

of the United States. In determining the presence of a Federal question, it is the plaintiff's complaint which must disclose the presence of such Federal question, not the answer of the defendant, or the removal petition.

This remand is not as though the defendants were being denied their day in Court. Tulsa County is blessed with good and dedicated State Judges, which will assure the defendants a fair and impartial trial.

Furthermore, where the jurisdiction of the Federal Court is questionable, good judgment requires remand to the District Court of the state where originally filed.

Accordingly, sua sponte, the Court does hereby remand this case to the District Court of Tulsa County, Oklahoma, the Court from which removed.

ENTERED this 11th day of June, 1969.



UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JUN - 4 1969

GEORGE P. SHULTZ, SECRETARY OF LABOR)
United States Department of Labor)
)
Plaintiff)
)
v.)
)
GOLDWAY STORES, INC., a Corporation)
)
Defendant)

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

CIVIL ACTION FILE

NO. 68-C-761

ORDER OF DISMISSAL

Plaintiff having filed his complaint herein, defendant having waived answer and having entered into a stipulation promising future compliance with the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), and defendant having paid to the plaintiff the sum of \$130.65 for the use and benefit of certain of defendant's employees and/or former employees, representing unpaid wages due them, and the Court finding that such payment has satisfied in full all amounts claimed by the plaintiff to be due as unpaid wages, and that an injunction against future violations of said Act is not necessary,

It is, therefore, ORDERED, ADJUDGED and DECREED that this action be, and the same hereby is, dismissed with costs taxed to the defendant.

DATED this 4 day of June, 1969.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JUN 14 1969

GEORGE P. SHULTZ, SECRETARY OF LABOR)
United States Department of Labor)
)
Plaintiff)
)
v.)
)
GOLDWAY STORES, INC., a Corporation)
)
Defendant)

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

CIVIL ACTION FILE

NO. 68-C-262

ORDER OF DISMISSAL

Plaintiff having filed his complaint herein, defendant having waived answer and having entered into a stipulation promising future compliance with the Fair Labor Standards Act of 1938, as amended, (29 U.S.C. 201 et seq.), and defendant having paid to the plaintiff the sum of \$418.00 for the use and benefit of certain of defendant's employees and/or former employees, representing unpaid wages due them, and the Court finding that such payment has satisfied in full all amounts claimed by the plaintiff to be due as unpaid wages, and that an injunction against future violations of said Act is not necessary.

It is, therefore, ORDERED, ADJUDGED and DECREED that this action be, and the same hereby is, dismissed with costs taxed to the defendant.

DATED this 4th day of June, 1969.

M. M. Ewing
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JUN - 4 1969

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

GEORGE P. SHULTZ, SECRETARY OF LABOR)
United States Department of Labor)
Plaintiff)
v.)
GOLDWAY STORES, INC., a Corporation)
Defendant)

CIVIL ACTION FILE

NO. 68-C-763

ORDER OF DISMISSAL

Plaintiff having filed his complaint herein, defendant having waived answer and having entered into a stipulation promising future compliance with the Fair Labor Standards Act of 1938, as amended, (29 U.S.C. 201 et seq.), and defendant having paid to the plaintiff the sum of \$340.33 for the use and benefit of certain of defendant's employees and/or former employees, representing unpaid wages due them, and the Court finding that such payment has satisfied in full all amounts claimed by the plaintiff to be due as unpaid wages, and that an injunction against future violations of said Act is not necessary,

It is, therefore, ORDERED, ADJUDGED and DECREED that this action be, and the same hereby is, dismissed with costs taxed to the defendant.

DATED this 4th day of June, 1969.

S. Allen E. Brown
UNITED STATES DISTRICT JUDGE

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

FILED

JUN - 4 1969

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

JOSEPH SEIBERT,

Petitioner,

vs.

STATE OF OKLAHOMA,

Respondent.

NO. 69-C-82

O R D E R

The Court has for consideration a Petition for Writ of Habeas Corpus, a petition for writ of habeas corpus ad testificandum, and a petition for writ of habeas corpus duces tecum, each filed by petitioner, Joseph Seibert, and having fully examined and carefully considered said motions the Court finds:

1. That petitioner alleges in his petition that he has an appeal pending before the Oklahoma Court of Criminal Appeals from Case No. 22973, Robbery with firearms, and Case No. 22974, Assault and battery with a deadly weapon; and that said appeal, A-14853, was filed July 17, 1968, by his attorney, and a supplemental brief was filed September 10, 1968; and petitioner asserts he has thereby attempted to exhaust his state remedies, but has been obstructed therefrom by the state appellate court.

2. That petitioner further alleges that petitioner's court appointed attorney at petitioner's preliminary hearing was a member of the County Attorney's staff and therefore could not adequately represent the petitioner; that petitioner was denied a jury trial; that petitioner was denied a psychiatric examination by a physician of his own choosing; that petitioner was denied a change of venue, and that petitioner's motion to suppress the evidence was denied, all of which abridge petitioner's right to due process of law guaranteed by the Constitution of the United States.

3. That notwithstanding petitioner's allegations in support of his petition for habeas corpus, the Court finds the petitioner has not exhausted his state remedies and is attempting to deliberately

by-pass suitable state procedure for considering the issues; this finding is evidenced by his admission that he has not previously presented the grounds alleged in the habeas corpus petition, here under consideration, or set them forth in any other court or in any other petition, motion or application; and his further admission that he has not filed a habeas corpus petition in the state courts.

4. That although the doctrine of exhaustion of state remedies is not a prerequisite to Federal Habeas Corpus jurisdiction under *Fay v. Noia*, 372 U. S. 391, 83 S. Ct 822, 9 L. Ed. 2d 837, that case also holds that where the state provides a suitable procedure for considering the issue presented, the petitioner cannot deliberately choose to by-pass them and seek relief in the Federal Courts. *Boyd v. State of Oklahoma*, 375 F. 2d 481 (1967).

5. That the Oklahoma law gives prisoners a post conviction remedy and protection of the rights guaranteed by the Constitution of the United States. Okl. St. Ann. Const. Art. 2; 12 Okl. St. Ann. § 1331 et seq.; 22 O.S. Supp. 1965, § 1073. And, when a suitable state remedy is available, the Federal Courts should defer ruling on habeas corpus petitions filed by state prisoners until the state courts have had an opportunity to pass upon the claims. *Love v. Page*, 351 F. 2d 303 (1965); *Barber v. Page*, 355 F. 2d 171 (1966); *Cardinale v. Louisiana*, ___ U. S. ___ (1969).

6. That the Writ of Habeas Corpus should be denied as it is premature in the Federal Court since petitioner has failed to exhaust and is attempting to by-pass his state remedies.

IT IS, THEREFORE, ORDERED that the Petition for Writ of Habeas Corpus be and the same is hereby denied.

Dated this 4th day of June, 1969, at Tulsa, Oklahoma.


UNITED STATES DISTRICT JUDGE

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

State Farm Mutual Automobile)
Insurance Company,)
Plaintiff,)
vs.)
Edith Bitner, individually,)
and Edith Bitner, Administratrix)
of the Estate of Arthur Scott)
Bitner, deceased,)
Defendants.)

No. 68-C-259

FILED

JUN - 5 1969

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

Louis F. Tucker,)
Plaintiff,)
vs.)
Daniel Lynn Prater and Edith)
Bitner, as Administratrix of)
the Estate of Arthur S. Bitner,)
deceased,)
Defendants.)

No. 68-C-182

(Consolidated)

J U D G M E N T

Based upon the Findings of Fact and Conclusions of Law filed with the Clerk of this Court on the 4th day of June, 1969, it is the

JUDGMENT OF THE COURT that the claim of Louis F. Tucker against Edith Bitner, as Administratrix of the Estate of Arthur S. Bitner, as set forth in Case No. 68-C-182, should be, and is hereby denied, and judgment on said claim is awarded in favor of the defendant Edith Bitner, as Administratrix of the Estate of Arthur S. Bitner, deceased, and likewise judgment is rendered in favor of Edith Bitner, as Administratrix and against the claim of Louis F. Tucker for personal injuries, hospital expenses, doctors' bills and loss of earnings all as set forth in Case No. 68-C-182.

IT IS THE FURTHER ORDER AND JUDGMENT OF THE COURT that the counter-claims of Betty Ruth Gurley, of Doyle D. Gurley, and Doyle D. Gurley as guardian ad litem of Mary Lynn Gurley, against Edith Bitner, Administratrix of the Estate of Arthur Scott Bitner, is hereby denied and judgment on said claims is rendered in favor of Edith Bitner, as Administratrix of the Estate of Arthur Scott Bitner, deceased.

Dated this 5th day of June, 1969.

Luther Bohannon
United States District Judge

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

State Farm Mutual Automobile)
Insurance Company,)
Plaintiff,)
vs.)
Edith Bitner, individually,)
and Edith Bitner, Administratrix)
of the Estate of Arthur Scott)
Bitner, deceased,)
Defendants.)

No. 68-C-259

FILED

JUN - 5 1969

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

Louis F. Tucker,)
Plaintiff,)
vs.)
Daniel Lynn Prater and Edith)
Bitner, as Administratrix of)
the Estate of Arthur S. Bitner,)
deceased,)
Defendants.)

No. 68-C-182

(Consolidated)

J U D G M E N T

Based upon the Findings of Fact and Conclusions of Law filed with the Clerk of this Court on the 4th day of June, 1969, it is the

JUDGMENT OF THE COURT that the claim of Louis F. Tucker against Edith Bitner, as Administratrix of the Estate of Arthur S. Bitner, as set forth in Case No. 68-C-182, should be, and is hereby denied, and judgment on said claim is awarded in favor of the defendant Edith Bitner, as Administratrix of the Estate of Arthur S. Bitner, deceased, and likewise judgment is rendered in favor of Edith Bitner, as Administratrix and against the claim of Louis F. Tucker for personal injuries, hospital expenses, doctors' bills and loss of earnings all as set forth in Case No. 68-C-182.

IT IS THE FURTHER ORDER AND JUDGMENT OF THE COURT that the counter-claims of Betty Ruth Gurley, of Doyle D. Gurley, and Doyle D. Gurley as guardian ad litem of Mary Lynn Gurley, against Edith Bitner, Administratrix of the Estate of Arthur Scott Bitner, is hereby denied and judgment on said claims is rendered in favor of Edith Bitner, as Administratrix of the Estate of Arthur Scott Bitner, deceased.

Dated this 5th day of June, 1969.

Ruth Bohannon
United States District Judge

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

NATIONAL DIVIDEND CLUB, INC., a)
Corporation, NATIONAL DIVIDEND)
CLUB OF THE WEST, INC., a)
Corporation, and JOHN T. BESSESEN,)
an individual,)

Plaintiffs,)

vs.)

SHARIN'O' THE GREEN, INC., a)
Corporation, CANE SPRINGS OIL AND)
MINERALS CORPORATION, a Corporation,)
JOEL GREEN, an individual, D. L.)
McDANIEL, an individual, DONALD L.)
HAWES, an individual, and J. W. GARNER,)
an individual,)

Defendants.)

No. 67-C-177 ✓

FILED

JUN 6 1969 *m*

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

J U D G M E N T

The Court having this day filed herein its Findings of Fact and Conclusions of Law, and based thereon, it is the

ORDER, JUDGMENT AND DECREE of the Court that the plaintiff take nothing and that the defendants, Cane Springs Oil and Minerals Corporation, a Corporation, D. L. McDaniel, an individual, and Donald L. Hawes, an individual, have judgment against the plaintiff and also judgment for their costs herein expended.

Dated this 5th day of June, 1969.

Arthur T. Bohannon
United States District Judge

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

JUN - 6 1969

CHARLES RICHARD TAYLOR,
Petitioner,

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

vs.

NO. 69-C-97 ✓

DAVE FAULKNER, SHERIFF IN AND
FOR TULSA COUNTY, OKLAHOMA
Respondent.

O R D E R

The Court has before it a Petition for Writ of Habeas Corpus filed by the petitioner, Charles Richard Taylor, alleging that he is being held in the Tulsa County jail, Tulsa, Oklahoma, in custody unlawfully because he was incarcerated for car theft from the State of Texas, along with a witness confined with the petitioner, and held in custody from the 2nd day of May, 1969, until the 8th day of May, 1969, without being arraigned, without bond being set, and without being allowed to contact anyone outside the Tulsa County jail; and, petitioner further alleges that these assertions are supported by the records from the County Sheriff's office and District Court of Tulsa County, State of Oklahoma, all of which are a denial of petitioner's right to due process of law and equal protection under the law as provided in the Constitution of the United States. The Court having carefully considered the petition for writ of habeas corpus herein finds:

1. That the petitioner has duly filed a petition in forma pauperis with the Clerk of the United States Court for the Northern District of Oklahoma and has been granted leave to proceed in forma pauperis.

2. That the petitioner, 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.

3. That by virtue of Rule 21 of the Federal Rules of Civil Procedure the petition herein should be amended to make Dave Faulkner, Sheriff in and for Tulsa County, State of Oklahoma, the party

respondent; and dismissing the cause of action as to the respondent, State of Oklahoma.

4. That the petitioner makes no allegation in his petition that he has invoked the state remedies, or that suitable remedies are not available in the state corrective process, or that he has exhausted the available state remedies, or that there existed circumstances rendering such process ineffective to protect the rights of the prisoner; and the Court further finds that without such an allegation the habeas corpus petition under authority of 28 U.S.C.A. § 2254 is premature in the Federal Court. *Love v. Page*, 351 F. 2d 303 (1965); *Barber v. Page*, 355 F. 2d 171 (1966); *Boyd v. State of Oklahoma*, 375 F. 2d 481 (1967).

5. That the laws of the State of Oklahoma protect the right of every person to due process of law and give any person illegally held in custody within the State the right to habeas corpus protection in the State Courts. Okl. St. Ann. Const. Art. 2 § 7 and 10; 12 Okl. St. Ann. § 1331 et seq.

6. That although the doctrine of exhaustion of state remedies is not a prerequisite to Federal Habeas Corpus jurisdiction under *Fay v. Noia*, 372 U. S. 391, 83 S. Ct. 822, 9 L. Ed. 2d 837, that case also holds that where the state provides a suitable procedure for considering the issue presented, the petitioner cannot deliberately choose to by-pass them and seek relief in the Federal Courts.

7. That based on the findings herein that petitioner has made no allegation that State remedies are not available or that they are inadequate or that he has invoked and exhausted the available state remedies; and the further finding that there are available suitable state remedies to consider the issue presented, and that the petitioner cannot deliberately choose to by-pass adequate state procedure and seek habeas corpus in the Federal Courts, the petition here under consideration should be denied.

IT IS, THEREFORE, ORDERED that Dave Faulkner, Sheriff in and for Tulsa County, Oklahoma, be and he is hereby designated the party respondent; and the cause of action against the respondent, State of Oklahoma, is dismissed.

IT IS FURTHER ORDERED that the Petition for Writ of Habeas
Corpus be and the same is hereby denied.

Dated this 6th day of June, 1969, at Tulsa, Oklahoma.


UNITED STATES DISTRICT JUDGE

of the United States. In determining the presence of a Federal question, it is the plaintiff's complaint which must disclose the presence of such Federal question, not the answer of the defendant, or the removal petition, under 28 USCA 1441 (a and b).

In the case of the Civil Rights removal statute, §1443(2), also relied on by defendant in the removal petition, a civil rights question can be raised in the petition for removal. This is, of course, an exception to the general removal statute (§1441) and should have a strict construction, as §1443(2) does not in and of itself present a civil rights issue. Removal under §1443(2) should occur only in the unusual case and the Federal Court plainly in a removal procedure must act with restraint. The Court herein does not have for consideration a state criminal prosecution, but a civil injunctive action. The Court finds that the defendant School Board is not a federal officer, not a person assisting such officer in the performance of his official duties; rather, the Court finds, that although fulfilling its duty to desegregate the schools within its district, desegregation having long been the law of Oklahoma and the United States, the School Board is acting under State auspices and authority to implement the Board's own suggested voluntary desegregation program.

This action was filed originally in the State Court, and the Courts of the States try conscientiously to apply the law of the United States. The mere possibility of error in the initial finding of constitutional standards by a state court will not warrant federal interference in a state court action between parents of children of a school and the School Board. The allegations in the original complaint depict a situation where the state court may take proper action, and the Court finds that the state court and the state appellate review is an adequate and proper vehicle to determine the state injunction herein at issue. This Court fully believes that, without reference to any inconsistent provisions of the State Constitution or laws, the state tribunals recognize and are cognizant of their duty under the 14th Amendment to the Constitution of the United States, its binding force and effect on the States and all citizens. The Court further believes that the State of Oklahoma

is fully able to adjudicate its litigation under said 14th Amendment without resort to the Federal Courts, and that it is a wise procedural principle for the Federal Judiciary to refuse to prematurely interfere with litigation pending in the State Court. This Court cannot assume that the state court will not be equally diligent, as if removal were granted, in handling the present litigation. Therefore, the Court finds that the petition for removal is not timely to the Federal Court and that the defendants must exhaust their state remedies, which are adequate, before applying to the Federal Courts.

This remand is not as though the defendants were being denied their day in Court. Tulsa County is blessed with good and dedicated State Judges, which will assure the defendants a fair and impartial trial.

Furthermore, where the jurisdiction of the Federal Court is questionable, good judgment requires remand to the District Court of the state where originally filed.

Accordingly, sua sponte, the Court does hereby remand this case to the District Court of Tulsa County, Oklahoma, the Court from which removed.

ENTERED this 6th day of June, 1969.



UNITED STATES DISTRICT JUDGE

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

UNITED STATES OF AMERICA,

Plaintiff,

CIVIL ACTION NO. 68-C-109

vs.

Tract No. 128

251.44 Acres of Land, More or Less,
Situate in Osage County, State of
Oklahoma, and Clarence F. McCubbins,
et al, and Unknown Owners,

Defendants.

FILED

JUN - 6 1969

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

PRELIMINARY JUDGMENT

Now on this ^{May} ~~April~~ 29 day of ~~April~~, 1969, this matter came on for disposition upon the parties' application for entry of judgment determining the ownership of the captioned tract. The Court, having examined the files and being advised by counsel, finds that:

FINDINGS OF FACT

1. This action was initiated in this Court by the filing, on May 9, 1968, of a Complaint seeking to condemn a certain described estate in a particular tract of land designated as Tract No. 128 and located in Osage County, Oklahoma. At the same time a Declaration of Taking, signed by the Secretary of the Army, was filed in this case and the amount of money estimated to be just compensation for such taking was deposited in the Registry of the Court.
2. All persons (with the exception of Rilla Chaney and Marvin Chaney) shown by the land records applicable to Osage County as having any claim to the estate taken in such Tract No. 128 were named in the Complaint and thereby joined as parties defendant in this action. Rilla Chaney and Marvin Chaney were added as parties defendant by Order of this Court.
3. All defendants who could be found were personally notified of the filing of this action. In addition, Notice of the filing of this case was published in the Osage Journal News, a newspaper published at Pawhuska, Oklahoma, on September 6, 13, and 20 of 1968.
4. The Defendant, State of Oklahoma, ex rel Oklahoma Tax Commission, filed a disclaimer of any interest in this case.

5. The Defendants, Clarence F. McCubbins and Juanita S. McCubbins, filed an Answer in this case claiming the fee title to a certain portion of the subject tract.

6. The Defendant, Robert R. McCubbins, filed an Answer in this case claiming ownership of two-thirds of a growing grain crop situated on the subject tract. The said crop was later harvested by this Defendant and he makes no further claim of ownership in the subject tract.

7. The Defendants, Rilla Chaney and Marvin Chaney, filed an Appearance herein claiming ownership of a portion of the subject tract.

8. No other persons have filed any answer or appearance in this case and no other persons have appeared in this case in any manner either in person or by attorney.

CONCLUSIONS OF LAW

In view of the facts as stated above, the Court concludes as a matter of law that:

1. This action was properly filed in this Court.
2. Notice of condemnation of the subject property, as set forth in the Complaint filed herein, was properly effected as required by federal law.
3. All Defendants in this case, other than those named above, are wholly in default in this action.
4. On the date of taking in this case no person other than Clarence F. McCubbins, Juanita S. McCubbins, Rilla Chaney and Marvin Chaney had any lawful claim of ownership in the estate taken in Tract No. 128, as such estate and tract are described in the Declaration of Taking filed in this action.

It is, therefore, ORDERED, ADJUDGED, and DECREED that as of May 9, 1968, the Defendants, Clarence F. McCubbins, Juanita S. McCubbins, Rilla Chaney and Marvin Chaney were the lawful owners of the estate taken in Tract No. 128 as such estate and tract are described in the Declaration of Taking filed in this action, and no other person had any lawful interest in such estate. As owners these four Defendants are the persons entitled

to receive the just compensation for the property taken in this action,
and no other person has any right to receive any part of the same.

Cl. Luther Bonarson
UNITED STATES DISTRICT JUDGE

APPROVED:

UNITED STATES OF AMERICA

s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

Cl. Clarence F. McCubbins
CLARENCE F. MCCUBBINS

Juanita S. McCubbins
JUANITA S. MCCUBBINS

Rilla Chaney
RILLA CHANEY

Marvin Chaney
MARVIN CHANEY

Robert R. McCubbins
ROBERT R. MCCUBBINS

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

Hollis B. Minner,

Plaintiff,

vs.

Wilbur J. Cohen, Secretary of
Health, Education and Welfare,

Defendant.

Civil No. 68-C-220

FILED

JUN 6 1969

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

J U D G M E N T

Previously hereto the Court entered its Order, dated May 23,
1969, sustaining defendant's Motion for Summary Judgment.

NOW THEREFORE IT IS ORDERED, ADJUDGED and DECREED that the
defendant, Wilbur J. Cohen, Secretary of Health, Education and Welfare,
be granted Summary Judgment over and against the Plaintiff, Hollis B.
Minner.

Dated this 6 day of June 1969.

(s) Fred Laugherty
UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert H. Bryant
HUBERT H. BRYANT
Attorney For Defendant

Harmon B. Allen
HARMON B. ALLEN
Attorney For Plaintiff

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Jack Edward Kress,
Plaintiff, Petitioner and Movent,

vs.

United States of America, Lawrence
A. McSoud, as United States Attorney
for the Northern District of Oklahoma,
and Doyle Foreman, as United States
Attorney for the Northern District of
Oklahoma,

Defendants and Respondents.

United States of America,

vs.

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

United States of America,

vs.

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

United States of America,

vs.

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

Civil Action
No. 67-C-38

FILED

JUN 11 1969

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

Misc. No. 158

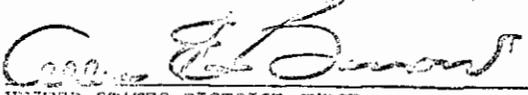
Misc. No. 158

Misc. No. 158

ORDER DISMISSING ACTION

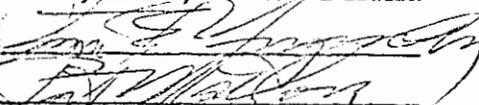
NOW, on this 11 day of May, 1969, there having come on for
hearing before the United States District Judge the matters involved in the
above styled and numbered actions, and the court having considered the state-
ments of counsel made in open court, and being satisfied that the intent and
purpose of the previous orders here have been fully complied with, and that
no reason exists for the continuation of this litigation, and that the same
should be, therefore, dismissed.

IT IS ORDERED, ADJUDGED AND DECREED by this court that all of the proceedings in the above styled and numbered matter be, and the same are, hereby dismissed.

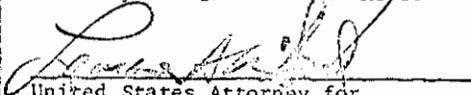

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

UNGERMAN, GRABEL, UNGERMAN & LEITER

By 

Attorneys for Jack Edward Kross


United States Attorney for
Respondents and Defendants

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

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

No. 69-C-115

FILED

JUN 11 1969

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

ORDER

Mitchell Leroy Hailey, petitioner here, alleges that he is presently incarcerated at Kilby Prison, Montgomery, Alabama.

This is an Application by Hailey, and he denominates it as "Petition for Writ of Extraordinary * * *." Although the Application is without merit, the Court has granted leave to file the same without prepayment of costs.

Petitioner makes the identical allegations in his present Petition as he made in Case No. 69-C-45 in the United States District Court for the Northern District of Oklahoma, and the Court on the 28th day of March, 1969, denied the Petition for Writ of Habeas Corpus in the latter numbered case.

Successive Applications making the identical allegations need not be reconsidered by the Court. The Order entered in 68-C-45 sets forth the reasons why the Application in that case was denied, and that Order is equally applicable to this case.

THEREFORE, the Petition for Writ of Habeas Corpus or Writ Extraordinary is hereby denied.

Dated this 16th day of June, 1969.

Luther Robinson

United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 54.78 Acres, More or Less, in Rogers)
 County, Oklahoma, including all ac-)
 cretions and riparian rights thereto,)
 and Robert L. Triplett, et al, and)
 Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 6560

Tract No. 406

FILED

JUN 17 1969

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

J U D G M E N T

1.

Now, on this 17th day of June, 1969, this matter comes on for dis-
position on application of the Plaintiff, United States of America, for entry
of judgment on the Report of Commissioners filed herein on July 8, 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 to the estate taken in Tract No. 406, 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 publi-
cation 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 con-
demn for public use the subject tract of land. Pursuant thereto, on October 13,
1966, the United States of America filed its Declaration of Taking of a certain
estate in such tract of land, and title to such property should be vested in the
United States of America, as of the date of filing such 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 tract a certain sum of money, and part of this deposit has been disbursed as set out in paragraph 11 below.

7.

The Report of Commissioners filed herein on July 8, 1968, hereby is accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to the subject tract as fixed by the Commission is set out in paragraph 11 below.

8.

This judgment will create a 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 11 below.

9.

The defendants named in paragraph 11 as owners of subject tract are the only defendants asserting any interest in the estate condemned herein, all other defendants having either disclaimed or defaulted. As of the date of taking, Robert L. Triplett and Dorothy L. Triplett, his wife, owned all of the surface interest and 1/2 of the mineral interest in the subject tract, and Maud Thompson owned the other 1/2 of the mineral interest. Tri-State Insurance Company held a mortgage on the Triplett interest. The Triplett interest was owned in joint tenancy with right of survivorship. Robert L. Triplett died on June 25, 1968, and under the terms of the joint tenancy, ownership of his interest in the compensation to be awarded in this case became vested in his surviving wife. Therefore, Dorothy L. Triplett, Tri-State Insurance Company and Maud Thompson are the persons entitled to receive, according to their proportionate interests, 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 tract, as it is described in the Declaration of Taking filed herein, and such property, to the extent of the estate 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 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 defendants whose names appear below in this paragraph; the Report of Commissioners of July 8, 1968, hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 406

Owners:

Dorothy L. Triplett - all surface and 1/2 minerals, subject to
a mortgage held by
Tri-State Insurance Company

Maud Thompson - 1/2 minerals

Award of just compensation for all interests - - - - -	\$35,712.50
(For surface - - \$35,120.50	
For minerals - 592.00)	
Deposited as estimated compensation - - - - -	<u>23,392.00</u>
Deposit deficiency - - - - -	\$12,320.50

Allocation of award:

Award to Triplett interest(including mortgagee) - - - - -	\$35,416.50
Disbursed to owners - - - - -	<u>22,800.00</u>
Balance due to Triplett interest - - - - -	\$12,616.50

Award to Thompson interest - - - - -	\$296.00
Disbursed to owner - - - - -	<u>None</u>
Balance due to owner - - - - -	\$296.00

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 land-owners the deposit deficiency for the subject tract as shown in paragraph 11, in

the amount of \$12,320.50, together with interest on such deficiency at the rate of 6% per annum from October 13, 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 from such deposit a certain sum as follows:

To Dorothy L. Triplett and Tri-State Insurance Company,
jointly, the sum of \$12,616.50, plus all of the
accrued interest on the aforesaid deposit deficiency.

13.

The share of the subject award due to Maud Thompson shall not be disbursed at the present time because the whereabouts of such person is wholly unknown. An appropriate order of distribution of her share of the award will be entered if she be found. In the event that her share of this award should remain on deposit for a period of five years from the date of filing this judgment, then after that period the Clerk of this Court, without further order shall disburse the said \$296.00 to the Treasurer of the United States, pursuant to the provisions of Title 28, Section 2042, U.S.C.

/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.
251.44 Acres of Land, More or Less,
Situate in Osage County, State of
Oklahoma, and Clarence F. McCubbins,
et al, and Unknown Owners,
Defendants.

CIVIL ACTION NO. 68-C-109
Tract No. 128

FILED

JUN 17 1969

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

J U D G M E N T

1.

Now, on this 16th day of June, 1969, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies to the entire estate taken in all property involved in this civil action, as such estate and property are described in the Complaint and the Declaration of Taking filed herein, and designated as Tract No. 128. The description of such Tract No. 128, as given in the Declaration of Taking, as a matter of law, carries to the center of the Arkansas River, as shown on the plat attached to the stipulation of the parties filed herein on June 6, 1969. The property taken herein includes approximately 37.55 acres of river bed which were not included in the 251.44 acres stated in such Declaration of Taking as being in the subject property, so that the total acres taken herein are 288.99 acres.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the property described in paragraph 2 herein. Pursuant thereto, on May 9, 1968, the United States of America has filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of a certain estate in the subject property a certain sum of money, and all of this deposit has been disbursed, as set out in paragraph 14 below.

7.

On the date of taking in this action, the owners of the estate taken in subject tract were the defendants whose names are shown in paragraph 14 below. Such named defendants are the only persons asserting any interest in the estate taken in such tract, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the estate taken in this tract.

8.

The owners of the subject tract and the United States of America have executed and filed herein a stipulation as to just compensation wherein they have agreed upon the total amount of just compensation for each of their respective interests in the subject tract, as shown in paragraph 14 below, and such stipulation should be approved.

9.

The stipulation of the parties mentioned in paragraph 8 above included an agreement that one pumping unit and motor used in connection with a water well system located on subject property was personal property and not taken by Plaintiff in this action, and such stipulation should be approved.

10.

This judgment will create a deficiency between the amount deposited as estimated compensation for subject tract and the amount fixed by the stipulation as to just compensation, and the amount of such deficiency should be deposited

for the benefit of the landowners. Such deficiency is set out in paragraph 14 below.

11.

It Is, Therefore, ORDERED, ADJUDGED, and DECREED that the United States of America has the right, power, and authority to condemn for public use the property involved in this civil action, and such property, as particularly described in paragraph 2 above, to the extent of the estate described in the Declaration of Taking, is condemned and title thereto is vested in the United States of America, as of the date of filing such Declaration of Taking, and all defendants herein and all other persons interested in such estate are forever barred from asserting thereto any claim.

12.

It Is Further ORDERED, ADJUDGED, and DECREED that on the date of taking, the owners of the estate condemned herein in subject property were the defendants whose names appear below in paragraph 14, and the right to receive the just compensation for the estate taken herein in this tract is vested in the parties so named.

13.

It Is Further ORDERED, ADJUDGED and DECREED that the agreement as to personal property mentioned in paragraph 9 above hereby is confirmed, and title to the property covered by such stipulation remains vested as it was prior to the filing of this action.

14.

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

TRACT NO. 128

Owners:

Clarence F. McCubbins	}	-----	210.74 acres, as shown in Stipulation filed June 6, 1969.
Juanita S. McCubbins			
Rilla Chaney	}	-----	78.25 acres, as shown in Stipulation filed June 6, 1969
Marvin Chaney			

Tract No. 128 (Cont'd)

Award of just compensation for all interests,
pursuant to stipulation - - - - - \$92,000.00
Deposited as estimated compensation
for all interests - - - - - 65,300.00
Deposit deficiency - - - - - \$26,700.00

Allocation of award:

McCubbins interest:

Total award to McCubbins - - - - - \$86,000.00
Estimated compensation received - - - - - 64,800.00
Balance due to McCubbins - - - - - \$21,200.00

Chaney interest:

Total award to Chaney - - - - - \$ 6,000.00
Estimated compensation received - - - - - 500.00
Balance due to Chaney - - - - - \$ 5,500.00

15.

It Is Further ORDERED, ADJUDGED, and DECREED that the United States of America shall deposit in the Registry of this Court, in this civil action, the deposit deficiency in the sum of \$26,700.00. When such deposit has been made the Clerk of this Court then shall disburse said sum as follows:

To Clarence F. McCubbins and
Juanita S. McCubbins, jointly - - - - - \$21,200.00
To Rilla Chaney and
Marvin Chaney, jointly - - - - - \$5,500.00.

/s/ Luther Bohanon

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

LYMAN R. LAGAL,

Plaintiff,

vs.

UNITED ASSOCIATION OF JOURNEYMEN AND
APPRENTICES OF THE PLUMBING AND PIPE
FITTING INDUSTRY OF THE UNITED STATES
AND CANADA,

Defendant.

Civil No. 68-C-201

FILED

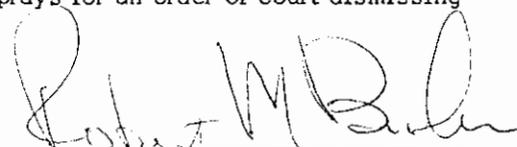
JUN 17 1969

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

APPLICATION TO DISMISS

Comes now the plaintiff and respectfully shows the Court that after research of law the plaintiff feels that he is not able to invoke the jurisdiction of this court in said cause.

WHEREFORE, your petitioner prays for an order of court dismissing said cause.



ROBERT M. BUTLER
Attorney for Plaintiff

ORDER OF DISMISSAL

It is ordered by the court upon application of plaintiff that the cause of action in this case be and it is dismissed.


U. S. District Judge.

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

GEORGE A. HOFFMAN,)
)
 Plaintiff,)
)
 vs.)
)
 MARYLAND CASUALTY COMPANY,)
)
 Defendant.)

NO. 69 - C - 80

FILED

JUN 18 1969

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

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.

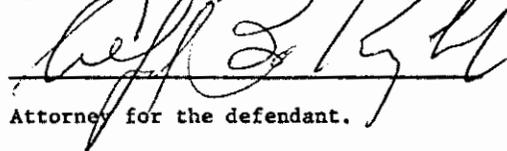
WHEREFORE, premises considered, the plaintiff and the defendant
pray that the Court dismiss the above captioned cause, with prejudice.

HAROLD CHARNEY,



Attorney for the plaintiff

ALFRED B. KNIGHT,



Attorney for the defendant.

ORDER

NOW, on this 17 day of June, 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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

HARCOURT PHYSICIANS GROUP,)
a Partnership,)
)
Plaintiff,)
)
vs.)
)
RUSSELL W. BRINK,)
)
Defendant.)

CIVIL ACTION FILE
No. 69-C-20

FILED
IN OPEN COURT
JUN 19 1969

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

JOURNAL ENTRY OF JUDGMENT

Now on this 19th day of June, 1969, the above cause came on for hearing pursuant to regular assignment on the Pre-Trial Docket. Plaintiff appeared by its attorneys, Huffman, Arrington, Scheurich & Kincaid by James L. Kincaid; the defendant appeared by his attorney H. Richard Raskin.

The Court thereupon examined the pleadings, process, and files in this cause and, being fully advised in the premises, finds that due and regular service of summons has been made upon the defendant, Russell W. Brink; that said service was made upon said defendant more than twenty (20) days prior to the date hereof, and that said summons and said service thereof is legal and regular in all respects. That the defendant, Russell W. Brink has heretofore filed his answer to the Petition of the plaintiff.

Thereupon, the parties so appearing as above set forth, each introduced its evidence and rested, and the Court hearing said evidence and being fully advised in the premises, finds generally in favor of the plaintiff and against the defendant above-named, and that the allegations of the plaintiff's Petition are true.

The Court further finds that on May 31, 1968, the defendant Russell W. Brink, for good and valuable consideration in Tulsa, Tulsa County, Oklahoma, executed and delivered to Harcourt Physicians Group, plaintiff herein, an installment note for the principal sum of Twelve Thousand Dollars and No Cents (\$12,000.00) plus interest at the rate of six per cent (6%) per annum on the unpaid balance, payable in consecutive monthly installments of Five

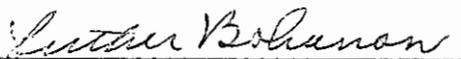
Hundred Dollars and No Cents (\$500.00) on the 31st day of May, 1968, and One Hundred Ninety-Seven Dollars and Forty-Eight Cents (\$197.48) monthly thereafter until the principal and interest had been fully paid.

The defendant Russell W. Brink has defaulted under the terms of said note by reason of the fact that the installment was not paid on June 30, 1968, nor were any payments made on any and all subsequent installments; and that the plaintiff has elected to declare the entire amount due and payable at once and that therefore defendant Russell W. Brink is liable to plaintiff for the unpaid balance of Twelve Thousand Six Hundred Seventy-Nine Dollars and Eighty-Eight Cents (\$12,679.88), plus interest at the rate of ten per cent (10%) per annum from this date, and for attorneys' fees in the amount of One Thousand One Hundred Seventy-Five Dollars (\$1,175.00) due under the terms and conditions of said installment note.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court service of summons upon the defendant Russell W. Brink be and is hereby in all respects approved and adjudged to give this Court jurisdiction to render judgment herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the defendant Russell W. Brink is in default and is hereby adjudged in default, and that the allegations of plaintiff's Petition be taken and confessed as against said defendant.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff have judgment against the defendant Russell W. Brink for the sum of Thirteen Thousand Eight Hundred Fifty-Four Dollars and Eighty-Eight Cents (\$13,854.88) and for the costs of this action, together with interest hereafter on the judgment of ten per cent (10%) per annum until paid.


Judge of the District Court

APPROVED AS TO FORM:

HUFFMAN, ARRINGTON, SCHEURICH & KINCAID
Attorneys for Plaintiff

By 

James L. Kincaid

WHITEBROOK AND RASKIN
Attorneys for Defendant

By W. H. T. R.

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

United States of America,

Plaintiff,

vs.

Civil No. 69-C-81

Charles Marshall Cashion and
Genevieve Illene Cashion, Finance
Corporation, Roy Hardin, Midwestern
Construction and Supply Company,
Decorators Commercial Carpets Company,
and First National Bank of Turley,

Defendants.

FILED

JUN 23 1969

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

JUDGMENT OF FORECLOSURE

THIS MATTER comes on for consideration this 23rd day of
June 1969, the defendant, Finance Corporation, appearing by O. B.
Johnston, President, and the defendants, Charles Marshall Cashion and
Genevieve Illene Cashion, Roy Hardon, Midwestern Construction and Supply
Company, Decorators Commercial Carpets Company, and First National Bank
of Turley, appearing not; and

The Court being fully advised and having examined the file herein
finds that the defendant, Finance Corporation, has heretofore filed its
answer disclaiming any right, title and interest in and to the real property
which is the subject of this foreclosure proceeding; and

It further appearing and the Court finds that due and legal
personal service of summons has been made on the defendants, Charles Marshall
Cashion and Genevieve Illene Cashion, Roy Hardin, Midwestern Construction and
Supply Company, Decorators Commercial Carpets Company, and First National
Bank of Turley, on the 7th day of May, 1969, in this state, requiring each
of them to answer the complaint filed herein not more than twenty (20) days
after service of summons, and it appearing that said defendants have failed
to file an answer herein and their default has been entered by the Clerk
of this Court; and

The Court further finds that the material allegations of the
plaintiff's complaint are true and correct; that the defendants, Charles
Marshall Cashion and Genevieve Ilene Cashion, husband and wife, did on
November 14, 1963, execute and deliver to the Administrator of Veterans
Affairs their mortgage and mortgage note for the sum of \$3,900.00, with

interest thereon at the rate of $5\frac{1}{4}\%$ per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that default has been made by the defendants, Charles Marshall Cashion and Genevieve Ilene Cashion, husband and wife, under the terms of the aforesaid mortgage and mortgage note by virtue of said defendants' failure to make monthly installment of principal and interest due on said mortgage note on December 1, 1968, which default has continued; that said defendants by virtue of such default are now indebted to the plaintiff for the sum of \$8,198.54, with interest thereon at the rate of $5\frac{1}{4}\%$ per annum from December 1, 1968, until paid, together with the costs of this action; and further that defendant, Roy Hardin, did encumber said real property further by reason of a Real Estate Mortgage filed in the Office of the County Clerk, Tulsa County, Oklahoma, in Book 1876, Page 1367; and further that the defendant, Midwestern Construction and Supply Company, did encumber said real property further by reason of a Mechanic's Lien filed in the Office of the District Court Clerk of Tulsa County, Oklahoma, being No. ML 46669; and further that defendant, Decorators Commercial Carpets Company, did encumber said real property further by reason of a Mechanic's Lien filed of record in the Office of the District Court Clerk of Tulsa County, Oklahoma, being ML 52065; and further that defendant, First National Bank of Turley, did encumber said real property further by reason of a Judgment filed of record in the District Court of Tulsa County, Oklahoma, being No. C-69-208.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff have judgment against the defendants, Charles Marshall Cashion and Genevieve Ilene Cashion, husband and wife, for the sum of \$8,198.54, with interest thereon at the rate of $5\frac{1}{4}\%$ per annum, from December 1, 1968, until paid, together with the costs of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that any claim or lien which may exist in favor of Roy Hardin, Midwestern Construction and Supply Company, Decorators Commercial Carpets Company, and First National Bank of Turley against the subject property are junior and inferior to the foreclosure lien in favor of the United States of America.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that upon failure of the defendants, Charles Marshall Cashion and Genevieve Ilene Cashion, husband and wife, to satisfy the judgment of the Plaintiff 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 following described real property:

Lot Twenty-Nine (29), Block Seventeen (17),
Valley View Acres Addition to the City of Tulsa,
Tulsa County, Oklahoma, according to the recorded
plat thereof,

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, the Defendants, Charles Marshall Cashion and Genevieve Ilene Cashion, husband and wife, Roy Hardin, Midwestern Construction and Supply Company, Decorators Commercial Carpets Company, and First National Bank of Turley, and each of them, and all persons claiming by, through or under said defendants, since the filing of the Complaint herein, be and they are forever barred and foreclosed from every right, title or interest in or to the heretofore described real property.

S/ Fred Dougherty
UNITED STATES DISTRICT JUDGE

APPROVED:

R. P. Santee
ROBERT P. SANTEE
Assistant U. S. Attorney

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

LEONARD TURNER, ERIC JAMES HOWMAN AND
CHRISTOPHER PATRICK CADMAN BRADSHAW,

Plaintiffs,

v.

LOUIS W. BECHTOLDENBERG,

Defendant.

No. 69-C-100

FILED

JUN 24 1969

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

ORDER ALLOWING DISMISSAL OF PLAINTIFFS' MOTION

Upon plaintiffs' motion for leave to dismiss the motion under 35 U.S.C.
24 filed herein on the 20th day of May, 1969, IT IS ORDERED that said motion be
dismissed without prejudice, with costs to plaintiff.

Signed and entered this 23rd day of June, 1969.

LUTHER BOHANON

United States District Judge

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

United States of America,

Plaintiff,

vs.

Alphonzo Williams, et al,

Defendants.

Civil No. 008

FILED
IN OPEN COURT

JUN 25 1969

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

DEFICIENCY JUDGMENT

NOW, on this 25th day of June, 1969, there came on for hearing the Motion of the Plaintiff, United States of America, for leave to enter a deficiency judgment, which Motion was filed herein on the 1st day of May, 1969, and a copy of such Motion was mailed to the defendant, Alphonzo Williams, 504 East Apache, Tulsa, Oklahoma.

The Court being fully advised and upon consideration of such Motion finds that the fair and reasonable value of the real properties as of the dates of the Marshal's Sales herein, to-wit: August 26, 1968 and February 10, 1969, was the total sum of \$28,610.00;

The Court further finds that the sum of \$28,610.00 was the total of the highest and best bids on all the real properties as shown by the Marshal's Returns of Sales as filed herein.

The Court further finds that the aggregate amount of the judgment rendered herein is the sum of \$1,090,097.76, with interest thereon on the sum of \$891,134.85, at the rate of 6% per annum from May 9, 1967, until paid, plus the cost of said action, and that the Plaintiff is accordingly entitled to a deficiency judgment against the defendant, Alphonzo Williams, for the sum of \$1,079,087.18, with interest thereon on the sum of \$891,134.85, at the rate of 6% per annum from May 9, 1967, until paid, plus the costs of said action. (Out of the total bid amounts of \$28,610.00, the Plaintiff, United States of America, received the net amount of \$11,010.58 because of disbursements for costs of the sale and the priorities preceding its claim as set out by the judgment herein).

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that the Plaintiff, United States of America, have and recover from the defendant, Alphonzo Williams, a deficiency judgment in the amount of \$1,079,087.13, with interest thereon on the sum of \$891,134.35, at the rate of 6% per annum from May 9, 1967, until paid, plus the costs of said action.

FRED DAUGHERTY
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,

vs.

David Kent Maple,

69-C-134 ✓

Civil No. _____

FILED D2

JUN 27 1969

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

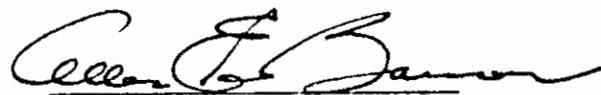
O R D E R

This day came on for consideration the petition of the United States in this cause; and it appearing to the Court that the patient has been fully advised of his rights as set forth in Title 42 U.S.C. Section 3411, et seq. (Title III, Section 301, et seq. Public Law 89-793); and the Court having determined that there is reasonable cause to believe that the patient is a narcotic addict, and that there are not any appropriate State or other facilities available for his treatment pursuant to said law, it is hereby

ORDERED that the patient be committed to the custody of the Surgeon General for examination under Title 42 U.S.C. Section 3413 (Title III, Section 303, Public Law 89-793), to determine whether or not he is a narcotic addict who is likely to be rehabilitated. The written report required of each examining physician shall be filed with the Court and copies thereof furnished to the patient, not later than twenty (20) days after the patient is received at the facility hereinafter designated, and the patient shall be detained for an additional period of ten (10) days at the institution, pending further order of the Court. Provided, however, in the event both examining physicians conclude in their respective written reports that the patient is a narcotic addict who is likely to be rehabilitated through treatment, and, if the patient by written instrument filed with the Court along with, and at the same time as, the reports of the examining physicians, waives any right he may have to notice and hearing on the issue as to whether or not he is a narcotic addict who is likely to be rehabilitated through treatment, and requests that he be forthwith committed to the care and custody of the Surgeon General for treatment in a hospital of the Service, rather than be returned to this Court for further proceedings, he shall be detained at said institution for a reasonable time after the expiration of thirty (30) days from the date he is received at said facility, pending further order of the Court.

It Is Further ORDERED that the patient shall be transported to the National Institute Mental Health Clinical Research Center, 3150 Horton Road, Fort Worth, Texas 76119, by the United States Marshal, within such time as the U. S. Marshal may be able to transport said patient.

Signed the 27 day of June, 19 69.


United States District Judge

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

United States of America,

Petitioner,

vs.

Wm. F. Carlile, M.D.

Patient.

Civil No. 69-c-9 135-

FILED

JUN 27 1969

O R D E R

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

This day came on for consideration the petition of the United States in this cause; and it appearing to the Court that the patient, after having been fully advised of his rights as set forth in Title 42 U.S.C. Section 3411, et seq. (Title III, Section 301, et seq. Public Law 89-793), has in open Court waived all such rights and has again expressed his desire to obtain treatment for his addiction; and the Court having determined that there is reasonable cause to believe that the patient is a narcotic addict, and that there are not any appropriate State or other facilities available for his treatment pursuant to said law, it is hereby

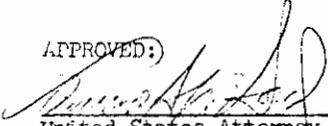
ORDERED that the patient be committed to the custody of the Surgeon General for examination under Title 42 U.S.C. Section 3413 (Title III, Section 303, Public Law 89-793), to determine whether or not he is a narcotic addict who is likely to be rehabilitated. The written report required of each examining physician shall be filed with the Court and copies thereof furnished to the patient, not later than twenty (20) days after the patient is received at the facility hereinafter designated, and the patient shall be detained for an additional period of ten (10) days at the institution, pending further order of the Court. Provided, however, in the event both examining physicians conclude in their respective written reports that the patient is a narcotic addict who is likely to be rehabilitated through treatment, and, if the patient by written instrument filed with the Court along with, and at the same time as, the reports of the examining physicians, waives any right he may have to notice and hearing on the issue as to whether or not he is a narcotic addict who is likely to be rehabilitated through treatment, and requests that he be forthwith committed to the care and custody of the Surgeon General for treatment in a hospital of the Service, rather than be returned to this Court for further proceedings, he shall be detained at said institution for a reasonable time after the expiration of thirty (30) days from the date he is received at said facility, pending further order of the Court.

It Is Further ORDERED that the patient shall be allowed to proceed to the National Institute Mental Health Clinical Research Center, 3150 Horton Road, Fort Worth, Texas 76119, without being taken into custody by the United States Marshal, provided, he reports to said facility not later than three (3) days after the date of this order.

Signed the 27th day of June 1969.


UNITED STATES DISTRICT JUDGE

APPROVED:


United States Attorney

~~Assistant United States Attorney~~

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

United States of America,

Petitioner,

vs.

Wm. F. Carlile, M.D.

Patient.

Civil No. 69-C-99

FILED

JUN 30 1969

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

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

Entered this 27th day of June, 19 69.


United States District Judge

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

AMERICAN CASUALTY COMPANY of Reading,
Pennsylvania, a Pennsylvania Corporation,

Plaintiff,

vs.

DONLON INDUSTRIES, INC., ROTO AMERICAN
CORPORATION, ROTO AMERICAN SALES CORP.,
foreign corporations; HERBERT FRUTKIN,
JOSEPH J. SOLON, R. H. SIEGFRIED, and
HERBERT M. BILLINGTON,

Defendants.

No. 69-Civil-13

FILED

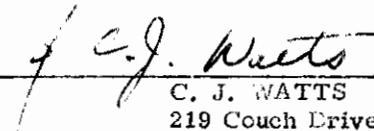
JUN 30 1969

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

MOTION TO DISMISS

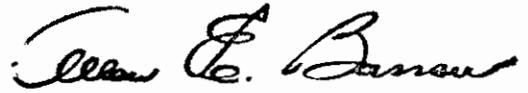
COMES now the American Casualty Company of Reading, Pennsylvania,
a Pennsylvania Corporation, by and through their attorneys of record,
Watts, Looney, Nichols & Johnson, and moves the court that an Order be
entered dismissing this cause of action without prejudice for the reason
that plaintiff has been unable to obtain service of summons upon the defendants.

DATED this 26 day of June, 1969.


C. J. WATTS
219 Couch Drive
Oklahoma City, Okla. 73102

ORDER

NOW on this 26 day of June, 1969, the above cause came on to be heard
upon motion of plaintiff to dismiss without prejudice, and the Court hereby
dismisses this case without prejudice to the filing of a future action.



UNITED STATES DISTRICT JUDGE