

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

United States of America,

Plaintiff,

vs.

Norville H. Edwards,

Defendant.

Civil No. 6154

FILED

SEP - 1 1965

J U D G M E N T

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

This matter comes on for hearing this 1st day of Sept. 1965, upon agreement of parties heretofore, the Plaintiff appearing by Sam E. Taylor, Assistant United States Attorney for the Northern District of Oklahoma, and the defendant appearing by his counsel T. F. Duke, Hominy, Oklahoma; and

The Court having examined the files and heard the statement of counsel finds that the material allegations of the Plaintiff's complaint are true and correct;

That the defendant, Norville H. Edwards, did on or about November 12, 1954, execute and deliver to the Plaintiff a promissory note for the sum of \$2,805.00, with interest thereon at the rate of 5% per annum, which note was executed in accordance with and pursuant to the provisions of the Special Livestock Loan Act, Public Law 38 (63 Stat. 43; 67 Stat. 149);

That the terms of the said note were breached in that the defendant, Norville H. Edwards, failed to make repayment thereof, on or before November 1, 1955, as provided therefore;

That the defendant is indebted to and owes the Plaintiff the sum of \$2,255.34, with interest thereon at the rate of 5% per annum from August 15, 1965, together with the sum of \$950.68 accrued interest, for which sums the Plaintiff is entitled to judgment against the defendant, Norville H. Edwards.

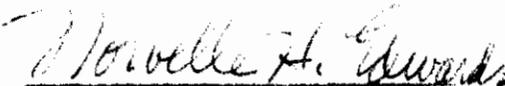
IT IS HEREBY ORDERED, ADJUDGED and DECREED that Plaintiff
have and recover Judgment against the defendant, Norvelle H. Edwards, for
the sum of \$2,255.54, with interest thereon at the rate of 5% per annum,
from August 15, 1965, until paid, together with the sum of \$150.00
accrued interest, plus the cost of this action, accrued and accruing.


ROBERT E. BARROW
UNITED STATES DISTRICT JUDGE

APPROVED:


SAM E. TAYLOR
Assistant U. S. Attorney for the
Northern District of Oklahoma


T. F. DUKES


NORVELLE H. EDWARDS

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JAMES D. HARDRIDGE,

Plaintiff,

vs.

ANTHONY J. CELEBREZZE, Secretary
of Health, Education and Welfare,

Defendant.

CIVIL NO. 5650

FILED

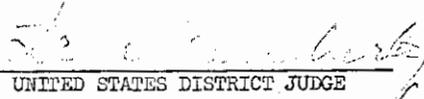
SEP -3 1965

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

J U D G M E N T

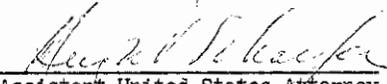
The above entitled matter having come on before the Court for disposition on the 25th day of August, 1965, and the matter having been submitted to the Court upon the record and written briefs, and the Court being fully advised in the premises, and the Court having filed its written opinion herein,

IT IS ORDERED that the decision of the Secretary of Health, Education, and Welfare be and it is hereby affirmed, and the Plaintiff's complaint be and it is hereby dismissed. Entered this 2 day of August, 1965.


UNITED STATES DISTRICT JUDGE

APPROVED:


Attorney for Plaintiff


Assistant United States Attorney,
Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP - 3 1965

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

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

J U D G M E N T

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

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

3. The Report of Commissioners filed herein on the 7th day of May, 1964, and the Second Supplemental Report of Commissioners filed herein on the 29th day of March, 1965, and the Third Supplemental Report of Commissioners filed herein on the 2nd day of June, 1965, are hereby accepted and adopted as findings of fact as to all tracts covered by such reports. The amount of just compensation as to the subject tracts as fixed by the Commission is set out in paragraph 6 below.

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

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

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

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

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

<u>Tract No.</u>	<u>Owner</u>	<u>Deposit</u>	<u>Award</u>	<u>Deposit Deficiency</u>
2715	James S. & Genevieve Dean Pyle & Claiborn P. & Mary R. Williams	\$ 138.00	\$ 395.54	\$ 257.54
2733	Same as Tract No. 2715	904.00	1,796.55	892.55
2734	John D. Williams	25.00	35.96	10.96
2736	C. P. Williams	16.00	59.47	43.47
2737	Roy E. Tilley	25.00	41.49	16.49
2738	M. C. Shibley	50.00	49.79	-0-
2739	Helen M. Eller	50.00	55.33	5.33
2741	Lucille Stewart	25.00	33.19	8.19
2742	Bill & Ruby King	131.00	228.20	97.20
2743	C. P. Williams	50.00	98.20	48.20
2744	C. P. Williams	25.00	29.04	4.04

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

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

Tract No.	Payee	Amount
2715	James S. & Genevieve Dean Pyle and Claiborn P. & Mary R. Williams	\$ 395.54 plus interest on \$257.54
2733	Same as Tract No. 2715	\$1,796.55 plus interest on \$892.55
2734	John D. Williams	\$ 35.96 plus interest on \$ 10.96
2736	C. P. Williams	\$ 59.47 plus interest on \$43.47
2737	Roy E. Tilley	\$ 41.49 plus interest on \$16.49
2738	M. C. Shibley	\$ 49.79 with no interest
2739	Helen M. Eller	\$ 55.33 plus interest on \$ 5.33
2741	Lucille Stewart	\$ 33.19 plus interest on \$ 8.19
2742	Bill & Ruby King	\$228.20 plus interest on \$97.20

Tract No.	Payee	Amount
2743	C. P. Williams	\$ 98.20 plus interest on \$48.20
2744	C. P. Williams	\$ 29.04 plus interest on \$ 4.04
2746	C. P. Williams	\$ 19.36 plus interest on \$11.36
2747	Helen M. Eller	\$ 29.04 plus interest on \$13.04
2748	John D. Williams	\$ 19.36 plus interest on \$11.36
2749	Lucille Stewart	\$ 19.36 plus interest on \$11.36
2751	H. G. Dickey	\$ 26.28 plus interest on \$10.28
2752	A. E. Lane	\$ 38.72 plus interest on \$22.72
2753	Ernest Miller	\$ 16.60 plus interest on \$ 8.60
2754	Ernest Miller	\$ 19.36 plus interest on \$11.36
2756	H. E. Wallace	\$ 38.72 plus interest on \$22.72
2757	H. W. Jones	\$ 19.36 plus interest on \$11.36
2758	O. S. Allen	\$ 19.36 plus interest on \$11.36
2759	Thurman W. Hammet	\$ 19.36 plus interest on \$11.36
2761	James S. Pyle	\$ 19.36 plus interest on \$11.36

Entered

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

ajs

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)	
	)	CIVIL ACTION NO. 4859
Plaintiff,)	
vs.	)	1/2 Interest in Tract No. K-1117
)	
534.00 Acres of Land, More or Less,	)	All interest in Tracts Nos.
Situate in Nowata County, Oklahoma,)	
and W. G. Phillips, et al,	)	K-1153
and Unknown Owners,	)	K-1172
	)	K-1177
Defendants.	)	L-1248
	)	L-1261

FILED
SEP - 8 1965
NOBLE C. HOOD
District

J U D G M E N T

1.

NOW, on this 6 day of September, 1965, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of Judgment on an agreement of the parties as to just compensation and the Court, after having examined the files in this action and being advised by counsel for the parties, finds:

2.

This Judgment applies only to 1/2 interest in the estate taken in Tract No. K-1117, and the entire estates taken in Tracts Nos. K-1153, K-1172, K-1177, L-1248, and L-1261, as such estates and tracts are described in the Complaint and the Declaration of Taking filed in this Civil Action.

3.

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

4.

Service of Process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in 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 February 25, 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 certain sums of money all of which has been disbursed, as set out in paragraph 11 below.

7.

On the date of taking in this action, the owners of the interests in the estates taken in subject tracts as described in paragraph 2 herein were the defendants whose names are shown in paragraph 11 below. On June 22, 1963, the defendants, Chemetron Corporation and Petroleum Engineers Producing Corporation, executed and filed herein an agreement which provided that Chemetron Corporation should receive the full award for all subject interests which were owned on the date of taking by both of said corporations, and such agreement should be approved by the Court.

Chemetron Corporation is the only person asserting any interest in the subject property, all other persons having either disclaimed or defaulted, and such corporation is entitled to receive the just compensation awarded by this Judgment.

8.

Before this Civil Action was filed, a series of correspondence was exchanged between the U. S. Army Corps of Engineers and the owners of the subject property, by which an agreement was reached as to the amount of just compensation for the taking, by the Government, of the interests described in paragraph 2 herein. The amount agreed upon, with reference to each of the various tracts, is shown in paragraph 11 herein. The agreement reached in the manner described above constitutes a valid and binding contract between the parties and should be adopted by the Court, and the amounts agreed upon by the parties should be adopted as the awards of just compensation for the taking of the interests covered 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 tracts named in paragraph 2 herein, as such tracts are particularly described in the Complaint and Declaration of Taking filed herein; and the interests in such tracts as particularly set forth in paragraph 2 herein, to the extent of the estates described in such Declaration of Taking, are condemned and title thereto is vested in the United States of

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

10.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the interests described in paragraph 2 herein, condemned herein in subject tracts, were the persons whose names appear below in paragraph 11, and the right to just compensation for such interests taken herein in these tracts is vested in the parties so named. Provided: that the agreement between Chemetron and Petroleum Engineers Producing Corporation described in paragraph 7 above, hereby is approved by the Court and the full award for the interests in the estates taken in the subject tracts owned by both such corporations shall be paid to Chemetron Corporation only, and such payment shall relieve the Government of any further liability in regard to payment of the award for such interest.

11.

It Is Further ORDERED, ADJUDGED AND DECREED that the agreement of the parties, described in paragraph 8 above, hereby is approved, and the sums agreed upon by the parties are adopted as just compensation for the various interests in the estate taken in the various tracts, as follows, to-wit:

Tract Nos.	Interest Covered by Award	Owners	Award of Just Compensation	Deposited and Also Disbursed to Owners
K-1117	1/2 interest in entire estate taken	Petroleum Engineers Producing Corporation (Hereafter called PEPCO) and Chemetron Corporation (Hereafter called Chemetron)	\$1,625.00	\$1,625.00
K-1153	Entire estate taken	PEPCO and Chemetron	\$ 360.00	\$ 360.00
K-1172	Entire estate taken	PEPCO and Chemetron	\$7,450.00	\$7,450.00
K-1177	Entire estate taken	PEPCO and Chemetron	\$1,900.00	\$1,900.00
L-1248	Entire estate taken	PEPCO and Chemetron	\$ 275.00	\$ 275.00
L-1261	Entire estate taken	PEPCO and Chemetron	\$4,850.00	\$4,850.00

ALLEN E. BARROW

APPROVED:

UNITED STATES DISTRICT JUDGE

Richard S. Marlow
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

CIVIL ACTION NO. 4891

Partial Interests in
63 Tracts.

FILED

SEP - 8 1965

J U D G M E N T

1.

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

NOW, on this 8 day of September, 1965, this matter comes on for disposition on application of plaintiff, United States of America, for entry of Judgment on an agreement of the parties as to just compensation and the Court, after having examined the files in this action and being advised by counsel for the parties, finds:

2.

This Judgment applies only to certain interests in the estates condemned in certain tracts involved in this action, as such estates and tracts are described in the Complaint and the Declaration of Taking and the amendments thereto filed in this civil action. The tracts and interests, in the estates taken, covered by this Judgment are as follows, to-wit:

<u>TRACTS NOS.</u>	<u>INTEREST IN ESTATES TAKEN</u>
4706-3 and 5731-9 -----	Entire lessee interest only
5730-7, 5731-4 and 4706-7 -----	Entire lessee interest only
5613-2 -----	Entire lessee interest only
5614-9 and 5623-3 -----	Entire estate taken
5614-10 and 5623-2 -----	Entire lessee interest only
5615-8 and 5622-3 -----	Entire lessee interest only
5615-F -----	1/4 of lessor interest and Entire lessee interest
5622-1 -----	Entire lessee interest only
5622-2 -----	Entire lessee interest only
5623-D -----	Entire estate taken

5719-11 -----	Entire lessee interest only
5719-12 -----	Entire lessee interest only
5719-13 -----	Entire lessee interest only
5719-14 -----	Entire lessee interest only
5719-C -----	Entire lessee interest only
5719-P -----	Entire lessee interest only
5730-11 -----	Entire lessee interest only
5730-B -----	1/2 of lessor interest and Entire lessee interest
5730-C -----	Entire lessee interest only
5731-7 -----	Entire lessee interest only
5731-8 -----	Entire lessee interest only

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power and authority to condemn for public use the estates described in paragraph 2 herein. Pursuant thereto on March 18, 1960, the United States of America filed its Declaration of Taking of such described property and on June 27, 1962, 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 subject tracts certain sums of money all of which has been disbursed, as set out in paragraph 11 below.

7.

On the date of taking in this action, the owners of the interests in the estates taken in subject tracts as described in paragraph 2 herein were the defendants whose names are shown in paragraph 11 below. On June 22, 1963, the defendants, Chemetron Corporation and Petroleum Engineers Producing Corporation, executed and filed herein an agreement which provided that Chemetron Corporation should receive the full award for all subject interests which were owned on the date of taking by both of said corporations, and such agreement should be approved by the Court. Chemetron Corporation and the other defendants named in said paragraph 11 are the only persons asserting any interest in the subject property, all other persons having either disclaimed or defaulted, and such named defendants (with the exception of Petroleum Engineers Producing Corporation) are entitled to receive the just compensation awarded by this judgment.

8.

Before this civil action was filed, a series of correspondence was exchanged between the U. S. Army Corps of Engineers and the owners of the subject property, by which an agreement was reached as to the amount of just compensation for the taking, by the Government, of the interests described in paragraph 2 herein. The amount agreed upon, with reference to each of the various tracts, is shown in paragraph 11 herein. The agreement reached in the manner described above constitutes a valid and binding contract between the parties and should be adopted by the Court, and the amounts agreed upon by the parties should be adopted as the awards of just compensation for the taking of the interests covered 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 tracts named in paragraph 2 herein, as such tracts are particularly described in the Complaint and Declaration of Taking and the amendments thereto filed herein; and the interests in such tracts as particularly set forth in paragraph 2 herein, to the extent of the estates described in such Declaration of Taking, are condemned and title thereto is vested in the United States of America as of the date of filing the Declaration of Taking, and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the interests described in paragraph 2 herein, condemned herein in subject tracts, were the persons whose names appear below in paragraph 11, and the right to just compensation for such interests taken herein in these tracts is vested in the parties so named. Provided: that the agreement between Chemetron and Petroleum Engineers Producing Corporation described in paragraph 7 above, hereby is approved by the Court and the full award for the interests in the estates taken in the subject tracts owned by both such corporations shall be paid to Chemetron Corporation only, and such payment shall relieve the Government of any further liability in regard to payment of the award for such interest.

11.

It Is Further ORDERED, ADJUDGED AND DECREED that the agreement of the parties, described in paragraph 8 above, hereby is approved, and the sums agreed upon by the parties are adopted as just compensation for the various interests in the estate taken in the various tracts, as follows, to-wit:

Tract Nos.	Interest Covered by Award	Owners	Award of Just Compensation	Deposited and Also Disbursed to Owners
4706-3 and 5731-9	: Lessee interest only	: Petroleum Engineers Producing Corporation; (Hereafter called PEPCO) and Chemetron Corporation; (Hereafter called Chemetron)	: \$ 5,000.00	: \$ 5,000.00
5730-7	:	:	:	:
5731-4 and 4706-7	: Lessee interest only	: PEPCO and Chemetron	: \$ 4,500.00	: \$ 4,500.00
5613-2	: Lessee interest only	: PEPCO and Chemetron	: \$ 8,475.00	: \$ 8,475.00
5614-9 and 5623-3	: Entire estate taken	: PEPCO and Chemetron	: \$ 7,500.00	: \$ 7,500.00
5614-10 and 5623-2	: Lessee interest only	: PEPCO and Chemetron	: \$ 400.00	: \$ 400.00
5615-8 and 5622-3	: Lessee interest only	: PEPCO and Chemetron	: \$ 3,625.00	: \$ 3,625.00
5615-F	: 1/4 of lessor interest and entire lessee interest	: PEPCO and Chemetron	: \$ 3,922.50	: \$ 3,922.50

Tract Nos.	Interest Covered by Award	Owners	Award of Just Compensation	Deposited and Also Disbursed to Owners
5622-1	: Lessee interest only	: PEPCO and Chemetron : Hinman Stuart Milam : Mary Stevenson : Mildred Viles and : P.I.C. Management Co., : Inc.	: \$ 800.00	: \$ 800.00
5622-2	: Lessee interest only	: PEPCO and Chemetron	: \$ 200.00	: \$ 200.00
5623-D	: Entire estate taken	: PEPCO and Chemetron	: \$ 250.00	: \$ 250.00
5624-6	: Lessee interest only	: PEPCO and Chemetron	: \$ 2,550.00	: \$ 2,550.00
5624-13	: Lessee interest only	: PEPCO and Chemetron	: \$ 150.00	: \$ 150.00
5624-18	: Entire estate taken	: PEPCO and Chemetron	: \$ 1,575.00	: \$ 1,575.00
5624-B	: Lessee interest only	: PEPCO and Chemetron	: \$ 7,350.00	: \$ 7,350.00
5624-C	: Lessee interest only	: PEPCO and Chemetron	: \$ 8,340.00	: \$ 8,340.00
5624-E	: Lessee interest only	: PEPCO and Chemetron	: \$ 6,065.00	: \$ 6,065.00
5624-F	: Lessee interest only	: PEPCO and Chemetron	: \$13,900.00	: \$13,900.00
5624-G	: Lessee interest only	: PEPCO and Chemetron	: \$ 7,600.00	: \$ 7,600.00
5624-H	: Lessee interest only	: PEPCO and Chemetron	: \$ 9,600.00	: \$ 9,600.00
5624-I	: Lessee interest only	: PEPCO and Chemetron	: \$10,050.00	: \$10,050.00
5624-0 and 5625-A	: 3/4 of the entire estate : taken	: PEPCO and Chemetron	: \$ 2,906.25	: \$ 2,906.25
5624-R	: Lessee interest only	: PEPCO and Chemetron : Hinman Stuart Milam : Mary Stevenson : Mildred Viles and : P.I.C. Management Co., : Inc.	: \$ 3,480.00	: \$ 3,480.00
5625-1	: Lessee interest only	: PEPCO and Chemetron	: \$ 8,450.00	: \$ 8,450.00
5625-2	: Lessee interest only	: PEPCO and Chemetron	: \$ 6,300.00	: \$ 6,300.00
5625-4A	: Lessee interest only	: PEPCO and Chemetron : Hinman Stuart Milam : Mary Stevenson : Mildred Viles and : P.I.C. Management Co., : Inc.	: \$ 250.00	: \$ 250.00

Tract Nos.	Interest Covered by Award	Owners	Award of Just Compensation	Deposited and Also Disbursed to Owners
5625-4D	Lessee interest only	PEPCO and Chemetron Hinman Stuart Milam Mary Stevenson Mildred Viles and P.I.C. Management Co., Inc.	\$ 1,700.00	\$ 1,700.00
5625-9	Lessee interest only	PEPCO and Chemetron	\$ 1,725.00	\$ 1,725.00
5625-14	Lessee interest only	PEPCO and Chemetron	\$ 1,275.00	\$ 1,275.00
5625-B	Lessee interest only	PEPCO and Chemetron	\$ 3,140.00	\$ 3,140.00
5625-K	Lessee interest only	PEPCO and Chemetron	\$ 3,150.00	\$ 3,150.00
5625-M	Lessee interest only	PEPCO and Chemetron	\$ 2,900.00	\$ 2,900.00
5625-0	Lessee Interest only	PEPCO and Chemetron Hinman Stuart Milam Mary Stevenson Mildred Viles and P.I.C. Management Co., Inc.	\$ 775.00	\$ 775.00
5636-1 and 5625-13	Lessee interest only	PEPCO and Chemetron	\$11,675.00	\$11,675.00
5636-10	Lessee interest only	PEPCO and Chemetron	\$ 2,225.00	\$ 2,225.00
5636-11 and 5731-8	Lessee interest only	PEPCO and Chemetron	\$ 9,050.00	\$ 9,050.00
5636-12	Lessee interest only	PEPCO and Chemetron	\$ 1,275.00	\$ 1,275.00
5636-A	Lessee interest only	PEPCO and Chemetron	\$10,675.00	\$10,675.00
5636-C	Lessee interest only	PEPCO and Chemetron	\$ 9,850.00	\$ 9,850.00
5636-D and 5636-DA	Lessee interest only	PEPCO and Chemetron	\$ 4,100.00	\$ 4,100.00
5636-E	Lessee interest only	PEPCO and Chemetron	\$ 9,250.00	\$ 9,250.00
5719-8	Lessee interest only	PEPCO and Chemetron	\$ 7,375.00	\$ 7,375.00
5719-9	Entire estate taken	PEPCO and Chemetron	\$ 700.00	\$ 700.00
5719-10	Lessee interest only	PEPCO and Chemetron	\$ 3,808.34	\$ 3,808.34
5719-11	Lessee interest only	PEPCO and Chemetron	\$ 3,175.00	\$ 3,175.00

Tract Nos.	Interest Covered by Award	Owners	Award of Just Compensation	Deposited and Also Disbursed to Owners
5719-12	Lessee interest only	PEPCO and Chemetron	\$ 3,175.00	\$ 3,175.00
5719-13	Lessee interest only	PEPCO and Chemetron	\$16,775.00	\$16,775.00
5719-14	Lessee interest only	PEPCO and Chemetron	\$ 2,900.00	\$ 2,900.00
5719-C	Lessee interest only	PEPCO and Chemetron	\$ 2,705.00	\$ 2,705.00
5719-P	Lessee interest only	PEPCO and Chemetron	\$ 3,200.00	\$ 3,200.00
5730-11	Lessee interest only	PEPCO and Chemetron	\$18,375.00	\$18,375.00
5730-B	1/2 of lessor interest and Entire lessee interest	PEPCO and Chemetron	\$10,200.00	\$10,200.00
5730-C	Lessee interest only	PEPCO and Chemetron	\$ 4,950.00	\$ 4,950.00
5731-7	Lessee interest only	PEPCO and Chemetron	\$ 2,000.00	\$ 2,000.00

APPROVED:

s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 -vs-)
)
 CHARLES W. WEBB, JR.,)
)
 Defendant.)

No. 6026 - Civil

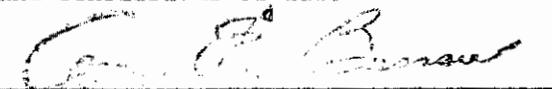
FILED

SEP 8 1965

J U D G M E N T

NORME C. HOOD
Clk District

Now on this 7th day of September, 1965, pursuant to findings of fact and conclusions of law heretofore entered in the above entitled cause of action, the Court hereby enters judgment in favor of the defendant and against the plaintiff, consistent with said findings of fact and conclusions of law.


United States District Judge

O.K. AS TO FORM AND CONTENT


Attorney for Plaintiff


Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)	
Plaintiff,)	
vs.	)	Civil No. 6129
271.89 Acres of Land, More or Less,	)	Tract Nos. 2314 & E
Situate in Tulsa, Pawnee, and Creek	)	FILED
Counties, Oklahoma, and Sidney Gore,)	
et al, and Unknown Owners,	)	SEP - 8 1965
Defendants.)	
		<u>O R D E R</u> NOBLE C. HOOD

On the 23rd of July, 1965, there came on for hearing before me, Clerk of U.S. District Court, the Honorable Allen E. Barrow, Chief Judge, United States District Court for the Northern District of Oklahoma, defendant Parke Ruark's motion to strike and plaintiff's motion for judgment on the option; the defendant appearing in person and the plaintiff appearing by and through Hugh V. Schaefer and Robert P. Santee, Assistant U. S. Attorneys for the Northern District of Oklahoma, and no other person appearing.

The motion to strike of the defendant was filed on May 6, 1965, and applies only to Tract No. 2314E. In this motion defendant seeks to strike from the complaint the provision that the type and location of any structures necessary for the enjoyment of the mineral estate cannot be erected without prior written approval of the authorized representative of the United States of America. Defendant's contentions consist of basically two points: First, the Government should have procured by purchase agreement the right to flood, then if defendant did anything detrimental to the plaintiff's use of the estate taken, the Government could enjoin the defendant. Second, that the redundant proviso allows a Government clerk to reduce the defendant's interest in Tract No. 2314E to mere grazing rights for which a purchaser would pay very little.

Both sides have submitted briefs and, after examining the same and hearing arguments of counsel, the Court finds that the defendant's motion to strike should be overruled for the following reasons.

The United States does not have to exhaust its effort to purchase property before bringing a condemnation action. U.S. v. Certain Interests in Land, 58 F. Supp. 739, (E.D. Ill 1945); U.S. v. Southerly Portion of Bodie Island, 114 F. Supp. 427, (E.D. N.Car. 1953).

The estate being taken in Tract No. 2314E is a subordination of the minerals to a flowage easement and inherent in such taking is the right to require that no structures be left or placed on the land which might interfere with the operation of the project or create a hazard in time of flood. The character, quantity, and nature of the estate taken is a matter to be determined by the acquiring agency under the statutes authorizing the project, and the Court cannot reduce the estate taken. If the requirement that no structures be placed on the land reduced the value of the defendant's mineral estate, then it becomes a matter for consideration in determining fair market value to be paid for the interest so taken. See U.S. v. Oregon Electric Railway Company, 195 F. Supp. 182 (D. Ore. 1961); U.S. v. Burmeister, 172 F. 2d 478 (10th Cir. 1949). Once the appropriate officer of the Government deems that the taking is in the public interest and determines the character, quantity, and nature of the estate taken for public use, the landowner cannot modify this decision through court action. His remedy, which the courts must protect, is adequate and sufficient just compensation for the taking of his property regardless of the unique character of the interest or restrictions imposed upon the property by reason of condemnation.

The Court further finds that the essence of defendant's motion to strike is an objection to the taking by the United States and, while the defendant Ruark timely filed his answer on March 22, 1965, he did not file the present motion until May 6, 1965. Under Rule 71A(e), all objections to the taking must be raised in an answer which is filed within 20 days after service of notice of condemnation upon him. See Volume 3, Barron & Holtzoff, Federal Practice and Procedure, Section 1522. While defendant filed his answer within the 20-day period provided by Rule 71A, he did not ask to have the provision stricken at that time and, hence, his failure to do so within the period of time stated above constitutes a waiver of his right to do so at a later date.

With reference to plaintiff's motion for judgment on the option, the Court has been advised and so finds that counsel have stipulated and agreed that the motion for judgment on the option should be sustained.

After hearing evidence, the Court finds that such stipulation should be approved and plaintiff's motion for judgment on the option be sustained.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED THAT the plaintiff's motion for judgment on the option be and the same is hereby sustained and judgment entered in favor of defendant Parke Ruark against the United States of America in the amount of \$25.00 as to Tract Nos. 2314 and 2314E.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED THAT 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:

Parke Ruark - - - - - \$25.00

Entered: *Sept. 7, 1965*

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

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

LARRY FOSTER, a minor by Helen
Due, his mother and next friend,
Plaintiff,

vs.

MIDLAND VALLEY RAILROAD COMPANY,
an Arkansas Corporation, JOHN
ELLIS, WILLIE PERRY, EARL CANADA,
W. T. JONES, C. M. TAYLOR, and
JIMMY BLAINE,

Defendants.

Civil No. 6211

FILED

SEP -9 1935

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

ORDER GRANTING MOTION TO REMAND

This action against the defendant railroad presents a question regarding the location of the railroad's principal place of business for diversity jurisdiction purposes. The defendant railroad removed this cause which was brought in the District Court of the State of Oklahoma for damages in excess of \$10,000.00 exclusive of interest and costs. The plaintiff seeks to remand the action claiming that the defendant, like the plaintiff, is a resident of the State of Oklahoma, and that there is lacking the required diversity of jurisdiction.

The defendant, an Arkansas corporation, alleges that its principal place of business is in Missouri; that it owns substantial rights-of-way in states other than Oklahoma; that the repair and maintenance of its locomotives, engines and cars are in Texas; and that the executive and administrative offices of the railroad are in Missouri from which offices the direction, control and management of its affairs take place. It is further alleged that the officers, with one exception, reside in Missouri, nearly all members of the Board of Directors reside in Missouri, the meetings of the stockholders and directors are held in Missouri, and that, therefore, the "nerve center" of the railroad is in Missouri and

not Oklahoma.

In addition to the claimed diversity, the defendant railroad claims that this action should not be remanded because the individual defendants are improperly joined for the purpose of defeating jurisdiction.

The removal statute, 28 U.S.C., Sec. 1332(c), provides:

"For the purposes of this section and section 1441 of this title, a corporation shall be deemed a citizen . . . of the state where it has its principal place of business. . ."

The phrase "principal place of business" is determined on a case-by-case basis. The cases have taken two different lines of reasoning in determining the corporation's principal place of business. In Scot Typewriter Co. v. Underwood Corp., 190 Fed. Supp. 862, it was held that while the defendant had its largest plant in Connecticut, that New York was its principal place of business since that was where the determinations of policy were made as well as where the direction and control of corporate affairs were located. The Scot Typewriter case illustrates the "nerve center" test in determining the principal place of business.

The line or theory which other cases have followed is sometimes termed "place of operations" or "center of corporate activities." Kelly v. United States Steel Corp., 284 F. 2d, 850. These cases seem to rely upon the location where the major operations in the particular business are carried on, where most employees and tangible property are located and where the day-to-day operations take place.

After a thorough review of the legislative history of Section 1332(c), it has been concluded that the locus of corporate operations is a more important factor than the locus of over-all policy direction or control in determining the "principal place of business" of a corporation. Inland Rubber Corporation v. Triple A Tire Service, Inc., 220 F. Supp. 490.

The Committee on Jurisdiction and Venue of the Judicial Conference of the United States followed the recommendation of the Tenth Circuit in proposing that the standard for principal place of business set forth in the jurisdictional sections of the Bankruptcy Act be applied in construing the diversity statute.^{1/} This standard for principal place of business is based upon the locus of corporate operations, when one state has a predominance of them, according to the legislative history. Inland Rubber Corp., supra., p. 494.

In the case at bar, the defendant railroad carries on a predominance of its corporate operations in the state of Oklahoma. The defendant admits that it operates a total of 333.46 miles of railroad track of which track 246.81 miles are in the state of Oklahoma. The total number of personnel employed by the defendant is 165 of which 135 are employed in the state of Oklahoma. Of the 28 offices operated by the defendant, 11 are located in Oklahoma. The defendant operates six depots, five of which are in Oklahoma. The total assets owned by the defendant as of December 31, 1964, was \$18,690,939.00 of which \$17,853,395.00 were in the state of Oklahoma. The gross railway operating revenue earned by the defendant in 1964 was \$1,401,454.00 of which \$1,271,612.96 was earned in Oklahoma.

It can be concluded from the above facts that the defendant carries on a predominance of its corporate operations and activities in the state of Oklahoma, and that therefore the principal place of business of the defendant corporation is in the state of Oklahoma. Therefore, no federal diversity jurisdiction over this cause is present.

^{1/}

Bankruptcy Act, Sec. 2, 11 U.S.C.A. Sec. 11;
2 U. S. Code Cong. & Admin. News 3132 (1958).

This being true, the second reason by which the defendant claims that this cause should not be remanded because the individual defendants are improperly joined, need not be considered.

In view of the above the Court remands this case to the District Court of Tulsa County, State of Oklahoma, and the Clerk is directed to take the necessary action to so remand the same.

Dated this 7 day of September, 1965.


Fred Daugherty
United States District Judge

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

CCI CORPORATION, a corporation,
Plaintiff,
vs.
KOEHRING COMPANY, a corporation,
Defendant.

Civil Action No. 6092 ✓

ORDER OF DISMISSAL **FILED**

SEP 14 1965

Now on this 14 day of September, 1965,

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

it appearing to the Court from the Stipulation of the parties heretofore filed herein that all matters in controversy between the parties to this action have been compromised and settled;

IT IS THEREFORE by the Court ORDERED that the Plaintiff's Complaint and the Defendant's Counterclaim and each of them be, and it is, hereby dismissed with prejudice.

Lisa Daugherty
District Judge

Approved:

C. H. Rosenstein
C. H. Rosenstein

A. F. Ringold
A. F. Ringold
Attorneys for Plaintiff

Garrett Logan
Garrett Logan
STEVEN E. KEANE

Steven E. Keane
Steven E. Keane
David E. Beckwith
David E. Beckwith
Attorneys for Defendant

WL:chk
9-10-65

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

INLAND STEEL PRODUCTS COMPANY,)
a corporation,)
)
Plaintiff,)
)
vs.)
)
A. B. C. BUILDING COMPANY, a corporation,)
and ROBERT T. GRIFFIN,)
)
Defendants.)

Civil Action

No. 6213

FILED

SEP 14 1965

ORDER DISMISSING ACTION WITHOUT PREJUDICE

NORLE C. HOOD
Clerk - District

Now, on this 14 day of September, 1965, upon Motion of the plaintiff for an Order Dismissing the above action without prejudice, and without any conditions being attached to such Dismissal, and for good cause shown, the Court finds that said Order should be and is hereby entered.

IT IS, THEREFORE, ORDERED BY THE COURT that the above cause be and the same is hereby dismissed without prejudice.

Dated this 14 day of September, 1965.

(5) Fred Daugherty
Fred Daugherty
United States District Judge

LAW OFFICES
UNGERMAN,
GRABEL,
UNGERMAN
& LEITER

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA

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

UNITED STATES OF AMERICA FOR THE)
USE OF MILLER C. BEASLEY MACHINERY)
COMPANY,)

Plaintiff,)

vs.)

No. 6241 Civil)

H & L CONSTRUCTION COMPANY and)
AMERICAN CASUALTY COMPANY OF)
READING, PENNSYLVANIA,)

Defendants.)

FILED

SEP 14 1965

ORDER OF DISMISSAL

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

Pursuant to the motion to dismiss heretofore filed by the
counsel for the plaintiff herein, the Court finds, and

IT IS THE ORDER OF THE COURT that the above entitled
action be and the same is hereby dismissed, at the cost of the
defendant.

Dated this 14 day of September, 1965.

Fred Daugherty
Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOBLE C. MOON
Clk. District Court

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

CIVIL ACTION No. 4891

Entire Estate Taken in Tract
No. 5636-8

Lessor Interest Only in
Tracts Nos.:

4706-3	5625-14	5636-C
5731-9	5636-1	5719-10
5730-7	5625-13	5730-11
5731-4	5636-10	5731-7
4706-7	5636-11	5731-8
	5636-12	

J U D G M E N T

1.

NOW, on this 15 day of September, 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 entire estate taken in Tract No. 5636-8, and to the lessor interest only in the estate taken in Tracts Nos. 4706-3, 5731-9, 5730-7, 5731-4, 4706-7, 5625-14, 5636-1, 5625-13, 5636-10, 5636-11, 5636-12, 5636-C, 5719-10, 5730-11, 5731-7, and 5731-8, as such estates and tracts are described in the Complaint and the Declaration of Taking and the amendments thereto filed in this civil action.

3.

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

4.

Service of Process has been perfected either personally or by publication notice, as provided by Rule 71A of the Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in the subject 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 filed its Declaration of Taking of such described property, and on June 27, 1962, 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 part 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 interests described in paragraph 2 herein were the defendants whose names are shown in paragraph 12 below. After the date of taking, Edward C. Lawson died and Edward C. Lawson, Jr., has been appointed executor of his estate. 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 described interests in the estates condemned in subject tracts is in the amounts shown as compensation in paragraph 12, and such stipulations should be approved.

9.

Deficiencies exist between the amounts deposited as estimated compensation for the subject tracts and the amounts fixed by the Stipulations As To Just Compensation, and the amounts of such deficiencies should be deposited for the benefit of the owners. Such deficiencies are 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 and the amendments thereto filed herein; and the interests in such tracts as particularly set forth in paragraph 2 herein, to the extent of the estates described in such Declaration of Taking, are condemned, and title thereto is vested in the United States of America as of the date of filing the Declaration of Taking, and all other defendants herein and all other persons interested in such property 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 interests as described in paragraph 2 herein, were the persons whose names appear below in paragraph 12, and the right to just compensation for such interests taken herein in the subject tracts is vested in the parties so named. Provided: that Edward C. Lawson is now deceased and Edward C. Lawson, Jr., as executor is entitled to receive his share of the awards.

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 therein fixed are adopted as the awards of just compensation for the above-described interests in the estates condemned in subject tracts, as follows, to-wit:

TRACTS NOS. 4706-3 AND 5731-9. COMBINED
Lessor Interest Only

Owners:

Jessie W. Campbell and
Edward C. Lawson

Award of just compensation		
pursuant to stipulation - - - - -	\$10,000.00	\$10,000.00
Deposited as estimated compensation - - - - -	<u>\$10,000.00</u>	
Disbursed to owners - - - - -		<u>\$10,000.00</u>

TRACTS NOS. 5730-7, 5731-4 AND 4706-7 COMBINED
Lessor Interest Only

Owners:

Jessie W. Campbell
Edward C. Lawson and
First National Bank of Coffeyville, Trustee under the
will of Herbert L. Campbell, deceased

Award of just compensation		
pursuant to stipulation - - - - -	\$9,450.00	\$9,450.00
Deposited as estimated compensation - - - - -	\$9,000.00	
Disbursed to owners - - - - -		<u>\$9,000.00</u>
Balance due to owners - - - - -		\$450.00
Deposit deficiency - - - - -	\$450.00	

TRACT NO. 5625-14
Lessor Interest Only

Owners:

Jessie W. Campbell and
Edward C. Lawson

Award of just compensation		
pursuant to stipulation - - - - -	\$2,310.00	\$2,310.00
Deposited as estimated compensation - - - - -	\$2,200.00	
Disbursed to owners - - - - -		<u>\$2,200.00</u>
Balance due to owners - - - - -		\$110.00
Deposit deficiency - - - - -	\$110.00	

TRACTS NOS. 5636-1 AND 5625-13, COMBINED
Lessor Interest Only

Owners:

Jessie W. Campbell and
Edward C. Lawson

Award of just compensation		
pursuant to stipulation - - - - -	\$3,990.00	\$3,990.00
Deposited as estimated compensation - - - - -	\$3,800.00	
Disbursed to owners - - - - -		<u>\$3,800.00</u>
Balance due to owners - - - - -		\$190.00
Deposit deficiency - - - - -	\$190.00	

TRACT NO. 5636-8
Entire Estate Taken

Owner:

Edward C. Lawson

Award of just compensation pursuant to stipulation - - - - -	\$4,250.00	\$4,250.00
Deposited as estimated compensation - - - - -	\$4,050.00	
Disbursed to owner - - - - -		<u>\$3,500.00</u>
Balance due to owner - - - - -		\$750.00
Deposit deficiency - - - - -	\$200.00	

TRACT NO. 5636-10
Lessor Interest Only

Owners:

Jessie W. Campbell and
Edward C. Lawson

Award of just compensation pursuant to stipulation - - - - -	\$3,490.00	\$3,490.00
Deposited as estimated compensation - - - - -	\$3,325.00	
Disbursed to owners - - - - -		<u>\$3,325.00</u>
Balance due to owners - - - - -		\$165.00
Deposit deficiency - - - - -	\$165.00	

TRACT NO. 5636-11
Lessor Interest Only

Owners:

Jessie W. Campbell and
Edward C. Lawson

Award of just compensation pursuant to stipulation - - - - -	\$7,485.00	\$7,485.00
Deposited as estimated compensation - - - - -	\$7,130.80	
Disbursed to owners - - - - -		<u>\$7,130.80</u>
Balance due to owners - - - - -		\$354.20
Deposit deficiency - - - - -	\$354.20	

TRACT NO. 5636-12
Lessor Interest Only

Owner:

Jessie W. Campbell

Award of just compensation pursuant to stipulation - - - - -	\$1,020.00	\$1,020.00
Deposited as estimated compensation - - - - -	\$975.00	
Disbursed to owner - - - - -		<u>\$975.00</u>
Balance due to owner - - - - -		\$45.00
Deposit deficiency - - - - -	\$45.00	

TRACT NO. 5636-C
Lessor Interest Only

Owner:

Jessie W. Campbell

Award of just compensation pursuant to stipulation - - - - -	\$2,715.00	\$2,715.00
Deposited as estimated compensation - - - - -	\$2,590.00	
Disbursed to owner - - - - -		<u>\$2,590.00</u>
Balance due to owner - - - - -		\$125.00
Deposit deficiency - - - - -	\$125.00	

TRACT NO. 5719-10
Lessor Interest Only

Owners:

Jessie W. Campbell and
Edward C. Lawson

Award of just compensation pursuant to stipulation - - - - -	\$337.00	\$337.00
Deposited as estimated compensation - - - - -	\$316.66	
Disbursed to owners - - - - -		<u>\$316.66</u>
Balance due to owners - - - - -		\$20.34
Deposit deficiency - - - - -	\$20.34	

TRACT NO. 5730-11
Lessor Interest Only

Owners:

Jessie W. Campbell and
Edward C. Lawson

Award of just compensation pursuant to stipulation - - - - -	\$4,670.00	\$4,670.00
Deposited as estimated compensation - - - - -	\$4,450.00	
Disbursed to owners - - - - -		<u>\$4,450.00</u>
Balance due to owners - - - - -		\$220.00
Deposit deficiency - - - - -	\$220.00	

TRACT NO. 5731-7
Lessor Interest Only

Owners:

Jessie W. Campbell and
Edward C. Lawson

Award of just compensation pursuant to stipulation - - - - -	\$4,200.00	\$4,200.00
Deposited as estimated compensation - - - - -	\$4,000.00	
Disbursed to owners - - - - -		<u>\$4,000.00</u>
Balance due to owners - - - - -		\$200.00
Deposit deficiency - - - - -	\$200.00	

TRACT NO. 5731-8
Lessor Interest Only

Owners:

Jessie W. Campbell and
Edward C. Lawson

Award of just compensation pursuant to stipulation - - - - -	\$9,625.00	\$9,625.00
Deposited as estimated compensation - - - - -	\$9,169.20	
Disbursed to owners - - - - -		<u>\$9,169.20</u>
Balance due to owners - - - - -		\$455.80
Deposit deficiency - - - - -	\$455.80	

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 \$2,535.34, and such sum shall be allocated and placed in the deposits for the respective subject tracts in the amounts of the deposit deficiencies for such tracts as shown in paragraph 12 above.

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

From the deposit for Tracts Nos. 5730-7, 5731-4 and 4706-7 combined, to Jessie W. Campbell, Edward C. Lawson, Jr., Executor of the Estate of Edward C. Lawson, deceased, and First National Bank of Coffeyville, Trustee under the Will of Herbert L. Campbell, deceased, jointly, the sum of \$450.00.

From the deposits for all other subject tracts combined, the total sum of \$2,635.34, jointly, to Jessie W. Campbell and Edward C. Lawson, Jr., executor of the Estate of Edward C. Lawson, deceased. This disbursement shall be allocated among the respective tracts according to the balance due to these owners from each tract as set forth in paragraph 12 above.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

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

PREFERRED RISK MUTUAL INSURANCE)
COMPANY, a Corporation,)

Plaintiffs,)

vs.)

NO. 6170)

JIMMY EUGENE AYERS, DORIS JEAN)
PERRAULT, PHYLLIS SPOGLER,)
MRS. HERBERT (MARY JANE) HANLIN,)
MRS. WILLIAM (EVELYN) WILSON,)
DONNA SULPO, JOHNNY M. PERRAULT,)
ELIJAH AYERS and JEWELBEAN AYERS,)

Defendants.)

FILED
SEP 15 1965
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

DECREE

NOW, on this 15 day of September, 1965, there came on for hearing pursuant to regular assignment the Motion of the parties herein to request the Court to enter a consent decree in the above captioned matter. The Court finds, after argument of counsel and representations of counsel's record, that the automobile liability policy of Preferred Risk Mutual Insurance Company, plaintiff, Number 659-502, should be declared null and void and not in any manner covering or affording coverage to the accident of December 23, 1964 wherein Jimmy Eugene Ayers was the driver of a certain 1960 Vallant owned by Jack Hendricks who operates Jack Hendricks Phillips 66 Service Station.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff, Preferred Risk Mutual Insurance Company, did not and does not afford insurance coverage by reason of a certain automobile liability insurance policy for the accident on December 23, 1964 involving a 1960 Vallant automobile and that the defendants and each of them are enjoined from further in any manner proceeding against Preferred Risk Mutual Insurance Company for and on account of any injuries, damages, losses, attorney fees and expenses.

APPROVALS:

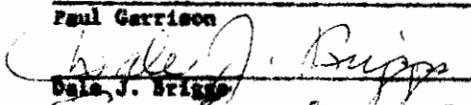


JUDGE

Alfred B. Knight

Frank Robert Hickman

Paul Garrison



Dale J. Briggs



Joe Richard

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JOHN DEE LAWRENCE,

Petitioner,

vs.

Civil No. 6251

UNITED STATES OF AMERICA,

Respondent.

FILED

SEP 16 1965

O R D E R

NOBLE C. HOOP
District Judge

This matter coming on before me, the undersigned Judge, this 16
day of September, 1965, upon the motion to vacate the sentence in Criminal
Case No. 14185, pursuant to the provisions of 28 U.S.C. 2255, filed herein by
the petitioner, John Dee Lawrence, and the court having carefully considered
said motion and the files and records in this case, as well as Criminal Case
No. 14185 in this court, finds:

That petitioner moves to vacate the sentence in Criminal Case No.
14185 on the basis that he was not represented by counsel at a post-conviction
hearing before the court on April 23, 1965 on petitioner's application to
appeal in forma pauperis and petitioner further alleges he was denied counsel
in his application for bail pending appeal. This court previously, in an
order in Criminal Case No. 14185 filed June 8, 1965, found that petitioner was
represented at said hearing on April 23, 1965 by a court appointed attorney,
Mr. Maynard Ungerman, of the firm of Ungerman, Grable, Ungerman and Leiter,
Tulsa, Oklahoma. Mr. Maynard Ungerman is an attorney with twelve years'
experience in the active practice of law and is well qualified to represent
the petitioner. The court also takes notice that the senior member of that
firm, Mr. Irvine Ungerman, represented the petitioner, John Dee Lawrence, in
the trial of Criminal Case No. 14185 as an attorney of petitioner's own choice.
The court did sustain petitioner's motion to appeal in forma pauperis.

The court further finds that petitioner filed a motion on May 10, 1965
asking this court to set an appeal bond in the amount of \$10,000.00. The
court, on May 14, 1965, entered an order denying this motion and inter alia
found within the court's discretion that in view of the overwhelming evidence
against the petitioner an appeal bond could not be set for any less than
\$50,000.00, which was the bail bond the court had previously set prior to the

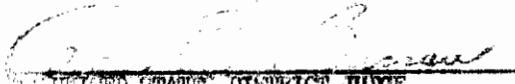
trial and certainly would not under any circumstances set an appeal bond of \$10,000.00, as suggested by the petitioner. The court further denied petitioner's motion for counsel for an appeal bond hearing. Petitioner subsequently made application to the Court of Appeals for the Tenth Circuit to set bail pending appeal which application was denied by order entered August 19, 1965 and is so reflected by the records of this court.

The court further finds that petitioner is seeking to vacate the judgment of conviction for matters occurring on April 23, 1965 which were subsequent to and following said judgment of conviction in that the verdict of guilty was returned by the jury on February 17, 1965 and sentence imposed on February 23, 1965. It also is noted that petitioner's motion for new trial was overruled on the date of sentence. A timely notice of appeal was filed and subsequently the petitioner filed motions pro se inter alia requesting this court to grant an appeal in forma pauperis and set an appeal bond. Therefore, the court finds that petitioner is seeking to collaterally attack the judgment on a matter that occurred on April 23, 1965 which was subsequent to said judgment of conviction.

The court also takes notice that an appeal from the conviction in the criminal case is now pending before the Court of Appeals for the Tenth Circuit and any questions concerning denial of effective counsel or appropriate representation at the trial proceedings can be raised in the direct appeal. The court finds that petitioner, under the authority of Rogers v. United States, 325 F. 2d 478 (10 Cir.), is not entitled to be represented by "interim" counsel, but the court also does take notice that petitioner did have counsel appointed by the court for the hearing on April 23, 1965.

Petitioner has filed a request for a show cause order to be issued against the United States Attorney for the reason that petitioner's motion to vacate in this case has not been ruled upon. The court finds no merit in this motion for the reason that this action was filed on August 13, 1965 and the order entered today is within a reasonable period of time from the initiation of this case.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that petitioner's motion to vacate the judgment and sentence under the provisions of 28 U.S.C. 2255 is overruled for the reasons heretofore set forth and further, that petitioner's motion for an order to show cause is also overruled and denied.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

389.50 Acres of Land, More or Less,
Situat in Nowata and Rogers Counties,
Oklahoma, and American Climax Petroleum
Corporation, et al, and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4822

1/2 interest in
Tract No. P-1637

FILED

SEP 20 1965

J U D G M E N T

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

1.

NOW, on this 20 day of September, 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 1/2 interest in the estate condemned in Tract No. P-1637, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the interest described in paragraph 2 herein. Pursuant thereto, on December 22, 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 the interest described in paragraph 2 herein, 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 1/2 interest in the estate taken in subject tract were the defendants whose names are shown in paragraph 12 below. Such named defendants are the only persons asserting any interest in such interest, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation awarded by this Judgment.

8.

The owners of said 1/2 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 such described interest in subject tract is in the amount shown as compensation in paragraph 12 below, and such Stipulation should be approved.

9.

A deficiency exists between the amount deposited as estimated compensation for 1/2 interest in the subject tract and the amount fixed by the Stipulation as to Just Compensation, and the amount of such deficiency should be deposited for the benefit of the owners. Such deficiency is set out in paragraph 12 below.

10.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tract named in paragraph 2 herein, as such tract is particularly described in the Complaint and Declaration of Taking filed herein; and such tract, to the extent of 1/2 interest in the estate described in such Declaration of Taking and for the uses therein described, is condemned, and title thereto is vested in the United States of America as of the date of filing such Declaration of Taking, and all defendants herein and all other persons interested in such interest are forever barred from asserting any claim thereto.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking, the owners of 1/2 interest in the estate condemned herein in subject tract were the defendants whose names appear below in paragraph 12, and the right to just compensation for such described interest taken herein in this tract is vested in the parties so named.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Stipulation as to Just Compensation, mentioned in paragraph 8 above, is hereby confirmed; and the sum therein fixed is adopted as the award of just compensation for 1/2 interest in the estate condemned in subject tract as follows:

1/2 Interest in Estate Taken in
Tract No. P-1637

OWNERS:

Lillian M. Sweaney ----- 1/4 of estate taken.
Xenoclea Coker Wilkinson ----- 1/4 of estate taken.

Award of just compensation		
pursuant to Stipulation -----	\$1,862.00	\$1,862.00
Deposited as estimated compensation		
for this interest -----	\$1,551.50	
Disbursed to owners -----		None
Balance due to owners -----		\$1,862.00
Deposit deficiency -----	\$ 310.50	

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. P-1637, the deficiency sum of \$310.50 and the Clerk of this Court then shall disburse from the deposit for the subject tract certain sums as follows:

To Lillian M. Sweaney ----- \$ 931.00
To Xenoclea Coker Wilkinson ----- \$ 931.00

s/ Allen E. Barrow

APPROVED:

UNITED STATES DISTRICT JUDGE

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.

389.50 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and American Climax Petroleum
Corporation, et al, and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4822

1/2 Interest in
Tract No. P-1637

FILED

SEP 20 1965

J U D G M E N T

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

1.

NOW, on this 20 day of September, 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 1/2 interest in the estate condemned in Tract No. P-1637, as such estate and tract are described in the Declaration of Taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the interest described in paragraph 2 herein. Pursuant thereto, on December 22, 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 1/2 interest in the estate taken in the subject tract a certain sum of money, and all of this deposit has been disbursed, as set out in paragraph 11 below.

7.

On the date of taking in this action, the owners of 1/2 interest in the estate taken in subject tract were the defendants whose names are shown in paragraph 11 below. Such named defendants are the only persons asserting any interest in the 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 1/2 interest in the subject tract and the United States of America have executed and filed herein certain Stipulations as to Just Compensation wherein they have agreed that just compensation for such 1/2 interest in the estate condemned in subject tract is in the amount shown as compensation in paragraph 11 below, 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 tract named in paragraph 2 herein, as such tract is particularly described in the Complaint and Declaration of Taking filed herein; and 1/2 interest in such tract, to the extent of the estate described in such Declaration of Taking, is condemned, and title thereto is vested in the United States of America, as of December 22, 1959, and all defendants herein and all other persons interested in such interest are forever barred from asserting any claim thereto.

10.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of 1/2 interest in the estate condemned in subject tract in this action, were the defendants whose names appear below in paragraph 11, and the right to receive the just compensation for such taking is vested in the parties so named.

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 1/2 interest in the estate condemned in subject tract as follows:

TRACT NO. P-1637
1/2 Interest in Estate Taken

Owners:

Herbert F. Couch, Jr -----1/4 of estate taken

V. C. Couch and

Pauline Couch -----1/4 of estate taken

Award of just compensation		
pursuant to Stipulations -----	\$1,551.50	\$1,551.50
Deposited as estimated compensation -----	<u>\$1,551.50</u>	
Disbursed to owners -----		<u>\$1,551.50</u>

s/ Allan E. Bannock
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.)
)
 760.42 Acres of Land, More or Less,)
 Situate in Nowata and Rogers Counties,)
 Oklahoma, and Mrs. O. C. (Corrine) Cash,)
 et al, and Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 4856
Tract Nos. N-1428 (Partial)
N-1442 (Partial)

FILED

SEP 20 1965

J U D G M E N T

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

1.

NOW, on this 20 day of September 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 1/2 of the lessor interest and 1/32 of the lessee interest in the estate taken in Tract No. N-1428, and to all of the lessor interest and a 1/16 overriding royalty interest in the estate taken in Tract No. N-1442. The description of each tract and the estate taken in each is as set forth 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 February 19, 1960, the United States of America filed its Declaration of Taking of such described property, and title to the described estates in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the interests described in paragraph 2 herein, 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 herein were the defendants whose names are shown in paragraph 12 below. Such named defendants are the only persons asserting any interest in such described 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 property described in paragraph 2 herein 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 taking of such described property is in the amount shown as compensation in paragraph 12 below, and such Stipulation should be approved.

9.

A deficiency exists between the amount deposited as estimated compensation for the taking of the 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 the interests in such tracts, as particularly set forth in paragraph 2 herein, to the extent of the estates described in such Declaration of Taking, are condemned and title thereto is vested in the United States

of America as of the date of filing such Declaration of Taking, and all defendants herein and all other persons interested in such property 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 interests as described in paragraph 2 herein, in the estates condemned in subject tracts in this action, were the defendants whose names appear below in paragraph 12, and the right to receive the just compensation for such taking 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 interests in the estates condemned in subject tracts as follows:

1/2 OF THE LESSOR INTEREST AND
1/32 OF THE LESSEE INTEREST IN
TRACT NO. N-1428 AND
ALL OF THE LESSOR INTEREST AND
1/16 OVERRIDING ROYALTY INTEREST IN
TRACT NO. N-1442, COMBINED

OWNERS:

Lillian M. Sweaney and
Xenoclea Coker Wilkinson

Award of just compensation		
pursuant to Stipulation -----	\$2,743.00	\$2,743.00
Deposited as estimated compensation		
For Tract N-1428 ---	\$1,004.68	
For Tract N-1442 ---	\$1,175.00	
Total -----	\$2,179.68	
Disbursed to owners -----		None
Balance due to owners -----		\$2,743.00
Deposit deficiency -----	\$ 563.32	

13.

It Is Further ORDERED that the United States of America shall deposit in the Registry of this Court in this Civil Action, to the credit of the subject tracts, the total deposit deficiency for the subject tracts in the sum of \$563.32.

Such sum shall be allocated to the separate deposits for the subject tracts as follows:

To Tract No. N-1428 ----- \$237.32

To Tract No. N-1442 ----- \$326.00

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

To Lillian M. Sweaney ----- \$1,371.50

To Xenoclea Coker Wilkinson ---- \$1,371.50

Such disbursal shall be allocated between the deposits for the subject tracts as follows:

From Tract No. N-1428 ----- \$1,242.00

From Tract No. N-1442 ----- \$1,501.00

Allen E. Bannock
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.)
)
 283.77 Acres of Land, More or Less,)
 Situate in Nowata County, Oklahoma,)
 and Lillian M. Coker Sweaney, et al,)
 and Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 4867

Partial interests in
Tracts Nos. N-1441 and
P-1634

All interests in
Tracts Nos. N-1444 and
N-1444E **FILED**

SEP 20 1965

J U D G M E N T

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

1.

NOW, on this 20 day of September, 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 certain interests in the estates taken in the subject tracts as follows, to-wit:

N-1441 ----- All of the surface interest
1/2 of the lessor interest in the minerals
1/32 of 7/8 overriding royalty interest.

N-1444 and
N-1444E ----- All of entire estate taken.

P-1634 ----- 1/2 of entire estate taken.

The description of each tract and the estate taken in each tract is as set forth 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 March 1, 1960, the United States of America filed its Declaration of Taking of such described property, and title to the described estates in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the interests described in paragraph 2 herein, 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 property described in paragraph 2 herein were the defendants whose names are shown in paragraph 12 below. Such named defendants are the only persons asserting any interest in such described 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 property described in paragraph 2 herein 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 taking of such described property is in the amount shown as compensation in paragraph 12 below, and such stipulation should be approved. The owners have further agreed to division and distribution of this award as set forth in paragraph 12 below.

9.

A deficiency exists between the amount deposited as estimated compensation for the taking of the 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 the interests in such tracts as particularly set forth in paragraph 2 herein, to the extent of the estates described in such Declaration of Taking, are condemned and title thereto is vested in the United States of America as of the date of filing such Declaration of Taking, and all defendants herein and all other persons interested in such property 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 interests as described in paragraph 2 herein, in the estates condemned in subject tracts in this action, were the defendants whose names appear below in paragraph 12, and the right to receive the just compensation for such taking 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 interests in the estates condemned in subject tracts as follows:

TRACT NO. N-1441:

All of the surface interest,
1/2 of the lessor interest in the minerals,
1/32 of 7/8 overriding royalty interest,

and

TRACTS NOS. N-1444 and N-1444E:

All of entire estate taken,

and

TRACT NO. P-1634:

1/2 of entire estate taken.

OWNERS:

Lillian M. Sweaney and
Xenoclea Coker Wilkinson

Award of just compensation pursuant to stipulation -----	\$7,643.00	\$7,643.00
Deposited as estimated compensation for subject interests:		
For N-1441 -----	\$2,137.50	
For N-1444 and N-1444E -----	\$2,275.00	
For P-1634 -----	\$1,500.00	
Total -----	\$5,912.50	
Disbursed to owners -----		\$2,275.00
Balance due to owners -----		\$5,368.00
(owners have agreed balance shall be paid \$2,073.00 to Sweaney and \$3,295.00 to Wilkinson.)		
Deposit deficiency -----		\$1,730.50

15.

It Is Further ORDERED that the United States of America shall deposit in the Registry of this Court in this Civil Action to the credit of subject tracts the total deposit deficiency for the subject tracts in the sum of \$1,730.50. Such sum shall be allocated by the Clerk to the separate deposits for the various tracts as follows:

To Tract No. N-1441 -----	\$685.50
To Tracts Nos. N-1444 and N-1444E -----	\$545.00
To Tract No. P-1634 -----	\$500.00

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

To Lillian M. Sweaney -----	\$2,073.00
To Xenoclea Coker Wilkinson -----	\$3,295.00

Such disbursal shall be allocated among the deposits for the subject tracts as follows:

From Tract No. N-1441 -----	\$2,823.00
From Tracts Nos. N-1444 and N-1444E -----	\$ 545.00
From Tract No. P-1634 -----	\$2,000.00

s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

kmr

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

413.36 Acres of Land, More or Less,
Situate in Nowata County, Oklahoma,
and Emma E. Mortlock, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4990

1/2 interest in
Tract No. P-1636

FILED

SEP 20 1965

J U D G M E N T

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

1.

NOW, on this 20 day of September, 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 1/2 interest in the estate condemned in Tract No. P-1636, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the interest described in paragraph 2 herein. Pursuant thereto, on August 11, 1960, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the interest described in paragraph 2 herein, 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 1/2 interest in the estate taken in subject tract were the defendants whose names are shown in paragraph 12 below. Such named defendants are the only persons asserting any interest in such interest, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation awarded by this Judgment.

8.

The owners of said 1/2 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 such described interest in subject tract is in the amount shown as compensation in paragraph 12 below, and such Stipulation should be approved.

9.

A deficiency exists between the amount deposited as estimated compensation for 1/2 interest in the subject tract and the amount fixed by the Stipulation as to Just Compensation, and the amount of such deficiency should be deposited for the benefit of the owners. Such deficiency is set out in paragraph 12 below.

10.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tract named in paragraph 2 herein, as such tract is particularly described in the Complaint and Declaration of Taking filed herein; and such tract, to the extent of 1/2 interest in the estate described in such Declaration of Taking and for the uses therein described, is condemned, and title thereto is vested in the United States of America as of the date of filing such Declaration of Taking, and all defendants herein and all other persons interested in such interest are forever barred from asserting any claim thereto.

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 1/2 interest in the estate condemned in subject tract as follows:

TRACT NO. P-1636
1/2 interest in estate taken

Owners:

Lillian M. Sweaney -----1/4 of estate taken
Xenoclea Coker Wilkinson -----1/4 of estate taken

Award of just compensation		
pursuant to Stipulation -----	\$45.00	\$45.00
Deposited as estimated compensation -----	\$37.50	
Disbursed to owners -----		None
Balance due to owners -----		<u>\$45.00</u>
Deposit deficiency -----	<u>\$ 7.50</u>	

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. P-1636, the deficiency sum of \$7.50 and the Clerk of this Court then shall disburse from the deposit for the subject tract certain sums as follows:

To Lillian M. Sweaney ----- \$22.50
To Xenoclea Coker Wilkinson----- \$22.50

Allen E. Bannock
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.)
)
 413.36 Acres of Land, More or Less,)
 Situate in Nowata County, Oklahoma,)
 and Emma E. Mortlock, et al,)
 and Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 4990
1/2 Interest in
Tract No. P-1636

FILED

SEP 20 1965

J U D G M E N T NOBLE C. HOOD
Clerk, U. S. District Court

1.

NOW, on this 20 day of September, 1965, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on an Option Contract, wherein the owners and the plaintiff have agreed upon the amount of just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This Judgment applies only to 1/2 interest in the estate condemned in Tract No. P-1636, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this civil action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on August 11, 1960, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking there was deposited in the Registry of this Court as estimated compensation for the taking of 1/2 interest in the estate taken in the subject tract, a certain sum of money, none of which has been disbursed as set out in paragraph 11 below.

7.

On the date of taking in this action, the owners of 1/2 interest in the estate taken in the subject tract were the defendants whose names are shown in paragraph 11 below. Such named defendants are the only persons asserting any interest in said 1/2 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 1/2 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, wherein they have agreed that just compensation for such 1/2 interest in the estate condemned in subject tract is in the amount shown as compensation in paragraph 11, and such Option Contract should be approved.

9.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tract named in paragraph 2 herein, as such tract is particularly described in the Complaint and Declaration of Taking filed herein; and such tract, to the extent of 1/2 interest in the estate described in such Declaration of Taking, is condemned and title thereto is vested in the United States of America as of the date of filing the Declaration of Taking, and all defendants herein and all other persons interested in such interest are forever barred from asserting any claim thereto.

10.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking the owners of 1/2 interest in the estate condemned herein in the subject tract were the persons whose names appear below in paragraph 11, and the right to just compensation for such taking is vested in the parties so named.

It Is Further ORDERED, ADJUDGED AND DECREED that the Option Contract, mentioned in paragraph 8 above, hereby is confirmed; and the sum therein fixed is adopted as the award of just compensation for 1/2 interest in the estate condemned in subject tract as follows:

TRACT NO. P-1636
1/2 Interest in Estate Taken

OWNERS:

V. C. Couch and
Pauline Couch

Award of just compensation pursuant to Option Contract -----	\$ 37.50	\$ 37.50
Deposited as estimated compensation -----	<u>\$ 37.50</u>	
Disbursed to owners -----		None
Balance due to owners -----		<u>\$ 37.50</u>

It Is Further ORDERED that the Clerk of this Court shall disburse from the deposit for the subject tract, to:

V. C. Couch and
Pauline Couch, jointly ----- \$37.50

William E. Benson
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

CIVIL ACTION NO. 5078
Lessor Interest Only in
Tract No. 5705-B

FILED

SEP 20 1965

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

J U D G M E N T

1.

NOW, on this 20 day of September, 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. 5705-B, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the interest described in paragraph 2 herein. Pursuant thereto, on December 8, 1960, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

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

7.

On the date of taking in this action, the owners of the 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 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 lessor interest in the subject tract and the United States of America have executed and filed herein a Stipulation as to Just Compensation wherein they have agreed that just compensation for such interest is in the amount shown as compensation in paragraph 12 below, and such Stipulation should be approved.

9.

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

10.

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

TRACT NO. 5705-B
Lessor Interest Only

OWNERS:

Lillian M. Sweaney and
Xenoclea Coker Wilkinson

Award of just compensation pursuant to Stipulation -----	\$266.00	\$266.00
Deposited as estimated compensation -----	\$222.00	
Disbursed to owners -----		None
Balance due to owners -----		<u>\$266.00</u>
Deposit deficiency -----		<u>\$ 44.00</u>

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall deposit in the Registry of this Court, in this Civil Action, to the credit of the subject tract, the deficiency sum of \$44.00. The Clerk of this Court then shall disburse from the deposit for the subject tract certain sums as follows:

To Lillian M. Sweaney ----- \$133.00
To Xenoclea Coker Wilkinson---- \$133.00

APPROVED:

Alfred E. Bennett
UNITED STATES DISTRICT JUDGE

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

UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF OKLAHOMA.

Civil Action File Number 6060

BOYLES GALVANIZING & PLATING COMPANY
an Oklahoma Corporation,

Plaintiff

-vs-

HARTFORD ACCIDENT & INDEMNITY COMPANY,
a Foreign Corporation

FILED

SEP 20 1965

NORBLE C. HOOD
Clerk of District Court

J U D G M E N T

This action came on for trial on the 18th day of June, 1965, before the Court, Honorable Allen E. Barrow, District Judge, presiding, and the issues having been duly tried and a decision having been duly rendered according to the Findings of Fact and Conclusions of Law filed herein.

IT IS ORDERED AND ADJUDGED that the Plaintiff, Boyles Galvanizing & Plating Company, an Oklahoma Corporation, recover of the Defendant, Hartford Accident & Indemnity Company, the sum of \$28,601.00 with interest thereon at the rate of 6% per annum from the date of default as set out in the Findings of Fact and Conclusions of Law, and further that interest at the rate of 6% per annum be provided from the date of the Judgment on the amount of the Judgment, and accruing interest.

IT IS FURTHER ORDERED AND ADJUDGED that the Plaintiff recover his costs of the action.

IT IS FURTHER ORDERED AND ADJUDGED that the Defendant, as Counter-Defendant take nothing under the Counter Complaint.

Dated at Tulsa, Oklahoma this 20 day of ~~August~~ ^{September}, 1965.

Clerk of Court

U. S. 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,
Situat in Nowata and Rogers Counties,
Oklahoma, and Jessie W. Campbell, et al,
and Unknown Owners,

Defendants..

CIVIL ACTION NO. 4891 ✓

Lessor Interest Only:

Tracts Nos. 5624-6 and
5625-0

FILED

SEP 21 1965

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

J U D G M E N T

1.

NOW, on this 21 day of September, 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 interest in 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 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 filed its Declaration of Taking of such described property, and title to the described estates in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

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

7.

On the date of taking in this action, the owners of the lessor interest in the estates taken in the subject tracts were the defendants whose names are shown in paragraph 11 below. Such named defendants are the only persons asserting any interest in the lessor interest in the 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 the lessor interest in the subject tracts and the United States of America have executed and filed herein Stipulations as to Just Compensation, wherein they have agreed that just compensation for such lessor interest in the estates condemned in subject tracts is in the amounts 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 the Declaration of Taking filed herein; and such tracts, to the extent of the lessor interest in the estates described in such Declaration of Taking, are condemned, and title thereto is vested in the United States of America as of the date of filing the Declaration of Taking, and all 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 lessor interest in the estates condemned herein in the subject tracts were the persons whose names appear below in paragraph 11, and the right to just compensation for such lessor interest in the estates taken herein in these tracts is vested in the parties so named.

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

TRACT NO. 5624-6
Lessor Interest Only

OWNERS:

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

Award of just compensation pursuant to Stipulation -----	\$2,500.00	\$2,500.00
Deposited as estimated compensation -----	<u>\$2,500.00</u>	
Disbursed to owners -----		<u>\$2,500.00</u>

TRACT NO. 5625-0
Lessor Interest Only

OWNERS:

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

Award of just compensation pursuant to Stipulation -----	\$3,725.00	\$3,725.00
Deposited as estimated compensation -----	<u>\$3,725.00</u>	
Disbursed to owners -----		<u>\$3,725.00</u>

Allen E. Bannerman
UNITED STATES DISTRICT JUDGE

APPROVED:

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

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 part of this deposit has been disbursed, as set out in paragraph 11 below.

7.

On the date of taking in this action, the owners of the estates taken in subject tracts as described in paragraph 2 herein were the defendants whose names are shown in paragraph 11 below. Such named 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 and filed herein a Stipulation as to Just Compensation, wherein they have agreed that just compensation for the estates condemned in subject tracts is in the amount shown as compensation in paragraph 11, and such Stipulation should be approved. The owners have further agreed among themselves as to the allocation and distribution of the award, as shown in paragraph 11, and such agreement 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 the Declaration of Taking filed herein; and such tracts, to the extent of the estates described in such Declaration of Taking, are condemned and title thereto is vested in the United States of America as of the date of filing the Declaration of Taking, and all defendants herein and all other persons interested in such property 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 described in paragraph 2 herein, condemned herein in subject tracts, were the persons 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.

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

TRACTS NOS. L-1276 AND L-1276E

Owners:

M. S. Johnston
Glenn H. Chappell and
W. E. Maddux

Award of just compensation		
pursuant to Stipulation -----	\$6,619.00	\$6,619.00
Allocated by agreement:		
\$6,583.61 to Johnston		
\$ 35.39 to Chappell and Maddux		
Deposited as estimated compensation-----	<u>\$6,619.00</u>	
Disbursed to owners:		
To M. S. Johnston -----		\$6,583.61
Balance due to Chappell and Maddux -----		<u>\$ 35.39</u>

It Is Further ORDERED that the Clerk of this Court shall disburse from the deposit for subject tracts -

To Glenn H. Chappell and
W. E. Maddux, jointly, the sum of \$35.39.

Allen E. Bassett

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

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

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 George W. Goad, et al.,)
)
 Defendants.)

No. 6180.

FILED

SEP 21 1965

O R D E R

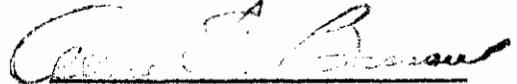
NOBLE C. HOOD
Clerk, U. S. District Court

On this 9th day of September 1965, upon the stipulation
of the parties hereto, it is ordered by the court:

1. That the lease under which George W. Goad and George W. Goad, Jr. claim possession of Lots 2 and 3, SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 4; and the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 5, T. 23 N., R. 4 E., Osage County, Oklahoma, is null and void;
2. That George W. Goad and George W. Goad, Jr. have no right, title or interest in or to said lands described above;
3. That the above described lands are subject to Lease No. 42360 executed by the guardian of Omer Jefferson, Jr., as lessor, and Joe White, as lessee, which has been approved by the Superintendent of the Osage Agency and which is a valid and subsisting lease;
4. That the Court Clerk distribute the \$805.98, deposited by the defendants herein with said Clerk, as follows:

George W. Goad, c/o McCoy, Kelly & Gambill, P. O. Box 329, Pawhuska, Oklahoma	\$600.00
Bureau of Indian Affairs, Osage Agency, Pawhuska, Oklahoma	205.98
5. That the temporary injunction issued herein and filed in the Court Clerk's office on June 14, 1965, has served the purpose for which it was issued and is hereby vacated.

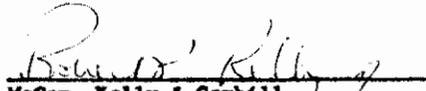
6. That the first cause of action and the cross petition
of the defendants are dismissed.


United States District Judge

Approved as to Form:

United States of America

By 


McCoy, Kelly & Gambill
Attorneys for Defendants

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

CIVIL ACTION NO. 4975 ✓

Tracts Nos. L-1218,
L-1263 and
5622-6

FILED

SEP 2 1965

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

J U D G M E N T

1.

NOW, on this 24 day of September, 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.

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 29, 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 estates taken in subject tracts were the defendants whose names are shown in paragraph 12 below. Such named defendants are the only persons asserting any interest in the estates taken in such tracts, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation awarded by this Judgment.

8.

The owners of the subject tracts and the United States of America have executed and filed herein a Stipulation as to Just Compensation wherein they have agreed that just compensation for 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 tracts and the amount fixed by the Stipulation as to Just Compensation, and the amount of such deficiency should be deposited for the benefit of the 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 the Declaration of Taking filed herein; and such tracts, to the extent of the estates described and for the uses and purposes described in such Declaration of Taking, are condemned and title thereto is vested in the United States of America 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 estates condemned herein in subject tracts were the defendants whose names appear below in paragraph 12, and the right to just compensation for the estates taken herein in these tracts 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 estates condemned in subject tracts as follows:

TRACT NO. L-1218

Owners:

Harold D. Hathcoat and
Hazel H. Hathcoat

Award of just compensation		
pursuant to Stipulation -----	\$ 115.00	\$ 115.00
Deposited as estimated compensation -----	\$ 100.00	
Disbursed to owners -----		None
Balance due to owners -----		<u>\$ 115.00</u>
Deposit deficiency -----	<u>\$ 15.00</u>	

TRACT NO. L-1263

Owners:

Harold D. Hathcoat and
Hazel H. Hathcoat ----- 1/2

State of Oklahoma, ex rel
Commissioners of the Land Office ----- 1/2

Award of just compensation		
pursuant to Stipulation -----	\$1,725.00	\$1,725.00
Deposited as estimated compensation -----	\$1,500.00	
Disbursed to owners -----		None
Balance due to owners -----		<u>\$1,725.00</u>
Deposit deficiency -----	<u>\$ 225.00</u>	

TRACT NO. 5622-6

Owners:

Harold D. Hathcoat and
Hazel H. Hathcoat

Award of just compensation pursuant to Stipulation -----	\$1,725.00	\$1,725.00
Deposited as estimated compensation -----	\$1,500.00	
Disbursed to owners -----		None
Balance due to owners -----		<u>\$1,725.00</u>
Deposit deficiency -----	<u>\$ 225.00</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 total deficiency sum of \$465.00, and the Clerk of this Court shall allocate such payment among the deposits for the various subject tracts according to the deficiency for each tract as shown in paragraph 12 above.

The Clerk of this Court then shall disburse all of the sums on deposit for the subject tracts to the owners as follows:

To Harold D. Hathcoat and Hazel H. Hathcoat, jointly -----	\$2,702.50
To State of Oklahoma, ex rel Commissioners of the Land Office -----	\$ 862.50

Allen E. Bannister
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.

PRYOR HAY AND GRAIN COMPANY, a partner-
ship composed of JOSEH J. EVANS, MARY D.
EVANS, and R. J. STRAIGHT; and the SUN
INSURANCE COMPANY OF NEW YORK,

Defendants.

Civil No. 6082

FILED

SEP 21 1965

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

ORDER GRANTING SUMMARY JUDGMENT

This matter coming on before me, the undersigned Judge, this 20th day of September, 1965, upon the motion of the plaintiff for summary judgment, and the court having considered said motion and the records in this case and being fully advised in the premises, finds:

That the hearing on plaintiff's motion for summary judgment originally came on before the court on the 23rd day of April, 1965. That at that time the defendant, Pryor Hay and Grain Company, requested that the hearing on said motion be postponed and further agreed and consented that said motion might be sustained if this case had not been disposed of by the 20th day of September, 1965, by way of payment, settlement or otherwise.

That the defendant, Sun Insurance Company of New York, also agreed and consented that summary judgment might be entered in favor of plaintiff on the 20th day of September, 1965, if the case had not been disposed of by that date.

That plaintiff's claim embodied in this case has not been otherwise disposed of and that plaintiff is therefore entitled to summary judgment by the agreement and consent of the defendants for the principal amount of \$26,743.57, together with interest accrued through the 23rd day of April, 1965, in the amount of \$4,497.30, and interest thereafter at the rate of \$4.39619 per day until paid, as set forth in the Order of this court approved by all the parties hereto entered on the 23rd day of April, 1965, and filed on the 4th day of May, 1965.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiff have and it hereby has judgment against the defendants and each of them in the sum of \$31,240.87, with interest at the rate of \$4.39619 per day from April 24, 1965, until paid.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Civil No. 6082

PRYOR HAY AND GRAIN COMPANY,
a partnership composed of JOSH J. EVANS,
MARY D. EVANS, and R. J. STRAIGHT;
and the SUN INSURANCE COMPANY OF
NEW YORK,

Defendants.

FILED

SEP 24 1965

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

O R D E R

This matter coming on before me, the undersigned Judge, this 20th day of September, 1965, upon the motion of R. J. Straight to determine indebtedness due, and the court having considered said motion and all the records in this case and being fully advised in the premises finds:

That said motion to determine that the amount tendered therewith constitutes complete and full payment in this case should be overruled for the following reasons:

1. That said motion is a useless motion in that the matters which the movant seeks to have the court consider have already been determined, and were agreed upon by the parties, as set forth in the Order of this court entered on the 23d day of April, 1965, and filed on the 4th day of May, 1965, which Order was approved by all the parties hereto. It is clear from the Order entered on April 23, 1965, that if this case had not been disposed of by payment, settlement or otherwise by the 20th day of September, 1965, the defendants agreed and consented that the summary judgment might be entered against them for the amounts prayed for in the plaintiff's complaint. The parties have represented to the court that this case has not been settled or otherwise disposed of, and it is clear that the tender of payment made by

R. J. Straight on the 17th day of September, 1965, does not constitute payment of the amount claimed by the plaintiff in its complaint filed herein as it does not include interest from the stop storage date or the date of last shipment, in the amount of \$4,497.30, as shown in this court's Order of April 23, 1965.

2. The defendant has not complied with Rule 13 of this court which requires that a brief be filed with a motion in support thereof.

That the court has this date granted the motion filed herein by the plaintiff for summary judgment and has granted summary judgment for the plaintiff in the amount of \$31,240.87, with interest at the rate of \$4.39619 per day from April 24, 1965, until paid. That the tender of payment made by the movant, R. J. Straight, in the amount of \$27,389.78 should be applied against said judgment, leaving a balance due and owing by the defendants and each of them to the plaintiff in the amount of \$4,497.30.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion of R.J. Straight filed September 17, 1965, be and it hereby is overruled and denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the amount tendered by R. J. Straight to the Clerk of this court be and it hereby is applied to the judgment entered this date in favor of the plaintiff upon its motion for summary judgment.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Civil No. 6083

TRI-STATE GRAIN COMPANY, INC.,
a Corporation, and TRI-STATE
INSURANCE COMPANY,

Defendants.

FILED

SEP 21 1965

NOBLE C. HOOD
U. S. District Court

ORDER

This matter coming on before me, the undersigned Judge, this 20th day of September, 1965, upon the motion of R. J. Straight to determine indebtedness due, and the court having considered said motion and all the records in this case and being fully advised in the premises finds:

That said motion to determine that the amount tendered therewith constitutes complete and full payment in this case should be overruled for the following reasons:

1. That said motion is a useless motion in that the matters which the movant seeks to have the court consider have already been determined, and were agreed upon by the parties, as set forth in the Order of this court entered on the 23d day of April, 1965, and filed on the 10th day of May, 1965, which Order was approved by all the parties hereto. It is clear from the Order entered on April 23, 1965, that if this case had not been disposed of by payment, settlement or otherwise by the 20th day of September, 1965, the defendants agreed and consented that the summary judgment might be entered against them for the amounts prayed for in the plaintiff's complaint. The parties have represented to the court that this case has not been settled or otherwise disposed of, and it is clear that the tender of payment made by R. J. Straight on the 17th day of September, 1965, does not constitute payment of the

amount claimed by the plaintiff in its complaint filed herein as it does not include interest from the stop storage date or the date of last shipment, in the amount of \$2,071.47, as shown in this Court's Order of April 23, 1965.

2. The defendant has not complied with Rule 13 of this court which requires that a brief be filed with a motion in support thereof.

That the court has this date granted the motion filed herein by the plaintiff for summary judgment and has granted summary judgment for the plaintiff in the amount of \$11,512.97, with interest at the rate of \$1.55203 per day from April 24, 1965 until paid. That the tender of payment made by the movant, R. J. Straight, in the amount of \$9,669.35 should be applied against said judgment, leaving a balance due and owing by the defendants and each of them to the plaintiff in the amount of \$2,071.47.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion of R. J. Straight filed September 17, 1965, be and it hereby is overruled and denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the amount tendered by R. J. Straight to the Clerk of this court be and it hereby is applied to the judgment entered this date in favor of the plaintiff upon its motion for summary judgment.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TRI-STATE GRAIN COMPANY, INC., a
Corporation, and TRI-STATE INSURANCE
COMPANY,

Defendants.

Civil No. 6083

FILED

SEP 24 1965

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

ORDER GRANTING SUMMARY JUDGMENT

This matter coming on before me, the undersigned Judge, this 20th day of September, 1965, upon the motion of the plaintiff for summary judgment, and the court having considered said motion and the records in this case and being fully advised in the premises, finds:

That the hearing on plaintiff's motion for summary judgment originally came on before the court on the 23rd day of April, 1965. That at that time the defendant, Tri-State Grain Company, Inc., requested that the hearing on said motion be postponed and further agreed and consented that said motion might be sustained if this case had not been disposed of by the 20th day of September, 1965, by way of payment, settlement or otherwise.

That the defendant, Tri-State Insurance Company, also agreed and consented that summary judgment might be entered in favor of plaintiff on the 20th day of September, 1965, if the case had not been disposed of by that date.

That plaintiff's claim embodied in this case has not been otherwise disposed of and that plaintiff is therefore entitled to summary judgment by the agreement and consent of the defendants for the principal amount of \$9,441.50, together with interest accrued through the 23rd day of April, 1965, in the amount of \$2,071.47, and interest thereafter at the rate of \$1.55203 per day until paid, as set forth in the order of this court approved by all parties hereto entered on the 23rd day of April, 1965, and filed on the 10th day of May, 1965.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiff have and it hereby has judgment against the defendants and each of them in the sum of \$11,512.97, with interest at the rate of \$1.55203 per day from April 24, 1965 until paid.

UNITED STATES DISTRICT JUDGE

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

BRUNSWICK CORPORATION,)
)
 Plaintiff,)
)
 v.)
)
 MARSHALL C. FERRINO, et al.,)
)
 Defendants.)

No. 6250

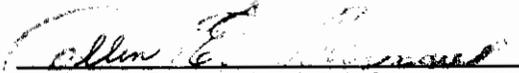
FILED

SEP 27 1965

ROBERT L. HOOD
Clerk of the District Court

ORDER

Now on this 24 day of September, 1965, it is ORDERED the
above entitled matter is hereby dismissed at the request of the plaintiff
and without prejudice to any future action or actions by the plaintiff.


United States District Judge

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

YUBA CONSOLIDATED INDUSTRIES,)
INC., a corporation)
)
Plaintiff,)
)
v.)
)
COOLING PRODUCTS, INC., a)
corporation, GEORGE M. CERTAIN,)
F. W. WALLACE and JAMES I. CARTER,)
)
Defendants.)
_____)

Civil Action No. 6156

DISMISSAL

FILED

SEP 27 1965

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

The Court consenting, the parties hereto, by their
respective counsel, agree to and hereby dismiss the Complaint
and the Counterclaim herein, with prejudice. Each of the parties
is to bear its own costs and attorney's fees.

LOTHROP & WEST
Crocker Building
San Francisco, California

and

HEAD & JOHNSON
424 Beacon Building
Tulsa, Oklahoma

By James R. Head
James R. Head
Counsel for Plaintiff

So ordered.

FRAZIER & MEFFORD
303 Pythian Building
Tulsa, Oklahoma

and

WILLIAM S. DORMAN
1216 National Bank of Tulsa Building
Tulsa, Oklahoma

(s) Fred Daugherty
United States District Judge

Tulsa, Oklahoma
September 27, 1965.

By William S. Dorman
William S. Dorman
Counsel for Defendants

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)	
)	
Plaintiff,	)	CIVIL ACTION NO. 4856
)	
vs.	)	Tract No. N-1428
)	
760.42 Acres of Land, More or Less,	)	1/2 of the lessor interest and
Situate in Nowata and Rogers Counties,	)	1/32 of the lessee interest
Oklahoma, and Mrs. O. C. (Corryne) Cash,)	
et al, and Unknown Owners,)	
)	
Defendants.)	

FILED

J U D G M E N T

SEP 28 1965

1.

NOBLE C. HOOD

Clerk, U. S. District Court

NOW, on this 28 day of September, 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 1/2 of the lessor interest in the estate taken, and 1/32 of the lessee interest in the estate condemned in Tract No. N-1428, 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 interests described in paragraph 2 herein. Pursuant thereto, on February 19, 1960, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the interests described in paragraph 2 herein, 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 property described in paragraph 2 above were the defendants whose names are shown in paragraph 12 below. Such named defendants are the only persons asserting any interest in such 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 property described in paragraph 2 and the United States of America have executed and filed herein a Stipulation as to Just Compensation wherein they have agreed that just compensation for such described property 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 tract named in paragraph 2 herein, as such tract is particularly described in the Complaint and the Declaration of Taking filed herein; and such tract, to the extent of 1/2 of the lessor interest and 1/32 of the lessee interest in the estate 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 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 were the defendants whose names appear below in paragraph 12, and the right to just compensation for such described 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 1/2 of the lessor interest and 1/32 of the lessee interest in the estate condemned in subject tracts as follows:

TRACT NO. N-1428
1/2 of the Lessor Interest and
1/32 of the Lessee Interest

OWNERS:

V. C. Couch and
Pauline Couch

Award of just compensation pursuant to Stipulation -----	\$1,242.00	\$1,242.00
Deposited as estimated compensation -----	\$1,004.68	
Disbursed to owners -----	\$	975.00
Balance due to owners -----		\$ 267.00
Deposit deficiency -----	\$ 237.32	

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. N-1428, the deficiency sum of \$237.32, and the Clerk of this Court then shall disburse from the deposit for Tract No. N-1428, to V. C. Couch and Pauline Couch, jointly, the sum of \$267.00.

Allen E. Barton
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.)
)
283.77 Acres of Land, More or Less,)
Situat e in Nowata County, Oklahoma,)
and Lillian M. Coker Sweaney, et al,)
and Unknown Owners,)
)
Defendants.)

CIVIL ACTION NO. 4867
Partial interests in
Tracts Nos. N-1441 and
P-1634

FILED

SEP 23 1965

J U D G M E N T

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

1.

NOW on this 28 day of September, 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 certain interests in the estates taken in the subject tracts as follows, to-wit:

N-1441 ----- 1/2 of the lessor interest in the minerals and
1/32 of 7/8 overriding royalty interest
(This constitutes 1/2 of the entire O.R.R.I.).

P-1634 ----- 1/2 of the entire estate taken.

The description of the tracts and the estates taken in each is as described in the Complaint and the Declaration of Taking filed herein.

3.

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

4.

Service of Process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause who are interested in 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 interests described in paragraph 2 herein. Pursuant thereto, on March 1, 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 were deposited in the Registry of this Court as estimated compensation for the taking of the interests described in paragraph 2, certain sums of money, and all of these deposits have been disbursed as set out in paragraph 12 below.

7.

On the date of taking in this action, the owners of the interests described in paragraph 2 above were the defendants whose names are shown in paragraph 12 below. Such named defendants are the only persons asserting any interest in the described interests 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 the interests described in paragraph 2 above 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 described interests in the estates condemned in subject tracts is in the amounts shown as compensation in paragraph 12, and such Stipulations should be approved.

9.

Deficiencies exist between the amounts deposited as estimated compensation for the interests described in paragraph 2 above and the amounts fixed by the Stipulations as to Just Compensation and the amounts of such deficiencies should be deposited for the benefit of the owners. Such deficiencies are 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 the Declaration of Taking filed herein; and the interests in such tracts as described in paragraph 2 herein, to the extent of the estates described in such Declaration of Taking, are condemned and title thereto is vested in the United States of America as of the date of filing the Declaration of Taking, and all defendants herein and all other persons interested in such interests 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 herein were the persons whose names appear below in paragraph 12, and the right to just compensation for the taking of the property described in paragraph 2 herein 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 therein fixed are adopted as the awards of just compensation for the taking of the subject property as follows:

TRACT NO. N-1441
1/2 of the Lessor Interest in Minerals and
1/32 of 7/8 Overriding Royalty Interest
(This constitutes 1/2 of entire O.R.R.I.)

OWNERS:

V. C. Couch and
 Pauline Couch

Award of just compensation pursuant to Stipulation -----	\$643.00	\$643.00
Deposited as estimated compensation -----	\$487.50	
Disbursed to owners -----		\$487.50
Balance due to owners -----		<u>\$155.50</u>
Deposit deficiency -----	<u>-\$155.50</u>	

TRACT NO. P-1634
1/2 of Entire Estate Taken

OWNERS:

V. C. Couch and
Pauline Couch

Award of just compensation pursuant to Stipulation -----	\$2,000.00	\$2,000.00
Deposited as estimated compensation -----	\$1,500.00	
Disbursed to owners -----		\$1,500.00
Balance due to owners -----		\$ 500.00
Deposit deficiency -----	<u>\$ 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 the total deposit deficiency of \$655.50, and such sum shall be allocated and placed in the deposits for the respective tracts in the amounts of the deposit deficiencies for such tracts as shown in paragraph 12 above.

The Clerk of this Court then shall disburse certain sums as follows:

From the deposit for Tract No. N-1441 the sum of \$155.50 and from the deposit for Tract No. P-1634 the sum of \$500.00, jointly to V. C. Couch and Pauline Couch.

A. Allen E. Barrett
UNITED STATES DISTRICT JUDGE

APPROVED:

H. 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.

315.27 Acres of Land, More or Less,
Situate in Nowata County, Oklahoma,
and Elna Couch, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4976

Tracts Nos. U-2112 and
U-2112E

FILED

SEP 20 1965

J U D G M E N T

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

1.

On September 23, 1965, this cause, as to the captioned tracts, came on for trial, and the parties having waived a jury, the case as to the lessor interest was tried to the Court, before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. Plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. Defendants did not appear. 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 Complaint and 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 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 August 1, 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 herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of subject tracts, a certain sum of money, none of which has been disbursed as shown in paragraph 13.

6.

The decrease in fair market value of the lessor interest in the estates taken in the subject tracts, caused by the subject action, is \$1,925.00 and such sum should be adopted as the share of the lessor interest in the award for the estates taken in subject tracts.

7.

The owners of the lessee interest in the estates taken in the subject tracts and the United States of America have executed and filed herein a Stipulation as to Just Compensation wherein they have agreed upon the amount of just compensation for such lessee interest in the estates taken in the subject tracts, and such Stipulation should be approved.

8.

A deficiency exists between the amount deposited as estimated compensation and the amount fixed herein as the award of just compensation for the estates taken in 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 13 below.

9.

The defendants named in paragraph 13 as owners of subject tracts are the only defendants asserting any interest in the estates condemned in 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.

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 in the Declaration of Taking are condemned and title thereto is vested in the United States of America as of August 1, 1960, and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking, the owners of the estates condemned herein in subject tracts were the defendants whose names appear in paragraph 13 below; the right to receive the just compensation for the estates taken in these tracts 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 7 above, hereby is confirmed, and the sum of \$2,250.00 is adopted as the share of the lessee interest in the award of just compensation for the estates taken in subject tracts, as shown in paragraph 13.

13.

It Is Further ORDERED, ADJUDGED and DECREED that the sum of \$1,925.00 hereby is adopted as the share of the lessor interest in the award of just compensation for the estates condemned herein in subject tracts, as shown in the schedule as follows, to-wit:

TRACTS NOS. U-2112 AND U-2112E

OWNERS:

Lessor interest:

At the date of taking, Elmer Howell was the owner. He is now deceased and A. H. Howell has been appointed executor and is entitled to receive this share of the award.

Lessee interest: (Oil and Gas Lease)

Neenah Foundry Company, Inc.
D. Perkins Cobb
E. M. Lane
Veva L. Borton

Award of just compensation for all interests pursuant to Court Trial and Stipulation -----

\$4,175.00

Allocation of award deposit and disbursals:

	Lessor Interest		Lessee Interest		
Share of award	\$1,925.00	\$1,925.00	\$2,250.00	\$2,250.00	:
Deposited as estimated compensation -----	\$1,275.00	:	\$1,750.00	:	\$3,025.00
Disbursed to owners --	:	None	:	None	:
Balance due owners----	:	\$1,925.00	:	\$2,250.00	:
Deposit deficiency----	\$ 650.00	:	\$ 500.00	:	\$1,150.00

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the named owners the deposit deficiency as shown in paragraph 13 in the amount of \$1,150.00, together with interest on \$650.00 (deficiency for lessor interest only), at the rate of 6% per annum from August 1, 1960, until the date of deposit of such deficiency amount, and such sum shall be placed in the deposit for the subject tracts in this Civil Action.

An appropriate Order of Distribution will be entered after such deposit has been made by the plaintiff.

Allen L. Bassett
UNITED STATES DISTRICT JUDGE

APPROVED:

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

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

INTERNATIONAL CARBON, INC.,)
)
vs)
)
GENERAL COLLOIDAL CARBON, INC.,)
)
vs)
)
ROY L. MORGAN PRODUCTION)
COMPANY,)
)
Intervenor.)

NO. 6108 - Civil

FILED

SEP 28 1965

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

ORDER

Now on this 26 day of September, 1965, the above styled and numbered cause comes on to be heard upon the application of Thomas E. Robertson for permission of this Court to intervene in the subject action. The Court finds that the plaintiff, International Carbon, Inc., and intervenor, Roy L. Morgan Production Company, have entered into a stipulation for dismissal of said intervenor's cross-petition against plaintiff and that an order has been entered herein dismissing said cross-petition without prejudice; that, therefore, there are no issues existing in this matter for determination and said application for intervention of Thomas E. Robertson should be denied. IT IS HEREBY ORDERED that the application of Thomas E. Robertson to intervene in the subject action be and the same is hereby denied.

(5) Fred Daugherty
Judge of the United States District Court

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

INTERNATIONAL CARBON, INC.,)
)
 Plaintiff)
)
 vs.)
)
 GENERAL COLLOIDAL CARBON, INC.,)
)
 Defendant)
)
 ROY L. MORGAN PRODUCTION COMPANY,)
)
 Intervenor)
)
 THOMAS E. ROBERTSON,)
)
 Applicant.)

Civil No. 6108

FILED

SEP 28 1965

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

ORDER

Upon the stipulation therefore between intervenor and plaintiff, and upon intervenor's motion, it is hereby ordered that intervenor's cross-complaint against plaintiff herein be dismissed without prejudice, at intervenor's cost.

Dated this 28 day of September, 1965.

(s) Fred Dougherty
Judge

FILED

SEP 20 1965

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

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

Jimmy P. Brown,)
)
Plaintiff,)
-vs-)
)
The Atchison, Topeka and Santa Fe)
Railway Company, a corporation,)
)
Defendant.)

No. 6137
CIVIL

ORDER OF DISMISSAL

NOW, on this 27th day of September, 1965, comes on for hearing the stipulation of dismissal of plaintiff and defendant in the above entitled cause. The Court finds that said cause has been settled and that defendant has this date paid to plaintiff, Jimmy P. Brown, Fifteen Thousand Dollars (\$15,000.00) in full settlement, release and satisfaction of plaintiff's cause of action set forth in his complaint herein, and that said plaintiff has accepted said sum in full satisfaction, release and discharge of his cause of action and claim against the defendant, and the Court, after due consideration, finds that said dismissal should be approved.

IT IS, THEREFORE, ORDERED that this cause be, and the same is hereby dismissed with prejudice, at the cost of the defendant.

Noble C. Hood
JUDGE

APPROVED AS TO FORM

Richard L. Walker
Attorney for Plaintiff

William J. Rainey
of RAINNEY, FLYNN, WELCH,
WALLACE, ROSS & COOPER
Attorneys for Defendant.