

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

United States of America,

Plaintiff,

vs.

Civil No. 70-6-142

Lloyd A. Berryhill and  
Artie C. Berryhill,

Defendants.

**FILED**  
**OCT 1 1970**  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

DEFICIENCY JUDGMENT

NOW, on this 1<sup>st</sup> day of October, 1970,

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 September 18, 1970, and copies of such Motion were mailed to the defendants, Lloyd A. Berryhill and Artie C. Berryhill, and the Court being fully advised and upon consideration of said Motion finds that the fair and reasonable market value of the mortgaged property as of the date of the Marshal's Sale herein, to-wit: September 4, 1970, was \$7,700.00.

The Court further finds that the sum of \$7,700.00 was the total of the highest and best bids on the real property as shown by the Marshal's Return of Sale filed herein.

The Court further finds that the aggregate amount of the Judgment entered herein, together with interest and costs to September 4, 1970, is \$9,167.14, and that the Plaintiff is accordingly entitled to a Deficiency Judgment against the defendants, Lloyd A. Berryhill and Artie C. Berryhill, for the sum of \$1,467.14, with interest on said sum at the rate of 7% per annum from September 4, 1970, until paid.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that the Plaintiff, United States of America, have and recover from the defendants, Lloyd A. Berryhill and Artie C. Berryhill, a Deficiency Judgment in the amount of \$1,467.14, with interest thereon at the rate of 7% per annum from September 4, 1970, until paid.

APPROVED:

8 Robert P. Santee  
ROBERT P. SANTEE  
Assistant U. S. Attorney

Allen E. Barron  
UNITED STATES DISTRICT JUDGE

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

United States of America,

Plaintiff,

vs.

Civil No. 70-C-148

Edgar M. Dye and Mary Lou Dye,  
and Geneva Marie Dye,

Defendants.

**FILED**  
OCT 1 1970  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

DEFICIENCY JUDGMENT

NOW, on this 1<sup>st</sup> day of October, 1970, 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 September 18, 1970, and copies of such Motion were mailed to the defendants, Edgar M. Dye and Mary Lou Dye, and the Court being fully advised and upon consideration of said Motion finds that the fair and reasonable market value of the mortgaged property as of the date of the Marshal's Sale herein, to-wit: September 4, 1970, was \$10,300.00.

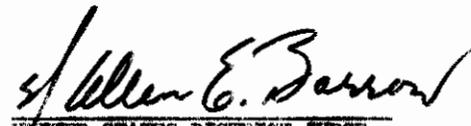
The Court further finds that the sum of \$10,300.00 was the total of the highest and best bid on the real property as shown by the Marshal's Return of Sale filed herein.

The Court further finds that the aggregate amount of the Judgment entered herein, together with interest and costs to September 4, 1970, is \$11,658.65, and that the Plaintiff is accordingly entitled to a Deficiency Judgment against the defendants, Edgar M. Dye and Mary Lou Dye, for the sum of \$1,358.65, with interest on said sum at the rate of 7 $\frac{1}{2}$ % per annum from September 4, 1970, until paid.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that the Plaintiff, United States of America, have and recover from the defendants, Edgar M. Dye and Mary Lou Dye, a Deficiency Judgment in the amount of \$1,358.65, with interest thereon at the rate of 7 $\frac{1}{2}$ % per annum from September 4, 1970, until paid.

APPROVED:

  
ROBERT P. SANTEE  
Assistant U. S. Attorney

  
ALLEN E. BARRON  
UNITED STATES DISTRICT JUDGE

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

RICHARD GARNER,  
Plaintiff,

vs.

HALLIBURTON COMPANY,  
a Delaware Corporation,  
Defendant.

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) 70-C-163 ✓  
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**FILED**  
OCT 2 1970  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT,

ORDER SUSTAINING PLAINTIFF'S MOTION TO TRANSFER AND  
ORDER TRANSFERRING CAUSE OF ACTION TO THE WESTERN  
DISTRICT OF OKLAHOMA

The Court has for consideration the Plaintiff's Motion to Transfer this cause of action to the Western District of Oklahoma, the briefs in support and opposition thereto, and, being fully advised in the premises, finds:

That plaintiff is a citizen of the Western District of Oklahoma, residing in Rush Springs, Oklahoma and was injured in an accident occurring in Custer County, Oklahoma. The defendant, Halliburton Company has a place of business in the Western District of Oklahoma. Plaintiff was treated in hospitals and by medical doctors located in the Western District of Oklahoma. The defendant is amenable to service in the Western District of Oklahoma.

Plaintiff has moved under §1404(a), Title 28 U.S.C.A to transfer this cause of action to the Western District of Oklahoma.

The Court finds that for the convenience of parties and witnesses, in the interest of justice, this cause of action should be transferred to the Western District of Oklahoma.

IT IS, THEREFORE, ORDERED that plaintiff's motion for transfer be and the same is hereby sustained and this cause of action is transferred to the United States District Court for the

Western District of Oklahoma.

ENTERED this 2nd day of October, 1970.

A handwritten signature in cursive script, appearing to read "Allen F. Burrows". The signature is written in black ink and is positioned above a horizontal line.

UNITED STATES DISTRICT JUDGE

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

United States of America,

Plaintiff,

vs.

Civil No. 70-C-144

James A. Hines and Faye L.  
Hines and Warren E. (Robert)  
Johnson and Betty J. (Jean)  
Johnson,

Defendants.

**FILED**

OCT 5 1970

JOHN H. POE, Clerk  
U. S. DISTRICT COURT

ORDER CONFIRMING MARSHAL'S SALE

NOW on this 1<sup>st</sup> day of October, 1970, there

coming on for hearing Motion of the Plaintiff, United States of America, to confirm the sale of real property made by the United States Marshal for the Northern District of Oklahoma, on September 28, 1970, under an Order of Sale dated August 18, 1970, and issued in this cause out of the Office of the Court Clerk for the United States District Court for the Northern District of Oklahoma, of the following described property, to-wit:

Lot 15, Block 10, Chandler-Frutes Second Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof,

and the Court having examined the proceedings of the United States Marshal under the aforesaid Order of Sale and no one appearing in opposition thereto and no exceptions having been filed, finds that due and legal notice of the sale was given by publication once a week for at least four (4) weeks prior to the date of sale in the \_\_\_\_\_

Tulsa Daily Legal News,

a newspaper published and of general circulation in the County of Tulsa, State of Oklahoma, and that on the day fixed therein the above-described property was sold to the Administrator of Veterans Affairs, it being the highest and best bidder therefor.

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

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

IT IS FURTHER ORDERED THAT Harry Connolly, United States Marshal for the Northern District of Oklahoma, make and execute to the purchaser, the Administrator of Veterans Affairs, a good and sufficient Deed for such premises.

  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
ROBERT P. SANTEE  
Assistant U. S. Attorney

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

THELMA GAMBLE,

Plaintiff,

vs.

THE HOUSING AUTHORITY OF THE CITY  
OF TULSA; JAMES CLOUSE, Director,  
HOUSING AUTHORITY OF THE CITY OF  
TULSA; JOHN WEST, Manager,  
COMANCHE PARK HOUSING PROJECT,

Defendants.

No. 70-C-249

**FILED**  
OCT 6 1970  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT

NOW ON THIS 28th day of September, 1970, this matter came on to be heard before the undersigned United States District Judge on the Motion of Defendants to Dismiss the Complaint of Plaintiff. Plaintiff appears in person and through her attorney of record, Byron S. Matthews; Defendants appear through their attorney of record, Jerry Rand of Crawford, Rizley & Pritchard; and the Court, having heard arguments of counsel and having examined briefs heretofore filed in this cause, finds that Defendants' Motion to Dismiss should be overruled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Defendants' Motion to Dismiss be, and the same is hereby overruled.

WHEREUPON, the Court conferred with counsel for Plaintiff and Defendants upon the trial of the cause upon the merits, and it was orally stipulated and agreed between counsel that said cause could be tried on the merits at 1:30 in the afternoon of the 28th day of September, 1970, Defendants stipulating and agreeing to waive any further time to plead or answer and Plaintiff stipulating and agreeing to present all evidence at that time. Whereupon Court was recessed until 1:30 P.M., September 28, 1970.

NOW ON THIS 28th day of September, 1970, at 1:30 P.M., this cause comes on for trial upon the merits before the Court. All parties and

their counsel being present and both Plaintiff and Defendants announcing ready, Plaintiff presented her evidence and the testimony of one witness duly sworn. Whereupon Plaintiff announced rest. Defendants presented no evidence but orally Demurred to the evidence of Plaintiff.

AND THE COURT, having heard the evidence and being fully advised in the premises, finds that Plaintiff has sustained the allegations contained in her Complaint and has established a prima facie case and, therefore, overrules Defendants' Demurrer to the evidence. The Court thereupon entered the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. Plaintiff, Thelma Gamble, was a tenant of Defendant Housing Authority of the City of Tulsa, for approximately one year prior to April, 1970. Defendant Housing Authority started eviction proceedings in the District Court of Tulsa County, Oklahoma, in April of 1970 in Case Number SC-70-2131, Housing Authority of the City of Tulsa v. Thelma Gamble. A Default Judgment was entered in May of 1970 and the Plaintiff was evicted in June of 1970, pursuant to the State Court proceedings.

2. The State Court proceedings did not adjudicate the issues of Plaintiff's federal constitutional and regulatory rights to notice, hearing and opportunity to reply to charges, prior to an eviction proceeding.

3. Defendant Housing Authority is a federally assisted housing authority, receiving assistance under regulations of the Department of Housing and Urban Development.

4. Defendant Housing Authority held no out of Court hearing at any time at which Plaintiff was given prior notice of the hearing, opportunity to retain an attorney, and opportunity to answer the charges against her. Defendants' officials orally told Plaintiff how much they

claimed she owed, after State Court proceedings were filed, and accepted payments on account both before and after Default Judgment was rendered in the State Court.

5. As a result of the eviction Plaintiff's household goods and furnishings were placed in storage at cost to Plaintiff, and, therefore, Plaintiff has been damaged in the sum of \$250.00.

CONCLUSIONS OF LAW

1. The State Court proceedings referred to in the Findings of Fact did not adjudicate the issues involved herein, and, by Oklahoma law, said proceedings are not a bar as to the new issues raised in this cause.

2. Defendant Housing Authority's action evicting Plaintiff without a prior notice, hearing, opportunity to answer and opportunity to be represented by counsel deprived Plaintiff of rights guaranteed by the Due Process Clause of the United States Constitution, and deprived Plaintiff of procedural safeguards set out in Department of Housing and Urban Development Circular 2/7/67.

3. The eviction of Plaintiff by Defendant Housing Authority was wrongful as set forth in Conclusion #2, and, therefore, Defendant Housing Authority is liable to Plaintiff, Thelma Gamble, in the sum of \$250.00 for damages caused by said wrongful eviction.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Plaintiff, Thelma Gamble, shall have and recover from Defendant, The Housing Authority of the City of Tulsa, the sum of \$250.00, with interest thereon at the rate of 10% per annum from date of judgment until paid in full, as provided by law, and the costs of this action.

DONE at Tulsa, Oklahoma, this 5 day of October, 1970.

Luther Bohannon  
United States District Judge

APPROVED AS TO FORM AND CONTENT: *jr B.S.M.*

Byron J. Matthews  
Byron Matthews, Attorney for Plaintiff

CRAWFORD, RIZLEY & PRITCHARD

By Jerry Reed  
Jerry Reed, Attorney for Defendants

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

United States of America,

Plaintiff,

vs.

James Robert Manley and  
Lollie Laverne Manley,

Defendants.

Civil No. 70-C-227

**FILED**

**OCT 8 1970**

**JOHN H. POE, Clerk  
U. S. DISTRICT COURT**

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this \_\_\_\_ day of  
October, 1970. The defendants, James Robert Manley and Lollie Laverne  
Manley, appearing not; and

The Court being fully advised and having examined the file  
herein finds that legal service by publication was made upon the  
defendants, James Robert Manley and Lollie Laverne Manley, as appears  
by Proof of Publication filed herein on October 8, 1970, requiring each  
of them to answer the complaint filed herein not later than October 7,  
1970, 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 this is a suit based upon a  
mortgage note and foreclosure on a real property mortgage securing said  
mortgage note on the following described real property located in Tulsa,  
Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Ten (10), Block Forty-Six (46), Valley  
View Acres Second Addition to the City of  
Tulsa, Tulsa County, State of Oklahoma,  
according to the recorded plat thereof.

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

That the defendants, James Robert Manley and Lollie Laverne  
Manley, did, on April 1, 1965, execute and deliver to the Administrator  
of Veterans Affairs, their mortgage and mortgage note for the sum of  
\$9,500.00, with interest hereon at the rate of  $5\frac{1}{2}\%$  per annum and further  
providing for the payment of monthly installments of principal and interest;  
and

The Court further finds that the defendants, James Robert Manley and Lollie Laverne Manley, made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make monthly installments due thereon on July 1, 1969, which default has continued and that by reason thereof the defendants, James Robert Manley and Lollie Laverne Manley, are now indebted to the Plaintiff in the sum of \$9,221.02, as unpaid principal, with interest thereon at the rate of 5 $\frac{1}{2}$ % per annum from July 1, 1969, until paid, plus the cost of this action accrued and accruing.

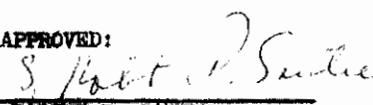
IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have and recover judgment against the defendants, James Robert Manley and Lollie Laverne Manley, for the sum of \$9,221.02, with interest thereon at the rate of 5 $\frac{1}{2}$ % per annum from July 1, 1969, until paid, plus the cost of this action accrued and accruing, plus the sum of \$20.00 expended for abstracting fees.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that upon failure of the defendants to satisfy Plaintiff's money judgment hereto, 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, 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 hereof.

  
ALLEN E. SARGENT  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
ROBERT P. SANTEE  
Assistant U. S. Attorney

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

JESSIE JAMES HAYNES,

Petitioner,

vs.

RAY H. PAGE, Warden, Oklahoma  
State Penitentiary, McAlester,  
Oklahoma,

Respondent.

NO. 70-C-311

**FILED**

OCT 8 1970

JOHN H. POE, Clerk  
U. S. DISTRICT COURT

O R D E R

The Court has before it the pro se petition for writ of habeas corpus filed in forma pauperis by Jessie James Haynes, a prisoner, Inmate No. 77109, in the Oklahoma State Penitentiary, McAlester, Oklahoma. As grounds therefor, the petitioner alleges that he was charged with 2nd degree rape in State causes of action No. 23295 and 23300, that his constitutional rights were infringed in said proceedings because his pleas of guilty were the result of fear from the harrassment and threats of the District Attorney and his court-appointed defense attorneys, and that he is therefore illegally incarcerated. Petitioner further alleges that he was denied a hearing on his appeals in these cases.

The Court has carefully read and considered the petition and finds:

1. That the petitioner makes no allegation in his petition that he has invoked the State habeas corpus remedy although 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 of habeas corpus protection in the State Courts. Okl. St. Ann. Const. Art. 2 §§ 7 and 10; 12 Okl. St. Ann. § 1331-et seq. That without such an allegation or a showing that such process is ineffective to protect the rights of the prisoner the habeas corpus petition is premature in the Federal Courts and should be denied.

2. Further, that this Court has previously for failure to exhaust State remedies denied by order, dated July 24, 1970, petitioner's earlier petition for writ of habeas corpus. This present, second petition merely reiterates the same issues previously presented for con-

sideration, and the petitioner at this time still makes no showing that he has presented his claims to the State Courts and thus exhausted his suitable and available State remedies.

IT IS, THEREFORE, ORDERED that the petition for writ of habeas corpus of Jessie James Haynes be and the same is hereby denied until the State Courts have been given an opportunity to rule on the constitutionality of his claims. The petition is denied without prejudice to its being renewed if necessary, and grounds therefor exist, after a decision in a State habeas corpus action wherein petitioner's allegations have been presented to the State Courts for determination.

Dated this 8th day of October, 1970, at Tulsa, Oklahoma.

  
UNITED STATES DISTRICT JUDGE

IEU:lg  
9/16/70

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

IN THE MATTER OF: )  
 ) Bankruptcy No. 70-B-46  
DIAL-A-LITE COMPANY, a corporation, )  
 )  
Alleged Bankrupt )

**FILED**

OCT 14 1970

JOHN H. POE, Clerk  
U. S. DISTRICT COURT

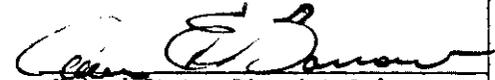
ORDER DISMISSING INVOLUNTARY  
PETITION IN BANKRUPTCY

Voltaic International Corp., a corporation, having filed an involuntary petition in bankruptcy on January 15, 1970, praying that Dial-A-Lite Company, a corporation, be adjudged a bankrupt under the Bankruptcy Act and the alleged bankrupt having answered said involuntary petition denying the material allegations thereof, and a motion to dismiss the bankruptcy petition having been filed herein by Voltaic International Corp., and there having been shown in said motion a list of the creditors of Dial-A-Lite Company, a corporation, the same consisting of only one creditor, to-wit: Voltaic International Corp. and said motion being duly verified under oath and the United States District Judge having sent notice to the creditors in compliance with Provision 59 D of the Bankruptcy Act, and the matter having come on to be heard before the undersigned United States District Judge on the 14th day of October, 1970, now, upon motion of Voltaic International Corp., petitioning creditor herein, and there being no objections by the alleged bankrupt to a dismissal of the action being taken, and the Court after hearing counsel in support of the motion finds that the said motion to dismiss the involuntary petition in bankruptcy filed herein as against Dial-A-Lite Company, a corporation, should be sustained.

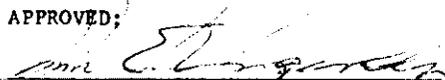
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THIS COURT that the involuntary petition in bankruptcy filed herein by Voltaic International Corp., as against Dial-A-Lite Company, a corporation, the alleged bankrupt herein, be and the same is hereby dismissed in its entirety.

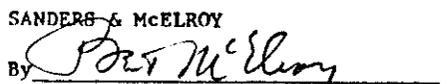
Dated at Tulsa, Oklahoma, this 14th day of October, 1970.

APPROVED:

  
United States District Judge

LAW OFFICES  
UNGERMAN,  
GRABEL,  
UNGERMAN  
& LEITER  
SIXTH FLOOR  
WRIGHT BUILDING  
TULSA, OKLAHOMA

  
Irvine E. Ungerman, Attorney for  
Voltaic International Corp.,  
Petitioning Creditor

SANDERS & McELROY  
By   
Attorneys for Dial-A-Lite Company,  
a corporation, Alleged Bankrupt

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

United States of America,

Plaintiff,

vs.

PAUL E. Powers and Shirley A.  
Powers, and City of Tulsa,

Defendants.

Civil No. 70-C-261

**FILED**

OCT 14 1970

JOHN H. POE, Clerk  
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 15<sup>th</sup> day of

September, 1970, the defendant, City of Tulsa, appearing by its Attorney, J. Barry Epperson, and denying each and every allegation contained in Plaintiff's Complaint, and the defendants, Paul E. Powers and Shirley A. Powers, appearing not; and

The Court being fully advised and having examined the file herein finds that due and legal personal service of summons has been made on the defendants, Paul E. Powers and Shirley A. Powers, on August 28, 1970; 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 this is a suit based upon a mortgage note and foreclosure on a real property mortgage securing said mortgage note on the following described real property located in Tulsa, Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Thirty-Six (36), Block Two (2), Suburban Acres Fourth Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof;

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

The Court further finds that the defendants, Paul E. Powers and Shirley A. Powers, did, on August 27, 1965, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note for the sum of \$11,000.00, with interest thereon at the rate of Five and Three-Fourths (5 3/4) per cent per annum and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Paul E. Powers and Shirley A. Powers, and each of them, made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make monthly installments due thereon on September 1, 1969, which default has continued and that by reason thereof the defendants, Paul E. Powers and Shirley A. Powers, are now indebted to the Plaintiff in the sum of \$10,576.23, with interest thereon from September 1, 1969, until paid, at the rate of five and three-fourths (5 3/4) per cent per annum, plus the cost of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have and recover judgment against the defendants, Paul E. Powers and Shirley A. Powers, for the sum of \$10,576.23, as unpaid principal, with interest thereon at the rate of Five and Three-Fourths (5 3/4) per cent per annum from September 1, 1969, until paid, plus the cost of this action accrued and accruing, and the sum of \$24.00 expended for abstracting fees.

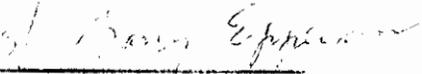
IT IS FURTHER ORDERED, ADJUDGED and DECREED that upon failure of the defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall issue to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisal, the above-described real 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 hereof.

  
WILLIAM E. BROWN  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
ROBERT P. SANTORE  
Assistant U. S. Attorney

  
BARRY EPPERSON  
Assistant City Attorney

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

GEORGE ROOT

Plaintiff

vs

TOMMY J. PRICE

Defendant

NO. 70-C-160

FILED

OCT 16 1970

JOHN H. POE, Clerk  
U. S. DISTRICT COURT

STIPULATION OF DISMISSAL WITH PREJUDICE

Comes now the plaintiff, through his attorney, H. G. E. Beauchamp, and the defendant, through his attorney, Jack M. Thomas, and stipulate that the above captioned cause of action be dismissed with prejudice to filing a future action herein.

*H. G. E. Beauchamp*  
\_\_\_\_\_  
Attorney for Plaintiff

*Jack M. Thomas*  
\_\_\_\_\_  
Attorney for Defendant

ORDER

OCTOBER

AND now on this 16 day of ~~September~~ <sup>OCTOBER</sup>, 1970, there came on for consideration before the undersigned Judge of the United States District Court for the Northern District of Oklahoma, stipulation of the parties hereto of dismissal, parties hereto having advised the court that all disputes between the parties have been settled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above styled cause be, and the same is hereby dismissed with prejudice to the right of the plaintiff to bring any future action arising from said cause of action.

*Lee Danaherty*  
\_\_\_\_\_  
Judge

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

JACKIE EUGENE MADEWELL,

Petitioner,

vs.

RAY H. PAGE, Warden, Oklahoma  
State Penitentiary, McAlester,  
Oklahoma,

Respondent.

NO. 70-C-272

**FILED**  
OCT 16 1970  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

O R D E R

The Court has for consideration a petition for writ of habeas corpus filed pro se, in forma pauperis, by petitioner, Jackie Eugene Madewell, and transferred to this Court from the Eastern District of Oklahoma. Also, a Motion requesting oral argument ad testificandum. The Court being fully advised in the premises finds:

1. That petitioner is imprisoned in the Oklahoma State Penitentiary at McAlester, Oklahoma, pursuant to a plea of guilty to the crime of burglary, 2nd degree, after former conviction of a felony, and sentence imposed in the Tulsa County District Court of Tulsa, Oklahoma.

2. That the petitioner sues G. T. Blankenship, Attorney General, and The People of the State of Oklahoma, and they are not the proper party respondents. That pursuant to Rule 21 of the Federal Rules of Civil Procedure, said respondents should be dropped from the cause of action and that Ray H. Page, Warden, Oklahoma State Penitentiary, McAlester, Oklahoma, has the custody of the body of the petitioner and, therefor, Ray H. Page should be added as the proper party respondent.

3. That the petitioner makes no showing that he has raised the claims here presented by direct appeal, by proceeding for post-conviction relief, or by petition for habeas corpus in the State Courts and thereby given the State the opportunity to determine the issues.

4. That the laws of the State of Oklahoma provide for direct appeal, 22 O.S.A. § 1051 et seq., and for post-conviction relief, Post Conviction Procedure Act, Section 1, Chapter 220, O.S.L. 1970, 22 O.S. Supp. 1970, §§ 1080 to 1088, effective July 1, 1970; and prior thereto by Section 1, Chapter 165, O.S.L. 1965 (22 O.S. Supp. 1969 § 1073) repealed as of July 1, 1970. Further, 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.

5. That the petition herein should be denied because it is premature in the Federal Courts; and, the petitioner, having failed to exhaust his available and adequate State remedies, is not eligible for Federal habeas corpus relief. *Hudson v. Crouse*, 420 F.2d 416 (10th Cir. 1970); *Daegele v. Crouse*, 351 F.2d 306 (10th Cir. 1970); *Hoggatt v. Page*, \_\_\_ F.2d \_\_\_ (10th Cir. 588-69 filed Sept. 28, 1970).

6. That since the petition on its face should be denied as premature, the motion for oral argument ad testificandum is moot and should be overruled.

IT IS, THEREFORE, ORDERED that G. T. Blankenship and The People of the State of Oklahoma are dropped as party respondents and Ray H. Page, Warden, Oklahoma State Penitentiary, McAlester, Oklahoma, be and he is hereby added as the proper party respondent.

IT IS FURTHER ORDERED that the Motion for oral argument ad testificandum be and it is hereby overruled.

IT IS FURTHER ORDERED that the petition for writ of habeas corpus of Jackie Eugene Madewell be and the same is hereby denied without prejudice to its being renewed if necessary, and grounds therefor exist, after the State remedies have been exhausted.

Dated this 15<sup>th</sup> day of October, 1970, at Tulsa, Oklahoma.

  
UNITED STATES DISTRICT JUDGE

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

CLEATA ULDINE SNYDER )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 KATHRYN ANN THURMAN )  
 )  
 Defendant. )

No. C-70-280 Civil

**FILED**  
OCT 16 1970  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

ORDER OF DISMISSAL

This matter coming on before the Court on the Plaintiff's motion to dismiss and the Defendant's objection thereto, the Court being fully advised in the premises finds that in furtherance of the order heretofore entered on September 25, 1970 by this Court, said motion should be sustained and that this cause should be dismissed without prejudice to another action on condition that any depositions taken herein may be used by either party in a subsequent filing of this case in any Court, State or Federal. The Court further finds that no further conditions should be imposed on this dismissal.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Motion to Dismiss filed herein by the Plaintiff be and it is hereby sustained and the cause is dismissed without prejudice to another action on the condition that any depositions taken herein may be used by either party in a subsequent filing of this case in any Court, State or Federal.

FURTHER, IT IS THE ORDER OF THIS COURT that no further conditions be imposed on said dismissal.

*Dated 10/16/70*

\_\_\_\_\_  
Fred Daugherty  
United States District Judge

APPROVED AS TO FORM:

*[Signature]*  
\_\_\_\_\_  
Attorney for Plaintiff  
*[Signature]*  
\_\_\_\_\_  
Attorney for Defendant

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

LONNIE G. MCKAY,

Petitioner,

vs.

RAY H. PAGE, Warden, Oklahoma  
State Penitentiary, PEOPLE OF  
THE STATE OF OKLAHOMA,

Respondents.

FILED

70-C-307  
OCT 16 1970

JOHN H. POE, Clerk  
U. S. DISTRICT COURT

O R D E R

The Court has for consideration a petition for writ of habeas corpus filed pro se, in forma pauperis, by petitioner, Lonnie G. McKay, and transferred to this Court from the Eastern District of Oklahoma.

The Court being fully advised in the premises finds:

1. That petitioner is imprisoned in the Oklahoma State Penitentiary at McAlester, Oklahoma, pursuant to a jury trial and conviction, cause of action No. 23,089, in the Tulsa County District Court of Tulsa, Oklahoma.

2. That an appeal was made, No. 14,970, and the trial Court Judgment and sentence was affirmed by the Oklahoma Court of Criminal Appeals. The mandate filed June 4, 1969, in the Tulsa County Courthouse, reflects that the appeal grounds were that the arrest and search were unlawful.

3. That the laws of the State of Oklahoma provide for post-conviction relief, Post Conviction Procedure Act, Section 1, Chapter 220, O.S.L. 1970, 22 O.S. Supp. 1970, §§ 1080 to 1088, effective July 1, 1970; and prior thereto by Section 1, Chapter 165, O.S.L. 1965 (22 O.S. Supp. 1969 § 1073) repealed as of July 1, 1970. Further, 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.

4. That the petition herein should be denied because it is premature in the federal Courts; and, the petitioner, having failed to exhaust his available and adequate state remedies, is not eligible for Federal habeas corpus relief. Hudson v. Crouse, 420 F.2d 416 (10th Cir. 1970); Dacgele v. Crouse, 351 F.2d 306 (10th Cir. 1970); Hoggatt v. Page, \_\_\_ F.2d. \_\_\_ (10th Cir. 588-69 filed September 28, 1970).

IT IS, THEREFORE, ORDERED that the petition for writ of habeas corpus of Lonnie G. McKay be and the same is hereby denied without prejudice to its being renewed if necessary, and grounds therefor exist, after the State remedies have been exhausted.

Dated this 15<sup>th</sup> day of October, 1970, at Tulsa, Oklahoma.

  
UNITED STATES DISTRICT JUDGE

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

DON L. CHAMBERS,

Plaintiff,

vs.

ROBERT H. FINCH, Secretary of  
Health, Education, and Welfare,  
United States of America,

Defendant.

)  
)  
) 70-C-6  
)  
)

**FILED**  
OCT 21 1970  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

ORDER SUSTAINING DEFENDANT'S MOTION FOR SUMMARY  
JUDGMENT

The Court has carefully considered the Motion for Summary Judgment filed by the defendant herein, the brief in support thereof, the transcript of the proceedings relating to plaintiff's application for disability benefits, and finds:

1. That on August 28, 1970, plaintiff was granted an additional 30 days from July 30, 1970, within which to file a responsive brief, and no brief has been filed.

2. The findings of the Secretary of Health, Education and Welfare as to facts in a social security case, if supported by substantial evidence, are conclusive.

3. The transcript discloses that the plaintiff had a full and fair hearing, and the finding that he was not disabled to the extent required under the Social Security Act is supported by substantial evidence.

4. The Court is strongly of the impression that the evidence shows no physical impairment caused by the minimal osteoarthritis and diabetes mellitus to the extent which would affect claimant's ability to engage in some form of gainful activity. The evidence points rather to an anxiety state resulting from the knowledge of his grandmother's death while in a state of comma, the diabetes of his two brothers, one of whom is presently blind due to said condition, and his own diabetes.

IT IS, THEREFORE ORDERED that the Motion for Summary Judgment filed by the defendant is hereby sustained and judgment is entered for the defendant.

ENTERED this 21<sup>st</sup> day of October, 1970.

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

UNITED STATES DISTRICT JUDGE



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

United States of America,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No. 5000
	)	
	)	Tract No. T-2038
493.75 Acres, etc., in Rogers and	)	
Nowata Counties, Oklahoma, and Ivoy	)	
Byrd, et al, and Unknown Owners,	)	
	)	
Defendants.	)	

**FILED**  
OCT 26 1970  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

J U D G M E N T

Now on this the 20th day of October, 1970, there comes on before the Court for hearing the determination of ownership and for distribution of the proceeds of the judgment in favor of the owners of the lessor and the lessee interest as hereinafter set out, of the following tract, to-wit:

Tract Number T-2038:  
All that part of the E $\frac{1}{2}$  of the W $\frac{1}{2}$  of the E $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  and the E $\frac{1}{2}$  of the E $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the NE $\frac{1}{4}$  lying below elevation 651.0' m.s.l. of Section 21, and all that part of the NW $\frac{1}{4}$  of the NW $\frac{1}{4}$  and the NW $\frac{1}{4}$  of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  and the S $\frac{1}{2}$  of the NE $\frac{1}{4}$  of the NW $\frac{1}{4}$  and the N $\frac{1}{2}$  of the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  lying below elevation 651.0' m.s.l. of Section 22, Township 26 North, Range 16 East,

and Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma, appearing for the plaintiff, and W. E. Maddux, Attorney, appearing for Victoria Poorman Linderholm, the sole devisee and beneficiary under the wills of B. A. Poorman and Jewell V. Poorman, his wife, defendants in said cause, who are now deceased, and no one else appearing and the Court having heard the evidence offered in support of said motion and being fully advised, finds and orders as follows:

That the entire award for the estate taken, in the sum of \$580.00, is on deposit in the registry of the Court Clerk of this Court, plus \$79.75 interest on the deficiency.

THE COURT FURTHER FINDS AND IT IS ORDERED, ADJUDGED AND DECREED that the award for the entire interest in the sum of \$659.75 should be distributed and paid to Victoria Poorman Linderholm.

AUGUST 11, 1938

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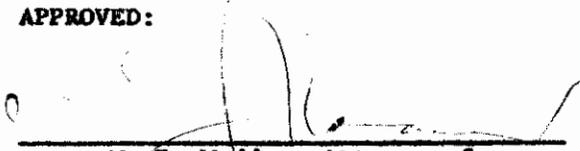
United States District Judge

APPROVED:



Hubert A. Marlow, Assistant  
United States Attorney for the  
Northern District of Oklahoma

APPROVED:



W. E. Maddux, Attorney for  
Victoria Poorman Linderholm

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

SAMMIE A. RIGGS, )  
 )  
 Plaintiff, )  
 )  
 vs. ) CIVIL ACTION No. 68-C-272  
 )  
 BRITISH COMMONWEALTH )  
 CORPORATION, a Texas )  
 corporation; JAMES LOVELL; )  
 W. N. WRAY, JR.: and IVAN )  
 HALL, )  
 )  
 Defendants. )

**FILED**  
**OCT 26 1970**  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

ORDER GRANTING MOTION OF DEFENDANT  
JAMES LOVELL FOR SUMMARY JUDGMENT

The Court, after having heard the arguments of counsel, and after having examined the pleadings, Answers to Interrogatories, and Affidavits on file, is of the opinion that the Motion of Defendant James Lovell for Summary Judgment should be granted,

THEREFORE, the Motion of Defendant James Lovell for Summary Judgment is sustained, and

It is ORDERED, ADJUDGED and DECREED that Defendant James Lovell be dismissed from this action and that Defendant James Lovell have his costs of court expended.

DATED this 23 day of October, 1970.

  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA

FILED

RESLIE DAVIDSON Plaintiff, by her next friend ROBERT DAVIDSON  
vs  
WILLIAM H. HALLETT Defendant.

OCT 27 1970  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

NO. 00-C 41

JOURNAL ENTRY OF JUDGMENT

Now on this 26 day of October, 1970, plaintiff appearing in person and by her father, Robert S. Davidson, and through their attorney, Elroy S. Thomas, and the defendant appearing by and through his attorney, Jack M. Thomas, and both parties announcing ready for trial and a jury being waived, evidence was introduced, and the Court being fully advised on consideration finds that plaintiff has sustained the allegations of her Petition and is entitled to judgment accordingly.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff have and recover of said defendant the sum of TWENTY FIVE THOUSAND and no/100 DOLLARS (\$25,000.00), and for her costs herein expended.

APPROVED:

*Elroy S. Thomas*  
attorney for plaintiff

*Jack M. Thomas*  
attorney for defendant

~~WILLIAM H. HALLETT~~  
JUDGE

IN SENATE PRICES COURT OF THE DISTRICT OF COLUMBIA  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

O. P. ZICKEFOOSE, as Father and }  
next Friend for JEFFREY R. ZICKE- }  
FOOSE }  
} Plaintiff. }  
} }  
} vs. } No. 70-C-95 }  
} }  
} RONALD LEE COX, }  
} }  
} Defendant. }

**FILED**  
**OCT 26 1970**  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT

Now on the 27th day of October 1970, this cause came on to be heard pursuant to regular assignment for trial. Plaintiffs appeared in person and by and through their Attorney of Record, A. A. Berringer, and Defendant appeared in person and by and through his Attorney of Record, Thomas L. Falney; and both parties having announced ready for trial, a jury being waived in open Court, the Court proceeded to hear the evidence of witnesses and the argument of counsel. And the Court being fully advised, upon consideration finds that the Plaintiffs have sustained the allegations of their Petition and are entitled to judgment accordingly.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT, that the Plaintiff O. P. Zickefoose, as Father and next Friend for Jeffrey R. Zickefoose, have and recover of said Defendant, Ronald Lee Cox, the sum of TWO THOUSAND and 00/100 DOLLARS (\$2,000.00), together with the costs of this action.

*[Signature]*  
Judge

O. P.

*[Signature]*  
A. A. Berringer, Attorney for Plaintiffs

*[Signature]*  
Thomas L. Falney, Attorney for Defendant

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

United States of America,

Plaintiff,

vs.

Civil No. 70-C-229

Harold Loyd Smith and N. Earnice  
Smith, Inez M. Evans, Ralph L.  
Forrester and Chloe M. Forrester,  
Planned Credit, Inc., and Dr. R. E.  
Rheinfrank,

Defendants.

CLERK  
COURT

JUDGMENT OF FORECLOSURE

THIS MATTER comes on for consideration this 24<sup>th</sup> day of  
October 1970, the Plaintiff appearing by Robert P. Santee, Assistant  
United States Attorney for the Northern District of Oklahoma, and the  
defendants, Harold Loyd Smith and N. Earnice Smith, Inez M. Evans, Ralph L.  
Forrester and Chloe M. Forrester, Planned Credit, Inc., and Dr. R. E.  
Rheinfrank appearing not.

The Court being fully advised and having examined the files  
herein finds that legal service by publication was made upon the defendants,  
Harold Loyd Smith and N. Earnice Smith and Inez M. Evans, as appears by  
Proof of Publication filed herein on October 21, 1970, and further that  
personal service was made on the defendants, Ralph L. Forrester, Chloe M.  
Forrester, Dr. R. E. Rheinford, and Planned Credit, Inc., on July 29, 1970;  
and

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.

That the defendants, Harold Loyd Smith and N. Earnice Smith,  
did, on February 23, 1964, execute and deliver to J. S. Gleason, Jr.,  
as Administrator of Veterans Affairs, said mortgage and mortgage note  
for the sum of \$3,500.00, with interest thereon at the rate of 5 1/2% per  
annum and further providing for the payment of monthly installments of  
principal and interest; and

It further appears that the defendant, **Inez M. Evans**, has or claims some right title, or interest in and to the premises herein being foreclosed by reason of a General Warranty Deed, dated June 2, 1967, and filed of record, June 5, 1967, in the Office of the County Clerk of Tulsa County, Oklahoma, in Book 3808, Page 1773; but in this regard, plaintiff states that whatever right, title, or interest the defendant, **Inez M. Evans**, has 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, **Ralph L. Forrester and Chloe M. Forrester**, have or claim some right, title, or interest in and to the premises herein being foreclosed by reason of a General Warranty Deed, dated January 9, 1968, and filed of record, February 12, 1968, in the Office of the County Clerk of Tulsa County, Oklahoma, in Book 3837, Page 1138, but in this regard, plaintiff states that whatever right, title, or interest the defendants, **Ralph L. Forrester and Chloe M. Forrester**, 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 defendant, **Planned Credit, Inc.**, has or claims some right, title, or interest in and to the premises herein being foreclosed by reason of a Real Estate Mortgage, dated March 14, 1969, and filed of record March 19, 1969, in the Office of the County Clerk of Tulsa County, Oklahoma, in Book 3883, Page 96, but in this regard, plaintiff states that whatever right, title, or interest the defendant, **Planned Credit, Inc.**, has 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 defendant, **Dr. R. E. Rheinfrank**, has or claims some right, title, or interest in and to the premises herein being foreclosed by reason of a Real Estate Mortgage, dated July 29, 1969, and filed of record August 25, 1969, in the Office of the County Clerk of Tulsa County, Oklahoma, in Book 3900, Page 670, and a Corrected Real Estate Mortgage, dated July 29, 1969, and filed of record in the Office of the County Clerk of Tulsa County, Oklahoma, on August 28, 1969, in Book 3900,

Page 1519, but in this regard, plaintiff states that whatever right, title, or interest the defendant, Dr. R. E. Rheinbrank, has 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, Harold Loyd Smith and N. Earnice Smith, Inez M. Evans, and Ralph L. Forrester and Chloe M. Forrester, 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 twelve months prior to July 23, 1970, 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 \$8,895.58, with interest thereon at the rate of  $5\frac{1}{2}\%$  per annum from June 1, 1969, until paid.

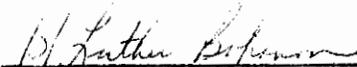
The Court further finds that the real property which is the subject of this suit is described as follows:

Lot Forty-one (41), Block Ten (10), Suburban Acres  
Third Addition to the City of Tulsa, Tulsa County,  
Oklahoma, according to the recorded plat thereof.

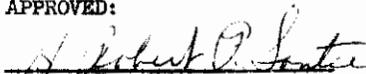
**IT IS THEREFORE ORDERED, ADJUDGED and DECREED** that the Plaintiff, United States of America, have and recover judgment against the Defendants, Harold Loyd Smith and N. Earnice Smith, Inez M. Evans, Ralph L. Forrester and Chloe M. Forrester, for the sum of \$8,895.58, with interest thereon at the rate of  $5\frac{1}{2}\%$  per annum from June 1, 1969, until paid, plus the costs of this action accrued and accruing, plus the sum of \$22.00 expended for Abstracting Fees.

**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:

  
ROBERT P. SANTEE  
Assistant U. S. Attorney

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

BRUNSWICK CORPORATION, )  
 )  
 Plaintiff, )  
 )  
 ) No. 6434 - Civil  
 )  
 vs. )  
 )  
 MARSHALL C. FERRINO, et al., )  
 )  
 Defendants. )

FILED

OCT 29 1970

JOHN D. POE, Clerk  
U. S. DISTRICT COURT

ORDER CONFIRMING MARSHAL'S SALE

NOW, on this 29 day of October, 1970, there comes on for hearing the Motion of the defendant, First Federal Savings & Loan Association of Coffeyville, to confirm the sale of real estate made herein by the U. S. Marshal for the Northern District of Oklahoma, on the 19th day of October, 1970, pursuant to a Special Execution and Order of Sale With Appraisement issued by the Clerk of the U. S. District Court for the Northern District of Oklahoma in this cause on the 25th day of June, 1970, commanding said U. S. Marshal to proceed according to law to advertise and sell, with appraisement, as upon execution, the following described real estate to-wit:

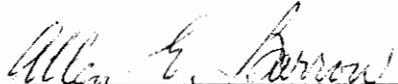
The South Half (S/2) of Lot 1,  
Block 1, SKELLY DRIVE COURT  
ADDITION, a Resubdivision of  
Lot 3 and part of Lot 2, Can-  
field Subdivision, Tulsa County,  
State of Oklahoma, according to  
the recorded Plat thereof; and

And the Court, having examined the proceedings of the Marshal under said Execution and Order of Sale With Appraisement, and the Marshal's Return thereon and, no exceptions having been filed thereto, FINDS that the U. S. Marshal for the Northern District of Oklahoma did call an inquest of John D. Dorchester, Sr., Otis Smith and Ward Murdock, who are three disinterested householders and residents of Tulsa County, Oklahoma, where the

aforesaid real estate is situated, and administered to them an oath impartially to appraise said real estate upon actual view; that said real estate was duly appraised by said disinterested householders at the sum of \$350,000.00, as is evidenced by the Valuation and Appraisal of Property on file herein; that said U. S. Marshal caused due and legal notice of said sale to be given by publication in the Tulsa Daily Legal News, a newspaper published and of general circulation in Tulsa County, Oklahoma, said notice being published for four consecutive weeks prior to such sale and the first publication being at least 30 days prior to the date thereof, as is shown by the Proof of Publication on file herein; that on the 19th day of October, 1970 at 10:00 o'clock A.M. at the West front door of the County Court House, in the city of Tulsa, Oklahoma, the same being the time and place stated in said notice, the above-described real estate was sold at public auction to the highest bidder to First Federal Savings & Loan Association of Coffeyville, it being the highest and best bidder therefor, for the sum of \$235,000.00; that said sum and bid are more than two-thirds of the appraised value of said real estate; and that said sale was, in all respects, made in conformity with the law and was, in all respects, legal and valid.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that the aforesaid sale by the United States Marshal for the Northern District of Oklahoma and all proceedings under the Special Execution and Order of Sale With Appraisement issued herein with respect to the above-described real estate, be and the same hereby are approved and confirmed; and the Clerk of this Court is directed to make an entry on the journal of this Court that the Court is satisfied with the legality of said sale.

IT IS FURTHER ORDERED by the Court that the United States Marshal for the Northern District of Oklahoma make and execute to the purchaser, First Federal Savings & Loan Association of Coffeyville, a good and sufficient deed for said real estate so sold.

  
JUDGE OF THE U. S. DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

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

BRUNSWICK CORPORATION, )  
 )  
 Plaintiff, )  
 )  
 ) No. 6434 - Civil  
 )  
 vs. )  
 )  
 MARSHALL C. FERRINO, et al., )  
 )  
 Defendants. )

ORDER CONFIRMING MARSHAL'S SALE

NOW, on this 29 day of October, 1970, there comes on for hearing the Motion of the defendant, First Federal Savings & Loan Association of Coffeyville, to confirm the sale of real estate made herein by the U. S. Marshal for the Northern District of Oklahoma, on the 19th day of October, 1970, pursuant to a Special Execution and Order of Sale With Appraisement issued by the Clerk of the U. S. District Court for the Northern District of Oklahoma in this cause on the 25th day of June, 1970, commanding said U. S. Marshal to proceed according to law to advertise and sell, with appraisement, as upon execution, the following described real estate to-wit:

- Tract I: The East 130 feet of Lot 1, CANFIELD SUBDIVISION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof; and
- Tract II: The East Half (E/2) of Lots 2 and 3, CANFIELD SUBDIVISION to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat thereof (said property being the same as Lot 2, Block 1, SKELLY DRIVE COURT ADDITION to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat thereof), LESS AND EXCEPT the West 174.34 feet of the North 165 feet of Lot 2, Skelly Drive Court Addition, according to the recorded Plat thereof,

And the Court, having examined the proceedings of the Marshal under said Execution and Order of Sale With Appraisement, and the Marshal's Return thereon and, no exceptions having been filed thereto, FINDS that the U. S. Marshal for the Northern District of Oklahoma did call an inquest of John D. Dorchester,

Sr., Otis Smith and Ward Murdock, who are three disinterested householders and residents of Tulsa County, Oklahoma, where the aforesaid real estate is situated, and administered to them an oath impartially to appraise said real estate, as separate tracts, upon actual view; that said real estate was duly appraised by said disinterested householders, Tract I at the sum of \$13,000.00 and Tract II at the sum of \$237,000.00, as is evidenced by the Valuation and Appraisal of Property on file herein; that said U. S. Marshal caused due and legal notice of said sale to be given by publication in the Tulsa Daily Legal News, a newspaper published and of general circulation in Tulsa County, Oklahoma, said notice being published for four consecutive weeks prior to such sale and the first publication being at least 30 days prior to the date thereof, as is shown by the Proof of Publication on file herein; that on the 19th day of October, 1970 at 10:00 o'clock A.M. at the West front door of the County Court House, in the city of Tulsa, Oklahoma, the same being the time and place stated in said notice, the above-described real estate was sold at public auction to the highest bidder, Tract I being first separately offered and sold in said manner to First Federal Savings & Loan Association of Coffeyville, it being the highest and best bidder therefor, for the sum of \$17,000.00, and Tract II being then separately offered and sold in said manner to First Federal Savings & Loan Association of Coffeyville, it being the highest and best bidder therefor, for the sum of \$160,000.00; that said sums and bids of \$17,000.00 and \$160,000.00 are respectively more than two-thirds of the appraised value of said Tract I and Tract II; and that said sale was, in all respects, made in conformity with the law and was, in all respects, legal and valid.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that the aforesaid sale by the United States Marshal for the Northern District of Oklahoma and all proceedings under the Special Execution and Order of Sale With Appraisement issued herein with respect to the above-described real estate, be and the

same hereby are approved and confirmed; and the Clerk of this Court is directed to make an entry on the journal of this Court that the Court is satisfied with the legality of said sale.

IT IS FURTHER ORDERED by the Court that the United States Marshal for the Northern District of Oklahoma make and execute to the purchaser, First Federal Savings & Loan Association of Coffeyville, a good and sufficient deed for said real estate so sold.

*Allen G. Barrow*

JUDGE OF THE U. S. DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

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

BRUNSWICK CORPORATION, )  
 )  
 Plaintiff, )  
 )  
 ) No. 6434 - Civil  
 )  
 vs. )  
 )  
 MARSHALL C. FERRINO, et al., )  
 )  
 Defendants. )

FILED  
OCT 29 1970  
RICHARD F. GARY  
U. S. DISTRICT COURT

ORDER CONFIRMING MARSHAL'S SALE

NOW, on this 29 day of October, 1970, there comes on for hearing the Motion of the defendant, First Federal Savings & Loan Association of Coffeyville, to confirm the sale of real estate made herein by the U. S. Marshal for the Northern District of Oklahoma, on the 19th day of October, 1970, pursuant to a Special Execution and Order of Sale With Appraisement issued by the Clerk of the U. S. District Court for the Northern District of Oklahoma in this cause on the 25th day of June, 1970, commanding said U. S. Marshal to proceed according to law to advertise and sell, with appraisement, as upon execution, the following described real estate to-wit:

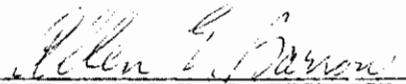
A part of Tract 5 in Block 1, OZARK GARDEN FARMS, an Addition to Tulsa, Tulsa County, State of Oklahoma, more particularly described as: Beginning at the Northeast corner of said Tract 5; Thence West 95.4 feet to a point of beginning; Thence West 74.6 feet; Thence South 164.5 feet; Thence East 74.6 feet; Thence North 164.5 feet to the point of beginning; and

And the Court, having examined the proceedings of the Marshal under said Execution and Order of Sale With Appraisement, and the Marshal's Return thereon and, no exceptions having been filed thereto, FINDS that the U. S. Marshal for the Northern District of Oklahoma did call an inquest of John D. Dorchester, Sr., Otis Smith and Ward Murdock, who are three disinterested householders and residents of Tulsa County, Oklahoma, where the

aforesaid real estate is situated, and administered to them an oath impartially to appraise said real estate upon actual view; that said real estate was duly appraised by said disinterested householders at the sum of \$75,000.00, as is evidenced by the Valuation and Appraisal of Property on file herein; that said U. S. Marshal caused due and legal notice of said sale to be given by publication in the Tulsa Daily Legal News, a newspaper published and of general circulation in Tulsa County, Oklahoma, said notice being published for four consecutive weeks prior to such sale and the first publication being at least 30 days prior to the date thereof, as is shown by the Proof of Publication on file herein; that on the 19th day of October, 1970 at 10:00 o'clock A.M. at the West front door of the County Court House, in the city of Tulsa, Oklahoma, the same being the time and place stated in said notice, the above-described real estate was sold at public auction to the highest bidder to L. E. DUNN, he being the highest and best bidder therefor, for the sum of \$62,100.00; that said sum and bid are more than two-thirds of the appraised value of said real estate; and that said sale was, in all respects, made in conformity with the law and was, in all respects, legal and valid.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED by the Court that the aforesaid sale by the United States Marshal for the Northern District of Oklahoma and all proceedings under the Special Execution and Order of Sale With Appraisement issued herein with respect to the above-described real estate, be and the same hereby are approved and confirmed; and the Clerk of this Court is directed to make an entry on the journal of this Court that the Court is satisfied with the legality of said sale.

IT IS FURTHER ORDERED by the Court that the United States Marshal for the Northern District of Oklahoma make and execute to the purchaser, L. E. Dunn, a good and sufficient deed for said real estate so sold.

  
\_\_\_\_\_  
JUDGE OF THE U. S. DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

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

GLEND A JOYCE SPEARS, )  
 )  
 Plaintiff, ) 70-C-266  
 )  
 vs. )  
 )  
 SAFEWAY STORES, INCORPORATED, )  
 )  
 Defendant. )

ORDER SUSTAINING PLAINTIFF'S MOTION TO  
DISMISS UPON CONDITIONS

The Court has for consideration the Motion to Dismiss of the plaintiff, the briefs in support and opposition thereto, and being fully advised in the premises, finds:

That said Motion should be sustained and the case dismissed without prejudice, upon plaintiff complying within five days to the following conditions.

The payment by plaintiff to defendant of attorney fees in the amount of \$200.00, plus costs of this action.

IT IS, THEREFORE, ORDERED that the plaintiff's Motion to Dismiss be sustained and the complaint and cause of action be dismissed without prejudice upon the payment by plaintiff to defendant of an attorney fee of \$200.00, plus costs, within five (5) days of this date.

ENTERED this 15 day of October, 1970.

  
UNITED STATES DISTRICT JUDGE

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

KATRINA MARIE RAYMER, an )  
infant, by her Father and Next )  
Friend, CALVIN B. RAYMER, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
CITY OF CLEVELAND, OKLAHOMA, )  
a Municipal Corporation, )  
 )  
Defendant. )

NO.70-C-102

ORDER OF DISMISSAL

ON this 30 day of October, 1970, upon the written application of the parties for a Dismissal with Prejudice of the Complaint and all causes of action, the Court having examined said application, finds that said parties have entered into a compromise settlement covering all claims involved in the Complaint and have requested the Court to dismiss said Complaint with prejudice to any future action, and the Court being fully advised in the premises, finds that said Complaint should be dismissed pursuant to said application.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Complaint and all causes of action of the plaintiff filed herein against the defendant be and the same hereby is dismissed with prejudice to any future action.

*William E. Burson*  
JUDGE, DISTRICT COURT OF THE UNITED STATES, NORTHERN DISTRICT OF OKLAHOMA

APPROVAL:

VAN CLEAVE, GRESHAM, LIEBLER, DALTON & BIVINS

By: *Cull Bivens*  
Cull Bivens

Attorneys for the Plaintiff,

ALFRED B. KNIGHT,  
*Alfred B. Knight*  
Attorneys for the Defendant.

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