

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,	)	Civil Action No. 5114
)	
Plaintiff,	)	Tracts Nos.:
	)	4636-H (1/2 interest in the
vs.	)	(lessor interest and
	)	(all overriding royalty
274.85 Acres of Land, More or Less,	)	(interest
Situate in Rogers County, Oklahoma,)	
and McAlester Fuel Company, et al,	)	E-513 (overriding royalty
and Unknown Owners,	)	E-514 (interest
	)	4731-D (
Defendants.	)	4731-C (

FILED

J U D G M E N T

AUG - 3 1965

1.

NOBLE C. HOOD

Clerk, U. S. District Court

On July 22, 1965, this cause, as to the captioned tracts, came on for trial and the parties having waived a jury, the case was tried to the Court, before the Honorable Luther Bohanon, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendants appeared not. After hearing the evidence and being fully advised in the premises, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This judgment applies only to the entire overriding royalty interest in the estates taken in Tracts Nos. 4636-H, E-513, E-514, 4731-D and 4731-C, together with 1/2 interest in the lessor interest in the estate taken in said Tract 4636-H, as such tracts and estates are described in the Complaint and the Declaration of Taking and the amendments thereto filed herein.

3.

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.

4.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tracts, as such tracts

are particularly described in such Complaint. Pursuant thereto, on January 31, 1961, the United States of America filed its Declaration of Taking of certain estates in such described land and on September 5, 1961, filed an amendment thereto, and title to such property should be vested in the United States of America, as of the date of filing such Declaration of Taking.

5.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of subject property, certain sums of money, all of which has been disbursed, as shown in paragraph 12.

6.

On June 23, 1965, Marcella H. Godfrey, the owner of 1/4 of the overriding royalty interest in the estate taken in all of the subject tracts, together with the plaintiff, executed and filed herein a stipulation as to just compensation for her interest. The owner of the other 3/4 of the overriding royalty interest cannot be located and has not executed such a stipulation. The testimony given at the trial of this case shows that the market value of 1/4 of the overriding royalty interest is much greater than the sum agreed upon in the stipulation. To approve the stipulation would penalize the stipulating owner for her cooperation and create an inequitable division of the award between the two owners. Therefore, the stipulation should not be approved and the award for all interests in the overriding royalty interest in these tracts should be based upon the testimony heard at the trial.

7.

Fair market value of the overriding royalty interest in the estate taken in all of the subject tracts combined is \$3,500.00. The fair market value of 1/2 interest in the lessor interest in the estate taken in Tract No. 4636-H is \$397.00. These sums should be adopted as the awards of just compensation for the respective interests.

8.

This judgment will create a deficiency in the deposits for the subject tracts, as shown in paragraph 13 below. The plaintiff should deposit in the registry of this Court the sum necessary to cover said deficiency.

9.

The defendants named in paragraph 12 as owners of subject property are the only defendants asserting any interest in the interests described in paragraph 2, all other defendants having either disclaimed or defaulted; the named defendants are the owners of such property, as of the date of taking, and as such, are entitled to receive the awards of just compensation.

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 enumerated in the caption above, as such tracts are described in the Complaint and Declaration of Taking as amended, filed herein, and such tracts, to the extent only of the interests described in paragraph 2 herein, are condemned and title thereto is vested in the United States of America, as of January 31, 1961, and all defendants herein and all other persons interested in the described estates in such tracts are forever barred from asserting any claim thereto.

11.

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

12.

It Is Further ORDERED, ADJUDGED AND DECREED, that the sum of \$3,500.00 hereby is adopted as the award of just compensation for the overriding royalty interest in the estate taken in all of the subject tracts and the sum of \$397.00 is adopted as the award of just compensation for 1/2 interest in the lessor interest in the estate taken in Tract No. 4636-H, and such awards should be distributed among the owners as follows to-wit:

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

Owner: Fred L. Barger

Award of just compensation	\$397.00	\$397.00
Deposited as estimated compensation	<u>397.00</u>	
Disbursed to Owner		<u>397.00</u>

Overriding Royalty Interest (4/128) in Tracts Nos.
4636-H, E-513, E-514, 4731-D and 4731-C

Owners: Investors Service Company - 3/128
Marcella H. Godfrey - 1/128

Award of just compensation for entire O.R.R.I. . .	\$3,500.00	\$3,500.00
Deposited as estimated compensation	1,805.00	
Disbursed to owners		<u>1,805.00</u>
Balance due to owners		1,695.00
Deposit deficiency	<u>\$1,695.00</u>	

13.

It Is Further ORDERED that the plaintiff shall deposit in the registry of this Court in this civil action, to the credit of Tract No. 4636-H, the deposit deficiency shown above in the amount of \$1,695.00 plus interest on such sum at the rate of 6% per annum from January 31, 1961, until the date of deposit of such deficiency.

An appropriate order of distribution will be entered by the Court when such deposit has been made by the plaintiff.

/s/ Luther Bohanon

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

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

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

Plaintiff,

vs.

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

Defendants.)

NO. 6155 - Civil

FILED

AUG - 5 1965

NOBLE C. HOOD
Clerk U. S. District Court

O R D E R

This matter came on for hearing before the Court for further proceedings to determine the Court's jurisdiction. The Court hearing evidence and considering the file in this case finds that the last material furnished by the use plaintiff, Texaco Inc., a corporation, was on February 8, 1964. The Court further finds that the Complaint in this case was filed on March 11, 1965, more than one year after the date the last materials were furnished to the project in question by the Use Plaintiff.

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

IT IS FURTHER ORDERED that the order entered herein is without prejudice to the right of the Use Plaintiff to sue in a state court against defendant N. H. Roane on the account sued upon herein.

DATED this 22nd day of July, 1965.

UNITED STATES DISTRICT JUDGE

OK as to form

Elmer W. Adams
Elmer W. Adams, Attorney
for Use Plaintiff

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

CIVIL ACTION NO. 5480
Tract No. 5721-C

FILED

AUG - 9 1965

J U D G M E N T

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

1.

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

2.

This judgment applies only to the estate condemned in Tract No. 5721-C, as such estate and tract are described in the Declaration of Taking filed herein.

3.

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

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in 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 land described in paragraph 2 herein. Pursuant thereto, on September 25, 1962, the United States of America filed its Declaration of Taking of such described property and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

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

7.

On the date of taking in this action, the owners of the estate taken in the subject tract were the defendants whose names are shown in paragraph 12 below. Such named defendants are the only persons asserting any interest in the estates taken in subject 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 lessee interest in the estate taken in the subject tract and the United States of America have executed an Option Contract as alleged in the Complaint, and the owner of the lessor interest in the estate taken in the subject tract and the United States of America have filed herein a Stipulation as to Just Compensation wherein they have agreed that just compensation for the estate condemned in such tract is in the amount shown as compensation in paragraph 12 herein and have agreed upon the distribution of the award among the owners, and such Option and Stipulation should be approved.

9.

This Judgment will create a deficiency in the deposit for the subject tract and a sum of money sufficient to cover such deficiency should be deposited by the Plaintiff. The deficiency is as set out in paragraph 12 herein.

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 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 the subject tract were the persons whose names appear below in paragraph 12, and the right to just compensation for the estate taken in this tract is vested in the parties so named, as their respective interests appear therein.

12.

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

TRACT NO. 5721-C

Owners:

Lessor Interest:

Catherine Long

Lessee Interest:

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

Award of just compensation for all interests -----:\$5,200.00

Allocation of award, deposit and disburseals:

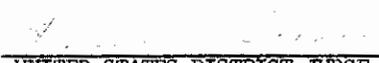
	Lessor	Lessee	
	Interest	Interest	
Share of award			
pursuant to			
Stipulation -----	\$800.00	\$800.00	
Share of award			
pursuant to			
Option Contract---		\$4,400.00	\$4,400.00
Deposited as estimated:			
compensation -----	\$400.00	\$4,400.00	\$4,800.00
Disbursed to owners--	None	\$4,400.00	
Balance due to			
Owners -----	\$800.00	None	
Deposit deficiency---	\$400.00	None	\$ 400.00

13.

It Is Further ORDERED that the Plaintiff shall pay into the Registry of this Court to the credit of Tract No. 5721-C in Civil Action No. 5480, the deposit deficiency as shown above in the total amount of \$400.00.

The Clerk of this Court then shall disburse from the deposit for the subject tract:

To Catherine Long ----- \$800.00


UNITED STATES DISTRICT JUDGE

APPROVED:


HUBERT A. MARLOW
Assistant U. S. Attorney

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

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

Plaintiff,

vs.

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

Defendants.

NO. 6155 - Civil

FILED

AUG 12 1965

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

O R D E R

This matter came on for hearing before the Court for further proceedings to determine the Court's jurisdiction. The Court hearing evidence and considering the file in this case finds that the last material furnished by the use plaintiff, Texaco Inc., a corporation, was on February 3, 1964. The Court further finds that the Complaint in this case was filed on March 11, 1965, more than one year after the date the last materials were furnished to the project in question by the Use Plaintiff.

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

IT IS SO ORDERED.

DATED this ^{11th} ~~22nd~~ day of ^{August} ~~July~~, 1965.

(5) Luther Bohannon
UNITED STATES DISTRICT JUDGE

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

WILSHIRE OIL COMPANY OF TEXAS,
a corporation,

Plaintiff,

vs.

L. E. RIFFE, R. L. FELTS,
O. HOMER RIFFE, A. V. MURRAY,
and A. V. MURRAY, INC.,

Defendants.

No. 5861-Civil

FILED

AUG 13 1965

NOBLE C. HOOD
Clerk U. S. District Court

J U D G M E N T

Based upon the Findings of Fact and Conclusions of
Law this day filed,

IT IS THE JUDGMENT OF THE COURT that all of the
claims of the plaintiff against the defendants be and the
same are hereby denied, except to the extent of the sum of
\$2,362.67, for which plaintiff is entitled to Judgment, and
Judgment is hereby granted, together with interest thereon
at the rate of six per cent per annum from the date said
commissions were paid to Riffe Industries, Inc.

Each party shall bear its or their own costs.

DATED this 12th day of August, 1965.

(5) Luther Bohannon
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

CIVIL ACTION NO. 4891
Tract No. 5626-L

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

AUG 16 1965

J U D G M E N T

FILED

1.

NOW, on this 16 day of August, 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 August 3, 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 estate condemned in Tract No. 5626-L, as such estate and tract 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 tract.

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 tract of land. Pursuant thereto, on March 13, 1960, the United States of America filed its Declaration of Taking of such tract of land, and title to such tract should be vested in the United States of America, as of the date of filing such instrument.

6.

On filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the subject tract a certain sum of money, and all of this deposit has been disbursed as set out in paragraph 10 below.

7.

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

8.

The defendants named in paragraph 10 as owners of subject tract are the only defendants asserting any interest in the estate condemned herein, all other defendants having either disclaimed or defaulted; the named defendants are the owners of the respective interests in the estate condemned herein as shown in paragraph 10 and, as such, are entitled to distribution of the just compensation awarded by this Judgment.

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

10.

It Is Further ORDERED, ADJUDGED AND DECREED that the right to receive the just compensation for the estate taken herein in subject tract is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of August 3, 1965, is hereby confirmed and the sum therein fixed is adopted as just compensation for subject tract as shown by the following schedule:

TRACT NO. 5626-L

Owners:

Joan Frances Ross ----- 1/2

Betty Van Horn ----- 1/2

Award of just compensation
pursuant to Commissioners'

Report ----- \$1,000.00 \$1,000.00

Deposited as estimated compensation ----- \$1,000.00

Disbursed to owners ----- \$1,000.00

Allen H. Brown

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 Glasco Jones, Jr.,)
)
 Defendant.)

CIVIL NO. 6185

FILED

AUG 16 1965

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

DEFAULT JUDGMENT BY THE CLERK

This cause came on to be heard on motion of the plaintiff for default judgment for the relief demanded in the complaint, and it appearing the complaint and summons in this action were served on the defendant on May 24, 1965, as appears from the Marshal's return of service of said summons; that the time within which the defendant may answer or otherwise move as to the complaint has expired; that the defendant has not answered or otherwise moved and that the time for defendant to answer or otherwise move has not been extended.

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

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff recover of the defendant the amount prayed for in the sum of \$ 1,496.38 with interest on the sum of \$ 1,373.72 at the rate of 4 % per annum from August 16, 1965, until paid, and the costs of this action.

Dated this 16th day of August, 19 65.

NOBLE C. HOOD
Clerk, United States District
Court for the Northern District of
Oklahoma

By [Signature]
Deputy

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Velma L. North,

Defendant.

CIVIL NO. 6186

FILED

AUG 16 1965

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

DEFAULT JUDGMENT BY THE CLERK

This cause came on to be heard on motion of the plaintiff for default judgment for the relief demanded in the complaint, and it appearing the complaint and summons in this action were served on the defendant on May 26, 1965, as appears from the Marshal's return of service of said summons; that the time within which the defendant may answer or otherwise move as to the complaint has expired; that the defendant has not answered or otherwise moved and that the time for defendant to answer or otherwise move has not been extended.

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

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff recover of the defendant the amount prayed for in the sum of \$ 688.28 with interest on the sum of \$ 575.00 at the rate of 6 % per annum from August 16 19 65, until paid, and the costs of this action.

Dated this 16th day of August, 19 65.

NOBLE C. HOOD
Clerk, United States District
Court for the Northern District of
Oklahoma

By [Signature]
Deputy

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Sidney B. Daniel,

Defendant.

CIVIL NO. 6191

FILED

AUG 16 1965

DEFAULT JUDGMENT BY THE CLERK

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

This cause came on to be heard on motion of the plaintiff for default judgment for the relief demanded in the complaint, and it appearing the complaint and summons in this action were served on the defendant on July 1, 1965, as appears from the Marshal's return of service of said summons; that the time within which the defendant may answer or otherwise move as to the complaint has expired; that the defendant has not answered or otherwise moved and that the time for defendant to answer or otherwise move has not been extended.

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

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff recover of the defendant the amount prayed for in the sum of \$ 346.64 with interest on the sum of \$ 301.24 at the rate of 6 % per annum from August 16 19 65, until paid, and the costs of this action.

Dated this 16th day of August, 19 65.

NOBLE C. HOOD
Clerk, United States District
Court for the Northern District of
Oklahoma

By [Signature]
Deputy

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

~~John William Hood,~~

Defendant.

CIVIL NO. 11-65

FILED

AUG 16 1965

DEFAULT JUDGMENT BY THE CLERK

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

This cause came on to be heard on motion of the plaintiff for default judgment for the relief demanded in the complaint, and it appearing the complaint and summons in this action were served on the defendant on June 11, 1965, as appears from the Marshal's return of service of said summons; that the time within which the defendant may answer or otherwise move as to the complaint has expired; that the defendant has not answered or otherwise moved and that the time for defendant to answer or otherwise move has not been extended.

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

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff recover of the defendant the amount prayed for in the sum of \$ 301.52 with interest on the sum of \$ 301.52 at the rate of 6 % per annum from August 11 1965, until paid, and the costs of this action.

Dated this 16th day of August, 1965.

NOBLE C. HOOD
Clerk, United States District
Court for the Northern District of
Oklahoma

By [Signature]
Deputy

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Donald Houston Daugherty,

Defendant.

CIVIL NO. 6197

FILED

AUG 16 1965

DEFAULT JUDGMENT BY THE CLERK

NOBLE C. HOOD
Clerk U. S. District Court

This cause came on to be heard on motion of the plaintiff for default judgment for the relief demanded in the complaint, and it appearing the complaint and summons in this action were served on the defendant on May 26, 1965, as appears from the Marshal's return of service of said summons; that the time within which the defendant may answer or otherwise move as to the complaint has expired; that the defendant has not answered or otherwise moved and that the time for defendant to answer or otherwise move has not been extended.

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

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff recover of the defendant the amount prayed for in the sum of \$ 240.70 with interest on the sum of \$ 229.64 at the rate of 4 % per annum from August 16 19 65, until paid, and the costs of this action.

Dated this 16th day of August, 19 65.

NOBLE C. HOOD
Clerk, United States District
Court for the Northern District of
Oklahoma

By Donald H. Bellinger
Deputy

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Charles Eugene Hembree,

Defendant.

CIVIL NO. 6198

FILED

AUG 16 1965

DEFAULT JUDGMENT BY THE CLERK

NOBLE C. HOOD
Clerk U. S. District Court

This cause came on to be heard on motion of the plaintiff for default judgment for the relief demanded in the complaint, and it appearing the complaint and summons in this action were served on the defendant on May 26, 1965, as appears from the Marshal's return of service of said summons; that the time within which the defendant may answer or otherwise move as to the complaint has expired; that the defendant has not answered or otherwise moved and that the time for defendant to answer or otherwise move has not been extended.

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

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

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the plaintiff recover of the defendant the amount prayed for in the sum of \$ 1,388.26 with interest on the sum of \$ 1,274.56 at the rate of 4 % per annum from August 16 19 65, until paid, and the costs of this action.

Dated this 16th day of August, 19 65.

NOBLE C. HOOD
Clerk, United States District
Court for the Northern District of
Oklahoma

By [Signature]
Deputy

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,
vs.
203.05 Acres of Land, More or Less,
Situate in Nowata & Rogers Counties,
Oklahoma, and Orland O. Parish,
et al, and Unknown Owners,
Defendants.

CIVIL ACTION No. 5078
Tracts Nos. 4730-10 and
4730-11

FILED

AUG 17 1965

J U D G M E N T

NOBLE C. HOOD
Clerk U. S. District Court

1.

On July 22, 1965, this cause, as to the captioned tracts, came on for trial, and the parties having waived a jury, the case was tried to the Court, before the Honorable Luther Bohanon, Judge of the United States District Court for the Northern District of Oklahoma. The plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney, for the Northern District of Oklahoma. The defendants, H. M. McMillan, June H. Collins, Georgie S. Fell, John W. Nichols, Trustee, Elizabeth Fell Oven and Frances Fell Kilpatrick appeared by their attorney, A. Wayne Breeland. Sinclair Oil and Gas Company appeared by its attorney, William M. Taylor. Amax Petroleum Corporation appeared by its attorney, L. K. Smith. No other defendants appeared. After hearing the evidence and being fully advised in the premises, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This judgment applies only to the estates condemned in the tracts enumerated in the caption above, as such tracts and estates are described in the Declaration of Taking filed herein.

3.

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.

4.

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

condemn for public use the subject tracts, as such tracts are particularly described in such Complaint. Pursuant thereto, on December 8, 1960, the United States of America filed its Declaration of Taking of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the subject tracts, certain sums of money, \$650.00 of which has been disbursed to Henry Clay Cochran and Sallie Pearl Mayes.

6.

On January 21, 1964, the Plaintiff, together with Henry Clay Cochran and Sallie Pearl Mayes executed and filed herein a Stipulation As To Just Compensation purporting to settle the issue of just compensation as to the lessor interest only in Tract No. 4730-11. Judgment based thereon was filed herein on January 21, 1964. The stipulation and the judgment both were predicated upon the understanding that the above-named defendants were the owners of the entire lessor interest in such tract.

Later, on June 8, 1965, upon application of other persons, not parties to the above-described stipulation, the Court found that Tract No. 4730-11 had been communitized, for the production and receipt of oil and gas royalties, with Tract No. 4730-10 and other properties not included in this civil action. The Court further found that all of the participants in the community agreement were entitled to share in the award for Tract No. 4730-11 and Tract No. 4730-10 to the extent of their interest as set forth in such community agreement. It thus developed that Henry Clay Cochran and Sallie Pearl Mayes were not the owners of the entire lessor interest in Tract No. 4730-11 but, on the other hand, they were found to have an interest in Tract No. 4730-10.

It was the intention of all parties to the aforesaid stipulation that all of the interest of Henry Clay Cochran and Sallie Pearl Mayes in Tract No. 4730-11 be settled by such stipulation. It was the further intention of the parties that said defendants would not share in the award for Tract No. 4730-10. The full award for the said defendants' interest in Tract No. 4730-11 has been disbursed to them.

Therefore, it should be held that all interest owned by Henry Clay Cochran and Sallie Pearl Mayes in the estates taken in both Tract No. 4730-10 and 4730-11 has been settled and adjudicated by the judgment filed herein on January 21, 1964. The said defendants, therefore, should not receive any part of the award made by this judgment nor should they be required to pay back any of the award for Tract No. 4730-11 heretofore received pursuant to the prior judgment.

Furthermore, it should be held that the said judgment filed herein on January 21, 1964 in regard to Tract No. 4730-11, applies only to the interest in such tract owned by Henry Clay Cochran and Sallie Pearl Mayes and does not apply to the entire lessor interest in such tract.

7.

The decrease in fair market value of the subsurface estate in Tracts Nos. 4730-10 and 4730-11, caused by the Government's taking in this case was in the total amount of \$8,790.00. The owner of the overriding royalty interest in subject tracts voluntarily has waived any claim for compensation for any damage done to its interest in the subject property. Therefore, the amount of \$8,790.00 should be allocated \$3,720.00 to the lessor interest and \$5,070.00 to the working interest in the oil and gas leasehold interest.

The Cochran and Mayes share of the decrease in value of the lessor interest, pursuant to the percentages set forth in the unitization agreement, would be \$609.04. Thus the total loss suffered by the owners of the lessor interest, excluding Cochran and Mayes, would be \$3,110.96.

Therefore, the award of just compensation provided by this judgment should be in the total amount of \$8,180.96, and should be allocated as follows:

Lessor interest, exclusive of Cochran & Mayes interest - -	\$3,110.96
Working interest - - - - -	\$5,070.00

8.

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

9.

The defendants named in paragraph 11 as owners of subject tracts are the only defendants asserting any interest in the estates condemned in the subject tracts, all other defendants having either disclaimed or defaulted; the named defendants are the owners of such estates, as of the date of taking, and with the exception of Cochran and Mayes, as such, are entitled to receive the award of just compensation.

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 enumerated in paragraph 2, as such tracts are described in the Declaration of Taking filed herein, and such tracts, to the extent of the estates described and for the uses and purposes indicated in such Declaration of Taking, are condemned and title thereto is vested in the United States of America, as of December 8, 1960, and all defendants herein and all other persons interested in the described estates in such tracts are forever barred from asserting any claim thereto.

11.

It Is Further ORDERED, ADJUDGED, AND DECREED that the judgment filed herein on January 21, 1964, in regard to Tract No. 4730-11 only, applies only to the interest of Henry Clay Cochran and Sallie Pearl Mayes in the estate taken in such tract and does not apply to the entire lessor interest therein.

It Is Further ORDERED, ADJUDGED, AND DECREED that the judgment filed herein on January 21, 1964, is hereby amended to the extent that it covers all interest owned by Henry Clay Cochran and Sallie Pearl Mayes in the estate taken herein in both Tracts Nos. 4730-10 and 4730-11, so that their interest in such tracts is fully adjudicated. The said defendants, therefore, shall not receive any part of the award made by this judgment nor shall they be required to pay back any of the compensation received by them pursuant to the judgment filed herein on January 21, 1964.

12.

It Is Further ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owners of the estates condemned herein in the subject tracts were the defendants whose names appear in the schedule below. The right to receive the award of just compensation for the estates taken in these tracts is vested in the parties so named, with the exception of Henry Clay Cochran and Sallie

Pearl Mayes, as their respective interests appear therein. The sum of \$8,180.96 is adopted as the award of just compensation for all interests, except that of Henry Clay Cochran and Sallie Pearl Mayes, in the estates herein taken in the subject tracts and such sum should be allocated among the various owners as follows, to-wit:

TRACTS NOS. 4730-10 AND 4730-11,
COMBINED

Owners:

Mineral interest (lessor interest):

	<u>Fractional share in royalty under unitization agreement</u> %	<u>Equivalent share in award for Mineral interest</u> %
Orland O. Parrish	.049116%	.392928%
Henry Clay Cochran and Sallie Pearl Mayes	2.046497%	16.371976% (Do not share in this award)
C. C. Harmon	.073674%	0.589392%
Ann B. Whitehill	.036837%	0.294696%
Annie M. Whitehill	.036837%	0.294696%
H. M. McMillan	.788924%	6.311392%
June H. Collins	1.577848%	12.622784%
C. S. Kornegay	1.474501%	11.796008%
Jeanette Kornegay	1.474501%	11.796008%
Wade H. Kornegay, Jr.	1.474501%	11.796008%
Fay Louise Confer	1.474500%	11.796000%
Sinclair Oil and Gas Company	.204650%	1.637200%
Warren Bank & Trust Co., as executor of the will of A. W. Goal, deceased Helen Uldene Renick, and Robert Hamilton Goal	.114604%	0.966832%
Georgie S. Fell	28% of .788924%	28% of 6.311392%
John W. Nichols, Trustee	37% of .788924%	37% of 6.311392%
Elizabeth Fell Oven	17½% of .788924%	17½% of 6.311392%
Frances Fell Kilpatrick	17½% of .788924%	17½% of 6.311392%
B. R. Sleeper Margaret Sleeper Sames Frances Sleeper Stone Alethea Sleeper Dossett	- - .884086%	7.072688%

Oil and gas leasehold interest:

Working interest: Amax Petroleum Corporation

Overriding Royalty interest: Shell Oil Company
(This owner has waived compensation)

Award of just compensation for all interests - - - - - \$8,180.96
(excluding share of Henry Clay Cochran
and Sallie Pearl Mayes)

Allocation of award:

Share of award allocated to
mineral interest - - - - \$3,110.96
(excluding share of Cochran
and Mayes)

Share of award allocated to
working interest - - - - \$5,070.00

\$8,180.96

Deposited as estimated compensation for
all interests (excluding interest
of Cochran and Mayes) - - - - - \$5,750.00

Disbursed to owners
(other than Cochran and Mayes) - - None

Balance due to owners - - - - - \$8,180.96
(plus interest on the
deposit deficiency) _____

Deposit deficiency - - - - - \$2,430.96

13.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the named owners the deposit deficiency in the amount of \$2,430.96, together with interest thereon at the rate of 6% per annum from December 8, 1960, until the date of deposit of such deficiency, and such sum shall be placed in the deposit for Tract No. 4730-10 in this civil action.

An appropriate order of distribution shall be entered by the Court as soon as the Plaintiff has deposited the deficiency and interest.

[Signature]
UNITED STATES DISTRICT JUDGE

APPROVED:

[Signature]
HUBERT A. MARLOW
Assistant U. S. Attorney

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

H. RICHARD WILLIAMS, d/b/a
RED TOP MAINTENANCE SERVICE,

Plaintiff,

vs.

EMPLOYERS CASUALTY COMPANY
OF DALLAS, TEXAS,

Defendant.

NO. 5739 - CIVIL

FILED

AUG 17 1965

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

STIPULATION FOR DISMISSAL

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

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

ALFRED B. KNIGHT

Alfred B. Knight
Attorney for the Plaintiff,

ROBERT D. HUDSON,

Robert D. Hudson
Attorney for the Defendant.

ORDER

NOW, on this 17th day of August, 1965, the above-captioned cause, by order of the Court, is dismissed with prejudice, on stipulation of the parties hereto, at the cost of the defendant.

F. A. [Signature]
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)

vs.)

2,102.11 Acres of Land, More or Less,)
Situate in Osage County, Oklahoma,)
and D. P. Weems, et al, and)
Unknown Owners,)

Defendants.)

Civil No. 5825

Tract No. 1810-1M

FILED

AUG 18 1965

NOBLE C. HOOD
Clerk U. S. District Court

PARTIAL JUDGMENT

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

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

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

4. The Court finds that plaintiff and Jay C. Byers, Executor of the Estate of L. H. Byers, deceased, and Chris Schuler, Jr, Sam J. Rhoades, Jr., and Wood Oil Company, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tract is the sum of \$2,630.00, inclusive of interest.

5. The Court finds the amount of \$2,630.00, inclusive of interest, is just compensation for the taking of the oil lessee estate by the plaintiff in the above tract, as such estate and said tract are described and set forth

in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$488.00 was deposited into the Registry of this Court as estimated just compensation for said oil lessee interest upon the filing of the Declaration of Taking herein.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above oil lessee interest is the sum of \$2,630.00, inclusive of interest;

(c) The plaintiff shall forthwith deposit into the Registry of this Court the deficiency in the amount of \$2,142.00, without interest. Upon receipt of the last-mentioned deficiency, the Clerk of this Court is hereby authorized and directed to draw checks on the funds in the Registry of this Court in the amounts hereinafter set forth, payable to the order of the following-named payees:

Jay C. Byers, Executor of the Estate of L. H. Byers, deceased	\$1,180.00
Chris Schuler, Jr.	1,180.00
Sam J. Rhoades, Jr.	135.00
Wood Oil Company	135.00
	<hr/>
	\$2,630.00

Entered: AUG 11 1966

/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.)
Certain Land in the City of)
Drumright, County of Creek,)
State of Oklahoma, and)
D. H. Cramer, et al, and)
Unknown Owners,)
Defendants.)

Civil No. 6133

One Parcel

FILED

AUG 18 1965

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

J U D G M E N T

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

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

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

4. The Court finds the amount of \$2,113.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above parcel, as such estates and said parcel are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$2,113.00 was deposited into the Registry of this Court as estimated just compensation for said parcel upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and D. H. Cramer and Alice M. Cook Cramer entered into a contract for the purchase of surface granted by said defendants and accepted on behalf of the plaintiff by the General Services

FILED

AUG 24 1965

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

United States of America,)	
)	
Plaintiff,	)	CIVIL ACTION NO. 4947 ✓
)	
vs.)	
)	
47.97 Acres of Land, More or Less,	)	Amax Petroleum Corporation
Situate in Nowata County, Oklahoma,	)	interest only in Tracts Nos.
and Gabriel A. Blackburn, et al,	)	6731-6A
and Unknown Owners,	)	6731-6B
	)	6731-6C
	)	6732-1 and
Defendants.	)	R-1865E

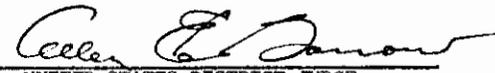
ORDER

(Vacating Judgment, and Remanding for New Trial)

NOW on this 24 day of August, 1965, this matter comes before the Court for disposition of the Motion To Vacate Judgment filed herein by the defendant Amax Petroleum Corporation. The Court, having examined the files, and being advised by Counsel for the Plaintiff that the facts are correctly recited in Defendant's motion, finds and concludes that a mutual mistake of the parties was made on the trial of this matter and that the Defendant's motion should be sustained.

It Is, Therefore, ORDERED that the Judgment filed herein on February 4, 1965, insofar only as it applies to the interest of Amax Petroleum Corporation, is hereby vacated and set aside.

It Is Further ORDERED that the interest of Amax Petroleum Corporation in the estate taken in the subject tracts hereby is remanded to the Commissioners who originally tried this matter, being Frank Settle, Frank Conkwright and Vol L. Boswell, for a new trial. The Commissioners shall report to the Court, in writing, their findings made at said new trial.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 1,316.38 Acres of Land, More or Less,)
 Situate in Rogers County, Oklahoma,)
 and Tim Sharp, et al,)
 and Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 4961

Tracts Nos. J-1042
J-1042E-1
J-1042E-2

FILED

AUG 24 1965

J U D G M E N T

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

1.

NOW, on this 24 day of August, 1965, this matter comes on

for disposition on application of plaintiff, United States of America, for entry of judgment on option contracts, wherein the owners have agreed upon the amount of just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies only to the estates condemned in Tracts Nos. J-1042, J-1042E-1 and J-1042E-2, as such estates and tracts are described in the Complaint and the Declaration of Taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estates described in paragraph 2 herein. Pursuant thereto, on July 8, 1960, the United States of America filed its Declaration of Taking of such described property, and title to the described estates in such property should be vested in the United States of America as of the date of filing such 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 all of this deposit has been disbursed as set out in paragraph 11 below.

7.

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

8.

The owners of subject tracts and the United States of America have executed option contracts, as alleged in the Complaint herein, wherein they have agreed that just compensation for the estates condemned in subject tracts is in the amount shown as compensation in paragraph 11 below, and such option contracts should be approved.

9.

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

10.

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

11.

It Is Further ORDERED, ADJUDGED, AND DECREED that the option contracts mentioned in paragraph 8 above are hereby confirmed; and the sums therein fixed are adopted as the awards of just compensation for the estates condemned in subject tracts as follows:

TRACTS NOS. J-1042, J-1042E-1 AND J-1042E-2

Owners:

Emmett Martin and
Reva Martin

Award of Just Compensation pursuant to option contracts -----	\$3,450.00	\$3,450.00
Deposited as estimated compensation -----	<u>\$3,450.00</u>	
Disbursed to owners -----		<u>\$3,450.00</u>

s/ Allan G. Benson

UNITED STATES DISTRICT JUDGE

APPROVED:

s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

508.62 ACRES OF LAND, MORE OR LESS,
SITUATE IN ROGERS COUNTY, OKLAHOMA,
AND HENRY BROWN, ET AL, AND
UNKNOWN OWNERS,

Defendants.

Civil Action
No. 5407

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

FILED

AUG 24 1965

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

J U D G M E N T

NOW on this 20th day of July, 1965, counsel having agreed to submit this cause to the Court upon the pleadings, the Brief of Defendant James T. Michel, and the Stipulation of Facts filed herein, the Court concludes that Defendant James T. Michel should have judgment herein as prayed for.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED by the Court that the Claim of The First National Bank of Broken Arrow, Oklahoma, to the compensation awarded in the subject tracts should be denied, and that the impounded funds in payment of certain interests condemned by the United States of America in the subject tracts in the amount of Three Thousand Fifty Dollars (\$3,050.00) should be paid to James T. Michel.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that Noble C. Hood, Clerk of the United States District Court for the Northern District of Oklahoma is ordered and directed to disburse the sum of Three Thousand Fifty Dollars (\$3,050.00), the just compensation awarded for the Michel interest in the subject tracts, which is on deposit in the Registry of the Court, to James T. Michel.

LUTHER BOHANON, Judge of the United States District Court for the Northern District of Oklahoma

APPROVED:

HUBERT A. MARLOW
Assistant United States Attorney

PAUL E. SIMMONS, Attorney for Defendant
The First National Bank of
Broken Arrow, Oklahoma

KENNETH L. STAINER, Attorney for
Defendant James T. Michel

1. The Court finds, however, that the objections are directed to the Second Supplemental Report of the Commission, since objections were not filed within ten days after issuance of notice of filing of the report, as required by law.

2. The Court finds that the issue taken on appeal is within the scope of the Keystone Project, and, therefore, that the Commission properly refused to consider an increase of enhanced value which was accompanied by the same proximity to the project.

3. The Court finds that the Commission's findings that the highest and best use of the land taken, for the project and in the public interest, was for general agricultural and stock purposes is supported by the evidence.

4. The Court finds that the Commission did give weight and credence to the testimony of the plaintiffs' expert witnesses. The award of the Commission was based on the testimony of the defendants' expert witnesses as to the value of the land for agricultural and livestock purposes. See Tr. pp 141, 172.

5. The Court finds that the defendants' objections that the division of the award by the Commission was improper because the Commission used the average of the two methods in arriving at the value awarded is based on without merit. Neither party offered evidence on this point. Therefore, the method used was the only available basis for the division of the award.

6. The Court finds that certain of the objections to the adequacy of the evidence are based on the fact that the award was divided and awarded to the plaintiffs on a basis which is not...

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

FILED

AUG 27 1965

THE EMPLOYERS' LIABILITY ASSURANCE)
CORPORATION, LTD.,)
) Plaintiff,)
) vs.)
) LEON MORGAN, JOHN PRENTIS ABEL,)
) and JACKY OLIVER CURREY,)
) Defendants.)

NORRIS C. HOOD
Clerk of District Court

NO. 6139

D E C R E E

NOW, on this 27 day of August, 1965, pursuant to stipulation of the parties, argument of respective counsel at the pre-trial conference and after consideration of the evidence and the findings of fact and conclusions of law, the Court finds generally all issues in favor of the plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against the defendants, and each of them, that it does not have any responsibility, obligation or duty to defend or indemnify the defendants of and from the certain accident which occurred on December 4, 1962 and the defendants and each of them are enjoined from or in any manner proceeding against the plaintiff for any expenses, judgments, interest, and costs in any manner arising out of a certain accident on December 4, 1962.



Allen E. Barrow, Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

85.11 Acres of Land, More or Less,
Situate in Pawnee County, Oklahoma,
and W. L. Reed, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 6046

Tracts Nos.
3228 and
3228E-3 thru E-5

FILED

AUG 31 1965

AMENDED JUDGMENT

NOBLE C. HOOD
Clerk U.S. District Court

NOW on this 31 day of August, 1965, this matter comes on for disposition of the Plaintiff's motion for amendment to the Judgment filed herein on July 19, 1965. The Court being fully advised in the premises finds that the Plaintiff's motion should be sustained and, therefore, makes and enters the following Judgment to be substituted in lieu of the Judgment entered on July 19, 1965:

1.

On June 23, 1965, this cause, as to the captioned tracts, came on for trial, and the parties having waived a jury, the case was tried to the Court, before the Honorable Luther Bohanon, Judge of the United States District Court for the Northern District of Oklahoma. The Plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendants appeared by their attorney, B. W. Tabor.

2.

The Court has jurisdiction of the parties and the subject matter of this action. This Judgment applies only to the estates condemned in Tracts Nos. 3228, 3228E-3, 3228E-4 and 3228E-5, as such tracts and estates are described in the Complaint filed herein.

3.

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.

4.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tracts, as such tracts are particularly described in such Complaint. Pursuant thereto, on September 11, 1964, the United States of America filed its Complaint in condemnation praying for judgment condemning the estates described therein. No Declaration of Taking has been filed in this action. Therefore, title to such property should be vested in the United States of America, as of the date of filing this Amended Judgment.

5.

On October 30, 1964, the Plaintiff obtained an Order of this Court granting Plaintiff the right to immediate possession of the estates described in the Complaint, and the date of such Order should be considered as the date of taking in this action.

6.

No deposit of estimated compensation was made when this action was filed and, therefore, no money has been disbursed to the owners of the subject property. A sum of money sufficient to pay the full award of just compensation for the estates taken in the subject tracts should be deposited in the Registry of this Court by the Plaintiff. The amount required is set out in paragraph 10 below.

7.

The fair market value of the estates condemned herein in the subject tracts, on the date of taking, October 30, 1964, was \$60,000.00 and such sum should be adopted as the award of just compensation for such taking.

8.

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

9.

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

10.

It Is Further ORDERED, ADJUDGED, AND DECREED that on the date of taking the owners of the estates condemned herein in the subject tracts were the defendants whose names appear in the schedule below. The sum of \$60,000.00 hereby is adopted as the award of just compensation for the estates condemned herein in the subject tracts, and the right to receive such award is vested in the owners whose names appear in the schedule below, as follows to-wit:

TRACTS NOS. 3228 AND 3228E-3 THRU E-5

Owners:

- W. L. Reed
- Douglas L. Reed, Jr.
- Patricia Reed
- Jack L. Reed
- Iva Reed
- Jenareed Brinker Dailey

Award of Just Compensation -----	\$60,000.00	\$60,000.00
Deposited as estimated compensation -----	None	
Disbursed to owners -----		None
Balance due to owners -----		<u>\$60,000.00</u>
Deposit deficiency -----	<u>\$60,000.00</u>	

11.

It Is Further ORDERED, ADJUDGED, AND DECREED that the United States of America, shall pay into the Registry of this Court for the benefit of the named owners the deposit deficiency in the amount of \$60,000.00, together with interest thereon at the rate of 6% per annum from October 30, 1964, until the date of deposit of such deficiency, and such sum shall be placed to the credit of the subject tracts in this Civil Action.

The Clerk of this Court then shall disburse said \$60,000.00 together with all accrued interest, jointly, to the owners named in paragraph 10, above.

/s/ Luther Bohanon

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

/s/ B. W. Tabor

B. W. TABOR