

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

EARL G. CONLEY,

Plaintiff,

-vs-

CONRAD SOVIG COMPANY, a co-  
partnership, and C. R. SOVIG  
and A. R. SOVIG, partners,

Defendants.

Civil Action File

No. 6273

CONRAD R. SOVIG and ARTHUR R.  
SOVIG, partners, doing business  
under the firm name of CONRAD  
SOVIG COMPANY,

Cross-Complainants,

-vs-

EARL G. CONLEY; ROBERT E. CONLEY;  
COATING LABORATORIES, INC.;  
RESEARCH & MANUFACTURING CORPORA-  
TION, also known as RAMCO MULTI-  
COLOR PROCESS CO.; and DOE ONE  
through DOE TEN, inclusive,

Cross Defendants.

**FILED**

MAY -1 1968

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

JUDGMENT

The Court having made findings of fact and conclusions of law, and based thereon, Judgment is rendered for the defendants and against the plaintiff, defendants to recover their cost as provided by the rules of law.

Done this \_\_\_\_\_ day of April, 1968.

\_\_\_\_\_  
Judge of the United States  
District Court

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
  
Plaintiff,  
  
vs.  
  
391.14 Acres of Land, More or Less,  
Situate in Pawnee & Creek Counties,  
Oklahoma, and H. F. Wilcox, Jr.,  
et al, and Unknown Owners,  
  
Defendants.

CIVIL ACTION NO. 6573

All Tracts

**FILED**

MAY -1 1968

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

J U D G M E N T

On MAY 1 1968 this cause came before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma, for disposition of the Plaintiff's motion for judgment. After being advised by counsel for Plaintiff, and having examined the files in the case, and being fully advised in the premises, the Court finds:

1.

The Court has jurisdiction of the parties and the subject matter of this action. This judgment applies to the estates condemned in all tracts included in this civil action as such tracts and estates are described in the Complaint and the Declaration of Taking filed herein.

2.

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.

3.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tracts, as such tracts are particularly described in such Complaint. Pursuant thereto, on October 31, 1966, the United States of America filed its Declaration of Taking of certain estates in such described land, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

4.

Simultaneously with filing herein the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the described estates in subject tracts, a certain sum of money, part of which has been disbursed as shown in paragraph 11.

5.

A pre-trial hearing in this case was held before the Court on April 9, 1968. Due notice of such hearing was given to all of the parties except those whose addresses were unknown. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. Defendant Owners H. F. Wilcox, Jr., James M. Campbell, Raymond M. Gunn, Alma L. Gunn, Robert W. Langholz, J. L. Morehead, David R. Milsten, Carrie Johnson, Travis I. Milsten, William Scheurich, H. A. Wright, Carl Bengtson, Clark Yeates, Helen McCauley, and Mabel Bengtson, appeared at such hearing, either in person or by their attorneys. No other defendants appeared.

6.

The Court was advised at the pre-trial as to the Plaintiff's evidence in the event of a trial as to all tracts in this case except Tract No. 8730-1M. The owners present advised the Court they did not desire trials of the issue of compensation but were willing to have judgments entered in the amounts of the Plaintiff's evidence for the respective tracts. The awards of just compensation, therefore, should be based upon the Plaintiff's proposed evidence as stated at the pre-trial, and as shown in paragraph 11 below.

7.

The owners of Tract No. 8730-1M and the Plaintiff have executed either option contracts or stipulations wherein they have agreed upon the amount of the award of just compensation for the estate taken in such tract and such agreements should be approved.

8.

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

9.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use all tracts included in this civil action, as such tracts are particularly described in the Complaint and Declaration of Taking filed herein; and such tracts, to the extent of the estates described in such Declaration of Taking and for the uses and purposes therein indicated, are condemned, and title thereto is vested in the United States of America as of October 31, 1966, and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim thereto.

10.

It Is Further ORDERED, ADJUDGED and DECREED that the Option Contracts and Stipulations described in paragraph 7 above are approved and the sum fixed thereby is adopted as the award of just compensation for the estate taken in Tract No. 8730-1M, as shown in paragraph 11 below.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking, the owners of the estates condemned herein in the subject tracts were the defendants whose names appear in the schedule below; the right to receive the just compensation for the estates taken in these tracts is vested in the parties so named, as their interests appear therein. The sums hereby adopted as the awards of just compensation for the estates taken in subject tracts are as set out in the schedule which follows, to-wit:

TRACT NO. 008-4M

Award of Just Compensation - - - - -	\$2,279.54
Deposited as Estimated Compensation - - - - -	<u>\$2,279.54</u>

Owners and Disbursals:

<u>Owners</u>	<u>Interest</u>	<u>Dollar Share</u>	<u>Disbursed</u>	<u>Balance Due</u>
H. F. Wilcox, Jr.	13.5/255.55	\$110.42	None	\$110.42
James M. Campbell	15/255.55	\$143.80	"	\$143.80
G. LeRoy Beasley and Lottie Laura Beasley	2/255.55	\$17.84	"	\$17.84
P.I.C. Mgmt. Co., Inc.	2/255.55	\$17.84	"	\$17.84
Fitzhugh L. Lodge	5/255.55	\$44.60	"	\$44.60
Clyde Moore	11/255.55	\$98.12	"	\$98.12
C. L. Fuller	5/255.55	\$44.60	"	\$44.60
Charles B. Kingry	2/255.55	\$17.84	"	\$17.84

Owners and Disbursals (Cont'd):

<u>Owners</u>	<u>Interest</u>	<u>Dollar Share</u>	<u>Disbursed</u>	<u>Balance Due</u>
Raymond M. Gunn and Alma L. Gunn	5/255.55	\$ 44.60	None	\$ 44.60
J. A. LaFortune, Jr.	19/255.55	\$169.48	"	\$169.48
Estate of D. L. West, a/k/a D. W. West	65.5/255.55	\$584.28	"	\$584.28
Robert W. Langholz	6.375/255.55	\$ 56.87	"	\$ 56.87
Harry L. Wirick, Jr.	5/255.55	\$ 44.60	\$44.51	\$ .09
Wood Oil Company	20/255.55	\$178.40	None	\$178.40
Betty W. McClintock	10/255.55	\$ 89.20	"	\$ 89.20
Olga L. Wilcox	10/255.55	\$ 89.20	"	\$ 89.20
Price DeWeese	5/255.55	\$ 44.60	"	\$ 44.60
H. D. Weaver and L. Christine Weaver	10/255.55	\$ 89.20	"	\$ 89.20
J. L. Morehead )				
David R. Milsten ) - - -	25/255.55	\$223.00	"	\$223.00
Carrie Johnson )				
Travis I. Milsten)				
William Scheurich	6.375/255.55	\$ 56.87	"	\$ 56.87
H. A. Wright	12.75/255.55	\$113.73	"	\$113.73
William V. Kulchinski & Lettye Kulchinski (or Betty)	.05/255.55	\$ .45	"	\$ .45

TRACTS NOS. 2917, 2917E-1, 2917E-2, 2917E-3, 2917E-4 and 2917E-5

Award of Just Compensation - - - - - \$1,200.00

Deposited as Estimated Compensation - - - - - \$1,200.00

Owners and Disbursals:

<u>Owners</u>	<u>Interest</u>	<u>Dollar Share</u>	<u>Disbursed</u>	<u>Balance Due</u>
Lambert W. Bredehoff	1/12	\$100.00	None	\$100.00
Elmer Bredehoff	1/12	\$100.00	"	\$100.00
Clarence Bredehoff	1/12	\$100.00	"	\$100.00
Carl Bengtson, Executor of the Estate of Emma Bengtson, deceased	1/8	\$150.00	"	\$150.00
Roy Horner	1/8	\$150.00	"	\$150.00
Lotta H. Cowles	1/12	\$100.00	"	\$100.00
Robert M. Silverman	1/12	\$100.00	"	\$100.00
Margaret E. Wasson	1/12	\$100.00	"	\$100.00
Mary Wasson Henderson	1/12	\$100.00	"	\$100.00
Pattilina Wasson Hanson	1/12	\$100.00	"	\$100.00
V. M. Carl, Administrator of the Estate of Mary D. Gerard, deceased	11/144	\$ 91.66	"	\$ 91.66
Sumner Gerard	1/432	\$ 2.78	"	\$ 2.78
James W. Gerard	1/432	\$ 2.78	"	\$ 2.78
C. H. C. Gerard	1/432	\$ 2.78	"	\$ 2.78

TRACT NO. 8730-1M

Award of Just Compensation - - - - - \$306.00  
 Deposited as Estimated Compensation - - - - - \$153.00  
 Deposit Deficiency - - - - - \$153.00

Owners and Disbursals:

<u>Owners</u>	<u>Interest</u>	<u>Dollar Share</u>	<u>Disbursed</u>	<u>Balance Due</u>
M. A. Cox and Alice Cox	1/2 lessor and all (1/32 of 7/8) overriding royalty interest	\$172.00	None	\$172.00
James Roberts	1/6 lessor	\$ 33.34	None	\$ 33.34
Eastman Roberts	1/6 lessor	\$ 33.33	"	\$ 33.33
J. D. Roberts	1/6 lessor	\$ 33.33	"	\$ 33.33
Sibley Oil Co.	63/64 of the lessee interest, subject to ORRI	\$ 32.97	"	\$ 32.97
Opportune Invest- ments, Ltd.	1/64 of the lessee interest, subject to ORRI	\$ 1.03	None	\$ 1.03

TRACT NO. 9818-2M

Award of Just Compensation - - - - - \$3,715.00  
 Deposited as Estimated Compensation - - - - - \$3,715.00

Owners and Disbursals:

<u>Owners</u>	<u>Unitized Interest</u>	<u>Dollar Share</u>	<u>Disbursed</u>	<u>Balance Due</u>
Mildred H. Boock	.0032003	\$ 11.89	None	\$ 11.89
Carl Emil Boock and Cleo C. Boock	.0032003	\$ 11.89	"	\$ 11.89
Dale Kreger	.0003048	\$ 1.13	"	\$ 1.13
Elsie Kreger	.0003048	\$ 1.13	"	\$ 1.13
Mary Kreger Kress	.0003048	\$ 1.13	"	\$ 1.13
Carroll McKim	.0064006	\$ 23.78	"	\$ 23.78
Grace McCann	.0009144	\$ 3.40	"	\$ 3.40
Luella Clayton	.0009143	\$ 3.40	"	\$ 3.40
Louise P. Coyle	.0064006	\$ 23.78	"	\$ 23.78
Mary Jane Kreger	.0064006	\$ 23.78	"	\$ 23.78
Hazel Zane Lord	.0064006	\$ 23.78	"	\$ 23.78
Mabel S. Benedict	.0064006	\$ 23.78	"	\$ 23.78
Fay E. Kreger	.0009144	\$ 3.40	"	\$ 3.40
Lee Page Doctor	.0009144	\$ 3.40	"	\$ 3.40
Henry Riffey	.0002613	\$ .97	"	\$ .97
Frank Riffey	.0001306	\$ .49	"	\$ .49
Earl Riffey	.0002613	\$ .97	"	\$ .97
Wesley Riffey	.0001306	\$ .49	"	\$ .49
Virginia Riffey Schram	.0001306	\$ .48	"	\$ .48
Big Four Petroleum Company	.5860861	\$2,177.30	"	\$2,177.30
Maude D. Sellers	.0349323	\$129.77	"	\$ 129.77
Davis Coin Sellers, Jr.	.0077628	\$ 28.84	"	\$ 28.84
Janice Margaret Couch	.0077628	\$ 28.84	"	\$ 28.84
Miriam Amanda Lapham	.0077628	\$ 28.84	"	\$ 28.84
William Charles Sellers	.0077628	\$ 28.84	"	\$ 28.84

Owners and Disbursals (Cont'd):

<u>Owners</u>	<u>Unitized Interest</u>	<u>Dollar Share</u>	<u>Disbursed</u>	<u>Balance Due</u>
Melvin Smith and Preppa Smith	.0069790	\$ 25.93	None	\$ 25.93
Nadine Mann Knight and Marcella Mann Pierce	.0030533	\$ 11.34	"	\$ 11.34
E. L. Oliver	.2198772	\$816.84	"	\$816.84
Forrest E. Baker	.0089446	\$ 33.23	"	\$ 33.23
Lydia White Smith	.0120871	\$ 44.90	"	\$ 44.90
Maude Christian	.0120871	\$ 44.90	"	\$ 44.90
O.S. Anderson	.0241743	\$ 89.80	"	\$ 89.80
J. M. Hazelwood	.0069790	\$ 25.93	"	\$ 25.93
Onie Hood	.0009144	\$ 3.40	"	\$ 3.40
Myrtle Urquhart	.0089446	\$ 33.23	"	\$ 33.23

TRACT NO. 9818-3M

Award of Just Compensation	- - - - -	- \$1,750.00
Allocated:		
Lessor	- - - - -	\$1,250.00
Lessee	- - - - -	500.00
Deposited as Estimated Compensation	- - - - -	<u>\$1,750.00</u>

Owners and Disbursals:

<u>Owners</u>	<u>Interest</u>	<u>Dollar Share</u>	<u>Disbursed</u>	<u>Balance Due</u>
<u>Lessor Interest:</u>				
Mildred H. Boock	1/14	\$ 89.29	None	\$ 89.29
Carl Emil Boock and Cleo C. Boock	1/14	\$ 89.29	"	\$ 89.29
Dale Kreger	1/147	\$ 8.50	"	\$ 8.50
Elsie Kreger	1/147	\$ 8.50	"	\$ 8.50
Mary Kreger Kress	1/147	\$ 8.50	"	\$ 8.50
Carroll McKin	1/7	\$178.57	"	\$178.57
Grace McCann	1/49	\$ 25.51	"	\$ 25.51
Isabell A. Obermire and Francis Obermire	1/49	\$ 25.51	"	\$ 25.51
Luelia Clayton	1/49	\$ 25.51	"	\$ 25.51
Louise P. Coyle	1/7	\$178.57	"	\$178.57
Mary Jane Kreger	1/7	\$178.57	"	\$178.57
Hazel Zane Lord	1/7	\$178.57	"	\$178.57
Mabel S. Benedict	1/7	\$178.57	"	\$178.57
Fay E. Kreger	1/49	\$ 25.51	"	\$ 25.51
Lee Page Doctor	1/49	\$ 25.51	"	\$ 25.51
Henry Riffey	2/343	\$ 7.29	"	\$ 7.29
Frank Riffey	1/343	\$ 3.65	"	\$ 3.65
Earl Riffey	2/343	\$ 7.29	"	\$ 7.29
Wesley Riffey	1/343	\$ 3.65	"	\$ 3.65
Virginia Riffey Schram	1/343	\$ 3.64	"	\$ 3.64
<u>Leasehold Interest:</u>				
Big Four Petroleum Company	151/168	\$449.39	None	\$449.39
Maude D. Sellers	9/168	\$ 26.78	"	\$ 26.78
Davis Coin Sellers, Jr.	2/168	\$ 5.95	"	\$ 5.95
Janice Margaret Couch	2/168	\$ 5.96	"	\$ 5.96
Miriam Amanda Lapham	2/168	\$ 5.96	"	\$ 5.96
William Charles Sellers	2/168	\$ 5.96	"	\$ 5.96

TRACT NO. 9713-3M

Award of Just Compensation - - - - - \$2,000.00  
 Allocated: Lessor - - - - - \$1,000.00  
 Lessee - - - - - \$1,000.00  
 Deposited as Estimated Compensation - - - - - \$2,000.00

Owners and Disbursals:

<u>Owners</u>	<u>Interest</u>	<u>Dollar Share</u>	<u>Disbursed</u>	<u>Balance Due</u>
<u>Lessor Interest:</u>				
Carl Emil Bocock and Cleo C. Bocock	1/14	\$ 71.43	None	\$ 71.43
Mildred H. Bocock	1/14	\$ 71.43	"	\$ 71.43
Dale Kreger	1/147	\$ 6.80	"	\$ 6.80
Elsie Kreger	1/147	\$ 6.80	"	\$ 6.80
Mary Kreger Kress	1/147	\$ 6.80	"	\$ 6.80
Carroll McKim	1/7	\$142.86	"	\$142.86
Grace McCann	1/49	\$ 20.41	"	\$ 20.41
Issbell A. Obermire and Francis Obermire	1/49	\$ 20.41	"	\$ 20.41
Luella Clayton	1/49	\$ 20.41	"	\$ 20.41
Louise P. Ccyle	1/7	\$142.86	"	\$142.86
Mary Jane Kreger	1/7	\$142.86	"	\$142.86
Hazel Zaue Lord	1/7	\$142.86	"	\$142.86
Mabel S. Benedict	1/7	\$142.86	"	\$142.86
Fay E. Kreger	1/49	\$ 20.41	"	\$ 20.41
Lee Page Doctor	1/49	\$ 20.41	"	\$ 20.41
Henry Riffey	2/343	\$ 5.83	"	\$ 5.83
Frank Riffey	1/343	\$ 2.91	"	\$ 2.91
Earl Riffey	2/343	\$ 5.83	"	\$ 5.83
Wesley Riffey	1/343	\$ 2.91	"	\$ 2.91
Virginia Riffey Schraz.	1/343	\$ 2.91	"	\$ 2.91
<u>Leasehold Interest:</u>				
Big Four Petroleum Company		\$1,000.00	None	\$1,000.00

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Plaintiff shall pay into the Registry of this Court for the benefit of the former owners, the deposit deficiency for Tract No. 8730-1M in the amount of \$153.00. The Clerk shall credit such payment to the deposit for such tract in this case.

13.

It Is Further ORDERED, ADJUDGED and DECREED that the Clerk of this Court shall disburse from the deposits for the subject tracts, to each owner the balance due to him as shown by the schedule set forth above in paragraph 11.

1. As to all tracts except No. 8730-1M, the disbursals shall be made immediately.
2. As to Tract No. 8730-1M such disbursals shall be made as soon as the deficiency deposit be made by the Plaintiff.

The sums due to James Roberts, Eastman Roberts and J. D. Roberts shall be disbursed to the Area Director, Bureau of Indian Affairs, Muskogee Area Office for the benefit of each of said persons.

3. Provided, that since the following named persons cannot presently be found, the Clerk shall not disburse any funds to these persons until their addresses are made known to the Court:

(Tract No. 008-4M)

- Fitzhugh L. Dodge
- Clyde Moore
- C. L. Fuller
- Charles B. Kingry
- D. L. West.

14.

It Is Further ORDERED, ADJUDGED and DECREED that in the event that any funds on deposit in this civil action remain on deposit for a period of five years from the date of filing this judgment, then, after that period, the Clerk of this Court, without further order shall disburse the balance on deposit in this action to the Treasurer of the United States of America, pursuant to the provisions of Title 28, Section 2042, U.S. Code.

*Allen E. Barrow*  
UNITED STATES DISTRICT JUDGE

APPROVED:

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

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

United States of America,

Plaintiff,

vs.

Samuel Howard and Ella Mae  
Howard, husband and wife,

Defendants. )

CIVIL NO. 67-c-188

FILED

MAY - 1 1968

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

ORDER CONFIRMING MARSHAL'S SALE

NOW, on this 30 day of April, 1968, there comes on  
for consideration the Motion to Confirm Sale made by the United States  
Marshal for the Northern District of Oklahoma on  
under an Order of Sale dated March 6, 1968 of the following-described  
property, to-wit:

Lot Five (5), in Block Eight (8) of Gilkey's  
Addition to the City of Bartlesville, Oklahoma,

and the Court having examined the proceedings of the United States Marshal  
under the said Order of Sale, there being no exceptions thereto and no one  
appearing in opposition thereto, finds that due and legal notice of the  
sale was given once a week for four (4) consecutive weeks prior to the  
date of said sale in the Examiner-Enterprise, a newspaper of general  
circulation in <sup>ton</sup>Washing/County, State of Oklahoma, and that on the day  
fixed therein the aforesaid property was sold to the Admin. of Veterans Affairs  
he being the highest and best bidder therefor.

The Court finds that the sale was in all respects in conformity  
with the law and judgment of this Court and was legal in all respects.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the United  
States Marshal's Sale made pursuant to the Order of Sale heretofore issued  
herein, be, and the same is approved and confirmed.

IT IS FURTHER ORDERED that Doyle W. Foreman, United States  
Marshal for the Northern District of Oklahoma, execute and deliver to the  
purchaser, the Admin. of Veterans Affairs, a good and sufficient deed  
for the above-described real property.

APPROVED:

James M. Recicle  
JAMES M. RECICLE  
Assistant U. S. Attorney

Lida Dougherty  
UNITED STATES DISTRICT JUDGE

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

STANLEY LOOPER,

Plaintiff,

VS.

GENERAL ACOUSTICS, INC.,  
An Oklahoma Corporation,

Defendant.

No. 67-C-231

**FILED**

MAY - 1 1968

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

JOINT STIPULATION OF DISMISSAL  
WITH PREJUDICE

All the parties to this cause, consisting of Stanley Looper, Plaintiff, and General Acoustics, Inc., Defendant, hereby stipulate that they have agreed upon settlement of this cause, recognizing that the fact and extent of Defendant's liability are uncertain. By the terms of such agreement, the parties have agreed that Defendant shall pay an agreed upon and fair sum of money by installments to Plaintiff and his attorneys; in return, Plaintiff agrees to dismiss this suit with prejudice. In consideration of complete payment of said sum of money, the foregoing parties hereby pray that the Court enter its Order allowing Dismissal as stipulated herein.

DOERNER, STUART, MORELAND, SAUNDERS & DANIEL

By: *Harry L. Spay, III*

Harry L. Spay, III  
1200 Atlas Life Building, Tulsa, Oklahoma  
ATTORNEYS FOR PLAINTIFF

*John A. Cochran*

JOHN A. COCHRAN, Attorney at Law  
303 Franklin Building, Tulsa, Oklahoma  
ATTORNEY FOR DEFENDANT

ORDER ALLOWING DISMISSAL WITH PREJUDICE

Both parties hereto having stipulated that this cause may be dismissed with prejudice, the Court finds that such Dismissal

should be allowed as prayed by the Stipulation. The Court therefore orders that this cause be, and it hereby is, dismissed with prejudice.

  
Allen E. Sauer  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

Ray Marrow, . . . Plaintiff, )  
 )  
vs. ) No. 67 C 243  
 )  
John B. Hrneciar and Glen C. Clifton, )  
as individuals, and as partners dba )  
C & H Supply Company, . . . Defendants. )

**FILED**

MAY - 1 1968

STIPULATION FOR DISMISSAL

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

All issues involved herein having been fully settled and compromised,

It is stipulated by and between the parties that the above styled and numbered  
action may be dismissed with prejudice to the bringing of a future action.

Dated this 24th day of April, 1968.

s/ Ray Marrow  
Plaintiff

s/ Charles E. Daniel  
Counsel for Plaintiff

s/ A. W. Mauldin  
Counsel for Plaintiff

s/ R. D. Hudson  
Counsel for Defendants

ORDER

IT IS HEREBY ORDERED that the above styled and numbered action  
be dismissed with prejudice this 29th day of April, 1968.

/s/ Luther Bohanon  
U. S. District Judge

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

FILED

MAY - 2 1968

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

Billy W. Hill, Horace B. Mullens, )  
Garm M. Scobie, John Engberg, )  
and Bill Houghey, )  
Plaintiffs, )  
vs. )  
Ray H. Page, Park J. Anderson, et al., )  
Defendants. )

Miscellaneous No. 465

ORDER

The above named Plaintiffs, Oklahoma State Penitentiary Prisoners, have presented to this Court a civil case against their keepers claiming cruel and inhuman treatment in their confinement and seeking damages against the Defendants in the amount of \$7,500,000.00.

The civil case is presented to this Court for filing in forma pauperis without payment of court costs pursuant to Title 28, United States Code, §1915.

The Court has caused the case to be placed on the Miscellaneous Docket of the Court under the above case number.

The Court has examined the complaint presented by the Plaintiffs and finds the same to have no ultimate chance of success in the Federal Courts.

Accordingly, the Court denies the Plaintiffs' Petition for leave to proceed in this case by filing the same in forma pauperis without the payment of court costs and directs the Clerk not to file the case on the regular court docket without receiving the required court cost deposit. Weller v. Dickson, 314 F. 2d 598 (Ninth Cir.-1963).

Dated this 2 day of May, 1968.

*Fred Daugherty*  
Fred Daugherty  
United States District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

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

CIVIL ACTION NO. 5999

Tracts Nos.: 2422-1  
2422-2  
2422E-1  
2422E-2  
2422E-3

~~FILED AND  
REFERRED~~

J U D G M E N T

MAY - 2 1968

1.

AT \_\_\_\_\_ M.  
NOBLE C. HOOD  
Clerk, U. S. District Court

Now, on this 2 day of May, 1968, this matter comes on for dis-

position on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on April 2, 1968, 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 estates taken in the tracts enumerated in the caption above, as such estates and 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 tracts of land. Pursuant thereto, on July 21, 1964, the United States of America filed its Declaration of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such Declaration of Taking.

6.

On the filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estates in the subject tracts, a certain sum of money and part of this deposit has been disbursed as set out in paragraph 13 below.

7.

The Report of Commissioners filed herein on January 10, 1968 as supplemented by the Supplemental Report of Commissioners filed herein on April 2, 1968, is hereby accepted and adopted as a finding of fact as to the oil and gas leasehold interest in the estates taken in the subject tracts. The amount of just compensation as to this interest in the subject tracts as fixed by the Commission is set out in paragraph 13 below.

8.

The owners of the lessor interest in the estate taken in the subject tracts and the United States of America, have executed an Option for Purchase of Subordination of Mineral Estate, as alleged in the Complaint herein, whereby such parties have agreed that the just compensation for such interest is in the amount shown in paragraph 13 below, and such option contract should be approved.

9.

This judgment will create a deficiency between the amount deposited as estimated compensation for subject tracts and the amount awarded as just compensation, and the amount of such deficiency should be deposited for the benefit of the owners. Such deficiency is set out in paragraph 13 below.

10.

On the date of taking in this action, the owners of the estates taken in subject tracts were the defendants whose names are shown in paragraph 13 below. Such named defendants are the only persons asserting any interest in the estates taken in such tracts, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the estates taken in these tracts.

11.

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 and

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

12.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking, the owners of the estates condemned herein in subject tracts were the defendants whose names appear below in paragraph 13, and the right to receive the just compensation for the estates taken herein in these tracts is vested in the parties so named.

13.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners described in paragraph 7 above and the option contract described in paragraph 8 above are approved and the sum fixed thereby is adopted as the award of just compensation for the estates taken in subject tracts as follows:

TRACTS NOS. 2422-1, 2422-2, 2422E-1,  
2422E-2 and 2422E-3

Award of Just Compensation for All Interests - - - - - \$16,760.00

Allocation of Award:

To lessor interest pursuant to  
option contract - - - - - \$ 2,660.00

To leasehold interest pursuant to  
Commissioners' Report - - - - \$14,100.00

Deposited as estimated compensation - - - - - \$ 5,120.00

Deposit Deficiency - - - - - \$11,640.00

Owners and Disbursals:

<u>Lessor Interest Owners:</u>		<u>Disbursed</u>	<u>Balance Due</u>	
Elora Hubbard	} - - - -	\$2,660.00	None	
W. George Hubbard				
Elizabeth Hubbard Ealy				
<u>Leasehold Interest Owners</u>	<u>Interest</u>	<u>Dollar Share</u>	<u>Disbursed</u>	<u>Balance Due</u>
Ray Spess	1/2	\$7,050.00	\$1,230.00	\$5,820.00
T. E. Burch, guardian of Grace Droppleman	1/18	783.33	None	783.33
Paul Droppleman	1/72	195.84	"	195.84
Donald Droppleman	1/72	195.84	"	195.84
Bernard Droppleman	1/36	391.67	"	391.67
Bertha F. Droppleman, Executrix of the Estate of James Droppleman, deceased	1/18	783.33	"	783.33

Leasehold Interest Owners & Disbursals (Cont'd)

<u>Leasehold Interest Owners</u>	<u>Interest</u>	<u>Dollar Share</u>	<u>Disbursed</u>	<u>Balance Due</u>
Edna Bronushas	1/18	\$783.33	None	\$783.33
Lorena Fahey	1/18	783.33	"	783.33
Virginia Armstrong	1/72	195.83	"	195.83
Mary B. Finger	1/36	391.67	"	391.67
County National Bank, Middleton, New York, Admin- istrator of Estate of Ella J. Keile, deceased	1/18	783.33	"	783.33
Irene Lunsford Allman	1/54	261.11	"	261.11
Mary Mulooly	1/36	391.67	"	391.67
Ruth Lunsford Allen	1/54	261.11	"	261.11
Catherine Geary	1/36	391.67	"	391.67
Oscar William Lunsford	1/54	261.11	"	261.11
Helen Taylor	1/72	195.83	"	195.83

14.

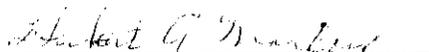
It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court the deposit deficiency as shown in paragraph 13 above, together with interest thereon at the rate of 6% per annum from July 21, 1964, until the date of such payment by the Government. Such payment shall be credited to the deposit for the subject tracts.

15.

It Is Further ORDERED that when such deficiency has been deposited, the Clerk of this Court shall disburse from the deposit for the subject tracts, to each owner the balance due to him or her as shown by the schedule in paragraph 13 above, together with his or her share of the accrued interest as indicated by the fraction following his or her name.

  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
HUBERT A. MARLOW  
Assistant United States Attorney

ELSIE GERTRUDE LONGBACH,  
Plaintiff,

vs.

GARY RONALD DELLINGER,  
Defendant.

NO. Civil 67-C-227

**FILED**

MAY - 2 1968

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

ORDER OF DISMISSAL WITH PREJUDICE

Now on this 30<sup>th</sup> day of April, 1968 there comes on for hearing

before the Court the motion heretofore filed by plaintiff and defendant for dismissal with prejudice of the abovestyled and captioned cause, and the Court having considered said motion, finds that the motion should be approved in all respects and that this action should be dismissed with prejudice.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the above-captioned civil action be and the same is hereby dismissed with prejudice.

*Luther Bohannon*  
\_\_\_\_\_  
Judge of the United States District Court

APPROVED AS TO FORM:

*Thomas A. Landrith, Jr.*  
\_\_\_\_\_  
Thomas A. Landrith, Jr., Attorney for Plaintiff

BEST, SHARP, THOMAS AND GLASS

BY *Jack M. Thomas*  
\_\_\_\_\_  
Jack M. Thomas  
Attorneys for Defendant

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
Plaintiff,  
vs.  
15.20 Acres, More or Less, in Rogers  
County, Oklahoma, including all accre-  
tions and riparian rights thereto, and  
Norton H. Bacon, et al, and Unknown  
Owners,  
Defendants.

CIVIL ACTION NO. 6555

Tract No. 304

**FILED**

MAY - 3 1968

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

J U D G M E N T

1.

Now, on this 3rd day of May, 1968, this matter comes on for dis-  
position on application of the Plaintiff, United States of America, for entry of  
Judgment on a contract, wherein the owners and the Plaintiff have agreed upon  
the amount of just compensation, and the Court, after having examined the files  
in this action and being advised by counsel for Plaintiff finds:

2.

This Judgment applies only to the estate condemned in Tract No. 304,  
as such estate and tract are described in the Complaint and the Declaration of  
Taking filed in this civil action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein  
give the United States of America the right, power and authority to condemn for  
public use the estate described in paragraph 2 herein. Pursuant thereto, on  
October 13, 1966, the United States of America has 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 the subject tract, a certain sum of money, all of which has been disbursed, as set out in paragraph 11 below.

7.

On the date of taking in this action, the owners of the estate taken in the subject tract were the defendants whose names are shown in paragraph 11 below. Such named defendants are the only persons asserting any interest in 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 former owner of the subject tract and the United States of America have executed a contract, designated as "Offer to Sell Real Property", as alleged in the Complaint, wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in paragraph 11, 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 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 the Declaration of Taking, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim thereto.

10.

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

It Is Further ORDERED, ADJUDGED and DECREED that the contract, mentioned 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. 304

Award of just compensation pursuant to contract - - - - - \$6,000.00  
Deposited as estimated compensation - - - - - \$6,000.00

Owners and disbursal:

<u>Owners</u>	<u>Interest Owned</u>	<u>Disbursed</u>	<u>Balance Due</u>
Norton H. Bacon	Fee	\$6,000.00 to owners, jointly	None
E. G. Kunze	Lease		None

/s/ Allen E. Barron  
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 ) Plaintiff, )  
 )  
 vs. )  
 )  
 14.32 Acres, More or Less, in Rogers )  
 County, Oklahoma, including all accre- )  
 tions and riparian rights thereto, and )  
 Effie Myrtle Rogers, a/k/a Effie Freeman )  
 Rogers, et al, and Unknown Owners, )  
 )  
 Defendants. )

CIVIL ACTION NO. 6557

Tract No. 312

**FILED**

MAY - 3 1968

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

J U D G M E N T

1.

Now, on this 3rd day of May, 1968, this matter comes on for dis-  
position on application of the Plaintiff, United States of America, for entry of  
judgment on a contract, wherein the owners and the Plaintiff have agreed upon  
the amount of just compensation, and the Court, after having examined the files  
in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies only to the estate condemned in Tract No. 312,  
as such estate and tract are described in the Complaint and the Declaration of  
Taking filed in this civil action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein  
give the United States of America the right, power and authority to condemn for  
public use the estate described in paragraph 2 herein. Pursuant thereto, on  
October 13, 1966, the United States of America has 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 the subject tract, a certain sum of money, all of which has been disbursed, as set out in paragraph 11 below.

7.

On the date of taking in this action, the owners of the estate taken in the subject tract were the defendants whose names are shown in paragraph 11 below. Such named defendants are the only persons asserting any interest in 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 former owners of the subject tract and the United States of America have executed a contract, designated as "Offer to Sell Real Property", as alleged in the Complaint, wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in paragraph 11, 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 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 the Declaration of Taking, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim thereto.

10.

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

It Is Further ORDERED, ADJUDGED and DECREED that the contract, mentioned 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. 312

Award of just compensation pursuant to contract - - - - - \$2,500.00  
Deposited as estimated compensation - - - - - \$2,500.00

Owners and disbursal:

<u>Owners</u>	<u>Interest Owned</u>	<u>Disbursed</u>	<u>Balance Due</u>
Leone Beatrice Lindsey	1/2	\$2,500.00 to owners, jointly	None
Estate of Effie Freeman Rogers, deceased, (W.H. Noel, Administrator)	1/2		None

1st Allen S. Barrow  
UNITED STATES DISTRICT JUDGE

APPROVED:

1st Hubert A. Marlow  
HUBERT A. MARLOW  
Assistant United States Attorney

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

LEE WAY MOTOR FREIGHT, INC., a  
foreign corporation,

Plaintiff,

vs.

ST. LOUIS-SAN FRANCISCO RAILWAY  
COMPANY, a foreign corporation,  
and J. V. ALBERTY,

Defendants.

68-C-61

**FILED**

MAY - 3 1968

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

MEMORANDUM OPINION AND ORDER REMANDING

This action was originally commenced in the District Court of Tulsa County, Oklahoma, on February 5, 1968. Defendant, St. Louis-San Francisco Railway Company was served with summons on February 6, 1968, and defendant, J. V. Alberty was served with summons on February 7, 1968. On March 5, 1968, the defendant, St. Louis-San Francisco Railway Company, removed the case to this Court. The jurisdictional allegation as to the amount in controversy is correct. The diversity allegation has been attacked by plaintiff by Motion to Remand filed on April 17, 1968. The allegation in question is, to-wit:

"Your petitioner further states that in said suit there is a controversy which is between citizens of different states, and which can be fully determined between them, to-wit, a controversy between the plaintiff which, at the time of the commencement of said suit was a Delaware Corporation having its principal place of business in Oklahoma City, Oklahoma, and the defendant, which at the time of the commencement of said action was, and now is a Missouri corporation, having its principal place of business in St. Louis, Missouri; and there are no other parties to said suit except J. V. Alberty, who was not operating the train in question at the time of the accident complained of."

Although the citizenship of the individual defendant is not alleged in the removal petition, it is properly alleged in the original complaint. On March 5, 1968, both defendants filed individual answers in this Court, and in the answer of J. V. Alberty, he denies that he was operating the train in question at the time of the accident.

Both parties, plaintiff, and the defendant, St. Louis-San Francisco Railway Company, have filed briefs on the question of whether the instant case has been properly removed.

The Court will review the positions of the parties separately, for the purpose of clarity.

Plaintiff claims that the petition for removal is fatally defective because the petition, on its face, does not contain any allegation that shows the case to be removable. Plaintiff states that it is anticipated that the defendant railway company will contend that its removal is possibly based upon fraudulent joinder, and they alleged the showing must consist of statements of facts apart from the pleader's deductions rightly leading to that conclusion. Plaintiff further contends that the right to amend the removal petition is no longer available to defendant railway company due to the fact that the time to remove has long expired.

Defendant railway company contends that since answers were filed on March 5, 1968, and the Motion to Remand was not filed until April 17, 1968, it was not timely filed, although no cases are cited in support of this theory. They contend since all the allegations of negligence go to the operation of the train and the verified denial that the individual resident defendant was not operating the train, that this case was properly removed.

The Court has very carefully considered the entire file in this case, the briefs and positions of the parties, and concludes that the case was not properly removed.

The petition for removal does not allege any grounds for removal. It only alleges that diversity of citizenship exists and that no cause of action exists against Alberty since it is alleged that he was not operating the train.

Two old Supreme Court cases, Chesapeake & Ohio Ry. Co. v. Cockrell, 232 U.S. 147 (this is a landmark case cited many times) and South Railway v. Lloyd, 239 U.S. 496, lay down the rule that a petition for removal must set forth statement of facts alleging grounds for removal---that if a resident defendant is joined with a non-resident defendant, the joinder, though fair on its face, may be shown by petition for removal to be only a fraudulent device to prevent removal. It is not enough to allege fraudulent joinder but facts in support thereof must be alleged. Here, Frisco did not even allege that there was a fraudulent joinder in its petition for removal.

In Southern Railway v. Lloyd, supra, the Court said:

"In no case can the right of removal be established by a petition to remove which amounts simply to a traverse of the facts alleged in the plaintiff's petition, and in that way undertaking to try the merits of a cause of action good upon its face. Chesapeake & Ohio Ry. v. Cockrell, 232 U.S. 146. It is only in cases wherein the facts alleged in the petition for removal are sufficient to fairly raise the issue of fraud that the state court is required to surrender its jurisdiction. \*\*\*"

In Poliot v. Molasky, 8 Cir., 123 F.2d 258, the Court said:

"The law is that where a resident defendant is joined, the joinder, although fair upon its face, may be shown by a petition for removal to be only a sham or fraudulent device

to prevent removal, but the showing must consist of a statement of facts rightly leading to that conclusion, apart from the pleader's deductions. 'Merely to traverse the allegations upon which the liability of the resident defendant is rested, or to apply the epithet 'fraudulent' to the joinder, will not suffice; the showing must be such as compels the conclusion that the joinder is without right and made in bad faith.'

In *Houser v. Kurn* (10th C.C.A.) 100 F.2d 488, the Court said the burden was upon the Railway Company and its receivers to allege and prove fraudulent joinder. *Alabama Great Southern Ry. Co. v. Thompson*, 200 U.S. 206.

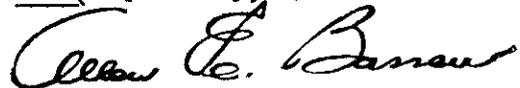
In addition, the Court notes that while defendant railway company, in its jurisdictional averments alleges that plaintiff was a Delaware corporation at the time of the commencement of the action, with its principal place of business in Oklahoma City, Oklahoma, there is no allegation that plaintiff is now a Delaware corporation, nor where its principal place of business is now.

Removal statutes must be strictly construed. *Smith v. Dealers Transit, Inc.*, 239 F.Supp. 605.

It does appear to the Court that this action was removed improvidently and without jurisdiction, and an order of remand of the action is being entered.

IT IS, THEREFORE, ORDERED that this cause be and the same is hereby remanded to the District Court of Tulsa County, Oklahoma.

ENTERED this 3rd day of May, 1968.



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UNITED STATES DISTRICT JUDGE

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

William John Thomas,

Plaintiff,

vs.

John P. Rodina, Woods  
Industries, Inc., and  
Transport Insurance  
Company,

Defendants,

No. 67-C-242

FILED DS

MAY - 6 1968

ORDER

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

NOW, on this 3rd day of May, 1968, the Court  
has before it for consideration and action the Stipulation  
for Dismissal executed by the plaintiff, William John Thomas,  
and his attorney of record, Jack C. Brown.

IT IS THEREFORE ORDERED that the Stipulation for  
Dismissal is approved and the above entitled cause is dismiss-  
ed with prejudice to a future action, at the cost of the defend-  
ants.

APPROVED:

Jack C. Brown  
Attorney for Plaintiff.

Charles J. Burns  
Attorney for Defendants.

Carl E. Brown  
United States District Judge

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

United States of America,

Plaintiff,

CIVIL NO. 67-C-139

vs.

James E. Carey and  
Etta G. Carey,

Defendants.)

**FILED**

MAY - 8 1968

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

ORDER CONFIRMING MARSHAL'S SALE

NOW, on this 7<sup>th</sup> day of May, 1968, there comes on

for consideration the Motion to Confirm Sale made by the United States  
Marshal for the Northern District of Oklahoma on

under an Order of Sale dated February 6, 1968 of the following-described  
property, to-wit:

Lot Thirteen (13), Block Three (3), Hartford Hills  
Addition to the City of Tulsa, County of Tulsa,  
State of Oklahoma, according to the recorded plat  
thereof,

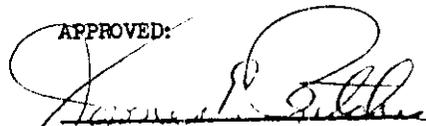
and the Court having examined the proceedings of the United States Marshal  
under the said Order of Sale, there being no exceptions thereto and no one  
appearing in opposition thereto, finds that due and legal notice of the  
sale was given once a week for four (4) consecutive weeks prior to the  
date of said sale in the Tulsa Daily Legal News, a newspaper of general  
circulation in Tulsa County, State of Oklahoma, and that on the day  
fixed therein the aforesaid property was sold to the Admin. of Veterans Affairs  
he being the highest and best bidder therefor.

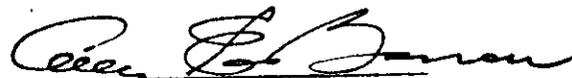
The Court finds that the sale was in all respects in conformity  
with the law and judgment of this Court and was legal in all respects.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the United  
States Marshal's Sale made pursuant to the Order of Sale heretofore issued  
herein, be, and the same is approved and confirmed.

IT IS FURTHER ORDERED that Doyle W. Foreman, United States  
Marshal for the Northern District of Oklahoma, execute and deliver to the  
purchaser, the Admin. of Veterans Affairs, a good and sufficient deed  
for the above-described real property.

APPROVED:

  
JAMES E. RITCHIE  
Assistant U. S. Attorney

  
UNITED STATES DISTRICT JUDGE

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

United States of America,

Plaintiff,

CIVIL NO. 67-C-143

vs.

John W. Bogner and Wayne M.  
Sampson,

Defendants.

FILED

MAY - 8 1968

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

ORDER CONFIRMING MARSHAL'S SALE

NOW, on this 7<sup>th</sup> day of May, 1968, there comes on

for consideration the Motion to Confirm Sale made by the United States  
Marshal for the Northern District of Oklahoma on  
under an Order of Sale dated February 6, 1968 of the following-described  
property, to-wit:

Lot Eleven (11), Block One (1), Yahola Heights  
Addition to the City of Tulsa, Tulsa County,  
State of Oklahoma, according to the recorded  
plat thereof,

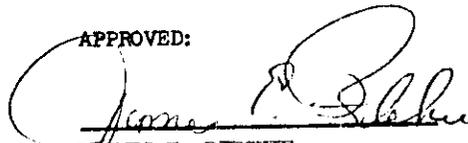
and the Court having examined the proceedings of the United States Marshal  
under the said Order of Sale, there being no exceptions thereto and no one  
appearing in opposition thereto, finds that due and legal notice of the  
sale was given once a week for four (4) consecutive weeks prior to the  
date of said sale in the Tulsa Daily Legal News, a newspaper of general  
circulation in Tulsa County, State of Oklahoma, and that on the day  
fixed therein the aforesaid property was sold to the Admin. of Veterans Affairs,  
he being the highest and best bidder therefor.

The Court finds that the sale was in all respects in conformity  
with the law and judgment of this Court and was legal in all respects.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the United  
States Marshal's Sale made pursuant to the Order of Sale heretofore issued  
herein, be, and the same is approved and confirmed.

IT IS FURTHER ORDERED that Doyle W. Foreman, United States  
Marshal for the Northern District of Oklahoma, execute and deliver to the  
purchaser, the Admin. of Veterans Affairs, a good and sufficient deed  
for the above-described real property.

APPROVED:

  
JAMES E. RITCHIE  
Assistant U. S. Attorney

  
UNITED STATES DISTRICT JUDGE

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

United States of America,

Petitioner,

vs.

Gerald David Wimberly,

Patient.

Civil No. 68-C-82

**FILED**

MAY - 8 1968

O R D E R

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

On this date, it appearing from the reports received by this Court (which are filed coincident herewith) that both of the examining physicians at the National Institute Mental Health Clinical Research Center, Fort Worth, Texas, have determined that the above named patient is not one who is likely to be rehabilitated through treatment, it is hereby ORDERED that these proceedings be dismissed and that said patient be discharged immediately from the care and custody of the Surgeon General.

Entered this 8th day of May, 19 68.



United States District Judge

Inez Brashear,

Plaintiff,

No. 603107 <sup>101</sup>

The Atchison, Topeka and Santa Fe  
Railway Company, a Foreign Corporation,

Defendant.

**FILED**

*In open court*  
MAY - 8 1968

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

JUDICIAL ENTRY OF JUDGMENT

Now, on this 8th day of May, 1968, the same being one of the regular judicial days of this court, the above cause came on for hearing in its regular order, and pursuant to agreement of plaintiff and defendant. The plaintiff appeared in person, and by her attorneys Brown and Arthur and Blackstock & Whelan, and the defendant appeared by Rainey, Flynn, Veld, Hines, Ross & Coyle, its attorneys, and each of the parties announced ready for trial, and also announced that they had agreed to, and did waive any trial of said action, and agreed to try the same on default all issues in said cause to the court.

The court, having heard the evidence on behalf of plaintiff and defendant, and having considered the pleadings and being well and sufficiently advised in the premises, finds that Inez Brashear is entitled to recover of and from the defendant, on account of the allegations and things set forth in plaintiff's petition, the sum of \$17,500.00 and the costs of this action, and that said sum should be, and the same is awarded as full and complete damages to plaintiff for injuries received by her on April 10, 1966, when she was a passenger in an automobile driven by Charles Brinkhoff, which automobile



plaintiff's automobile, which was a  
company's automobile, driven by driver, which  
was involved in a collision with a train of the  
defendant railway company at the intersection of its railroad  
tracks and West Creek Street in Muskogee, Oklahoma.

IT IS THEREFORE, ORDERED, ADJUDGED  
AND DECREED by the court that plaintiff have and recover of  
and from the defendant, The Muskogee, Weeks and Santa Fe  
Railway Company, judgment in the amount of \$17,500.00, plus  
costs of this action, and the defendant is directed  
to pay the said sum of \$17,500.00 to the plaintiff  
of this court and hereafter be absolved from any and all further  
liability in the cause of action set forth in plaintiff's petition,  
and for all expenses sustained by plaintiff.

Allen E. Garrow  
Judge, United States District Court,  
Northern District of Oklahoma

O. K.

DEBORAH and ARTHUR and  
BLACKSTOCK & McWILLAN

By \_\_\_\_\_  
Attorneys for Plaintiff

WINEY, FLEMING, WELCH, WALLACE,  
ROSS & COOPER

By \_\_\_\_\_  
Attorneys for Defendant.

IN SENATE  
NORTHWEST TERRITORY OF CANADA

William Brashear,

Plaintiff,

The Atchison, Topeka and Santa Fe  
Railway Company, - Foreign corporation,

Defendant.

No. 682105

**FILED**

*U. S. District Court*  
MAY - 8 1968

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

JOURNAL ENTRY OF JUDGMENT

Now, on this 8th day of May, 1968, the same being one of the regular judicial days of this court, the above cause came on for hearing in its regular order, and pursuant to agreement of plaintiff and defendant. The plaintiff appeared in person and by his attorneys Browne and Arthur and Blackstock & McMillan, and the defendant appeared by Rainey, Flynn, Welch, Wallace, Ross & Cooper, its attorneys, and each of the parties announced ready for trial, and also announced that they had agreed to, and did waive a jury trial in said action, and agreed to try the same and submit all issues in said cause to the court.

The court, having heard the evidence on behalf of plaintiff and defendant, and having considered the pleadings and being well and sufficiently advised in the premises, finds that William Brashear is entitled to recover of and from the defendant, on account of the allegations and things set forth in plaintiff's petition, the sum of \$15,000.00 and the costs of this action, and that said sum should be, and the same is awarded as full and complete damages to plaintiff for the death of Sylvia Ann Brashear and Judy Brashear and medical expenses for the care and treatment of his daughter Margaret

in violation of the Federal Motor Vehicle Safety Act of 1966, and for the loss of said three children of said wife, their support, as the result of an accident on June 17, 1966, when said three children and wife were passengers in an automobile driven by Charles Critchick, which automobile was involved in a collision with a train of said defendant railway company at the intersection of said defendant's railroad tracks and West Creek Street in Marietta, Oklahoma.

IT IS, WHEREFORE, CONSIDERED, ADJUDGED AND DECREED by the court that plaintiff have and recover of and from the defendant, The Atchison, Topeka and Santa Fe Railway Company, judgment in the sum of \$15,000.00, with costs of this action, and the defendant is directed and ordered to pay the said sum of \$15,000.00 to the clerk of this court and thereafter be absolved from and all further liability on the cause of action set up in plaintiff's petition, and for all damages sustained by plaintiff.

*J. Allen E. Brown*  
Judge, United States District Court,  
Northern District of Oklahoma

BROWN and ARTHURS and  
BLACKSTOCK & McMILLAN

By \_\_\_\_\_  
Attorneys for Plaintiff

ROBBY, FINN, BECH, WALLACE,  
ROSS & COOPER

By \_\_\_\_\_  
Attorneys for Defendant.

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

KENNETH L. REAHER,  
TRUSTEE IN BANKRUPTCY FOR:  
The Estate of:

GLEASON ROMANS,  
A Bankrupt,

Plaintiff,

vs.

CHARLOTTE SUE LIVERGOOD, formerly  
ROMANS, RICHARD LLOYD ROMANS, BETA J.  
ROMANS, individually and as  
TRUSTEE OF THE GLEASON WILSON ROMANS  
TRUST, AN EXPRESS TRUST, GLEASON  
WILSON ROMANS, a minor, FLORENE DUTTON,  
formerly ROMANS, AVIATION, INC., A  
Corporation, TOTAH, INC., a Corporation  
and GLEASON ROMANS,

Defendants.

CIVIL ACTION  
NO. 6580

FILED

MAY 17 1968

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

AMENDED JUDGMENT

At Tulsa, within said District, on this 17th day of  
May, 1968, this cause comes on for hearing upon the plaintiff's  
motion to amend the Judgment heretofore entered in this cause,  
on the 25th day of March 1968, and the plaintiff appears in per-  
son and by his Attorneys, Morris L. Bradford and Wm. J. Threadgill  
and the defendants appear by their Attorneys, Pat Malloy and  
Floyd L. Walker.

Upon the pleadings, pre-trial statements and admissions  
and statements by all counsel, the Court finds that the plaintiff  
has sustained allegations of his complaint and Judgment should  
be entered for the plaintiff, by amending the Judgment heretofore  
entered on the 25th day of March 1968, to read and state as  
follows:

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

1. (a) The transfer of real estate by Gleason Romans to  
Charlotte Sue Livengood, Richard Lloyd Romans,  
Beta J. Romans as Trustee of the Gleason Wilson

Romans Trust and Reta Jean Romans on March 30, 1966, which property is hereafter more particularly described by documents annexed hereto and marked "Exhibit A," be and the same is, hereby declared to be void and such transfer is hereby annulled, set aside and held for naught.

(b) The transfer of seven (7) Charolais cattle, two (2) horses and twenty-seven (27) stock cattle, along with miscellaneous equipment, to Charlotte Sue Livergood, Richard Lloyd Romans, Reta J. Romans, as Trustee of the Gleason Wilson Romans Trust, and Reta J. Romans, individually, is hereby declared to be void, and such transfer is hereby annulled, set aside and held for naught.

2. The transfer by Gleason Romans of the following listed shares of corporate stock to the following named defendants, be and the same are hereby declared to be void and such transfers are hereby annulled, set aside and held for naught:

- (a) Charlotte Sue Romans (now Livergood) one hundred eighty one (181) shares of the common stock of Aviation, Inc., an Oklahoma Corporation.
- (b) Reta J. Romans, ninety one (91) shares of the common stock of Aviation, Inc., an Oklahoma Corporation
- (c) Reta J. Romans, as Trustee of the Gleason Wilson Romans Trust, ninety (90) shares of the common stock of Aviation, Inc., an Oklahoma Corporation.

3. The plaintiff's cause of action upon voidable preference against the defendant, Reta J. Romans, is hereby dismissed, without prejudice, at the request of plaintiff and said defendant.

4. The cost and expenses of the Receivership proceeding

COPY

hercin shall be borne by, and be a charge and lien upon the real and personal property mentioned in the foregoing paragraphs except that the plaintiff, as Trustee of the Estate of Gleason Romans, a Bankrupt, shall pay from the general assets of said Estate the sum of \$2,000.00 to Ainslie Perrault, as and for full Receivers fee in these proceedings, and the sum of \$2,000.00 to James O. Ellison, as and for full and complete Attorney for Receivers fee. Said sum shall be paid upon the filing of the final Receivers report herein and approval thereof.

*Alan E. Barrow*  
 \_\_\_\_\_  
 DISTRICT JUDGE

APPROVED:

\_\_\_\_\_  
 ATTORNEY FOR PLAINTIFF

\_\_\_\_\_  
 ATTORNEY FOR DEFENDANT

C  
 O  
 D  
 Y

The South 15 acres of Lot 1, Section 1, subject to a flowage easement to the United States of America over all that part of the following described tracts lying below elevation 610.0' M.S.L.: The South 2.50 acres of the North 5.00 acres of the Southeast 10.00 acres of Lot 1; the South 5.00 acres of the Southeast 10.00 acres of Lot 1; the South 1.25 acres of the Northeast 2.50 acres of the Southwest 10.00 acres of Lot 1; the East 1.25 acres of the Southeast 2.50 acres of the Southwest 10.00 acres of Lot 1; the South 1.25 acres of the Northwest 2.50 acres of the Southwest 10.00 acres of Lot 1; the North 1.25 acres of the Southwest 2.50 acres of the Southwest 10.00 acres of Lot 1, said flowage easement containing 2.56 acres

AND

A tract of land in Lot 2 of Section 1 and the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 1, more particularly described as follows: Commencing at a point on the East line of Lot 2, 495 feet North of the Southeast corner of said lot; thence Southwesterly on a straight line to a point 330 feet west and 165 feet north of the Southeast corner of said Lot 2; thence West and parallel with the South line of said lot 330 feet to a point 660 feet west and 165 feet North of the Southeast corner of said Lot 2; thence Southwesterly on a straight line to a point 495 feet East and 165 feet South of the Northwest corner of the SW $\frac{1}{4}$  of NE $\frac{1}{4}$ ; thence Southwesterly on a straight line to a point on the South line of the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 1, 165 feet East of the Southwest corner of said SW $\frac{1}{4}$  of NE $\frac{1}{4}$ ; thence East on the South line of the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  to the Southeast corner thereof; thence North along the East line of the SW $\frac{1}{4}$  of NE $\frac{1}{4}$  and the East line of Lot 2 to the point of beginning, subject to flowage easement to the United States of America over all that part of the following described tracts lying below elevation 610.0' M.S.L.: The Southeast diagonal 0.3125 acres of the Southeast 0.625 acres of the Northeast 2.50 acres of the Southeast 10.00 acres of Lot 2, the Northeast 0.625 acres of the Southeast 2.50 acres of the Southeast 10.00 acres of Lot 2, the Southeast diagonal 0.3125 acres of the Northwest 0.625 acres of the Southeast 2.50 acres of the Southeast 10.00 acres of Lot 2, the South 2.50 acres of the South 5.00 acres of the Southeast 10.00 acres of Lot 2, the W $\frac{1}{2}$  of NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$  and the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$  and the N $\frac{1}{2}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$  and the NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$  and a tract of land in the Southeast 0.625 acres of the Southeast 2.50 acres of the Southwest 10.00 acres of Lot 2, the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$  more particularly described as: Beginning at the Northeast corner of said Southeast 0.625 acres of the Southeast 2.50 acres of the Southwest 10.00 acres of Lot 2; thence South 330.00 feet to the Southeast corner of said NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ ; thence West 165.00 feet to the Southwest corner thereof; thence Northeasterly on a straight line to the point of beginning, SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$  and the E $\frac{1}{2}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$  and the E $\frac{1}{2}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , and a tract of land in the E $\frac{1}{2}$  of W $\frac{1}{2}$  of SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , and

the  $\frac{1}{2}$  of  $E\frac{1}{2}$  of  $SW\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $NE\frac{1}{4}$  and the  $\frac{1}{2}$  of  $SE\frac{1}{4}$  of  $NW\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $NE\frac{1}{4}$  and the  $SW\frac{1}{4}$  of  $NE\frac{1}{4}$  of  $NW\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $NE\frac{1}{4}$ , more particularly described as: Beginning at the Southwest corner of said  $E\frac{1}{2}$  of  $W\frac{1}{2}$  of  $SW\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $NE\frac{1}{4}$ ; thence East 330.00 feet to the Southeast corner of said  $W\frac{1}{2}$  of  $E\frac{1}{2}$  of  $SW\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $NE\frac{1}{4}$ ; thence North 1155.00 feet to the Northeast corner of said  $SW\frac{1}{4}$  of  $NE\frac{1}{4}$  of  $NW\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $NE\frac{1}{4}$ ; thence Southwesterly on a straight line to the point of beginning, said flowage easement containing 3.68 acres.

AND

The  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$  and the  $E\frac{1}{2}$  of  $SE\frac{1}{4}$  and the  $E\frac{1}{2}$  of  $NW\frac{1}{4}$  of  $SE\frac{1}{4}$  and the  $E\frac{1}{2}$  of  $W\frac{1}{2}$  of  $W\frac{1}{2}$  of  $NW\frac{1}{4}$  of  $SE\frac{1}{4}$ ; and the Northeast diagonal half of the following tract:  $E\frac{1}{2}$  of  $NW\frac{1}{4}$  of  $NW\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$  and the  $NE\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $NW\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$ ; and the  $E\frac{1}{2}$  of  $W\frac{1}{2}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$  and the  $E\frac{1}{2}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$  and the  $SW\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$  and the Southwest diagonal half of the  $W\frac{1}{2}$  of  $NW\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$  of Section 1, subject to flowage easement to the United States of America over all that part of the following described tracts lying below elevation 610.0 feet M.S.L.: The  $E\frac{1}{2}$  of  $W\frac{1}{2}$  of  $SW\frac{1}{4}$  of  $NW\frac{1}{4}$  of  $SE\frac{1}{4}$  and the  $W\frac{1}{2}$  of  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $NW\frac{1}{4}$  of  $SE\frac{1}{4}$  and a tract of land in the  $E\frac{1}{2}$  of  $NW\frac{1}{4}$  of  $NW\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$  and the  $NE\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $NW\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$ , more particularly described as: Beginning at the Northwest corner of said  $E\frac{1}{2}$  of  $NW\frac{1}{4}$  of  $NW\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$ ; thence East 165.00 feet to the Northeast corner thereof; thence South 495.00 feet to the Southeast corner of said  $NE\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $NW\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$ ; thence Northwesterly on a straight line to the point of beginning, the  $E\frac{1}{2}$  of  $W\frac{1}{2}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$  and the  $S\frac{1}{2}$  of  $NW\frac{1}{4}$  of  $NE\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$  and the  $SW\frac{1}{4}$  of  $NE\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$  and the  $W\frac{1}{2}$  of  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$  and the  $SW\frac{1}{4}$  of  $NW\frac{1}{4}$  of  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$  and the  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$  and the Southwest diagonal half of the  $W\frac{1}{2}$  of  $NW\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$

AND

All of the  $S\frac{1}{2}$  of  $SW\frac{1}{4}$  of Section 1, except the Northeast diagonal half of the  $E\frac{1}{2}$  of  $NE\frac{1}{4}$  of  $NE\frac{1}{4}$  of  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$  and subject to flowage easement to the United States of America over all that part of the following described tract of land lying below elevation 610.0 feet M.S.L.: The  $E\frac{1}{2}$  of  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$  of  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$  and the Southwest diagonal half of the  $E\frac{1}{2}$  of  $NE\frac{1}{4}$  of  $NE\frac{1}{4}$  of  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$  and the  $W\frac{1}{2}$  of  $NE\frac{1}{4}$  of  $NE\frac{1}{4}$  of  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$  and the  $E\frac{1}{2}$  of  $NW\frac{1}{4}$  of  $NE\frac{1}{4}$  of  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$

AND

All of the  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$  of Section 2, except the Northeast diagonal half of the  $N\frac{1}{2}$  of  $NE\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$

AND

The  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$  of  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$  and the Southwest diagonal half of the  $S\frac{1}{2}$  of  $NW\frac{1}{4}$  of  $SE\frac{1}{4}$  of  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$  and the  $W\frac{1}{2}$  of  $NE\frac{1}{4}$  of  $NE\frac{1}{4}$  of  $SE\frac{1}{4}$  of Section 2

AND

The  $NW\frac{1}{4}$  of  $NE\frac{1}{4}$  of  $SE\frac{1}{4}$  and the  $W\frac{1}{2}$  of  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$  of  $SE\frac{1}{4}$  and the  $SE\frac{1}{4}$  of  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$  of  $SE\frac{1}{4}$  and the Southwest diagonal half of the  $W\frac{1}{2}$  of  $NE\frac{1}{4}$  of  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$  of  $SE\frac{1}{4}$  of Section 2, subject to flowage easement to the United States of America over all that part of the

following described tract of land lying below elevation 611.0 feet M.S.L.: All that part of the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of SE $\frac{1}{4}$  and the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of SE $\frac{1}{4}$  and the E $\frac{1}{2}$  of NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of SE $\frac{1}{4}$  and the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$  and the Southwest diagonal half of the W $\frac{1}{2}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$  and the E $\frac{1}{2}$  of W $\frac{1}{2}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$  and the NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$  and the W $\frac{1}{2}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$  and the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$  and the Southwest diagonal half of the S $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  and the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  and the S $\frac{1}{2}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  and the Southwest diagonal half of the N $\frac{1}{2}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  and the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  and the W $\frac{1}{2}$  of SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$

AND

The Southeast diagonal half of the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$  and the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 2, subject to flowage easement to the United States of America over all that part of the following described tracts lying below elevation 611.0 feet M.S.L.: The Southeast diagonal half of the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$  and the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$  and the N $\frac{1}{2}$  of NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$  and the NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$

AND

The E $\frac{1}{2}$  of E $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$  and the Southeast diagonal half of the E $\frac{1}{2}$  of W $\frac{1}{2}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 2, subject to flowage easement to the United States of America over all that part of the following described tract of land lying below elevation 611.0 feet M.S.L.: All that part of the SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$  and the NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$  and the Southeast diagonal half of the E $\frac{1}{2}$  of E $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , said flowage easement containing .48 acres

AND

The E $\frac{1}{2}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 2, subject to flowage easement to the United States of America over the following described tract of land lying below elevation 611.0 feet M.S.L.: All that part of the W $\frac{1}{2}$  of E $\frac{1}{2}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , said flowage easement containing 2.23 acres

AND

The N $\frac{1}{2}$  of NW $\frac{1}{4}$  and the W $\frac{1}{2}$  of NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 12, subject to flowage easement to the United States of America: All that part of the N $\frac{1}{2}$  of NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of NE $\frac{1}{4}$  and the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of NW $\frac{1}{4}$  of NE $\frac{1}{4}$  and the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of NE $\frac{1}{4}$  and the E $\frac{1}{2}$  of E $\frac{1}{2}$  of NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of NW $\frac{1}{4}$  and the E $\frac{1}{2}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of NW $\frac{1}{4}$  lying below elevation 611.0 feet M.S.L.

AND

The S $\frac{1}{2}$  of NW $\frac{1}{4}$  and the N $\frac{1}{2}$  of N $\frac{1}{2}$  of SW $\frac{1}{4}$  and the W $\frac{1}{2}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$  and the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$  and the N $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 12

AND

The E $\frac{1}{2}$  of NW $\frac{1}{4}$  of NE $\frac{1}{4}$  and the NE $\frac{1}{4}$  of NE $\frac{1}{4}$  and the E $\frac{1}{2}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$  and the E $\frac{1}{2}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 11,

ALL of the hereinabove real property being in Township 8 North, Range 15 East

AND

All of Lots 3, 4, 5, 6 and 7; and the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  and NE $\frac{1}{4}$  of SW $\frac{1}{4}$  and N $\frac{1}{2}$  of SE $\frac{1}{4}$  of SW $\frac{1}{4}$  and SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of SW $\frac{1}{4}$  and the W $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$  and SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 6 and North 18.99 acres of Lot 1 of Section 7, all in Township 8 North, Range 16 East, and the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 31,

Township 8 North, Range 16 East, except the Northwest 3.81 acres of the Northwest 1/4 of Lot 4 of Section 6, Township 8 North, Range 16 East, and subject to flowage easement to the United States of America over all that part of the NW/4 of SW/4 of SW/4 and W/2 of NW/4 of SW/4 of SW/4 of Section 31, Township 8 North, Range 16 East, and all that part of the South 4.51 acres of the Northwest 1/4 of Lot 4 and the North 4.51 corner of the Southwest 1/4 of Lot 4 and the West 3.84 acres of the Northeast 1/4 of Lot 4, Section 6, Township 8 North, Range 16 East, all lying below elevation 657.0 feet M.S.L. for said flowage easement containing 5.02 acres.

The above description contains 1133.74 acres, all situated in Dakota County, Minnesota.

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN

DISTRICT OF OKLAHOMA

**FILED**

MAY 10 1968

F. DON PITTMAN and JIM GAPPNEY,	)
Co-Administrators of the Estate of	)
DONALD E. DEATON, Deceased,	)
	)
Plaintiffs,	)
	)
vs.	)
	)
A. PAUL COMPTON, M. D.,	)
	)
Defendants.	)

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

67-c-208  
NO. ~~5247~~ - CIVIL

ORDER APPROVING COMPROMISE AND ENTRY  
OF JUDGMENT

For and in consideration of the Stipulation of the parties in the above-entitled action heretofore filed herein wherein the Plaintiffs and the Defendant have agreed that the Defendant will pay to the Plaintiff the sum of Fifty-five Thousand Three Hundred Eleven and 65/100 Dollars (\$55,311.65) without admission of fault or liability on the part of the said Defendant, and whereby said Plaintiffs have agreed to accept the said sum in full and complete settlement of all claims and demands arising out of the death of Donald E. Deaton, Deceased, said compromise is hereby approved, and, it is

ORDERED that judgment is hereby entered for and on behalf of the Plaintiffs and against the Defendant in the sum of Fifty-five Thousand Three Hundred Eleven and 65/100 Dollars (\$55,311.65), and, it is further

ORDERED that said Plaintiffs, as Co-Administrators of the Estate of Donald E. Deaton, Deceased, shall disburse the proceeds of said judgment in accord with the laws of the State of Oklahoma, and that after the costs and expenses of litigation have been paid, that all of the remaining portions of said

judgment shall be paid to ANNETTE CHAMBERS, formerly ANNETTE DEATON, the surviving spouse of Donald E Deaton, Deceased, for the use and benefit of said surviving spouse, and to her as mother and natural guardian of Donna A Deaton, and Kelly L. Deaton, each minors.

*Fred L. Daugherty*  
FRED L. DAUGHERTY  
United States District Judge

APPROVED:

FLOYD L. WALKER and CARL LONGMIRE

By

*Floyd L. Walker*  
Attorneys for Plaintiffs

HOUSTON, KLEIN & DAVIDSON

By

*John Richards*  
JOHN RICHARDS, Attorney for the  
Defendant

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

McCULLOUGH TOOL COMPANY, a corporation, )  
Plaintiff, )  
vs. )  
SERGEY A SCHERBATSKOY, an individual, )  
Defendant. )

No. 6417 Civil

**FILED**

MAY 13 1968

ORDER

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

Plaintiff's Motion to Amend Judgment under Rule 59(e) Federal  
Rules Civil Procedure, is Denied as the requested amendment is not  
within the import of the Memorandum Opinion of the Court as clearly  
shown by the provisions of the same.

It is so ordered, this 13th day of May, 1968.

*(S) Fred Daugherty*  
\_\_\_\_\_  
Fred Daugherty  
United States District Judge

NO. 67-C-99

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

Wayland Smith,		)
	Plaintiff	)
		)
vs		)
		)
Edwin L. Cox, et al,		)
	Defendants	)

**FILED**

MAY 13 1968

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

ORDER SUSTAINING MOTION TO DISMISS

This cause came on this day to be heard upon the motion to dismiss duly served and filed herein.

Whereupon after hearing arguments of counsel for the respective parties and upon the consideration thereof.

It is ordered that the plaintiff's action be and it is hereby dismissed without prejudice at plaintiff's cost.

Dated: May 13, 1968.

*1st Allen E. Burrow*  
District Judge

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

FILED

MAY 13 1968

JUDITH A. LEITCH, )  
 )  
 Plaintiff )  
 )  
 v. )  
 )  
 THE NORTHWESTERN MUTUAL LIFE )  
 INSURANCE COMPANY, )  
 )  
 Defendant )

NOBLE C. HOOD  
Clerk, U. S. District Court  
No. 68-C-52  
Civil

DISMISSAL OF ACTION

This cause coming on for hearing before me, the undersigned Judge of the said Court, on the 13th day of May 1968, for trial and the plaintiff appearing by and through her attorneys, Spillers & Spillers by G. C. Spillers, Jr., and the defendant appearing by and through its attorneys, Gable, Gotwals, Hays, Rubin & Fox by Jack N. Hays, and the parties by their counsel announced in open court that this cause has been settled and compromised and it is the desire of the plaintiff to dismiss this action, the defendant to be charged with court costs, and the court being advised in the premises finds that it should be so ordered.

IT IS, THEREFORE, ORDERED by this Court that the plaintiff's action be and the same is hereby dismissed with prejudice and the court costs of this action be and they are hereby taxed against the defendant.

*Allen E. Benson*

United States District Judge

APPROVED:

*G. C. Spillers, Jr.*  
G. C. Spillers, Jr.  
Attorney for Plaintiff

*Jack N. Hays*  
Jack N. Hays  
Attorney for Defendant



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

United States of America,

Petitioner,

vs.

**Jerry Michael Hunter,**

Patient.

Civil No. 63-C-81

FILED  
IN OPEN COURT

MAY 14 1968

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

**ORDER**

On this date, it appearing from the reports received by this Court (which are filed coincident herewith) that both of the examining physicians at the National Institute Mental Health Clinical Research Center, Fort Worth, Texas, have determined that the above named patient is not one who is likely to be rehabilitated through treatment, it is hereby ORDERED that these proceedings be dismissed and that said patient be discharged immediately from the care and custody of the Surgeon General.

Entered this 14<sup>th</sup> day of May, 19 68.



United States District Judge

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

FERN TURPIN,

Plaintiff,

-vs-

FREDA M. TURPIN,

Defendant.

No. 68-C-56

Civil

**FILED**

**MAY 15 1968**

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

ORDER

Now on this 14<sup>th</sup> day of May, 1968 this  
case coming on for the consideration on the Motion to Dismiss  
by the Court, and for good cause shown, and being fully advised  
in the premises, the Court finds that this case should be dismissed  
with prejudice to the filing of a future action.

It is hereby ordered, adjudged and decreed  
that the case is hereby dismissed with prejudice, costs to be borne  
by the Defendants.

*S Allen L. Benson*  
JUDGE OF THE U. S. DISTRICT COURT

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

Wayne L. Smith,

Plaintiff

-vs-

Dr. Beckwith Insurance Mutual  
Company, a corporation,

Defendant

No. 47-C-233

**FILED**

MAY 16 1968

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

ORDER OF DISMISSAL

On this 15 day of May, 1968, on plaintiff's application for dismissal with prejudice of his cause of action; and upon defendant's opposition for dismissal with prejudice of his counter-claim;

IT IS HEREBY ORDERED that the cause of action of plaintiff and the said counter-claim of defendant be dismissed with prejudice at the cost of plaintiff.

(s) Fred Laugherty  
U. S. District Court

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

OLLIE KREBS, )  
 )  
 Plaintiff, )  
 )  
 Vs. )  
 )  
 ELFRIEDA L. BAUMANN, )  
 )  
 ----- Defendant. )

No. 68-C-24

**FILED**

MAY 16 1968 *DS*

ARLIE AMMON, )  
 )  
 Plaintiff, )  
 )  
 Vs. )  
 )  
 ELFRIEDA L. BAUMANN, )  
 )  
 ----- Defendant. )

NOBLE C. HOOD  
Clerk, U. S. District Court  
No. 68-C-25

(Consolidated for Trial)

MOTION, STIPULATION AND ORDER OF DISMISSAL

The Plaintiffs Ollie Krebs and Arlie Ammon respectfully move the Court to dismiss, and do hereby dismiss with prejudice, their above entitled and numbered actions against the Defendant Elfrieda L. Baumann, for the reason that said actions have been compromised and settled by the parties.

The parties hereto further stipulate and agree that this settlement is without prejudice to the rights of the collision insurance carrier of Ollie Krebs to bring suit for the loss it sustained by reason of its payment to Ollie Krebs for the property damage to her car under its collision insurance policy. The parties agree that suit by said automobile insurance carrier shall not constitute a "splitting of cause of action" and is specifically reserved to The Western Casualty and Surety Company.

OLLIE KREBS and ARLIE AMMON

By: *Richard M. Gibbon*  
Covington, Gibbon & Poe  
Attorneys for Plaintiffs

ELFRIEDA L. BAUMANN

By: *Almond Church*  
Church & Roberts  
Attorneys for Defendant

ORDER

Now on this 14th day of May, 1968, the Court orders that the Complaints filed herein, and that the actions and causes of actions herein, be and the same are hereby dismissed with prejudice, at the cost of the Defendant.

*Luther Bohanon*  
LUTHER BOHANON,  
UNITED STATES DISTRICT JUDGE

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

THE NORTHWESTERN MUTUAL  
LIFE INSURANCE COMPANY,

Plaintiff,

-vs-

No. CIVIL 64-83

W. E. RANCH, INC., JAMES B.  
WEEDIN, and MEREDITH M.  
WEEDIN,

Defendants,

**FILED**

MAY 20 1968

ATLAS CREDIT CORPORATION and  
THE FIRST NATIONAL BANK AND  
TRUST COMPANY OF VINITA,  
OKLAHOMA,

Defendants and  
Cross-Petitioners.

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

JUDGMENT

---

This action came on for trial on this 14th day of February, 1968, before the court, Honorable Luther Bohanon, District Judge presiding and the issues having been duly heard the court requested briefs of the parties and having duly received and considered them the cause came on for decision on April 9, 1968; based on the Findings of Fact and Conclusions of Law of the court:

IT IS ORDERED, ADJUDGED AND DECREED that Atlas Credit Corporation's judgment heretofore entered in this cause on February 28, 1967, for \$32,074.31 with interest at ten percent from February 15, 1967, until paid and attorneys fees of \$4,861.15, be and it hereby is confirmed in all particulars; and it is

FURTHER ORDERED, ADJUDGED AND DECREED that said judgment against the W. E. Ranch, Inc., James B. Weedon and Meredith M. Weedon is non-dischargeable in bankruptcy.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the judgment of the First National Bank and Trust Company of Vinita, Oklahoma, entered in this cause on February 28, 1967, for \$23,111.85 with interest thereon at 6% per annum from the 30th day of April, 1965, until paid, and attorney fees as provided in the note representing said obligation in the amount of \$2,361.19, and a further sum in the amount of \$2,500.00 with interest thereon at 6% per annum from the 30th day of November, 1965, until paid, and attorneys fees as provided in said note in the amount of \$300.00, and a further sum in the amount of \$72.75 with interest thereon at the rate of 6-1/2% per annum from the 29th day of April, 1966, until paid, and attorney fees as provided in said note in a reasonable sum, which the court finds to be \$75.00, be and it hereby is in all particulars confirmed; and there is ordered credited thereon \$2,500.00 received as a result of sale of real estate on foreclosure herein and the remainder thereof remains unpaid. Let execution issue thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Commercial Credit Equipment Corporation have and recover judgment of and from James B. Weedon \$6,006.75 with interest thereon at 6% per annum from February 28, 1966, and until paid and an attorneys fee of \$750.00. Let execution issue thereon.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of this Court pay to Atlas Credit Corporation all funds held in the Registry of the Court until its judgment is satisfied in full; any remaining funds shall be paid to the First National Bank and Trust Company of Vinita, Oklahoma; if after the application of said funds to the Judgment of Atlas Credit Corporation any part thereof remains unpaid let execution issue thereon.

5/20/1968

Luther Bohannon  
Judge

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

**FILED**

THOMAS E. ROBERTSON,

Plaintiff,

v.

ROY L. MORGAN PRODUCTION COMPANY,  
an Oklahoma corporation,

Defendants and  
Third Party Plaintiffs,

v.

GENERAL COLLOIDAL CARBON, INC.,  
a corporation,

Third Party Defendant.

MAY 20 1968

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

No. 6602 ✓

ORDER APPROVING UNITED STATES MARSHALL'S  
SALE ON EXECUTION

This matter comes on for hearing on the objections to the Marshall's Execution Sale, made by the plaintiff, Thomas E. Robertson, and upon the motion by Roy L. Morgan, the purchaser at such sale, for approval and confirmation of such sale, pursuant to notice heretofore given for hearing at this time.

The sale sought to be confirmed, being the sale of goods, chattels and personal property of the defendant, International Carbon, Inc., made by the United States Marshall of the Northern District of Oklahoma, on the 14th day of May, 1968, to Roy L. Morgan, under a writ of execution issued out of the office of the Clerk of this court, dated the 1st day of May, 1968, under which levy and execution sale was made of the following described property,

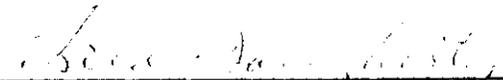
to wit:

- (1) Patent No. 3,127,245 issued by the United States Patent Office of the United States Department of Commerce, granted March 31, 1964, to Thomas E. Robertson, for apparatus and method of production of carbon black, and assigned by said Patentee to International Carbon, Inc., recorded July 24, 1964, in said office, and

- (2) Pilot model of Patent No. 3,127,245 of apparatus and method of production of carbon black.

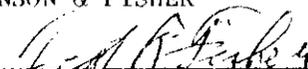
And the court having carefully examined the proceedings of said United States Marshall under said execution is satisfied that the same have been performed in all respects in conformity to law and that due and legal notice of said sale was published as required by law, more than ten days prior to said sale, as shown by proof of said publication attached to the return of said execution on file herein, and that on the day fixed therein; namely, the 14th day of May, 1968, at 1:00 p.m., said property was duly sold at public auction to Roy L. Morgan, he being the highest and best bidder therefor; and the Clerk is accordingly directed to make an entry on the Journal of this court that the court is satisfied of the legality of said sale and that no valid objections thereto have been made.

IT IS, THEREFORE, ORDERED AND ADJUDGED BY THE COURT that said Execution Sale and the proceedings be and the same are hereby approved and confirmed; it is further ordered that Doyle W. Foreman United States Marshall for the Northern District of Oklahoma make and execute to the purchaser at said sale, Roy L. Morgan, a good and sufficient Bill of Sale, Assignment and Transfer of the Title and Ownership of said personal property so sold.

  
\_\_\_\_\_  
Judge of the United States District Court

APPROVED AS TO FORM:

JOHNSON & FISHER

By   
\_\_\_\_\_  
Attorney for Roy L. Morgan,  
Third Party Plaintiff, Judgment  
Creditor and Purchaser

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

LINDA RIX, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 COLONIAL REFRIGERATED )  
 TRANSPORTATION, INC., LEE )  
 ROY GIPSON, CENTRAL NATIONAL )  
 INSURANCE COMPANY, JOE BOWEN, )  
 )  
 Defendants. )

NO. 67 - C - 230

**FILED**

MAY 20 1968

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

FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND ORDER OF DISMISSAL

ON the Motion of the parties for findings of fact and conclusions of law on this 20th day of May, 1968, the Court finds as follows, to-wit:

1. That on the date of the accident, June 27, 1967, Linda Rix was married to Webb Eldon Rix.
2. That the said Linda Rix was separated from Webb Eldon Rix on the above date and is now separated from him.
3. That she personally and only incurred each, every and all of the past, present and future medical expenses, of every kind in nature, arising to her and arising out of the said accident on June 27, 1967, and that Webb Eldon Rix did not in any manner obligate himself in any manner to pay any and all said medical expenses.
4. That the Complaint filed herein as an element of damages had all of the past, present and future medical expenses incurred as arising out of said accident on said date and same is a legal and proper element of damages for said Linda Rix.
5. That it is the intent of the parties hereto to effect a full, final and complete settlement of all claims and derivative actions arising out of said accident.
6. That Webb Eldon Rix has failed and neglected to institute any action, derivative action or otherwise, arising out of said accident.

CONCLUSIONS OF LAW

NOW on this 20th day of May, 1968, the Court concludes as a matter of law, the following, to-wit:

1. The medical expenses incurred as a result of the accident on June 27, 1967, were and are the legal obligation of Linda Rix and that a compromise of the above entitled cause concludes any other person from being obligated or having to pay said medical expenses.

2. That a compromise settlement will conclude any and all claims, causes of actions and/or damages arising out of any injuries to the person or body of Linda Rix.

ORDER OF DISMISSAL

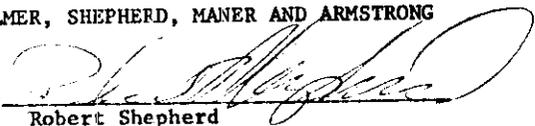
The above matter coming on to be heard this 20th day of May, 1968, upon the written application of the parties for a dismissal of the said action with prejudice, the Court having examined said application finds that said parties have entered into a compromise settlement covering all claims involved in 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 application.

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.

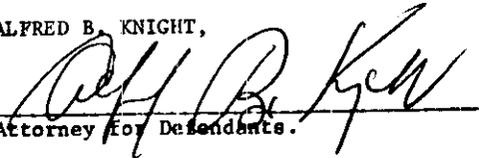
  
\_\_\_\_\_  
JUDGE, DISTRICT COURT OF THE UNITED STATES,  
NORTHERN DISTRICT OF OKLAHOMA

APPROVAL:

PALMER, SHEPHERD, MANER AND ARMSTRONG

By:   
\_\_\_\_\_  
Robert Shepherd  
Attorneys for Plaintiff,  
LINDA RIX,

  
\_\_\_\_\_  
Plaintiff,

ALFRED B. KNIGHT,  
  
\_\_\_\_\_  
Attorney for Defendants.

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

ANTHONY J. LAMONICA, )  
 )  
 Plaintiff, )  
 )  
 -vs- )  
 )  
 JAMES A. JACKSON and )  
 JOHN R. NOLEN, JR., )  
 )  
 Defendants. )

No. 68-C-13

**FILED**

MAY 20 1968

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

ORDER

Upon oral application made in open court,  
advising the court that this case has been compromised and settled  
while on trial;

THEREFORE the court finds that the  
case should be dismissed with prejudice costs to be paid by the  
Defendants.



JUDGE OF THE U. S. DISTRICT COURT

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

United States of America,

Libelant,

vs.

One 1965 Cadillac Deville Convertible,  
Two-Door, Serial No. F5193709, its  
tools and appurtenances,

Respondent.

Civil No. 68-C-42

**FILED**

MAY 17 1968

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

AMENDMENT TO DECREE

This matter coming on before me, the undersigned Judge, this 16<sup>th</sup> day of May 1968, and being fully advised in the premises that the Bureau of Narcotics has no need for the subject vehicle and the Court having been advised by the General Services Administration that there is no other Federal requirement for said vehicle, the Decree entered herein on the 26th day of April 1968, be and it is hereby amended to provide that the subject vehicle be turned over to the United States Marshal to be disposed of as provided by law.

Allen E. Barrow  
UNITED STATES DISTRICT JUDGE

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

A. W. HOLIDAY,

Plaintiff,

vs.

Carl Mercer, et al.,

Defendants,

No. 67 - C- 162

**FILED**

MAY 21 1968

DISMISSAL WITH PREJUDICE

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

Comes now A. W. Holiday, plaintiff above named  
and does hereby dismiss with prejudice the above entitled and  
numbered cause at cost of plaintiff.

Dated this 21<sup>st</sup> day of May, 1968.

A. W. HOLIDAY

By:

Robert Kelly  
His Attorney

P.O. Box 329  
Pawhuska, Okla

ORDER OF DISMISSAL

On this 21st day of May, 1968, upon application of plaintiff,  
it is

ORDERED that the above entitled and numbered cause be and  
the same is dismissed with prejudice at cost of plaintiff.

Lena M. Murchie  
United States District Judge

**United States District Court**

FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

Bertha Criner

vs.

American Home Products, Corporation, a corp.  
and Whitehall Laboratories, Inc., a corp.

CIVIL ACTION FILE No. 68-C-8

**FILED**  
JUDGMENT  
MAY 22 1968

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

This action came on for trial before the Court and a jury, Honorable Allen E Barrow  
, United States District Judge, presiding, and the issues having been duly tried and  
the jury having duly rendered its verdict, for the defendant.

It is Ordered and Adjudged that the plaintiff Bertha Criner take nothing,  
that the action is dismissed on its merits, and that the defendants  
American Home Products, Corporation, a corp. and Whitehall Laborator-  
ies, Inc., a corp., recover of the plaintiff, Bertha Criner, their  
costs of action.

Dated at Tulsa, Oklahoma, this 22nd day  
of May, 1968.

NOBLE C. HOOD  
Clerk of Court

By: Muriel Hanna  
Deputy Clerk

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

\_\_\_\_\_  
VAN DUSEN AIRCRAFT SUPPLIES, )  
SOUTHWEST DIVISION, INC., )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
EXECUTIVE FLIGHT, INC., and )  
H. L. CARON, )  
 )  
Defendants. )  
\_\_\_\_\_

**FILED** *ps*

MAY 23 1968

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

Civil Action

No. 6596

ORDER CONFIRMING SALE

On this 23rd day of May, 1968, there came on for hearing the Return of Sale by Doyle W. Foreman, United States Marshal for the Northern District of Oklahoma, by Carl W. Gardner, Deputy, upon execution heretofore issued herein, and the court having examined said Return and being fully advised, finds said sale was conducted in all respects as provided by law and after due notice, and that the levy made by the Marshal upon the personal property of the defendant, H. L. Caron, as described, was in all respects regular.

IT IS, THEREFORE, by the court ordered, adjudged and decreed that sale be and the same is hereby confirmed, and the said Marshal is hereby ordered and directed to execute a Bill of Sale conveying said personal property to ROBERT B. REED, the purchaser thereof.

  
United States District Judge

UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF OKLAHOMA.

MARY CRAFT, )  
..... Plaintiff, )  
-vs- ) No. 67-C-240  
SAFEWAY STORES, INC., )  
..... Defendant.)

**FILED**

MAY 23 1968

DISMISSAL WITH PREJUDICE

NOBLE C. HOOD

Clk, U. S. District Court

Comes now the plaintiff, MARY CRAFT, and dismisses the above styled and numbered cause of action with prejudice to the bringing of a future action.

Dated this 18 day of May, 1968.

Mary Craft  
Plaintiff  
Turner A. Brown  
Attorney for Plaintiff

Comes now the defendant, by and through its counsel of record, and consents to the dismissal of the above styled and numbered cause of action with prejudice to the bringing of any future action.

HUDSON, WHEATON & BRETT

By: [Signature]  
Attorneys for Defendant

IT IS HEREBY ORDERED that the above styled and numbered cause be dismissed with prejudice.

[Signature]  
UNITED STATES DISTRICT JUDGE

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

THE NORTHWESTERN MUTUAL LIFE  
INSURANCE COMPANY,

Plaintiff,

VS.

W. E. RANCH, INC., JAMES B.  
WEEDIN, MEREDITH M. WEEDIN,  
WILLIAM D. ELLETT, and JACKIE  
ELLETT, ATLAS CREDIT CORPORATION,  
a corporation, and ATLAS SUB-  
SIDIARIES OF MISSOURI, INC., a  
corporation,

Defendants,

THE FIRST NATIONAL BANK AND  
TRUST COMPANY OF VINITA, OKLA-  
HOMA, a corporation, Additional  
Defendant on Cross-Complaint,

VS.

COMMERCIAL CREDIT EQUIPMENT  
CORPORATION and PROFESSIONAL  
ENTERPRISES, INC.,

Third-Party  
Defendants.

CIVIL NO. 6483

**FILED**

MAY 31 1968

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

JUDGMENT AGAINST THIRD-PARTY PLAINTIFF  
JAMES B. WEEDIN

Comes now the United States District Court for the Northern District of Oklahoma on this 15th day of February, 1968, and finds that the Plaintiffs, W. E. Ranch, Inc., James B. Weedin and Meredith M. Weedin, appeared in open Court by their attorney, Mr. Alvin Floyd and the Third-Party Defendant, Professional Enterprises, Inc., is represented in open Court by its attorney, Mr. John M. Imel.

1. The Court finds that pursuant to the Cross-Claim of Professional Enterprises, Inc. on January 6, 1965, the Defendant, James B. Weedin, gave a \$45,000.00 note to Professional Enterprises, Inc., which note was given for lease payments on certain farm equipment to be used by the Third-Party Plaintiff, W. E. Ranch, Inc.

2. The Court finds that the Defendant, James B. Weedin, had defaulted on payments of said note from its inception,

thereby making the full amount of \$45,000.00 immediately due, plus interest at the rate of six per cent per annum from on or about January 6, 1965.

3. Whereby the Court having considered all the evidence in this matter including the note, the bill of sale, and equipment lease, all of which were executed by James B. Weedin to Professional Enterprises, Inc. on January 6, 1965, does hereby find that the cross-claimant, Professional Enterprises, Inc. is entitled to judgment against James B. Weedin in the amount of \$45,000.00 with interest to date of \$5,400.00 and further interest at the rate of six per cent per annum from the date of this judgment and for attorneys fees in the amount of \$2,500.00.

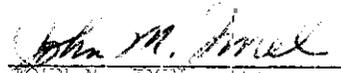
4. The Court finds further, after examining the certified copy of Judgment from the Circuit Court of Jasper County, Missouri, entered May 15, 1967 in cause no. 56894, Professional Enterprises, Inc. vs. James B. Weedin and Meredith M. Weedin in the amount of \$45,000.00, plus interest and attorneys fees, is the same cause of action and on the same note for which the Court enters judgment against James B. Weedin in this action.

WHEREBY, IT IS ORDERED, ADJUDGED AND DECREED that the Third-Party Defendant, Professional Enterprises, Inc. is granted judgment against and may recover from James B. Weedin the sum of \$45,000.00, plus interest to date of \$5,400.00, and further interest at the rate of six per cent per annum from date of judgment and for attorneys fees in the amount of \$2,500.00.

  
UNITED STATES DISTRICT JUDGE

JUDGMENT APPROVED AS TO FORM:

  
ALVIN FLOYD, Attorney for Third-Party Plaintiff, W. E. Ranch, Inc., James B. Weedin and Meredith M. Weedin

  
JOHN M. IMEL, Attorney for Third-Party Defendant, Professional Enterprises, Inc.

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

JOANNA S. TEAS, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 AMERICAN HOME ASSURANCE )  
 COMPANY, )  
 )  
 Defendant. )

FILED

MAY 28 1966

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

No. 67-C-128

STIPULATION OF DISMISSAL

Come now the parties hereto, by and through their counsel, and stipulate that the above entitled action is discontinued and dismissed with prejudice to any future action.

Joanna S. Teas  
Joanna S. Teas, plaintiff,  
as widow of Follins Teas, and  
as executrix of the estate of  
Follins Teas, deceased

FUCKER & TABOR

By Ronald G. Hopkins  
Attorneys for plaintiff

HOUSTON, KLEIN & DAVIDSON

By W. Lee Drigg  
Attorneys for defendant  
900 Home Federal Building  
Tulsa, Oklahoma

