2,102.11 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. 2834-1MA &
2834-1MB
FILED

JUN - 4 1965

AMENDED PARTIAL JUDGMENT

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

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for an Amended Partial Judgment determining the ownership and the just compensation to be awarded the owners of the oil lessee interest in the above tracts. This Amended Partial Judgment entirely replaces and supplants a previous Partial Judgment entered herein on June 22, 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 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 prior to the institution of the above proceeding the United States of America and the Moore Oil Company entered into a contract, as evidenced by an option for the purchase of land granted by said defendant and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$50.00, inclusive of interest, would be awarded as just compensation for the taking of the oil lessee estate to be condemned in the above tracts; that the contract and agreement is a valid one.

5. The Court finds the amount of \$50.00, 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 \$50.00 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, of which amount the sum of \$25.00 has heretofore been disbursed to this defendant.

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 \$50.00, inclusive of interest;

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

MOORE OIL COMPANY - - - - - \$25.00

Entered JUN 4 1965

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Tom R. Lovesee,

Defendant.

Civil No. 6058

FILED

JUN -4 1965

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

DEFAULT JUDGMENT BY THE CLERK

This cause came on to be heard on motion of the plaintiff for default judgment for the relief demanded in the complaint, and it appearing the complaint and summons in this action were served on the defendant on February 25, 1965, as appears from the Marshal's return of service of said summons; that the time within which the defendant may answer or otherwise move as to the complaint has expired; that the defendant has not answered or otherwise moved and that the time for defendant to answer or otherwise move has not been extended.

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

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff recover of the defendant the amount prayed for in the sum of \$314.07 with interest thereon at the rate of 6% per annum from February 7, 1963, until paid and the costs of this action.

Dated this 4th day of June, 1965.

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

By M. M. Ewing
Deputy

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

OKLAHOMA GAS AND ELECTRIC COMPANY,
an Oklahoma corporation

Plaintiff

vs.

No. 6072 Civil

A right of way 100 feet in width over and
across 4 tracts of land in Osage County,
Oklahoma; and,

The United States of America, Guardian of the
Interests of certain Restricted Indians;
and,

FILED

JUN - 4 1965

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

Eva Star, a widow, a full blood Osage Indian, Roll No. 376;
Mary Davis, a widow; Edward O'Neil and Joan O'Neil, his
wife; Olivia Ann Moseley, now Tiger, a One-half blood Osage
Indian and John B. Tiger, her husband; Frank E. White and
Della M. White, his wife; Irene Cox Jefferson, a full
blood Osage Indian and J. Sim Jefferson, her husband;
Gordon Mullins and Rosita Mullins, his wife; Louis B.
Fronkier, a widower, a One-half Blood Osage Indian, Roll
No. 1260 and Joe Soderstrom

Defendants

JOURNAL ENTRY OF JUDGMENT
AND ORDER OF DISTRIBUTION

This matter coming on to be heard this 4th day of June, 1965,
upon the motion of the Plaintiff for judgment confirming commissioner's award
and order of distribution and the stipulation and joint motion of Plaintiff
and Defendant, United States of America, for a judgment and order of distribu-
tion, at which time the Plaintiff appeared by its attorney of record, H. Duane
Stratton, and the Defendants, The Estate of Eva Star, deceased, a full blood
Osage Indian, Roll No. 376, Olivia Ann Moseley, now Tiger, a One-half blood
Osage Indian, Irene Cox Jefferson, a full blood Osage Indian and Louis B.
Fronkier, a One-half Blood Osage Indian, Roll No. 1260, appeared by Sam E.
Taylor, Assistant United States Attorney for the Northern District of Okla-
homa, and said parties in open court having agreed that this matter might
be heard without further notice, and the court being fully advised in the
premises, finds:

1.

This is an action of civil nature brought by the Plaintiff, Oklahoma Gas
and Electric Company, an Oklahoma corporation, against the United States of
America, as Guardian of the interests of certain Restricted Indian owners of
the land involved in this action, which land has heretofore been allotted in
severalty to such Restricted Indians and is now owned and held by them subject
to restrictions against alienation, and other Defendants having an interest
in said land as tenants, for the taking and appropriation under the power of
eminent domain of an easement and right of way over the tracts of land herein-
after described, and for the ascertainment of and award of just compensation
to the owners and parties interested therein. Jurisdiction in this cause
arises out of the Act of Congress of March 3, 1901, Chapter 832, Sec. 3, 31
Stat. 1084; 25 U.S.C.A. Sec. 357; the Act of Congress of May 27, 1908, Sec.
1, 35 Stat. 312; the Act of Congress of April 26, 1906, Sec. 25, 34 Stat. 137;
the Act of Congress of August 4, 1947, 61 Stat. 732; 27 Okla Stat. Ann. 1961,
Sec. 7, 65 Oklahoma Stat. Ann. 1961, Sections 51 to 60 inclusive; and Rule 71A
of the Federal Rules of Civil Procedure.

2.

Plaintiff is a corporation organized and existing under the laws of the State of Oklahoma, and is engaged, as authorized by its Articles of Incorporation, in the business of generating, transmitting, distributing and furnishing electricity to the public for light, heat and power purposes in a large area of Oklahoma, including the area in which the land hereinafter described is located; that Plaintiff has located an electric transmission line of the nature and character hereinafter described over and across the land hereinafter described and that it is necessary for Plaintiff to acquire easements across said land of the nature and character hereinafter described in order to serve the public with electric power and energy; and that by virtue of the statutes cited in paragraph 1 above, and the public nature and character of its business, Plaintiff is authorized to exercise the right of eminent domain for the purpose of taking and appropriating easements in the tracts of land hereinafter described for the purposes hereinafter set forth, which easements it cannot obtain by private negotiations.

3.

It is necessary for Plaintiff to take and appropriate an easement for the construction, operation, maintenance and reconstruction of a system of wires, cables and fixtures aerially supported by poles for the transmission of electric current at such voltages as Plaintiff may determine appropriate and telephone and telegraph messages incident to the operation of Plaintiff's business of the nature and character set forth in Plaintiff's Complaint over and across the tracts of land hereinafter particularly described. That neither the United States of America, Guardian of the interests of the Estate of Eva Star, a full blood Osage Indian, Roll No. 376, Olivia Ann Moseley, now Tiger, a One-half blood Osage Indian, Irene Cox Jefferson, a full blood Osage Indian and Louis B. Fronkier, a One-half blood Osage Indian, Roll No. 1260, through its attorney, Sam E. Taylor, Assistant United States Attorney for the Northern District of Oklahoma, nor any other Defendant named in the caption hereof has filed in this cause any defense or objection to the taking and appropriation of any rights of way and easements set forth in Plaintiff's Complaint, and, therefore, have waived any such defense or objection.

4.

That Plaintiff and the Defendant, United States of America, have filed demands for jury trial in this cause but have filed a stipulation herein agreeing that the evidence which would be presented by each as to damage and injury arising by reason of the appropriation of the aforesaid easements and rights of way would be identical as to the amount thereof and, therefore, no issue between Plaintiff and said Defendants remains to be presented to a jury.

5.

More than thirty days have expired since the filing of the Report of Commissioners herein and none of the Defendants, other than the United States of America as aforesaid, have filed a demand for jury trial, and, the time for filing such demands having expired, said Report of Commissioners has become final and binding on said Defendants.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff, Oklahoma Gas and Electric Company, have and recover judgment against the Defendants, The United States of America, Guardian of the interests of certain Restricted Indians; Estate of Eva Star, a full blood Osage Indian, Roll No. 376; Mary Davis; Edward O'Neil and Joan O'Neil, his wife; Olivia Ann Moseley, now Tiger, a

One-half blood Osage Indian and John B. Tiger, her husband; Frank E. White and Julia M. White, his wife; Irene Cox Jefferson, a full blood Osage Indian and J. Sim Jefferson, her husband; Gordon Mullins and Rosita Mullins, his wife; Louis B. Fronkier, a One-half Blood Osage Indian, Roll No. 1260 and Joe Soderstrom, condemning and vesting in Plaintiff perpetual easements and rights of way for the construction, operation, maintenance and reconstruction of a system of wires, cables and fixtures aerially supported by poles for the transmission of electric current at such voltages as Plaintiff may determine appropriate and telephone and telegraph messages incident to the operation of Plaintiff's business upon, over and across the following described tracts of land:

TRACT NO. 1

A tract of land 100 feet in width across the Northeast Quarter ($NE\frac{1}{4}$) of Section 7, Township 25 North, Range 3 East, Osage County, Oklahoma, being 50 feet in width on each side of a center line described as follows: Commencing at a point in the East line of said $NE\frac{1}{4}$ 602 feet North of the Southeast corner thereof and extending Southwesterly in a straight line a distance of 2674 feet to a point in the West line of said $NE\frac{1}{4}$ 222 feet North of the Southwest corner thereof,

TRACT NO. 2

A tract of land 100 feet in width across the Southwest Quarter ($SW\frac{1}{4}$) of Section 1, Township 25 North, Range 3 East, Osage County, Oklahoma, being 50 feet in width on each side of a center line described as follows: Commencing at a point in the East line of said Southwest Quarter, 333 feet South of the Northeast corner thereof and extending Southwesterly in a straight line a distance of 2,781 feet to a point in the West line of said $SW\frac{1}{4}$, 1399 feet North of the Southwest corner thereof,

TRACT NO. 3

A tract of land 100 feet in width across the Southwest Quarter ($SW\frac{1}{4}$) of Section 32, Township 26 North, Range 4 East, Osage County, Oklahoma, being 50 feet in width on each side of a center line described as follows: Commencing at a point in the East line of said $SW\frac{1}{4}$ 854 feet North of the Southeast corner thereof and extending Southwesterly in a straight line a distance of 2,662 feet to a point in the South line of said $SW\frac{1}{4}$ 192 feet East of the Southwest corner thereof,

TRACT NO. 4

A tract of land 100 feet in width across the Northeast Quarter ($NE\frac{1}{4}$) of Section 21, Township 26 North, Range 5 East, Osage County, Oklahoma, being 50 feet in width on each side of a center line described as follows: Commencing at a point in the North line of said $NE\frac{1}{4}$ 339 feet West of the Northeast corner thereof and extending Southwesterly in a straight line a distance of 2601 feet to a point in the West line of said $NE\frac{1}{4}$ 1321 feet North of the Southwest corner thereof,

which easements and rights of way shall include the right, privilege and authority of entering upon said tracts of land for the purpose of constructing, operating, maintaining and reconstructing said electric transmission system; the right to cut down, trim or remove any trees within the limits of said right of way; and the right to remove any structure or obstruction now or hereafter located within the limits of said rights of way and easements, if, in Plaintiff's judgment, such trees or structures are likely to interfere with or endanger said electric line or its maintenance and operation; and, in addition thereto, such other rights and privileges as may be necessary and proper for the construction, operation, maintenance and reconstruction of

said electric transmission system by Plaintiff; that, notwithstanding the appropriation of the easements and rights hereinbefore described, said easements and rights of way will not be fenced by Plaintiff and no permanent trails or roads will be extended across said tracts of land by Plaintiff and no permanent openings maintained in the fences thereon, and said tracts of land shall, subject to Plaintiff's easements and rights above described, remain the property of the owners thereof and be subject to and used for any purposes which are not inconsistent with the rights of Plaintiff as herein set forth and which will not interfere with Plaintiff in the exercise of such rights.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the following named Defendants have and recover judgment against Plaintiff in the following amounts, which are hereby determined to be the compensation and damages to which said Defendants, as owners of the tracts of land hereinbefore described, are entitled by reason of the taking and appropriation of the easements and rights of way hereinbefore described:

TRACT	DEFENDANT OWNER	AMOUNT
No. 1	The Estate of Eva Star, deceased, full blood Osage Indian, Roll No. 376	\$400.00
No. 2	Olivia Ann Moseley, now Tiger, a One-half Blood Osage Indian	530.00
No. 3	Irene Cox Jefferson, a full blood Osage Indian	260.00
No. 4	Louis B. Fronkier, Osage Allottee No. 1260	300.00

and that the Clerk of this Court be and hereby is directed to disburse, when paid into the registry of this Court by Plaintiff, the foregoing amounts to The Superintendent of the Osage Indian Agency, Pawhuska, Oklahoma, for the use and benefit of said Defendants respectively.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 2nd day of December, 1964, be and the same is hereby approved and confirmed as to all Defendants except those named in the preceding paragraph and that the following named Defendants have and recover judgment against Plaintiff in the following amounts, which are determined to be the compensation and damages to which said Defendants are entitled by reason of the taking and appropriation of the easements and rights of way hereinbefore described:

TRACT	TENANT	AMOUNT
No. 1	Mary Davis, Edward O'Neil and Joan O'Neil	\$200.00
No. 2	Frank E. White and Della M. White	250.00
No. 3	Gordon Mullins and Rosita Mullins	25.00
No. 4	Joe Soderstrom	20.00

and that the Clerk of this Court be and hereby is directed to disburse, when

paid into the registry of this Court by Plaintiff, the foregoing amounts to the above named Defendants respectively.

S/ Allen C. Barrow
U. S. District Judge

OK:

H. Duane Stratton
H. Duane Stratton
ATTORNEY FOR PLAINTIFF

Sam E. Taylor
Sam E. Taylor
Assistant U.S. Attorney
ATTORNEY FOR UNITED STATES OF
AMERICA, GUARDIAN OF THE INTERESTS
OF CERTAIN RESTRICTED INDIANS

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

LILLIE MITCHELL,

Plaintiff

vs

GREYHOUND LINES, INC.,
a corporation,

Defendant.

CIVIL NO. 6167

FILED

JUN - 4 1965

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

ORDER REMANDING

The motion of plaintiff to remand this suit to the Superior Court of Creek County, Oklahoma, Drumright Division, came on for hearing before the court, the Honorable Allen E. Barrow, presiding, on the 18th day of May, 1965, pursuant to regular setting and notice to parties, and the court having heard the argument of counsel, and being fully advised, upon consideration entered an order remanding the cause to the Superior Court of Creek County, Oklahoma, Drumright Division.

IT IS ORDERED AND ADJUDGED that the motion of plaintiff to remand this cause to the Superior Court of Creek County, Oklahoma, be and it is hereby sustained and the cause is remanded to the Superior Court of Creek County, Oklahoma, Drumright Division, for further proceedings.

Dated at Tulsa, Oklahoma, this 17th day of June, 1965.



United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,	)	Civil No. 5363	
Plaintiff,)		
vs.	)	Tract Nos.	
	)	2733	2748
117.28 Acres of Land, More or Less,	)	2734	2749
Situate in Osage and Pawnee Counties,	)	2736	2751
Oklahoma, and James S. Pyle, et al,	)	2737	2752
and Unknown Owners,	)	2738	2753
	)	2739	2754
Defendants.	)	2741	2756
	)	2742	2757
	)	2743	2758
	)	2744	2759
	)	2746	2761
	)	2747	2715

FILED
JUN - 7 1965
NOBLE C. HOOD
Clerk, U. S. District Court

J U D G M E N T

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tracts, based on the Report of Commissioners filed herein on the 7th day of May, 1964, and on the Supplemental Report of Commissioners filed herein on the 19th day of August, 1964, and on the Second Supplemental Report of Commissioners filed herein on the 29th day of March, 1965, and on the Third Supplemental Report of Commissioners filed herein on the 2nd day of June, 1965.

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

3. The Report of Commissioners filed herein on the 7th day of May, 1964, and the Supplemental Report of Commissioners filed herein on the 19th day of August, 1964, and the Second Supplemental Report of Commissioners filed herein on the 29th day of March 1965, and the Third Supplemental Report of Commissioners filed herein on the 2nd day of June, 1965, are hereby accepted and adopted as findings of fact as to all tracts covered by such

reports. The amount of just compensation as to the subject tracts as fixed by the Commission is set out in paragraph 6 below.

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

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

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$3,127.00, as determined by the Report of Commissioners of May 7, 1964, Supplemental Report of Commissioners filed herein on the 19th day of August, 1964, Second Supplemental Report of Commissioners filed herein on the 29th day of March, 1965, and the Third Supplemental Report of Commissioners filed herein on the 2nd day of June, 1965, which reports are hereby confirmed and the sums therein fixed and adopted as just compensation for subject tracts, as shown by the following schedule:

<u>Tract No.</u>	<u>Owner</u>	<u>Deposit</u>	<u>Award</u>	<u>Deposit Deficiency</u>
2715	James S. & Genevieve Dean Pyle & Claiborn P. & Mary R. Williams	\$ 138.00	\$ 395.54	\$ 257.54
2733	Same as Tract No. 2715	904.00	1,796.55	892.55
2734	John D. Williams	25.00	35.96	10.96
2736	C. P. Williams	16.00	59.47	43.47
2737	Roy E. Tilley	25.00	41.49	16.49
2738	M. C. Shibley	50.00	49.79	-0-
2739	Helen M. Eller	50.00	55.33	5.33

Tract No.	Owner	Deposit	Award	Deposit Deficiency
2741	Lucille Stewart	\$ 25.00	\$ 33.19	\$ 8.19
2742	Bill & Ruby King	131.00	228.20	97.20
2743	C. P. Williams	50.00	98.20	48.20
2744	C. P. Williams	25.00	29.04	4.04
2746	C. P. Williams	8.00	19.36	11.36
2747	Helen M. Eller	16.00	29.04	13.04
2748	John D. Williams	8.00	19.36	11.36
2749	Lucille Stewart	8.00	19.36	11.36
2751	H. G. Dickey	16.00	26.28	10.28
2752	A. E. Lane	16.00	38.72	22.72
2753	Ernest Miller	8.00	16.60	8.60
2754	Ernest Miller	8.00	19.36	11.36
2756	H. E. Wallace	16.00	38.72	22.72
2757	H. W. Jones	8.00	19.36	11.36
2758	O. S. Allen	8.00	19.36	11.36
2759	Thurman W. Hammet	8.00	19.36	11.36
2761	James S. Pyle	8.00	19.36	11.36
		<u>\$ 1,575.00</u>	<u>\$ 3,127.00</u>	<u>\$ 1,552.21</u>

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$1,552.21, with interest at 6% per annum from March 13, 1962, until the date of deposit of such deficiency. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw 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:

Tract No.	Payee	Amount
2715	James S. & Genevieve Dean Pyle and Claiborn P. & Mary R. Williams	\$ 395.54 plus interest on \$257.54
2733	Same as Tract No. 2715	\$1,796.55 plus interest on \$892.55
2734	John D. Williams	\$ 35.96 plus interest on \$ 10.96

Tract No.	Payee	Amount
2736	C. P. Williams	\$ 59.47 plus interest on \$43.47
2737	Roy E. Tilley	\$ 41.49 plus interest on \$16.49
2738	M. C. Shibley	\$ 49.79 with no interest
2739	Helen M. Eller	\$ 55.33 plus interest on \$ 5.33
2741	Lucille Stewart	\$ 33.19 plus interest on \$ 8.19
2742	Bill & Ruby King	\$228.20 plus interest on \$97.20
2743	C. P. Williams	\$ 98.20 plus interest on \$48.20
2744	C. P. Williams	\$ 29.04 plus interest on \$ 4.04
2746	C. P. Williams	\$ 19.36 plus interest on \$11.36
2747	Helen M. Eller	\$ 29.04 plus interest on \$13.04
2748	John D. Williams	\$ 19.36 plus interest on \$11.36
2749	Lucille Stewart	\$ 19.36 plus interest on \$11.36
2751	H. G. Dickey	\$ 26.28 plus interest on \$10.28
2752	A. E. Lane	\$ 38.72 plus interest on \$22.72
2753	Ernest Miller	\$ 16.60 plus interest on \$ 8.60
2754	Ernest Miller	\$ 19.36 plus interest on \$11.36
2756	H. E. Wallace	\$ 38.72 plus interest on \$22.72
2757	H. W. Jones	\$ 19.36 plus interest on \$11.36
2758	O. S. Allen	\$ 19.36 plus interest on \$11.36
2759	Thurman W. Hammet	\$ 19.36 plus interest on \$11.36
2761	James S. Pyle	\$ 19.36 plus interest on \$11.36

Entered JUN 7 1965

/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 FIDELITY)
AND GUARANTY COMPANY,)
a corporation,)
)
)
Plaintiff,)
)
-vs-)
)
)
COOPER & DORRIS, INC., a)
corporation, H.A. COOPER,)
PAULINE M. COOPER, NED P.)
DORRIS and MAURICE DORRIS,)
)
)
Defendants.)

Civil Action No. 5593. ✓

FILED

JUN -7 1965

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

ORDER MODIFYING FINDINGS OF FACT HERETOFORE
FILED AND JUDGMENT HERETOFORE FILED IN THIS
CAUSE AND OVERRULING MOTION FOR NEW TRIAL

This cause came on for hearing on this 18th day of May, 1965, upon the defendants, H.A. Cooper and Pauline M. Cooper, MOTION TO SET ASIDE DEFAULT UNDER FEDERAL RULE 55 (C) and MOTION FOR NEW TRIAL UNDER RULE 59, at which time said defendants appeared by their attorney, John C. Moran, and plaintiff appeared by its attorney, David H. Sanders. The court finds that the FINDINGS OF FACT AND CONCLUSIONS OF LAW heretofore entered in this cause should be modified in that the amount of liability should be held open until defendants have an opportunity to file objections to the verified account as set forth in plaintiff's AMENDED COMPLAINT, but that the adjudication of liability heretofore found by the court on April 27, 1965, shall remain in force and effect. The court finds that said defendants shall be granted unto the 23rd day of June, 1965, to file objections to the accounting of the plaintiff as set forth in its AMENDED COMPLAINT and that thereafter the court shall set said objections, if any,

for hearing and determine the amount of liability upon the part of said defendants to the plaintiff, and that the defendants motions should otherwise be overruled.

NOW, THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED by the court that judgment heretofore entered in favor of plaintiff and against defendants, Cooper & Dorris, Inc. and H. A. Cooper and Pauline M. Cooper, be and the same is hereby vacated insofar as the amount thereof, and that the FINDINGS OF FACT AND CONCLUSIONS OF LAW heretofore entered by this court be and the same are hereby modified as follows:

FINDINGS OF FACT

1. The court finds that the plaintiff is a corporation organized under the laws of the State of Maryland, having its principal place of business in Baltimore, and that the defendant, Cooper & Dorris, Inc., is a corporation organized under the laws of the State of Oklahoma and that the defendants, H. A. Cooper, Pauline M. Cooper, Ned P. Dorris and Maurice Dorris, were citizens and residents of the State of Oklahoma, residing in the county of Washington, City of Bartlesville, at the time of the institution of this action and that the amount in controversy exceeds the sum of \$10,000.00 and this court has jurisdiction of the parties hereto and of the subject matter hereof.

2. The court finds that on November 4, 1960, the defendants H.A. Cooper, Pauline M. Cooper, Ned P. Dorris and Maurice Dorris, entered into a GENERAL INDEMNITY AGREEMENT with the plaintiff whereby said defendants agreed to hold the plaintiff free and harmless and to indemnify it of and from any liability arising out of bonds executed by the plaintiff as surety for and on behalf of the corporate defendant, Cooper & Dorris, Inc.

3. The court further finds that subsequent to the institution of this action that Ned P. Dorris and Maurice Dorris filed a Petition in Bankruptcy in the State of Texas and have been adjudicated bankrupt and that this action should be abated as to said defendants.

4. The court further finds that the plaintiff has filed a MOTION FOR SUMMARY JUDGMENT and that there is no real controversy as to the liability upon the part of the defendants, Cooper & Dorris, Inc. and H. A. Cooper and Pauline M. Cooper, and that judgment should be entered in favor of the plaintiff and against said defendants as to the question of liability and that the question as to the amount of such judgment shall be reserved until after the said defendants have filed objections to the account of plaintiff as set forth in AMENDED COMPLAINT, if any, and hearing had thereon.

CONCLUSIONS OF LAW

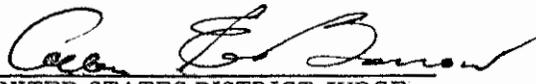
1. This court holds that it has jurisdiction of the parties hereto and of the subject matter hereof.

2. The court holds that under a GENERAL INDEMNITY AGREEMENT that the principal and the indemnitors are liable to surety for any and all loss sustained for bonds written pursuant thereto.

3. The court holds that MOTION FOR SUMMARY JUDGMENT as to liability should be sustained upon the grounds and for the reason that there is no genuine judicable controversy as to the liability of the defendants to the plaintiff for the loss sustained by the plaintiff.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by the court that the defendants MOTION FOR NEW TRIAL and MOTION TO SET

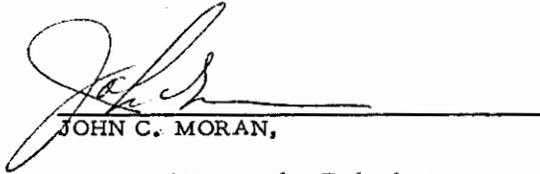
ASIDE DEFAULT JUDGMENT UNDER RULE 55, be and the same are
hereby overruled.


UNITED STATES DISTRICT JUDGE
FOR THE NORTHERN DISTRICT
OF OKLAHOMA.

APPROVED AS TO FORM:


DAVID H. SANDERS,

Attorney for Plaintiff.


JOHN C. MORAN,

Attorney for Defendants.

IT IS THEREFORE BY THE COURT ORDERED, ADJUDGED AND DECREED that the defendants above named do have and recover judgment of and from the plaintiff in the total sum of Twelve thousand five hundred thirty and no/100 (\$ 12,530.00)dollars. It is further ordered by the court that since the plaintiff has heretofore deposited with the clerk of this court the sum of Twelve thousand thirty-nine and 50/100 (\$ 12,039.00)dollars to the credit of the defendants, that the defendants should recover judgment of and from the plaintiff a sum in the amount of Four hundred ninety and 50/100 (\$ 490.50)dollars, with interest at the rate of 6% per annum from the 12th day of June, 1964, until paid which the plaintiff (is) (~~was~~) hereby ordered to pay to the defendants through the clerk of this court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff's appropriation in fee simple, excepting and reserving all minerals other than sand, rock and gravel, of the following described property, to-wit:

(SEE NEXT PAGE)

A strip, piece or parcel of land lying in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, T 10 N, R 12 E, in Tulsa County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at a point on the present East right-of-way line of U. S. Highway No. 169, a distance of 50 feet East of the West line and 24.75 feet North of the South line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, thence North along said right-of-way line a distance of 115.5 feet, thence S 43°14'E a distance of 126 feet, thence N 68°59'E a distance of 246.8 feet, thence N 10°05'E a distance of 636.8 feet, thence N 21°24'E a distance of 51 feet, thence N 10°05'E a distance of 615.7 feet to a point on the North line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, a distance of 643.4 feet East of the NW corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, thence East along said North line a distance of 387.3 feet, thence S 10°05'W a distance of 1280.1 feet, thence N 83°59'E a distance of 101.9 feet, thence S 46°01'E a distance of 64 feet to a point 24.75 feet North of the South line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$, thence S 83°59'W a distance of 382.9 feet to point of beginning.

Containing 12.41 acres, more or less, together with all abutters rights, including all rights to access from the remaining portion of defendant _____ land onto the LIMITED ACCESS HIGHWAY to be constructed on the above described property, including all rights to light, air or view above the surface of the property described in these pleadings, except that defendant _____, _____ heirs, successor or assigns, shall have the right of access to the Section Line Road, along the South side of the above described property, beginning at a point on the South line of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ a distance of 382 feet East of the SW corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ and extending West, and that defendant _____, _____ heirs, successors or assigns, shall have the right of access from that portion of _____ remaining property lying East of the above described property to a Public road to be constructed along the East side of the LIMITED ACCESS HIGHWAY.

All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.

be deemed complete and final and that the appropriation by plaintiff
in the condemnation proceeding is approved and confirmed.

W. Fred Daugherty
DISTRICT JUDGE

APPROVED:

Court Payne Jr.
Attorney for Plaintiff

W. William Rogers
Attorney for Defendants

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

THE AETNA CASUALTY AND SURETY
COMPANY, a corporation,

Plaintiff

vs.

PROGRESS CONSTRUCTION COM-
PANY, INC., a corporation, and
FRANK J. PODPECHAN,

Defendants

No. 6094

FILED

JUN -7 1965

JOURNAL ENTRY OF JUDGMENT

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

Now on this 12th day of May, 1965, this cause comes on for non-jury trial pursuant to regular setting. The plaintiff, The Aetna Casualty and Surety Company, a corporation, appeared by its local Claim Manager, Mr. Emory L. Smith, and by its attorneys, Green & Feldman by Wm. S. Hall, of Tulsa, Oklahoma, and the defendant Frank J. Podpechan appeared in person and by his attorney, Warren Watkins of Claremore, Oklahoma. The defendant Progress Construction Company, Inc., appeared not but made default.

Whereupon the cause proceeded to trial and the Court, after hearing the evidence and statement of parties' counsel and pursuant to the findings of fact and conclusions of law entered herein, renders judgment as follows:

BE IT ORDERED, ADJUDGED, AND DECREED that the plaintiff, The Aetna Casualty and Surety Company, a corporation, have and recover judgment against the defendant Progress Construction Company, Inc., a corporation, and Frank J. Podpechan, and each of them, in the sum of Three Hundred Fifty-nine Thousand Nine Hundred Twenty-two Dollars Twenty Cents (\$359,922.20), with interest from August 6, 1963,

at the rate of six per cent. (6%) per annum until paid, and the costs of this action, for all of which let execution issue.

DONE AND DATED this 12th day of May, 1965.

15/ Luther Bohannon
Luther Bohannon
Judge, United States District Court

Approved as to form:

Wm. S. Hall
Attorneys for Plaintiff

Murray J. Atkins
Attorney for Defendant
Frank J. Podpechan

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

CHARLES O. ROSENTHAL)
and SYLVIA ROSENTHAL,) Plaintiffs)
vs)
THE HANOVER INSURANCE)
COMPANY,) Defendant)

NO. 6116 CIVIL

FILED

JUN -7 1965

O R D E R

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

This matter coming on upon the motion of the plaintiff to
dismiss this cause of action with prejudice and the Court being advised
that said action has been fully settled and compromised,

IT IS HEREBY ORDERED that said cause be and the same is
hereby dismissed with prejudice.

Dated this 7 day of June, 1965.

(5) Luther Bohannon
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

CIVIL ACTION NO. 4994 ✓
Tract No. L-1272

FILED

JUN -8 1965

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

J U D G M E N T

1.

Now on this 7th day of June, 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. L-1272, as such estate and tract are described in the Complaint and the Declaration of Taking and the amendments thereto 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 August 15, 1960, the United States of America has filed its Declaration of Taking of such described property, and on May 11, 1965, filed an Amendment thereto, 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, all 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 and the Amendments thereto filed herein; and such tract, to the extent of the estate described and for the uses and purposes described in such Declaration of Taking and the Amendment thereto, 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.

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

TRACT NO. L-1272

Owners:

Royal N. Anthis ----- 1/3
Ida B. Anthis, ----- 1/3
now deceased, whose heirs are:

- Royal N. Anthis
- Ernest R. Anthis
- James E. Anthis
- Earl G. Anthis
- Emma Jean Anthis
- Pauline B. Booth
- Fay Evelyn Couch
- Barbara Jane Wagner
- Austin F. Anthis, Jr.

Joe H. Childers, Jr.)
Laurel N. Childers }) ----- 1/3
Lou Anna Parker)
Jessie Faye Thornton)

Award of just compensation		
pursuant to option contract -----	\$250.00	\$250.00
Deposited as estimated compensation -----		<u>\$250.00</u>
Disbursed to owners -----	<u>\$250.00</u>	

W. Allen E. Benson
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.) No. 5 4 0 6
)
252.62 Acres of land, more or less,)
in Nowata and Roger Counties,) Tract #6635-10
 . . . Defendant.) **FILED**

JUN - 8 1965

ORDER

NOBLE C. HOOD
Clerk U.S. District Court

Now on this the 8th day of June, 1965, this matter came on to be

heard pursuant to regular setting to determine the ownership of the

North Half of the Southwest Quarter of the Southwest
Quarter (N/2 SW/4 SW/4) of Section Thirty-five (35),
Twp. Twenty-six North (26N), Rge. Sixteen East (16E),
Nowata County, Oklahoma,

being denominated herein as Tract No. 6635-10.

The United States of America appeared by and through the Honorable
Hubert Marlow, Assistant U. S. Attorney; Charles W. Davidson appeared in
person and by his counsel, Bryan W. Tabor; and J. Bob Roberts appeared in
person and by his counsel, R. D. Hudson. And all parties having announced
ready, the court proceeded to a determination of this matter.

The court being fully advised in the premises finds that J. Bob
Roberts and Mabel Roberts, his wife, on the 24th day of November, 1958,
executed and delivered to Charles W. Davidson a certain oil and gas lease,
which lease is recorded in Volume 401, at pages 375-376 of the records of the
County Clerk of Nowata County, Oklahoma. That said oil and gas lease by its
terms expired before the 17th day of May, 1962, the date of the taking of said
lands in condemnation. That Charles W. Davidson, the lessee, therefore,
on said date of taking had no right, title or interest in said property. The
court further finds that J. Bob Roberts and Mabel Roberts were on the date
of said taking the sole owners of the lands herein involved and above described.

The clerk, therefore, is directed to pay the funds in his possession heretofore awarded in this cause, to the said J. Bob Roberts and Mabel Roberts.

18/ Luther Lohman
United States District Judge

Approved as to form:

18/ Hubert A. Marlow
Attorney for United States of America

Attorney for Charles W. Davidson

18/ R.D. Hudson
Attorney for J. Bob Roberts and
Mabel Roberts

page two

rdh/mh
6-8-65

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Civil Action, File Number 6108

INTERNATIONAL CARBON, INC.)
Plaintiff)
v.)
GENERAL COLLOIDAL CARBON, INC.)
Defendant)

FILED

ORDER

JUN - 8 1965

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

The above and foregoing motion considered,

IT IS ORDERED that the defendant's answer and counterclaim
be and the same is hereby dismissed.

Tulsa, Oklahoma, this 8 day of June, 1965.

Fred Daugherty
JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of May, 1965, I
served a copy of the foregoing Motion and Order on plaintiff and
intervenor by mailing same postage prepaid to their attorneys of record,
Mr. William B. Jones, of the law firm of Jones & Givens, 525 National
Bank of Tulsa Building, Tulsa, Oklahoma; and Mr. Donald E. Raymone,
of the law firm of Russell and Raymond, 204 Argyle Building, Kansas
City, Missouri.

Joel B. Dickinson
Joel B. Dickinson

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

460.46 Acres of Land, More or Less,
Situate in Osage, Pawnee and Creek
Counties, Oklahoma, and Robert O.
Jordan, et al, and Unknown Owners,

Defendants.

Civil No. 5496 ✓

Tract No. 3303

FILED

JUN 10 1965

NOBLE C. HOOD *lu*
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 Rules 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 \$8,500.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$7,500.00 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 Winnie Davis Jordan, now Holroyd; and Robert O. Jordan, 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 \$8,500.00, inclusive of interest.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$8,500.00, inclusive of interest, of which amount the sum of \$2,500.00 has previously been disbursed to Winnie Davis Jordan, now Holroyd;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$1,000.00, 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.

Robert O. Jordan \$6,000.00

Entered JUN 10 1965

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant United States Attorney

nld

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,)
)
vs.)
)
343.20 Acres of Land, More or Less,)
Situatate in Tulsa, Creek, and Pawnee)
Counties, Oklahoma, and George Campbell,)
et al, and Unknown Owners,)
)
Defendants.)

Civil No. 5995

Tract Nos. 2507-2,
E-2, & E-3

FILED

JUN 10 1965

J U D G M E N T

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

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

2. The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the parties and the subject matter of this action; that service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties having compensable interests in the subject tracts; that upon the date the Declaration of Taking and 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 \$575.00, 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 \$235.00 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 Beulah Edna Warren, Jessie L. Day, Pearl Lehman, and Frank W. Tillock, 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 \$575.00, inclusive of interest.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$575.00, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$340.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payees:

Beulah Edna Warren, Jessie L. Day,
Pearl Lehman, and Frank W. Tillock - - - - - \$575.00

Entered: JUN 10 1965

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

FILED

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

JUN 14 1965

BERTHA MAE STEWARD)
)
 Plaintiff,)
)
 VS)
)
 W. RALPH ABBOT)
)
 Defendant.)

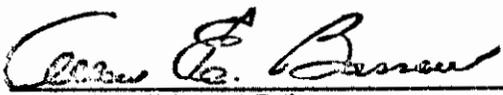
NOBLE C. HOOD
Clerk, U. S. District Court

CIVIL ACTION NO. 6 1 5 2

ORDER

This matter came on for hearing before me, the undersigned Judge, on this, the 27th day of April, 1965, on the defendants motion to dismiss for want of jurisdiction; the Plaintiff appearing by her attorney Robert G. Brown, and the defendant appearing by Fred Mock, representing the firm of Sanders and McElroy and Whitten. The Court having examined the pleadings herein, and heard the statement of the plaintiff's counsel that the plaintiff is entitled to dismiss her petition without prejudice and that the defendant's motion to dismiss for want of jurisdiction is therefore moot.

THEREFORE, IT IS ADJUDGED AND DECREED by the Court that the plaintiff be and hereby allowed to dismiss the petition herein without prejudice.


DISTRICT COURT JUDGE

Approved as to form:

1/s Robert G. Brown
Attorney for Plaintiff.

1/s Fred Mock
Attorney for Defendant.

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUN 15 1965

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 343.20 Acres of Land, More or Less,)
 Situate in Tulsa, Creek and Pawnee)
 Counties, Oklahoma, and George Campbell,)
 et al, and Unknown Owners,)
)
 Defendants.)

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

Civil No. 5995 ✓
Tract No. 4709E .

J U D G M E N T

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tract, based on the Report of Commissioners filed herein on the 10th day of June, 1965, and further based on certain Stipulations filed herein.

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

3. The Report of Commissioners filed herein on the 10th day of June, 1965, is hereby accepted and adopted as a finding of fact as to the tract covered by such report. The amount of just compensation as to the subject tract as fixed by the Commission and by stipulation is set out in paragraph 7 below.

4. A deficiency exists between the amount deposited as estimated just compensation for subject tract and the amount fixed by the Commission and the Stipulations 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 7 below.

5. The Court finds upon the evidence presented that the defendants listed below in paragraph 7 were the sole owners of the above captioned tract on the date of taking and are entitled to receive the award thereof.

6. The Court finds that plaintiff and Katherine Ingram and Lee B. Caldwell, 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 \$81.60 for their interests, inclusive of interest.

7. 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 \$111.20, as determined by the Report of Commissioners of June 10, 1965, and by the Stipulations filed herein, which report and stipulations are hereby confirmed and the sums therein fixed and adopted as just compensation for subject tract, as shown by the following schedule:

TRACT NO. 4709E

Owners: Katherine Ingram, LeRoy S. Ingram, Susie Green, James R. Ingram, Kathryn Ann Ingram, Benjamin Ingram, Lee B. Caldwell, Edna Maxine Williams, Janice L. Ingram, and Darlene Webb

Award of Just Compensation	\$111.20
Deposited as estimated compensation	\$ 50.00
Disbursed to Owner	0.00
Balance due to Owner	\$111.20
Deposit Deficiency	\$ 61.20

8. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$61.20, 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.

Katherine Ingram	\$ 66.80
LeRoy S. Ingram	3.70
Susie Green	3.70
James R. Ingram	3.70
Kathryn Ann Ingram	3.70
Benjamin Ingram	3.70
Lee B. Caldwell	14.80
Edna Maxine Williams	3.70
Janice L. Ingram	3.70
Darlene Webb	<u>3.70</u>
Total	\$111.20

Entered JUN 15 1965

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant United States Attorney

JUN 15 1965

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

Civil No. 6079 ✓
 Tract No. 875-1M
 (4322 & E)
 (4328 & E)

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 part of the former owners of the above tract, based on the Report of Commissioners filed herein on the 10th day of June, 1965.

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

3. The Report of Commissioners filed herein on the 10th day of June, 1965, is hereby accepted and adopted as a finding of fact as to the tract covered by such report. The amount of just compensation as to the subject tract as fixed by the Commission is set out in paragraph 5 below.

4. The Court finds, upon the evidence presented, that the defendants listed below in paragraph 5 were partial owners of the above-captioned tract on the date of taking and are entitled to receive part of 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 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 \$14,528.00 (lessor interest), as determined by the Report of Commissioners of June 10, 1965, which report is hereby confirmed and the sums fixed therein and adopted as just compensation for subject tract, as shown by the following schedule:

TRACT NO. 875-1M
(4322 & E - 4328 & E)

Owners: Ruth M. Kratt
Ralph E. Carpenter
Union Trust Co. & Helen W. Harley,
Co-Trustees of Estate of
Elva W. Carpenter
First National City Bank, Trustee
Frank McKay & Corinne McKay
Volley J. Bodovitz Estate
Sadie Bodovitz Fine
Selma Bodovitz Shipp

Award of Just Compensation (Apportioned):	\$6,457.97
Deposited as Estimated Compensation (for these interests):	\$6,457.97
Disbursed to Owners (for these interests):	-0-
Balance Due to Owners (for these interests):	\$6,457.97
Deposit Deficiency:	-0-

6. 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:

Union Trust Co. & Helen W. Harley, Co-Trustees of Estate of Elva W. Carpenter	\$3,115.67
First National City Bank, Trustee	\$1,386.27
Volley J. Bodovitz Estate	\$ 230.97
Sadie Bodovitz Fine	\$ 115.43
Selma Bodovitz Shipp	\$ 115.43
	\$4,963.77

7. The Court of the Court is hereby authorized and directed to retain the amounts set out below for this tract for a period of five years from the date of this Judgment, unless said deposit is properly claimed by the defendant owners set forth below, and in event said deposit is not

claimed, the Court Clerk is directed, without further order of this Court,
to return said deposit, five years from this date, into the United States
Treasury:

Ruth M. Kratt	\$ 516.14
Ralph E. Carpenter	\$ 516.14
Frank McKay & Corinne McKay	\$ 461.92
	<hr/>
	\$1,494.20

Entered: JUN 15 1965

/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

THE NATIONAL CASH REGISTER)
COMPANY, a corporation,)
Plaintiff,)
-vs-)
TULSA BROADCASTING COMPANY,)
a/k/a Tulsa Broadcast Group, a divi-)
sion of KATV, Inc., a corporation, and)
GRIFFIN-LEAKE TV, INC.,)
Defendants.)

No. 6088

FILED

JUN 15 1965

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

ORDER OF DISMISSAL

Now, on this 15 day of June, 1965, it appearing to the Court that a written Stipulation for Dismissal has been filed in the above captioned civil action by the attorneys of record for both the plaintiff and the defendants above named, said stipulation providing for a dismissal with prejudice and each party to bear its own costs;

NOW, THEREFORE, it is the order and decree of this Court that the above captioned civil action is hereby dismissed with full prejudice as to the claims of both the plaintiff and the defendants, with each party to bear its own costs herein.

BY THE COURT

(s) Fred Daugherty
Fred Daugherty
Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

251.93 Acres of Land, More or Less,
Situate in Pawnee and Creek Counties,
Oklahoma, and Clarice Wynn, et al,
and Unknown Owners,

Defendants.

Civil No. 6121 ✓

Tract No. 4130E

FILED

JUN 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 owner of the above tract, based on the Report of Commissioners filed herein on the 10th day of June, 1965.

2. The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the party 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 the party having compensable interests in the subject tract; that upon the date the Declaration of Taking and the Complaint were filed title to the estate taken, as set out therein, became vested in the United States of America.

3. The Report of Commissioners filed herein on the 10th day of June, 1965, is hereby accepted and adopted as a finding of fact as to the tract covered by such report. The amount of just compensation as to the subject tract as fixed by the Commission is set out in paragraph 5 below.

4. The Court finds upon the evidence presented that the defendant listed below in paragraph 5 was the sole owner of the above captioned tract on the date of taking and is 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 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 \$100.00, as determined by the Report of Commissioners of June 10, 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:

TRACT NO. 4130E

Owner: Mrs. Clarice Wynn

Award of Just Compensation	\$100.00
Deposited as estimated compensation	\$100.00
Disbursed to Owner	0.00
Balance due to Owner	\$100.00
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.

Mrs. Clarice Wynn \$100.00

Entered JUN 14 1965

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

CIVIL ACTION NO. 5223
Tract No. C-342E

FILED

JUN 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 June, 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. C-342E, 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 August 7, 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 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 June 8, 1965, a hearing was held before Judge Luther Bohanon at Tulsa, Oklahoma, to determine the ownership of the subject tract. Due notice of such hearing was given to all claimants. Mr. Bard Hampton appeared in person, but no other claimants appeared. After hearing the statement of Mr. Bard Hampton, the Court found that Emily Love Hampton and Bard Hampton, as the only heirs of E. C. Hampton, deceased, were the owners of the subject tract as of the date of taking. As owners, these persons are entitled to receive the award of just compensation for the estate taken in the subject 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.

11.

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

TRACT NO. C-342E

OWNERS:

Emily Love Hampton and
Bard Hampton

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

12.

It Is Further ORDERED that the Clerk of this Court shall disburse the deposit for Tract No. C-342E in this Civil Action as follows:

To Emily Love Hampton and
Bard Hampton, jointly ----- \$50.00

William E. Barrett
UNITED STATES DISTRICT JUDGE

APPROVED:

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

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

THE UNITED STATES OF AMERICA,
for the Use and Benefit of
BUTLER-SPARKS EQUIPMENT Co.,
a corporation,

Plaintiff,

-vs-

H. A. JOHNSON and H. H. ROANE,
a joint venture dba JOHNSON-ROANE
and UNITED STATES FIDELITY AND
GUARANTY COMPANY, a corporation,

Defendants.

Civil No. 5084

FILED

JUN 16 1965

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

J U D G M E N T

This cause came on for trial on this 8th day of June, 1965,
and the Court after having heard and considered the evidence thereupon
made Findings of Fact and Conclusions of Law and enters judgment in favor of the
defendant and cross-complainant, United States Fidelity and Guaranty Company,
against the defendant, H. A. Johnson and H. H. Roane, individually and jointly
as joint ventures dba Johnson and Roane, for the sum of \$57,612.37 and for
the further sum of \$3,500.00 for a total of \$61,112.37, and the costs of
this action.

NOW, THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED
by the Court that the defendant and cross-complainant, United States Fidelity
and Guaranty Company, have and recover judgment of and from the defendant.

H. A. Johnson and M. H. Renee, individually and jointly as joint venturers d/ba Johnson and Renee, for the sum of \$57,612.37 and for the further sum of \$3,500.00 attorney's fees, for the total sum of \$61,112.37, and costs of this action.

FOR ALL OF WHICH LET EXECUTION ISSUE.

June 15, 1965.



JUDGE OF THE UNITED STATES
DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,
vs.
2,797.00 Acres of Land, More or Less,
Situat in Nowata and Rogers Counties,
Oklahoma, and Jessie W. Campbell, et al,
and Unknown Owners,
Defendants.

CIVIL ACTION NO. 4891
Tract No. 5624-C
Lessor Interest Only

FILED

JUN 17 1965

J U D G M E N T

1.

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

NOW, on this 17 day of June, 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. 5624-C, 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 March 18, 1960, the United States of America filed its Declaration
of Taking of such described property, and title to the lessor interest in 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 lessor interest in the estate taken 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 lessor interest in 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 lessor 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 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 the lessor interest in 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 interest and the amount fixed by the stipulation as to just compensation, and the amount of such deficiency should be deposited for the benefit of the owner. Such deficiency is set out in paragraph 12 below.

10.

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

11.

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

12.

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

LESSOR INTEREST ONLY: TRACT NO. 5624-C

OWNER: Glenn H. Chappell

Award of just compensation		
pursuant to stipulation -----	\$1,750.00	\$1,750.00
Deposited as estimated compensation -----		\$1,625.00
Disbursed to owner -----	<u>None</u>	
Balance due to owner -----	\$1,750.00	
Deposit deficiency -----		<u>\$ 125.00</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 \$125.00, and the Clerk of this Court then shall disburse from the deposit for subject tract the sum of \$1,750.00 to Glenn H. Chappell.

Allen C. Benson
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.

2,797.00 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and Jessie W. Campbell, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4891

Tract No. 5624-E

Lessor Interest Only

FILED

JUN 17 1965

J U D G M E N T

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

1.

NOW, on this 17 day of June, 1965, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on a stipulation as to 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. 5624-E, 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 18, 1960, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the lessor interest in the estate taken in the subject tract a certain sum of money, and all of this deposit has been disbursed, as set out in paragraph 11 below.

7.

On the date of taking in this action, the owner of the lessor interest in the estate taken in subject tract was the defendant whose name is shown in paragraph 11 below. Such named defendant is the only person asserting any interest in such property, 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 lessor interest in the estate taken in subject tract and the United States of America have executed and filed herein a stipulation as to just compensation wherein they have agreed that just compensation for the lessor interest in the estate condemned in subject tract 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 the Declaration of Taking filed herein; and such tract, to the extent of the lessor interest in the estate described in such Declaration of Taking, and for the uses and purposes therein described, is condemned and title thereto is vested in the United States of America, as of March 18, 1960, 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 owner of the lessor interest in the estate condemned herein in subject tract was the defendant whose name appears below in paragraph 11, and the right to just compensation for the interest taken herein in this tract is vested in the party 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:

LESSOR INTEREST ONLY IN TRACT NO. 5624-E

OWNER: Thomas Swanson

Award of just compensation pursuant to stipulation -----	\$1,650.00	\$1,650.00
Deposited as estimated compensation -----		<u>\$1,650.00</u>
Disbursed to owner -----	<u>\$1,650.00</u>	

s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

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

INTERNATIONAL CARBON, INC.,)
Plaintiff,)
vs)
GENERAL COLLOIDAL CARBON, INC.,)
Defendant,)
vs)
ROY L. MORGAN PRODUCTION CO.,)
Intervenor.)

NO. 6108
CIVIL

FILED

JUN 17 1965

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

JOURNAL ENTRY OF JUDGMENT

Now on this 17th day of June, 1965, the above styled and numbered cause comes on to be heard upon the motion of the defendant, General Colloidal Carbon, Inc., to dismiss its Answer and Counter-Claim filed herein on February 8th, 1965, and said defendant's motion for judgment in favor of the plaintiff as prayed for by plaintiff in its Petition.

This cause further comes on to be heard upon the oral motion of the plaintiff joined by the intervener herein, Roy L. Morgan Production Co., for judgment in favor of the plaintiff as prayed for in plaintiff's Petition.

The plaintiff appeared by its attorney, William B. Jones, and the intervener appeared by its attorney, Donald E. Raymond, and the Court being fully advised in the premises and having examined all pleadings on file herein, finds as follows:

(1) Plaintiff is a corporation duly organized under the laws of the State of Oklahoma with its principal place of business in the City of Tulsa, Tulsa County, State of Oklahoma; defendant is a corporation organized under the laws of the State of Texas, with places of business in Dallas, Texas and Baton Rouge, Louisiana; the intervener is an Oklahoma corporation duly organized under the laws of the State of Oklahoma, with its principal place of business located in the City of Tulsa, Tulsa County, Oklahoma; that the value of the patent in controversy exceeds the sum of \$10,000.00, that there is diversity of citizenship and the issue involved in this litigation is the determination of the ownership of Letters Patent No. 3127245 issued March 31st, 1964 by the United States Patent Office; that, therefore, this Court has jurisdiction of the subject matter of this cause and jurisdiction to enter judgment herein.

(2) The Court further finds that the defendant herein has entered its general appearance in this cause and has heretofore filed herein its Answer and Cross-Petition; that the intervenor herein has filed its Petition in Intervention as an additional party plaintiff and is also properly before this Court by a general appearance herein. The Court further finds that on the 28th day of May, 1965, the defendant herein, General Colloidal Carbon, Inc., filed its motion in this action to dismiss its Answer and Counter-Claim herein and its motion for judgment in favor of the plaintiff as prayed for in plaintiff's Petition. The Court further finds that all of the parties hereto have entered their general appearance in this cause and have prayed that this Court enter its judgment for the plaintiff as prayed in the plaintiff's Petition and that, therefore, this Court has jurisdiction over each of the parties hereto and to enter judgment for the plaintiff as prayed for in plaintiff's Petition joined in by the defendant and intervenor.

(3) The Court further finds that the allegations of the plaintiff's Complaint are true and correct and have been confessed by both defendant and intervenor herein by written confessions of judgment filed in this cause; that the plaintiff is entitled to the relief prayed for in its Petition and is entitled to have its title to United States Letters Patent No. 3127245 and the best or pilot unit manufactured embodying said patent quieted and for a determination that the defendant has no right, title, interest or claim therein or thereto and for injunction against defendants, its directors, officers, stockholders, agents and employees, from asserting or claiming any right, title, claim or interest in or to said Letters Patent and is entitled to judgment for the full relief prayed in its Petition.

(4) The Court further finds that the plaintiff and intervenor have stipulated and agreed that this cause may be continued as to the Cross-Claim filed by intervenor against plaintiff, said Cross-Complaint to be set for hearing upon oral request of either party and at the Court's convenience. The Court finds that said Cross-Complaint is incidental and ancillary to the plaintiff's prayer for relief herein and that this Court has jurisdiction of said intervenor's Complaint and continuing jurisdiction to determine intervenor's right to the relief sought in its Cross-Complaint.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court as follows:

(1) That the plaintiff, International Carbon, Inc., is the full, sole and complete owner of United States Letters Patent No. 3127245 and the invention therein described and covered thereby and is the full, sole and complete owner of the test or pilot unit in plaintiff's possession and manufactured for it embodying said invention and Letters Patent and that the defendant corporation, General Colloidal Carbon, Inc., its directors, officers, stockholders, agents and employees, have no right, title, interest or claim thereto or therein as to any part or portion thereof.

(2) It is further ordered, adjudged and decreed that the plaintiff's title in and to said United States Letters Patent No. 3127245 and the invention therein described and the pilot unit manufactured embodying said invention is hereby quieted against the defendant corporation and to all persons claiming by, through or under said defendant corporation.

(3) It is further ordered, adjudged and decreed that the defendant, General Colloidal Carbon, Inc., its directors, officers, stockholders, agents and employees, are hereby permanently enjoined and restrained from asserting or claiming any right, title, interest or claim in or to said Letters Patent No. 3127245, said invention or said pilot unit and are permanently enjoined and restrained from infringing upon plaintiff's said Letters Patent and from interfering or obstructing the plaintiff at any place and at any time in the development, modification, construction, manufacture, assembly, testing and marketing of said invention or any device embodying same and from asserting or claiming or representing that defendant, its officers, directors, stockholders, agents or employees have any right or authority to deal in or with said United States Letters Patent No. 3127245 or any device, mechanism or method embodying said invention.

(4) It is further ordered, adjudged and decreed that this cause be continued insofar as the Cross-Complaint or Cross-Claim of the intervenor, Roy L. Morgan Production Co., against the plaintiff herein is concerned and that this Court retain jurisdiction of this cause insofar as said Cross-Complaint is concerned for future determination.

(5) It is further ordered that the costs of this action be taxed against

the defendant and that execution issue therefor.

DATED this 17 day of June, 1965.

(5) Fred A. Murphy
Judge of the United States District Court
of the Northern District of Oklahoma.

APPROVED:

JONES & GIVENS

By William B. Jones
William B. Jones

Attorneys for Plaintiff.

Donald E. Raymond
Donald E. Raymond,
Attorney for Intervenor.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.)

CIVIL ACTION NO. 4962

Tract No. G-743

FILED

JUN 18 1965

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

O R D E R

On June 8, 1965, this matter came on for hearing before the Honorable Luther Bohanon, Judge of the United States District Court for the Northern District of Oklahoma at Tulsa, Oklahoma, to determine the question of the validity of certain oil and gas leases covering the subject tract. The United States of America was present by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. None of the defendant owners or claimants appeared. Having examined the files in this action and being fully advised in the premises, the Court finds that certain oil and gas leases claimed by Ben Taylor and Henry Ittleson, Jr., and Crescent Oil and Gas Corporation, and covering certain portions of Tract No. G-743, had on July 15, 1960 expired by their own terms.

It is, Therefore, ORDERED that the oil and gas leases covering portions of Tract No. G-743 as claimed by Ben Taylor, Henry Ittleson, Jr., and Crescent Oil and Gas Corporation had expired by their own terms as of July 15, 1960, and such defendants are not entitled to share in the award of just compensation for the estate taken in such tract.

Luther Bohanon

UNITED STATES DISTRICT JUDGE

Approved as to form:

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

Civil No. 5710

Tract Nos. 3739E
3744E

FILED

JUN 18 1965

J U D G M E N T

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

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for a final Judgment determining the ownership and the just compensation to be awarded the former owners of the above tracts, based on the Report of Commissioners filed herein on the 11th day of May 1965.

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

3. The Report of Commissioners filed herein on the 11th day of May 1965, is hereby accepted and adopted as a finding of fact as to all tracts covered by such report. The amount of just compensation as to the subject tracts as fixed by the Commission is set out in paragraph 6 below.

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

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

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$28,100.00, as determined by the Report of Commissioners of May 11, 1965, which report is hereby confirmed and the sums therein fixed and adopted as just compensation for subject tracts, as shown by the following schedule:

TRACT NOS. 3739E & 3744E

Owner:	James T. Hoke
Award of Just Compensation:	\$28,100.00
Deposited as Estimated Compensation:	6,900.00
Disbursed to Owner:	6,900.00
Balance Due to Owner:	21,200.00
Deposit Deficiency:	21,200.00

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$21,200.00, with interest at 6% per annum from July 30, 1963 until the date of deposit of such deficiency. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payees:

James T. Hoke and Commissioners of the
Land Office of the State of Oklahoma \$21,200 - plus all
accrued
interest

Dated JUN 17 1965

/s/ Allen E. Barrow

APPROVED:

UNITED STATES DISTRICT JUDGE

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

a.js

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

Civil No. 5844

Tract No. 3837E

FILED

JUN 18 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 owner of the above tract, based on the Report of Commissioners filed herein on the 10th day of May, 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 interest in the subject tract; that upon the date the Declaration of Taking and the Complaint were filed title to the estate taken, as set out therein, became vested in the United States of America.

3. The Report of Commissioners filed herein on the 10th day of May, 1965, is hereby accepted and adopted as a finding of fact as to said tract covered by such report. The amount of just compensation as to the subject tract as fixed by the Commission is set out in paragraph 6 below.

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

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

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$810.00, as determined by the Report of Commissioners of May 10, 1965, which report is hereby confirmed and the sum therein fixed and adopted as just compensation for subject tract, as shown by the following schedule:

TRACT NO. 3837E

Owner: Alvin G. Funkhouser

Award of Just Compensation	\$810.00
Deposited as estimated compensation	325.00
Disbursed to Owner	0.00
Balance due to Owner	810.00
Deposit Deficiency	485.00

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$485.00, with interest at 6% per annum from December 5, 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.

Alvin G. Funkhouser \$810.00 plus all accrued interest

Entered JUN 17 1965

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant United States Attorney

nld

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
) Plaintiff,)
)
 vs.)
)
 343.20 Acres of Land, More or Less,)
 Situate in Tulsa, Creek, and Pawnee)
 Counties, Oklahoma, and George)
 Campbell, et al, and Unknown Owners,)
)
) Defendants.)

Civil No. 5995

Tract No. 3732E

FILED

JUN 18 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 final Judgment determining the ownership and the just compensation to be awarded the former owner of one-half interest in 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 defendant was the sole owner of one-half of the above-captioned tract on the date of taking, and is entitled to receive the award therefor.

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

5. The Court finds that prior to the institution of the above proceeding the United States of America and Rush Roberts, Jr. entered into a contract, as evidenced by an option for the purchase of land granted by

said defendant and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$1,100.00 for his interest, inclusive of interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tract; that the contract and agreement is a valid one.

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 one-half interest in the above tract is the sum of \$1,100.00, inclusive of interest;

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

Rush Roberts, Jr., \$1,100.00

Entered JUN 17 1965

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE

ROBERT P. SANTEE
Assistant United States Attorney

nld

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
 vs.)
)
 343.20 Acres of Land, More or Less,)
 Situate in Tulsa, Creek, and Pawnee)
 Counties, Oklahoma, and George)
 Campbell, et al, and Unknown Owners,)
)
 Defendants.)

Civil No. 5995

Tract No. 3732E

FILED

JUN 18 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 final Judgment determining the ownership and the just compensation to be awarded the former owner of one-half of the above tract, based on the Report of Commissioners filed herein on the 10th day of May, 1965.
2. The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the parties and the subject matter of this action; that service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties having compensable interests in the subject tract; that upon the date the Declaration of Taking and the Complaint were filed title to the estate taken, as set out therein, became vested in the United States of America.
3. The Report of Commissioners filed herein on the 10th day of May, 1965, is hereby accepted and adopted as a finding of fact as to said tract covered by such report. The amount of just compensation as to the one-half interest as fixed by the Commission is set out in paragraph 6 below.
4. A deficiency exists between the amount deposited as estimated just compensation for this one-half interest and the amount fixed by the Commission and the Court as just compensation and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out in paragraph 6 below.
5. The Court finds upon the evidence presented that the defendant listed below in paragraph 6 was the sole owner of the one-half interest on the date of taking and is entitled to receive the award thereof.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the one-half interest is the sum of \$2,695.00, as determined by the Report of Commissioners of May 10, 1965, which report is hereby confirmed and the sum therein fixed and adopted as just compensation for subject tract, as shown by the following schedule:

TRACT NO. 3732E

Owner: Vivian Archambault (one-half interest)	
Award of Just Compensation (one-half interest)	\$2,695.00
Deposited as estimated compensation (one-half interest)	1,100.00
Disbursed to Owner	0.00
Balance due to Owner	2,695.00
Deposit Deficiency	1,595.00

7. The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$1,595.00, with interest at 6% per annum from July 16, 1964, until the date of deposit of such deficiency. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount hereinafter set forth, payable to the order of the following-named payee.

Vivian Archambault \$2,695.00 plus all accrued interest

Entered JUN 17 1965

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

nld

WL:chk
6-21-65

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

THERMOID COMPANY, a corporation,)
)
) Plaintiff,)
)
) vs.)
)
) LAWRENCE G. BURT, a sole trader,)
) d/b/a THE BURT MACHINE WORKS,)
)
) Defendant.)

Civil Action No. 3588
FILED
IN OPEN COURT

JUN 23 1965

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

ORDER REVIVING JUDGMENT AGAINST ADMINISTRATRIX

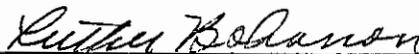
Now, on this 23rd day of June, 1965, there having come on regularly for hearing before the undersigned United States District Judge the Motion of the plaintiff to revive the judgment heretofore rendered against Lawrence G. Burt, a sole trader, d/b/a The Burt Machine Works, in the sum of \$5,816.95, together with interest thereon at the rate of 6% per annum from April 1, 1952, and the costs accrued and accruing of the action, such revivor of judgment to be against Anna Corbit, Administratrix of the Estate of Lawrence Glenn Burt, also known as Lawrence G. Burt, L. G. Burt, and L. Glenn Burt, deceased, for said principal sum of \$5,816.95, with interest thereon at the rate of 6% per annum from April 1, 1952, for accrued costs of \$43.75, and costs accruing herein, all by virtue of the death of the defendant, Lawrence G. Burt, also known as Lawrence Glenn Burt, L. G. Burt, and L. Glenn Burt, on the 28th day of July, 1964; the Court, having heard statement of counsel, having examined the files herein, and being fully advised in the premises, finds: that judgment was duly rendered in this cause on October 14, 1954, in favor of the plaintiff and against the defendant, Lawrence G. Burt, a sole trader, d/b/a The Burt Machine Works, in the principal sum of \$5,816.95, together with interest thereon at the rate of 6% per annum from April 1, 1952, and for the costs of the action; that said judgment was in full force and effect at the time of the death of Lawrence G. Burt, also known as

LAW OFFICES
UNGERMAN,
GRABEL,
UNGERMAN
& LEITER

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA

Lawrence Glenn Burt, L. G. Burt, and L. Glenn Burt, on the 28th day of July, 1964; that no part of said judgment has been paid; that Anna Corbit is the duly appointed Administratrix of the Estate of Lawrence Glenn Burt, also known as Lawrence G. Burt, L. G. Burt, and L. Glenn Burt, deceased, having been appointed in the County Court of Tulsa County, Oklahoma, in, Probate No. 40338, in the Matter of the Estate of Lawrence Glenn Burt, also known as Lawrence G. Burt, L. G. Burt, and L. Glenn Burt, deceased, said appointment being on the 1st day of June, 1965, and said Administratrix having duly qualified in said cause on the 8th day of June, 1965; that Notice of this hearing has been duly given to said Administratrix, and this Court, at this time, has jurisdiction to revive the judgment in this cause in favor of the plaintiff, heretofore rendered against the defendant, as against Anna Corbit, Administratrix of the Estate of Lawrence Glenn Burt, also known as Lawrence G. Burt, L. G. Burt, and L. Glenn Burt, deceased, for the amount of the judgment remaining unsatisfied, in the sum of \$5,816.95, with interest thereon at the rate of 6% per annum from April 1, 1952, until paid, for accrued costs of \$43.75, ^{to June 15, 1965,} and costs accruing herein ~~after~~ ^{after June 15, 1965.}

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED BY THE COURT that the Motion of the plaintiff to revive its Judgment heretofore rendered against the defendant, such revivor to be against Anna Corbit, Administratrix of the Estate of Lawrence Glenn Burt, also known as Lawrence G. Burt, L. G. Burt, and L. Glenn Burt, deceased, be and the same is hereby sustained; said Judgment is hereby revived against said Administratrix; said Administratrix is hereby made a party to said judgment; and judgment is hereby ^{rendered} against Anna Corbit, Administratrix of the Estate of Lawrence Glenn Burt, also known as Lawrence G. Burt, L. G. Burt, and L. Glenn Burt, deceased, by virtue of such revivor, for the principal sum of \$5,816.95, with interest thereon at the rate of 6% per annum from April 1, 1952, until paid, for accrued costs of \$43.75, and for accruing costs herein ^{after June 15, 1965;} for all of which let execution issue.


Luther Bohanon
United States District Judge

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

GARY DEAN MCGLAHN,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

No. 6200 Civil

FILED

JUN 23 1965

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

ORDER

Upon consideration of the Motion filed herein by the above Petitioner pursuant to 28 U.S.C. 2255, the papers submitted in support thereof, and the files and records in the case of United States of America vs. Gary Dean McClain, Criminal No. 13837, in the United States District Court for the Northern District of Oklahoma, the Court finds the sentence should be vacated and the defendant allowed to withdraw his plea.

From a review of the Petitioner's Motion it appears that the Petitioner complains as follows:

1. His sentence should be vacated on the grounds that Petitioner was not aware of the sentence provisions of the Federal Youth Corrections Act at the time of sentencing and before entering a plea of guilty.
2. It is incumbent upon the Court in disposing of a case against a youthful offender to fully explain the sentencing provisions of the Federal Youth Corrections Act before accepting a plea of guilty.
3. The imposed sentence provides for six years' confinement as opposed to five years or \$5,000 fine, or both, for the statute violated and in which Petitioner pled guilty.
4. Petitioner was of the opinion that he would be confined only about six months or less if he received sentencing under the Federal Youth Corrections Act and was under the impression it provided for release after sixty days.

It appears that in the above-mentioned criminal case in this Court the Petitioner as the defendant therein appeared before this Court, was represented by counsel, and entered a plea of guilty of his own free and voluntary will. It further appears that prior to sentencing, upon the Court's asking the Petitioner if he had anything to say before the Court pronounced

sentence upon him, his answer was: "I figure that if I get under the Youth Corrections Act it will help straighten me up there." It then appears that the Petitioner herein, under his said plea of guilty, was sentenced under the provisions of the Federal Youth Corrections Act and was then confined in a federal institution and remains in that institution under such sentence to this date.

A review and study of the transcript of the proceedings in the above-mentioned criminal case in this Court and in particular those proceedings had in open Court at the time the Petitioner entered his plea of guilty and was sentenced shows conclusively that the Petitioner was not advised prior to his plea of guilty of the sentencing provisions of the Federal Youth Corrections Act which sentencing provisions could exceed the maximum statutory imprisonment sentence for the crime for which he was charged.

It thus appears that the files and records conclusively show that the Petitioner herein was sentenced under the Youth Corrections Act to a term which could potentially be longer in duration than the maximum term imposed by statute applicable to the case therein. The files and records further conclusively show that the Petitioner was not advised at the time of his sentencing and before entering his plea of guilty of the maximum sentence and provisions of the Youth Corrections Act under which he was ultimately sentenced therein, even though he requested the Court to sentence him under such provisions. For this reason, such sentence is invalid and must be vacated upon his Motion under 28 U.S.C. 2255. See *Chapin vs. U.S.* (C.A. 10), 341 F.2d 900; *King vs. U.S.* (C.A. 10) May term, 1965, not yet reported; and *Filkington vs. U.S.* (4 Cir. 1963), 315 F.2d 204. It further appears, however, from the files and records that he intelligently and voluntarily entered the plea of guilty to the criminal case above mentioned therein, requested to be sentenced under the provisions of the Youth Corrections Act, and was intelligently represented by counsel. His plea in all other respects appears to have been voluntary. See: 341 F.2d 900 (10 Cir. 1965).

Therefore, pursuant to 28 U.S.C 2255, the Court finds that the sentence imposed on May 31, 1962, in the above mentioned Criminal Case No. 13837 should be vacated and that Gary Dean McClain should be allowed to withdraw his plea.

DATED this 27th day of June, 1965.


LUTHER BOHANNON
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

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

Defendants.)

CIVIL ACTION NO. 5409

Tracts Nos. U-2152E-7
U-2152E-8
U-2152E-9

FILED

JUN 25 1965

AMENDMENT TO JUDGMENT AND
ORDER TO CANCEL CHECKS AND ORDER OF DISTRIBUTION
NOBLE C. HOOD
Clerk, U. S. District Court

Now on this 25 day of June, 1965, this matter comes on for disposition of the application of the owners of the lessor interest in the captioned tracts for an amendment to the Judgment as to such tracts filed herein on May 5, 1965. The Court, having examined the files and being advised by counsel for Plaintiff, finds that:

1. In paragraph 11 on page 3 of the Judgment filed herein on May 5, 1965, the fractional interest shown following each owner of the lessor interest in Tracts Nos. U-2152E-7 through E-9 is in error.
2. In paragraph 12 on page 4 of the Judgment filed herein on May 5, 1965, the fractional share of accrued interest shown following each lessor owner's name is in error.
3. Pursuant to the instructions of the Judgment filed herein on May 5, 1965, the plaintiff deposited into the Registry of the Court the deposit deficiency for the subject tracts, together with all accrued interest thereon. The lessor owners' share of the accrued interest was in the total sum of \$22.93. This, added to their share of the award, made a total of \$222.93 on deposit for distribution to the lessor owners.
4. Thereafter, pursuant to the instructions of the Judgment filed herein on May 5, 1965, the Clerk of this Court issued to the lessor owners Checks Nos. 3647, 3648, 3649, and 3650 drawn on the National Bank of Tulsa. These checks are in incorrect amounts, and have been returned to the Clerk.

The Court concludes that the subject Judgment should be amended to correct the errors set forth above; that the four checks issued pursuant to such Judgment be cancelled and that the Clerk should be directed to issue new checks in the correct amounts.

It Is, Therefore, ORDERED that the Judgment filed herein on May 5, 1965, hereby is amended in the following particulars only:

1. In paragraph 11 on page 3 of such Judgment, as to Tracts Nos. U-2152E-7 through E-9 combined, delete the names of the owners of the lessor interest together with the fractions following such names and substitute in lieu thereof the following:

Mariah Claggett Drake -----	1/2
Isabell Claggett Hunnigan -----	1/4
Aaron Gladys Claggett -----	1/8
Mary K. Dodson -----	1/8

2. In paragraph 12 on page 4 of such Judgment delete the names of the owners of the lessor interest in the subject tracts together with all figures and symbols following each such owner's name.

It Is Further ORDERED that the Clerk of this Court shall cancel Checks Nos. 3647, 3648, 3649, and 3650, dated June 2, 1965, drawn on the National Bank of Tulsa and signed by M. M. Ewing, and shall issue in lieu thereof new checks as follows:

Mariah Claggett Drake -----	\$111.46
Isabell Claggett Hunnigan -----	\$ 55.73
Aaron Gladys Claggett -----	\$ 27.87
Mary K. Dodson -----	\$ 27.87

s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

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

Dallas W. Knapp
DALLAS W. KNAPP
Attorney at Law

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

GRAND RIVER DAM AUTHORITY,)
a public corporation,)

Petitioner,)

vs.)

10.4 Acres of Land, more or less, in)
Mayes County, Oklahoma, United)
States of America, Stand Hummingbird,)
et al.,)
Defendants.)

Civil No. 6103

FILED

JUN 28 1965

ORDER CONFIRMING REPORT OF COMMISSIONERS
AS TO TRACT NO. 1 (P81-K3).

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

NOW, on this the 28th day of June, 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. 1 (PS 1 - R3)
(Fee Title To)

A strip of land 100 feet in width in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, 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 south boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ 325 feet from the southwest corner thereof, thence on a curve to the left with a radius of 383.36 feet a distance of 452.63 feet to a point 354.7 feet north and 87.5 feet east of the southwest corner of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, thence in a northwesterly direction to a point in the west boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ 391 feet from said southwest corner, in Section 33, T 21 N, R 21 E of the Indian Base and Meridian, containing 1.2 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, 1955, upon the depositing of the sum of \$ 100.00 with the registry of this Court for the lands and estates taken in and to the above described land.

(s) Allen E. Barron

U. S. District Judge

FILED

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

JUN 28 1965

PATRICK THOMAS O'NEIL,
Petitioner,
vs.
UNITED STATES OF AMERICA,
Defendant.

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

CIVIL NO. 6204

ORDER

The Court has for disposition a motion filed by Patrick Thomas O'Neil pursuant to 28 USCA §2255 to vacate and set aside his judgment of conviction in Criminal Case No. 13,852. Upon consideration of the motion, the Court finds:

The petitioner complains in his motion that he has been deprived of his constitutional rights by being placed in the Federal Reformatory at El Reno, Oklahoma; that such institution has not been set aside or used only for the treatment of youth offenders, and that he was not segregated from other offenders according to his need for treatment as directed by 18 USCA §5011.

The petitioner was sentenced under the provisions of the Juvenile Delinquency Act, 18 USCA §§5031-5037. Section 5011 of the Youth Corrections Act does not apply to persons sentenced under the Juvenile Delinquency Act. 18 USCA §5023(b).

This petitioner was originally placed on probation for a period of one year. Thereafter, it became necessary to revoke the probation, and petitioner was committed to the custody of the Attorney General pursuant to the provisions of the Juvenile Delinquency Act.

Once committed to the custody of the Attorney General, the nature of such custody must necessarily be left to the discretion of those in charge of the problem of rehabilitation. The power of the Attorney General to designate the place of confinement has not been abrogated in any respect by the Juvenile Delinquency Act. *Arkadiete v. Markley*, 186 F.Supp. 586. The Attorney General who has custody of a juvenile delinquent can confine him to a federal penitentiary for adult prisoners. *Sonnenberg v. Markley*, 289 F.2d 126.

Since the petitioner's motion raises questions of law rather than fact, it is unnecessary to hold a hearing on the motion or to bring the petitioner to this district to testify.

The motion to vacate and set aside the sentence pursuant to 28 USCA §2225 should be overruled and denied for the foregoing reasons.

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

DATED this 28th day of June, 1965.


UNITED STATES DISTRICT JUDGE

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUN 29 1965

United States of America,)
)
Plaintiff,)
vs.)
)
734.55 Acres of Land, More or Less,)
Situate in Pawnee and Creek Counties,)
Oklahoma, and Claud Brown, et al,)
and Unknown Owners,)
)
Defendants.)

NOBLE C. HOOD
Clerk, U. S. District Court
Civil No. 5894
Tracts Nos. 4343 and 4343E

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 \$6,900.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$6,000.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that plaintiff and Potts & Potts, Inc.; R. M. Ranson; Kenneth K. & Claire S. Higa; Edward V. Malela; and William T. Mount, defendants herein, have by stipulation agreed that the

just compensation to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$6,900.00, inclusive of interest.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$6,900.00, inclusive of interest, of which sum the following amounts have heretofore been disbursed:

Potts & Potts, Inc.	\$1,000.00
R. M. Ranson	2,187.50
Kenneth K. & Claire S. Higa	1,250.00
Edward V. Malela	312.50
William T. Mount	<u>1,250.00</u>
Total	\$6,000.00

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$900.00, 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.

Potts & Potts, Inc.	\$150.00
R. M. Ranson	\$328.12
Kenneth K. & Claire S. Higa	\$187.50
Edward V. Malela	\$ 46.88
William T. Mount	<u>\$187.50</u>
Total	\$900.00

Entered JUN 28 1965

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant United States Attorney

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

THE UNITED STATES OF AMERICA
for TENNCO, INC., a corporation,

Plaintiff,

vs.

H. A. JOHNSON and H. H. ROANE,
et al.,

Defendants.

No. 6155 Civil

FILED

JUN 30 1965

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

ORDER GRANTING NEW TRIAL

On motion of the plaintiff, Tennco, Inc., IT IS ORDERED that its Motion for New Trial be sustained and its Motion for an order permitting it to file Amended Complaint is granted.

The plaintiff has heretofore requested a trial by jury upon its Amended Complaint. The Court finds that the only question here involved is whether or not the plaintiff filed its action within the period of one year from the date of last furnishing of materials or labor, as provided by the Miller Act, which is a question to be determined by the Court from the record and the exhibits attached to the pleadings.

IT IS ORDERED that the Amended Complaint be filed and that the defendant United States Fidelity & Guaranty Company, a corporation, file its answer within fifteen days from the date hereof and the defendant may file its Motion for Summary Judgment if it so elects.

IT IS FURTHER ORDERED that the demand of the Use Plaintiff, Tennco, Inc., for a jury, is neither granted nor denied at this time, and that this cause be set for further proceedings July 22, 1965, at 9:30 A.M., Tulsa, Oklahoma, or as soon thereafter as it may be reached by the Court.

DATED this 23rd day of June, 1965.


UNITED STATES DISTRICT JUDGE