

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

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

428.50 Acres of Land, etc.,)
in Tulsa County, Oklahoma,)
and Finis L. White, et al.,)
and Unknown Owners,)

Defendants.)

Civil No. 6377

Tract No. 5008E

FILED

MAR 3 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT.

ORDER OVERRULING OBJECTIONS

The Court has for consideration the objections of the landowners of Tract #5008E to the report of the Commission, and having perused the objections, the brief in support thereof, and the Government's responsive brief, and being fully advised in the premises, finds:

That said objections should be overruled for the following reason:

The main objection raised by the landowners is that they were not compensated for royalty payments on sand that could have been produced and sold from said property in the future.

The Court finds that this theory of compensation has been given almost universal disapproval by the Courts, including the Tenth Circuit Court of Appeals (United States v. Sowards [1966] 370 F.2d. 87). The Tenth Circuit Court of Appeals, in quoting the language from United States ex rel. TVA v. Indiana Creek Marble Co., 40 F.Supp. 811, 822, said:

"Fixing just compensation for land taken by multiplying the number of cubic feet or yards or tons by a given price per unit has met with almost uniform disapproval of the courts. This is true because such valuation involves all of the unknown

and uncertain elements which enter into the operation of the business of producing and marketing the product. It assumes not only the existence, but the continued existence of a stable demand at a stable price. It assumes a stable production cost and eliminates the risks all business men know attend the steps essential to the conduct of a manufacturing enterprise. It eliminates the possible competition of better materials of the same general description and of the possible substitution of other and more desirable materials produced or possible of production by man's ingenuity, even to the extent of rendering the involved material unmarketable. It involves the assumption that human intelligence and business capacity are negligible elements in the successful conduct of business. It would require the enumeration of every cause of business disaster to point out the fallacy of using this method of arriving at just compensation. No man of business experience would buy property on that theory of value. True it is that quality and quantity have a place in the mind of the buyer and the seller, but the product of these multiplied by a price per unit should be rejected as indicating market value when the willing seller meets the willing buyer, assuming both to be intelligent. Values fixed by witnesses on such a basis are practically worthless, and should not be accepted. To the extent the valuation fixed by any witness contains this speculative element, to the same extent is its value as evidence reduced."

The value must be actual and not speculative and the owner is not entitled to compensation for loss of any future gain he might have hoped to realize above the market value as of the date of taking.

It is the trial court's duty to accept the award of the Commission unless clearly erroneous, in whole or in part, because of a substantial error in the proceedings, because based upon a misapplication of the controlling law, because unsupported by the evidence, or because contrary to the clear weight of the evidence. The Court is of the opinion the landowners have not sustained any of the requirements imposed above.

Based upon the foregoing reasons, the Court concludes that the report of the Commission should be accepted and adopted and defendant's objections overruled.

IT IS, THEREFORE, ORDERED that the report of the Commission is hereby adopted and confirmed, and, defendants' objections are hereby overruled.

ENTERED this 3rd day of March, 1968.


UNITED STATES DISTRICT JUDGE

mainder. When all the court's instructions given here are so considered, the Court thinks the Commission correctly understood the manner in which they were to consider the issues submitted to them. This is all that is necessary.

It is the trial court's duty to accept the award of the Commission unless clearly erroneous, in whole or in part, because of a substantial error in the proceedings, because based upon a misapplication of the controlling law, because unsupported by the evidence, or because contrary to the clear weight of the evidence. The Court is of the opinion the landowners have not sustained any of the requirements imposed above.

Based upon the foregoing reasons, the Court concludes that the proceedings and report of the Commission should be accepted and defendants' objections overruled.

IT IS, THEREFORE, ORDERED that the report of the Commission is hereby adopted and confirmed, and, defendants' objections are hereby overruled.

ENTERED this 3rd day of March, 1968.


UNITED STATES DISTRICT JUDGE

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

United States of America,

Plaintiff,

vs.

Charles Eldon Ragsdale and
Louise F. Ragsdale, Odean L.
Wood and JoAnn G. Wood, Charles
T. Dixon and Kristine E. Dixon,

Defendants.

Civil No. 68-C-234

FILED

MAR - 4 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

This matter comes on for consideration on this 14th day of
January 1969, the Plaintiff appearing by Hubert H. Bryant, Assistant
United States Attorney for the Northern District of Oklahoma, the
defendants, Charles Eldon Ragsdale and Louise F. Ragsdale, appearing by
their attorney, D. William Jacobus, Jr., and the defendants, Odean L.
Wood, JoAnn G. Wood, Charles T. Dixon and Kristine E. Dixon, appearing
not.

The Court being fully advised and having examined the files
herein finds that legal service by publication was made upon defendants,
Odean L. Wood and JoAnn G. Wood, as appears by the Proof of Publication
filed herein on February 13, 1969;

That personal service was made on the defendants, Charles Eldon
Ragsdale and Louise F. Ragsdale, on October 24, 1968, and on Charles T.
Dixon and Christine E. Dixon on October 29, 1968; and

It appearing that the defendants, Odean L. Wood, JoAnn G. Wood,
Charles T. Dixon and Kristine E. Dixon, have failed to file an Answer
herein and that default has been entered herein against these defendants;

It further appearing that defendants, Charles Eldon Ragsdale and
Louise F. Ragsdale, filed an Answer and Cross-Claim herein on November 25,
1968.

The Court further finds that this is a suit based upon a mortgage note
and foreclosure on a real property mortgage securing said mortgage note and
that the real property described in said mortgage is located in Tulsa, Tulsa
County, Oklahoma, within the Northern Judicial District of Oklahoma.

The Court further finds that the material allegations of Plaintiff's complaint are true and correct;

That the defendants, Charles Eldon Ragsdale and Louise F. Ragsdale, did on August 17, 1965, execute and deliver to the Administrator of Veterans Affairs their mortgage and mortgage note for the sum of \$9,750.00 with interest thereon at the rate of 5 3/4% per annum from date until paid and further providing for the payment of monthly installments of principal and interest in the amount of \$56.90 each commencing on September 1, 1965; and

It further appearing that the defendants, Charles T. Dixon and Kristine E. Dixon, have or claim some right, title or interest in and to the premises herein being foreclosed by reason of a General Warranty Deed dated March 8, 1967, filed of record April 19, 1967, in Book 308, Page 556, Tulsa County, Oklahoma. But in this regard Plaintiff states that whatever right, title or interest the defendants, Charles T. Dixon and Kristine E. Dixon, have in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this Plaintiff; and

It further appearing that the defendants, Odean L. Wood and JoAnn G. Wood, have or claim some interest in and to the premises herein being foreclosed by reason of a General Warranty Deed dated August 21, 1967, filed of record December 4, 1967, in Book 3830, Page 1567, Tulsa County, Oklahoma, but in this regard Plaintiff states that whatever right, title or interest the defendants, Odean L. Wood and JoAnn G. Wood, have in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this Plaintiff; and

It further appears that the defendants, Charles Eldon Ragsdale and Louise F. Ragsdale, Odean L. Wood and JoAnn G. Wood, Charles T. Dixon and Kristine E. Dixon, made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make the monthly payments ~~due~~ thereon, which default ~~has~~ continued, and that by reason thereof these defendants are now indebted to the Plaintiff in the sum of \$9,500.77, with interest thereon from November 1, 1967, at the rate of 5 3/4% per annum, until paid, and for the costs of this action.

It further appears from the Cross-Claim of the defendants, Charles Eldon Ragsdale and Louise F. Ragsdale that they, for a valuable consideration, executed a General Warranty Deed in favor of Charles T. Dixon and Kristine E. Dixon, on or about March 8, 1967, which Deed conveyed the property in question to the Dixons;

That Charles T. and Kristine E. Dixon, assumed and agreed to pay the mortgage note and mortgage being sued upon and foreclosed herein;

That as a result of said assumption the defendants, Charles T. Dixon and Kristine E. Dixon, are, in law, obligated and bound to hold harmless the defendants, Charles Eldon Ragsdale and Louise F. Ragsdale.

It further appears from the Cross-Claim of the defendants, Charles Eldon Ragsdale and Louise F. Ragsdale, that Charles T. Dixon and Kristine E. Dixon executed and delivered a General Warranty Deed, dated August 21, 1967, in favor of the defendants, Odean L. Wood and JoAnn Wood, which Warranty Deed conveyed the property in question to the Woods;

That Odean L. Wood and JoAnn G. Wood, assumed and agreed to pay the mortgage note and mortgage being sued upon and foreclosed in this action;

That, in law, Odean L. Wood and JoAnn G. Wood, are obligated and bound to hold harmless Charles Eldon Ragsdale and Louise F. Ragsdale, as a result of said assumption.

It Is Therefore ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have and recover judgment against the defendants, Charles Eldon Ragsdale and Louise F. Ragsdale, Odean L. Wood and JoAnn G. Wood, Charles T. Dixon and Kristine E. Dixon, for the sum of \$9,511.77, with interest thereon from November 1, 1967, at the rate of 5 ³/₄% per annum, until paid, and for the costs of this action.

It Is Further ORDERED, ADJUDGED and DECREED that the defendants, Charles Eldon Ragsdale and Louise F. Ragsdale, have judgment over and against the defendants, Odean L. Wood, JoAnn G. Wood, Charles T. Dixon and Kristine E. Dixon, for an amount equal to the sum of any deficiency judgment which may be entered against Charles Eldon Ragsdale and Louise F. Ragsdale after the sale of the property in question and for a reasonable attorney's fee and costs;

That such judgment in favor of Charles Eldon Ragsdale and Louise F. Ragsdale, and against Odean L. Wood and JoAnn G. Wood and Charles T. Dixon and Kristine E. Dixon, and any lien resulting therefrom shall in all respects be inferior and junior to the lien of this Plaintiff.

It Is Further ORDERED, ADJUDGED and DECREED that upon failure of these defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall issue to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisal, the above described real property and apply the proceeds thereof in satisfaction of Plaintiff's judgment. The residue, if any, is to be deposited with the clerk of the Court to await further order of the court.

It Is Further ORDERED, ADJUDGED and DECREED that from and after the sale of said property under and by virtue of this judgment and decree these defendants, and each of them, and all persons claiming under them since the filing of the Complaint herein, be, and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.

UNITED STATES DISTRICT JUDGE

APPROVED:

HUBERT H. BRYANT
Assistant U. S. Attorney

D. WILLIAM JACOBUS, Jr.
Attorney for Charles Eldon
Ragsdale and Louise F.
Ragsdale

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

MALONEY-CRAWFORD TANK CORPORATION and)
THE FISH INVESTMENT CORPORATION,)
)
Plaintiffs,)
)
vs.)
)
SAUDER TANK COMPANY, INC.,)
)
Defendant.)

68-C-88

FILED

MAR - 5 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER TRANSFERRING CASE

The Court has for consideration the Motion to Dismiss and alternative plea to transfer this cause to the United States District Court for the District of Kansas at Wichita, Kansas, and, being fully advised in the premises, finds:

That pursuant to the alternative request of the defendant and Title 28 USCA §1406(a), this case should be transferred.

IT IS, THEREFORE, ORDERED that this case be transferred to the United States District Court for the District of Kansas, at Wichita, Kansas.

ENTERED this 5th day of March, 1969.


UNITED STATES DISTRICT JUDGE

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

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
 vs.)
)
 40.00 Acres of Land, More or Less,)
 Situate in Osage County, State of)
 Oklahoma, and Eudean Seabridge, et al,)
 and Unknown Owners,)
)
) Defendants.)

CIVIL ACTION NO. 68-c-45
Tract No. 113

FILED

MAR - 7 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

J U D G M E N T

NOW on this 6 day of March, 1969, this matter came on for disposition of the parties' application for judgment on a Stipulation filed herein, and the Court, after having examined the Stipulation of the parties and being fully advised in the premises, finds that:

1. On February 26, 1969, the parties filed in this case a Stipulation as to Just Compensation for Loss of Growing Crop, which Stipulation was executed by both the Plaintiff and the defendant landowner.
2. Such stipulation recited as a fact that one acre of the growing wheat crop, situated on the subject property on the date of taking, was destroyed by the Plaintiff's agent and the owner was unable to harvest it.
3. The parties have agreed by such Stipulation that the owner is entitled to be paid the sum of \$27.05 for such described loss.

The Court concludes that the Stipulation of the parties should be approved by the Court and that judgment based thereon should be entered in this action.

It is therefore ORDERED, ADJUDGED and DECREED that the Stipulation of the parties filed herein on February 26, 1969, hereby is approved. The Defendant, Eudean Seabridge, shall have judgment against the Plaintiff, United States of America, in the amount of \$27.05. The Plaintiff therefore shall deposit in the Registry of this Court the amount of this judgment.

When such deposit be made, the Clerk of this Court shall disburse the sum of \$27.05 to Eudean Seabridge.

APPROVED:

Signed E. M. Ewing
UNITED STATES DISTRICT JUDGE

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

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

JOHN F. BELL,

Plaintiff,

vs.

TRAVELERS INSURANCE COMPANY,
a foreign corporation doing
business in Oklahoma,

Defendant.

No. 68-C-209

FILED

MAR 10 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER OF REMAND

This cause came on for trial before the Court on this 10th day of March, 1969, plaintiff appearing by its attorney, L. G. Hawkins, and defendant appearing by its attorneys, Hudson, Wheaton & Brett, by R. D. Hudson; and said cause having been called for trial, the Court was advised that pursuant to Pretrial Order filed on March 10, 1969, plaintiff's claims for recovery of attorneys' fees and damages for defendant's alleged bad faith have been withdrawn from plaintiff's Complaint and stricken therefrom, all by approval of defendant counsel, thus leaving the remaining portion of plaintiff's claim against the defendant in the approximate sum of Two Thousand Dollars (\$2,000.00) or less, being less than the amount required to give this Court jurisdiction.

IT IS, THEREFORE, ORDERED AND ADJUDGED by the Court that this cause be, and the same is hereby remanded to the District Court of Creek County, Oklahoma, from whence it was removed.

Dated this 10th day of March, 1969.

A. Luther Bohannon
United States District Judge

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

ZOLA MARIE MULLINGS and)
W. H. MULLINGS,)

Plaintiffs,)

vs.)

No. 68-C-239)

DILLARD DEPARTMENT STORES, INC.,)
a Delaware Corporation, and)
BROWN-DUNKIN CO., BROWN DUNKIN)
CO., BROWN DUNKIN CO. OF OKLAHOMA)
and BROWN DUNKIN OF OKLAHOMA,)

Defendant.)

FILED

MAR 10 1969

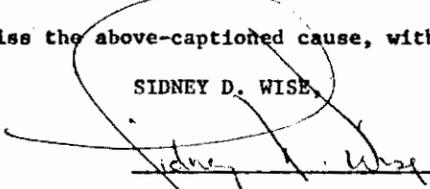
M. M. EWING, CLERK
U. S. DISTRICT COURT

STIPULATION FOR DISMISSAL

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

WHEREFORE, premises considered, the plaintiffs and the defendant
pray that the Court dismiss the above-captioned cause, with prejudice.

SIDNEY D. WISE,



Attorney for the Plaintiffs,

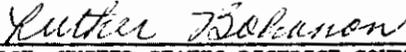
ALFRED B. KNIGHT,



Attorney for the Defendant.

ORDER

NOW, on this 10 day of March, 1969, the above-captioned cause,
by Order of the Court, is dismissed with prejudice, on stipulation
of the parties hereto.



JUDGE, UNITED STATES DISTRICT COURT

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

MAURICE A. McGOVERAN,)
)
 Claimant,)
)
 vs.)
)
 TULSA COW PALACE, a corporation,)
)
 Respondent.)

No. 68-C-96

FILED

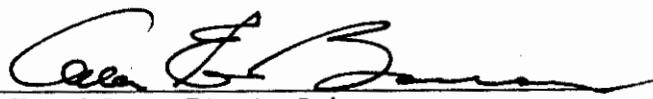
MAR 11 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

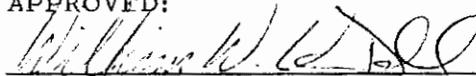
DISMISSAL WITH PREJUDICE

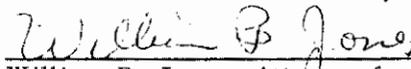
This cause coming on before me, the undersigned Judge, this 11th day of March, 1969, on the joint application of the claimant and respondent for an order of dismissal with prejudice, and the Court being satisfied for good cause shown, that the parties have compromised and settled their differences set forth in their respective pleadings herein, and that as a part and parcel of said settlement, it has been agreed that this action may be dismissed with prejudice to the bringing of another action for the same.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED that the above entitled cause of action be and the same is hereby dismissed, with prejudice to the bringing of another action for the same.


United States District Judge

APPROVED:


William W. VanDall, Attorney for Claimant


William B. Jones, Attorney for Respondent

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

JACOB DWIGHT MANLEY)
)
VS.)
)
THE DISTRICT COURT OF CREEK)
COUNTY AND THE COURT OF CRIMINAL)
APPEALS IN AND FOR THE STATE OF)
OKLAHOMA.)

68-C-166

FILED *SS*
MAR 11 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER DISMISSING CASE AS TO THE DISTRICT COURT OF
CREEK COUNTY AND THE COURT OF CRIMINAL
APPEALS IN AND FOR THE STATE OF
OKLAHOMA AND ADDING RAY H. PAGE,
WARDEN, PURSUANT TO RULE 21

Pursuant to the opinion rendered by the Tenth Circuit
Court of Appeals, No. 112-68, filed February 12, 1969, the
Court dismisses this case as to the District Court of Creek
County and the Court of Criminal Appeals in and for the State
of Oklahoma, and pursuant to Rule 21 of the Federal Rules
of Civil Procedure, Ray H. Page, Warden is added as defendant
in this cause.

The response heretofore filed by the Attorney General
of the State of Oklahoma shall constitute the response to the
Petition for Writ of Habeas Corpus, and this case will be set
down for an evidentiary hearing at a later date.

ENTERED this 11th day of March, 1969.


UNITED STATES DISTRICT JUDGE

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

GENE FRANKLIN PADDOCK,

Plaintiff

v.

UNITED STATES OF AMERICA,

Defendant

CIVIL NO. 5742

FILED

MAR 12 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER OF DISMISSAL

The above-styled action, having been called for trial and it having been reported to the Court that the attorneys of record for the parties have reached an agreement to compromise this litigation, but that there remains the matter of administrative effectuation of the compromise:

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that this action be and the same is hereby dismissed.

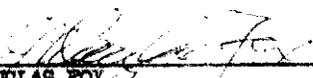
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that if the above-mentioned compromise is not accomplished administratively within 30 days after this date, this judgment of dismissal is and shall remain without prejudice to the right to either the plaintiff or the defendant to reinstate such action; and, by agreement of the parties, if reinstated, the complaint shall relate back to the date of filing of the original complaint herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that no costs of court are taxed as a part of this judgment of dismissal.

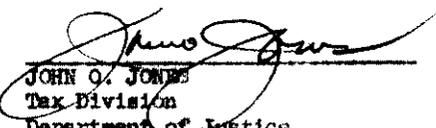
DONE this 17th day of March, 1969.


UNITED STATES DISTRICT JUDGE

APPROVED FOR SUBMISSION:



G. DOUGLAS FOX
ATTORNEY FOR PLAINTIFF



JOHN O. JONES
Tax Division
Department of Justice
Fort Worth, Texas 76102
ATTORNEY FOR DEFENDANT

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

FILED

MAR 12 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

WILLIAM E. DEPUTY, individually and)
WILLIAM E. DEPUTY, as father and)
next friend of LARRY MICHAEL DEPUTY,)
a minor child under the age of 21)
years,)
)
Plaintiffs,)
)
vs.)
)
ELTON JONES,)
)
Defendant.)

NO. 68-C-100

STIPULATION FOR DISMISSAL

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

WHEREFORE, premises considered, the plaintiff and the defendants
pray that the Court dismiss the above-captioned cause, with prejudice.

KENNETH EAST,

Kenneth W. East

Attorney for the Plaintiff,

ALFRED B. KNIGHT,

Alfred B. Knight

Attorney for the Defendant.

ORDER

NOW, On this 12 day of March, 1969, the above-captioned cause,
by Order 66 the Court, is dismissed with prejudice, on stipulation
of the parties hereto.

Fred Daugherty

JUDGE, UNITED STATES DISTRICT COURT

C
O
P
Y

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LESLIE STAMPER)
)
 Plaintiff)
 vs.)
)
 OLD FIDELITY LIFE INSURANCE)
 COMPANY)
)
 Defendant.)

Case No. 69-173

FILED

MAR 12 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

COURT REPORT

Based upon the Findings of Fact and Conclusions of Law
this day filed with the Clerk of this Court, it is the judgment
of the Court that the plaintiff herein, Leslie Stamper, have and
recover of and from the defendant, Old Fidelity Life Insurance
Company, the sum of Twelve Thousand, Five Hundred Dollars
(\$12,500.00), together with interest thereon at the rate of six
percent (6%) per annum from March 8, 1968, until paid, together
with costs.

Dated this 12 day of March, 1969.

United States District Judge

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OKLAHOMA

ESSIE STAMPER,)
)
 Plaintiff,)
)
 vs.) No. 68-C-193
)
 OLD FIDELITY LIFE INSURANCE)
 COMPANY,)
)
 Defendant.)

FILED

MAR 12 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This cause came on for trial before the Court, sitting without a jury by agreement of the parties, on March 10, 1969. The plaintiff, Essie Stamper, appeared by her attorneys, Van Cleave, Thomas, Biehler and Gresham, by Mr. Ollie C. Gresham, all of Tulsa, Oklahoma. The defendant appeared by its attorneys, Anderson, Wheaton and Brett, by R. Coray Bishop, of Tulsa, Oklahoma.

FINDINGS OF FACT

1. The Court finds that on the 27th day of December, 1967, the insured, E. L. Stamper, was involved in an automobile collision in the City of Tulsa, Oklahoma, and as a result of said collision he died on the 6th day of January, 1968, die.

2. The insurance policy had a provision providing as follows:

"INTOXICANTS AND NARCOTICS. The Insurer shall not be liable for any loss sustained or contracted in consequence of the Insured's being intoxicated or under the influence of any narcotic unless administered on the advice of a physician."

The sole defense by the insurance company, the defendant in this case, was that the insured, E. L. Stamper, was intoxicated and under the influence of intoxicating liquor at the time of the accident resulting in his death, to the point where his intoxication impaired his ability to drive and operate an automobile and

that the impact caused by the insurance (and the rest of it) caused
the intoxicated condition.

4. The court finds that the defendant was furnished
with one and three-fourths proofs of loss and death as required by the
policy, and as required by the law.

4. The court finds that the defense of intoxication is
not sustained by the evidence, and finds further that the deceased
was not intoxicated at the time of the accident resulting in his
death, and that the death of the deceased was brought about solely
by accidental means.

5. The court finds that the plaintiff, Beattie Stumper,
is entitled to recover from the defendant, Old Equity Life Insurance
Company, the sum of \$12,500.00, together with interest at 6 percent
per annum from March 1, 1968, until paid, and the costs of this
action, and an appropriate Judgment will be so entered.

CONCLUSION OF LAW

Under an accident insurance policy, providing for death
benefits due to accidental injuries resulting in death, which
contains a provision relieving the insurer for death caused by
intoxication, the beneficiary under such policy is entitled to
recover where the proof fails to show that the death resulted
from the exception contained in the policy.

Dated this 12th day of March, 1969.

United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

ROBERT EARL JOHNSON,

Petitioner,

vs.

STATE OF OKLAHOMA,

Respondent.

NO. 69-C-32

FILED

MAR 12 1969

O R D E R

M. M. EWING, CLERK
U. S. DISTRICT COURT

The Court has for consideration the petition for writ of habeas corpus by petitioner Robert Earl Johnson, and being fully advised in the premises finds:

1. That claimant, herein, sues the "State of Oklahoma" and fails to name the person who has custody over him or by what authority such person has custody.

2. That claimant, herein, alleges that he has exhausted his State remedies of appeal; that he is held under an excessive appeal bond as can be determined by comparison with the appeal bond set for his "white" co-defendants; that claimant's exorbitant bond abridges his constitutional rights of due process of law, fair and equal treatment under the law, and that the bond was unfairly set through bias and prejudice and is discriminatory because the complainant is a member of the negro or black race.

3. That it is provided in 28 U.S.C.A. 2242 that an applicant for a writ of habeas corpus shall allege " * * * the name of the person who has custody over him and by virtue of what claim or authority, if known."

4. That by virtue of Rule 21 of the Federal Rules of Civil Procedure the Court may motu proprio drop or add parties on such terms as are just.

5. That upon the Court's motion the petition herein should be amended to make Ray H. Page, Warden of the Oklahoma State Penitentiary at McAlester, Oklahoma, the party respondent; and dismissing the cause of action as to the respondent State of Oklahoma.

6. That respondent, Warden Ray H. Page, should file a response on or before the 26th day of March, 1969, to show cause why the Writ of Habeas Corpus herein prayed for should not be awarded.

NOW THEREFORE, IT IS HEREBY ORDERED that the cause of action as to the State of Oklahoma be and is hereby dismissed from this action; that the party respondent be, and is hereby, Roy H. Page, Warden of the Oklahoma State Penitentiary, McAlester, Oklahoma; and further, said respondent is hereby ordered to file a response to the Order on or before the 26th day of March, 1969, to show cause why the Writ of Habeas Corpus herein should not be awarded.

This order to be served upon Respondent by mailing to Ray H. Page, Warden of the Oklahoma State Penitentiary, McAlester, Oklahoma, and mailing to the Attorney General, State Capitol Building, Oklahoma City, Oklahoma.

Dated this 11th day of March, 1969, at Tulsa, Oklahoma.


UNITED STATES DISTRICT JUDGE

TPG:sgn
3/7/69

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

THE FIRST NATIONAL BANK AND)
TRUST COMPANY OF TULSA,)

Plaintiff,)

vs.)

Civil Action No.)
67-C-198 ✓)

SHELTER ROCK DEVELOPMENT CORPORATION,)
WILLIAM S. PALEY, K-B COMPRESSION)
COMPANY, INC., TRIDENT OIL CORPORATION,)
JOSEPHINE H. McINTOSH, LYLE O. RAMSEY,)
COBRA SERVICES, INC., ARTHUR B. RAMSEY,)
ARTHUR RAMSEY PETROLEUM COMPANY, THE)
FIDELITY NATIONAL BANK & TRUST COMPANY)
OF OKLAHOMA CITY and ESTELLE T. GARTH,)
as Trustees of the Ramsey Trusts, and)
THE FIRST NATIONAL BANK AND TRUST)
COMPANY OF MUSKOGEE and THEODORE P.)
GIBSON, Executors of the Estate of)
John T. Gibson, Deceased.)

Defendants.)

FILED

MAR 13 1969 *TM*

M. M. EWING, CLERK
U. S. DISTRICT COURT

JUDGMENT

This action came on for trial, without jury, on November 19 and November 20, 1968, and the issues having been duly tried, the action was decided November 20, 1968, and the Court having entered Findings of Fact and Conclusions of Law; now, pursuant thereto,

IT IS BY THE COURT ORDERED, ADJUDGED AND DECREED that the sum in controversy is the total amount of \$18,543.65, from which sum The First National Bank & Trust Company is entitled and is hereby granted a trustee's fee in the amount of \$716.66; and from which sum \$45.80 is deductible as costs, leaving a net amount of \$17,781.19 to be divided among the various defendants as follows:

<u>NAME</u>	<u>AMOUNT</u>
1. Cobra Services, Inc.	\$ 1,735.92
2. The Fidelity National Bank & Trust Company of Oklahoma City and Estelle T. Garth, as Trustees of the Ramsey Trusts	\$ 840.53
3. William S. Paley, Successor to Shelter Rock Development Corporation	\$ 840.54
4. Trident Oil Corporation	\$ 2,522.60
5. Josephine H. McIntosh	\$ 840.54

LAW OFFICES
UNGERMAN,
GRABEL,
UNGERMAN
& LEITER

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA

6. Lyle O. Ramsey, Arthur B. Ramsey and/or Ramsey Petroleum Company	\$ 2,411.15
7. K-B Compression Company, Inc.	\$ 4,215.96
8. First National Bank & Trust Company of Muskogee and Theodore P. Gibson, Executors of the Estate of John T. Gibson, Deceased	<u>\$ 4,373.95</u>
TOTAL	\$ 17,781.19

IT IS FURTHER ORDERED that the Clerk of the United States District Court for the Northern District of Oklahoma disburse these funds in compliance

with this Order, ~~forthwith~~ *through the attorneys of record upon disbursement orders hereafter signed by the Court.*
Dated this 12 day of March, 1969.

7D

Lred Daugherty
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

CONNERS, WINTERS, RANDOLPH & BALLAINE

By *James R. Ryan*
Attorneys for The First National Bank
& Trust Company

WALKER & WATSON

By *Max H. Lawrence*
Attorneys for Cobra Services, Inc.,
Fidelity National Bank & Trust Company
of Oklahoma City and Estelle T. Garth,
as Trustees of the Ramsey Trusts,
William S. Paley, Successor to Shelter
Rock Development Corporation, Trident
Oil Corporation and Josephine H. McIntosh

BEST, SHARP, THOMAS & GLASS

By _____
Attorneys for Lyle O. Ramsey,
Arthur Ramsey Petroleum Company and
Arthur B. Ramsey

JACOBUS & HARLIN, and CHARLES A. WHITEBOOK

By *James R. Ryan*
Attorneys for K-B Compression Company, Inc.

UNGERMAN, CRABEL, UNGERMAN & LEITER

By *James R. Ryan*
Attorneys for First National Bank &
Trust Company of Muskogee and Theodore
P. Gibson, Executors of the Estate of
John T. Gibson, Deceased.

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

DELBERT R. CROSSWHITE,)
)
Plaintiff,)
)
vs.)
)
GLENN H. BROWN, EX SHERIFF)
OF TULSA COUNTY, OKLAHOMA,)
)
Defendant.)

No. 68-C-202

FILED

MAR 13 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT.

ORDER DISMISSING CAUSE OF ACTION

The Court has for consideration the Motion to Dismiss filed by the defendant herein, and, being fully advised in the premises, finds:

The complaint filed by the plaintiff herein alleges a conspiracy between the defendant and officials of the State of Missouri to return him to Missouri, where it was alleged he had escaped from the place of his incarceration. The alleged date of such conspiracy was August 15, 1956, and plaintiff is still confined in the State of Missouri.

The defendant has premised his motion to dismiss on the theory that the statute of limitation in this case has run, and, therefore no cause of action has been stated, and the case is barred by the two year limitation statute provided in Title 12 O.S.A. §95.

The federal Civil Rights Acts contains no provision limiting time within which action thereunder may be brought, and, thus, the applicable period of limitation is that provided by state statute. 42 U.S.C.A. §§1983, 1985; West's Ann.Code Civ.Proc. §338, subd. 1.; Lambert v. Conrad, 308 F.3d 571.

The last possible date from which the limitation period can commence to run was that of the last overt act alleged from which damage could have flowed. Lambert v. Conrad, 308 F.2d 571; Hoffman v. Halden, 268 F.2d 280.

The Court further finds that even if a conspiracy existed, and continues to exist, limitations have run, since injury and damage can only flow from overt acts and not from the mere continuance of a conspiracy. Hoffman v. Halden, supra.

The complaint, on its face, reflects that the alleged overt act occurred on August 15, 1956, and plaintiff did not commence the instant action until August 19, 1968.

Since injury and damage can only flow from overt acts, the complaint is not saved by the general allegation that the conspiracy continued to a date within the limitation period. Lambert v. Conrad, suprs; Hoffman v. Halden, supra.

IT IS, THEREFORE, ORDERED that Defendant's Motion to Dismiss is sustained and this cause of action is dismissed.

ENTERED this 13th day of March, 1969.



UNITED STATES DISTRICT JUDGE

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

United States of America,

Plaintiff,

vs.

Civil No. 68-C-250

Louis Christian Kayser, Jr. and
Joan G. Kayser, husband and wife,
Orlie D. Kendall and Jeannette
Kendall, husband and wife, William E.
Smith and Janis Smith, husband and wife,
and Merchants Retail Adjustment
Service Company, Inc.,

Defendants.

FILED

MAR 14 1969

**M. M. EWING, CLERK
U. S. DISTRICT COURT**

JUDGMENT OF FORECLOSURE

THIS MATTER comes on for consideration this 14 day of
March 1969, the Plaintiff appearing by Robert P. Santee, Assistant
United States Attorney for the Northern District of Oklahoma, the
defendants, Orlie D. Kendall and Jeannette Kendall, appearing by their
Attorney, F. C. Swindell, the defendant, Merchants Retail Adjustment
Service Company, Inc., appearing by its Attorney, Edward E. Stephens,
and the defendants Louis Christian Kayser, Jr. and Joan G. Kayser,
William E. Smith and Janis Smith appearing not.

The Court being fully advised and having examined the files
herein finds that legal service by publication was made upon the
defendants, Louis Christian Kayser, Jr. and Joan G. Kayser, William E.
Smith and Janis Smith, as appears by Proof of Publication filed herein
on March 3, 1969, and further that personal service was made on defendants,
Orlie D. Kendall, Jeannette Kendall and Merchants Retail Adjustment Service
Company, Inc. on November 26, 1968; and

It appearing that the defendants, Louis Christian Kayser, Jr.,
Joan G. Kayser, William E. Smith and Janis Smith, have failed to file
an Answer herein and are in default;

That defendants, Orlie D. Kendall and Jeanette Kendall, have
answered herein on December 13, 1968; and

That defendant, Merchants Retail Adjustment Service Company,
Inc., has filed its Disclaimer herein on December 5, 1968.

The Court further finds that this is a suit based upon a mortgage note and foreclosure of a real property mortgage securing said mortgage note and that the real property described in said mortgage is located in Tulsa, Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma.

The Court further finds that the material allegations of Plaintiff's Complaint are true and correct;

That the defendants, Louis Christian Kayser, Jr. and Joan G. Kayser, did, on September 25, 1963, execute and deliver to the Administrator of Veterans Affairs their mortgage and mortgage note for the sum of \$9,600.00, with interest thereon at the rate of 5 1/4% per annum and further providing for the payment of monthly installments of principal and interest; and

It further appears that the defendants, Orlie D. Kendall, husband and wife, have or claim some right, title or interest in and to the premises herein being foreclosed by reason of a General Warranty Deed, filed July 20, 1965, in Book 3601, Page 517, Tulsa County, Oklahoma, but in this regard Plaintiff states that whatever right, title or interest the defendants, Orlie D. Kendall and Jeannette Kendall, husband and wife, have in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this Plaintiff; and

It further appears that the defendants, William E. Smith and Janis Smith, husband and wife, have or claim some right, title, or interest in and to the premises herein being foreclosed by reason of a General Warranty Deed, filed July 5, 1966, in Book 3729, Page 674, Tulsa County, Oklahoma, but in this regard Plaintiff states that whatever right, title or interest the defendants, William E. Smith and Janis Smith, husband and wife, have in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this Plaintiff; and

It further appears that the defendants, Louis Christian Kayser, Jr., Joan G. Kayser, Orlie D. Kendall, Jeannette Kendall, William E. Smith and Janis Smith, made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make the monthly installments due thereon for more than eleven (11) months prior to November 21, 1968, the date of the filing of this action, which default has continued and that by reason thereof the defendants are now indebted to the Plaintiff

in the sum of \$8,930.58, with interest thereon at the rate of 5 $\frac{1}{4}$ % per annum from January 1, 1968, until paid.

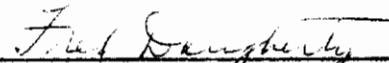
The Court further finds that the real property which is the subject of this suit is described as follows:

Lot Twenty-One (21) Block Thirty-Nine (39)
Valley View Acres Second Addition to the
City of Tulsa, Tulsa County, Oklahoma,
according to the recorded plat thereof.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have and recover judgment against the Defendants, Louis Christian Kayser, Jr., and Joan G. Kayser, Orlie D. Kendall and Jeannette Kendall, William E. Smith and Janis Smith, for the sum of \$8,930.58, with interest thereon at the rate of 5 $\frac{1}{4}$ % per annum from January 1, 1968, until paid, plus the costs of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that upon failure of the defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall issue to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisalment, the real property described herein which is the subject of this suit, and apply the proceeds thereof in satisfaction of Plaintiff's judgment, the residue, if any, to be deposited with the Clerk of the Court to await further Order of the Court.

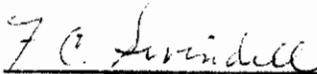
IT IS FURTHER ORDERED, ADJUDGED and DECREED that from and after the sale of said property under and by virtue of this judgment and decree, the defendants, and each of them, and all persons claiming under them since the filing of the Complaint herein, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.


UNITED STATES DISTRICT JUDGE

APPROVED:

s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney


F. C. SWINDELL
Attorney for Orlie D. Kendall and
Jeannette Kendall

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

CCI CORPORATION, a corporation,)
)
 Plaintiff,)
 vs.)
)
 UNITED STEELWORKERS OF AMERICA,)
)
 Defendant.)

No. 63-C-65

FILED

MAR 18 1969

**M. M. EWING, CLERK
U. S. DISTRICT COURT**

O R D E R

This cause comes on for consideration by the Court upon Motion filed herein by the Plaintiff, CCI Corporation, a corporation, to enforce liability of surety on supersedeas bond.

On March 18, 1967, in this cause the Court rendered a Judgment for the plaintiff, CCI Corporation, against the defendant, United Steelworkers of America, for the sum of \$18,824.51; thereafter, on the 23rd of May, 1967, the defendant, United Steelworkers of America, appealed from the Judgment to the United States Court of Appeals for the Tenth Circuit, and filed supersedeas bond, approved by the Court, on which United States Fidelity and Guaranty Company, a corporation, bound itself as surety, to pay the Judgment and costs if the appeal was dismissed or if the Judgment entered herein was affirmed or modified.

Thereafter, on the 25th of April, 1968, the United States Court of Appeals for the Tenth Circuit in the case of United Steelworkers of America, appellant v. CCI Corporation, a corporation, appellee, 395 F.2d 529 affirmed the Judgment of the District Court, and rehearing was denied by the Court of Appeals on June 26, 1968. Thereafter, application was made to the United States Supreme Court for Writ of Certiorari and denied by that Court on the 13th day of January, 1969, following which on the 23rd day of January, 1969, Mandate was returned to this Court by the United States Court of Appeals for the Tenth Circuit.

It appears to the Court that the defendant has failed to pay the amount of the Judgment and, likewise, the surety, United States Fidelity and Guaranty Company, has failed to pay the same or to fulfill its obligation under the supersedeas bond, therefore,

JUDGMENT IS HEREBY ENTERED against United States Fidelity and Guaranty Company, as surety on the supersedeas bond filed in this cause, for the sum of \$18,824.51 together with interest thereon at six percent per annum until paid, said interest to begin to run from the 18th day of March, 1967, together with costs of this action, for which let execution issue.

Dated this 17th day of March, 1969.

LUTHER BOHANON

United States District Judge

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

CCI CORPORATION, a corporation,)
)
) Plaintiff,)
 vs.)
)
 UNITED STEELWORKERS OF AMERICA,)
)
) Defendant.)

No. ⁶³⁶⁵ ~~63-C-65~~

FILED

MAR 18 1969 7^m

M. M. EWING, CLERK
U. S. DISTRICT COURT

O R D E R

This cause comes on for consideration by the Court upon Motion filed herein by the Plaintiff, CCI Corporation, a corporation, to enforce liability of surety on supersedeas bond.

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It appears to the Court that the defendant has failed to pay the amount of the Judgment and, likewise, the surety, United States Fidelity and Guaranty Company, has failed to pay the same or to fulfill its obligation under the supersedeas bond, therefore,

JUDGMENT IS HEREBY ENTERED against United States Fidelity and Guaranty Company, as surety on the supersedeas bond filed in this cause, for the sum of \$18,824.51 together with interest thereon at six percent per annum until paid, said interest to begin to run from the 18th day of March, 1967, together with costs of this action, for which let execution issue.

Dated this 17th day of March, 1969.

Luther Bohanon
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

428.50 Acres of Land, More or Less,
Situat in Tulsa County, Oklahoma,
and Finis L. White, et al, and
Unknown Owners,

Defendants.)

CIVIL ACTION NO. 6377

Tract No. 5008E

FILED

MAR 18 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 18 day of March, 1969, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on March 26, 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 estate taken in Tract No. 5008E, as such estate and tract are described in the Complaint and the Declaration of Taking and the Court's Instructions, filed herein.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on February 23, 1966, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America, as of the date of filing such instrument.

6.

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

7.

On January 22, 1968, at the request of the owners, "Requested Instruction #1" was filed in this action, as the Court's interpretation of the rights condemned. Such instruction reads as follows: "You are instructed that the Government has taken essentially all of the rights of the landowners and left the landowner with a little more than bare legal title. There is little, if anything, the landowners can do with the land, water or minerals nor to enjoy the benefits thereof without the approval of the Corps of Engineers." This instruction was delivered to the Commissioners along with the other instructions in this action.

8.

The Report of Commissioners filed herein on March 26, 1968, hereby is accepted and adopted as a finding of fact as to the subject tract. The amount of just compensation for the estate taken in the subject tract, as fixed by the Commission, is set out in paragraph 12 below.

9.

This judgment will create a certain deficiency between the amount deposited as estimated just compensation for subject tract and the amount fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out in paragraph 12 below.

10.

The defendants named in paragraph 12 as owners of subject property are the only defendants asserting any interest in the estate condemned herein, all other defendants having either disclaimed or defaulted; the named defendants, as of the date of taking, were the owners of the estate condemned herein, and, as such, are entitled to receive the award of just compensation for the estate taken.

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 Tract No. 5008E, as such tract is described in the Complaint and Declaration of Taking filed herein, and such property, to the extent of the estate described in the Declaration of Taking filed herein, but subject to the Court's interpretation of the estate taken as set forth in paragraph 7 above, 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 to such estate so taken.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the right to receive the just compensation for the estate taken herein in subject tract is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of March 26, 1968, hereby is confirmed and the sum therein fixed is adopted as just compensation for the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 5008E

OWNERS:

Lloyd E. Childers and
Helen L. Childers, jointly - - - - - 1/4

Finis L. White and
Lela E. White, jointly - - - - - 1/4

A. Earl White and
Alice White, jointly - - - - - 1/4

L. P. White and
Jane Brown White, jointly - - - - - 1/4

Award of just compensation, pursuant to Commissioners' Report - - - - -	\$3,500.00	\$3,500.00
Deposited as estimated compensation - - - - -	210.00	
Disbursed to owners - - - - -		<u>None</u>
Balance due to owners - - - - -		\$3,500.00
Deposit deficiency - - - - -	\$3,290.00	

13.

It Is Further ORDERED that the United States of America shall pay into the Registry of this Court for the benefit of the owners, the deposit deficiency

for the subject tract in the amount of \$3,290.00, together with interest on such deficiency at the rate of 6% per annum from February 23, 1966, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action.

Upon receipt of such sum the Clerk of this Court shall disburse the entire amount then on deposit for Tract No. 5008E to the owners named in paragraph 12 above, in the proportion indicated by the fraction following their names.

Allen E. Barron

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,
Plaintiff,
vs.
428.50 Acres of Land, More or Less,
Situate in Tulsa County, Oklahoma,
and Finis L. White, et al, and
Unknown Owners,
Defendants.

CIVIL ACTION NO. 6377

Tract No. 5014E

FILED

MAR 18 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 18 day of March, 1969, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on March 26, 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 estate taken in Tract No. 5014E, as such estate and tract are described in the Complaint and the Declaration of Taking, and the Court's Instructions filed herein.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on February 23, 1966, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America, as of the date of filing such instrument.

6.

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

7.

On January 22, 1968, at the request of the owner, "Requested Instruction #1" was filed in this action, as the Court's interpretation of the rights condemned. Such instruction reads as follows: "You are instructed that the Government has taken essentially all of the rights of the landowners and left the landowner with a little more than bare legal title. There is little, if anything, the landowners can do with the land, water or minerals nor to enjoy the benefits thereof without the approval of the Corps of Engineers." This instruction was delivered to the Commissioners along with the other instructions in this action.

8.

The Report of Commissioners filed herein on March 26, 1968, hereby is accepted and adopted as a finding of fact as to the subject tract. The amount of just compensation for the estate taken in the subject tract, as fixed by the Commission, is set out in paragraph 12 below.

9.

This judgment will create a certain deficiency between the amount deposited as estimated just compensation for subject tract and the amount fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out in paragraph 12 below.

10.

The defendant named in paragraph 12 as owner of the subject property is the only defendant asserting any interest in the estate condemned herein, all other defendants having either disclaimed or defaulted; the named defendant, as of the date of taking, was the owner of the estate condemned herein and, as such, is entitled to receive the award of just compensation.

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 Tract

No. 5014E, as such tract is described in the Complaint and Declaration of Taking filed herein, and such property, to the extent of the estate described in the Declaration of Taking filed herein but subject to the Court's interpretation of the estate taken as set forth in paragraph 7 above, 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 to such estate so taken.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the right to receive the just compensation for the estate taken herein in subject tract is vested in the defendant whose name appears below in this paragraph; the Report of Commissioners of March 26, 1968, hereby is confirmed and the sum therein fixed is adopted as just compensation for the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 5014E

OWNER: R. W. McClendon

Award of just compensation, pursuant to Commissioners' Report - - - - -	\$325.00	\$325.00
Deposited as estimated compensation - - - -	50.00	
Disbursed to owner - - - - -		<u>None</u>
Balance due to owner - - - - -		\$325.00
Deposit deficiency - - - - -	\$275.00	

13.

It Is Further ORDERED that the United States of America shall pay into the Registry of this Court for the benefit of the owner, the deposit deficiency for the subject tract in the amount of \$275.00, together with interest on such deficiency at the rate of 6% per annum from February 23, 1966, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action. Upon receipt of such sum, the Clerk of this Court shall disburse the entire amount on deposit for Tract No. 5014E to R. W. McClendon.

/s/ Allen E. Barrow

APPROVED:

UNITED STATES DISTRICT JUDGE

/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.

428.50 Acres of Land, More or Less,
Situat in Tulsa County, Oklahoma,
and Finis L. White, et al, and
Unknown Owners,

Defendants.

CIVIL ACTION NO. 6377

Tracts Nos.: 5019E
5029E
5031E
5032E

FILED

MAR 18 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 18 day of March, 1969, this matter comes on for dis-
position on application of the Plaintiff, United States of America, for entry of
judgment on the Reports of Commissioners filed herein on March 26, 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 enumer-
ated in the caption above, as such estates and tracts are described in the
Complaint and Declaration of Taking filed herein.

4.

Service of Process has been perfected either personally or by publica-
tion 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 con-
demn for public use the subject tracts of land. Pursuant thereto, on Febru-
ary 23, 1966, 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 Declara-
tion 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 subject tracts, certain sums of money and none of these deposits has been disbursed, as set out in paragraph 11 below.

7.

The Reports of Commissioners filed herein on March 26, 1968, hereby are accepted and adopted as findings of fact as to the subject tracts. The amounts of just compensation as to the subject tracts, as fixed by the Commission, are set out in paragraph 11 below.

8.

This judgment will create deficiencies between the amounts deposited as estimated just compensation for the estates taken in subject tracts and the amounts fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiencies should be deposited by the Government. These deficiencies are set out in paragraph 11 below.

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tracts, as such tracts are described in the Declaration of Taking filed herein, and such property, to the extent of the estates described in the Declaration of Taking filed herein, is CONDEMNED, and title thereto is vested in the United States of America, as of the date of filing the Declaration of Taking, and all defendants herein and all other persons are forever barred from asserting any claim to the estates so taken.

11.

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

Commissioners of March 26, 1968, hereby are confirmed and the sums therein fixed are adopted as the awards of just compensation for the estates taken in subject tracts, as shown by the following schedule:

TRACT NO. 5019E

Owners: Jesse A. Fincannon and
 Illa Ruth Fincannon - - - - - Surface and 1/2 of Minerals
 Robert Rogers - - - - - 1/2 of Minerals

Award of just compensation, pursuant
 to Commissioners' Report - - - - - \$2,120.00 \$2,120.00

Allocated:

To surface interest - - \$1,325.00
 To mineral interest - - 795.00

Deposited as estimated compensation - - - - 265.00
 (all for surface - no mineral deposit)

Disbursed to owners - - - - - None

Balance due to owners - - - - - -\$2,120.00

Deposit deficiency - - - - - \$1,855.00

TRACT NO. 5029E

Owners: George Campbell and
 Garnett Campbell

Award of just compensation, pursuant
 to Commissioners' Report - - - - - \$360.00 \$360.00

Deposited as estimated compensation - - - - 50.00

Disbursed to owner - - - - - None

Balance due to owner - - - - - \$360.00

Deposit deficiency - - - - - \$310.00

TRACT NO. 5031E

Owner: Garnett Campbell

Award of just compensation, pursuant
 to Commissioners' Report - - - - - \$692.00 \$692.00

Deposited as estimated compensation - - - - 80.00

Disbursed to owner - - - - - None

Balance due to owner - - - - - \$692.00

Deposit deficiency - - - - - \$612.00

TRACT NO. 5032E

Owners: Garnett Campbell and
George Campbell, Guardians of
Lotsee E. L. Campbell

Award of just compensation, pursuant to Commissioners' Report - - - - -	\$2,920.00	\$2,920.00
Deposited as estimated compensation - - -	360.00	
Disbursed to owners - - - - -		<u>None</u>
Balance due to owners - - - - -		\$2,920.00
Deposit deficiency - - - - -	\$2,560.00	

12.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiencies for the subject tracts as shown in paragraph 11, together with interest on such deficiencies at the rate of 6% per annum from February 23, 1966 until the date of deposit of such deficiency sums; and such sums shall be placed in the respective deposits for subject tracts in this civil action.

Upon receipt of such deficiency sums the Clerk of this Court shall disburse the funds then on deposit for the subject tracts as follows:

1. As to Tract No. 5019E:

To Jesse A. Fincannon and Illa Ruth Fincannon, jointly, the sum of \$1,722.50, plus 80.8% of the accrued interest on the deposit deficiency for this tract.

To Robert Rogers the sum of \$397.50, plus 19.2% of the accrued interest on the deposit deficiency for this tract.

2. As to Tracts Nos. 5029E, 5031E and 5032E:

To the owners of each respective tract, as shown in paragraph 11, the entire amount on deposit for such tract.

/s/ Allen E. Barrow

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.
428.50 Acres of Land, More or Less,
Situate in Tulsa County, Oklahoma,
and Finis L. White, et al, and
Unknown Owners,
Defendants.

CIVIL ACTION NO. 6377
Tract No. 5028E

FILED

MAR 18 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 17 day of March, 1969, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on March 26, 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 estate taken in Tract No. 5028E, as such estate and tract are described in the Complaint and the Declaration of Taking, and the Court's Instructions filed herein.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on February 23, 1966, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America, as of the date of filing such instrument.

6.

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

7.

On January 22, 1968, at the request of the owner, "Requested Instruction #1" was filed in this action, as the Court's interpretation of the rights condemned. Such instruction reads as follows: "You are instructed that the Government has taken essentially all of the rights of the landowners and left the landowner with a little more than bare legal title. There is little, if anything, the landowners can do with the land, water or minerals nor to enjoy the benefits thereof without the approval of the Corps of Engineers." This instruction was delivered to the Commissioners along with the other instructions in this action.

8.

The Report of Commissioners filed herein on March 26, 1968, hereby is accepted and adopted as a finding of fact as to the subject tract. The amount of just compensation for the estate taken in the subject tract, as fixed by the Commission, is set out in paragraph 12 below.

9.

This judgment will create a certain deficiency between the amount deposited as estimated just compensation for subject tract and the amount fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out in paragraph 12 below.

10.

The defendant named in paragraph 12 as owner of the subject property is the only defendant asserting any interest in the estate condemned herein, all other defendants having either disclaimed or defaulted; the named defendant, as of the date of taking, was the owner of the estate condemned herein and, as such, is entitled to receive the award of just compensation.

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 Tract

No. 5028E, as such tract is described in the Complaint and Declaration of Taking filed herein, and such property, to the extent of the estate described in the Declaration of Taking filed herein, but subject to the Court's interpretation of the estate taken as set forth in paragraph 7 above, 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 to such estate so taken.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the right to receive the just compensation for the estate taken herein in subject tract is vested in the defendant whose name appears below in this paragraph; the Report of Commissioners of March 26, 1968, hereby is confirmed and the sum therein fixed is adopted as just compensation for the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 5028E

OWNER: Cora B. McKee

Award of just compensation, pursuant to Commissioners' Report - - - - -	\$3,776.00	\$3,776.00
Deposited as estimated compensation - - - -	470.00	
Disbursed to owner - - - - -		<u>470.00</u>
Balance due to owner - - - - -		\$3,306.00
Deposit deficiency - - - - -	\$3,306.00	

13.

It Is Further ORDERED that the United States of America shall pay into the Registry of this Court for the benefit of the owner, the deposit deficiency for the subject tract in the amount of \$3,306.00, together with interest on such deficiency at the rate of 6% per annum from February 23, 1966, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action. Upon receipt of such sum, the Clerk of this Court shall disburse the entire amount on deposit for Tract No. 5028E to Cora B. McKee.

APPROVED:

Allen E. Barron
UNITED STATES DISTRICT JUDGE

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.
46.43 Acres, More or Less, in Rogers
County, Oklahoma, including all ac-
cretions and riparian rights thereto,
and Lester J. Brooks, et al, and
Unknown Owners,
Defendants.

CIVIL ACTION NO. 67-C-24

Tract No. 136

FILED

MAR 18 1969

**M. M. EWING, CLERK
U. S. DISTRICT COURT**

J U D G M E N T

1.

NOW, on this 17 day of March, 1969, this matter comes on for disposition on application of the Plaintiff, United States of America, and the defendant landowners, for entry of judgment on the Report of Commissioners filed herein on July 9, 1968, and the Court, after having examined the files in this action and being advised by counsel for the parties, finds that:

2.

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

3.

This judgment applies to the entire estate taken in Tract No. 136, as such estate and tract are described in the Complaint and the Declaration of Taking, filed herein.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on February 3, 1967, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, and title to such estate should be vested in the United States of America as of the date of filing such instrument.

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 subject property a certain sum of money, and all of this deposit has been disbursed, as set out in paragraph 11 below.

7.

The Report of Commissioners filed herein on July 9, 1968, hereby is accepted and adopted as a finding of fact as to subject tract. The amount of just compensation for the estate taken in the subject tract, as fixed by the Commission, is set out in paragraph 11 below.

8.

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

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the property described as Tract No. 136 in the Complaint and Declaration of Taking filed herein, and such Tract No. 136, to the extent of the estate described in such Complaint and Declaration of Taking, is condemned, and title thereto is vested in the United States of America, as of the date of filing the Declaration of Taking, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED, and DECREED that the right to receive the just compensation for the estate taken herein in subject tract is

vested in the persons named in the schedule below; the Report of Commissioners of July 9, 1968, hereby is confirmed and the sum therein fixed is adopted as just compensation for the estate taken in subject tract, and the award is allocated among the owners as shown by the following schedule:

TRACT NO. 136

OWNERS:

Surface:

Lester J. Brooks and Louisa L. Brooks

Subject to mortgage to Commissioners of the Land Office of the State of Oklahoma

Oil, gas and other minerals:

Commissioners of the Land Office
of the State of Oklahoma - - - - - 1/2

Surface Owners - - - - - 1/2

Award of just compensation for all interests,
pursuant to Commissioners' Report - - - - - \$20,616.00

Allocation of award:

For surface interest - - - - - \$20,175.00

For mineral interest - - - - - 441.00

Deposited as estimated compensation - - - - - \$17,898.00

Allocation of deposit:

For surface - - - - - \$17,475.00

For minerals - - - - - 423.00

Deposit deficiency - - - - - \$ 2,718.00

Distribution of award among owners,
disbursals and balances due:

	<u>Brooks</u>	<u>Commissioners of Land Office</u>	<u>Totals</u>
Brooks share of award - for mortgagor interest in surface - - - - -			\$17,076.02
Brooks share of award - for 1/2 minerals - - - - -			220.50
Commissioners' share of award - for mortgage on surface - - - - -			\$3,098.98
Commissioners' share of award - for 1/2 minerals - - - - -			220.50

Schedule for Tract No. 136 Cont'd

	<u>Brooks</u>	<u>Commissioners of Land Office</u>	<u>Totals</u>
Brooks total share of total award - - - - -	\$17,296.52		
Commissioners' total share of total award - - - - -		\$3,319.48	\$20,616.00
Disbursed from deposit of estimated compensation:			
To: Brooks - - - - -	\$14,799.02		
To: Commissioners - - - - -		\$3,098.98	\$17,898.00
<hr/>			
Balance due to Brooks - - - -	\$ 2,497.50		
Balance due to Commissioners - - - - -		\$ 220.50	
Total - - - - -			\$ 2,718.00

12.

It Is Further ORDERED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the subject tract in the amount of \$2,718.00, together with interest on such deficiency at the rate of 6% per annum from February 3, 1967, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action.

Upon receipt of such sum, the Clerk of this Court shall disburse the same as follows:

To Lester J. Brooks and Louisa L. Brooks, jointly, the sum of \$2,497.50 plus 2497.50/2718 of all accrued interest.

To Commissioners of the Land Office of the State of Oklahoma, the sum of \$220.50, plus 220.50/2718 of all accrued interest.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

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

TRANSPORT INSURANCE COMPANY,)
A Foreign Insurance Corporation,)
)
Plaintiff,)
vs.)
)
FIREMAN'S FUND AMERICAN INSURANCE)
COMPANY, A Foreign Corporation,)
)
Defendant.)

No. 68-C-94

FILED

MAR 18 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

J U D G M E N T

This is an action brought by the plaintiff, Transport Insurance Company, a foreign corporation, against Fireman's Fund American Insurance Company, a foreign corporation. Plaintiff appeared by Best, Sharp, Thomas and Glass by Mr. Joseph A. Sharp, and defendant appeared by Messrs. Alfred B. Knight and Richard D. Wagner.

This is an action wherein plaintiff seeks a declaratory judgment of this Court finding and holding that the defendant afforded liability insurance covering a personal injury accident which occurred in the City of Tulsa on February 4, 1965. The plaintiff settled the damage suit claim and here seeks recovery of the amount of the settlement from the defendant on the theory that the defendant's policy of insurance to its insured afforded primary coverage to plaintiff's assured for the accident involved, and the resulting suit and settlement thereof.

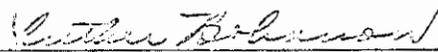
The parties to this action on February 3, 1969, filed a full Stipulation of Facts and have submitted this case for determination by the Court upon such Stipulation of Facts, the Briefs of the parties, the pleadings and the policies of insurance in question, all of which are a part of the files in this case.

The law of the State of Texas governing the meaning of and interpretation of the policy of insurance issued by the defendant is applicable in this case, and under the law of the State of Texas this Court holds as a matter of law the defendant herein was not given notice of the accident involved nor of the suit instituted by the injured workman as soon as practicable as provided in defendant's policy, and, therefore, the defendant's insurance policy afforded its assured no coverage.

The Court further concludes that had proper notice been given to the defendant as required by its insurance policy and the law of the State of Texas, no coverage would be extended under its policy to plaintiff's insured because the accident and resulting injuries was not causally related to defendant's insured's use of its truck.

IT IS THE JUDGMENT of the Court that the plaintiff is not entitled to recover in this case and Judgment should be entered in favor of the defendant and costs awarded to the defendant.

Dated this 17th day of March, 1969.


United States District Judge

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

ROLLAND D. CARTER, MARTHA ANN
CARTER; ROLLAND DAN CARTER and
MARTHA ANN CARTER, as father and mother
and next of friend of KATHERINE CARTER,
a minor age 13; ROLLAND DAN CARTER and
MARTHA ANN CARTER, as father and mother
and next of friend of DAN CARTER, a minor
age 10; ROLLAND DAN CARTER and MARTHA
ANN CARTER, as mother and father and next
of friend of DAVID R. CARTER, a minor age 7;
ROLLAND DAN CARTER and MARTHA ANN
CARTER, as father and mother and next of
friend of JOHN WILLIAM CARTER, a minor
age 5.

Plaintiffs,

-vs-

ROBERT C. ALLFORD,

Defendant.

FILED

MAR 18 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

No. 68-C-256

JOURNAL ENTRY OF JUDGMENT

This cause came on for trial pursuant to agreement of the parties on this 10th day of March, 1969, at which time the plaintiffs appeared by their attorney, R. James Unruh, and the defendant appeared by his attorney, David H. Sanders, who appeared pursuant to an acknowledged Warrant of Attorney made and filed herein. Both sides in open court waived their right to trial by jury. Thereupon the parties put on their evidence and rested and the Court after having heard and considered the testimony of witnesses sworn and examined in open court makes the following findings of fact to-wit:

1. Finds that the plaintiff Rolland D. Carter, being one and the same person as Rolland Dan Carter and Martha Ann Carter are husband and wife and are father and mother and next of friend and do bring this action for and on behalf of their minor children, Katherine Carter, age 13, Dan Carter, age 10, David R. Carter, age 7, and John William Carter, age 5, and that Rolland D. Carter and Martha Ann Carter have the sole care, custody and control of their by residents of their household.

2. Finds that the plaintiffs are all residents and citizens of the County of Tulsa, State of Oklahoma and that the defendant, Robert C. Allford, is a citizen and resident of the State of California.

3. Finds that the amount in controversy exceeds the sum of \$10,000.00 exclusive of interest and costs and that under Rule 20 of the Federal Rules of Civil Procedure that all parties who are injured in the same occurrence may join in one cause of action.

4. Finds that there is a diversity of citizenship between the parties plaintiff and defendant and that this court has jurisdiction of the parties hereto and of the claims of the plaintiff against the defendant arising out of and occasioned by an automobile collision occurring on June 4, 1967, within the judicial district of this court in the County of Delaware, State of Oklahoma.

5. Finds that the defendant has offered to confess judgment in favor of the plaintiff and against himself for the total sum of \$1750.00 without admitting a liability on his part, but for the sole purpose of liquidating and disposing of the claims and causes of action herein asserted by the plaintiff against the defendant.

6. Finds that the plaintiffs in open court requested that the offer of the defendant be accepted and that the claims and causes of action heretofore asserted by them against the defendant be merged into judgment in favor of the plaintiffs, Rolland D. Carter and Martha Ann Carter jointly against the defendant for the sum of \$1350.00 and for Rolland D. Carter and Martha Ann Carter as father and mother and next of friend of Katherine Carter, a minor age 13, for the sum of \$100.00 and Rolland Dan Carter and Martha Ann Carter as father and mother and next of friend of Dan Carter, a minor age 10, for the sum of \$100.00 and Rolland Dan Carter and Martha Ann Carter as father and mother and next of friend of David R. Carter, a minor age 7, the sum of \$100.00 and Rolland Dan Carter and Martha Ann Carter as father and mother and next of friend of John William Carter, a minor age 5, for the sum of \$100.00 all as against the defendant, and the court finds that such sum will adequately and fairly compensate each of

the plaintiffs for all of their damages arising out of and occasioned by the automobile collision between the parties occurring on June 4, 1967, in Delaware County, and that judgment should be entered by the court.

The Court concludes as a matter of law that it has jurisdiction of the parties hereto and that judgments should be entered in favor of the plaintiffs as aforesaid and against the defendant merging all of their claims and causes of action arising out of an automobile collision occurring on June 4, 1967, in Delaware County against the defendant and that such judgments will fairly and adequately compensate each of the parties for their damages.

NOW, THEREFORE, the Court having made findings of fact and conclusions of law does hereby and by these presents enter judgment in favor of the plaintiffs and against the defendant as follows:

Rolland D. Carter and Martha Ann Carter, individually and as husband and wife shall jointly have and recover judgment of and from the defendant, Robert C. Allford for the sum of \$1350.00.

Rolland Dan Carter and Martha Ann Carter, as father and mother and next of friend of Katherine Carter, a minor age 13 have and recover judgment of and from the defendant, Robert C. Allford, for the sum of \$100.00 and Rolland Dan Carter and Martha Ann Carter as father and mother and next of friend of Dan Carter, a minor age 10 have and recover judgment of and from the defendant, Robert C. Allford, for the sum of \$100.00 and Rolland Dan Carter and Martha Ann Carter as father and mother and next of friend of David R. Carter, a minor age 7, have and recover judgment of and from the defendant, Robert C. Allford, for the sum of \$100.00 and Rolland Dan Carter and Martha Ann Carter as father and mother and next of friend of John William Carter, a minor age 5, have and recover judgment of and from the defendant, Robert C. Allford, for the sum of \$100.00.

Done in open court this 18th day of March, 1969.

S/ Allan E. Bussow
U. S. DISTRICT JUDGE

APPROVED:

S/ R. James Unruh
R. James Unruh, Attorney for Plaintiff

S/ David H. Sanders
David H. Sanders, Attorney for Defendant

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

United States of America,

Plaintiff,

vs.

Elmer Louis Krepel,

Defendant.

Civil No. 68-C-225

FILED

MAR 19 1969

O R D E R

**M. M. EWING, CLERK
U. S. DISTRICT COURT**

NOW on this 12th day of March 1969, the Court having under consideration the Motion and Affidavit In Support of Motion To Set Aside a Bail Forfeiture previously granted on October 11, 1968; and

The Court being fully advised in the premises finds that said Motion To Set Aside Bail Forfeiture should be and is hereby overruled and denied.

3/12/69

WALTER BOLANON

UNITED STATES DISTRICT JUDGE

after the receipt by the defendant through service or otherwise, of a copy of the initial pleading or within thirty days after the service of summons upon the defendant. Yarbrough v. Blake, 212 F.Supp. 133. The period of time has long since expired and to permit an amendment beyond the limitation fixed would be to ignore the whole purpose of the act.

Since the file does not reflect the principal place of business of plaintiff or the principal places of business of the corporate parties at the commencement of the action, as well as at the time the petition for removal was filed, jurisdiction of the state court was never divested. Jackson v. Allen, 132 U.S. 27.

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

ENTERED this 18th day of March, 1969.

A handwritten signature in cursive script, appearing to read "Allen E. ...", is written over a horizontal line.

UNITED STATES DISTRICT JUDGE

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

JOE ARTHUR MURDOCK,)
)
) Plaintiff,)
 vs.)
)
 SHELL OIL COMPANY,)
 a foreign corporation,)
)
) Defendant.)

No. 67-C-219

FILED

MAR 19 1969

**M. M. EWING, CLERK
U. S. DISTRICT COURT.**

J U D G M E N T

The above entitled cause having come on regularly for trial on March 12, 1969, the parties appeared and by their respective counsel of record, and the Court having heard and considered the evidence, and the cause was submitted to the Court without a jury. The Court announced its decision on March 12, 1969, and having this day entered its Findings of Fact and Conclusions of Law and being fully advised in the premises,

WHEREFORE, by reason of the Findings of Fact and Conclusions of Law, IT IS ORDERED, ADJUDGED AND DECREED that the plaintiff take nothing against the defendant, judgment is entered for the defendant and the defendant is to have its costs herein expended.

Dated this 18th day of March, 1969.

Luther Bohanan
United States District Judge

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

MERGO, INC., a corporation,)
)
Plaintiff,) 68-C-21
)
vs.)
)
VAL T. EFFINGER, LARRY W.)
CHORES AND DONALD MORTON,)
)
Defendants.)

FILED

MAR 19 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER

The Court has for consideration the Motion to Dismiss Action filed by Val T. Effinger and Larry W. Chores, and, being fully advised in the premises, finds:

That this Court lacks jurisdiction over the defendants, Val T. Effinger and Larry W. Chores, because they are not amenable to service to obtain a person judgment in this State.

The Court further finds that summons was issued to serve Donald Morton on January 24, 1968, and that said Donald Morton was not served and no further effort has been made to obtain service on the said Donald Morton. The Court, therefore, concludes that the cause of action should be dismissed without prejudice as to Donald Morton for failure to prosecute.

IT IS, THEREFORE, ORDERED that the Motion to Dismiss filed by Val T. Effinger and Larry W. Chores should be sustained and the cause of action is dismissed without prejudice as to them.

IT IS FURTHER ORDERED that this cause of action is dismissed without prejudice as to Donald Morton for failure to prosecute.

ENTERED this 19th day of March, 1969.


UNITED STATES DISTRICT JUDGE

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

ROBERT BRADSHAW,)

Plaintiff,)

vs.)

WILBUR J. COHEN, SECRETARY OF)
HEALTH, EDUCATION AND WELFARE,)

Defendant.)

68-C-171

FILED

MAR 19 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER

The Court has for consideration the Motion for Summary Judgment filed by the defendant herein, and, being fully advised in the premises, finds:

That the Motion for Summary Judgment should be overruled and that decision of the Appeals Council should be overruled because it is not supported by substantial evidence.

The Court further finds that the decision of the Hearing Examiner should be sustained.

The Court further finds that the portion of this case dealing with the year 1966 should be remanded to the Hearing Examiner for further proceedings, since the year 1966 was not before the Hearing Examiner.

IT IS, THEREFORE, ORDERED that the Motion for Summary Judgment be and the same is hereby overruled.

IT IS FURTHER ORDERED that the Court adopts and affirms the decision of the Hearing Examiner.

IT IS FURTHER ORDERED that the portion of the case dealing with the year 1966 be remanded to the Hearing Examiner for further proceedings, consistent with this order.

ENTERED this 19th day of March, 1969.

A handwritten signature in cursive script, appearing to read "Alan E. Berman", written over a horizontal line.

UNITED STATES DISTRICT JUDGE

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

SHARLEY ANN TROTTER, as widow and
surviving spouse of W. R. TROTTER,
Deceased,

Plaintiff,

vs.

BRANIFF AIRWAYS, INCORPORATED,
a Nevada Corporation,

Defendant.

MR. AND MRS. ALVA TROTTER and
SHARON KAY HICKS,

Intervenors.

No. 68-C-186

FILED

MAR 20 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER OF DISMISSAL

This matter coming on to be heard before the undersigned Judge of the United States District Court for the Northern District of Oklahoma on this 20th day of March, 1969 upon the Motion to Dismiss filed by the plaintiff, Sharley Ann Trotter, and the intervenors, Mr. and Mrs. Alva Trotter and Sharon Kay Hicks, and the Court after having heard the stipulations of counsel and being fully advised in the premises finds that said cause should be dismissed with prejudice to the filing of any future actions.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Petition filed herein be dismissed with prejudice to the right of filing any future actions.

Allen E. Barron

Judge of the United States District Court

Approved as to form:

Thomas Dee Frasier

Frasier, Richard, Mefford & Frasier
Attorneys for Plaintiff

Robert L. Shepherd

Robert L. Shepherd
Attorney for Intervenors

Burt Johnson

Burt Johnson
Attorney for Defendant

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

STATE FARM MUTUAL AUTOMOBILE)
INSURANCE COMPANY,)
)
Plaintiff,)
)
vs.)
)
EDITH BITNER, Individually, et al.,)
)
Defendants.)

No. 68-C-259

FILED

MAR 20 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER OF DISMISSAL

NOW on this 19 day of March, 1969, upon motion of the defendants and cross-complainants, Betty Ruth Gurley, Mary Lynn Gurley, and Doyle D. Gurley, their cause of action against the defendant, Mid-West National Fire & Casualty Company or Mid-West National Insurance Company, is dismissed without prejudice.

Laitha Bohannon
JUDGE

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

United States of America,

Plaintiff,

vs.

O. L. Jackson and Mildred M.
Jackson, husband and wife,

Defendants.

Civil No. 69-C-8

FILED

MAR 21 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this _____ day of
March, 1969, the Plaintiff appearing by Robert P. Santee, Assistant United
States Attorney for the Northern District of Oklahoma, and the Defendants,
O. L. Jackson and Mildred M. Jackson, husband and wife, appearing not.

The Court being fully advised and having examined the file
herein, finds that legal service was made upon the Defendants, O. L. Jackson
and Mildred M. Jackson, on February 15 and February 3, 1969, respectively.

It appearing that the defendants, O. L. Jackson and Mildred M.
Jackson, husband and wife, have failed to file an Answer herein, and that
default has been entered by the Clerk of this Court, the Court further finds
that this is a suit based upon a mortgage note and foreclosure on a real
property mortgage securing said mortgage note and that the real property
described in said mortgage is located in Tulsa, Tulsa County, Oklahoma,
within the Northern Judicial District of Oklahoma, and that the legal descrip-
tion is:

Lot Fourteen (14), Block Six (6), SUBURBAN ACRES
FOURTH, an Addition to the City of Tulsa, Tulsa
County, State of Oklahoma, according to the Re-
corded Plat thereof.

The Court further finds that the material allegations of the
Plaintiff's Complaint are true and correct.

That the Defendants, O. L. Jackson and Mildred M. Jackson,
husband and wife, did, on September 30, 1967, execute and deliver to the
Administrator of Veterans Affairs their mortgage and mortgage note for the
sum of \$9,500.00, with interest thereon at the rate of 6 per cent per annum,
and further providing for the payment of monthly installments of principal
and interest; and

It further appears that the defendants, O. L. Jackson and Mildred M. Jackson, husband and wife, made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make monthly installments due thereon for at least eight (8) months prior to the filing of this action, to-wit: January 23, 1969, which default has continued and that by reason thereof the defendants are now indebted to the Plaintiff in the sum of \$9,481.98, as unpaid principal, with interest thereon at the rate of 6 per cent per annum from the time of default until paid.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have and recover judgment against the defendants, O. L. Jackson and Mildred M. Jackson, husband and wife, for the sum of \$9,481.98, with interest thereon at the rate of 6 per cent per annum from April 1, 1968, until paid, plus the cost of this action, accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that upon failure of the Defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall issue to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisement, the above-described real property and apply the proceeds thereof in satisfaction of Plaintiff's judgment, the residue, if any, to be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, the defendants, and each of them, and all persons claiming under them, since the filing of the Complaint herein, be, and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.

s/ Allen E. Barron
UNITED STATES DISTRICT JUDGE

APPROVED:

s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES W. WHIPPLE and GEORGIA LEE
WHIPPLE, husband and wife,

Defendants.)

CIVIL ACTION NO. 68-c-218

FILED

MAR 25 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

NOTICE OF DISMISSAL

COMES NOW the Plaintiff, United States of America, by and through its attorney, Robert P. Santee, Assistant United States Attorney for the Northern District of Oklahoma, and hereby gives its Notice of Dismissal with prejudice as to Defendant, Georgia Lee Whipple. Prior hereto the Court entered an Order of Dismissal with prejudice as to Defendant, James W. Whipple, which dismissal was predicated upon Plaintiff's acceptance of \$2,000.00 tendered by James W. Whipple for release as to him. The Plaintiff would show the Court that Defendant, Georgia Lee Whipple, has paid the sum of \$2,000.00 to the Plaintiff under the terms of a previous compromise settlement.

Dated this 25th day of March, 1969.

UNITED STATES OF AMERICA

LAWRENCE A. MCSOUD
United States Attorney

s/ Robert P. Santee

ROBERT P. SANTEE
Assistant U. S. Attorney

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

CHEROKEE PIPE LINE COMPANY,)
a corporation,)
)
Plaintiff,)
)
vs.)
)
FRANK NUTTY, INC., a corporation, and)
EUGENE LUHR & CO., a corporation,)
)
Defendants.)

No. 68-C-145

FILED

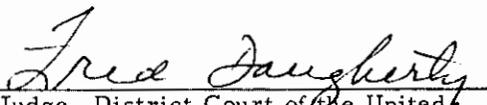
MAR 26 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER OF DISMISSAL

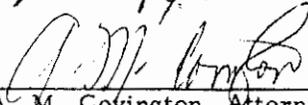
The above matter coming on to be heard this 26 day of March, 1969, upon written application of the parties for a dismissal of said action and cross-complaint with prejudice, the Court having examined said application finds that said parties have entered into a compromise settlement covering all claims 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.

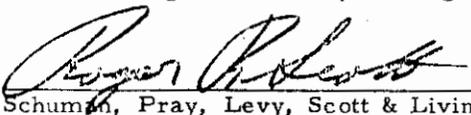
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the action of Plaintiff filed herein against the Defendants and the Cross-Complaint filed herein be and the same are hereby dismissed with prejudice to any future action.


Judge, District Court of the United
States, Northern District of Oklahoma

APPROVALS:


Alfred B. Knight, Attorney for Frank Nutty, Inc.


A. M. Covington, Attorney for Eugene Luhr, Inc.


Schuman, Pray, Levy, Scott & Livingston,
Attorneys for Plaintiff

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

THE NATIONAL BANK OF COMMERCE
OF TULSA, a National Banking
Association,

Plaintiff,

-vs-

HERBERT FRUTKIN, JOSEPH J. SOLON,
ROTO AMERICAN SALES CORPORATION,
a corporation, and DONLON
INDUSTRIES, INC., a corporation,

Defendants.

No. 68-C-266

FILED

MAR 26 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT.

OF
STIPULATION ~~FOR~~ DISMISSAL WITHOUT PREJUDICE

It is hereby stipulated that the complaint of the
plaintiff filed herein may be and is hereby dismissed without
prejudice, each party to bear its own costs.

DATED this March 26, 1969.

THE NATIONAL BANK OF COMMERCE OF TULSA

By


Hall, Abercrombie & Estill,
Its Attorneys

HERBERT FRUTKIN and
ROTO AMERICAN SALES CORPORATION

By


Woodson & Gasaway,
Their Attorneys

amount of \$2,647.15 and the same shall be held by the garnishee, subject to the order of the Court of Common Pleas, Morrow County, Ohio, in Case No. 13083, styled: Misco Industries, Inc., Plaintiff, vs. Comanche Oil, Inc., a corporation.

4. Plaintiff shall give twenty (20) days' notice by certified mail to all claimants to said funds known to the garnishee, Ashland Oil & Refining Company, in order that claimants may file their claims herein to said fund; and

5. The deposit by the Ashland Oil & Refining Company with the Clerk of this Court in the sum of \$3,520.89 shall constitute a complete release and discharge of Ashland Oil & Refining Company from all liability as to all garnishments prior to this date of every kind and character/and of every claimant thereto who has heretofore filed in any court and caused notice through said court to be served on Ashland Oil & Refining Company except insofar as the Newson and Westbrook leases are concerned.

6. That Ashland Oil & Refining Company shall, within twenty (20) days from the date hereof furnish to the Clerk of this Court the name, the address, and the amount of claim of each claimant who has heretofore made such claim against said \$3,520.89. That the plaintiff shall give notice to such persons or claimants to show cause why their claims should be honored by this Court.

Dated this 21 day of March, 1969.

Approved:

Arthur Robinson
United States District Judge

W. J. Thurgill
Attorney for Plaintiff

Ernestable
Attorney for Garnishee,
Ashland Oil & Refining Company

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

THE HOUSE OF SEAGRAM, INC.,)
a corporation,)
)
Plaintiff,)
)
vs.)
)
HARRY D. GRIMSHAW dba UNITED)
BEVERAGE COMPANY,)
)
Defendant.)

No. 69-C-4

FILED

MAR 27 1969

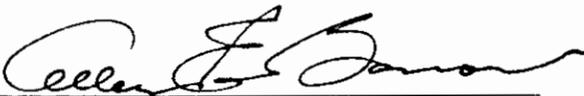
M. M. EWING, CLERK
U. S. DISTRICT COURT

JUDGMENT

This cause came on for trial at the request of both parties through their counsel of record, John B. Hayes of Watts, Looney, Nichols & Johnson for plaintiff and Irvine E. Ungerman of Ungerman, Grabel, Ungerman & Leiter, for defendant. The parties thereupon stipulated that plaintiff should be and is entitled to recover judgment against the defendant as set forth below, with court costs and attorneys fees as allowed by law. The court finds that plaintiff, House of Seagram, Inc., is a Delaware corporation with its principal place of business in New York City, New York, and is duly authorized to transact business in the State of Oklahoma and that the defendant, Harry D. Grimshaw, is an individual citizen and resident of the State of Oklahoma, presently residing in the Northern Judicial District of the State of Oklahoma. The amount in controversy exceeds \$10,000 exclusive of interest, costs and attorney fees.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED, that plaintiff, House of Seagram, Inc. have and is hereby granted judgment against the defendant, Harry D. Grimshaw, an individual doing business as United Beverage, in the principal sum of \$72,705.76, with interest thereon at 6% per annum from and after the time the accounts became due until the date of this judgment, which interest is \$5,389.72, and interest at 10% per annum from and after the date of this judgment on the total amount of \$78,095.48 until fully paid. In addition, plaintiff is granted judgment against the defendant for its court costs in the amount of \$15.00 and for a reasonable attorney fee in the amount of \$2,500.00.

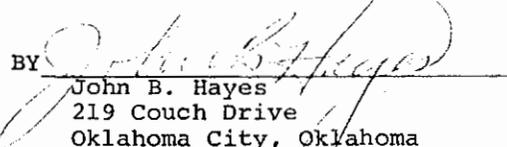
Entered by agreement of the parties on this 21st day of
March, 1969.


UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM & CONTENT:

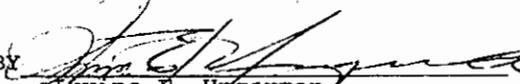
WATTS, LOONEY, NICHOLS & JOHNSON

BY


John B. Hayes
219 Couch Drive
Oklahoma City, Oklahoma
Attorneys for Plaintiff

UNGERMAN, GRABEL, UNGERMAN & LEITER

BY


Irvine E. Ungerman
Sixth Floor - Wright Building
Tulsa, Oklahoma 74103
Attorneys for Defendant

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

FROMM & SICHEL, INC.)
)
 Plaintiff,)
)
 vs.)
)
 HARRY D. GRIMSHAW dba UNITED)
 BEVERAGE COMPANY,)
)
 Defendant.)

No. 69-C-5

FILED

MAR 27 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

JUDGMENT

This cause came on for trial at the request of both parties through their counsel of record, John B. Hayes of Watts, Looney, Nichols & Johnson for plaintiff and Irvine E. Ungerman of Ungerman, Grabel, Ungerman & Leiter, for defendant. The parties thereupon stipulated that plaintiff should be and is entitled to recover judgment against the defendant as set forth below, with court costs and attorneys fees as allowed by law. The court finds that plaintiff, Fromm & Sichel, Inc., is a foreign corporation with its principal place of business other than in the State of Oklahoma, and that the defendant, Harry D. Grimshaw, is an individual citizen and resident of the State of Oklahoma, presently residing in the Northern Judicial District of the State of Oklahoma. The amount in controversy exceeds \$10,000 exclusive of interest, costs, and attorney fees.

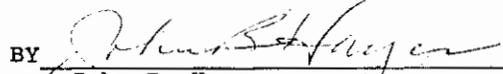
IT IS HEREBY ORDERED ADJUDGED AND DECREED, that plaintiff, Fromm & Sichel, Inc. have and is hereby granted judgment against the defendant, Harry D. Grimshaw, an individual doing business as United Beverage Company, in the principal sum of \$17,400.00, with interest thereon at 6% per annum from and after April 12, 1968 to the date of this judgment, which interest amounts to \$957.00, and from and after the date of this judgment interest at the rate of 10% per annum on \$18,357.00 until said judgment is fully paid. In addition, plaintiff is granted judgment against the defendant for all the court costs expended herein, which costs amount to \$15.00, and an attorney fee for prosecuting this action on open account in the amount of \$1,500.00.

Entered by agreement of the parties on this 26th day of
March, 1969.

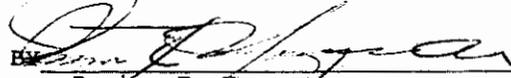

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM & CONTENT:

WATTS, LOONEY, NICHOLS & JOHNSON

BY 
John B. Hayes
219 Couch Drive
Oklahoma City, Oklahoma
Attorneys for Plaintiff

UNGERMAN, GRABEL, UNGERMAN & LEITER

BY 
Irvine E. Ungerman
Sixth Floor - Wright Building
Tulsa, Oklahoma 74103
Attorneys for Defendant

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

DIAMOND S INTERNATIONAL LEASING
CORPORATION, a Corporation, Plaintiff,

vs.

SHEEHAN PIPELINE CONSTRUCTION
COMPANY, a Co-Partnership, et al
Defendants.

Civil Action
No. 68-C-29

FILED

MAR 28 1969

JUDGMENT

M. M. EWING, CLERK
U. S. DISTRICT COURT

This action came on for trial before the Court on March 4, 1969, trial by Jury having been waived, Honorable Luther Bohanon, District Judge, presiding; plaintiff appearing by its counsel, Whitebook and Raskin, and the defendant appearing by its counsel, George S. Downey, and the issues having been tried, and the Court having made Findings of Fact and Conclusions of Law, and a decision having been rendered,

It Is Ordered and Adjudged that plaintiff take nothing by its action, and judgment is rendered in favor of defendant and against plaintiff, and the defendant recover of plaintiff its costs of this action.

It Is Further Adjudged that plaintiff be allowed an exception to the ruling of the Court.

It Is Further Adjudged that the appeal time shall begin to run after the Court has filed the Findings of Fact and Conclusions of Law and entered the Judgment in this cause.


UNITED STATES DISTRICT JUDGE



UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

In the matter of:

DIKRONA INTERNATIONAL LEASING
CORPORATION,

Plaintiff

vs.

SHEWAN PIPE LINE CONSTRUCTION
COMPANY, a co-partnership, ET AL,

Defendants

Civil Action No. 68-0-22

FILED

MAR 28 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This action came on regularly for trial and the Court having duly considered the evidence and being fully advised in the premises now finds the following:

FINDINGS OF FACT

1. That diversity of citizenship exists between the parties to this litigation and the amount involved exceeds the jurisdictional requirement.
2. That plaintiff, without a formal leasing agreement, rented three C-850 Kantan Backhoes to defendant at a rental of \$1,700.00 per month per machine.
3. That the parties have stipulated that all amounts due under said agreement have been paid and fully satisfied.
4. That there exists in the industry a custom that property rented shall be used reasonably for the purposes intended and be returned in approximately the same condition as received, reasonable wear and tear excepted.
5. That the condition of the backhoes when returned for rental was such that the defendant on several occasions declined renting said equipment because of its condition of repair and finally leased the same only after determining that no other similar equipment was available in the area or within the time period. The rental charges were not equitable and payable to the plaintiff.
6. That from the undisputed evidence it is clear that defendant's rental machine is an older, more thoroughly used machine.



of its normal expectancy and in fact the machines were in a
 poor shape particularly suited to ditching work and backhoes.

4. That the machines in question were not new machines but
 required by plaintiff after a period of operation and under a
 lease-purchase agreement and had been subjected to considerable
 severe usage over many eight-to-ten and under lesser conditions.
 From the undisputed evidence of defendant's witness, and, he
 had used for plaintiff at the time two of the backhoes were used
 by plaintiff and taken off the job as being unusable and one machine
 was off its tracks.

5. That the evidence shows that the machines were badly worn
 and there was no showing of any appreciable repairs being made to
 put the machines in shape to be capable of ordinary usage in ditch-
 ing, the purpose for which they were rented.

6. That two of the machines were unusable and had to be re-
 paired and overhauled before they could be put on the job and that
 at least \$3,000.00 of rental was not paid due to this condition
 and the down-time involved for repairs and the parties had agreed
 upon this deduction from rentals.

7. That in order to keep the machines operating on the job
 defendant had expended at least \$1,000.00 for labor and repairs
 during the rental period and had borne this expense itself.

8. That the backhoes were not in good rentable condition when
 rented by defendant and there was no evidence to dispute this finding.

9. That there was no evidence of abuse or anything other than
 reasonable use of the backhoes by defendant which had resulted in a
 considerable amount of repair expense and down-time in attempting
 to make the machines function in the use for which they were rented.

10. That the machines when returned to plaintiff were in as
 good or better shape than when rented.

CONCLUSIONS OF LAW

From the foregoing facts the court concludes:

1. That the court has jurisdiction of the parties and the
 subject matter of the action.



2. That plaintiff has failed to establish the burden of proof that the leased machinery was stored by defendant, the same having been returned in at least as good condition as when received, usual wear and tear excepted.

3. That plaintiff take nothing by its complaint and defendant have judgment for its costs and disbursements herein expended.

Let judgment be entered accordingly.

Walter R. Bohannon
United States District Judge

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

MITCHELL LEROY HALEY,)
)
 Petitioner,)
 vs.)
)
 STATE OF OKLAHOMA,)
 OKLA. BOARD OF CORRECTIONS,)
 GEORGE WAYMAN - SHERIFF OF)
 OSAGE COUNTY, OKLAHOMA,)
)
 Respondents.)

No. 69-C-45

FILED

MAR 28 1969

M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER

This case is here upon a Petition for Writ of Habeas Corpus filed by the petitioner, Mitchell Leroy Haley, against the State of Oklahoma, Oklahoma Board of Corrections, George Wayman, Sheriff of Osage County, Oklahoma, as respondents.

The facts appear to be that he was sentenced to serve a term of four years and one day in the State Penitentiary of Alabama on September 9, 1968, and entered the penitentiary on September 26, 1968. Thereafter on September 27, 1968, he was released to the Oklahoma authorities, the Sheriff of Osage County, Oklahoma, and was tried there for second degree burglary. At the Osage County trial he was found guilty and sentenced to a term of seven years, and was committed to the Oklahoma State Penitentiary on November 13, 1968; petitioner was then returned to the Alabama State Penitentiary at Montgomery, Alabama, and his contention is here that such return by the Oklahoma authorities to Alabama, after he had already entered the Oklahoma State Penitentiary constitutes a violation of his Constitutional rights, and that a hold order placed against him by the Oklahoma authorities after relinquishing him to the Alabama authorities constitutes a violation of his rights.

There is no claim made by the petitioner that the judgment and sentence entered by the Oklahoma Court is in any way invalid, and, of course, there is no claim that his Alabama sentence is invalid.

The petitioner has shown no violation of any Constitutional right nor any other ground for a release or relief here.

IT IS, THEREFORE, ORDERED by this Court that the Petition for Writ of Habeas Corpus be denied.

Dated this 27th day of March, 1969.

LEWIS WOODRUFF

United States District Judge