

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

Defendants.)

Civil No. 5884.

FILED

JUL -2 1965

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

JUDGMENT

The court having made FINDINGS OF FACT AND CONCLUSIONS OF LAW and considered the STIPULATION of parties, enters JUDGMENT in favor of the defendant and cross-complainant, the United States Fidelity and Guaranty Company, and against the defendant, H. A. Johnson, for the sum of \$19,360.77 for costs incurred in completion of the Grand River Dam Authority contract, and for attorney's fees in the sum of \$5,615.85 incurred up to December 1, 1964; and enters further judgment adjudicating and decreeing that any and all liability sustained by the United States Fidelity and Guaranty Company arising out of the claims of Hamer & Fink, Alfred H. Henderson, and C. I. T. Corporation, together with all expenses and attorney's fees, shall upon determination thereof be incorporated in a further judgment herein.

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

H. A. Johnson for the sum of \$19,360.77 for costs incurred to date in completing the Grand River Dam Authority contract, and for attorney's fees in the sum of \$5,615.85 incurred up to December 1, 1964.

BE IT FURTHER ADJUDGED AND DECREED by the court that the defendant, H. A. Johnson, shall indemnify and hold the United States Fidelity and Guaranty Company of and from all loss sustained on said claims and that upon the determination thereof, that judgment shall hereafter be entered in this action and against H. A. Johnson.

DATED this 30th ^{June} day of ~~July~~, 1965.

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

APPROVED:

W. Timothy Dowd
W. TIMOTHY DOWD,
Attorney for defendant,
H. A. Johnson

David H. Sanders
DAVID H. SANDERS,
Attorney for defendant and
cross-petitioner, the United
States Fidelity and Guaranty
Company.

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

Lessor Interest in
Tract No. 5730-C

FILED

JUL 13 1965

AMENDMENT TO JUDGMENT
FILED HEREIN ON NOVEMBER 2, 1964

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

NOW on this 13th day of July, 1965, this matter comes on for disposition on application of the plaintiff, United States of America, for an amendment to the Judgment filed in this action on November 2, 1964. The Court having examined the files in this action and having been advised by counsel for plaintiff finds and concludes that:

1. The Judgment filed herein on November 2, 1964, on page 10, recites that there was deposited as estimated compensation for the lessor interest in the estate taken in Tract No. 5730-C the sum of \$167.50.
2. The amount actually deposited as estimated compensation for the lessor interest in the estate taken in Tract No. 5730-C was \$105.00.
3. The Judgment shows a deposit deficiency for the subject tract in the amount of \$532.50 whereas in fact the deposit deficiency was \$595.00.
4. As a result of the above described errors, the plaintiff made a deficiency deposit which as to Tract No. 5730-C was \$62.50 too small to pay the balances due to the owners on the award of just compensation.

THEREFORE, the plaintiff's application for an amendment to the subject Judgment should be sustained.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the Judgment filed in this action on November 2, 1964, should be amended in the following particulars only:

FILED

JUL 13 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.)
2,797.00 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

All Lessor Interest Only in

Tracts Nos. 5622-1
5624-R
5625-4A
5625-4D
5625-M

ENTIRE ESTATE TAKEN
1/4 of the ~~Lesser Interest~~ in

Tracts Nos. 5624-0
and 5625-A

J U D G M E N T

1.

NOW, on this 13 day of July, 1965, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on stipulations agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This Judgment applies only to the lessor interests in the estates condemned in Tracts Nos. 5622-1, 5624-R, 5625-4A, 5625-4D, and 5625-M, and to a 1/4 interest in the ~~lessor interest~~ ^{entire} estate condemned in Tracts Nos. 5624-0 and 5625-A, as such estates and tracts are described in the Complaint and the Declaration of Taking and 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 tracts.

5.

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

for public use the estates described in paragraph 2 herein. Pursuant thereto on March 18, 1960, the United States of America has filed its Declaration of Taking of such described property, and on June 27, 1962, filed an Amendment to such Declaration of Taking with reference to Tract No. 5624-R, and title to the described estates in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

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

7.

On the date of taking in this action, the owners of the subject interests were the defendants whose names are shown in paragraph 12 below. Such named defendants are the only persons asserting any interest in the interests described in paragraph 2 above, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation awarded by this Judgment.

8.

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

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in paragraph 2 herein, as such tracts are particularly

described in the Complaint and Declaration of Taking as amended filed herein; and the interests in such tracts as described in paragraph 2 herein are condemned and title thereto is vested in the United States of America as of the date of filing the Declaration of Taking, and all other defendants herein and all other persons interested in such interests are forever barred from asserting any claim thereto.

11.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking the owners of the property described in paragraph 2 herein were the persons whose names appear below in paragraph 12, and the right to just compensation for the rights taken therein is vested in the parties so named.

12.

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

TRACT NO. 5622-1
Lessor Interest Only

Owners:

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

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

TRACTS NOS. 5624-0 and 5625-A
1/4 of the Lessor Interest Only
ENTIRE ESTATE TAKEN

Owner:

Mary L. Blackbird

Award of Just Compensation pursuant to Stipulation -----	\$ 968.75	\$ 968.75
Deposited as estimated compensation -----	<u>\$ 968.75</u>	
Disbursed to owner -----		<u>\$ 968.75</u>

TRACT NO. 5624-R
Lessor Interest Only

Owners:

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

Award of Just Compensation pursuant to Stipulation -----	\$6,750.00	\$6,750.00
Deposited as estimated compensation -----	<u>\$6,750.00</u>	
Disbursed to owners -----		<u>\$6,750.00</u>

TRACT NO. 5625-4A
Lessor Interest Only

Owners:

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

Award of Just Compensation pursuant to Stipulation -----	\$ 675.00	\$675.00
Deposited as estimated compensation -----	<u>\$ 675.00</u>	
Disbursed to owners -----		<u>\$675.00</u>

TRACT NO. 5625-4D
Lessor Interest Only

Owners:

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

Award of Just Compensation pursuant to Stipulation-----	\$ 600.00	\$600.00
Deposited as estimated compensation -----	\$ 450.00	
Disbursed to owners -----		<u>\$600.00</u>
Deposit deficiency	<u>\$ 150.00</u>	

TRACT NO. 5625-M
Lessor Interest Only

Owner:

Tillie Karns Newman

Award of Just Compensation pursuant to Stipulation -----	\$2,050.00	\$2,050.00
Deposited as estimated compensation -----	<u>\$2,050.00</u>	
Disbursed to owner -----		<u>\$2,050.00</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 the total deposit deficiency for subject tracts in the sum of \$150.00, and such sum shall be placed in the deposit for Tract No. 5625-4D. .

s/ Allen G. Barrow
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

274.85 Acres of Land, More or Less,
Situate in Rogers County, Oklahoma,
and McAlester Fuel Company, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 5114

Lessor Interest and Overriding
Royalty Interest in Tracts
Nos. 4631-1 and 4731-8

JUL 13 1965

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

J U D G M E N T

1.

NOW, on this 13 day of July, 1965, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Report of Commissioners filed herein on March 8, 1965, and the Court, after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

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

4.

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

5.

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

6.

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

7.

The Report of Commissioners filed herein on March 8, 1965, hereby is accepted and adopted as findings 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 11 below.

8.

This judgment will create a surplus in the deposit for the subject tracts and an overpayment to the owners of the overriding royalty interest in such tracts, as shown in paragraph 11 below. The surplus in the deposit should be refunded to the Plaintiff and the Plaintiff should have judgment against the defendant owners of the overriding royalty interest for the amount of the overpayment to them.

9.

The defendants named in paragraph 11 as owners of the property which is the subject of this judgment are the only defendants asserting any interest in the lessor interest and the overriding royalty interest in the estates condemned herein, all other defendants having either disclaimed or defaulted; the named defendants, as of the date of taking, were the owners of the lessor interest and the overriding royalty interest in the estates as designated, and, as such, are entitled to receive the just compensation awarded by this judgment.

10.

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

It Is Further ORDERED, ADJUDGED AND DECREED that the right to receive just compensation for the estates taken herein in subject property is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of March 8, 1965, hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the lessor interest and the overriding royalty interest in the estate taken in subject tracts, as shown by the following schedule:

TRACTS NOS. 4631-1 and 4731-8
 (Lessor Interest (1/8) and Overriding Royalty Interest (1/32 of 7/8))

Owners:

Lessor interest (1/8):

H. M. McMillan - - - - - 1/4
 June H. Collins - - - - - 1/2
 Jno. W. Nichols, Trustee - - - 37% of 1/4
 Georgie S. Fell - - - - - 28% of 1/4
 Elizabeth Fell Owen and
 Frances Fell Kilpatrick,
 jointly - - - - - 35% of 1/4
 (as heirs of H. B. Fell,
 deceased)

Overriding royalty interest (1/32 of 7/8):

Investors Service Company - - - 3/128 of 7/8
 Marcella H. Godfrey - - - - - 1/128 of 7/8

Deposited as estimated compensation
 for all interests covered by this judgment - - - - - \$6,600.00

Award of just compensation for all
 interests covered by this judgment - - - - - \$3,458.00

Overdeposit - - - - - \$3,142.00

Allocation of Award, Deposit and Disbursals:

	Lessor Interest		Overriding Royalty Interest		
			Investors	Godfrey	
Share of Deposit - -	\$5,400.00		\$900.00	\$300.00	
Disbursed to Owners -	None	None	\$900.00	\$300.00	\$300.00
Share of Award, pursuant to Commissioners' Rpt.		\$3,000.00	\$343.50		\$114.50
Balance on deposit -	\$5,400.00		None	None	
Balance due to Owners - - - - -		\$3,000.00			
Overpayment to Owners - - - - -			\$556.50		\$185.50

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the Plaintiff have judgment against the owners of the overriding royalty interest in the subject tracts for the overpayment to them as follows:

Judgment against Investors Service Company,
in the amount of - - \$556.50

Judgment against Marcella H. Godfrey,
in the amount of - - \$185.50.

To satisfy these judgments each of the said defendants shall deposit, in the Registry of this Court, the amount of the judgment against him.

When said judgments have been paid, the Clerk of this Court shall disburse the full amounts so paid to the Treasurer of the United States of America.

13.

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

To: H. M. McMillan - - - - -	\$750.00
June H. Collins - - - - -	\$1,500.00
Jno. W. Nichols, Trustee - - - - -	277.50
Georgie S. Fell - - - - -	210.00
Elizabeth Fell Oven and	
Frances Fell Kilpatrick, jointly - - - - -	\$262.50
Treasurer of the United States of America- -	\$2,400.00

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

274.85 Acres of Land, More or Less,
Situate in Rogers County, Oklahoma,
and McAlester Fuel Company, et al,
and Unknown Owners,

Defendants

CIVIL ACTION NO. 5114

Tract No 4731-D

Lessor Interest Only

FILED

JUL 13 1965

J U D G M E N T

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

1.

NOW, on this 13 day of July, 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. 4731-D, as such estate and tract are described in the Complaint and the Declaration of Taking and the amendments thereto, filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the interest described in paragraph 2 herein. Pursuant thereto, on January 31, 1961, the United States of America has filed its Declaration of Taking of such described property, and on September 5, 1961 has filed an Amendment to such Declaration of Taking, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

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

7.

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

8.

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

9.

This Judgment will create a deficiency between the amount deposited as estimated compensation for such property and the amount fixed by the Stipulation as to Just Compensation, and the amount of such deficiency should be deposited for the benefit of the owners. Such deficiency is set out in paragraph 12 below.

10.

It Is, Therefore, ORDERED, ADJUDGED, AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tract named in paragraph 2 herein, as such tract is particularly described in the Complaint and Declaration of Taking as amended filed herein; and the lessor interest in such tract, to the extent of the estate described in such Declaration of Taking as amended, 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 owners of the lessor interest in the estate condemned herein in subject tract were the defendants whose names appear below in paragraph 12, and the right to the just compensation for such interest is vested in the parties so named.

12.

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

TRACT NO. 4731-D
Lessor Interest Only

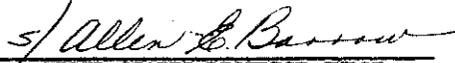
Owners:

Dorothy Miller and
Leta Perryman (as only heirs of Lacy Holtzendorff,
deceased, who was the only heir of
C. B. Holtzendorff, deceased.)

Award of just compensation pursuant to Stipulation -----	\$1,640.00	:	\$1,640.00
		:	
Deposited as estimated compensation -----	\$1,390.00	:	
		:	
Disbursed to owners -----		:	<u>\$1,390.00</u>
		:	
Balance due to owners -----		:	\$ 250.00
		:	
Deposit deficiency -----	<u>\$ 250.00</u>	:	

13.

It Is Further ORDERED, ADJUDGED, AND DECREED that the United States of America shall deposit in the Registry of this Court, in this Civil Action, to the credit of Tract No. 4731-D, the deposit deficiency in the sum of \$250.00 and the Clerk of this Court then shall disburse to Dorothy Miller and Leta Perryman, jointly, the sum of \$250.00


UNITED STATES DISTRICT JUDGE

APPROVED:


HUBERT A. MARLOW
Assistant United States Attorney

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

United States of America,

Plaintiff,

vs.

Miami Terrace Apartments, Inc.,

Defendant.

Civil No. 5658

FILED

JUL 13 1965

DEFICIENCY JUDGMENT

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

THIS MATTER COMES on for hearing on Motion of Plaintiff herein for a Deficiency Judgment against the defendant, Miami Terrace Apartments, Inc.; and

The Court having examined the file herein and being fully advised herein finds that judgment for the sum of \$215,279.64, with interest thereon at the rate of 5½% per annum from May 1, 1963, plus the sum of \$5,651.10, accrued interest, together with the cost of this action, was rendered in favor of the Plaintiff and against the defendant on May 12, 1964;

That there was at the same time a judgment and decree of foreclosure entered foreclosing a mortgage upon said property described therein and ordering said property sold in satisfaction of Plaintiff's money judgment;

That pursuant thereto an order of sale was issued to the United States Marshal for the Northern District of Oklahoma and said property was sold and sale thereof has heretofore been approved and confirmed by this Court;

That after said sale and all just credits and setoffs, there remains due and unpaid on Plaintiff's judgment herein the sum of \$128,652.87, with interest on the sum of \$128,774.69, at the rate of 5½% per annum, from May 2, 1965, until paid, as evidenced by the "Statement of Deficiency as of May 1, 1965" attached as Exhibit "A" to plaintiff's Motion For Deficiency Judgment herein.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that Plaintiff
have a deficiency judgment against the defendant, Miami Terrace Apartments,
Inc., for the sum of \$128,652.87, with interest on the sum of \$128,652.87
at the rate of 5% from May 2, 1965 until paid.

15/ Allen E. Sarnow
UNITED STATES DISTRICT JUDGE

APPROVED:

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

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN

FILED

DISTRICT OF OKLAHOMA

KAY TOMPKINS, A Minor, by her father)
 and next friend, JAMES J. TOMPKINS,)
)
 Plaintiff,)
)
 -VS-)
)
 THOMAS HENRY RICHARDS, JULIUS CARL)
 DUFFEY, An Individual, and JULIUS CARL)
 DUFFEY, d/b/a DUFFEY INDUSTRIES,)
)
 Defendants.)

JUL 13 1965

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

NO. 6 0 3 3 - Civil

FINDINGS AND ORDER ON MOTION FOR NEW TRIAL

Plaintiff presents three problems on Motion for New Trial: First, Plaintiff contends she was prevented from a fair trial because Dr. Kenneth Duncan was not allowed to testify. At the pre-trial conference, it was established that any witness to be used at the trial would have to be named by the party expecting to use such witness at least ten days in advance. That was not done. The Court further finds the Plaintiff had the benefit of the testimony of a fine doctor who had treated her at all times both before and after this incident and was fairly familiar with her condition and did a good job of presenting it. Since Plaintiff was not allowed any recovery such testimony would have gone only to the amount.

Second, Plaintiff complains that the Court committed error in granting the instruction to the jury on acts occurring in an emergency. Plaintiff concedes the testimony of Defendant was sufficient to suggest such instruction but contends it was unverified. We do not believe verification is necessary to require the instruction.

Third, Plaintiff complains that Defendant asked the police officer if any traffic charges were filed. Defendant attempted to justify such question as impeachment on cross-examination on the theory that if the accident occurred in

the manner suggested by the police officer at the trial, some charge should have been filed. Without determining the competency at this time, the Court does not feel any prejudice resulted for the reason the witness was not allowed to answer the question and the jury was instructed not to consider it and the Court finds no prejudice resulted.

The Court therefor finds that the motion for new trial should be denied.

IT IS, THEREFORE, ORDERED that the motion for new trial of Plaintiff, be and the same is hereby denied.

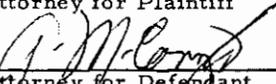
To this ruling, Plaintiff objected in open Court and stated notice of appeal would be filed.

Dated this 23rd day of April, 1965.


JUDGE

OK as to form:

Attorney for Plaintiff



Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Bobby Dean Hildebrand and
Lucille Hildebrand,

Defendants.

Civil No. 6057

FILED

JUL 13 1965

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

ORDER CONFIRMING UNITED STATES MARSHAL'S SALE

Now on this 13th day of July, 1965, there coming on for hearing the motion of plaintiff herein to confirm the sale of real property made by the United States Marshal for the Northern District of Oklahoma on July 7, 1965, pursuant to an Order of Sale issued herein by the Court Clerk for the United States District Court for the Northern District of Oklahoma, dated and issued on May 27, 1965, of the following described real property:

Lot 9 in Block 6 in the Nancy Lee Addition to the City of Miami, Ottawa County, Oklahoma, according to the amended plat thereof.

And the Court being fully advised herein and having examined the proceedings of the Marshal under the Order of Sale, and no one appearing in objection thereto and no exceptions having been filed finds that due and legal notice of the sale was given by publication once a week for at least four weeks prior to the date of sale in the Miami News Record, a newspaper published and of general circulation in Ottawa County, State of Oklahoma, as shown by the Proof of Publication on file herein, and that on the day fixed therein, July 7, 1965, the above described real property was sold to the plaintiff, it being the highest and best bidder therefor.

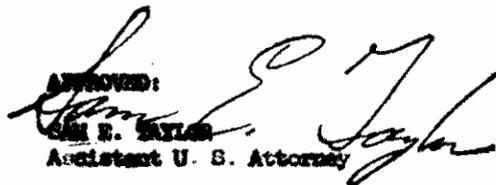
The Court further finds that the sale was in all respects made in conformity with the law in such cases made and provided, and that the sale was legal in all respects.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the United States Marshal's sale and all proceedings under and pursuant to the

Order of Sale issued herein be and the same are hereby approved and confirmed.

IT IS FURTHER ORDERED that Doyle W. Foreman, United States Marshal for the Northern District of Oklahoma, make and execute to the plaintiff herein a good and sufficient deed for the premises so sold.

UNITED STATES DISTRICT JUDGE

APPROVED:

SAM E. TAYLOR
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Defendant,

vs.

Civil No. 6184

51 Individually cartoned 30-cc. vials, more or less (coded "304306"); and 33 Individually cartoned 10-cc. vials, more or less (coded "6785"), of an article labeled in part (vial) "*** Rex Dipyrone N.F. *** 50% *** Manufactured for Rex Medical Supply, Tulsa, Okla." (10-cc cartons labeled same as vials, 30-cc cartons are unlabeled), and 45 Individually cartoned vials, more or less, of an article labeled in part: (vial and carton) "30 ml. *** Lambda Dipyrone Injection 50% *** Lambda Pharmaceutical Laboratories, Inc. Oceanside, N.Y. ***" (coded "1038"),

Claimant.

FILED

UL 13 1965

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

DECREE

This matter coming on before me this 12 day of July, 1965, and the plaintiff, United States of America, appearing by and through Lawrence A. McSoud, Assistant United States Attorney for the Northern District of Oklahoma, and the claimant herein, Rex Medical Supply, Inc., Tulsa, Oklahoma, appearing neither in person nor by counsel, and

It appearing to the court, after having examined the libel of information and the motion heretofore filed in this case, that the various articles of hazardous substance made the subject matter of the libel of information are misbranded as set forth in the libel of information and are therefore subject to destruction pursuant to the provisions of Title 21, U.S.C., Section 301, et seq., and

It further appearing to the court that the claimant herein, Rex Medical Supply, Inc., Tulsa, Oklahoma, the corporation from whom the captioned articles were seized, has through its owner, Mr. E. W. Masterson, by phone conversation July 9, 1965, to Mr. Lawrence A. McSoud, Assistant United States Attorney, Northern District of Oklahoma, relinquished any interest which it may have had in such articles and has consented to the disposition or destruction of the articles of hazardous substance as this court might effect.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that all

the various articles of hazardous substance seized and held by the United States Marshal for the Northern District of Oklahoma be and they are hereby ordered condemned and destroyed by the United States Marshal.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

HERMAN DETMER, et ux,

Plaintiffs,

-vs-

AARON BERRYHILL, et al,

Defendants.

No. 6164

FILED

JUL 14 1965

JOURNAL ENTRY OF JUDGMENT

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

This cause coming on to be heard before me, the undersigned Judge of the United States District Court for the Northern District of Oklahoma, on this 12th day of July, 1965, pursuant to regular assignment, said cause having first been filed in the District Court within and for Tulsa County, State of Oklahoma, under its No. 109595, and having been removed from said Court to the United States District Court for the Northern District of Oklahoma, by the defendant, S. L. Rose, and said defendant having filed herein his Answer and Counterclaim, and subsequently filed his dismissal of said counterclaim, and the defendants, S. L. Rose and A. G. Rose, individually, and A. G. Rose as Attorney in Fact for S. L. Rose, having filed herein their disclaimer of any further interest in or to the real estate involved herein, and the plaintiffs appearing herein in person and by their attorneys of record. E. M. Knight and F. A. Petrik, and the defendants, S. L. Rose and A. G. Rose, and A. G. Rose, Attorney in Fact for S. L. Rose, appearing by their attorneys of record, Holleman and Holleman, and the defendants, Aaron Berryhill, Eliza Berryhill, W. S. Fears and Nolie Fears, if living, and if deceased, their heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, known and unknown, came not but wholly made default, and the plaintiffs having filed herein their affidavit with reference to Military Service of any of said parties in default, the Court finds that this is one of the classes of actions by which service by publication is authorized under the



Statutes of the State of Oklahoma. Thereupon, the Court examined the files and the records in said cause and finds that statutory service by publication has been made upon the defendants, Aaron Berryhill, Elisa Berryhill, W. S. Fears, and Nolie Fears, if living, and if deceased, their heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, known and unknown; that the same is in all respects sufficient and regular and the Court hereby approves the service by publication had upon said defendants and finds that this is a proper case in which to enter judgment and that this cause should proceed to judgment.

WHEREUPON, After hearing all of the evidence, argument of counsel and being otherwise fully advised in the premises, the Court finds that the allegations of plaintiffs' petition are true as therein set forth, and finds the issues generally in favor of the plaintiffs and against the defendants and each of them, and that judgment should be entered in accordance therewith.

The Court further finds that the plaintiffs herein are the owners of the title in fee simple to and in actual possession of the following described real estate, situated in Tulsa County, State of Oklahoma, to wit:

The Northeast Quarter of the Northeast Quarter (NE/4 NE/4);
And the West Half of the Northeast Quarter (W/2 NE/4); LESS
The West 440 feet of the North 990 feet of the NW/4 of the NE/4
of Section 21, Township 18 North, Range 14 East,

having acquired their title to said property in the following manner, to wit:

A. By allotment deed from the Muskogee (Creek) Nation to Aaron Berryhill, Creek Freedman, Roll No. 2118, dated July 27, 1903, and filed for record in the office of the County Clerk of Tulsa County, Oklahoma, in Book S at Page 172;

B. By General Warranty Deed from Aaron Berryhill and Elisa Berryhill to W. S. Fears, dated August 10, 1904, filed for record in the office of the County Clerk of Tulsa County, Oklahoma, in Book K at Page 356;

C. By General Warranty Deed from W. S. Fears and Nolie Fears, his wife, to W. G. McGechie, dated August 13, 1904, filed for record in the office of the County Clerk of Tulsa County, Oklahoma, in Book K at Page 351;

D. By General Warranty Deed from W. G. McGechie and Annie McGechie, his wife, to Herman Detmer, dated January 17, 1915, filed for record in the office of the County Clerk of Tulsa County, Oklahoma, in Book 89 at Page 486;

E. By General Warranty Deed from Herman Detmer and Elsa Detmer, his wife, to Herman Detmer and Elsa Detmer, husband and wife, dated October 23, 1957, filed for record in the office of the County Clerk of Tulsa County, Oklahoma, in Book 2822 at Page 366.

The Court further finds that the plaintiffs herein and their predecessors in title have been holding such possession and fee simple title adversely to the defendants, Aaron Berryhill, Eliza Berryhill, W. S. Fears and Nolie Fears, if living, and if deceased, their heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, known and unknown, for more than fifteen (15) years last past; that they have paid the taxes upon said property and received the income and profits therefrom during said period and that plaintiffs and their predecessors in title, as aforesaid, have been in the unmolested possession thereof during said period of time.

The Court further finds that the defendants herein, Aaron Berryhill and Eliza Berryhill, are claiming some right, title or interest in or to the real estate first hereinabove described adverse to that of the plaintiffs herein by virtue of a General Warranty Deed executed by Aaron Berryhill and Eliza Berryhill to W. S. Fears, dated August 10, 1904, filed for record in the office of the County Clerk of Tulsa County, Oklahoma, in Book K at Page 356, wherein the property described and conveyed is set forth as the West Half (W/2); And the Northeast Quarter of the Northeast Quarter (NE/4 NE/4) of Section 21, Township 18 North, Range 14 East; that said description should have read: The West of the Northeast Quarter (W/2 NE/4); And the Northeast Quarter of the Northeast Quarter (NE/4 NE/4) of Section 21, Township 18 North, Range 14 East, and that said deed should be corrected to include the proper description and convey the property sought to be conveyed thereby, and that the said Aaron Berryhill and Eliza Berryhill have no right, title, claim or interest in or to said property, and plaintiffs' title should be quieted as against said defendants, and it is so ordered.

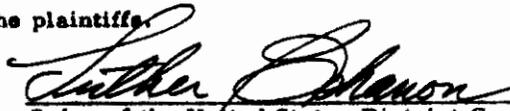
The Court further finds that the defendants, W. S. Fears and Nolie Fears, his wife, are claiming some right, title or interest in and to the real estate first

hereinabove described by virtue of a Warranty Deed from W. S. Fears and Nolie Fears, his wife, to W. G. McGechie, dated August 13, 1904, filed for record in the office of the County Clerk of Tulsa County, Oklahoma, in Book K at Page 351, wherein the description of the property sought to be conveyed was given as the West (W/2); And the Northeast Quarter of the Northeast Quarter (NE/4 NE/4) of Section 21, Township 18 North, Range 14 East, and should have read: The West Half of the Northeast Quarter (W/2 NE/4); And the Northeast Quarter of the Northeast Quarter (NE/4 NE/4) of Section 21, Township 18 North, Range 14 East. That said deed should be corrected to contain the proper description and that the defendants, W. S. Fears and Nolie Fears, his wife, have no right, title, claim or interest in or to said property and plaintiffs' title should be quieted as against said defendants, and it is so ordered.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED By the Court that the publication service had herein upon the defendants and each of them therein named, be and the same is hereby approved in all respects.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY The Court that the defendants herein, Aaron Berryhill, Eliza Berryhill, W. S. Fears and Nolie Fears, if living, and if deceased, their heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, known and unknown, and S. L. Rose and A. G. Rose and A. G. Rose as Attorney in Fact for S. L. Rose, and each of them and those claiming under by or through them or either of them, be and they are hereby perpetually barred and enjoined from claiming or asserting any right, title, claim or interest in or to the premises hereinabove first described, hostile or adverse to the title or possession of the plaintiffs herein, and that all such claims are hereby removed as clouds on the title of the plaintiffs; that the defendants and those claiming under them are hereby perpetually enjoined and forbidden from commencing any suit to disturb the plaintiffs, their heirs, executors, administrators, devisees, trustees and assigns, in their possession and title to said real estate and from setting up any claim or interest therein, adverse to the title of these plaintiffs.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED By the Court that the plaintiffs herein and their predecessors in title, as aforesaid, have been holding actual possession and fee simple title adversely to each and all of the defendants, Aaron Berryhill, Eliza Berryhill, W. S. Fears and Nolie Fears, if living, and if deceased, their heirs, executors, administrators, devisees, trustees and assigns, immediate and remote, known and unknown, for more than fifteen (15) years last past, and that by virtue thereof, the fee simple title in and to said real estate first hereinabove described is vested in the plaintiffs.

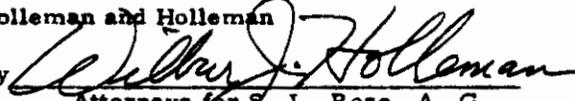


Judge of the United States District Court for
The Northern District of Oklahoma

APPROVED AS TO FORM:

Holleman and Holleman

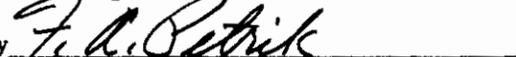
By



Attorneys for S. L. Rose, A. G.
Rose, and A. G. Rose, Attorney
In Fact for S. L. Rose

E. M. Knight and E. A. Petrik

By



Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

Civil No. 6131
Tracts Nos. 4409 & E

FILED

JUL 15 1965

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

J U D G M E N T

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

2. The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the parties and the subject matter of this action; that service of process has been perfected either personally or by publication of notice, as prescribed by Rules 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 \$4,900.00, 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 \$3,800.00 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 Wilbur F. and Jessie G. Griffith, Sellers Petroleum Company, and James A. Sellers, 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 \$4,900.00, 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 \$4,900.00, inclusive of interest, of which amount the sum of \$1,900.00 has previously been disbursed to Sellers Petroleum Company;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$1,100.00, 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.

Wilbur F. and Jessie G. Griffith, Sellers Petroleum
Company and James A. Sellers \$3,000.00

Entered *July 14, 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

FILED

JUL 16 1965

United States of America,)
)
Plaintiff,)
)
vs.)
)
1,172.85 Acres of Land, More or Less,)
Situat in Nowata & Rogers Counties,)
Oklahoma, and Will Rogers, Jr., et al,)
and Unknown Owners,)
)
Defendants.)

NOBLE C. HOOD
Clerk, U. S. District Court
CIVIL ACTION NO. 4829
Tracts Nos. B-259,
B-259E-1 thru
B-259E-8
(All interests except
oil field equipment)

J U D G M E N T

1.

NOW, on this 16 day of July, 1965, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies only to the estates condemned in the tracts enumerated in the caption above, as such estates and tracts are described in the Complaint and the Declaration of Taking filed in this action. Provided, that this judgment does not cover any oil field equipment situated in or on the subject tracts.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estates described in paragraph 2 herein. Pursuant thereto, on January 7, 1960, the United States of America filed its Declaration of Taking of such described property, and title to the described estates in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

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

7.

On the date of taking in this action, the owners of the property described in paragraph 2 were the defendants whose names are shown in paragraph 12 below. Such named defendants are the only persons asserting any interest in the subject property, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation awarded by this judgment.

8.

The owners of the subject property 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 their interest in the estates condemned in subject tracts is in the amount shown as compensation in paragraph 12 below, and such stipulation should be approved.

9.

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

10.

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

11.

It Is Further ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owners of the property described in paragraph 2 were the defendants whose names appear below in paragraph 12, and the right to just compensation for the estates taken herein in such property is vested in the parties so named.

12.

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

TRACTS NOS. B-259, B-259E-1 THROUGH B-259E-8

(Except all oil field equipment situated in or on these tracts.)

Owners:

Will Rogers, Jr.
James Rogers
Mary Rogers Brooks

Award of just compensation pursuant to stipulation -----	\$7,500 00	\$7,500 00
Deposited as estimated compensation -----	\$5,000 00	
Disbursed to owners -----		None
Balance due to owners -----		<u>\$7,500 00</u>
Deposit deficiency -----	<u>\$2,500.00</u>	

13.

It Is Further ORDERED, ADJUDGED, AND DECREED that the United States of America shall deposit in the Registry of this Court, in this Civil Action, to the credit of the subject tracts, the deficiency sum of \$2,500.00, and the Clerk of this Court then shall disburse the deposit for the subject tracts as follows:

Will Rogers, Jr. -----	\$2,500.00
James Rogers -----	\$2,500.00
Mary Rogers Brooks -----	\$2,500.00

Allen E. Darrow
UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow
HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff)
vs.)
460.46 Acres of Land, More or Less,)
Situating in Osage, Pawnee and Creek)
Counties, Oklahoma, and Robert O.)
Jordan, et al, and Unknown Owners,)
Defendants.)

Civil No. 5496
Tract No. 3303

FILED

JUL 16 1965

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

AMENDMENT TO JUDGMENT

1. On this day this cause came on for hearing upon the application of the United States of America, by its attorney, for an amendment to a Judgment entered previously herein on June 10, 1965.

2. The Court finds the Judgment entered June 10, 1965, should be amended by adding the paragraph set out below immediately after paragraph 5 in the original Judgment.

"6. The Court further finds that plaintiff and Winnie Davis Jordan, now Holroyd, and Robert O. Jordan, defendants herein, have entered into a Stipulation for Revestment which stipulation revests to these defendants certain lands described more fully therein; Such Stipulation for Revestment is incorporated herein by reference as if fully set out."

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

That the paragraph set out immediately above shall be added by amendment to the Judgment entered herein on June 10, 1965.

Entered *July 16, 1965*

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

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

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 Runningbird, et al.,)
)
Defendants.)

Civil No. 6103

FILED

JUL 16 1965

ORDER CONFIRMING REPORT OF COMMISSIONERS
AS TO TRACT NO. 2 (PS 1 - E7) **NOBLE C. HOOD**
Clerk, U. S. District Court

NOW, on this the 16 day of July, 19 65, the Court considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

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

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 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, 19 65, 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. 2 (PS 1 - R7)
(Fee Title Fe)

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

Beginning at a point in the west boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ 310 feet from the northwest corner thereof, thence in a northeasterly direction to a point 309 feet south and 431 feet west of the northeast corner of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, thence on a curve to the left with a radius of 478.34 feet a distance of 555.4 feet to a point in the east boundary of said NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ 9 feet from the northeast corner thereof, containing 3.6 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, 19 65, upon the depositing of the sum of \$ 300.00 with the registry of this Court for the lands and estates taken in and to the above described land.



U. S. District Judge

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

GRAND RIVER DAM AUTHORITY,)
a public corporation,)

Petitioner,)

vs.)

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

Defendants.)

Civil No. 6103

FILED

JUL 16 1965

NOBLE C. HOOD
Clerk, U. S. District Court
ORDER CONFIRMING REPORT OF COMMISSIONERS
AS TO TRACT NO. 3 (PS 1-R 10)

NOW, on this the 16 day of July, 19 65, the Court considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

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

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 4th day of January, 19 65 / as modified by stipulation, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 4th day of January, 19 65, as modified, is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein. The lands and/or estate taken are described as follows, to-wit:

TRACT NO. 3 (PS 1 - R 10)
(Fee Title To)

A strip of land 150 feet in width in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, T 21 N, R 21 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in said NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ 164 feet north and 32 feet west of the southeast corner thereof, said point being in the center of an existing public road, thence in a southeasterly direction on a curve to the right with a radius of 200 feet a distance of 242.6 feet to a point in said W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ 153 feet east and 689 feet north of the southwest corner thereof, thence in a southeasterly direction to a point in the south boundary of said W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ 391 feet from said southwest corner, containing 3.4 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, 19 65, upon the depositing of the sum of \$ 750.00 with the registry of this Court for the lands and estates taken in and to the above described land.

151 Allen E. Barrow

U. S. District Judge

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

FILED

JUL 16 1965

GRAND RIVER DAM AUTHORITY,)
a public corporation,)
)
Petitioner,)

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

vs.)

Civil No. 6109

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

ORDER CONFIRMING REPORT OF COMMISSIONERS
AS TO TRACT NO. 5 (323-5.2)

NOW, on this the 16 day of July, 19 65, the Court considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

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

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 4th day of January, 19 65, 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, 19 65, 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. 5 (323 - 5.2)
Perpetual Easement

A strip of land 350 feet in width in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, T 20 N, R 20 E of the Indian Base and Meridian in Mayes County, Oklahoma, the center line of which is described as follows, to-wit:

Beginning at a point in the south boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ 232 feet west of the southeast corner thereof, thence in a northeasterly direction to a point in the east boundary of said SE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ 315 feet north of the southeast corner thereof.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 12th day of January, 1965, upon the depositing of the sum of \$75.00 with the registry of this court for the lands and estates taken in and to the above described land.

154 Allen E. Barron
U. S. District Judge

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

GRAND RIVER DAM AUTHORITY,)
a public corporation,)

Petitioner,)

vs.)

10.4 Acres of land, more or less, in)
Mayer County, Oklahoma, United States of)
America, Stand Birmingham, et al.)
Defendants.)

Civil No. 6103

FILED

JUL 16 1965

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

ORDER CONFIRMING REPORT OF COMMISSIONERS
AS TO TRACT NO. 6 (323-6.3)

NOW, on this the 16 day of July, 19 65, the Court considered the application of the petitioner herein for a judgment approving the Commissioners' Report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

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

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 4th day of January, 19 65, 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, 19 65, 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. 6 (323 - 6.3)
Perpetual Easement

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

Beginning at a point in the west boundary of said $W\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ 352 feet from the southwest corner thereof, thence in a northeasterly direction to a point in the east boundary of said $W\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ 152 feet from the northeast corner thereof.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 12th day of January, 1965, upon the depositing of the sum of \$290.00 with the registry of this court for the lands and estates taken in and to the above described land.

12/ Allen E. Banour
U. S. District Judge

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

FILED

JUL 16 1965

GRAND RIVER DAM AUTHORITY,)
a public corporation,)

Petitioner,)

vs.)

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

Defendants.)

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

Civil No. 6103

ORDER CONFIRMING REPORT OF COMMISSIONERS
AS TO TRACT NO. 7 (323-6.5)

NOW, on this the 16 day of July, 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. 7 (323 - 6.5)
Perpetual Easement

A triangular piece of land in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36,
T 21 N, R 20 E of the Indian Base and Meridian, in Mayes
County, Oklahoma, described as follows, to-wit:

Beginning at the southeast corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, thence
westerly along the south boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ a
distance of 70.2 feet, thence in a northeasterly direction
to a point in the east boundary of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ 87.3 feet
from the southeast corner thereof, thence southerly along
said east boundary to the point of beginning.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 12th day of January, 1965, upon the depositing of the sum of \$50.00 with the registry of this court for the lands and estates taken in and to the above described land.

15/ Allen E. Danner
U. S. District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
vs.
230.87 Acres of Land, More or Less,
Situate in Creek County, Oklahoma,
and General American Oil Company of
Texas, et al, and Unknown Owners,
Defendants.

Plaintiff,

Civil No. 6136

Tract No. 4338E

FILED

JUL 16 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 tract.

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

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

4. The Court finds the amount of \$7,200.00, inclusive of interest, is just compensation for the taking of the estates 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 \$7,200.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and General American Oil Company entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by

the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$6,000.00 for its interest, inclusive of interest, would be awarded as just compensation for the taking of the estate to be condemned in the above tract; that the contract and agreement is a valid one.

6. The Court finds that plaintiff and Searcy B. Howard Estate by Dan O. Howard and Robert B. Howard, executors; Gladys W. Howard, Charles A. Greene, Fred L. Greene, Mrs. Lewis C. Hakes, and Mrs. Charles N. Walker by their attorney, Charles Ellis; Charles E. Logan, sole devisee of Lura B. Kimmel; and O. R. Cree and G. B. Cree Estate, sole devisee of J. W. Cree Estate, by O. R. Cree and G. B. Cree, Jr., Executor of Estate of G. B. Cree, deceased; defendants herein, have by the stipulations 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 \$825.00, inclusive of interest.

7. The Court finds that defendants Howard J. Whitehill; Juliann W. Funke; Helen W. Kenyon; Robert F. Fitzgerald; Dr. Louis C. Murray; Joseph I. Fogelson; C. S. Kornegay; Jeanett Kornegay; Wade H. Kornegay, Jr.; and Fay Louise Confer; Gladys Clark Stephens; Robert Edward Rankin; and Carey & Company, a Co-Partnership, have failed to appear or answer nor have their attorneys appeared or answered in their behalf, and that said parties defendant are in default at this time.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$7,200.00, inclusive of interest, of which amount the following has previously been disbursed:

Searcy B. Howard Estate	\$100.00
Gladys W. Howard	100.00
Charles A. Greene	100.00
Fred L. Greene	100.00
Mrs. Lewis C. Hakes	100.00
Mrs. Charles N. Walker	100.00
Charles E. Logan, sole devisee of Lura B. Kimmel	37.50
Gladys Clark Stephens	37.50
O. R. Cree and G. B. Cree, Jr., Executor of the Estate of G. B. Cree, deceased.	<u>187.50</u>
Total	\$862.50

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

General American Oil Company	\$6,000.00
Howard J. Whitehill	37.50
Juliann W. Funke	37.50
Helen W. Kenyon	37.50
Robert F. Fitzgerald	12.50
Dr. Louis C. Murray	12.50
C. S. Kornegay, Jeanette Kornegay, Wade H. Kornegay, Jr. and Fay Louise Confer	50.00
Robert Edward Rankin	12.50
Carey & Company, a Co-Partnership	37.50
Total	<u>\$6,237.50</u>

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

Joseph I. Fogelson \$100.00

Entered *July 16, 1965*

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

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

SPRINGFIELD INSURANCE COMPANY,)
)
) Plaintiff,)
)
 vs.)
)
) ROBERT G. FRY,)
)
) Defendant.)

No. 6146
FILED

JUL 16 1965 *h*

JUDGMENT

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

On this 16th day of July, 1965, this cause is tried on the stipulation of facts dated July 6, 1965 filed herein; the Court finds said facts are true, and

IT IS ADJUDGED that Plaintiff, Springfield Insurance Company, have and recover of Defendant, Robert G. Fry, the sum of \$24,000.00 with interest at 6% from this date until paid and its costs, for which let execution issue.

Allen E. Barrow

Judge of the United States District Court

O.K.

F. D. Hettlinger

OF BOESCHE, McDERMOTT & ESKRIDGE
Attorneys for Plaintiff

Irvine E. Ungelman

OF UNGERMAN, GRABEL, UNGERMAN &
LEITER, Attorneys for Defendant

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

GRAND RIVER DAM AUTHORITY,)
a public corporation,)
)
Petitioner,)
)
vs.)
)
7 Tracts of Land, Containing)
73.6 Acres of Land, more or less,)
in Mayes County, Oklahoma, United)
States of America, Dick Littlepage,)
et al., Defendants.)

Civil No. 5960

FILED

JUL 19 1965

ORDER CONFIRMING REPORT OF COMMISSIONERS **NOBLE C. HOOD**
AS TO TRACT NO. 1 (PS 1-4) Clerk, U. S. District Court

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

The Court finds that:

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

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 23rd day of July, 19 64, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 23rd day of July, 19 64, 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 1-4)
Fee Title

The following described land situated in Mayes County, Oklahoma, to-wit:
The $\frac{N\frac{1}{2}}$ $\frac{NE\frac{1}{4}}$ $\frac{SW\frac{1}{4}}$ in Section 31, T 21 N, R 21 E of the Indian Base and Meridian, containing 20.0 acres.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 3rd day of August, 1964, upon the depositing of the sum of \$ 3,200.00 with the registry of this Court for the lands and estates taken in and to the above described land.

(s) Luther Bohannon

U. S. District Judge

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

GRAND RIVER DAM AUTHORITY,)
a public corporation,)

Petitioner,)

vs.)

Civil No. 5960

7 Tracts of Land, Containing)
73.6 Acres of Land, more or less,)
in Mayes County, Oklahoma, United)
States of America, Dick Littlepage,)
et al., Defendants.)

FILED

JUL 19 1965

ORDER CONFIRMING REPORT OF COMMISSIONERS NOBLE C. HOOD
AS TO TRACT NO. 2 (PS 1 - 22) Clerk, U. S. District Court

NOW, on this the 19th day of July, 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 23rd day of July, 1964, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 23rd day of July, 1964, is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein.

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

Tract No. 2 (PS 1-22)

Fee Title

The following described land situated in Mayes County, Oklahoma, to-wit:
The SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ in Section 5, T 20 N, R 21 E of the Indian Base and Meridian, containing 10.0 acres.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 5th day of August, 1964, upon the depositing of the sum of \$ 250.00 with the registry of this Court for the lands and estates taken in and to the above described land.



U. S. District Judge

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

GRAND RIVER DAM AUTHORITY,)
a public corporation,)
)
Petitioner,)

vs.)

7 Tracts of Land, Containing)
73.6 Acres of Land, more or less,)
in Mayes County, Oklahoma, United)
States of America, Dick Littlepage,)
et al.)
Defendants.)

Civil No. 5960

FILED

JUL 19 1965

ORDER CONFIRMING REPORT OF COMMISSIONERS
AS TO TRACT NO. 3 (PS 1-23)

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

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

The Court finds that:

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

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 23rd day of July, 19 64, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 23rd day of July, 19 64, 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.

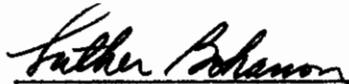
The lands and/or estate taken are described as follows, to-wit:

Tract No. 3 (PS 1-23)
Fee Title

The following described land situated in Mayes County, Oklahoma, to-wit:
The NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ in Section 5, T 20 N, R 21 E of the Indian Base and Meridian, containing 10.0 acres.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 5th day of August, 1964, upon the depositing of the sum of \$ 250.00 with the registry of this Court for the lands and estates taken in and to the above described land.



U. S. District Judge

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

GRAND RIVER DAM AUTHORITY,)
a public corporation,)

Petitioner,)

vs.)

Civil No. 5960

7 Tracts of Land, Containing)
73.6 Acres of Land, more or)
less in Mayes County, Oklahoma,)
LittleDave, et al., Defendants.)

FILED

JUL 19 1965

ORDER CONFIRMING REPORT OF COMMISSIONERS NOBLE C. HOOD
AS TO TRACT NO. 4 (PS1-28) Clerk, U. S. District Court

NOW, on this the 19th day of July, 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 23rd day of July, 1964, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 23rd day of July, 1964, is final and the award as set out and fixed in said report is full and just compensation for the taking of the lands and/or estate therein.

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

Tract No. 4 (PS1-28)

Fee Title

The following described land situated in Mayes County, Oklahoma, to-wit: The E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ in Section 6, T 20 N, R 21 E of the Indian Base and Meridian, containing 20.0 acres.

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

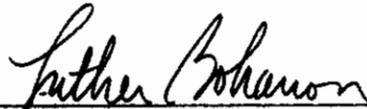
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate in all of the above designated and described real estate, as described in the petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 5th day of August, 19 64, upon the depositing of the sum of \$ 4,050.00 with the registry of this Court for the lands and estates taken in and to the above described land.



U. S. District Judge

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 5th day of August, 1964, upon the depositing of the sum of \$ 350.00 with the registry of this Court for the lands and estates taken in and to the above described land.



U. S. District Judge

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

GRAND RIVER DAM AUTHORITY,)
a public corporation,)

Petitioner,)

^{VS}
7 Tracts of Land, Containing 73.6 Acres)
of Land, more or less, in Mayes County,)
Oklahoma, Littlehale, et al.)

Civil No. 5960

Defendants.)

FILED

JUL 19 1965

ORDER CONFIRMING REPORT OF COMMISSIONERS **NOBLE C. HOOD**
AS TO TRACT NO. 6 (GR-41) Clerk, U. S. District Court

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

The Court finds that:

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

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 23rd day of July, 19 64, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 23rd day of July, 19 64, 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. 6 (CR - 41)

Fee Title

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

All that part of the $SE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$ and the $NE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$ described as follows: Beginning at a point in the West boundary of said $SE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$ 277 feet South of the Northwest corner thereof, thence in a Northeasterly direction to a point 210.6 feet East and 165 feet South of said Northwest corner, thence Easterly parallel to the North boundary of said $SE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$ to a point 250 feet West of the East boundary thereof, thence in a Northeasterly direction to a point in the East boundary of said $NE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$ 396 feet South of the Northeast corner thereof, thence Northerly along said East boundary a distance of 66 feet, thence Westerly parallel to the North boundary of said $NE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$ a distance of 330 feet, thence in a southwesterly direction to a point in said $SE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$ 238 feet East and 76.3 feet South of the Northwest corner thereof, thence in a Southwesterly direction to a point in the West boundary of said $SE\frac{1}{4} SW\frac{1}{4} NW\frac{1}{4}$ 202.2 feet South of the Northwest corner thereof, thence Southerly along said West boundary to the point of beginning in Section 36, T 21 N, R 20 E of the Indian Base and Meridian, containing 3.6 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 5th day of August, 1964, upon the depositing of the sum of \$ 270.00 with the registry of this Court for the lands and estates taken in and to the above described land.



U. S. District Judge

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

GRAND RIVER DAM AUTHORITY,
a public corporation,

Petitioner,

vs.

7 Tracts of Land, Containing
73.6 Acres of Land, more or less,
in Hayes County, Oklahoma, United
States of America, Dick Littlepage,
et al.,
Defendants.

Civil No. 5960

FILED

JUL 19 1965

ORDER CONFIRMING REPORT OF COMMISSIONERS

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

NOW, on this the 19th day of July, 19 65, the Court

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

The Court finds that:

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

2. That more than sixty (60) days have elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that said Report of Commissioners filed herein on the 23rd day of July, 19 64, should be confirmed and approved in every respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on the 23rd day of July, 19 64, 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.

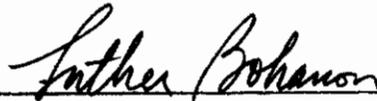
The lands and/or estate taken are described as follows, to-wit:

Tract No. 7 (5 NW 47 - 31 FE)
Perpetual Easement

The following described land situated in Hayes County, Oklahoma, to-wit:
Lots 1, 2, 3 and 4 of Block 4 in the Town of Strong, according to the recorded plat thereof, together with those parts of the streets and alley adjacent thereto and incident to the ownership thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken is the entire and unencumbered fee simple title to the lands designated as "fee title"; that the estate taken in and to the lands designated as "perpetual easement" is 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 5th day of August, 19 64, upon the depositing of the sum of \$ 200.00 with the registry of this Court for the lands and estates taken in and to the above described land.



U. S. District Judge

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

85.11 Acres of Land, more
or less, situated in France
County, Oklahoma; and W. L.
NEED, also known as WILLIAM
LOWERY NEED, and ANNEA JEAN
NEED, his wife; DOUGLAS L.
NEED, JR.; MARICIA ANN NEED;
JACK NEED; IVA NEED; JEROME
BRINCKER DAILY, also known as
JEROME BRINCKER DAILY, and
PAT DAILY, her husband, et
al., and Unknown Owners,

Defendants.

No. 6046-Civil

Tracts Nos 3738,
E-3, E-4, E-5

FILED

JUL 19 1965

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

JUDGMENT

In accordance with and based upon the Opinion filed
herein on this date,

IT IS THE JUDGMENT AND DECREE OF THIS COURT that the
defendants do have and recover of and from the plaintiff,
United States of America, the sum of Sixty Thousand Dollars
(\$60,000.00), with interest thereon at the rate of six per cent
per annum from October 30, 1964, to be divided among said
defendants as their respective interests appear.

DATED this 16 day of July, 1965.

151 Luther Bohannon
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,)
)
vs.)
)
600.26 Acres of Land, More or Less,)
Situat e in Rogers and Nowata Counties,)
Oklahoma, and Fred Berger, et al,)
and Unknown Owners,)
)
Defendants.)

CIVIL ACTION NO. 4758

Tract No. E-505

FILED

JUL 21 1965

J U D G M E N T

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

1.

NOW, on this 21 day of July, 1965, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on stipulations agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This Judgment applies only to the estate condemned in Tract No. E-505, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on August 14, 1959, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

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

7.

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

8.

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

9.

A deficiency exists between the amount deposited as estimated compensation, and the amount of such deficiency should be deposited for the benefit of the owners. Such deficiency is set out in paragraph 12 below.

10.

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

11.

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

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

12.

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

TRACT NO. E-505

Owners:

Bertha E. Gaston ----- 1/4
 (As only heir of L. G. Thomason, deceased)
 Fred Barger ----- 1/2
 George Beecroft ----- 1/4

Award of just compensation for all interests pursuant to stipulations ----- \$977.50

Allocation of award, deposit and disbursals:

	: Gaston :	: Barger :	: Beecroft:	
	: Interest:	: Interest:	: Interest:	
Share of award per stipulation -----	\$238.75	\$500.00	\$238.75	
Deposited as estimated compensation-----				\$955.00
Disbursed to owners-----	\$238.75	\$462.50	\$231.25	
Balance due to owners ---	None	\$ 37.50	\$ 7.50	
Deposit deficiency -----				\$ 22.50

13.

It Is Further ORDERED, ADJUDGED, AND DECREED that the United States of America shall deposit in the Registry of this Court, in this Civil Action, to the credit of Tract No. E-505, the deficiency sum of \$22.50, and the Clerk of this Court then shall disburse from the deposit for the subject tract certain sums as follows:

To Fred Barger ----- \$37.50

To George Beecroft ----- \$ 7.50

APPROVED:

St. Allen B. Bassett
 UNITED STATES DISTRICT JUDGE

Hubert A. Marlow
 HUBERT A. MARLOW
 Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)	
	Plaintiff,)
vs.)	Civil No. 5764
)	
2,363.19 Acres of Land, More or Less,)	Tract No. 1920-4M
Situate in Osage County, Oklahoma,)	
and Osage Tribe of Indians, et al,)	FILED
and Unknown Owners,)	
)	
	Defendants.)
		JUL 21 1965

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 a Partial Judgment determining the ownership and the just compensation to be awarded the owners of the Gas lessee interest in the above case.

2. The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the parties and the subject matter of this action; that service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties having compensable interests in the gas 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 gas lessee interest on the date of taking and is entitled to receive the award therefor.

4. The Court finds that plaintiff and Kerr-McGee Oil Industries, Inc., defendant herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the gas lessee interest taken in the above tract is the sum of \$2.50, inclusive of interest.

5. The Court finds the amount of \$2.50, inclusive of interest, is just compensation for the taking of the gas lessee estate by the plaintiff in the above tract, as such estate and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause.

The sum of ^{2.50}~~\$2.50~~ was deposited into the Registry of this Court as estimated just compensation for said gas lessee interest upon the filing of the Declaration of Taking herein.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above gas lessee interest is the sum of \$2.50, 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:

Kerr-McGee Oil Industries, Inc. - - - - - \$2.50

(d) There exists a \$2.50 surplus in the deposit for this tract resulting from the final award being less than the estimated just compensation. The Clerk of this Court is hereby authorized and directed to draw a check on the funds in the Registry of this Court in the amount of \$2.50, payable to the order of the Treasurer of the United States and to mail the check to said payee.

Entered: 11 1957

/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.

SHANGRI-LA RECREATIONAL
COMPLEX, INC., et al,

Defendants.

Civil Action No. 6215

FILED

JUL 21 1965

PRELIMINARY INJUNCTION

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

WHEREAS:

A. The Plaintiff herein moved for a preliminary injunction and caused due notice thereof to be given to all defendants herein.

B. On the 19th day of July, 1965, a hearing was held before the undersigned District Judge, at which the following parties appeared in person or by counsel:

<u>PARTY</u>	<u>REPRESENTED BY</u>
United States of America	Sam E. Taylor Assistant U. S. Attorney for the Northern District of Oklahoma
H. D. Youngman, Contractor, Inc.	Richard Helm

C. The Court has considered the motion and supporting Affidavit, the complaint, and the documents submitted by other parties, as well as the oral arguments.

D. The issuance of a preliminary injunction is necessary to keep the property a going business and to protect it from irreparable loss which would result from indiscriminate removal of furniture, fixtures and equipment.

E. The issuance of a preliminary injunction will serve and protect the best interests of all parties.

NOW THEREFORE, it is ordered, adjudged and decreed that:

1. The real and personal property operated as a motel and recreational area by defendant Shangri-La Recreational Complex, Inc. on the following premises:

The Northeast Quarter (NE¹/₄) of the Southwest Quarter (SW¹/₄), less 18.2 acres taken by the G.R.D.A.; East one-half (E¹/₂) of the Northwest Quarter (NW¹/₄) of the Southwest Quarter (SW¹/₄) less Nine (9) acres taken by the G.R.D.A.; all in Section Fifteen (15), Township Twenty-four North (Twp. 24 N.), Range Twenty-three East (R 23 E) of the Indian Meridian, Delaware County, Oklahoma, containing 32.8 acres more or less;

is hereby declared to be under the protection of this Court until further notice.

2. All parties to this action, allegants, servants, and employees of such parties, and all persons acting in concert or participation with such parties, are hereby forbidden, from and after their receiving notice hereof, to remove from said premises any real or personal property or to exercise any powers of sale with respect to such property or to commence any action seeking to obtain title to or possession of, or foreclosure upon, said property; and all such persons are further forbidden to interfere with the ordinary, regular operation of the business on said premises.

Provided, however, that this injunction does not forbid any guest of the motel, any customer of the facilities, or any employee of the business, from taking away his or her own luggage, personal effects and automobile or other vehicle.

3. Any person who claims any right, title, interest or lien in, to or on any real or personal property upon the above-described premises is hereby permitted and invited to intervene in these proceedings, become a party herein, and assert any claim to such right,

title, interest, or lien. Such claims must be filed with the Clerk of this Court not later than 5:00 p.m. on the 7th day of August, 1965.

4. The United States Marshal is hereby directed:

- (a) To serve copies of this injunction forthwith upon all parties to this action or upon their counsel of record, if any.
- (b) To record a copy of this injunction in the office of the County Clerk of Delaware County, Oklahoma.
- (c) To place signs of appropriate size and prominence at all entrances to the above-described premises, reading as follows:

COURT ORDER

This property is under the protection of the United States District Court. It is forbidden to remove furniture, fixtures, equipment and the like from these premises. Violators of this order will be punished for contempt of court.

UNITED STATES MARSHAL

- (d) To insert copies of this injunction, or an appropriate summary thereof, in one newspaper of general circulation in the City of Tulsa, Oklahoma, and one newspaper of general circulation in Oklahoma City, Oklahoma, and one newspaper of general circulation in Delaware County, Oklahoma. There shall be two such advertisements in each such newspaper in consecutive issues.
- (e) To cause the expense of such signs, recording and advertisements to be taxed as costs of this litigation.

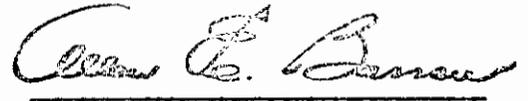
5. Since this injunction is issued upon motion of the United States, no bond is required.

6. Jurisdiction is reserved to amend and supplement this injunction as circumstances may require.

7. Recitals A to E hereof shall be deemed Findings of Fact by this Court. Paragraphs 1, 2, 3 and 5 hereof shall be deemed Conclusions of Law by this Court.

8. This injunction shall be effective, as to every person restrained by it, from the time of notice hereof to such person.

So ORDERED, this 21 day of July 1965.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.)
491.80 Acres of Land, More or Less,)
Situat e in Creek and Pawnee Counties,)
Oklahoma, and Albert E. Findley, et al,)
and Unknown Owners,)
Defendants.)

Civil No. 5999 ✓

Tract No. 4229

FILED

JUL 22 1965

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

J U D G M E N T

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

2. The Court finds that the Declaration of Taking and Complaint were duly filed and that the Court has jurisdiction of the parties and the subject matter of this action; that service of process has been perfected either personally or by publication of notice, as prescribed by Rule 71A of the Federal Rules of Civil Procedure, on all parties having compensable interests in the subject 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 tract on the date of taking, and are entitled to receive the award therefor.

4. The Court finds the amount of \$6,477.55, inclusive of interest, is just compensation for the taking of the estate by the plaintiff in the above tract, as such estate and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$6,400.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and Joe Quick, Allie Crow, Cora Huddleston, Juanita Martin, Zela May, E. E. Thompson, Big Four Petroleum Company, Davis Coin Sellers, Jr., Maude D. Sellers, Janice Margaret Crouch,

and Miriam Amanda Lapham, entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$5,759.99 for their interests, inclusive of interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tract; that the contract and agreement is a valid one.

6. The Court finds that plaintiff and Sellers Petroleum Company, William Charles Sellers, Jack Barton Sellers, and James Austin Sellers, 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 \$557.56 for their interests, inclusive of interest.

7. The Court finds that defendants Charles Quick Estate and George Quick Estate have failed to appear or answer nor have their attorneys appeared or answered in their behalf, and that said parties defendant are in default at this time.

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

(a) The vesting in plaintiff of title to the estates set forth in the Complaint and Declaration of Taking in and to the lands hereinabove referred to, as said 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 \$6,477.55, inclusive of interest, of which amount the following sums have been disbursed:

Juanita Martin	\$720.00
Zela May	<u>720.00</u>
Total	\$1,440.00

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$77.55, 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.

Charles Quick Estate	\$ 80.00
Joe Quick	160.00
Allie Crow	80.00

Cora Huddleston	\$ 80.00
George Quick Estate	80.00
E. E. Thompson	746.66
Big Four Petroleum Company	2,986.66
Sellers Petroleum Company	440.00
Davis Coin Sellers, Jr.,	35.56
Maude D. Sellers	159.99
Janice Margaret Crouch	35.56
Miriam Amanda Lapham	35.56
William Charles Sellers	35.56
Jack Barton Sellers	41.00
James Austin Sellers	<u>41.00</u>
Total	\$5,037.55

Entered *July 21, 1955*

/s/ Allen E. Barrow
 UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
 Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,
vs.
1.36 Acres of Land, More or Less,
Situate in Mayes County, Oklahoma,
and Elizabeth Hammons, et al, and
Unknown Owners,
Defendants.

CIVIL ACTION NO. 4998
Tracts Nos. 1971E and
1967E

FILED

JUL 23 1965

ORDER SETTING ASIDE JUDGMENT

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

NOW, on this 23rd day of July, 1965, this matter came on for hearing before the Honorable Allen E. Barrow, on the objections of Earl Guynn and Vera Lee Guynn to the Report of Commissioners filed herein on December 21, 1964. Mr. Guynn appeared in person. The United States of America appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District Of Oklahoma. After hearing the statements of Mr. Guynn and counsel for the Government, the Court finds that:

1. At the trial before the Commissioners concerning Tract No. 1971E Mr Guynn contended that much loss in value of his property was caused by the imposition of a flowage easement on the road to his property, but the Commissioners rejected this contention and did not include in their report any compensation for such claimed loss.
2. The road to the Guynn property, is situated on Tract No. 1967E, also included in this civil action. Tract No. 1967E was owned of record by Elizabeth Hammons, but Earl Guynn and Vera Lee Guynn own a vested interest in the road situated on such tract.
3. A Stipulation As To Just Compensation for the flowage easement imposed upon Tract No. 1967E was executed by the Government and Elizabeth Hammons and filed herein. A judgment based on such stipulation was filed herein on December 11, 1962, decreeing Elizabeth Hammons to be the sole owner of this tract and ordering that the entire award of just compensation for such tract be paid

to her. The award for this tract has been paid in full to Elizabeth Hammons.

4. Earl Gynn and Vera Lee Gynn were not parties to the Stipulation as to Tract No. 1967E and had no notice of the entry of judgment in regard to such tract.

In view of the foregoing circumstances the Court concludes that the above-described judgment, with reference to Tract No. 1967E, should be set aside and a new hearing held to determine the issue of just compensation after due notice to all of the persons having an interest in such property. For the reasons set forth in the Order Appointing Commissioners for Tract No. 1971E the Court concludes that Commissioners should be appointed to try the issue of just compensation for Tract No. 1967E. The Court further concludes that no decision on the Objections to the Commissioners' Report on Tract No. 1971E should be made until after the hearing on Tract No. 1967E.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the Judgment with reference to Tract No. 1967E filed herein on December 11, 1962 is hereby held invalid and set aside in its entirety.

It Is Further ORDERED that the Commissioners who tried Tract No. 1971E, to-wit: Frank Settle, Frank Conkwright and Vol L. Boswell, hereby are appointed as Commissioners to hear evidence, view the property, and do all lawful things necessary to determine the just compensation for the estate taken in Tract No. 1967E. For their services in this connection the Commissioners shall receive compensation at the rate of \$100 per day for each, plus mileage for all miles actually travelled in their own automobiles at the rate of \$0.08 per mile. Complete instructions to the Commissioners in regard to this matter will be furnished them in a separate instrument.

It Is Further ORDERED that the hearing on the Gynn Objections to the Commissioners' Report on Tract No. 1971E be continued pending conclusion of the hearing on Tract No. 1967E.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

Approved as to form:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Libelant,

vs.

Civil No. 6218

18 Cases, more or less, each containing
50 cartons, each carton containing 30
bags of 10 pieces each, of an article
labeled in part: (carton) "I.C.C. Class
C Common Fireworks Cracker Ball Do
Not put in mouth 30 Bags X 10 Pcs. ***
Made in Taiwan Republic of China;"
(bag) "*** Cracker Ball Made in Taiwan
10 Pcs. Do not put in Mouth,

Claimant.

FILED

JUL 23 1965

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

DEFAULT DECREE

This matter coming on before me, this 23 day of July, 1965, and the plaintiff, United States of America, appearing by and through Lawrence A. McSoud, Assistant United States Attorney for the Northern District of Oklahoma and the claimant, American Fireworks, 2412 Mohawk Boulevard, Tulsa, Oklahoma, appearing neither in person nor by counsel; and

It appearing the monition and summons in this action were served on the claimant on June 18, 1965, by serving Ted Machler, owner of American Fireworks, claimant herein, as appears on the Marshal's return of service of said summons; that the time within which the defendant may answer or otherwise move has expired; that the claimant has not answered or otherwise moved and that the time for claimant to answer or otherwise move has not been extended; and

It further appearing, as evidenced by the affidavit of the plaintiff, that the claimant Ted Machler, owner of American Fireworks, is neither an infant nor incompetent person, and that the claimant is not in the military service of the United States; and

It appearing to the court, after having examined the libel of information and monition heretofore filed in this cause, that the various articles of hazardous substance made the subject matter of the libel of information are misbranded as set forth in the libel of information and are therefore subject to destruction pursuant to the provisions of Title 15, U.S.C., Section 1265.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that all of the various articles of hazardous substance seized and held by the United States Marshal for the Northern District of Oklahoma be and they are hereby ordered condemned and destroyed by the United States Marshal.



UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Libelant,

vs.

Civil No. 6222

147 cases, more or less, each containing 50 cartons, each carton containing 30 bags of 10 pieces each; 79 cases, more or less, each containing 50 cartons, each carton containing 12 bags of 25 pieces each; 10 cases, more or less, each containing 50 cartons, each carton containing 12 bags of 25 pieces each; 6 cases, more or less, each containing 50 cartons, each carton containing 30 bags of 10 pieces each; 50 cases, more or less, each containing 50 cartons, each carton containing 10 bags of 30 pieces each, of an article labeled in part: (carton) "TX Ball Type Cap Do not put in mouth *** I.C.C. Class C. Common Fireworks Made in Japan; (bag) "I.C.C. Class C. Common Fire Works Japan Ball Type Cap,"

Claimant.

FILED

JUL 23 1965

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

DEFAULT DECREE

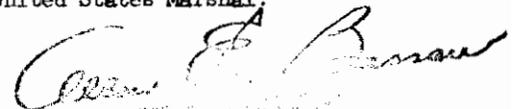
This matter coming on before me, this 23 day of July, 1965, and the plaintiff, United States of America, appearing by and through Lawrence A. McSoud, Assistant United States Attorney for the Northern District of Oklahoma, and the claimants, Southwest Fireworks Company, 4325 East Apache, Tulsa, Oklahoma, and Staiger Fireworks Company, 5051 South Yale, Tulsa, Oklahoma, appearing neither in person nor by counsel; and

It appearing the motion and summons in this action were served on the claimant, Southwest Fireworks Company, by serving C. V. Stoughton, owner, on June 24, 1965, as appears on the Marshal's return of service of said summons; that motion and summons in this action were served on the claimant, Staiger Fireworks Company, by serving Mr. Jack Staiger, owner, on June 24, 1965, as appears on the Marshal's return of service of said summons; that the time within which the defendants may answer or otherwise move has expired; that the claimants have not answered or otherwise moved and that the time for said claimants to answer or otherwise move has not been extended; and

It further appearing, as evidenced by the affidavit of the plaintiff, that the claimants, C. V. Stoughton, owner of Southwest Fireworks Company, and Jack Staiger, owner of Staiger Fireworks Company, are neither infants nor incompetent persons, and that the claimants are not in the military service of the United States; and

It appearing to the court, after having examined the libel of information and motion heretofore filed in this cause, that the various articles of hazardous substance made the subject matter of the libel of information are misbranded as set forth in the libel of information and are therefore subject to destruction pursuant to the provisions of Title 15, U.S.C., Section 1265.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that all of the various articles of hazardous substance seized and held by the United States Marshal for the Northern District of Oklahoma be and they are hereby ordered condemned and destroyed by the United States Marshal.


UNITED STATES DISTRICT JUDGE

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

STICKLE DRILLING COMPANY,
Plaintiff,
vs.
GEORGE W. CARLSON,
Defendant.

Civil Action No. 6072

FILED

JUL 28 1965

O R D E R

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

The parties having settled this action and having entered into a stipulation that the plaintiff's complaint and the defendant's counterclaim shall be dismissed with prejudice.

IT IS ORDERED BY THE COURT that the plaintiff's complaint and the defendant's counterclaim are each dismissed with prejudice, each party paying their own costs.

Eugene Johnson
United States District Judge

JOHN W. BROWN, Plaintiff,
vs.
THE UNITED STATES, Defendant.

Case No. 65-1000
U. S. District Court
San Francisco, California

FILED

JUL 29 1965

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

Whereas Plaintiff and Defendant have entered into stipulation
that this cause shall be dismissed with prejudice to the extent
of the stipulation and defendant.

IT IS THEREBY ORDERED that this cause be dismissed with
prejudice, and it is hereby so ordered.

By _____
Clerk of Court

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUL 30 1965

United States of America,

Plaintiff,

vs.

274.85 Acres of Land, More or Less,
Situate in Rogers County, Oklahoma,
and McAlester Fuel Company, et al,
and Unknown Owners,

Defendants.

NOBLE C. HOOD
Clerk, U. S. District Court
CIVIL ACTION NO. 5114Tract No. 4636H - 1/2 of Lessor
Interest Only.E-513 - Entire Lessor
Interest Only.E-514 - Entire Lessor
Interest Only.4731-C - 1/4 of Lessor
Interest Only.J U D G M E N T

1.

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

2.

This Judgment applies only to 1/2 of the lessor interest in the estate taken in Tract No. 4636-H, the entire lessor interests in the estates taken in Tracts Nos. E-513 and E-514 and 1/4 of the lessor interest in the estate taken in Tract No. 4731-C, as such estates and tracts are described in the Complaint and the Declaration of Taking and the Amendments thereto, filed in Civil Action No. 5114.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power and authority to condemn for public use the estates described in paragraph 2 herein. Pursuant thereto, on January 31, 1961, the United States of America filed its Declaration of Taking of such described property and on September 5, 1961, filed an Amendment

to such Declaration of Taking, and title to the described estates in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

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

7.

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

8.

The owners of the subject property and the United States of America have executed and filed herein Stipulations as to Just Compensation, wherein they have agreed that just compensation for the various interests described in paragraph 2 herein is in the amount shown as compensation in paragraph 11, and such Stipulations should be approved.

9.

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

10.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the property which is the subject of this Judgment were the persons whose names appear below in paragraph 11, and the right to just compensation for the interests taken herein in these tracts is vested in the parties so named, as their respective interests appear therein.

11.

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

1/2 of Lessor Interest Only in Tract No. 4636-H

Owner:

Bank of Chelsea

Award of just compensation pursuant to Stipulation -----	\$397.00	\$ 397.00
Deposited as estimated compensation -----	<u>\$397.00</u>	
Disbursed to owner -----		<u>\$ 397.00</u>

Entire Lessor Interest Only in Tract No. E-513

Owners:

James F. Collins ----- 3/4

The Prospect Company ----- 1/4

Award of just compensation pursuant to Stipulation -----	\$794.00	\$ 794.00
Deposited as estimated compensation -----	<u>\$794.00</u>	
Disbursed to owners -----		<u>\$ 794.00</u>

Entire Lessor Interest Only in Tract No. E-514

Owners:

Harold Levine ----- 1/2

Joe Levine ----- 1/2

(As heirs of Mamie Levine, deceased,
heir of N. Levine, deceased)

Award of just compensation pursuant to Stipulation -----	\$2,056.00	\$2,056.00
Deposited as estimated compensation -----	<u>\$2,056.00</u>	
Disbursed to owners -----		<u>\$2,056.00</u>

1/4 of Lessor Interest Only in Tract No. 4731-C

Owners:

Sadye T. King ----- 1/8

Clyde T. Stapler ----- 1/8

Award of just compensation
pursuant to Stipulation ----- \$297.75 \$297.75

Deposited as estimated compensation ----- \$297.75

Disbursed to owners ----- \$297.75

UNITED STATES DISTRICT JUDGE

APPROVED:

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

Civil No. 5709 ✓

Tract Nos. 3606,

FILED

JUL 30 1965

J U D G M E N T

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

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

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

3. The Court finds, upon the evidence presented, that the below-listed defendant was the sole owner of the above-captioned tracts on the date of taking and is entitled to receive the award therefor.

4. The Court finds the amount of \$2,500.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$1,375.00 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 Stephen C. Daniels, defendant herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tracts is the sum of \$2,500.00, 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 tracts are described therein, is hereby confirmed;

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$2,500.00, inclusive of interest, of which amount \$1,375.00 has previously been disbursed to Stephen C. Daniels;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$1,125.00, 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:

Stephen C. Daniels - - - - - \$1,125.00

Entered: JUL 29 1965

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hugh V. Schaefer

HUGH V. SCHAEFER
Assistant U. S. Attorney

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

EVELYN HINKLE,)
)
Plaintiff,)
)
vs.)
)
MARCUS L. HAMPTON and)
WILLIAM B. HINKLE,)
)
Defendants.)

FILED
Civil No. 6190

JUL 30 1965

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

ORDER REMANDING SUIT TO STATE COURT

The motion of plaintiff to remand this suit to the District Court of Tulsa County, Oklahoma, coming on for hearing this 23rd day of July, 1965, pursuant to regular setting, and the Court having heard the argument of counsel, and being fully advised, upon consideration finds that said motion should be sustained.

IT IS THEREFORE ORDERED that the motion of the plaintiff to remand this case to the District Court of Tulsa County, Oklahoma, be, and the same is hereby, granted, and this cause be and the same is hereby remanded to the District Court of Tulsa County, Oklahoma, for further proceedings.


JUDGE of the UNITED STATES DISTRICT
COURT.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Larry Alan Harper,
Petitioner,
vs.
United States of America,
Respondent.

Civil No. 6212

FILED

JUL 30 1965

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

ORDER

This matter coming on before me, the undersigned Judge, this 30th day of July, 1965, upon the motion pursuant to 28 U.S.C. 2255 filed herein by Larry Alan Harper, and the petitioner appearing through his court appointed counsel, Kenneth L. Stainer and John Harlin, and respondent appearing by Lawrence A. McSoud, Assistant United States Attorney, and the court having carefully considered said motion and the files and the records in this case and Criminal Case No. 14089 in this court, and being fully advised in the premises finds:

That on or about the 24th day of March, 1964, the petitioner herein was sentenced upon his plea of guilty to the custody of the Attorney General under the provisions of the Youth Corrections Act. That thereafter, on or about the 15th day of June, 1965, the petitioner filed his present motion in this court. From a review of the petitioner's motion it appears that he complains as follows:

1.

That this sentence should be vacated under 28 U.S.C. 2255 on the grounds that he was not informed at his arraignment or at the time the plea was taken that he could be subject to sentence and confinement under the Federal Youth Corrections Act.

2.

The imposed sentence provided for a commitment for a period which is in excess of the maximum sentence provided by the statute violated, being 18 U.S.C. 2312, which provides for a fine of not more than \$5,000 and/or imprisonment for not more than 5 years.

3.

That the sentence imposed has a definite maximum expiration date and

therefore petitioner should have been granted good time allowances and has not been.

Based upon these complaints the petitioner seeks by his motion to have the sentence imposed vacated and by oral motion seeks to have his plea and the judgment withdrawn.

It appears from a review and study of the transcript and proceedings in the above mentioned criminal case in this court, and in particular those proceedings had in open court at the time petitioner entered his plea of guilty and was sentenced, shows conclusively that petitioner's court appointed counsel specifically requested petitioner be committed under the provisions of the Youth Corrections Act. No objection to being sentenced under such provision was made by the petitioner at that time. However, this request was made after the petitioner entered his plea of guilty to a violation in which he had been previously advised prior thereto by the Assistant United States Attorney that the maximum sentence the court could impose on a plea of guilty was a \$5,000 fine and 5 years' imprisonment, or both. An examination of the files, records and proceedings in the criminal case show 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 for the crime for which he was charged, even though his attorney requested the court to sentence him under such provisions and no objection was made by the petitioner to this request. For this reason such sentence is invalid and must be vacated upon his motion under 28 U.S.C. 2255. Chapin v. United States, 341 F. 2d 900 (10 Cir. 1965); King v. United States, 10 Cir., May Term 1965, not yet reported.

The petitioner primarily complains and asserts in his motion the fact that he could be held in custody of some type for a period of 6 years which period exceeds the maximum period of imprisonment provided for by 18 U.S.C. 2312, and that the petitioner was not aware of the possibility of such a sentence under the Youth Corrections Act when he entered his plea. Petitioner does not allege that his plea of guilty was otherwise involuntary or that there was any basis for collaterally attacking his conviction.

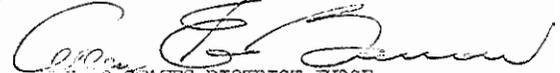
It appears to the court, after an examination and review of the files and records, and especially the transcript of the proceedings in open court

at the time the petitioner entered his plea and was sentenced, that petitioner was represented by counsel and was fully and completely advised of the nature of the charges against him. The record further discloses that the petitioner freely and voluntarily admitted his guilt to the information without any threat, promise or inducement. That he fully understood the nature of the charge against him and stated he was satisfied with the services rendered by his court appointed attorney.

Since the petitioner does not allege or assert that his conviction itself, upon his voluntary plea of guilty, is subject to any informity or vulnerable to collateral attack by reason of deprivation of any constitutional right or otherwise, but only maintains that the length of the sentence imposed was improper, it therefore appears from the files and records conclusively that the petitioner's conviction resulting from his plea is otherwise voluntary.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this court that a careful examination of all files, records and proceedings in Criminal Case No. 14089, United States District Court for the Northern District of Oklahoma clearly reflect that petitioner is entitled to relief as requested under Title 28, U.S.C., Section 2255, inasmuch as he was not advised at the time of sentencing and before entering his plea of guilty of the sentencing provisions of the Federal Youth Corrections Act, which sentencing provisions could exceed the maximum statutory imprisonment for the crime for which he was charged. For this reason the sentence imposed should be vacated and a valid sentence should be imposed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the petitioner, who was intelligently represented by counsel, intelligently and voluntarily entered the plea of guilty to the Criminal Case No. 14089, and does not allege that his plea of guilty was otherwise involuntary or that there is any other basis for collaterally attacking his conviction. Therefore, no reason exists for this court to conduct a hearing upon the allegations of the petitioner.


UNITED STATES DISTRICT JUDGE