

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY - 2 1967

Jack Edward Kress,
Plaintiff, Petitioner and Movant,

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

vs.

Civil Action

No. 67-C-16

United States of America, Lawrence
A. McLeod, as United States Attorney
for the Northern District of Oklahoma,

and Doyle Foreman, as United States
Marshal for the Northern District of
Oklahoma,

Defendants and Respondents.

United States of America,

REC. NO. 158

vs.

One 1965 Pontiac Station Wagon bearing
1966 Oklahoma License Plate No. 5308,

United States of America,

REC. NO. 158

vs.

The Kress Manufacturing Company located
at 5141 South 24th West Avenue, Tulsa
County, Tulsa, Oklahoma, a white concrete
block building nearest South 24th West
Avenue,

United States of America,

REC. NO. 158

vs.

The residence of Jack Edward Kress at
6742 South Rowan Avenue, Tulsa County,
Tulsa, Oklahoma,

O R D E R

There having come on for hearing on the 27th day of April, 1967, the
motions of plaintiff and movant, Kress, in the above-styled causes, seeking
return of certain property previously seized from the above-named plaintiff
and movant under search warrants issued by the United States Commissioner,
M. M. Hring; the plaintiff and movant, Jack Edward Kress, appearing in person
and by and through his counsel, Ungerman, Grubel, Ungerman and Leiter, and
Pat Malloy; defendant and respondents appearing; by and through their counsel,
Lawrence A. McLeod, United States Attorney, and Edward T. Joyce, Attorney,

Department of Justice, and defendants and respondents, Lawrence A. McFaul and Doyle Foreman, also appearing; the court having considered all the files, records, proceedings and briefs filed by the parties, and having heard argument of counsel, finds:

1. That an indictment is pending against plaintiff and movant, Kress, in the United States District Court for the Southern District of Mississippi in Criminal Case No. 8718.

2. That the relief sought by plaintiff and movant in the motions to return filed in the above-styled causes is also sought by plaintiff and movant in the Mississippi criminal case.

3. During the pendency of the Mississippi criminal case and prior to determination by the Mississippi Court or by this Court of the motions to suppress evidence, the following seized property:

- 1 Small lathe manufactured by Misco Instrument Co.,
Cambridge, Mass.
- 1 Electric Grinding Machine, "Wisnota" Brand
- 1 Electric Grinding Machine, "Sunlap" Brand
- 1 Small Littleton Vice
- 1 Electric Motor With Buffing Wheels
- 1 Wilton Vice
- 2 Small Drilling Machines with chucks
- 1 Dayton Blower, SN 50747-43K
- 1 Small Electric Motor with chuck
- 1 Sprunger Power Tool Bank Saw, SN 75602
- 1 Dayton Capacitor Start Electric Motor, No. 5K451,
MS 64577
- 1 Walker-Sumner Light Heavyweight Drill Press SN 0003078
- 1 South Bend Metal Lathe
- 1 Century Brand Drill Press, SN A12
- 1 Craftsman 100 Power Saw and Table
- 1 Milling Machine
- 1 Cardboard Carton containing technical manuals
and papers

should be returned to the plaintiff, petitioner and movant, Kress, under restrictions hereinafter set forth.

IT IS BY THE COURT ORDERED that the foregoing property be returned to plaintiff, petitioner, movant, Kress, subject to the following restrictions:

1) The property returned shall be considered at all times hereafter to be in the constructive possession and custody of Doyle Foreman, United States Marshal for the Northern District of Oklahoma.

2) Said returned property shall not be removed from the physical control of plaintiff, petitioner and movant or from the physical confines of the Northern District of Oklahoma without further order of this Court.

3. The returned property shall not be encumbered, sold or otherwise disposed of by plaintiff, petitioner, movant and shall be retained by him pending further order of this Court.

4. Said returned property shall not be used by plaintiff, petitioner, movant, or any agent, servant or employee, Kress, in violation of any laws of the United States.

5. Identification tags presently attached to subject property shall not be removed by plaintiff, petitioner, movant; and shall remain on said property until the further order of this Court.

6. Subject to final determination by the Mississippi Court or by this Court of the motions to suppress evidence filed by plaintiff, petitioner, movant, and subject to the usual tests of materiality and admissibility, the returned property shall be available as evidence against plaintiff, petitioner, movant.

7. Said property shall be removed from its present location at the sole expense of plaintiff, petitioner, movant.

DATED this 2nd day of May, 1967.

By Allen E. Barron
United States Marshal

APPROVED AS TO FORM:

WICKHAM, CRANE, WICKHAM & LITTON

By By William Greeter
By Pat Malloy
Pat Malloy

Attorneys for Plaintiff, Petitioner,
Movant, Jack Edward Kress

By Lawrence A. McCord
LAWRENCE A. MCCORD

United States Attorney, pro se, and
as Attorney for Defendants, United
States of America and Doyle Foreman,
United States Marshal for the
Northern District of Oklahoma

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

In re Petition of
NATIONAL BANK OF TULSA
Trustee of the J. A. Chapman
and Leta M. Chapman Trust,

Petitioner

Civil No. 67-C-59 ✓

FILED

MAY -3 1967

ORDER GRANTING PETITIONER
LEAVE TO TAKE DEPOSITIONS

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

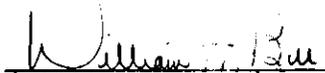
On this 3d day of May, 1967, comes on to be heard the Petition of National Bank of Tulsa, Trustee, to Take Depositions Before Action Pursuant to Fed. R. Civ. P. 27(a), and the Court being fully advised, and being of the opinion that the perpetuation of the testimonies may prevent a failure or delay of justice and there being an urgent necessity for the taking of the depositions, it is

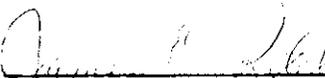
ORDERED that the depositions of John Rogers, Esq. and Roy M. Huff, Esq. be taken upon oral examinations on the subject matters set forth in the petition herein, reference being made to said petition, and said depositions to be taken on June 6, 1967, at 9:30 a.m., and continuing thereafter until completed, as set forth in said petition.

Dated this 3d day of May, 1967.


District Judge

Approved:


(William H. Bell)
Attorney for Petitioner


(James E. Ritchie)
for Lawrence A. McSoud,
United States Attorney

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

JUDY LOU SUMMERS, Plaintiff
vs.
UNITED STATES OF AMERICA, Defendant and
Third Party Plaintiff,
vs.
GENERAL GUARANTY INSURANCE
COMPANY, Third Party
Defendant.

NO. 6511

FILED

MAY - 5 1967

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

ORDER

NOW on this 5th day of May, 1967, this matter comes before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma, for consideration of the defendant's application for an order directing the United States to pay its proportionate share of the amount agreed upon in settlement of this action. Having examined the file in this matter and having been advised by counsel for defendant, the Court finds that:

1. The United States Treasury Department refuses to look beyond the Order Approving Compromise Settlement filed herein on April 27, 1967. Since the said Order recites the sum of \$85,000.00 as the total settlement sum but does not specify how much shall be paid by the United States, the Treasury Department insists that it could only issue a check in the sum of \$85,000.00.
2. The third party defendant General Guaranty Insurance Company already has delivered its check for \$50,000.00 to the plaintiff in payment of its share of the settlement.
3. The stipulation of the parties provided that the United States should pay the sum of \$35,000.00 as its share of the settlement and the Order filed on April 27, 1967, approved such agreement.

The Court concludes that the sum needed to consummate the settlement agreed upon is \$35,000.00, and that such sum should be paid by the United States.

It is, therefore, ORDERED that the United States shall furnish to the United States Attorney for the Northern District of Oklahoma, for delivery to the plaintiff, its check in the amount of \$35,000.00, payable jointly to Judy Lou Summers individually; Judy Lou Summers for the benefit of Tina Jo Summers, a minor; and Brown and Garrison, Attorneys.

It is further ORDERED that this Order shall not abrogate any part of the Order Approving Compromise Settlement filed herein on April 27, 1967, but is entered to supplement such prior Order.

s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant U. S. Attorney

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

United States of America,

Plaintiff,

vs.

George F. Sims and Wilma Jean
Sims, husband and wife,

Defendants.

Civil No. 6514

FILED

FEB 12 1967

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

ORDER CONFIRMING MARSHAL'S SALE

NOW on this 7th day of May 1967, there comes on for consideration the Motion of Plaintiff herein to confirm the sale of real property made by the United States Marshal for the Northern District of Oklahoma on April 3, 1967, made pursuant to an Order of Sale issued herein on February 16, 1967, of the following described property, to-wit:

The Southerly 70 feet of Lot 7 in Block 12
of the Town of Enola, Rogers County, Oklahoma,

and the Court having examined the proceedings of the United States Marshal under the Order of Sale, there being no objection thereto and no exceptions having been filed, finds that due and legal notice of the sale was given by publication once a week for at least four (4) weeks prior to the date of sale in the Claremore Progress, a newspaper published and of general circulation in Rogers County, Oklahoma, and that on April 3, 1967, the day fixed in said notice of sale, the above described property was sold to the Administrator of Veterans Affairs, he being the highest and best bidder therefor. The Court further finds that the sale was made in all respects in conformity with the law and orders of this Court and that the sale was legal in all respects.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the aforesaid United States Marshal's Sale be and the same is hereby approved and confirmed.

IT IS FURTHER ORDERED that Boyle W. Foreman, United States Marshal for the Northern District of Oklahoma, make and execute to the purchaser,

the Administrator of Veterans Affairs, a good and sufficient Deed
for the said premises.

(S) *Fred Daugherty*
UNITED STATES DISTRICT JUDGE

APPROVED:

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

United States District Court

MAY - 2 1967

FOR THE

Northern District of Oklahoma

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

CIVIL ACTION FILE NO. 6488

Floyd Francisco,

vs.

**Tulsa Forge, Incorporated and
D - T Machine, Incorporated,**

JUDGMENT

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

It is Ordered and Adjudged **that the plaintiff take nothing, that the action be dismissed on the merits, and that defendants Tulsa Forge, Incorporated and D - T Machine, Incorporated recover of the plaintiff Floyd Francisco their costs of action.**

Dated at **Tulsa**, this **2nd** day
of **May**, 1967.

.....**Noble C. Hood,**.....
Clerk of Court
By *M. M. Ewing* Deputy

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

United States of America,

Plaintiff,

vs.

Civil No. 6623

Mitchell L. Cranke and Donna M.
Cranke, husband and wife, and
Home Savings Association of Kansas
City, Missouri, a Corporation,

Defendants.

FILED

MAY - 2 1967

DEFAULT JUDGMENT

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

THIS MATTER comes on for consideration on Motion of the Plaintiff, the court having reviewed the file finds that this is an action for a money judgment on a mortgage note and for foreclosure of a real property mortgage securing said note.

The Court finds that the defendants, Mitchell L. Cranke and Donna M. Cranke and Home Savings Association of Kansas City, Missouri, a corporation, was duly served with summons herein in accordance with the provisions of Section 1655, Title 28, U.S.C.A., more than 20 days prior hereto, and that said defendants have failed to answer or plead herein and should be and are hereby adjudged to be in default.

The Court further finds that the material allegations of Plaintiff's Complaint are true and correct. That on the 20th day of December 1965, the defendants, Mitchell L. Cranke and Donna M. Cranke, executed their mortgage note for the sum of \$9,650.00, to the Administrator of Veterans Affairs, his successors and assigns, which note was secured by a mortgage of even date executed by the defendants Mitchell L. Cranke and Donna M. Cranke, covering the following described property:

Lot 12, Block 5, Chandler-Frutes Fourth Addition
to the City of Tulsa, Tulsa County, Oklahoma,
according to the recorded plat thereof.

The Court further finds that the defendants, Mitchell L. Cranke and Donna M. Cranke, have made default under the aforesaid note and mortgage by reason of their failure to make the installment payment due on July 1, 1966, prior to the due date of the next maturing installment, and that by reason thereof there is now due and owing the Plaintiff on

said note the sum of \$9,588.82, with interest thereon at the rate of 5 3/4% per annum from July 1, 1966, together with the sum of \$86.00 for the cost of preserving said real property.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff have judgment in rem against the defendants, Mitchell L. Cranke and Donna M. Cranke, for the sum of \$9,588.82, with interest thereon at the rate of 5 3/4% per annum from July 1, 1966, together with the costs of this action, including the sum of \$86.00 as the cost of preserving the above-described property.

The Court further finds and it is adjudged that the Plaintiff has a first and prior lien upon the aforesaid property by virtue of its mortgage and the Plaintiff electing under the terms thereof to have the property sold, with appraisal, it is further ordered, adjudged and decreed that upon failure of the defendants, Mitchell L. Cranke and Donna M. Cranke, to satisfy the Plaintiff's money judgment herein, an Order of Sale issue to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisal, the aforesaid property and to apply the proceeds thereof in payment of Plaintiff's judgment including the costs of said sale and the residue, if any, be paid to the Clerk of this Court to await further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that from and after the sale of said real property the defendants and each of them and all persons claiming under them since the filing of the Complaint herein be and they are ~~deemed~~ barred and foreclosed of any right, title, interest or equity in and to the above-described real property.

Dated this _____ day of _____ 1967.

UNITED STATES DISTRICT JUDGE

APPROVED:

RAM E. TAYLOR
Assistant U. S. Attorney

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

Roy James Cox,)
)
 Petitioner,)
)
 -vs-) NO. 67-C-39
)
 Ray H. Page, Warden of the)
 Oklahoma State Penitentiary,)
)
 Respondent.)

FILED

MAY - 2 1967

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

O R D E R

This cause came on for hearing before this court on April 20, 1967. The petitioner, Roy James Cox, appeared in person and by his retained attorneys, Mr. Warren L. McConnico and Mr. Sam Harris, both of Tulsa, Oklahoma, and the respondent appeared by Mr. Charles L. Owens, Assistant Attorney General of Oklahoma.

Prior to said hearing, this court had determined from the pleadings filed in this cause that the petitioner is presently confined in the Oklahoma State Penitentiary at McAlester, Oklahoma by authority of a judgment and sentence entered on September 23, 1964 in case number 3797 in the District Court of Washington County, Oklahoma. Said sentence of seven years imprisonment was imposed by the state court upon this petitioner's plea of guilty to the charge of obtaining merchandise and money by means of a false and bogus check, and same was suspended pending this petitioner's good behavior. This court further determined that on February 23, 1965 the state court entered an order revoking the suspended sentence previously given this petitioner, so that the petitioner was ordered to begin serving, and he is now serving, the sentence of seven years which was previously suspended.

Subsequent to his incarceration in the Oklahoma State Penitentiary this petitioner filed a petition for writ of habeas

corpus in the Oklahoma Court of Criminal Appeals. On July 27, 1966 that court denied the writ in an opinion holding that the record from the trial court reflected that the accused knew and understood his right to counsel and that he competently and intelligently waived this right and entered a plea of guilty, with full knowledge of the consequences of such plea. Cox v. Page Okl. Cr., 417 P. 2d 338.

This petitioner then filed his petition for writ of habeas corpus with this court, alleging in his petition, in effect, that he was not advised of his right to counsel at preliminary hearing, that he did not intelligently and effectively enter a plea of guilty in the trial court, and that he was not furnished counsel nor was he afforded a hearing on the proceedings to revoke his suspended sentence. After considering the allegations of this petition and the response thereto filed by the Attorney General of Oklahoma on behalf of the respondent, this court determined that the petitioner had raised substantially the same questions in his petition to the Oklahoma Court of Criminal Appeals and that court had denied the writ. It was, therefore, the opinion of this court at that time that the petitioner had effectively demonstrated that he had exhausted the available state remedies and that he was properly before this court. It was therefore the order of this court that an evidentiary hearing be had in this matter, and such hearing was commenced, as set out above, on April 20, 1967 at Tulsa, Oklahoma.

At that hearing this petitioner was examined by his counsel under oath as to those allegations contained in his petition. But in addition thereto counsel inquired into an area touching on the petitioner's mental competence. Such inquiries of the petitioner were clearly designed to establish, from the petitioner's

medical history, that he was mentally incompetent at the time he entered his plea of guilty in the state court and, moreover, that he is even now mentally incompetent. Upon inquiry by this court, counsel answered that they feel this is a critical issue and one which they seriously urge. This being so and the record before this court reflecting that such question has never been presented to any state court prior to the filing of the petition in this court, it is obvious that the petitioner has not exhausted the available state remedies as they relate to this particular issue, as he is required to do under the provisions of 28 U.S.C. § 2254.

IT IS THEREFORE BY THE COURT ORDERED that the petition of Roy James Cox for a writ of habeas corpus be denied and this action is dismissed.


United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLA.

BOYLES GALVANIZING & PLATING COMPANY, an Oklahoma Corporation,	)	No. 6060 Civil
)	
Plaintiff	)	Tenth Circuit Court of Appeals
	)	No. 8410
-vs-	)	Hartford Accident & Indemnity
	)	Company, a Foreign Corp,
	)	Appellant
HARTFORD ACCIDENT & INDEMNITY COMPANY, a Foreign Corporation	)	-vs-
	)	Boyles Galvanizing & Plating
Defendant	)	Company, an Oklahoma Corp.
	)	Appellee
	)	Tenth Circuit Court of Appeals
	)	No. 8411
	)	Boyles Galvanizing & Plating
	)	Company, an Oklahoma Corp.,
	)	Appellant
	)	-vs-
	)	Hartford Accident & Indemnity
	)	Company, a Foreign Corp,
	)	Appellee

FILED

MAY -5 1967

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

ORDER

SUPPLEMENTAL FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above entitled causes came on regularly for trial in the United States District Court for the Northern District of Oklahoma in Civil Action 5813 and 6060; and further, pursuant to an Opinion of the United States District Court of Appeals for the Tenth Circuit dated February 3, 1967, wherein the Appeals Court required the Trial Court to prepare supplemental findings and conclusions of law, and the Trial Court, being fully advised in the premises, finds, as follows:

SUPPLEMENTAL FINDINGS OF FACT

1. That on or about October 10th, 1963, the Boyles Galvanizing & Plating Company asserted a possessory lien on certain steel in its possession and claiming that Indiana Steel Tank Company was in arrears on its payments under the terms of certain Purchase Orders whereby Boyles was doing galvanizing on the subject steel. As a result of asserting this possessory lien, Indiana Steel Tank Corporation filed Civil Action 5813 in this Court on the 29th day of October, 1963. The Court entered an Order confirming an agreed

stipulation for a procedure whereby Boyles would release its possessory lien and Hartford would deposit a bond guaranteeing payment of work performed and to be performed in the future under the terms of the written stipulation. This order was entered on November 6, 1963. The Court finds that on entering said Order directing a mode of payment for any overage shipments caused by Boyles Galvanizing & Plating Company at the rate of \$21.00 per hundred weight, the Court, in making its findings, specifically refers to paragraph 8 of the stipulation entered on November 6, 1963 which states in part:

"The aforesaid oversh shipments and/or duplications which cannot be used and which were delivered at the request of Defendant herein will be paid for by the Defendant, Boyles Galvanizing & Plating Company, to the Plaintiff, Indiana Steel Tank Corporation, at the rate of \$21.00 per hundred weight, and, in addition to the issuance by the Defendant of a credit at the rate of \$2.30 per hundred weight for such of the aforementioned oversh shipment and/or duplications chargeable to said Defendant which have been galvanized."

2. That on the 10th day of February, 1964, Boyles Galvanizing & Plating Company reopened Civil Action No. 5813, in the nature of a foreclosure action of the possessory lien rights under the laws of the State of Oklahoma. That on the 27th day of March, 1964, Boyles Galvanizing & Plating Company was granted a default judgment by the Clerk of the Court which this Court has previously held to be voidable only.
3. During the course of the Trial in Civil Action No. 6060, Hartford Accident & Indemnity Company was permitted to present any and all defenses or offsets that it might claim by and through its Principal, Indiana Steel Tank Company; and the Court found, and now concludes in this Supplemental Finding, that Boyles Galvanizing & Plating Company had foreclosed under its possessory lien rights in and to approximately 72,000# of steel that Boyles had in its possession at the time Boyles completed its work

under what is heretofore described as Job 912. The Court further finds that this 72,000# of steel was overshipment caused by Boyles and therefore Hartford Accident & Indemnity Company, standing in the shoes of Indiana Steel Tank Company was entitled to offsets for the value of said steel against the prima facie judgment which Boyles was successful in proving its account in the amount of \$39,326.14. The Court further finds that the value of said overage steel is \$10,725.14 and therefore it was the finding of this Court that the Judgment entered for Boyles Galvanizing & Plating Company in the amount of \$28,601.00 is the sum net judgment that should be entered and confirmed by this Court with interest thereon from the date of default under the terms of the stipulation which was December 7, 1963 as set forth in this Court's original findings.

3. The Court further finds that Boyles Galvanizing & Plating Co., was vested with full and complete ownership of the 72,000# of overage steel and further that the Court had continuing jurisdiction over this steel and the terms under which an accounting would be made as to any overages, the Court entered its order on Nov. 6, 1963. That title vested with Boyles for the subject steel when the scheduled under Job 912 were completed and it was identified that this steel was an overage, and immediately the terms of the stipulation applied that Boyles must credit Indiana Steel Tank Corporation with the offset. The Court further finds that Civil Action 6060 provided the necessary accounting which is prescribed under the rules of civil procedure for and where default judgment is taken and only a sum certain was required to be produced to verify the amount due and owing on said default judgment.

4. The Court further finds that title in and to the subject steel is vested in Boyles Galvanizing & Plating Company prior to the institution of bankruptcy proceedings by Indiana Steel Tank

in the United States District Court for the Northern District of Indiana, and further prior to any rights acquired by the Federal Aviation Administration under the terms of the contract between Indiana Steel Tank Corporation and the Federal Aviation Administration.

5. The Court further finds that plaintiff is entitled and is awarded not only the possession but title to the subject steel which has at all times been within the jurisdiction of this Court and that such steel presently in the possession of the plaintiff is free and clear of any and all claims by the Trustee in Bankruptcy of the Indiana Steel Tank Company or any claims of the Federal Aviation Administration.

6. The Court reaffirms the previous findings made by this Court that the judgment now due and owing by defendant unto the plaintiff is \$28,601.00 as was entered heretofore, together with interest at the rate of six percent per annum from December 7th, 1963 until paid which interest is presently computed as of May 2, 1967 at \$5,944.00 together with a daily accrual rate of \$4.76 until paid, and for its costs of this action.

Judgment and order in accordance with such findings shall be entered by the Clerk of this Court.

Allen E. Barrow
Allen E. Barrow, District Judge,
Northern District of Oklahoma.

Approved as to Form:

William K. Powers
William K. Powers, Attorney for
Boyles Galvanizing & Plating Co.

for Andrew T. Dalton, Jr.
David M. Thornton, Attorney for
Hartford Accident & Indemnity Co.

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

RONALD E. COX,

Plaintiff,

vs.

FIRST UNITED LIFE INSURANCE
COMPANY; RETAIL CREDIT COM-
PANY, a foreign corporation,
CHARLES CARMACK and MICHAEL
J. GOGGIN,

Defendants.

NO. 6497

FILED

MAY -5 1967

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

ORDER REMANDING CASE TO STATE
COURT

After extensive study of the pleadings, briefs, affi-
davits and depositions filed before and after the hearing on
the motion to remand filed in this case, the Court has deter-
mined that the cause should be remanded to the District Court
of Creek County, Oklahoma.

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

IT IS FURTHER ORDERED that the documents delivered
to the Clerk of the United States District Court pursuant to
protective order of August 18, 1966, which were sealed and
impounded by the Clerk, shall be kept intact in his custody
until receipt of a copy of an order from the Judge of the Dis-
trict Court of Creek County directing disposition of such
documents.

DATED this 5th day of May, 1967.


UNITED STATES DISTRICT JUDGE

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

EARL ROBERTSON,
Petitioner,
vs.
IRA ROBERTSON,
Respondent

)
)
)
) 67-C-69
)
)
)
)

FILED

MAY - 5 1967

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

ORDER

The Court has for consideration a petition for Writ of Habeas Corpus filed by Petitioner, an inmate of the Eastern State Hospital at Vinita, Oklahoma.

As grounds for the writ petitioner alleges only that he should be detained in a federal hospital instead of the state hospital. The Court finds the petition should be denied and the action dismissed for the following reasons:

1. The petition shows on its face that petitioners has not exhausted his state remedies.
2. The party under whose custody petitioner is detained has not been named as respondent.
3. Petitioner does not claim he is entitled to be released from detention but only that the wrong governmental authority has him in custody.

IT IS, THEREFORE, ORDERED that the petition for Writ of Habeas Corpus is denied and the action is dismissed.

ENTERED this 5th day of May, 1967.



UNITED STATES DISTRICT COURT JUDGE

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

FILED

MAY 10 1967

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

W. WILLARD WIRTS, SECRETARY OF
LABOR, UNITED STATES DEPARTMENT
OF LABOR,

Plaintiff

v.

GENERAL ACOUSTICS, INC.,
a corporation

Defendant

CIVIL ACTION

FILE NO. 67-10-15

J U D G M E N T

Plaintiff, W. Willard Wirts, Secretary of Labor, United States Department of Labor, has filed his complaint herein, and the defendant has acknowledged receipt of a copy of the complaint, waived service and answer herein, and agreed to the entry of this judgment without contest. It is, therefore, upon motion of plaintiff and for cause shown:

ORDERED, ADJUDGED, AND DECREED that the defendant, an enterprise within the meaning of Sections 3(r) and 3(s) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U.S.C.A. 261 et seq.), herein-after referred to as the Act, its agents, servants, employees, and all persons acting or claiming to act in its behalf and interest, shall not violate the provisions of the Act in any of the following particulars:

I.

The defendant shall not employ any of its employees at a wage rate less than the minimum wage established for their employment by the provisions of Section 6 of the Act.

II.

Defendant shall not employ any of its employees, unless said employee or employees are exempt under some provision of the Act, for workweeks longer than forty hours per week without compensating said employees for the hours worked in excess of forty per week at a rate not less than one and one-half times the regular rate at which they were employed.

III.

The defendant shall not fail to make, keep, and preserve adequate and accurate records of its employees as prescribed by Section 11(c)

of the Act and regulations promulgated under the authority of Section 11(c) and published in the Federal Register as Title 29, Chapter V, Code of Federal Regulations, Part 516.

It is further ORDERED that the defendant pay the costs of this action.

Entered this _____ day of _____, 1967.

UNITED STATES DISTRICT JUDGE

Entry of the foregoing Judgment is hereby consented to:

General Acoustics, Inc.,
A corporation

By _____
E. H. Farmer, President

Attorney for Defendant

Plaintiff moves for entry of the foregoing judgment.

Charles Bonshaw, Solicitor

H. J. Farmer, Regional Attorney

Richard L. Collier, Trial Attorney

UNITED STATES DEPARTMENT OF LABOR

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

MAGGIE L. JONES)
)
 Plaintiff)
)
 vs)
)
 ESTELLE M. FONNER)
)
 Defendant)

Civil Action No. 67 C 11

FILED

MAY 11 1967

ORDER OF DISMISSAL

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

This matter comes on for hearing pursuant to special setting upon the Plaintiff's application for an order dismissing her cause of action with prejudice to the further prosecution of same.

The Court, having pre-tried this matter, finds that the \$4,000.00 settlement offer, offered by the Defendant and accepted by the Plaintiff, is a fair and equitable compromise for both parties and that said sum fairly and adequately compensates Plaintiff for the injuries herein sued upon.

The Court therefore approves the action of the parties in compromising this matter and renders judgement as follows:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff's cause of action herein sued upon against the Defendant, be and it is hereby dismissed with prejudice to the further prosecution of same.

DONE AND DATED this 1st day of May, 1967.

United States District Judge

Approved:

Jack Winn
Jack Winn, Attorney for Plaintiff

George A. Farrar
George A. Farrar, Attorney for
Defendant

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

JULIEANNA UNDERWOOD, by her)
mother and next friend, MAGGIE L.)
JONES)
)
Plaintiff)
)
vs)
)
ESTELLE M. FONNER)
)
Defendant)

Civil Action No. 67 C 13

FILED

MAY 11 1967

ORDER OF DISMISSAL

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

This matter comes on for hearing pursuant to special setting upon the Plaintiff's Application for an Order Dismissing her cause of action against the Defendant with prejudice to the further prosecution of same.

The Court, having pre-tried this matter, and being fully advised in the premises, finds that the \$1,000.00 offer made by the Defendant to Plaintiff in lieu of her cause of action herein, which said amount was by the Plaintiff accepted, is a fair and equitable compromise settlement of the issues herein and said amount fairly and adequately compensates the Plaintiff for the injuries complained of in her Petition.

The Court approves the action of the parties in compromising the issues herein and enters its order as follows:

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the cause of action of Julieanna Underwood, a minor, by her mother and next friend, Maggie L. Jones, be and it is hereby dismissed with prejudice to the further prosecution of same.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Maggie L. Jones, natural mother of Julieanna Underwood, be and she

is hereby appointed trustee for the benefit of her minor daughter to
receive and receipt for the compromise settlement herein referred to.

DONE AND DATED this 1st day of May, 1967.

Judge of the United States District
Court

Approved:

(s) Jack Winn
Jack Winn, Attorney for Plaintiff

(s) George A. Farrar
George A. Farrar, Attorney for
Defendant

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

ARTHUR I. APPLETON, dba
APPLETON OIL COMPANY,

Plaintiff,

vs.

MABELLE KENNEDY, MATTHEW J. KANE,
and EDWARD T. KENNEDY, Trustees
of the Estate of ED T. KENNEDY,
Deceased; GARY S. WEYL, PAMELA
WEYL CARTER; FRANCES E. OLDFIELD
and FANNIE DONELSON, Special
Administrators of the Estate of
R. L. DONELSON, Deceased,

Defendants.

No. 67-C-61

Filed May 12, 1967

J U D G M E N T

12th Based upon the Opinion of the Court filed on the
day of May, 1967,

IT IS THE JUDGMENT, ORDER AND DECREE OF THE COURT
that the defendants, Mabelle Kennedy, Matthew J. Kane, Edward
T. Kennedy, Trustees of the Estate of Ed T. Kennedy, Deceased;
Gary S. Weyl, Pamela Weyl Carter; Frances E. Oldfield and
Fannie Donelson, Special Administrators of the Estate of R. L.
Donelson, Deceased, are hereby permanently restrained and en-
joined from interfering with the plaintiff in the laying of
the pipeline or the construction of the pipeline approximately
along the east line of Sections 18, 19, 30, and 31, Township
21 North, Range 5 East, Cossge County, Oklahoma.

This Judgment and Decree is without prejudice to the
defendants, in maintaining any action seeking the recovery of
damages, if any, sustained by them as a result of the building
of said pipeline.

DATED this 12th day of May, 1967.

(s) Luther Bohannon
UNITED STATES DISTRICT JUDGE

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

W. WILLARD WIRTE, SECRETARY OF)
LABOR, UNITED STATES DEPARTMENT)
OF LABOR)

Plaintiff)

v.)

AMERICAN CONCRETE COMPANY,)
INCORPORATED, and BOB and KARL)
ESCHACK, individually, jointly,)
and severally)

Defendants)

CIVIL ACTION

FILE NO. 6505

FILED

MAY 15 1967

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

JUDGMENT

Now on this the 15th day of May, 1967,

in accordance with the Findings of Fact and Conclusions of Law,
made and entered into by the Court on the 15th day of May,
1967, it is:

ORDERED, ADJUDGED, AND DECREED that plaintiff's prayer
for an injunction to require defendants to comply with the Fair
Labor Standards Act of 1938, as amended, in the future is denied
and that portion of plaintiff's action is hereby dismissed.

It is further, ORDERED, ADJUDGED, AND DECREED that
defendants are enjoined and restrained from withholding the unpaid
overtime compensation found by the Court to be due the following
named individuals in the amounts set opposite their names:

Alvin C. Taylor \$431.73

Alice Louise McGregory 541.27

Total --- \$975.70

This Order will be deemed complied with upon delivery
by the defendants to the plaintiff, in his official capacity, by

certified or cashier's check, payable to "United States Department of Labor - Wage-Hour Divisions", the total amount due the above named individuals less appropriate deductions for Federal income tax and Federal insurance contributions (social security) for distribution by plaintiff to the said individuals. Any sums which plaintiff is unable to distribute to said individuals within a reasonable time because of plaintiff's inability to locate same or because of any refusal to accept same, shall be covered into the Treasury of the United States as miscellaneous receipts.



UNITED STATES DISTRICT JUDGE

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

W. WILLARD WIRTS, SECRETARY OF
LABOR, UNITED STATES DEPARTMENT
OF LABOR

Plaintiff

v.

JOHN FORBES, doing business as
WESTSIDE JANITOR & MAINTENANCE
SERVICE

Defendant

CIVIL ACTION

FILE NO. 6281

FILED

MAY 16 1967

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

J U D G M E N T

Now, on the 16th day of May, 1967, the Court,
in accordance with Findings of Fact and Conclusions of Law,
filed on the 2nd day of May, 1967, finds that underpayments
of wages by defendant, for which plaintiff is entitled to recover
herein, is as follows:

Mrs. Vernon Brown	\$1,048.75
W. O. Chambers	105.25
Verna A. Chambers	26.75
James Edward Curtis	45.90
Oscar Oliver Hilburn	117.18
Mrs. Oscar Hilburn	204.68
Lottie Sampson	641.56

And in accordance with the aforesaid Findings of Fact
and Conclusions of Law, it is

ORDERED, ADJUDGED, and DECREED that plaintiff,
W. Willard Wirts, Secretary of Labor, United States Department
of Labor, have and recover of the defendant, John Forbes, doing
business as WESTSIDE JANITOR & MAINTENANCE SERVICE, the sum of
\$2,190.07, together with legal interest thereon at the rate of
six per cent per annum from the date of the respective under-
payments, and his costs.

(5) Fred Dougherty
UNITED STATES DISTRICT JUDGE

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

BILL HALL, .

Petitioner,

-vs-

RAY H. PAGE, Warden of the
Oklahoma State Penitentiary,
and THE STATE OF OKLAHOMA,

Respondents.

No. 67-C-2

FILED

MAY 16 1967

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

J U D G M E N T

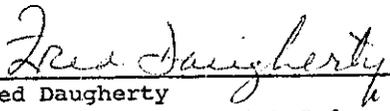
The petitioner, Bill Hall, a state prisoner serving a life term for armed robbery, filed an application for writ of habeas corpus in the United States District Court for the Eastern District of Oklahoma and the matter was subsequently transferred to this District, pursuant to 28 U.S.C. § 2241 (d). Counsel was appointed by this Court to represent the petitioner.

On the 3rd day of April, 1967 an evidentiary hearing was conducted in this Court at Tulsa, Oklahoma. The petitioner appeared in person and with his court-appointed counsel, and the respondent appeared through an Assistant Attorney General of Oklahoma. After hearing the testimony of the petitioner and his witnesses and that of the witnesses called on behalf of the respondent, and after receiving all other competent evidence offered and listening to the arguments of counsel, this matter was taken under advisement by the Court.

Thereafter, on the 2nd day of May, 1967 this Court issued its Memorandum Opinion in which the Court held that the petitioner had failed to sustain his burden of proof of the allegations of his application. Accordingly, the petitioner's application for writ of habeas corpus was denied in that Opinion.

IT IS THEREFORE BY THE COURT ORDERED, for the reasons and by virtue of the authorities set out in the previous Memorandum Opinion, that the application of Bill Hall for a writ of habeas corpus be and it hereby is denied.

Dated this 16 day of May, 1967.



Fred Daugherty
United States District Judge

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

THE WESTERN AND SOUTHERN LIFE INSURANCE)
COMPANY, a corporation,)
Plaintiff,)
vs.)
LOY A. OWENS, FRANKIE L. OWENS,)
ERNEST EDWIN McCOOL, ADELINE H. McCOOL,)
RAY HARPER, and RUBY DAVALT,)
Defendants.)

No. 6435 - Civil

FILED

MAY 17 1967

ORDER CONFIRMING MARSHAL'S SALE

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

NOW, on this 16 day of May, 1967, there comes
on for hearing the Motion of the plaintiff herein to confirm the
sale of real property made by the United States Marshal for the
Northern District of Oklahoma, on May 10, 1967, pursuant to
a Decree of Sale of Realty rendered in this cause, on April 3,
1967, of the following-described real property, to-wit:

Lot Twenty-one (21), in Block Two (2), in
MESA PARK, an Addition to the City of Tulsa,
County of Tulsa, State of Oklahoma, accord-
ing to the recorded Plat thereof.

And the Court, having examined the proceedings of the Marshal
under the Decree of Sale of Realty, and no exceptions being filed
thereto, FINDS that due and legal notice of the sale was given by
publication in the Tulsa Daily Legal News, a newspaper published and of
general circulation in Tulsa County, State of Oklahoma, said notice
being published at least once a week for at least four (4) successive
weeks prior to such sale, the first publication being at least thirty
(30) days prior to the date of said sale, as shown by the proof of
publication filed herein, and that on the day fixed therein, May 10,
1967, the above-described real property was sold to The Western
and Southern Life Insurance Company, a corporation, it being the
highest and best bidder therefor.

THE COURT FURTHER FINDS that the sale was in all respects
made in conformity with the law in such cases made and provided, and

that the sale was in all respects legal.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that the United States Marshal's sale and all proceedings under the Decree of Sale of Realty issued herein be and the same are hereby approved and confirmed.

IT IS FURTHER ORDERED that DOYLE W. FOREMAN, as United States Marshal for the Northern District of Oklahoma, make and execute to the purchaser, THE WESTERN AND SOUTHERN LIFE INSURANCE COMPANY, a corporation, a good and sufficient deed for such premises sold.

L. D. Daugherty

UNITED STATES DISTRICT JUDGE

APPROVED:

Assistant U. S. Attorney

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

WILLIAM F. SIXKILLER,

Plaintiff,

-vs-

MISSOURI-KANSAS-TEXAS RAILROAD
COMPANY, a corporation,

Defendant.

Civil
No. 67-C-43

FILED

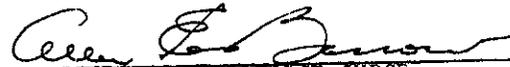
MAY 17 1967

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

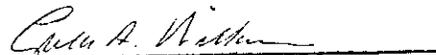
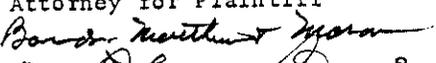
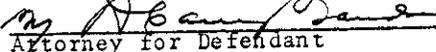
ORDER OF DISMISSAL

NOW on this 17th day of May, 1967, the above entitled and numbered action comes on for hearing upon the Motion of plaintiff for an Order dismissing said action with prejudice to another action approved and consented to by the defendant and it appearing that said cause should be dismissed with prejudice;

IT IS THEREFORE ORDERED BY THE COURT that the above entitled and numbered action be and it is hereby dismissed with prejudice to any future action upon the same subject matter or cause of action.


UNITED STATES DISTRICT JUDGE

APPROVED:


Attorney for Plaintiff


Attorney for Defendant

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

FILED

MAY 19 1967

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

BARBARA HARLESS, Wife and Next friend)
of HENRY W. HARLESS, Jr.,)
Plaintiff,)
vs.)
BRANTON CENTER,)
Defendant.)

NC. 6358 ✓

ORDER OF DISMISSAL

The above matter coming on to be heard this 19th day of May, 1967, upon the written stipulation of the parties for a dismissal of said action with prejudice, the Court having examined said stipulation, finds that said parties have entered into a compromise settlement covering all claims involved in the action and have requested the Court to dismiss said action with prejudice to any future action, and the Court being fully advised in the premises, finds that said action should be dismissed pursuant to said stipulation.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that the action of plaintiff filed herein against the defendants be and the same is hereby dismissed with prejudice to any future action.

Allen E. Brown

JUDGE, DISTRICT COURT OF THE UNITED STATES
NORTHERN DISTRICT OF OKLAHOMA

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

RELIANCE INSURANCE COMPANY,)
a corporation,)

Plaintiff,)

-vs-

MICHAEL RAY BOWLINE, et al,)

Defendants.)

NO. 6379

FILED

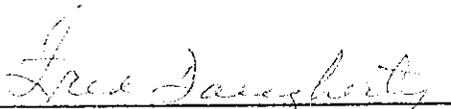
MAY 22 1967

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

ORDER OF DISMISSAL

This matter coming on before me upon the Stipulation of the plaintiff, Reliance Insurance Company, and the defendants, Michael Ray Bowline; Ray Bowline, individually, and Ray Bowline, d/b/a Bowline Construction Company; O. W. Arnold; Robert Wesley Keating and Robert William Keating, and for good cause shown the Court finds that the actions brought by the plaintiff and the defendants, upon their counterclaims, and each of them, should be dismissed.

IT IS, THEREFORE, ORDERED that the actions brought by the plaintiff and the defendants, upon their counterclaims, be and the same are hereby dismissed.


United States District Judge

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

RELIANCE INSURANCE COMPANY,)
a corporation,)

Plaintiff,)

-vs-

No. 6379

MICHAEL RAY BOWLINE, et al,)

Defendants.)

FILED

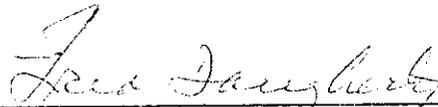
MAY 22 1967

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

ORDER OF DISMISSAL

This matter coming on before me upon the written Motion for Dismissal of the plaintiff, Reliance Insurance Company, as against the defendant, Melvin Thomas (Tommie) Roberts, and for good cause shown the Court finds that said action should be dismissed.

IT IS, THEREFORE, ORDERED that the above entitled action as against the defendant, Melvin Thomas (Tommie) Roberts, be and the same is hereby dismissed.


United States District Judge

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

FIRST FEDERAL SAVINGS AND LOAN)
ASSOCIATION, of Coffeyville, Kansas,)
Plaintiff,)
vs)
JOSE FRANCISCO De A. LIMA,)
ELSIE DART, et al,)
Defendants.)

✓
No. 6493

FILED

MAY 23 1967

DISMISSAL WITH PREJUDICE

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

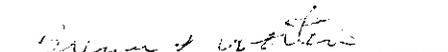
Now on this 22nd day of May, 1967, this matter comes regularly on trial assignment; Plaintiff appears by its attorneys, Brewer & Worten, by Jesse J. Worten, the Defendant, Elsie Dart, appears by her attorneys, Gable, Gotwals, Hays, Rubin & Fox, by Jack N. Hays.

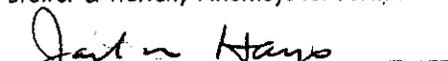
On the matter being called for trial, Plaintiff informs the Court through its attorneys, that on May 20, 1967, the Defendant, Elsie Dart, paid the mortgage indebtedness in full and Plaintiff orally moves for dismissal, with prejudice, as against the Defendants, and each of them; appearing Defendant, Elsie Dart, having no objection.

IT IS ORDERED, ADJUDGED AND DECREED that the Plaintiff's cause of action on its amended complaint, as against the Defendants and each of them, be and is hereby dismissed, with prejudice.


Allen E. Barrow, Judge,
Northern District of Oklahoma

APPROVED AS TO FORM:


Brewer & Worten, Attorneys for Plaintiff


Gable, Gotwals, Hays, Rubin & Fox, by
Jack N. Hays, Attorneys for Elsie Dart

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

FIRST FEDERAL SAVINGS AND LOAN)
ASSOCIATION, of Coffeyville, Kansas,)
Plaintiff,)
vs)
JOSE FRANCISCO De A. LIMA,)
ELSIE DART, et al,)
Defendants.)

No. 6493

FILED

MAY 23 1967

DISMISSAL WITH PREJUDICE NOBLE C. HOOD
Clerk, U. S. District Court

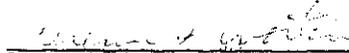
Now on this 22nd day of May, 1967, this matter comes regularly on trial assignment; Plaintiff appears by its attorneys, Brewer & Worten, by Jesse J. Worten, the Defendant, Elsie Dart, appears by her attorneys, Gable, Gotwals, Hays, Rubin & Fox, by Jack N. Hays.

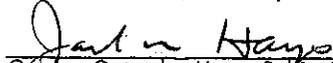
On the matter being called for trial, Plaintiff informs the Court through its attorneys, that on May 20, 1967, the Defendant, Elsie Dart, paid the mortgage indebtedness in full and Plaintiff orally moves for dismissal, with prejudice, as against the Defendants, and each of them; appearing Defendant, Elsie Dart, having no objection.

IT IS ORDERED, ADJUDGED AND DECREED that the Plaintiff's cause of action on its amended complaint, as against the Defendants and each of them, be and is hereby dismissed, with prejudice.


Allen E. Barrow, Judge,
Northern District of Oklahoma

APPROVED AS TO FORM:


Brewer & Worten, Attorneys for Plaintiff


Gable, Gotwals, Hays, Rubin & Fox, by
Jack N. Hays, Attorneys for Elsie Dart

IN THE UNITED STATES DISTRICT COURT FOR THE

SOUTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff

v.

NO. 6008 CIVIL

ALPHONSO WILLIAMS, et al.,

Defendants

LUTHER MCCORMICK,

Intervenor

FILED AND
~~RECORDED~~

MAY 24 1967

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

JUDICIAL NOTICE OF FACTS

This cause having come on for trial and thereafter all issues of law and fact having been determined in the Court's Memorandum Opinion filed on November 22, 1966, and the court being otherwise fully advised in the premises, it is

ORDERED, ADJUDGED AND DECREED, as follows:

1. The defendant, Alphonso Williams, is indebted to the plaintiff, United States of America, for certain Federal income, employment and wageing excise taxes in the total amount of \$1,090,097.76, with interest on the sum of \$291,134.85 at the rate of six percent per annum from and after May 9, 1967, until paid.

2. By virtue of three accounts made on July 14, 1961, and for which notice of Federal tax lien was filed of record on August 25, 1961, with respect to Federal income tax liabilities of Alphonso Williams for the years 1954, 1955 and 1956 in the total amount of \$40,175.17, plus interest thereon of \$27,866.47 to May 5, 1967, and upon which sum interest accrues thereafter at the rate of \$6.79 per day, which amounts are included in the total amount set forth in Paragraph 1 hereof, the United States acquired liens upon all property and rights to property of the defendant, Alphonso Williams, including the trusts of real estate more fully referred to and described hereinafter.

3. The defendant, Alphonso Williams, is the owner of the following-described real property which is situated in Tulsa County, Oklahoma:

(a) South 37.83 feet of the East one-half (1/2) of Lot Fifteen (15), Block One (1), Middleton Addition to the City of Tulsa, State of Oklahoma, which is located at 1832 North Norfolk Street, Tulsa, Oklahoma.

(b) Lot Nine (9), Block Five (5) of the Northside Addition to the City of Tulsa, Tulsa County, Oklahoma, which is located at 342 North Frankfurt Street, Tulsa, Oklahoma.

(c) The South one-half of Lot Eight (8), Block Five (5), Northside Addition to the City of Tulsa, Tulsa County, Oklahoma, which is located at 342 North Frankfurt Street, Tulsa, Oklahoma.

(d) All of that part of the West one-half (1/2) of the Northwest quarter (NW/4) of the Southeast quarter (SE/4) of Section 30, Township 20 North, Range 13 East, lying North and West of the Atchison, Topeka and Santa Fe Railroad right of way, Tulsa County, Oklahoma.

(e) The following tracts of land in the Conservation Acres, an addition to the City of Tulsa, County of Tulsa, State of Oklahoma:

- (1) Lot One (1), Block Two (2).
- (2) Lot Two (2), Block Two (2).
- (3) Lot One (1), Block Three (3).
- (4) Lot Two (2), Block Three (3).
- (5) Lot Three (3), Block Two (2).
- (6) Lot Four (4), Block Two (2).

4. Real estate taxes imposed by the defendant, Board of County Commissioners of Tulsa County, Oklahoma, are due and owing on certain of the properties described in Paragraph 3 hereof and said taxes are secured by liens on said tracts of real estate, all as is more fully set forth below:

<u>Property Description</u>	<u>Tax Years</u>	<u>Amount of Debt</u>
(a) Middleton Add. S. 37.83' of East 1/2, Lot 15, Block 1.	1963-1966	\$ 730.45
(b) Lot 9, Block 5, Northside Add., and	1964-1966	
(c) South 1/2 of Lot 8, Block 5 Northside Add.	1964-1966	285.03
(d) West 1/2 of the Northwest Quarter of the Southeast Quarter of Sec. 30, Township 20 North, Range 13 East.	1962-1966	\$4,639.93

<u>Property Description</u>	<u>Tax Years</u>	<u>Amount of Debt</u>
(e) Conservation Acres:		
(1) Lot 1, Block 2	1963-1966	\$ 197.85
(2) Lot 2, Block 2	1963-1966	236.35
(3) Lot 1, Block 3	1963-1966	295.75
(4) Lot 2, Block 3	1963-1966	400.71
(5) Lot 3, Block 2	1963-1966	6,454.75
(6) Lot 4, Block 2	1963-1966	704.99

The above amounts include one percent penalty per month from the date of the delinquency with respect to each tax liability, inclusive of 1966 taxes, and constitute the only ~~and~~ ~~and~~ other taxes now claimed by the Board of County Commissioners of Tulsa County, Oklahoma, or James A. Parkinson, Tulsa County Treasurer, which encumber any part of the tracts of real property described in Paragraph 3 hereof.

5. The defendant, MatMichael Concrete Company, has an outstanding unpaid balance due on a certain judgment held by it in the amount of \$5,038.00, plus interest in the amount of \$3,043.60 through and including April 30, 1967, after which interest accrues at the rate of .84 cents per day, plus court costs in the amount of \$367.30. This judgment is secured by a lien which encumbers Lot Three (3), Block Two (2), Conservation Acres, less the portion occupied by a building known as the "Golden Eagle Bar", and said lien is superior to the claims of all other parties to this suit as to the aforesaid tract of land except the claims with respect thereto of the Board of County Commissioners, Tulsa County, Oklahoma, and the County Treasurer of Tulsa County, Oklahoma, more fully set forth in Paragraph 4 hereof.

6. The defendants, Pearl B. Foster; Pearl B. Foster and J. E. Bowley, trustee of the Harriet Foster Banker Trust; Marianna Foster Hesser and Margaret Foster Campbell, are the owners of Sanitary Sewer Bond No. 9833 which bond encumbers the West 150 feet of the West one-half of the N.W. 1/4 of the S.E. 1/4 North of the Railroad right of way and S. 30 feet N. 688 feet E. 510 feet W. 1/2 N.W. 1/4 S.E. 1/4 Sec. 30-T 20 N-R 13E Miscellaneous Tract which is some portion of the real property described in Paragraph 3(d) of the Journal Entry of Judgment. The total amount of the indebtedness secured by said

bond is in the amount of \$7,377.52. In addition to said sum there is a penalty of 12 percent per annum due and owing with respect to the installments payable on said bond for the years 1959 and 1960 computed to April 30, 1967, in the amount of \$2,715.56. Further, in addition to the foregoing amounts there is also currently due and owing interest at the rate of six percent per annum with respect to the installments due in 1961, 1962 and 1963, computed to April 30, 1967, in the total amount of \$1,160.58. As a result of the foregoing the aforesaid bond and the provisions thereof secure a total indebtedness of \$11,253.66.

In addition to the Sanitary Sewer Bond mentioned above, the defendants above-named in this paragraph also hold tax sale certificates covering the years 1959 and 1960 in the amounts of \$100.06 and \$82.61, respectively, which taxes encumber the real property described in Paragraph 3(d) hereof. There is currently due and owing to the said defendants for said taxes the total sum of \$265.86, including interest at the rate of eight percent per annum computed to April 30, 1967.

7. The defendant, Alphonso Williams, is indebted to the State of Oklahoma ex rel. Oklahoma Employment Security Commission for unemployment taxes for all the quarters of the year 1960 in the total amount of \$708.43, inclusive of interest, which taxes were entered on the judgment docket in accordance with the law on September 5, 1961; for the fourth quarter of 1961, first quarter of 1962, first quarter of 1963 and second quarter of 1963, in the total amount of \$58.44, inclusive of interest, which taxes were entered on the judgment docket in accordance with law on October 16, 1963; the third quarter and fourth quarter of 1963 in the amount of \$47.67, inclusive of interest, which taxes were entered on the judgment docket in accordance with law on March 30, 1964; and for the fourth quarter of 1961 in the total amount of \$2.20, inclusive of interest,

which amount has not been entered on the judgment docket. Said taxes along with interest thereon have not been paid by the defendant, Alphonso Williams, and are the only taxes now claimed by the defendant, State of Oklahoma ex rel. Oklahoma Security Employment Commission as to the defendant, Alphonso Williams.

8. Each tract of real property more fully described in Paragraph 3 hereof, shall be individually sold to the highest and best bidder for cash, at public outcry, at the west door of the Tulsa County Courthouse, in the City of Tulsa, County of Tulsa, State of Oklahoma, free, clear and discharged of and from any and all claims, liens, encumbrances, rights, equities, and interest of any and all parties hereto, and of any persons, firms, and corporations claiming by, through or under them, at said sale to be held by the United States Marshal of this District, who shall make said sale and report his acts and doings in that behalf to this Court with all convenient speed. Said Marshal is hereby directed to publish notice of said sales once a week for four consecutive weeks prior thereto in an appropriate newspaper of general circulation published in Tulsa County, Oklahoma.

However, prior to the time that the aforesaid sale shall be held, the plaintiff shall employ a qualified surveyor for the purpose of determining the exact area by description of the real property described in Paragraph 3(d) hereof, and what portion thereof is encumbered by the Sanitary Sewer Road referred to in Paragraph 6 hereof.

9. Upon receipt of the purchase price bid at the sale for each of the said tracts of land set forth in Paragraph 3 hereof, the said Marshal shall make a report to this Court of such sales for confirmation and in so doing shall set forth separately the purchase price paid for each of the said tracts of land. After confirmation, the Marshal shall disburse and

apply the proceeds of said sales in the following order:

- (a) His fees, commissions, allowances, and expenses; then,
- (b) The fees and costs of the officers of this Court and the plaintiff in this suit; then,
- (c) As to each of the said tracts of land the amount of the taxes with respect to each set forth in Paragraph 4 hereof, together with interest on each of said tax liabilities from the date hereof until paid; then,
- (d) As to the proceeds from the sale of land more fully set forth in Paragraph 3(d) hereof:
 - (1) The cost of the survey directed in Paragraph 8 hereof to the plaintiff, United States of America;
 - (2) The sum of \$11,253.66 to the defendants, Pearl B. Foster; Pearl B. Foster and J. K. Bewley, trustees of the Harriet Foster Banker Trust; Marianna Foster Messner and Margaret Foster Campbell, from the proceeds attributable to that portion of the real property encumbered by the Sanitary Sewer Bond as determined by the aforesaid survey;
 - (3) The sum of \$265.86 to the aforesaid Foster group;
 - (4) And the sum of \$40,175.17, plus interest thereon in the amount of \$27,866.47, or so much of the proceeds remaining after the prior disbursements, to the plaintiff, United States of America, said amount being the 1954, 1955 and 1956 unpaid income tax liabilities of Alphonso Williams, together with interest from the date hereof until paid; then,

(e) As to the tract of land more fully referred to in Paragraph 3, subparagraph (e)(5) hereof:

(1) The sum of \$8,448.90 to McMichael Concrete Company, except for that portion of the proceeds attributable to the sale of a portion of the real property occupied by a building known as the "Golden Eagle Bar";

(2) The sum of \$40,175.17, plus interest in the amount of \$27,866.47, or so much of the surplus remaining from the sale of the entire tract of land with improvements thereon after the prior disbursements to the United States of America for the said tax liabilities; then,

(f) As to the proceeds resulting from the sale of the remaining tracts of land referred to in Paragraph 3 hereof and not specifically dealt with heretofore in this paragraph, the sum of \$40,175.17, plus interest of \$27,866.47, to the United States of America; then,

(g) The remaining sum, if any there be, to be deposited by the Marshal in the Registry of this Court, and to remain until disbursed in accordance with the further orders of this Court.

10. This Court hereby reserves jurisdiction over this cause to make such other and further orders as are just and proper including the entry of an order confirming the sales heretofore directed, and thereafter determining the amount of deficiency judgments if warranted under the circumstances.

Done and ordered in Tulsa, Oklahoma, this 24th day of
May, 1967.

Fred Daugherty
United States District Judge

APPROVED AS TO FORM:

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

WALDO F. BALES
Attorney for D. E. Rigney and
Luther McCormick

Wm W. Means
WILLIAM W. MEANS
Assistant County Attorney
Tulsa County, Oklahoma
Attorney for Board of County
Commissioners & James A. Parkinson

Milton R. Elliott
MILTON R. ELLIOTT
Attorney for Oklahoma Employment
Security Commission

Phillip K. Blough
PHILLIP K. BLOUGH
Attorney for Heirs of W. L. Foster

Jack H. Santee
JACK H. SANTEE
Attorney for Heirs of W. L. Foster

F. D. Hettlinger
F. D. HETTINGER
Attorney for McMichael Concrete Company

J. E. Moorehead
J. E. MOOREHEAD
Attorney for Everett Smith

Wm R. Powers
WILLIAM POWERS
Attorney for Jimmy Jones

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

FRANK L. ZUGELTER, et al,

Plaintiffs,

vs.

STERLING OIL OF OKLAHOMA, INC., et al,

Defendants.

Civil Action

No. 6420

FILED
IN OPEN COURT

MAY 31 1967

STIPULATION FOR DISMISSAL WITHOUT PREJUDICE

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

The plaintiffs and the defendants hereby stipulate and consent that the within action may be dismissed by the plaintiffs without prejudice to the bringing of a future action on the same cause or causes of action upon the agreed condition that plaintiffs shall and they hereby agree to reimburse the defendants Sterling Oil of Oklahoma Inc., Robert J. Farris and Paul Raymond Williams for their respective costs incurred and paid for originals and copies of depositions taken in this action. In support of the dismissal of this action the plaintiffs and the defendants each affirmatively allege and state that no consideration has been received by the plaintiffs or promised to the plaintiffs for the dismissal of the action.

Winzell D. Knott
WINDELL D. KNOTT
MORRIS I. JAFFE

Attorneys for Plaintiffs

D. E. Hammer
D. E. HAMMER
Attorney for Defendants Sterling
Oil of Oklahoma Inc., Robert J.
Farris and Joe H. Dawson

JAMES O. ELLISON

Attorney for Defendant
Paul Raymond Williams.

ORDER

Upon the stipulation and affirmative allegations of the parties to the action, the Court approves the dismissal of the within action without prejudice to the bringing of another action, pursuant to Rule 23.1 of the Federal Rules of Civil Procedure, and finds that by reason of the dismissal being made without prejudice to the bringing of another action no notice to shareholders of Sterling Oil of Oklahoma, Inc. is required.

(5) Fred Daugherty
United States District Judge.

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

FREDERICK R. ESCOTT,)
)
 Plaintiff,)
)
 vs.)
)
 PIPER AIRCRAFT CORPORATION,)
 a foreign corporation, and ROSS)
 AVIATION, INC., a corporation,)
)
 Defendants.)

No. 67 C 71

FILED

MAY 31 1967

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

MOTION TO DISMISS

COMES now Piper Aircraft Corporation and respectfully moves the court as follows:

That this case has been settled and disposed of between the parties, that the Petition for Removal hereinbefore filed by this defendant may now be dismissed with costs taxed to said defendant and this defendant so moves.

WATTS, LOONEY, NICHOLS & JOHNSON

BY Burton Johnson
Burton J. Johnson
219 Couch Drive
Oklahoma City, Oklahoma

Attorneys for Defendant, Piper Aircraft Corporation

ORDER

Petitioner, Piper Aircraft Corporation, for good cause shown and upon motion to dismiss its Petition for Removal, at defendant's cost, is hereby granted.

WHEREFORE, it is ordered that the Petition for Removal by Piper Aircraft Corporation is hereby dismissed and all costs taxed to defendant, Piper Aircraft Corporation.

May-31-1967

Lester Bohannon
Judge of the United States District Court