

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

699.00 Acres of Land, More or Less,
Situat in Nowata County, Oklahoma,
and Simpson-Fell Oil Company, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4894

Tract No. 5730-E

Lessor Interest Only

FILED

J U D G M E N T

MADELEINE C. H. ...
Clk. U. S. District Court

1.

NOW, on this 1st day of October, 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 (1/7 of 8/8) in the estate condemned in Tract No. 5730-E, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the interest described in paragraph 2 herein. Pursuant thereto, on March 23, 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 the lessor interest in the estate taken in subject tract were the defendants whose names are shown in paragraph 12 below. Such named defendants are the only persons asserting any interest in such 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 the taking of such described interest in subject tract is in the amount shown as compensation in paragraph 12 below, and such Stipulation should be approved.

9.

A deficiency exists between the amount deposited as estimated compensation for the 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 tract named in paragraph 2 herein, as such tract is particularly described in the Complaint and the Declaration of Taking filed herein; and such tract, to the extent of the lessor interest in the estate described in such Declaration of Taking, 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 on the date of taking, the owners of the lessor interest in the estate condemned herein in subject tract were the defendants whose names appear below in paragraph 12, and the right to just compensation for such described interest is vested in the parties so named.

12.

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

TRACT NO. 5730-E
Lessor Interest Only (1/7 of 8/8)

OWNERS:

H. M. McMillan -----	50%
Elizabeth Fell Oven -----	8.75%
Frances Fell Kilpatrick -----	8.75%
Georgie S. Fell -----	14%
John W. Nichols, Trustee -----	18.5%
Award of just compensation pursuant to Stipulation -----	\$600.00 \$600.00
Balance on deposit for subject tract (after Judgment for all other interests)--	\$481.00
Disbursed to owners -----	None
Balance due to owners -----	<u>\$600.00</u>
Deposit deficiency -----	<u>\$119.00</u>

13.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall deposit in the Registry of this Court, in this Civil Action, to the credit of Tract No. 5730-E, the deficiency sum of \$119.00, and the Clerk of this Court then shall disburse from the deposit for the subject tract certain sums as follows:

To H. M. McMillan -----	\$300.00
To Elizabeth Fell Oven -----	\$ 52.50
To Frances Fell Kilpatrick -----	\$ 52.50
To Georgie S. Fell -----	\$ 84.00
To John W. Nichols, Trustee -----	\$111.00

APPROVED:

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

St. Allen E. Warner
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 47.97 Acres of Land, More or Less,)
 Situate in Nowata County, Oklahoma,)
 and Gabriel A. Blackburn, et al,)
 and Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 4947 ✓
Amax Petroleum Corporation
Interest Only in
Tracts Nos. 6731-6A
6731-6B
6731-6C
6732-1 and
R-1865E
FILED

J U D G M E N T

OCT - 1 1965

1.

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

NOW, on this 30 day of September, 1965, this matter comes

on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Report of Commissioners filed herein on September 9, 1965, and the Court, after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

This Judgment applies only to the interest owned by Amax Petroleum Corporation in the estate taken in this civil action in the tracts enumerated above. The description of the tracts and the estate taken in each are as described in the Complaint and the Declaration of Taking filed herein. The interest owned by Amax Petroleum Corporation is more particularly described as the entire estate taken in Tract No. 6732-1 and the lessee interest only in the estate taken in Tracts Nos. 6731-6A, 6731-6B, 6731-6C, and R-1865E.

4.

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

5.

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

authority to condemn for public use the subject tracts of land. Pursuant thereto, on June 9, 1960, the United States of America filed its Declaration of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such Declaration of Taking.

6.

On the filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the property described in paragraph 2, a certain sum of money. Also, an additional sum of money was deposited on March 16, 1965, pursuant to a Judgment which was entered herein on February 4, 1965. All of the money so deposited has been disbursed as set out in paragraph 11 below.

7.

The Report of Commissioners filed herein on September 9, 1965, is hereby accepted and adopted as a finding of fact as to the subject property. The amount of just compensation for the taking of subject property, as fixed by the Commission, is set out in paragraph 11 below.

8.

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

9.

Amax Petroleum Corporation is the only defendant asserting any interest in the subject property, all other defendants having either disclaimed or defaulted; the named defendant is the owner of the subject property as described in paragraph 2 and, as such, is entitled to receive the just compensation awarded by this Judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power and authority to condemn for public use the subject tracts, as such tracts are described in the Declaration of Taking filed herein, and the entire estate described in the Declaration of Taking as to Tract No. 6732-1, and the lessee interest in the estate

described in the Declaration of Taking as to Tracts Nos. 6731-6A, 6731-6B, 6731-6C and R-1865E, is condemned, and title thereto is vested in the United States of America, as of the date of filing the Declaration of Taking, and all defendants herein and all other persons are forever barred from asserting any claim thereto.

11.

It Is Further ORDERED, ADJUDGED AND DECREED that the right to receive the just compensation for the taking of the subject property is vested in the defendant whose name appears below in this paragraph; the Report of Commissioners of September 9, 1965, hereby is confirmed, the sum therein fixed is adopted as just compensation for the taking of subject property as shown by the following schedule:

TRACT NO. 6732-1
Entire Estate Taken
 and
Tracts Nos. 6731-6A
6731-6B
6731-6C and
R-1865E
Lessee Interest Only in
Estate Taken

OWNER:

Amax Petroleum Corporation
(Successor in interest to American Climax Petroleum Company)

Award of just compensation
pursuant to Commissioners' Report ----- \$1,600.00 \$1,600.00

Deposited:

As estimated compensation
with Declaration of Taking -- \$650.00

As deposit deficiency, pursuant
to Judgment of Feb. 14, 1965
(exclusive of interest)----- \$400.00

TOTAL -----\$1,050.00

Disbursed to owner
(exclusive of interest)----- \$1,050.00

Balance due to owner
(exclusive of interest)----- \$ 550.00

Deposit deficiency -----\$ 550.00

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the subject tracts in the amount of \$550.00, together with interest on such deficiency at the rate of 6% per annum from June 9, 1960, until the date of deposit of such deficiency sum; and such sum shall be credited to the deposits for subject tracts in this civil action. Upon receipt of such sum, the Clerk of this Court shall disburse from the combined deposit for the subject tracts the said sum of \$550.00, together with all the accrued interest on such sum, to Amax Petroleum Corporation.

St. Allen G. Barron
UNITED STATES DISTRICT JUDGE

APPROVED:

St. 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.

1.36 Acres of Land, More or Less,
Situate in Mayes County, Oklahoma,
and Elizabeth Hammons, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4998

Tract No. 1967E

FILED

OCT 11 1965

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

J U D G M E N T

1.

NOW, on this 1st day of October, 1965, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Report of Commissioners filed herein on September 9, 1965, and the Court, after having examined the files in this action and being advised by counsel for the plaintiff, finds:

2.

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

3.

This Judgment applies only to the estate taken in Tract No. 1967E, as such estate and tract are described in the Complaint and the Declaration of Taking filed herein.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on August 17, 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 such instrument.

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 subject tract a certain sum of money. Also, on December 19, 1962, an additional sum was deposited pursuant to a Judgment filed herein on December 11, 1962. All of this deposit has been disbursed as set out in paragraph 11 below.

7.

The Report of Commissioners filed herein on September 9, 1965, is hereby accepted and adopted as a finding of fact as to the subject tract. The amount of just compensation for the estate taken in the subject tract and the allocation of the compensation between the owners, as fixed by the Commission, are set out in paragraph 11 below.

8.

This Judgment will create a certain deficiency between the amount deposited as estimated just compensation for subject tract and the amount fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This Judgment, on the other hand, will result in an overpayment to one of the owners of the subject tract, and such overpayment should be refunded to the Plaintiff. The deficiency and the overpayment are set out in paragraph 11 below.

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use Tract No. 1967E, as such tract is described in the Complaint and the Declaration of Taking filed herein, and such property, to the extent of the estate described in the 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 are forever barred from asserting any claim thereto.

It Is Further ORDERED, ADJUDGED AND DECREED that the right to receive the just compensation for the estate taken in subject tract is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of September 9, 1965, hereby is confirmed and the sum therein fixed is adopted as just compensation for the estate taken in subject tract and such sum is allocated between the owners as shown by the following schedule:

TRACT NO. 1967E

OWNERS:

Elizabeth Hammons owned the property subject to a road across it which road was owned by Earl Guynn and Vera Lee Guynn.

Award of just compensation for				
entire estate taken in entire tract				
pursuant to Commissioners' Report -----				\$1,050.00
Allocation of award, deposit, and disbursals:				:
		Hammons	Guynn	:
		Interest	Interest	:
Share of award pursuant to	:	:	:	:
Commissioners' Report ----	:\$450.00	:\$450.00	:\$600.00	:\$600.00
Deposit:	:	:	:	:
as estimated	:	:	:	:
compensation ----	\$250.00	:	None	:
as deficiency	:	:	:	:
pursuant to	:	:	:	:
Judgment	:	:	:	:
Dec. 11, 1962 ----	\$250.00	:	None	:
	Total--	:\$500.00	:	:
Disbursed to owners -----	:	:\$500.00	:	None
Balance due to owners-----	:	:	:	:\$600.00
Overpayment to owner -----	:	:\$ 50.00	:	:
Deposit deficiency -----	:	:	:	\$600.00

It Is Further ORDERED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the subject tract in the amount of \$600.00, together with interest on such deficiency at the rate of 6% per annum from August 17, 1960, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this Civil Action. Upon receipt of such sum, the Clerk of this Court shall disburse from the deposit for the subject tract the sum of \$600.00, together with all accrued interest on such sum, to Earl Guynn and Vera Lee Guynn, jointly.

It Is Further ORDERED, ADJUDGED AND DECREED that the Plaintiff, United States of America shall have Judgment against Elizabeth Hammons in the amount of \$50.00 for the overpayment to her as shown in paragraph 11 above, together with interest on such sum at the rate of 6% per annum from the date of filing this Judgment, until the Judgment be paid.

In satisfaction of the Judgment against her, the said Elizabeth Hammons shall deposit in the Registry of this Court the amount of the Judgment together with all accrued interest. When such deposit has been made, the Clerk of this Court shall credit the payment to the deposit for Tract No. 1967B, and then shall disburse the sum so deposited to the Treasurer of the United States.

Allen B. Barrow
 UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

1.36 Acres of Land, More or Less,
Situate in Mayes County, Oklahoma,
and Elizabeth Hammons, et al,
and Unknown Owners,

Defendants.)

CIVIL ACTION NO. 4998

Tract No. 1971E

FILED

OCT 21 1965

U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

J U D G M E N T

1.

NOW, on this 1st day of October, 1965, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Report of Commissioners filed herein on December 21, 1964, and the Court, after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

This Judgment applies only to the estate taken in Tract No. 1971E, as such estate and tract are described in the Complaint and the Declaration of Taking filed herein.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on August 17, 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 such instrument.

6.

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

7.

The Report of Commissioners filed herein on December 21, 1964, hereby is accepted and adopted as a finding of fact as to the subject tract. The amount of just compensation for the estate taken in the subject tract, as fixed by the Commission, is set out in paragraph 11 below.

8.

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

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use Tract No. 1971E, as such tract is described in the Complaint and the Declaration of Taking filed herein, and such property, to the extent of the estate described in the 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 are forever barred from asserting any claim thereto.

11.

It Is Further ORDERED, ADJUDGED and DECREED that the right to receive the just compensation for the estate taken in the subject tract is vested in the defendants whose names appear below in this paragraph; the Report of

Commissioners of December 21, 1964, hereby is confirmed and the sum therein fixed is adopted as just compensation for the estate taken in subject tract as shown by the following schedule:

TRACT NO. 1971E

Owners:

Earl Gynn and
Vera Lee Gynn

Award of just compensation pursuant to Commissioners' Report -----	\$350.00	\$350.00
Deposited as estimated compensation -----	\$300.00	
Disbursed to owners-----		\$300.00
Balance due to owners -----		<u>\$ 50.00</u>
Deposit deficiency -----	<u>\$ 50.00</u>	

12.

It Is Further ORDERED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the subject tract in the amount of \$50.00, together with interest on such deficiency at the rate of 6% per annum from August 17, 1960, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this Civil Action. Upon receipt of such sum, the Clerk of this Court shall disburse from the deposit for the subject tract the sum of \$50.00, plus all accrued interest thereon, to Earl Gynn and Vera Lee Gynn, jointly.

St. Allen G. Bennett
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.

279.50 Acres of Land, More or Less,
Situate in Nowata and Rogers Counties,
Oklahoma, and Charles F. Dominy, et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 5113

Tract No. 6613-108

FILED

OCT 10 1965

J U D G M E N T

WALTER C. HOLT
CLERK, U. S. District Court

1.

NOW, on this 1st day of October, 1965, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Report of Commissioners filed herein on September 9, 1965, and the Court, after having examined the files in this action and being advised by counsel for the plaintiff, finds:

2.

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

3.

This Judgment applies only to the estate taken in Tract No. 6613-108, as such estate and tract are described in the Complaint and the Declaration of Taking filed herein.

4.

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

5.

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

6.

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

7.

The Report of Commissioners filed herein on September 9, 1965, hereby is accepted and adopted as a finding of fact as to the subject tract. The amount of just compensation as to the subject tract as fixed by the Commission is set out in paragraph 12 below.

8.

The sum deposited with the Declaration of Taking as estimated compensation for the estate taken in the subject tract is larger than the award for this tract fixed by this Judgment. This surplus in the deposit, as set out in paragraph 12, should be refunded to the Government.

9.

The defendants named in paragraph 12 as owners of subject tract are the only defendants asserting any interest in the estate condemned herein, and all other defendants having either disclaimed or defaulted, the named defendants were the owners of the respective interests in such estate as designated. However, there is a dispute between the owner of a mortgage on 1/4 interest in the lessee interest and the owner of such 1/4 interest which will require a hearing before the Court. Therefore, no distribution of the award for the lessee interest should be made until after the hearing by the Court.

10.

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

11.

It Is Further ORDERED, ADJUDGED AND DECREED that the record owners of the estate taken in the subject tract are the defendants whose names are listed in paragraph 12 below. The right to receive the just compensation awarded for the lessor interest in this tract is vested in the owners of such interest, as named below.

The determination of which owners are vested with the right to receive the award for the lessee interest in the subject tract is not fixed by this Judgment, but will be made after a hearing to be held by the Court for this purpose.

12.

The Report of Commissioners of September 9, 1965, hereby is confirmed and the sum therein fixed is adopted as just compensation for the estate taken in the subject tract and the award is allocated between the lessor and lessee interests, all as shown in the schedule which follows, to-wit:

TRACT NO. 6613-10S

OWNERS:

Lessor Interest:

Harry M. Crumrine and
Bessie E. Crumrine

Lessee interest:

Veva L. Borton ----- 1/4

Samuel J. Deitch and
Kaia J. Deitch ----- 1/4

L. H. Horne and
Agatha G. Horne ----- 1/8

Adolph A. Stamer and
Ida Stamer ----- 1/16

Herman Larsen ----- 1/32

Ben Aukes and
Frances Aukes ----- 1/16

Boyd Miller ----- 1/16

Dan S. Dugan ----- 5/32

Granger Electric, Inc. -----Mortgagee of the
Veva L. Borton 1/4 interest.

Award of just compensation for entire estate taken				
pursuant to Commissioners' Report -----				\$1,650.00
Allocation of award, deposit and disbursals:				
	:	Lessor	:	Lessee
	:	Interest	:	Interest
Share of award -----	:	\$900.00	:	\$900.00
	:		:	\$750.00
Deposited as estimated	:		:	
compensation -----	:	\$750.00	:	\$3525.00
	:		:	\$4,275.00
Disbursed to owners -----	:	\$750.00	:	None
	:		:	\$ 750.00
Balance on deposit -----	:		:	\$3,525.00
Deposit deficiency -----	:	\$150.00	:	None
Deposit surplus -----	:	None	:	\$2775.00
Balance due to owners:	:		:	
Unpaid balance of award--:	:	\$150.00	:	\$750.00
Interest on deficiency--:	:	\$ 42.00	:	
(4 yrs. & 8 mos. at	:		:	
6% per annum)	:		:	
Total balance due -----	:	\$192.00	:	\$750.00
	:		:	942.00
Net deposit surplus -----	:		:	\$2,583.00

13.

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

To Harry M. Crumrine and
 Bessie E. Crumrine, jointly ----- \$ 192.00

To Treasurer of the United States ----- \$2,583.00

William E. Barron
 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.
Fairview Apartments Company,
Defendant.

Civil Action No. 5948

FILED

001 - 1 1965

ORDER CONFIRMING MARSHAL'S SALE

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

Now on this 30 day of September, 1965, there comes on for hearing motion of the plaintiff herein to confirm the sale of real and personal property made by the United States Marshal for the Northern District of Oklahoma on September 3, 1965, pursuant to an Order of Sale issued herein out of the office of the United States District Court Clerk for the Northern District of Oklahoma on July 26, 1965, of the following described real and personal property:

Lot One (1), Block One (1), West Osage Hills, an addition to the City of Tulsa, Osage County, State of Oklahoma, according to the recorded plat thereof,

Twenty-three (23) General Electric Ranges, Serial Numbers:

2434164	2348318
2157495	2434313
2348429	2348372
2349385	2348342
2349348	2348303
2348384	2349354
2434174	2434264
2434508	2434216
2434297	2349366
2348383	PL30349
2159782	JXJ07268
2348398	

Seven (7) Weilbilt Ranges, Serial Numbers:

52-15294	48-61743
52-78821	52-78848
48-61705	52-78847
52-16434	

Five (5) Hotpoint Ranges, Serial Numbers:

7991765	134007
1507786	134795
8972769	

Twenty-three (23) General Electric Refrigerators,
Serial Numbers:

81-079-910	82-075-703
81-082-534	83-066-644
84-042-713	82-075-766
83-318-400	83-066-971
82-061-000	82-082-543
81-056-39	UV-647167
83-317-98	UV-647166
81-082-020	VW-619630
84-041-220	VW-64717
83-065-090	U-KO-62471
83-066-930	U-JO-27707
82-095-205	

Nine (9) Marquette Refrigerators, Serial Numbers:

AD-98C-DW777	AD-98C-DW761
AD-98C1-CW620	AD-98C-CW339
AD-98C1-CW618	AD-98C-DW778
AD-98C-DW761	AD-98C-DW783
AD-98C-DW801	

One (1) Norge Refrigerator, Serial Number, T-879455.

One (1) International Harvester Refrigerator, Serial Number, F1192A29-3.

One (1) Bendix Dryer, Serial Number 112KF92.

Together with One (1) General Electric Refrigerator and Two (2) Eagle Gas Ranges on which the serial numbers are illegible.

Also all easily removable real estate items, namely, all plumbing equipment of every kind and nature, hot water heaters and water heating equipment, wall heaters, of every kind and nature, chimes or doorbells, ventilating fans, electrical fixtures, floor furnaces, garbage disposal cans, laundry trays, screens, venetian blinds, and all other operating equipment of every kind and nature used in the operation of said housing project,

and the court having examined the proceedings of the United States Marshal under the Order of Sale and no exceptions having been filed thereto finds that due and legal notice of the sale was given by publication in the Osage Journal News, a newspaper published and of general circulation in Osage County, State of Oklahoma, once a week for at least four (4) weeks prior to the date of sale, as shown by the Proof of Publication filed herein, and on a date fixed therein, September 3, 1965, the above described real and personal property was sold to the Federal Housing Administration, it being the highest and best bidder therefor.

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

IT IS ORDERED, ADJUDGED AND DECREED that the United States Marshal's sale and all proceedings under the Order of Sale issued herein be and they are hereby approved and confirmed.

IT IS FURTHER ORDERED that Doyle W. Foxman, United States Marshal for

the Northern District of Oklahoma, made and executed to the purchaser,
Federal Housing Administration, a good and sufficient deed for the premises
sold.

Dated this 30 day of September, 1965.



UNITED STATES DISTRICT JUDGE

APPROVED:



Sam E. Taylor
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Fairway Apartments, Inc.,

Defendant.

Civil No. 5949

FILED

SEP 17 1965

ORDER CONFIRMING MARSHAL'S SALE

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

NOW on this 30 day of September, 1965, there comes

on for hearing motion of the plaintiff herein to confirm the sale of real and personal property made by the United States Marshal for the Northern District of Oklahoma on September 3, 1965, pursuant to an Order of Sale issued herein out of the office of the United States District Court Clerk for the Northern District of Oklahoma on July 26, 1965, of the following described real and personal property:

Lots One (1) and Two (2), Block Four (4), Osage Hills, an addition to the City of Tulsa, Osage County, State of Oklahoma, according to the recorded plat thereof, as recorded in Book Two (2) of Plats on Pages 27 and 28 in the office of the County Clerk, Osage County, Oklahoma,

Twenty-four (24) Welbilt Ranges, Serial Nos.:

48-61733	48-61725
48-61727	48-77756
48-79049	52-13542
48-61761	48-79354
48-61736	48-79361
48-61728	48-61732
48-61298	48-61735
48-61750	48-61748
48-61729	48-79036
48-79355	48-77762
48-79374	48-77763
48-61706	48-61742

Five (5) Hotpoint Ranges, Serial Nos.:

1344250	1340002
1344249	1347933
1347592	

Four Eagle Flavour Guard Ranges, Serial Nos.:

6359-664	159
661	315

Two (2) General Electric Ranges, Serial Nos.:

U-V039931	U-V04001-1
-----------	------------

One (1) Dixie Range, Serial Number, 21000

One (1) Prosperity Gas Range, Serial Number, 10120936

One (1) Kenmore Range, Serial Number, 3056

One (1) Magic Chef Range, Serial #6701-34-V

One (1) Norge Range, Serial #2427

Twenty-seven (27) General Electric Refrigerators, Serial Nos.:

81-077-624	81-054-217
82-075-945	84-042-236
83-317-097	83-317-781
81-065-163	82-075-602
82-082-009	84-052-083
83-318-307	84-042-700
81-082-205	82-074-393
82-085-021	82-068-990
81-081-948	UW-646191
82-075-811	C-62-AA16
81-056-108	VW-64720
82-081-820	VW-619575
82-080-927	UW-647199
	UW-647158

Seven Marquette Refrigerators, Serial Nos.:

AD-98C1-CW617
AD-98C-CW351
AD-98C-DW775
AD-98C1-CW639
AD-98C-DW779
AD-98C1-CW644
AD-98C1-CW616

One (1) Leonard Refrigerator, Serial Number, 3713420

One (1) Gibson Refrigerator, Serial Number, 921140

One (1) Hotpoint Refrigerator, Serial Number, 81-074-783

Together with Two (2) Eagle Ranges, One (1) Monarch Range, One (1) Marquette Refrigerator, Three (3) Crosley Shelvadore Refrigerators, Five (5) Bendix Washers and Seven (7) Bendix Dryers, for all of which the serial numbers are illegible.

Also all easily removable real estate items, namely all plumbing equipment of every kind and nature, hot water heaters and water heating equipment, wall heaters of every kind and nature, chimes or doorbells, ventilating fans, electrical fixtures, floor furnaces, garbage disposal cans, laundry trays, screens, venetian blinds, and all other operating equipment of every kind and nature used in the operation of said housing project,

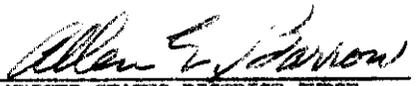
and the court having examined the proceedings of the United States Marshal under the Order of Sale and no exceptions having been filed thereto finds that due and legal notice of the sale was given by publication in the Osage Journal News, a newspaper published and of general circulation in Osage County, State of Oklahoma, once a week for at least four (4) weeks prior to the date of sale, as shown by the Proof of Publication filed herein, and on a date fixed therein, September 3, 1966, the above described real and personal property was sold to the Federal Housing Administration, it being the highest and best bidder therefor.

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

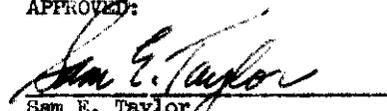
IT IS ORDERED, ADJUDGED AND DECREED that the United States Marshal's sale and all proceedings under the Order of Sale issued herein be and they are hereby approved and confirmed.

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

Dated this 30 day of September 1965.


UNITED STATES DISTRICT JUDGE

APPROVED:


Sam E. Taylor
Assistant U. S. Attorney

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

RICH'S OF TULSA, INC.,)
)
)
 Plaintiff,)
)
)
 -vs-)
)
)
 LEEWAY MOTOR FREIGHT, INC.,)
)
)
 Defendant.)

No. 6183

FILED

OCT - 1 1965

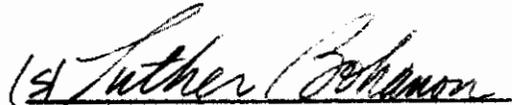
J U D G M E N T

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

This action came on for trial before the Court, Honorable Luther Bohanon, District Judge, presiding, and the issues having been duly tried and a decision having been duly rendered.

IT IS ORDERED AND ADJUDGED that the plaintiff Rich's of Tulsa, Inc., recover of the defendant LeeWay Motor Freight, Inc., the sum of \$232.47, with no interest thereon, and its costs of action.

Dated at Tulsa, Oklahoma, this 29th day of September, 1965.

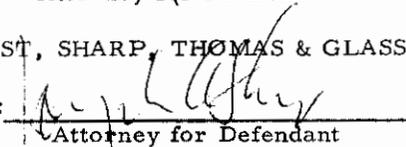

HONORABLE LUTHER BOHANON
UNITED STATES DISTRICT JUDGE

APPROVED:

SANDERS, McELROY & WHITTEN

By: 
Attorney for Plaintiff

BEST, SHARP, THOMAS & GLASS

By: 
Attorney for Defendant

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

KENNETH A. BURKE, d/b/a RANCH
ACRES LIQUORS, et al.,

Plaintiffs,

vs.

CLARENCE FORD and FRANK J.
KUNC, d/b/a ALL BRANDS SALES
COMPANY, et al.,

Defendants.

No. 5933-Civil

FILED

OCT 14 1965

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

J U D G M E N T

This cause came on for trial before the Court, without a jury, on April 5, 6, and 16, 1965, and for oral argument on September 3, 1965, and the Court, having heard all of the evidence produced by the parties, and carefully considered the pleadings and briefs filed, has prepared and filed in this cause written Findings of Fact and Conclusions of Law, and based upon the Findings of Fact and Conclusions of Law,

IT IS ORDERED, ADJUDGED AND DECREED that the relief prayed for by the plaintiffs should be and the same is hereby denied, and judgment is hereby entered for the defendants, and each of them.

IT IS FURTHER ORDERED that judgment be entered herein for the defendants, and each of them, and costs taxed against the plaintiffs.

DATED this 1st day of October, 1965.

(S) Arthur Bohan

UNITED STATES DISTRICT JUDGE

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

HALLIBURTON COMPANY, individually)
and as Trustee for the use and)
benefit of the Continental Casualty)
Company and certain Underwriters at)
Lloyds,)

Plaintiffs,)

vs.)

UNITED STATES RUBBER COMPANY,)
a corporation,)

Defendant.)

No. 5272-Civil
FILED

OCT - 5 1965

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

JUDGMENT ON JURY VERDICT

The above entitled cause and number came on for trial, and plaintiff, Halliburton Company, being represented by its attorney, Bryan Tabor, Tulsa, Oklahoma, and Robert Brown and Jim Saunders, of Duncan, Oklahoma, and the defendant, United States Rubber Company, being represented by V. P. Crowe and Val Miller, of Oklahoma City, Oklahoma, and the parties having agreed that said case may be tried in Oklahoma City, in the Western District of Oklahoma, rather than at Tulsa, Oklahoma, in the Northern District of Oklahoma, as a convenience to the parties, both plaintiff and defendant.

On the 4th day of October, 1965, said case was called for trial, and the parties announced ready for trial; a jury having been sworn and impaneled to try the case, and after the submission of all evidence, argument of counsel, and instructions as to the law by the Court, the jury, composed of the following persons: Elmer Steanson, Louis Pearson, Mary Smiser, Nancy Poston, Betty Fallin, Helen Holland, Delpha Chase, Sam Rich, Kenneth Addington, Robert Robinson, James Grigsby, and Violet Noe, was furnished three forms of verdict for their deliberations in the jury room, one form based upon express warranty for the plaintiff, another form based upon implied warranty for the plaintiff, and a third form for a general verdict for the defendant. After the case was submitted to the jury, the jury returned the following verdict:

" UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Halliburton Company, individually)
and as Trustee for the use and)
benefit of the Continental Casualty)
Company and certain Underwriters at)
Lloyds)

v.)

United States Rubber Company, a)
corporation)

No. 5272-Civil

We, the Jury, find for the defendant.

October 5, 1965

/s/ Louis E. Pearson
(Foreman) "

Therefore, based upon the Verdict of the Jury, the Court does render Judgment in favor of the defendant and against the plaintiff, and assesses the costs against the plaintiff.

DATED this 5 day of October, 1965.

(s) Luther Bohannon

UNITED STATES DISTRICT JUDGE

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

DELORES W. IRVIN,)
)
 Plaintiff,)
)
 -VS-)
)
 SHELL OIL COMPANY, A Corporation,)
 et al,)
)
 Defendants.)

NO. 6161 Civil
FILED

OCT - 5 1965

ORDER OF DISMISSAL

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

Now, on this 5 day of October, 1965, comes on for hearing the stipulation of dismissal of plaintiff and defendants hereto in the above-entitled cause. The Court finds that said cause has been settled and that defendants have this date paid to plaintiff the sum of Six Thousand Seven Hundred and Fifty Dollars (\$6,750.00) in full settlement, release and satisfaction of plaintiff's cause of action set forth in her petition herein, and that plaintiff has accepted said sum in full satisfaction, release and discharge of its cause of action and claim against the defendants 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.

[Signature]
Judge of the United States District Court,
Northern District of Oklahoma

APPROVED AS TO FORM:

Woods J. Bates.
Attorney for Plaintiff

Richard H. Kubler
Attorney for Defendant, Shell Oil Co.

[Signature]
Attorney for Defendant, S. W. Bell

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

JAMES R. SHANNON, and JAMES
K. KELLY,

Plaintiff,

vs.

SHERIFF SEQUEECHI; SHERIFF LLOYD
BEAVER; SHERIFF BILL LESSMAN,

Defendants.

Re. 17'

FILED

OCT 5 1965

ORDER

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

The Court has for disposition in this case the appli-
cation of plaintiff for an injunction, motion of defendants
for a summary judgment and the motion of plaintiff to dismiss
defendants' motion for summary judgment. Upon consideration
of the pleadings, affidavits and briefs filed herein, the
Court finds:

The plaintiff seeks an injunction to prevent his
attorneys for defendant from representing the defendants in
this case. The attorneys have been admitted to practice in
this Court pursuant to Rule 4 of the Rules of Court of the
United States District Court for the Northern District of Okla-
homa, and the application for an injunction should be denied.

It appears from the pleadings and affidavits filed in
this case that the plaintiff's conviction has been annulled by
the Supreme Court of Kansas; that his former corpus proceeding
in the U.S. District Court of Kansas has been dismissed, and that
he has unnecessarily prosecuted numerous civil suits against
these defendants and others in the course involved here.
He is now seeking a declaratory judgment from this Court to use
as a basis for future litigation. (See p. 13, Transcript to the
Defendants' Motion.)

The purpose of the Defendant's Judgment A. L. 1. 5. have a declaration of rights not therefore determined and it to determine whether the rights theretofore adjudicated have been properly adjudicated. The Act should not be invoked as a substitute for appeal, nor should a declaratory judgment be granted unless it will terminate the controversy.

The issues raised by plaintiff herein have been heretofore decided by the District Court of Montgomery County, Kansas, as Case No. 61,098, entitled "James K. Kelly and Ruth Kelly vs. B. D. Watson and Lloyd Decker", and said issues are res adjudicata as to the defendant, Lloyd Decker.

The Court, in its discretion, declines to entertain the complaint filed by the plaintiff herein.

IT IS, THEREFORE, ORDERED that the application for injunction and motion to dismiss defendant's motion for summary judgment are overruled.

IT IS FURTHER ORDERED that the defendant's motion for summary judgment is sustained, and judgment is sustained, and judgment is entered for the defendant.

DATED this 5 day of October, 1965.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

0.67 Acres of Land, More or Less,
Situate in Nowata County, Oklahoma,
and Sylvan T. Baer, et al,
and Unknown Owners,

Defendants.)

CIVIL ACTION NO. 6206

Tract No. N-1458E-2

FILED

OCT - 6 1965

J U D G M E N T

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

1.

NOW, on this 5 day of October, 1965, this matter comes on for disposition on application of plaintiff, United States of America, for entry of Judgment on Contract No. RE-3403, entitled Offer to Sell Easement, wherein the parties have agreed upon the amount of just compensation for the estate taken herein, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This Judgment applies only to the estate condemned in Tract No. N-1458E-2, 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 personally, as provided by Rule 71A of Federal Rules of Civil Procedure, on all parties defendant in this cause who are interested in subject tract.

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on June 7, 1965, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

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

7.

On the date of taking in this action, the owner of the estate taken in subject tract was the defendant whose name is shown in paragraph 11 below. Such named defendant is the only person asserting any interest in the estate taken in such tract, all other persons haveing either disclaimed or defaulted, and such named defendant is entitled to receive the just compensation awarded by this Judgment.

8.

The owner of subject tract and the United States of America have executed a contract entitled, Offer to Sell Easement, as alleged in the Complaint herein, wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in paragraph 11 below, and such 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 the Declaration of Taking filed herein; and such tract, to the extent of the estate described and for the uses and purposes described in such Declaration of Taking, is condemned and title thereto is vested in the United States of America, as of the date of filing such Declaration of Taking, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim thereto.

10.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owner of the estate condemned herein in subject tract was the defendant whose name appears below in paragraph 11, and the right to just compensation for the estate taken herein in this tract is vested in the party so named.

11.

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

TRACT NO. N-1458E-2

OWNER:

Sylvan T. Baer

Award of just compensation pursuant to Contract -----	\$100.00	\$100.00
Deposited as estimated compensation -----	<u>\$100.00</u>	
Disbursed to owner -----		None
Balance due to owner -----		<u>\$100.00</u>

12.

It Is Further ORDERED that the Clerk of this Court shall disburse from the deposit for the subject tract the sum of \$100.00 to Sylvan T. Baer.

St. Allen E. Barron
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.

1,172.85 Acres of Land, More or Less,
Situate in Nowata & Rogers Counties,
Oklahoma, and Will Rogers, Jr., et al,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 4829

Tracts Nos. B-259,
B-259E-1 thru
B-259E-8

(Equipment Only)

FILED

OCT 8 1965

J U D G M E N T

1.

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

NOW, on this 8th day of October, 1965, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Report of Commissioners filed herein on September 21, 1965, and the Court, after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

This Judgment applies only to the oil (and/or gas) field equipment situated on Tracts Nos. B-259, B-259E-1 through B-259E-8 inclusive, as such tracts are described in the Complaint and the Declaration of Taking filed herein.

4.

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

5.

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

6.

When the subject civil action was filed, no money was deposited as estimated compensation for the taking of the subject property and no money has been disbursed to the owners for such taking.

7.

The Report of Commissioners filed herein on September 21, 1965, hereby is accepted and adopted as a finding of fact as to the subject property. The amount of just compensation for the taking of the subject property, as fixed by the Commission, is set out in paragraph 11 below.

8.

Since no money has been deposited as estimated compensation for the taking of the subject property, the plaintiff should deposit the full amount of the subject award. The amount of the deposit deficiency is set forth in paragraph 11 below.

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED, AND DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tracts, described in the Declaration of Taking filed herein, and the oil (and/or gas) field equipment only, situated on such tracts, to the extent of the estates described in the Declaration of Taking filed herein, is CONDEMNED, and title thereto is vested in the United States of America as of the date of filing the Declaration of Taking, and all defendants herein and all other persons are forever barred from asserting any claim thereto.

11.

It Is Further ORDERED, ADJUDGED, AND DECREED that the right to receive just compensation for the taking of the subject property is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of September 21, 1965, hereby is confirmed and the sum therein fixed is adopted as just compensation for such taking, as shown by the following schedule:

TRACTS NOS. B-259, B-259E-1 THROUGH E-3
(Oil (and/or Gas) Field Equipment Only)

OWNERS:

R. J. C. Hamilton ----- 13/16

Neil E. Bogan ----- 1/8

A. L. Breneman ----- 1/16

Award of just compensation
pursuant to Commissioners' Report ----- \$3,000.00 \$3,000.00

Deposited as estimated compensation ----- None

Disbursed to owners ----- None

Balance due to owners ----- \$3,000.00

Deposit deficiency ----- \$3,000.00

12.

It Is Further ORDERED, ADJUDGED, AND DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the subject tracts in the amount of \$3,000.00 as shown in paragraph 11, together with interest on such deficiency at the rate of 6% per annum from January 7, 1960, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tracts in this Civil Action.

Upon the receipt of such sum, the Clerk of this Court shall disburse from the deposit for the subject tracts certain sums as follows:

To R. J. C. Hamilton ----- 13/16 of the total deposit,

To Neil E. Bogan ----- 1/8 of the total deposit,

To A. L. Breneman ----- 1/16 of the total deposit.

St. Allen G. Barron
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

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

Defendants.

CIVIL ACTION NO. 4962

Tract No. G-743

FILED

OCT 8 - 1965

J U D G M E N T

1.

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

NOW, on this 8th day of October, 1965, this matter comes on

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

2.

This Judgment applies only to the estate condemned in Tract No. G-743, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on July 15, 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 a certain estate in subject tract, a certain sum of money and part of this deposit has been disbursed as set out in paragraph 12 below.

7.

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

8.

The owners of certain interests in the subject tract and the United States of America have executed and filed herein Stipulations as to Just Compensation wherein they have agreed that just compensation for such interests in the estate condemned in subject tract is in the amount shown as compensation in paragraph 12 below, and such Stipulations should be approved. As to all interests in the subject tract, which are not covered by the aforesaid Stipulations, the plaintiff has presented to the Court its evidence of value; the defendant owners have made no objection and have offered no evidence, and the Court has made findings as to the just compensation which should be awarded, all as set forth in paragraph 12 below.

9.

A deficiency exists between the amount deposited as estimated compensation for subject tract and the amount fixed by the Stipulations as to Just Compensation and the findings of the Court, 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 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 estate are forever barred from asserting any claim thereto.

11.

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

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulations as to Just Compensation and the findings of the Court, mentioned in paragraph 8 above, hereby are confirmed. The sum thereby fixed is adopted as the award of just compensation for the estate condemned in subject tract and such sum is allocated among the owners as follows:

TRACT NO. G-743

OWNERS:

There are four separate units included in this one tract.

UNIT 1. 30 Acres ($N\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$ and $NW\frac{1}{4}SE\frac{1}{4}NW\frac{1}{4}$) of this tract were owned:

Earl Reck -----	1/2
Neal D. Newton -----	1/4
The Fidelity National Bank and Trust Company of Oklahoma City, Trustee-----	1/4

UNIT 2. 120 Acres ($N\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $SE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$, $NE\frac{1}{4}NE\frac{1}{4}SE\frac{1}{4}$, $NW\frac{1}{4}SE\frac{1}{4}$) of this tract were owned:

Earl Reck -----	3/4
Aetna Life Insurance Company -----	1/4

UNIT 3. 60 Acres ($S\frac{1}{2}SW\frac{1}{4}NW\frac{1}{4}$, $S\frac{1}{2}SE\frac{1}{4}NW\frac{1}{4}$, $EW\frac{1}{4}SE\frac{1}{4}SW\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$) of this tract were owned:

June Collins -----	1/2
H. M. McMillan -----	1/4
Georgie S. Fell -----	28% of 1/4
John W. Nichols, Trustee -----	37% of 1/4
Heirs of H. B. Fell, who are: Elizabeth Fell Oven and Frances Fell Kilpatrick -----	35% of 1/4

UNIT 4. 10 Acres ($SW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$) of this tract were owned:

Earl Reck

Award of just compensation for entire
estate taken in entire tract ----- \$2,043.75

Allocation of award, deposit and disburseals:

1. Earl Reck interest:
($\frac{1}{2}$ Unit 1, $\frac{3}{4}$ Unit 2, and
all of Unit 4)

Share of award pursuant to
Stipulation ----- \$ 743.75 \$743.75

Deposited as estimated compensation
for Reck interest ----- \$ 743.75

Disbursed to owner ----- None

Balance due to owner ----- \$743.75

2. Neal D. Newton interest:
($\frac{1}{4}$ of Unit 1 only)

Share of award pursuant
to findings of Court ----- \$ 75.00 \$ 75.00

Deposited as estimated compensation
for Newton interest ----- \$ 75.00

Disbursed to owner ----- None

Balance due to owner ----- \$ 75.00

3. Fidelity National Bank Interest:
($\frac{1}{4}$ of Unit 1 only)

Share of award pursuant to
Stipulation ----- \$ 75.00 \$ 75.00

Deposited as estimated compensation
for Bank's interest ----- \$ 75.00

Disbursed to owner ----- \$ 75.00

4. Aetna Life Insurance Co. interest:
($\frac{1}{4}$ of Unit 2 only)

Share of award pursuant to
Stipulation ----- \$ 300.00 \$300.00

Deposited as estimated compensation
for Aetna interest ----- \$ 181.25

Disbursed to owner ----- None

Balance due to owner ----- \$300.00

Deposit deficiency ----- \$ 118.75

5. June Collins et al interest:
(all of Unit 3 only)

Share of award pursuant to
findings of Court ----- \$ 850.00 \$850.00

Deposited as estimated compensation
for Collins et al interest ----- \$ 850.00

Disbursed to owners ----- \$850.00

Total amount deposited as estimated compen-
sation for entire estate taken in
entire tract ----- \$1,925.00

Deposit deficiency for entire tract ----- \$ 118.75

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. G-743, the deficiency sum of \$118.75, and the Clerk of this Court then shall disburse from the deposit for the subject tract certain sums, as follows:

To Earl Reck ----- \$743.75

To Aetna Life Insurance Company ----- \$300.00

The share of the award due to Neal D. Newton in the sum of \$75.00 shall not be disbursed at this time because his address is wholly unknown. An appropriate Order of Distribution will be entered by the Court in the event he be located. In the event that the balance on deposit for this tract is not disbursed for a period of five years from the date of this Judgment, then at the end of that period, without further order of Court, the Clerk of this Court shall disburse such deposit to the Treasurer of the United States of America, pursuant to the provisions of Title 28, Section 2042, U.S.C.

Allen G. Bassett

 UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

 HUBERT A. MARLOW
 Assistant United States Attorney



FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

1965

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

UNITED STATES OF AMERICA,)
Plaintiff,)
-vs-)
1033.72 ACRES OF LAND, MORE)
OR LESS, SITUATE IN TULSA,)
CREEK, AND PAWNEE COUNTIES,)
OKLAHOMA, AND PEARL B. JACK-)
SON CO., ET AL., AND UNKNOWN)
OWNERS,)
Defendants.)

CIVIL NO. 4967 ✓

FINAL JUDGMENT DETERMINING OWNERSHIP, JUST
COMPENSATION, AND ORDERING DISTRIBUTION AS
TO TRACTS G-742-1, G-742-2, G-742E-1, G-742E-2,
G-742E-3, G-742E-4, G-742E-5

On this 11 day of October, 1965, this Court finds that the proceedings in this matter have reached the point where nothing remains to be done except the rendering of this Court's final judgment as to the issue of just compensation and determining the names of the persons entitled to the award, and ordering distribution of funds. Accordingly, this Court, after examining the files and the record of all the proceedings in this action, and upon the representation of the United States Attorney, makes the following findings:

1. That this Court has jurisdiction over the parties and the subject matter of this action.
2. That under the authority set forth in the Declaration of Taking and the Complaint in Condemnation filed herein on July 25, 1960, the United States of America has acquired the ownership of the land designated therein as Tracts G-742-1, G-742-2, G-742E-1, G-742E-2, G-742E-3, G-742E-4, and G-742E-5 to the extent set forth in the Declaration of taking.

3. That on the date of the filing of the Declaration of Taking, the sum of \$1036.00 was deposited into the registry of this Court for the benefit of the persons entitled thereto as estimated just compensation for the taking of said land.

4. That the United States of America and the following named defendants have agreed (by option or stipulation) that just compensation is as set forth below:

C. C. Rule and Grace Rule
(1/2 mineral interest)-----\$425.50

M. J. Ledbetter
(1/4 mineral interest)-----\$600.00

Jay C. Byers, Executor of
Estate of Louis H. Byers,
deceased (1/4 mineral interest)-----\$600.00

Tulsa United Petroleum, Inc.,
(Oil & Gas Lease)-----\$1000.00

5. That all of the above named defendants were collectively the owners of the fee simple estate in said land (mineral interest only) as of the date of the filing of the Declaration of Taking herein, and that no other person owned an interest therein or is entitled to be paid just compensation in this proceeding.

6. That by order of this Court the following amount has been previously distributed to the following named defendants: C. C. Rule and Grace Rule - \$400.50, so that there remains on deposit, available for distribution, the sum of \$635.50.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

A. That on July 25, 1960, the United States of America became vested with the ownership of these tracts of land to the extent set forth in the Complaint and Declaration of Taking.

B. That the names of those entitled to receive just compensation as of the date of the filing of the Declaration of Taking are only those set forth in Paragraph 4, supra.

C. That the total amount of just compensation, inclusive of interest, payable by the United States of America for the estates taken in said land, as more fully set forth in the Declaration of Taking, is the sum of \$2625.50, inclusive of interest, which is the total amount of the stipulations and options entered into between the Government and the defendants referred to in Paragraph 4, supra, (\$2625.50) which stipulations and options are hereby approved.

D. That the difference between the total amount deposited (\$1036.00) and the total amount of just compensation (\$2625.50) is the sum of \$1589.50, for which sum a deficiency judgment is hereby granted against the United States of America without interest thereon.

IT IS FURTHER ORDERED that when the amount of the deficiency judgment (\$1589.50) has been deposited into the registry of this Court, then the total amount available for distribution (\$2225.00) shall be distributed by the Clerk of this Court by separate registry drafts for the following amounts:

C. C. Rule and Grace Rule
Terlton, Oklahoma-----\$ 25.00

M. J. Ledbetter
Attorney at Law
Cleveland, Oklahoma-----\$600.00

Jay C. Byers, Executor of the
Estate of Louis H. Byers,
deceased,
Cleveland, Oklahoma-----\$600.00

Tulsa United Petroleum, Inc.
c/o A. Bob Jordan
United Founders Life Building
Oklahoma City, Oklahoma - 73112-----\$1000.00

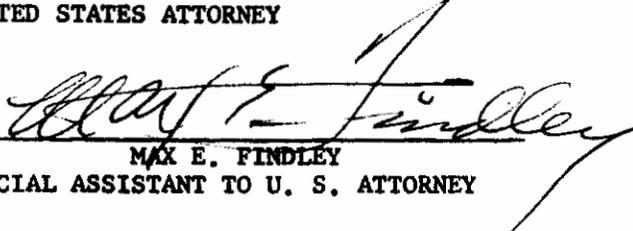
IT IS FURTHER ORDERED that if the Clerk of this Court is unable to pay said distributive share to any of the defendants named in the preceding paragraph, then the Clerk of this Court shall pay such distributive share to the Treasurer of the United States of America in accordance with Title 28, U.S.C. 2042.

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

JOHN M. IMEL
UNITED STATES ATTORNEY

BY: 
MAX E. FINDLEY
SPECIAL ASSISTANT TO U. S. ATTORNEY

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
Plaintiff,)
-vs-)
771.88 ACRES OF LAND, MORE)
OR LESS, SITUATE IN PAWNEE)
AND CREEK COUNTIES, OKLAHOMA,)
AND HELEN W. KENYON, ET AL.,)
AND UNKNOWN OWNERS,)
Defendants.)

CIVIL NO. 4882 ✓

TRACT NO. G-733

FILED

OCT 11 1965

NOTICE OF COURT
Clerk, U. S. D. Court

FINAL JUDGMENT DETERMINING OWNERSHIP, JUST
COMPENSATION, AND ORDERING DISTRIBUTION AS
TO TRACT NO. G-733

On this 11 day of October, 1965, this Court finds that the proceedings in this matter have reached the point where nothing remains to be done except the rendering of this Court's final judgment as to the issue of just compensation and determining the names of the persons entitled to the award, and ordering disbursement of funds. Accordingly, this Court, after examining the files and the record of all the proceedings in this action, and upon the representation of the United States Attorney, makes the following findings:

1. That this Court has jurisdiction over the parties and the subject matter of this action.
2. That under the authority set forth in the Declaration of Taking and the Complaint in Condemnation filed herein on March 8, 1960, the United States of America has acquired the ownership of the land designated therein as Tract No. G-733 to the extent set forth in the Declaration of Taking.

3. That on the date of the filing of the Declaration of Taking, the sum of \$1300.00 was deposited into the registry of this Court for the benefit of the persons entitled thereto as estimated just compensation for the taking of said land.

4. That the United States of America and the following named defendants have agreed (by option or stipulation) that just compensation is as set forth below:

Calvin Sissom and Georgia Audra
Sissom - (1/2 mineral interest)-----\$575.00

Villard Martin, individually;
Villard Martin, Trustee for
Kathryn Cornell Maxey; and
Garrett Logan(1/2 mineral
interest)-----\$575.00

Tulsa United Petroleum, Inc.
(Oil & Gas Lease)-----\$3000.00

5. That all of the above named defendants were collectively the owners of the fee simple estate in said land (mineral interest only) as of the date of the filing of the Declaration of Taking herein, and that no other person owned an interest therein or is entitled to be paid just compensation in this proceeding.

6. That the amounts agreed upon as just compensation between the United States of America and these defendants have been distributed to all the defendants named in Paragraph 4, supra, except for Tulsa United Petroleum, Inc., and that accordingly there remains on deposit available for distribution to said defendant the sum of \$150.00.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

A. That on March 8, 1960, the United States of America became vested with the ownership of these tracts of land to the extent set forth in the Complaint and Declaration of Taking.

B. That the names of those entitled to receive just compensation are set forth in Paragraph 4, supra.

C. That the total amount of just compensation, inclusive of interest, payable by the United States of America for the estates taken in said land, as more fully set forth in the Declaration of Taking, is the sum of \$4150.00 which is the total amount of the stipulations and options entered into between the Government and the defendants referred to in Paragraph 4, supra, (\$4150.00) which stipulations and options are hereby approved.

D. That the difference between the total amount deposited (\$1300.00) and the total amount of just compensation (\$4150.00) is the sum of \$2850.00 for which sum a deficiency judgment is hereby granted against the United States of America without interest thereon.

E. That their proportionate share of the total amount of just compensation has already been distributed to all of said defendants except for Tulsa United Petroleum, Inc.

IT IS FURTHER ORDERED that when the amount of the deficiency judgment (\$2850.00) has been deposited into the registry of this Court, then the total amount available for distribution (\$3000.00) shall be distributed by the Clerk of this Court by registry draft made payable to:

Tulsa United Petroleum, Inc.,

which should be mailed as follows:

A. Bob Jordan
Attorney at Law
710 United Founders Life Building
Oklahoma City, Oklahoma - 73112

ALLEN E. BARROW

APPROVED:
JOHN M. IMEL
UNITED STATES ATTORNEY

UNITED STATES DISTRICT JUDGE

/s/ MAX E. FINDLEY
BY: _____
MAX E. FINDLEY
SPECIAL ASSISTANT TO U. S. ATTORNEY

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

CIMARRON TELEPHONE COMPANY,)
an Oklahoma Corporation; and)
MARYLAND CASUALTY COMPANY,)
A Maryland Corporation,)
Plaintiffs,)

v.)

No. 6119

SOUTHWESTERN BELL TELEPHONE)
COMPANY, A Corporation; and,)
WESTERN ELECTRIC COMPANY, INC.,)
A Corporation,)
Defendants.)

FILED

OCT 11 1965

ORDER OF DISMISSAL WITH PREJUDICE

NOBLE C. GIBSON
District Judge

This matter comes on for consideration of the Stipulation for Dismissal with Prejudice, and it appearing to the Court that this cause has been settled and compromised between the parties, it is hereby ordered that this cause shall be and is dismissed with prejudice.

(Signature)

DISTRICT JUDGE
NORTHERN DISTRICT OF OKLAHOMA

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

Marion Kingfisher,)
)
 Plaintiff,)
)
 vs.)
)
 TOLEDO SCALE COMPANY,)
 a corporation,)
)
 Defendant.)

Civil Action

No. 6166

FILED

SEP 14 1965

NOBLE CL. 110011
U.S. District Court

ORDER OF DISMISSAL WITH PREJUDICE

THIS MATTER comes to the attention of this Court on this the 17 day of September, 1965, upon the dismissal by the plaintiff and her counsel and her motion and request for an order of this Court dismissing her cause with prejudice. The Court having examined the dismissal and the request for an order of this Court for dismissal, finds that the facts, matters and things therein set forth are true and correct and the Court grants its affirmative approval of this action on the part of the plaintiff and grants her request and motion for an order of this Court dismissing her cause with prejudice and in that connection the Court further finds that the defendants have acquiesced therein and join with the plaintiff in her request for an order from the Court dismissing this cause with prejudice.

BE IT THEREFORE ORDERED, ADJUDGED AND DECREED that the request of the plaintiff for an order of this Court dismissing this cause is approved and the plaintiff's cause of action be and the same is hereby dismissed with prejudice to the right of the plaintiff to further prosecute same and at plaintiff's cost.

Done and dated this the 17 day of September, 1965.

O. K. AND APPROVED BY:

[Signature]
Plaintiff

[Signature]
Judge

RUCKER & TABOR

By: [Signature]
Attorneys for Plaintiff

GREEN & FELDMAN

By: [Signature]
Attorneys for Defendant

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

HARDWARE MUTUAL INSURANCE)
COMPANY, A Corporation,)
)
Plaintiff,)
)
vs.)
)
ROBERT M. LUKKEN, d/b/a)
LUKKEN STEEL CONSTRUCTION)
COMPANY, and ROY TIBBS,)
)
Defendants.)

No. 6147

FILED

OCT 12 1965

ORDER

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

On the 4th day of October, 1965, there came on for decision the judgment of the Court on the plaintiff's motion for a directed verdict or judgment notwithstanding the verdict, or in the alternative, plaintiff's motion for a new trial; the plaintiff appearing by and through its counsel, Covington & Gibbon, by Richard Gibbon, and the defendants appearing by and through their attorneys, Houston, Klein & Davidson, by Lee Grigg, and the Court having previously heard the arguments of counsel, having examined the briefs filed herein, having considered the pleadings and all of the evidence adduced at the trial of this cause, and being fully advised in the premises, finds that the plaintiff's motion for a directed verdict, motion for judgment notwithstanding the verdict, and in the alternative, motion for new trial, should be and are hereby overruled. And the Court further finds that the defendants should recover costs in the amount of \$20.00 as a docket fee.

The Court, in finding that plaintiff's motions as above stated should be overruled, made the following observations:

1. Plaintiff alleged that defendants were negligent in failing to take certain precautions to prevent a fire, and offered evidence to prove such alleged precautions were not taken.

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

J. I. Case Credit Corporation,
a Corporation,

Plaintiff,

vs.

Ernie Mahanes,

Defendant.

No. 594-Civil
FILED

OCT 14 1965

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

The above entitled action came on for trial before the Court without a jury on September 2, 1965 at Tulsa, Oklahoma, plaintiff appearing through its duly authorized representative and by its attorneys, Johnston & Johnston, of Oklahoma City, Oklahoma, and the defendant appearing in person and by his attorney, J. R. Hall, of Miami, Oklahoma. defendant's attorney moves the Court for leave to withdraw and strike his Motion to withdraw heretofore filed on August 24, 1965, the Court finds that said application is proper and should be granted, and the plaintiff in open Court moves to dismiss Counts II, IV and XIX, and the Court finds that plaintiff's motion to dismiss Counts II, IV and XIX of its Complaint is in all things proper and should be sustained; and testimony having been offered and oral arguments made by both parties, and the Court having made its findings of fact, conclusions of law and order for judgment, and its memorandum opinion herein, now, pursuant to said order for judgment,

IT IS HEREBY ORDERED AND ADJUDGED that the plaintiff, J. I. Case Credit Corporation, a corporation, have judgment against the defendant, Ernie Mahanes, in the sum of Thirty-eight Thousand Five Hundred Forty-Seven and 33/100 dollars (\$38,547.33), together with interest on the sum of Thirty-Five Thousand Seven Hundred Sixty-three and 00/100 dollars

(\$55,763.00) at the rate of six per cent (6%) per annum from October 15, 1902, until paid, an attorney's fee of ten per cent (10%) of the total amount due at the time of payment, and for its costs and disbursements in this action, to be hereinafter taxed, and hereinafter inserted by the Clerk of this Court in the sum of _____ Dollars.

(3) Luther Bohannon
Luther Bohannon, United States
District Judge

C. F.

JOHNSTON & JOHNSTON

/s/ David C. Johnston, Jr.
David C. Johnston, Jr.
945 Commerce Exchange Building
Oklahoma City, Oklahoma
Attorneys for Plaintiff

O. F.

/s/ J. R. Hall, Jr.
J. R. Hall
Attorney for Defendant

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

United States of America,

Plaintiff,

vs.

Clara Vaughn,

Defendant.

Civil Action No. 6093

FILED

OCT 14 1965

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

J U D G M E N T

ON THIS 14th day of October 1965, the above-entitled action coming on for hearing, Plaintiff appearing by Sam E. Taylor, Assistant United States Attorney, Northern District of Oklahoma, and the Defendant appearing not, the Court having heard the evidence of Plaintiff and examined the file, finds that the Defendant was duly served with summons herein more than 20 days prior to this date and having failed to appear, answer or otherwise plea herein, should be and is adjudged in default.

The Court further finds that all the material allegations of Plaintiff's complaint are true.

On September 23, 1961, for valuable consideration and in accordance with the provisions of the Federal Housing Administration Act, the defendant executed and delivered a written promissory note in the sum of \$1,881.63, to the General Construction of Tulsa, Inc., Tulsa, Oklahoma. Thereafter the defendant defaulted in the payments of said note and the note was subsequently assigned to the Plaintiff in accordance with the provisions of the Federal Housing Administration Act. There is now due and owing on the note the sum of \$1,204.40, with interest thereon at the rate of 5% per annum from November 17, 1964, together with the sum of \$109.39, ~~accrued~~ interest.

The Court further finds that the note was given for the purpose of paying for improvements on property owned by the defendant and located on Shelton Road, Kellyville, Oklahoma, and by reason thereof, Plaintiff is entitled to levy execution upon the premises for the collection of the Judgment herein.

The Court further finds that the Plaintiff has filed an Affidavit herein stating that the defendant is not in the military or naval services of the United States and is not an infant or an incompetent, which is found to be true.

Therefore, it is Ordered, Adjudged and Decreed that plaintiff have judgment against the defendant, Clara Vaughn, for the sum of \$1,204.40, with interest thereon at the rate of 5% per annum from November 17, 1964, until paid, together with the sum of \$109.39, as accrued interest, together with the costs of this action.

It is the further Judgment of this Court that the above judgment is a lien upon the improved property of the defendant, Clara Vaughn, located on Sheldon Road, Kellyville, Oklahoma, and that execution may be levied upon the said property for the satisfaction of the aforesaid money judgment.

Allen E. Davison
UNITED STATES DISTRICT JUDGE

APPROVED:

Sam E. Taylor
SAM E. TAYLOR
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

GILBERT A. CLOVER,)
)
 Plaintiff,)
)
 vs.)
)
 INSURANCE COMPANY OF)
 NORTH AMERICA,)
)
 Defendant.)

No. 6199

FILED

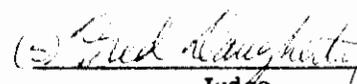
OCT 15 1965

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

ORDER OF DISMISSAL WITH PREJUDICE

NOW, on this 14th day of October, 1965, this matter comes to the attention of the Court on the dismissal by the Plaintiff and his counsel, and his motion and request for an order of this Court, dismissing Plaintiff's cause with prejudice. The Court, having examined the dismissal and the request for an order of this Court for a dismissal, finds that the facts, matters and things therein set forth in Plaintiff's dismissal and request for an order of dismissal are true and correct, and the Court finds there is affirmative approval of this action on the part of the Plaintiff, and grants his request and motion for an order of the Court dismissing his cause with prejudice, and the Court further finds that the Defendant has acquiesced therein, and joins with the Plaintiff in his request for an order dismissing Plaintiff's cause with prejudice.

BE IT, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the request of the Plaintiff for an order of this Court, dismissing Plaintiff's cause, is approved, and the Plaintiff's cause of action be and the same is hereby dismissed with prejudice to the right of the Plaintiff to further prosecute same.



Judge
of the United States District Court

O.K. AND APPROVED BY:

Gilbert A. Clover

Gilbert A. Clover,
Plaintiff

CRAWFORD & RIZLEY

By Robert S. Rizley

Robert S. Rizley
Attorneys for Plaintiff

GREEN & FELDMAN

By Wm. S. Hall

Wm. S. Hall
Attorneys for Defendant

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

United States of America,

Plaintiff,

vs.

Robert H. Walker and
Lorene Walker,

Defendants.

Civil No. 6209

FILED

OCT 14 1965

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

J U D G M E N T

ON THIS 14th day of October 1965, the above-entitled action coming on for hearing and Plaintiff appearing by Sam E. Taylor, Assistant United States Attorney for the Northern District of Oklahoma, and the defendants appearing not, the Court having heard the evidence of Plaintiff and examined the file, finds that the defendants were served with summons herein more than 20 days prior to this date and having failed to appear or answer should be and are adjudged in default.

The Court further finds that material allegations of Plaintiff's Complaint are true, that on July 5, 1955, for valuable consideration, the defendants executed and delivered their promissory note in the sum of \$1,109.56, to the Builders Material Company, all in accordance with the provisions of the Federal Housing Administration Act. There is now due and owing on the note the sum of \$498.49, with interest thereon at the rate of 6% per annum from February 2, 1962, together with the sum of \$179.61, as accrued interest thereon.

The Court further finds that the Plaintiff has filed an Affidavit herein stating that the defendants are not in the military or naval service of the United States and are not infants nor incompetents which is found to be true.

It Is Therefore Ordered, Adjudged and Decreed that Plaintiff have judgment against the defendants Robert H. Walker and Lorene Walker, for the sum of \$498.49, with interest thereon at the rate of 6% per annum from

February 2, 1962, together with the sum of \$179.61, accrued interest thereon,
until paid, plus the cost of this action accrued and accruing.

William E. Ferguson

UNITED STATES DISTRICT JUDGE

APPROVED:

Sam E. Taylor

SAM E. TAYLOR
Assistant U. S. Attorney

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

DENNIS EDWARD HOBBS,)
Plaintiff,)
vs.)
WILLIAM JOE MANLEY,)
Defendant,)
ALLSTATE INSURANCE COMPANY,)
Garnishee.)

No. 6235

FILED

OCT 15 1965

ORDER REMANDING CASE

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

Upon consideration of plaintiff's motion to remand filed herein, the Court finds and orders as follows:

Plaintiff recovered a judgment against the above named defendant for \$10,000.00 and costs in the State District Court in and for Tulsa County, Oklahoma, on September 1, 1964, said judgment would draw interest from September 1, 1964 at the legal rate in Oklahoma. On or about July 15, 1965, the plaintiff caused a garnishment summons to be issued in the State Court to the Allstate Insurance Company as garnishee. In an affidavit for such garnishment filed in the State Court garnishment proceeding against the garnishee, the plaintiff claimed judgment against the defendant in the amount of \$9,999.00.

This garnishment proceeding was the first time the said Allstate Insurance Company was involved in the State Court case. Upon becoming so involved the said garnishee removed the garnishment controversy existing between it and the plaintiff to Federal Court, claiming a diversity of citizenship between them, which does not appear to be disputed, and that the required jurisdictional amount is involved. The required jurisdictional amount would be involved between these parties if the plaintiff had made claim against the garnishee for the full amount of his State Court judgment against the defendant as of July 15, 1965. See Matthews vs. Allstate Insurance Company, D.C.Va. 1961, 194 Fed. Supp. 459;

Richie v. Richie, D.C.N.Y. 1960, 186 Fed. Supp. 592; and Schlorer v. Mangin, D.C.N.Y. 1941, 39 Fed. Supp. 64. But as to the garnishee the plaintiff has only laid claim against it in the garnishment proceeding against it for the amount of \$9,999.00, which is below the required jurisdictional amount for Federal Court involvement.

This claim and controversy between the plaintiff and the said garnishee is a new claim and controversy. The plaintiff is master of his claim, and if he chooses to ask for less than the jurisdictional amount, only the sum he demands is in controversy and Federal jurisdiction is absent here, even though his underlying claim was of a value exceeding the statutory minimum. See Brady v. Indemnity Insurance Company of North America, C.C.A. 6th, 1933, 68 Fed. 2d, 302; United States Fidelity & Guaranty Company v. Carlton, D.C.Tex. 1962, 202 Fed. Supp. 719; Standard Accident Insurance Company v. Aguirre, D.C.Tex. 1961, 199 Fed. Supp. 918; Lorensen v. Jenney Manufacturing Company, D.C.Mass. 1958, 158 Fed. Supp. 928; and Erwin v. Allied Van Lines, Inc., D.C.Ark. 1965, 259 F. Supp. 144. By this action of the plaintiff, he is barred from looking to the garnishee for an amount in excess of \$9,999.00 with reference to his State Court judgment against the defendant.

For the foregoing reasons the plaintiff's motion to remand must be granted. The case is ordered remanded to the District Court in and for Tulsa County, State of Oklahoma, for further proceedings. The Clerk of this Court will take the necessary action to remand the case as above directed.

Dated this 14 day of October, 1965.

Fred Daugherty
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.) Civil No. 5375
)
300.55 Acres of Land, More or) Tract No. ~~9911-3M~~ 9911-3MD
Less, Situate in Creek and)
Pawnee Counties, Oklahoma, and)
Fern Flinchum, et al., and)
Unknown Owners,)
Defendants.)

OCT 18 1965

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

FINAL JUDGMENT
DETERMINING OWNERSHIP, JUST COMPENSATION AND ORDERING DISTRIBUTION

On this 18 day of October, 1965, this Court finds that the proceedings in this matter have reached the point where nothing remains to be done except the rendering of this Court's final judgment as to the issue of just compensation and determining the names of the persons entitled to the award, and ordering disbursement of funds. Accordingly, this Court, after examining the files and the record of all the proceedings in this action, and upon the representation of the United States Attorney, makes the following findings:

1. That this Court has jurisdiction over the parties and the subject matter of this action.

2. That, under the authority set forth in the Declaration of Taking and the Complaint in Condemnation filed herein on March 28, 1962, the United States of America has acquired the ownership of the land designated therein as Tract No. 9911-3M to the extent set forth in the Declaration of Taking.

3. That on the date of the filing of the Declaration of Taking, the sum of \$2,938.00 was deposited into the registry of this Court for the benefit of the persons entitled thereto as estimated just compensation for the taking of said land.

4. That, as of the date of the filing of the Declaration of Taking, the following named Defendants were the only owners of an

interest in the mineral estate in said land, and the only persons entitled to receive just compensation in this proceeding. The names of these Defendants and their respective ownership are as set forth below:

<u>Defendant</u>	<u>Interest Owned</u>	<u>Amount of Settlement</u>	<u>Share of Commission's Award</u>	<u>Amount Distributed</u>
	<u>Mineral Estate (Net Acres)</u>			
Fern Flinchum	2.02	\$ 42.80		\$ 42.80
Ted Flinchum	2.74	57.92		57.92
Nora Conner	5.00	275.25		275.25
Della Flinchum,) Elnora Floyd,) Carl Flinchum,) Derald Flinchum,) Arless Flinchum,) Floyd Flinchum, and) Larry Flinchum,) Heirs of Sherman) Flinchum, deceased.)	7.50	158.63		158.63
Elva Hight	0.92	19.30		19.30
Edith Brady	0.91	19.30		19.30
Mildred Austin	0.91	19.30		19.30
C. Montfort McGehee,) John L. Collins,) Hobson C. McGehee,) Everarde B. McGehee,) Edwin C. McMillan,) Etta Feild Caves,) W. Clen Brown,) Velma J. Collins,) Eleanor G. Andrews.)	10.00	400.00		-0-
William R. Banks, Jr.) and Robert Lee Banks)	10.00	400.00		-0-
	<u>Oil & Gas Leasehold (Net Acres)</u>			
C. E. Brady, A. V.) Brady & R. A. Brady) dba Brady Bros.) Well Service)	17.50	915.26		915.26
Foster Estes	2.50	130.76		130.76
Alfred Creinin or Beatrice Creinin	2.50		\$130.76	-0-

<u>Defendant</u>	<u>Interest Owned</u>	<u>Amount of Settlement</u>	<u>Share of Commission's Award</u>	<u>Amount Distributed</u>
	<u>Oil & Gas Leasehold (Net Acres)</u>			
Samuel Creinin or Ruth Creinin	2.50		\$130.76	-0-
Daniel Rothman or Margie Rothman	1.25		65.37	-0-
Gunard Lundeen or Frances Lundeen	0.625		32.69	-0-
Rose Ersler or Charles Ersler	1.25		65.37	-0-
Lt.Col. Herbert A. Dolph	1.25		65.37	-0-
Mark Berman or Sylvia Berman	1.25		65.37	-0-
Joseph Stein or Gertrude Stein	1.25		65.37	-0-
Frank Timmons, Jr., or Gertrude Timmons	1.25		65.37	-0-
Frank L. Timmons, Sr.	1.25		65.37	-0-
Lawrence Martinson	1.25		65.37	-0-
Vivian Bass	1.25		65.37	-0-
John Popko	0.625		32.69	-0-
James E. Jett or Evelyn Mae Jett	1.25		65.37	-0-
Arnold E. Clayton	0.625		32.69	-0-
Phillip K. Barto	0.625		32.69	-0-

5. That the United States of America and those Defendants where indicated in paragraph 4, supra, have agreed (by option or stipulation) that the amount of just compensation to be paid to said Defendants is as set forth therein.

6. That this Court, pursuant to Rule 71A(h) of the Federal Rules of Civil Procedure, caused the issue of just compensation to

be determined by a Commission, without regard to any previous settlements so that just compensation could be determined as to those Defendants who have not stipulated with the United States of America. Accordingly, the Commission, after notice and a hearing, determined (according to its report which has been filed herein) that just compensation for the taking of the estate set forth in the Complaint and Declaration of Taking should be the sum of \$2,938.00 for Tract No. 9911-3M. Therefore, those Defendants as indicated in paragraph 4, supra, who have not agreed with the United States of America on the issue of just compensation, should share in said award (in accordance with their ownership) as set forth therein.

7. That, by order of this Court, the amounts set forth in paragraph 4, supra, in the column entitled "Amount Distributed" have been previously distributed to the Defendants indicated therein. The total amount previously distributed is the sum of \$1,638.52, so that there remains on deposit, still available for distribution, the sum of \$1,299.48.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

A. That on March 28, 1962, the United States of America became vested with the ownership of this tract of land to the extent set forth in the Complaint and Declaration of Taking.

B. That the names of those entitled to receive just compensation, as of the date of the filing of the Declaration of Taking, are as set forth in paragraph 4, supra, and that the extent of the ownership of each person so named is as set forth therein.

C. That the total amount of just compensation payable by the United States of America for the estate taken in said land is the sum of \$3,484.50, which is the total amount of the stipulations and options entered into between the United States of America and the Defendants referred to in paragraph 4, supra, (\$2,438.52) which

stipulations and options are hereby approved, plus the sum of \$1,045.98 which is the proportionate share of the Commission's award (which is hereby adopted and approved in all respects) for those Defendants who have not stipulated with the United States of America, as more particularly set forth in paragraph 4, supra.

D. That the difference between the total amount deposited (\$2,938.00) and the total amount of just compensation (\$3,484.50) is the sum of \$546.50, for which sum a deficiency judgment is hereby granted against the United States of America, without interest thereon. Interest is not due on the amount of this deficiency for the reason that funds have always been on deposit and available for distribution to those Defendants who have not stipulated with the United States of America.

E. That their proportionate share of the total amount of just compensation has already been distributed to those Defendants indicated in paragraph 4, supra, so that as to those Defendants all obligations of the United States of America have been discharged.

IT IS FURTHER ORDERED that when the amount of the deficiency judgment (\$546.50) has been deposited into the registry of this Court, then the total amount available for distribution (\$1,845.98) shall be distributed by the Clerk of this Court in the following manner:

C. Montfort McGehee, John L. Collins,)
Hobson C. McGehee, Everarde B. McGehee,))
Edwin C. McMillan, Etta Feild Caves,)--- \$400.00
W. Clen Brown, Velma J. Collins, and)
Eleanor G. Andrews.)

c/o David H. Loeffler
Loeffler & Allen
Attorneys at Law
116 West Sixth Street
Bristow, Oklahoma 74010

William R. Banks, Jr.,)
and Robert Lee Banks) ----- \$400.00

c/o David H. Loeffler
Loeffler & Allen
Attorneys at Law
116 West Sixth Street
Bristow, Oklahoma 74010

Alfred Creinin or Beatrice Creinin ----- c/o Mayster & Lichenstein 105 West Madison Street Chicago, Illinois	\$130.76
Samuel Creinin or Ruth Creinin ----- c/o Mayster & Lichenstein 105 West Madison Street Chicago, Illinois	\$130.76
Daniel Rothman or Margie Rothman ----- 8031 South Phillips Avenue Chicago, Illinois	\$ 65.37
Gunard Lundeen or Frances Lundeen ----- Woodhull, Illinois	\$ 32.69
Rose Ersler or Charles Ersler ----- 5240 Sheridan Road Chicago, Illinois	\$ 65.37
Lt. Col. Herbert A. Dolph ----- c/o Mickey Wilson Attorney at Law 500 West 7th Street Tulsa, Oklahoma	\$ 65.37
Mark Berman or Slyvia Berman ----- 2623 North California Avenue Chicago, Illinois	\$ 65.37
Joseph Stein or Gertrude Stein ----- 8035 South Phillips Avenue Chicago, Illinois	\$ 65.37
Frank Timmons, Jr., or Gertrude Timmons --- 810 North Seminary Galesburg, Illinois	\$ 65.37
Frank L. Timmons, Sr. ----- Box 173 Galesburg, Illinois	\$ 65.37
Lawrence Martinson ----- 1280 Elizabeth Crete, Illinois	\$ 65.37
Vivian Bass ----- c/o U. S. Post Office Hazelhurst, Mississippi	\$ 65.37
John Popko ----- 92 West Hickory Street Chicago Heights, Illinois	\$ 32.69
James E. Jett or Evelyn Mae Jett ----- 4400 Central Avenue Hot Springs, Arkansas	\$ 65.37

Arnold E. Clayton ----- \$ 32.69
1829 Clay Drive
Galesburg, Illinois

Phillip K. Barto ----- \$ 32.69
1616 East Avenue
Crete, Illinois

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

ALLEN E. BARROW

United States District Judge

APPROVED:

John M. Imel
United States Attorney

/s/ Max E. Findley

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.) Civil No. 5375
)
300.55 Acres of Land, More or) Tract No. 9911-4M
Less, Situate in Creek and) **FILED**
Pawnee Counties, Oklahoma, and)
Fern Flinchum, et al., and)
Unknown Owners,)
Defendants.) OCT 18 1965

FINAL JUDGMENT NOBLE C. HOOD
DETERMINING OWNERSHIP, JUST COMPENSATION AND ORDERING DISTRIBUTION Clerk, U. S. District Court

On this 18 day of October, 1965, this Court finds that the proceedings in this matter have reached the point where nothing remains to be done except the rendering of this Court's final judgment as to the issue of just compensation and determining the names of the persons entitled to the award, and ordering disbursement of funds. Accordingly, this Court, after examining the files and the record of all the proceedings in this action, and upon the representation of the United States Attorney, makes the following findings:

1. That this Court has jurisdiction over the parties and the subject matter of this action.
2. That, under the authority set forth in the Declaration of Taking and the Complaint in Condemnation filed herein on March 28, 1962, the United States of America has acquired the ownership of the land designated therein as Tract No. 9911-4M to the extent set forth in the Declaration of Taking.
3. That on the date of the filing of the Declaration of Taking, the sum of \$5,591.00 was deposited into the registry of this Court for the benefit of the persons entitled thereto as estimated just compensation for the taking of said land.
4. That the United States of America and the following named Defendants have agreed (by option or stipulation) that just

compensation is as set forth below:

Fern Flinchum	-----	\$282.88
Ted Flinchum	-----	382.72
Nora Conner	-----	975.00
Della Flinchum, Elnora Floyd, Carl Flinchum, Derald Flinchum, Arless Flinchum, Floyd Flinchum and Larry Flinchum, Heirs of Sherman Flinchum, deceased.	) ) ) ) ) ) )	1,048.31
Elva Hight	-----	127.57
Edith Brady	-----	127.57
Mildred Austin	-----	127.57
C. Montfort McGehee, John L. Collins, Hobson C. McGehee, Everarde B. McGehee, Edwin C. McMillan, Etta Feild Caves, W. Clen Brown, Velma J. Collins, and Eleanor G. Andrews.	) ) ) ) ) ) )	1,900.00
William R. Banks, Jr., and Robert Lee Banks	) )	1,900.00

5. That all of the above named Defendants were, collectively, the owners of the fee simple estate in said land (mineral interest only) as of the date of the filing of the Declaration of Taking herein, and that no other person owned an interest therein or is entitled to be paid just compensation in this proceeding.

6. That the amounts agreed upon as just compensation between the United States of America and these Defendants have been distributed to all of the Defendants named in paragraph 4, supra, except for C. Montfort McGehee, John L. Collins, Hobson C. McGehee, Everarde B. McGehee, Edwin C. McMillan, Etta Feild Caves, W. Clen Brown, Velma J. Collins, Eleanor G. Andrews, William R. Banks, Jr., and Robert Lee Banks, and that there still remains on deposit, available for distribution, the sum of \$2,519.38.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

A. That on March 28, 1962, the United States of America became vested with the ownership of this tract of land to the extent set

forth in the Complaint and Declaration of Taking.

B. That the names of those entitled to receive just compensation, as of the date of the filing of the Declaration of Taking, are as set forth in paragraph 4, supra.

C. That the amount of just compensation payable by the United States of America for the estates taken in said land, as more fully set forth in the Declaration of Taking, is the sum of \$6,871.62, inclusive of interest, which is the total amount of the stipulations and options entered into between the United States of America and the Defendants referred to in paragraph 4, supra (\$6,871.62) which stipulations and options are hereby approved.

D. That the difference between the total amount deposited (\$5,591.00) and the total amount of just compensation (\$6,871.62) is the sum of \$1,280.62, for which sum a deficiency judgment is hereby granted against the United States of America, without interest thereon.

E. That their proportionate share of the total amount of just compensation has already been distributed to all of the Defendants who are entitled to just compensation, except for those Defendants named in paragraph 6, supra.

IT IS FURTHER ORDERED that when the amount of the deficiency (\$1,280.62) has been deposited into the registry of this Court, then the total amount available for distribution (\$3,800.00) shall be distributed by the Clerk of this Court by registry drafts made payable as follows:

C. Montfort McGehee, John L. Collins,)	
Hobson C. McGehee, Everarde B. McGehee,)	
Edwin C. McMillan, Etta Feild Caves,	)--	\$1,900.00
W. Clen Brown, Velma J. Collins, and)	
Eleanor G. Andrews)	

c/o David H. Loeffler
Loeffler & Allen
Attorneys at Law
116 West Sixth Street
Bristow, Oklahoma

William R. Banks, Jr., and
Robert Lee Banks

) --- \$1,900.00
)

c/o David H. Loeffler
Loeffler & Allen
Attorneys at Law
116 West Sixth Street
Bristow, Oklahoma 74010

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

ALLEN E. BARROW

United States District Judge

APPROVED:

John M. Imel
United States Attorney

/s/ Max E. Findley

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.) Civil No. 5375
)
300.55 Acres of Land, More or) Tract No. 9911-6M
Less, Situate in Creek and)
Pawnee Counties, Oklahoma, and)
Fern Flinchum, et al., and)
Unknown Owners,)
Defendants.)

FILED

OCT 18 1965

FINAL JUDGMENT NOBLE C. HOOD
DETERMINING OWNERSHIP, JUST COMPENSATION AND ORDERING DISTRIBUTION

On this 18 day of October, 1965, this Court finds that the proceedings in this matter have reached the point where nothing remains to be done except the rendering of this Court's final judgment as to the issue of just compensation and determining the names of the persons entitled to the award, and ordering disbursement of funds. Accordingly, this Court, after examining the files and the record of all the proceedings in this action, and upon the representation of the United States Attorney, makes the following findings:

1. That this Court has jurisdiction over the parties and the subject matter of this action.

2. That, under the authority set forth in the Declaration of Taking and the Complaint in Condemnation filed herein on March 28, 1962, the United States of America has acquired the ownership of the land designated therein as Tract No. 9911-6M to the extent set forth in the Declaration of Taking.

3. That on the date of the filing of the Declaration of Taking, the sum of \$6,428.00 was deposited into the registry of this Court for the benefit of the persons entitled thereto as estimated just compensation for the taking of said land.

4. That, as of the date of the filing of the Declaration of Taking, the following named Defendants were the only owners of an

interest in the mineral estate in said land, and the only persons entitled to receive just compensation in this proceeding. The names of these Defendants and their respective ownership are as set forth below:

<u>Defendant</u>	<u>Interest Owned</u>	<u>Amount of Settlement</u>	<u>Share of Commission's Award</u>	<u>Amount Distributed</u>
	<u>Mineral Estate (Net Acres)</u>			
Fern Flinchum	1.01	\$ 85.72		\$ 85.72
Ted Flinchum	1.37	115.96		115.96
Nora Conner	2.50	211.75		211.75
Della Flinchum,) Einora Floyd,) Carl Flinchum,) Derald Flinchum,) Arless Flinchum,) Floyd Flinchum, and) Larry Flinchum,) Heirs of Sherman) Flinchum, deceased.)	3.75	317.62		317.62
Elva Hight	0.46	38.65		38.65
Edith Brady	0.46	38.65		38.65
Mildred Austin	0.45	38.65		38.65
Imogene W. Graves	5.00		\$423.50	-0-
Commonwealth Trust Co.,) a Corp., Trustee for) Trustees Diversified) Royalties - Series B)	5.00		423.50	-0-
	<u>Oil & Gas Leasehold (Net Acres)</u>			
Fred D. Brady and) Ralph J. Brady)	20.00	4,734.00		4,734.00

5. That the United States of America and those Defendants where indicated in paragraph 4, supra, have agreed (by option or stipulation) that the amount of just compensation to be paid to said Defendants is as set forth therein.

6. That this Court, pursuant to Rule 71A(h) of the Federal Rules of Civil Procedure, caused the issue of just compensation to

be determined by a Commission, without regard to any previous settlements so that just compensation could be determined as to those Defendants who have not stipulated with the United States of America. Accordingly, the Commission, after notice and a hearing, determined (according to its report which has been filed herein) that just compensation for the taking of the estate set forth in the Complaint and Declaration of Taking should be the sum of \$6,428.00 for Tract No. 9911-6M. Therefore, those Defendants as indicated in paragraph 4, supra, who have not agreed with the United States of America on the issue of just compensation, should share in said award (in accordance with their ownership) as set forth therein.

7. That, by order of this Court, the amounts set forth in paragraph 4, supra, in the column entitled "Amount Distributed" have been previously distributed to the Defendants indicated therein. The total amount previously distributed is the sum of \$5,581.00, so that there remains on deposit, still available for distribution, the sum of \$847.00.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

A. That on March 28, 1962, the United States of America became vested with the ownership of this tract of land to the extent set forth in the Complaint and Declaration of Taking.

B. That the names of those entitled to receive just compensation, as of the date of the filing of the Declaration of Taking, are as set forth in paragraph 4, supra, and that the extent of the ownership of each person so named is as set forth therein.

C. That the total amount of just compensation payable by the United States of America for the estate taken in said land is the sum of \$6,428.00, which is the total amount of the stipulations and options entered into between the United States of America and the Defendants referred to in paragraph 4, supra, (\$5,581.00) which stipulations and options are hereby approved, plus the sum of

\$847.00 which is the proportionate share of the Commission's award (which is hereby adopted and approved in all respects) for those Defendants who have not stipulated with the United States of America, as more particularly set forth in paragraph 4, supra.

D. That those Defendants who have not agreed with the United States of America as to the amount of just compensation are not entitled to receive interest on the amount of their share of the Commission's award for the reason that funds have always been on deposit and available for distribution to said Defendants for the amount of their respective share of the Commission's award.

E. That their proportionate share of the total amount of just compensation has already been distributed to those Defendants indicated in paragraph 4, supra, so that as to those Defendants all obligations of the United States of America have been discharged.

IT IS FURTHER ORDERED that the Clerk of this Court shall distribute the following amounts to the following named Defendants:

Imogene W. Graves ----- \$423.50
(Address Unknown)

Commonwealth Trust Co., a Corp.,
Trustee for Trustees Diversified
Royalties - Series B ----- \$423.50
(Address Unknown)

if the Clerk is able to determine their whereabouts, but, if the Clerk of this Court is unable to determine their whereabouts, then the Clerk shall pay the distributive shares of said Defendants to the Treasurer of the United States in accordance with Title 28, United States Code, Section 2042.

ALLEN E. DANKOW

United States District Judge

APPROVED:

John M. Imel
United States Attorney

/s/ Max E. Findley

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.) Civil No. 5375
)
300.55 Acres of Land, More or) Tract No. ~~9911-1M~~ D
Less, Situate in Creek and)
Pawnee Counties, Oklahoma, and)
Fern Flinchum, et al., and)
Unknown Owners,)
Defendants.)

OCT 18 1965

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

FINAL JUDGMENT

DETERMINING OWNERSHIP, JUST COMPENSATION AND ORDERING DISTRIBUTION

On this 18 day of October, 1965, this Court finds that the proceedings in this matter have reached the point where nothing remains to be done except the rendering of this Court's final judgment as to the issue of just compensation and determining the names of the persons entitled to the award, and ordering disbursement of funds. Accordingly, this Court, after examining the files and the record of all the proceedings in this action, and upon the representation of the United States Attorney, makes the following findings:

1. That this Court has jurisdiction over the parties and the subject matter of this action.
2. That, under the authority set forth in the Declaration of Taking and the Complaint in Condemnation filed herein on March 28, 1962, the United States of America has acquired the ownership of the land designated therein as Tract No. 9911-1M to the extent set forth in the Declaration of Taking.
3. That on the date of the filing of the Declaration of Taking, the sum of \$1,341.00 was deposited into the registry of this Court for the benefit of the persons entitled thereto as estimated just compensation for the taking of said land.
4. That the United States of America and the following named Defendants have agreed (by option or stipulation) that just

compensation is as set forth below:

Fern Flinchum -----	\$ 27.12
Ted Flinchum -----	36.69
Nora Conner -----	138.00
Della Flinchum, Elnora Floyd,) Carl Flinchum, Derald Flinchum,) Arless Flinchum, Floyd)--- Flinchum and Larry Flinchum,) Heirs of Sherman Flinchum,) deceased.)	100.50
Elva Hight -----	12.23
Edith Brady -----	12.23
Mildred Austin -----	12.23
C. Montfort McGehee, John L.) Collins, Hobson C. McGehee,) Everarde B. McGehee, Edwin C.)--- McMillan, Etta Feild Caves,) W. Clen Brown, Velma J. Collins,) and Eleanor G. Andrews.)	200.00
William R. Banks, Jr., and)--- Robert Lee Banks)	200.00
C. V. Chandler -----	113.28
V. H. Camp -----	113.28
A. L. Greer -----	498.44
S. L. Shepherd -----	80.00

5. That all of the above named Defendants were, collectively, the owners of the fee simple estate in said land (mineral interest only) as of the date of the filing of the Declaration of Taking herein, and that no other person owned an interest therein or is entitled to be paid just compensation in this proceeding.

6. That the amounts agreed upon as just compensation between the United States of America and these Defendants have been distributed to all of the Defendants named in paragraph 4, supra, except for C. Montfort McGehee, John L. Collins, Hobson C. McGehee, Everarde B. McGehee, Edwin C. McMillan, Etta Feild Caves, W. Clen Brown, Velma J. Collins, Eleanor G. Andrews, William R. Banks, Jr.,

and Robert Lee Banks, and that there still remains on deposit, available for distribution, the sum of \$197.00.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

A. That on March 28, 1962, the United States of America became vested with the ownership of this tract of land to the extent set forth in the Complaint and Declaration of Taking.

B. That the names of those entitled to receive just compensation, as of the date of the filing of the Declaration of Taking, are as set forth in paragraph 4, supra.

C. That the amount of just compensation payable by the United States of America for the estates taken in said land, as more fully set forth in the Declaration of Taking, is the sum of \$1,544.00, inclusive of interest, which is the total amount of the stipulations and options entered into between the United States of America and the Defendants referred to in paragraph 4, supra (\$1,544.00) which stipulations and options are hereby approved.

D. That the difference between the total amount deposited (\$1,341.00) and the total amount of just compensation (\$1,544.00) is the sum of \$203.00, for which sum a deficiency judgment is hereby granted against the United States of America, without interest thereon.

E. That their proportionate share of the total amount of just compensation has already been distributed to all of the Defendants who are entitled to just compensation, except for those Defendants named in paragraph 6, supra.

IT IS FURTHER ORDERED that when the amount of the deficiency (\$203.00) has been deposited into the registry of this Court, then the total amount available for distribution (\$400.00) shall be distributed by the Clerk of this Court by registry drafts made payable as follows:

C. Montfort McGehee, John L. Collins,)
Hobson C. McGehee, Everarde B. McGehee,)
Edwin C. McMillan, Etta Feild Caves,)--- \$200.00
W. Clen Brown, Velma J. Collins, and)
Eleanor G. Andrews)

c/o David H. Loeffler
Loeffler & Allen
Attorneys at Law
116 West Sixth Street
Bristow, Oklahoma 74010

William R. Banks, Jr., and)--- \$200.00
Robert Lee Banks)

c/o David H. Loeffler
Loeffler & Allen
Attorneys at Law
116 West Sixth Street
Bristow, Oklahoma 74010

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

ALLEN E. BARROW

United States District Judge

APPROVED:

John M. Imel
United States Attorney

/s/ Max E. Findley

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.)
265.19 Acres of Land, More or Less,)
Situate in Osage, Pawnee, and Creek)
Counties, Oklahoma, and Theresa M. Lynn,)
et al., and Unknown Owners,)
Defendants.)

Civil No. 5897

Tract No. 3713E

FILED

OCT 18 1965

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

J U D G M E N T

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

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

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

4. Certain deficiencies exist between the amounts deposited as estimated just compensation for subject tract 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 tract on the date of taking and are entitled to receive the award thereof.

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

JACK LEWIS, et al,

Plaintiff,

- vs -

ALLSTATE INSURANCE COMPANY,

Defendant.

)
)
)
) CIVIL ACTION
) NO. 6178

FILED

OCT 18 1965

ORDER OF DISMISSAL

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

NOW, on this 14th day of October, 1965, the above-styled cause comes on regularly for hearing upon the disposition docket, before the Honorable Allen E. Barrow, the plaintiffs appearing not, and defendant appearing by and through counsel Covington & Gibbon by James E. Poe. Whereupon, the Court finds that for good cause shown and for lack of prosecution, the said cause should be dismissed.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that this cause of action be and is hereby dismissed for failure of the plaintiffs to prosecute.


Honorable Allen E. Barrow, Judge

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

JOHN LEE SCOTT,

Plaintiff,

vs.

SHERIFF OF TULSA COUNTY, OKLAHOMA
and WARDEN E. R. GOODWIN, JR.,

Defendants.

No. 6221

FILED

OCT 18 1965

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

ORDER OF DISMISSAL

Now on this 18 day of October, 1965, comes on to be heard the petitioners Motion of Mandamus upon the Sheriff of Tulsa County, Oklahoma, and/or Show Cause Order, and the Court being fully advised in the premises finds:

1. On the 23rd day of June, 1965, the petitioner filed his motion for a Writ of Mandamus and/or Show Cause Order praying for dismissal of a detainer warrant issued by the Sheriff of Tulsa County. The petitioner requested the court to act in due haste as the petitioner was to be released from Federal custody on July 7, 1965.
2. The Sheriff of Tulsa County, Oklahoma was allowed twenty days from the date of filing of said petition within which to answer.
3. The Sheriff of Tulsa County, Oklahoma filed his answer within the twenty day period but subsequent to the date of July 7, 1965, when the petitioner was released from Federal custody.
4. The petitioner's court appointed counsel has made numerous attempts to locate the said petitioner, John Lee Scott, but has not been able to locate him.
5. The petitioner has been released from Federal custody, and his present whereabouts is unknown, and neither the court nor

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OKLAHOMA

CARL RAY CLARK,
Petitioner,
vs.
UNITED STATES OF AMERICA,
Respondent.

Civil No. 0203

FILED

OCT 14 1965

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

ORDER

This matter coming on before me, the undersigned Judge, this 18 day of October, 1965, upon the motion pursuant to 28 U.S.C., 2255 filed herein by Carl Ray Clark, and the Court having carefully considered said motion and the files and the records in this case and Criminal No. 14073 in this Court and being fully advised in the premises finds:

On or about December 21, 1964, the petitioner herein, while being represented by his court appointed counsel, waived indictment and was proceeded against by an information, filed in open court. After having been delivered a copy of the information, he entered a plea of guilty to a violation of 18 U.S.C. 2382. The Court passed sentencing of the petitioner to January 7, 1965, at which time the petitioner appeared, with his court appointed counsel, and was sentenced to the custody of the Attorney General under the provisions of the Youth Corrections Act. Thereafter, on or about October 8, 1965, the petitioner filed his present motion in this Court. From a review of the petitioner's motion, it appears the complaint is follows:

I

That his sentence should be vacated under 28 U.S.C. 2255 on the grounds he was not informed that he was subject to sentence and confinement under the Federal Youth Corrections Act.

II

That it was incumbent upon the Court to explain fully the Federal Youth Corrections Act before accepting his plea of guilty.

III

That the sentence under the provisions of the Federal Youth Corrections Act provides for the potential maximum of six (6) years imprisonment as opposed to a maximum of five (5) years provided for by the statute violated, being 18 U.S.C. 2312.

Based upon these complaints, the petitioner seeks by his motion to have the sentence imposed vacated.

A review and study of the transcript and proceedings in the above mentioned criminal case in this Court, and particularly those proceedings had in open court at the time petitioner was sentenced, show conclusively that the petitioner and his court appointed counsel were not only fully advised of the sentencing provisions under the Federal Youth Corrections Act but requested commitment under such Act.

The petitioner complains and asserts in his motion that he could be held in custody of some type for a period of six (6) years, which period exceeds the maximum period of imprisonment

provided for by 18 U.S.C. 2312, and that he was not informed that he was eligible for sentencing under provisions of the Federal Youth Corrections Act by the Court, and that the transcript of the proceedings will support his contention that the provisions of the Federal Youth Corrections Act were not mentioned before the court accepted his plea of guilty. Petitioner does not allege that his plea of guilty was otherwise involuntary or that there was any basis for collaterally attacking his conviction.

It appears to the Court, after an examination and review of the files and records, and especially the transcript of proceedings in open court at the time the petitioner was sentenced, that the petitioner was represented by counsel and was fully and completely advised of the nature of the charges against him. The record further discloses that the petitioner freely and voluntarily admitted his guilt to the information without any threat, promise or inducement, and that he fully understood the nature of the charge against him. At this hearing the following questions were asked and the following answers were given.

"(R.2) MR. McSOD, ASSISTANT U. S. ATTORNEY: Mr. Clark is here for sentencing, but prior to sentencing, I would like to advise him of the provisions of the Federal Youth Act under which he might be sentenced in this case."

"(R.3) MR. McSOD, ASSISTANT U. S. ATTORNEY: I will advise you that although the maximum sentence of imprisonment that the Court might impose under the Federal statutes is five years, that the Court

might sentence you under the provisions of the Federal Youth Corrections Act which might exceed the sentencing provided under the provisions of this title section of this law, are you aware of that?

THE DEFENDANT CLARK: I am.

MR. McSOD, ASSISTANT U. S. ATTORNEY: Have you discussed this matter with your attorney?

THE DEFENDANT CLARK: Yes, Sir.

MR. McSOD, ASSISTANT U. S. ATTORNEY: In other words, you might be sentenced for a period, or you might be sentenced for a period of six years in excess of the five years provided under the statute.

THE DEFENDANT CLARK: I am.

MR. McSOD, ASSISTANT U. S. ATTORNEY: You are aware of that?

THE DEFENDANT CLARK: I am.

MR. McSOD, ASSISTANT U. S. ATTORNEY: You still wish to maintain your plea and you have discussed it with your attorney?

THE DEFENDANT CLARK: Yes.

THE COURT: Did you tell him? You are aware you could be sentenced to a term of or more than six years under the Youth Corrections Act?

THE DEFENDANT CLARK: Yes, Sir.

THE COURT: Being aware of that, you still wish to enter your plea of guilty?

THE DEFENDANT CLARK: Yes, sir.

THE COURT (To defendant's counsel): And you con-
cur, Mr. Baker?

MR. BAKER: (Defendant's counsel) I do.

"(R. 7) THE COURT (To defendant's counsel): You
recommend sentencing under the Youth Corrections
Act?

MR. BAKER (Defendant's counsel): Yes, I would for
the help it can give him along the way and in the
future.

"(R. 6, third paragraph) THE COURT: It is your
desire to be sentenced under the Youth Corrections
Act?

THE DEFENDANT CLARK: Yes, sir."

It thus appears to the Court, after an examination and
review of the files and records, especially the transcript of the
proceedings in open court at the time the petitioner was sentenced,
that the contention of the petitioner that he was not advised nor
informed of the sentencing provisions under the Federal Youth
Corrections Act is completely without merit and is completely
contradicted by the record. It further appears from the record
that the petitioner was not only fully advised of the sentencing
provisions of the Youth Corrections Act by the Assistant United
States Attorney and the Court, but requested, himself, that he
be sentenced under the provisions of the Act, and also, that his
attorney requested he be sentenced under such provisions.

Since the files and records show conclusively that the
appellant is entitled to no relief, it is not necessary to hold
a hearing on the motion or to bring the petitioner to this
District to testify.

The motion to vacate and set aside the sentence pursuant to 18 U.S.C. 1255 should be granted and denied for the foregoing reasons.

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


UNITED STATES DISTRICT JUDGE

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

United States of America,

Plaintiff,

vs.

600.49 Acres of Land, More or
Less, Situate in Tulsa, Creek,
and Pawnee Counties, Oklahoma,
and Clifford Ward, et al.,
and Unknown Owners,

Defendants.

No. 4854 Civil

Tract No. D-427

FILED

OCT 19 1965

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

ORDER

The Court has for consideration the objections filed by the defendants, William E. Powers and Opal Powers, to the award of the Commission for their mineral interest in the above tract. The Court finds:

That the objections were filed on October 4, 1965, and, although the attorneys for the defendants were advised immediately that it would be necessary to file a brief in support of the objections, no brief has been filed.

The objections filed by the defendants allege that the defendants were owners of one-half of the lessor mineral interest under the above tract; that as a part of the income from such mineral interest they were entitled to free gas for household or incidental use; that such gas was a valuable interest which should have been taken into consideration in connection with the value of the mineral interest; and that the value of such free gas should be estimated and added to the award to which these defendants are entitled.

By service of notice on their attorneys of record, the defendants were given notice that a hearing on the issue of just compensation as to Tract D-427 would be held on August 24, 1965. The defendants failed to appear at the hearing and present evidence on the question of value. The Commission heard the witnesses for the government and determined the value of the entire lessor interest to be \$3,977.

The proper time and place for presentation of defendants' claim as to the value of their mineral interest was at the hearing on August 24, 1965, and not in objections filed subsequent to the hearing. The defendants do not offer any excuse or reason for their failure to be present at the trial. Therefore, the defendants are not entitled to any relief occasioned by their own negligence and lack of due diligence.

The Commission had for determination the question of the fair market value of the entire mineral interest on the date of taking. They arrived at a determination of such market value after taking evidence at the hearing. The award of the Commission must be accepted by the Court unless it is clearly erroneous. The defendants have not raised the objection nor shown that the award of the Commission was clearly erroneous.

IT IS, THEREFORE, ORDERED that the objections of the defendants to the award of the Commission are overruled.

DATED this 19 day of October, 1965.


UNITED STATES DISTRICT JUDGE

FILE

OCT 19 1965

NOBLE C. HO
Clerk, U. S. District

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.	)	No. 5970 - CIVIL
)	
PAT BELL and HAZEL BELL,)	
)	
Defendants.)	

J U D G M E N T

NOW on this 14th day of October, 1965, the above cause came on for trial, having been regularly set for hearing this date. Plaintiff appeared by Sam Taylor, Assistant United States Attorney for the Northern District of Oklahoma, and the defendants appeared by Robert J. Woolsey, their attorney, and the defendants appeared in person. Both sides announced ready for trial, and then the Court adjourned the hearing to his chambers, at which time the parties and their counsel appeared as before, and the defendants through their counsel, offered to confess judgment for the principal sum due on said notes in the amount of \$8,621.42 with accrued interest, as of January 31, 1964, of \$2,973.27 with continuing interest at the rate of \$1.181 per day from January 1, 1964, said offer to confess judgment being contingent upon the plaintiff agreeing to accept in full payment and satisfaction of the judgment the sum of \$4,500 payable at the rate of \$500.00 per year, beginning on the 14th day of October, 1966, and when complete payment is made the plaintiff will file a full and complete release and satisfaction of the judgment and will further agree to refrain from issuing execution while the payments are being made and the payments are not delinquent. Defendants agreed that in the event of a default in any payment,

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION FILE NO. 6050

Arnet Elisha Hicks

vs.

E.I. DuPont de Nemours
& Company

FILED
JUDGMENT

OCT 20 1965

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

This action came on for trial (hearing) before the Court, Honorable Edwin Langley,
, United States District Judge, presiding, and the issues having been duly tried
(heard) and a decision having been duly rendered, for the defendant.

It is Ordered and Adjudged that the plaintiffs, take nothing, that the
action is dismissed on the merits, and that the defendant, E.I. DuPont
De Nemours and Company, recover of the plaintiff, Arnet Elisha Hicks,
their costs of action.

Dated at Tulsa, Oklahoma, this 20th day
of October, 1965.

NOBLE C. HOOD
Clerk of Court

By:

Muriel Hara, deputy clerk

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Ventura Calvin Watson,
Petitioner,
vs.
United States of America,
Respondent.

Civil No. 6261 FILED

OCT 20 1965

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

ORDER

This matter coming on before me, the undersigned Judge, this 20 day of October, 1965, upon the motion made pursuant to 28 U.S.C. 2255 to vacate sentence filed by Ventura Calvin Watson, and the court having carefully considered said motion and the files and records in this case, as well as Criminal Case No. 14017, United States of America v. Ventura C. Watson, in this court, and being fully advised in the premises finds:

That an indictment was returned against the petitioner containing one count alleging the uttering of a United States Treasury Check bearing a forged endorsement in violation of 18 U.S.C. 495, and fourteen counts alleging offenses against the Internal Revenue Laws in violation of 26 U.S.C. 7206(1) and 26 U.S.C. 7206(2). Petitioner appeared on October 8, 1963, with his attorney, Waldo Jones, and entered pleas of not guilty to each of these counts. On October 21, 1963, the petitioner again appeared with his attorney, withdrew his pleas of not guilty as to the first six counts and then entered pleas of guilty thereto. Upon the motion of the government the remaining counts were then dismissed. On November 12, 1963, petitioner appeared before the court with his counsel and was sentenced to two (2) years in the custody of the Attorney General on Count 2 (the forgery count), and one (1) year in the custody of the Attorney General on each of Counts 1, 3, 4 and 5. These sentences were made to run consecutively, and in addition, the defendant was placed on probation for a period of five (5) years on Count 6, the probationary period to commence at the expiration of the other sentences.

That the petitioner's motion rests upon three grounds which are as follows:

1. That the petitioner had inadequate and ineffective assistance of counsel.
2. That the sentences imposed upon petitioner were excessive.

3. That certain improper remarks were made by the United States Attorney for the Northern District of Oklahoma at the time petitioner was sentenced.

The reasons for petitioner's first contention appear to be that petitioner's counsel sought payment from him and that his attorney allowed him to enter pleas of guilty when he had in fact not committed the offenses charged. As to the first reason, nothing has been alleged in the petitioner's motion which shows in any way that the representation afforded petitioner was inadequate, ineffective, or that it otherwise fell below the appropriate standards of service which must be rendered by counsel. Petitioner merely asserts that his attorney wanted to be paid. Solicitude for the criminal has not reached a point which prohibits an attorney requesting payment for legal services rendered by him.

Petitioner's assertion that he was permitted by his attorney to enter pleas of guilty to offenses of which he was innocent is without merit and is refuted by the files and records in this case. The record clearly reflects that the petitioner knowingly and understandingly entered pleas of guilty of his own free will and accord as is evidenced by the following excerpt from the transcript of proceedings had on October 21, 1963:

"Mr. Jones: That is correct. He would like to enter a plea of guilty to the first six counts.

Mr. Imel: If the Court please, I would like at this time to advise Mr. Watson that the maximum penalty he could receive on a plea of guilty to each of these counts is a total of twenty-five years in the penitentiary, and a fine not to exceed \$20,000. Do you understand that, Mr. Watson?

Defendant: Yes, sir.

Mr. Imel: May I -- you have discussed this matter with your attorney, and it is your desire, freely and voluntarily to plead guilty to each of the six counts?

Defendant: Yes, sir.

Mr. Imel: I will ask you if there have been any promises made to you to cause you to enter this plea?

Defendant: No, sir.

Mr. Imel: Has there been any coercion or threats worked upon you?

Defendant: No, sir.

Q. Well: It is your own and voluntary action, to plead guilty or admit the offenses?

Defendant: Yes, sir."

Furthermore, the defendant has admitted in letters to this court under date of November 6, 1963, before he was sentenced, and December 6, 1963, after he was sentenced, which letters are part of the files and records in this case, that he committed the offenses with which he was charged. Under these circumstances, he cannot claim that his counsel improperly allowed him to enter pleas of guilty. It should be noted, too, that the statements of fact contained in petitioner's present motion also demonstrate his guilt. He is attempting, however, to place an erroneous legal interpretation upon the consequences of them.

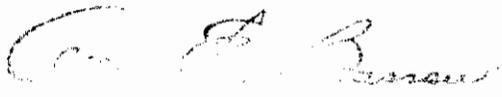
Petitioner's contention concerning the appropriateness of the sentences imposed upon him entitles him to no relief. The sentences imposed were within the limits of admittedly valid statutes, and are therefore not subject to review or collateral attack. See Jones v. United States, 323 F. 2d 864 (10 Cir. 1963), and cases cited therein.

Petitioner's third contention is also without merit. The convictions which he seeks to set aside rest upon his voluntary pleas of guilty and not upon any statements made by the United States Attorney after the pleas were entered. The court does not find anything improper in the remarks of the United States Attorney but, in any event, they were made only in connection with the sentences to be imposed. Both the petitioner and his counsel were afforded the opportunity to speak after these remarks were made and correct any errors that might have been contained therein. Such statements can afford no basis for getting aside the judgments of conviction.

That since the allegations upon which petitioner's motion is based may be resolved as a matter of law or by referring to matters contained in the files and records in these two cases, it is not necessary to hold a hearing upon petitioner's motion.

That for all the foregoing reasons, petitioner's motion should be overruled and denied.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion to vacate judgment and sentence pursuant to 28 U.S.C. 2255 of Ventura Calvin Watson be and it hereby is overruled and denied.


UNITED STATES DISTRICT JUDGE

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

UNITED STATES OF AMERICA, for
the use of KOENRING COMPANY,
a Corporation,

Plaintiff,

vs.

HYDE CONSTRUCTION COMPANY, INC.,
a Corporation; ROBERT W. HYDE,
JR.; THE AETNA CASUALTY & SURETY
COMPANY, a Corporation; NATIONAL
SURETY CORPORATION, a Corporation;
UNITED STATES FIDELITY AND GUARANTY
COMPANY, a Corporation,

Defendants.

No. 5236

FILED

OCT 21 1965

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

ORDER AND DECREE

Based upon the Findings of Fact and Conclusions of
Law filed in this case this date,

IT IS THE ORDER, JUDGMENT AND DECREE OF THE COURT
that this case should be and the same is hereby dismissed.

DATED this 21st day of October, 1965.

(5) Luther Bohannon
UNITED STATES DISTRICT JUDGE

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

THE BUSTER NUT COMPANY,
formerly PEANUT PRODUCTS
COMPANY, a division of RAMO,
INC., a Delaware corporation,

Plaintiff,

vs.

HOLIDAY SALES, INC., an Oklahoma
corporation,

Defendant.

Civil Action
No. 6090

FILED

OCT 21 1965

ORDER DISMISSING ACTION, COMPLAINT AND
CROSS-COMPLAINT WITH PREJUDICE NOBLE C. HOOD
Clerk, U. S. District Court

Upon the joint motion and stipulation of the Plaintiff and the Defendant for dismissal of the above cause, the Complaint of the Plaintiff, and the Cross-Complaint of the Defendant, with prejudice and at the cost of the Plaintiff, the Court, having duly considered said joint motion and stipulation, finds that an order should be entered thereon.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT that the above action, the Complaint of the Plaintiff, and the Cross-Complaint of the Defendant, be and the same are hereby dismissed with prejudice, at the cost of the Plaintiff.

Dated this 21st day of October, 1965.

(s) Fred Daugherty
Fred Daugherty
United States District Judge

APPROVED:

Ungerma, Grabel, Ungerma & Leiter

By William Leiter
Attorneys for Plaintiff

David M. Thornton
Gerald G. Stamper

By Gerald G. Stamper
Attorneys for Defendant

LAW OFFICES
UNGERMAN,
GRABEL,
UNGERMAN
& LEITER

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA

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

BERT BOYD,)
Plaintiff,))
-vs-))
))
IMPERIAL CASUALTY AND INDEMNITY COMPANY,))
a Corporation; ROBERT LEE BISHOP;))
W. C. WINTER; and WILLIAM HAROLD HUSTON,))
d/b/a HUSTON TRUCK LINE,))
Defendants.)

NO. 6210

FILED

OCT 21 1965

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

ORDER OF DISMISSAL

This cause coming before the Court on the plaintiff's application for an order of dismissal, the Court being fully advised that all issues of law and fact have been fully compromised and settled, and the Court being fully informed finds that said case should be dismissed with prejudice and it is so ordered.

(s) Fred Daugherty
District Judge

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

W. O. BOYD,)
Plaintiff,)
)
-vs-)
)
)
IMPERIAL CASUALTY AND INDEMNITY COMPANY,)
a Corporation; ROBERT LEE BISHOP;)
W. C. WINTER; and WILLIAM HAROLD HUSTON,)
d/b/a HUSTON TRUCK LINE,)
Defendants.)

NO. 6223

FILED

OCT 21 1965

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

ORDER OF DISMISSAL

This cause coming before the Court on the plaintiff's application for an order of dismissal, the Court being fully advised that all issues of law and fact have been fully compromised and settled, and the Court being fully informed finds that said case should be dismissed with prejudice and it is so ordered.

Fred Laugherty
District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
Plaintiff,)
vs.) Civil No. 6121
251.93 Acres of Land, More or Less,)
Situatē in Pawnee and Creek Counties,) Tract No. #344E
Oklahoma, and Clarice Wynn, et al,)
and Unknown Owners,)
Defendants.)

J U D G M E N T

NOV 2 1960
COURT CLERK

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

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

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

4. The Court finds the amount of \$4,660.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$4,660.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and Elmer Ellsworth Dale Shaffer and Barbara Shaffer Neumann entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf

of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$2,459.40 for their interests, inclusive of interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tract; that the contract and agreement is a valid one.

6. The Court finds that plaintiff and Erma Louise Shaffer Fleeman, Jack Dale Shaffer, and F. B. Carden, defendants herein, have by the stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tract is the sum of \$1,229.70 for their interests, inclusive of interest.

7. The Court finds that defendants Dr. C. B. S. Evans; Robert L. Herpst, Executor of the Estate of Forrest W. Herpst; Helen Shaffer Mark; Frances Shaffer McMillan; Virginia Shaffer Mooney; Helen Shaffer Natemeyer; Marie L. Shaffer; W. L. Shaffer Estate; Salvation Army; The Christ Mission Kindergarten Association; Elyria Home for the Aged; and Welsh Home for the Aged have failed to appear or answer nor have their attorneys appeared or answered in their behalf, and that said parties defendant are in default at this time.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$4,660.00, inclusive of interest, of which amount the sum of \$64.70 has previously been disbursed to F. B. Carden;

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

Elmer Ellsworth Dale Shaffer	\$1,229.70
Barbara Shaffer Neumann	1,229.70
Erma Louise Shaffer Fleeman	582.50

Jack Dale Shaffer	\$582.50
Dr. C. B. S. Evans	129.45
Robert L. Herpst, Executor of Estate of Forrest W. Herpst	64.70
Helen Shaffer Mark	129.45
Frances Shaffer McMillan	129.45
Virginia Shaffer Mooney	129.45
Helen Shaffer Natemeyer	64.70
Marie L. Shaffer	129.45
W. L. Shaffer Estate	129.45
Salvation Army	16.20
The Christ Mission Kindergarten Association	16.20
Elyria Home for the Aged	16.20
Welsh Home for the Aged	16.20
	<hr/>
	\$4,595.30

Entered: 001 2 3 1965

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,) Civil No. 6136
)
 vs.) Tract No. 4344E
)
 230.87 Acres of Land, More or Less,)
 Situate in Creek County, Oklahoma,)
 and General American Oil Company of)
 Texas, et al, and Unknown Owners,)
)
 Defendants.)

FILED

OCT 2 1965

J U D G M E N T

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

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

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

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

4. The Court finds the amount of \$112,000.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tract, as such estates and said tract are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$112,000.00 was deposited into the Registry of this Court as estimated just compensation for said tract upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and General American Oil Company of Texas entered into a contract, as evidenced by an option for the purchase

of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$95,000.00 for its interest, inclusive of interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tract; that the contract and agreement is a valid one.

6. The Court finds that plaintiff and F. B. Carden; Robert L. Herpst, Executor of the Estate of Forrest W. Herpst; Dr. C. B. S. Evans; Barbara Shaffer Neumann; Elmer Ellsworth Dale Shaffer; Erma Louise Shaffer Fleeman; Jack Dale Shaffer; W. L. Shaffer, Jr., and Mrs. Max Nelson, defendants herein, have by stipulation agreed that the just compensation to be paid by the plaintiff for the taking of the estate taken in the above tract is the sum of \$11,638.80 for their interests, inclusive of interest.

7. The Court finds that defendants Mrs. Helen Shaffer Marks; Mrs. Frances S. McMillen; Virginia Shaffer Mooney; Helen Shaffer Natemeyer; Marie L. Shaffer; Salvation Army; The Christ Mission Kindergarten Association; Elyria Home for the Aged; and Welsh Home for the Aged have failed to appear or answer nor have their attorneys appeared or answered in their behalf, and that said parties defendant are in default at this time.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tract is the sum of \$112,000.00, inclusive of interest, of which amount the sum of \$236.10 has previously been disbursed to F. B. Carden;

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

General American Oil Company of Texas . .	\$95,000.00
Dr. C. B. S. Evans	472.20
Robert L. Herpst, Executor of the Estate of Forrest W. Herpst	236.10
Barbara Shaffer Neumann	4,486.10

Elmer Ellsworth Dale Shaffer	\$ 4,486.10
Erma Louise Shaffer Fleeman	2,125.00
Jack Dale Shaffer	2,125.00
W. L. Shaffer, Jr., and Mrs. Max Nelson	472.20
Mrs. Helen Shaffer Marks	472.20
Mrs. Frances S. McMillen	472.20
Virginia Shaffer Mooney	472.20
Helen Shaffer Natemeyer	236.10
Marie L. Shaffer	472.20
Salvation Army	59.07
The Christ Mission Kindergarten Assoc.	59.07
Elyria Home for the Aged	59.08
Welsh Home for the Aged	<u>59.08</u>
Total	\$111,763.90

Enter

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

nld

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,	)	Civil No. 6172
Plaintiff,)	
vs.	)	Tract Nos. 4502 & E-1 thru E-3
297.32 Acres of Land, More or Less,)	
Situate in Creek County, Oklahoma,)	
and Gary W. Henry, et al., and)	
Unknown Owners,)	
Defendants.)	

J U D G M E N T

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

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

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

4. The Court finds the amount of \$8,549.75, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$8,549.75 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and Sunray D-X Oil Company, Kiowa Company, First National Bank & Trust Co., Roy C. Clemens, Clara Belle Clemens Sayger, William A. Kerr, Clifford M. Bassett, Richard R. Simon, James A. Harris,

Victoria Simon, M. A. Farha, Mitchell Simon, S. A. & Virginia Eickhoff, P. O. & Arlene Crowell, Roy Fagan, Dr. D. W. Humphreys, Linton D. Hinds and Chleo Graham entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$7,667.10 for their interests, inclusive of interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tracts; that the contract and agreement is a valid one.

6. The Court finds that defendants Margaret K. Replogle, Jamie Belle Long, Kay Houston, Louise Edwards, Ruth Fleming, Marjorie Elsworth and Dee A. Replogle have failed to appear or answer, nor have their attorneys appeared or answered in their behalf, and that said parties defendant are in default at this time.

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

(a) The vesting in plaintiff of title to the estates set forth in the Complaint and Declaration of Taking in and to the lands hereinabove referred to, as said 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 \$8,549.75, inclusive of interest;

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

Sunray D-X Oil Company, Kiowa Company and First National Bank & Trust Company	\$6,300.00
Roy C. Clemens	281.25
Clara Belle Clemens Sayger	281.25
Margaret K. Replogle	481.73
Jamie Belle Long	66.82
Kay Houston	66.82
Louise Edwards	66.82
Ruth Fleming	66.82
Marjorie Elsworth	66.82
Dee A. Replogle	66.82
William A. Kerr	70.31
Clifford M. Bassett	35.15
Richard R. Simon	17.57
James A. Harris	35.15
Victoria Simon	17.57
M. A. Farha	35.15
Mitchell Simon	35.15
S. A. & Virginia Eickhoff	35.15
P. O. & Arlene Crowell	70.30
Roy Fagan	70.30

Dr. D. W. Humphreys \$ 35.15
Linton D. Hinds 35.15
Chleo Graham 312.50

Dated :

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)	
Plaintiff,	)	Civil No. 6172
vs.)	
297.32 Acres of Land, More or Less,	)	Tract Nos. 4226, & E-1 thru E-4
Situate in Creek County, Oklahoma,	)	& 4227
and Gary W. Henry, et al., and)	
Unknown Owners,)	
Defendants.)	

J U D G M E N T

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

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

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

4. The Court finds the amount of \$4,700.00, inclusive of interest, is just compensation for the taking of the estates by the plaintiff in the above tracts, as such estates and said tracts are described and set forth in the Complaint and Declaration of Taking heretofore filed in this cause. The sum of \$4,700.00 was deposited into the Registry of this Court as estimated just compensation for said tracts upon the filing of the Declaration of Taking herein.

5. The Court finds that prior to the institution of the above proceeding the United States of America and Gary W. Henry, Katherine G. Steil, Rose Nanette O'Brien, James T. Steil, Monica M. Brandenburg, Robert J. Steil, James W. Steil, Phyllis Ann Davis, Thomas F. Steil, Mary Lemon, John Lemon,

William Lamon Estate, Katherine Lamon Gretzer and Helen Lamon Bradley entered into a contract, as evidenced by an option for the purchase of land granted by said defendants and accepted on behalf of the plaintiff by the Corps of Engineers, Department of the Army, wherein it was agreed that the amount of \$4,700.00, inclusive of interest, would be awarded as just compensation for the taking of the estates to be condemned in the above tracts; that the contract and agreement is a valid one.

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

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

(b) The just compensation to be paid by the plaintiff for the taking of the above tracts is the sum of \$4,700.00, inclusive of interest;

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

Gary W. Henry	\$4,200.00
Katherine G. Steil.	137.50
Rose Nanette O'Brien	15.62
James T. Steil	62.50
Monica M. Brandenburg	67.70
Robert J. Steil	10.42
James W. Steil	10.42
Phyllis Ann Davis	10.42
Thomas F. Steil	10.42
Mary Lamon	25.00
John Lamon	25.00
William Lamon Estate	25.00
Katherine Lamon Gretzer.	25.00
Helen Lamon Bradley	25.00

Dated

//s/ Allen E. Barrow

APPROVED:

UNITED STATES DISTRICT JUDGE

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney