

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

PEGGY LITTLEFIELD, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 THE FETTERMAN CORPORATION, )  
 a Foreign Corporation, )  
 )  
 Defendant. )

NO. 70-7

FILED

JUL 1 1970

*J. H. Lee*  
CLERK  
U. S. DISTRICT COURT

ORDER OF DISMISSAL

ON this 1 day of July, 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.

*Allen T. Brown*  
JUDGE, DISTRICT COURT OF THE UNITED STATES, NORTHERN DISTRICT OF OKLAHOMA

APPROVAL:

FARMER, WOOLSEY, FLIPPO & BAILEY,

By: *Lawrence Johnson*  
Lawrence Johnson

Attorneys for the Plaintiff,

ALFRED B. KNIGHT,  
*Alfred B. Knight*

Attorney for the defendant.

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

LARRY DON WESLEY MAYNARD,

Petitioner,

vs.

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

Respondent.

NO. 70-C-193

**FILED**

JUL 1 1970

CLERK  
U. S. DISTRICT COURT

ORDER

The Court has for consideration a petition for writ of habeas corpus filed pro se, in forma pauperis, by petitioner, Larry Don Wesley Maynard, 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 non-jury trial and conviction, cause of action No. 23324, by the Tulsa County District Court of Tulsa, Oklahoma.

2. That an appeal in Case No. 23324 has been perfected (No. A-15248) and is presently pending before the Oklahoma Court of Criminal Appeals.

3. 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.

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, he is not eligible for Federal habeas corpus relief. *Hudson v. Crouse*, 420 F.2d 416 (10th Cir. 1970); *Daegelo v. Crouse*, \_\_\_ F.2d \_\_\_ (10th Cir. 190-70 filed June 19, 1970).

IT IS, THEREFORE, ORDERED that the petition for writ of habeas corpus of Larry Don Wesley Maynard be and the same is hereby denied.

Dated this 1st day of July, 1970, at Tulsa, Oklahoma.

*Allen F. Jarman*  
UNITED STATES DISTRICT JUDGE

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

GEORGE P. SHULTZ, Secretary of Labor )  
United States Department of Labor )  
Plaintiff )  
v. )  
MIDWEST CHEVROLET CORPORATION, )  
a Corporation )  
Defendant )

CIVIL ACTION

File No. 70-C-78

ORDER OF DISMISSAL

**FILED**  
JUL - 2 1970  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

The defendant, Midwest Chevrolet Corporation, a corporation, having stipulated that it will comply with the provisions of the Fair Labor Standards Act of 1938, as amended, in the future, it is hereby, upon motion of counsel for plaintiff,

ORDERED, ADJUDGED and DECREED that the above styled and numbered cause be, and it is, hereby dismissed with prejudice.

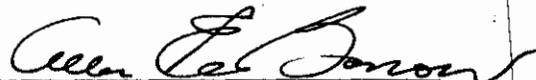
It is further ORDERED that plaintiff pay the sum of \$1,767.81, which has been received from the defendant, less applicable deductions for income tax and social security withholdings, to Bill Brown, Glenn Dewey Cheek, Tom Henshaw, Joe Penn, George Rogers, Don Woods, Russell Ceren, and Walter Carnes, to represent the unpaid overtime compensation claimed as to said employees and former employees to this date. In the event that plaintiff is unable to find any of said employees, or their legal heirs, or if any of said employees or former employees decline to accept the amount tendered, plaintiff may hold said amount for a period of three years, whereupon the amount is to be paid into the Treasury of the United States as general receipts.

It is further ORDERED that neither the filing or dismissal of this action is to be used by the defendant to prejudice any employee or former employee of the defendant not named above, in any action brought

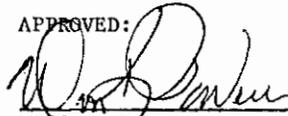
by said employees under the provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.), claiming unpaid compensation due under the Act as to him.

The costs of this action are to be assessed against the defendant.

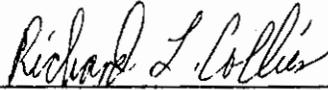
DATED this 2 day of July, 1970.

  
United States District Judge

APPROVED:



William K. Powers  
Attorney for Defendant



Richard L. Collier  
Attorney for Plaintiff

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

GEORGE P. SHULTZ, Secretary of Labor )  
United States Department of Labor )  
Plaintiff )  
v. )  
MIDWEST CHEVROLET CORPORATION, )  
a Corporation )  
Defendant )

CIVIL ACTION

File No. 70-C-78

**FILED**  
JUL - 2 1970  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

STIPULATION OF COMPLIANCE

Defendant, Midwest Chevrolet Corporation, a corporation, of Tulsa, Tulsa County, Oklahoma, hereby stipulates and agrees that it will comply with the provisions of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), hereinafter referred to as the Act, in the following particulars:

I

Defendant will not, contrary to the provisions of section 7 and 15(a)(2) of the Act, employ any of its employees in an enterprise engaged in commerce for workweeks longer than 40 hours without compensating such employees for their employment in excess of 40 hours in said workweeks at rates not less than one and one-half times the regular rate at which they were employed.

II

Defendant will not, contrary to sections 11(c) and 15(a)(5) of the Act, fail to maintain, keep, and preserve accurate and adequate records as to hours worked, wages paid, and other conditions and practices of employment of its employees as required by regulations of the Administrator of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, issued under the authority of section 11(c) of the Act.

III

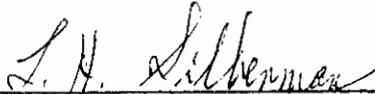
Defendant has paid a total sum of \$1,767.81 as unpaid overtime claimed for present and former employees of defendant identified as Bill Brown, Glenn Dewey Cheek, Tom Henshaw, Joe Penn, George Rogers, Don Woods, Russell Geren, and Walter Carnes.

IV

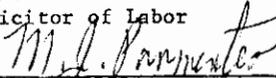
It is agreed and stipulated that the plaintiff is to pay the sum of \$1,767.81 to the above named employees or to their legal heirs if they are deceased. In the event plaintiff is unable to locate any of the named employees, or their legal heirs, or in the event any of the employees refuses to accept his back wages, it is agreed that plaintiff may hold said amount for said employee for a period of three years, whereupon said amount is to be paid into the Treasury of the United States as general receipts. It is further agreed and stipulated that the filing or dismissal of this action will in no way be used by this defendant as defense to any action for back wages brought by any employee not named above.

V

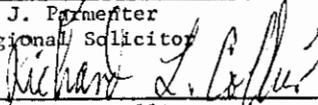
It is further agreed that defendant will pay the costs of this action.



L. H. Silberman  
Solicitor of Labor



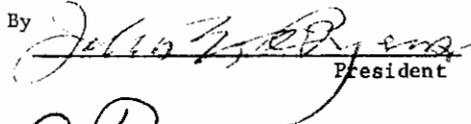
M. J. Parnmenter  
Regional Solicitor



Richard L. Collier  
Attorney

Midwest Chevrolet Corporation,  
a corporation

By



President

Attorneys for George P. Shultz  
Secretary of Labor  
United States Department of Labor

Plaintiff



William K. Powers  
Attorney for Defendant

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**  
July 15 - 6 1970  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

MILLS M. JOHNSON, )  
 )  
Plaintiff, )  
 )  
-vs- )  
 )  
NIPAK, INC. )  
 )  
Defendant. )

No. 70-C-32

ORDER OF DISMISSAL WITH PREJUDICE TO PLAINTIFF.

On this 15th day of July, 1970, the parties herein having filed with this Court their Stipulation For Dismissal With Prejudice to plaintiff's right to pursue any other remedies with respect to the cause of action alleged herein, it is ordered by the Court that this cause <sup>of action of complaint</sup> be and the same hereby is dismissed at the cost of plaintiff, with prejudice to plaintiff's rights to bring a new action.

Walter E. Brown  
Judge

APPROVED AS TO FORM:

Robert S. Rizley  
Robert S. Rizley  
Crawford, Rizley & Prichard  
1414 First National Bldg.  
Tulsa, Oklahoma 74103  
Attorney for Plaintiff

C. D. McDoulett  
C. D. McDoulett  
Holliman, Langholz, Runnels &  
Dorwart  
2700 Fourth National Bldg.  
Tulsa, Oklahoma 74119  
Attorney for Defendant

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

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

MILLS M. JOHNSON, )  
 )  
Plaintiff, )  
 )  
-vs- )  
 )  
NIPAK, INC., )  
 )  
Defendant. )

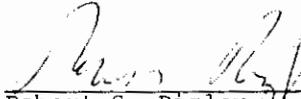
No. 70-C-32

STIPULATION ~~FOR~~ <sup>FOR</sup> DISMISSAL WITH PREJUDICE

COME NOW Mills M. Johnson, plaintiff in the above styled action, and Nipak, Inc., a corporation, defendant in the above styled action, by their respective attorneys of record, to show the Court that the parties stipulate that this action be dismissed with prejudice to the plaintiff's right to pursue any other remedies with respect to the cause of action alleged herein.

WHEREFORE, the parties respectfully request that the above styled action be dismissed with prejudice to plaintiff.

MILLS M. JOHNSON

By   
Robert S. Rizley  
Crawford, Rizley & Prichard  
1414 First National Bldg.  
Tulsa, Oklahoma 74103  
Attorney for Plaintiff

NIPAK, INC.

By   
C. D. McDoulett  
Holliman, Langholz, Runnels &  
Dorwart  
2700 Fourth National Bldg.  
Tulsa, Oklahoma 74119  
Attorney for Defendant

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

ROBERTA DE WIS, Individually, and  
on Behalf of All Others Similarly  
Situating,  
Plaintiff,  
  
vs  
  
NORTH AMERICAN ROCKWELL  
CORPORATION - Tulsa Division,  
formerly NORTH AMERICAN  
AVIATION INC.,  
Defendant.

No. 70-C-90

**FILED**

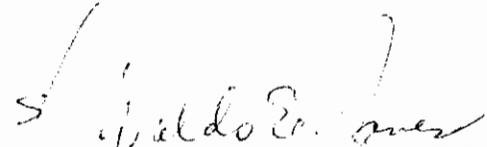
JUL - 6 1970

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

DISMISSAL

Comes now said plaintiff, and hereby dismisses the above  
entitled cause, without prejudice, at the cost of plaintiff.

Dated this 6th day of July, 1970.

  
Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

WILLIAM ROSE A MCODDY, )  
Individually, and On Behalf of )  
All Others Similarly Situated, )  
Plaintiff, )

vs )

NORTH AMERICAN ROCKWELL )  
CORPORATION - Tulsa Division, )  
formerly NORTH AMERICAN )  
AVIATION, INC., )  
Defendant. )

No. 70-C-91

**FILED**

JUL - 6 1970

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

DISMISSAL

Comes now said plaintiff, and hereby dismisses the above entitled cause, without prejudice, at the cost of plaintiff.

Dated this 6th day of July, 1970.

*S. Walter E. Jones*  
\_\_\_\_\_  
Attorney for Plaintiff

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

BILLY MACE MCINTYRE, )  
Individually, and on Behalf of )  
All Others Similarly Situated, )  
Plaintiff, )

vs )

NORTH AMERICAN ROCKWELL )  
CORPORATION - (Tulsa )  
Division, formerly NORTH )  
AMERICAN AVIATION, INC., )  
Defendant. )

No. 70-0-92

**FILED**

**JUL - 6 1970**

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

DISMISSAL

Comes now said plaintiff, and hereby dismisses the above  
entitled cause, without prejudice, at the cost of plaintiff.

Dated this 6th day of July, 1970.

*D. Walden Jones*  
\_\_\_\_\_  
Attorney for Plaintiff



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

**FILED**  
JUL - 7 1970  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

FISCHER AND PORTER COMPANY, )  
 )  
 ) Plaintiff, )  
 )  
 vs. )  
 )  
 SIGMA, INCORPORATED, )  
 )  
 )  
 ) Defendant. )

NO. 70-C-98

J U D G M E N T

The defendant, SIGMA, INCORPORATED, having failed to plead or otherwise defend in this action and its default having been entered,

NOW, upon application of the plaintiff, and upon affidavit that defendant is indebted to plaintiff in the sum of \$19,824.66, that defendant has been defaulted for failure to appear and that defendant is not an infant or incompetent person, and is not in the military service of the United States, it is hereby

ORDERED, ADJUDGED AND DECREED that plaintiff recover of defendant the sum of \$19,824.66, with interest at the rate of 6% per annum on the following amounts from the date set opposite each amount to the date of judgment, and with interest on all amounts at the rate of 10% per annum from the date of judgment, until paid, a reasonable attorney's fee in the amount of \$ 3000<sup>00</sup>, and costs of this action in the amount of \$ 41.92,

\$1,000.00	March 14, 1968,
164.00	March 19, 1968,
189.00	March 22, 1968,
506.00	March 25, 1968,
2,031.00	March 27, 1968,
17.32	April 5, 1968,
13.09	June 10, 1968,
1,450.00	August 13, 1968,
322.09	September 16, 1968,
128.53	October 22, 1968,
66.60	November 11, 1968,
98.94	December 30, 1968,
4,199.00	January 15, 1969,
222.16	January 20, 1969,
1,291.00	January 22, 1969,

990.00	January 31, 1969,
1,980.00	February 10, 1969,
571.20	February 13, 1969,
13.49	February 18, 1969,
833.13	March 12, 1969,
165.59	March 14, 1969,
9.63	April 1, 1969,
67.98	May 26, 1969,
589.16	July 31, 1969,
839.45	August 20, 1969,
690.00	September 8, 1969,
697.00	September 18, 1969,
42.60	October 17, 1969,
105.06	November 13, 1969,
270.91	November 19, 1969,
131.84	November 20, 1969,
128.89	November 26, 1969.

Dated this 7<sup>th</sup> day of July, 1970



UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

40.00 Acres of Land, More or Less,  
Situat in Rogers County, State of  
Oklahoma, and Glenn H. Chappell,  
et al, and Unknown Owners,

Defendants.

CIVIL ACTION NO. 69-C-160

Tract No. 516M

**FILED**

JUL - 8 1970

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

J U D G M E N T

1.

NOW, on this 7 day of July, 1970, this matter comes on for dis-  
position on application of the Plaintiff, United States of America, for entry of  
judgment on the Reports of Commissioners filed herein on May 21, 1970 and May 28,  
1970, and the Court, after having examined the files in this action and being  
advised by counsel for the Plaintiff, finds that:

2.

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

3.

This judgment applies only to the estate condemned in Tract No. 516M,  
as such tract and estate are described in the Complaint and Declaration of Taking  
filed in this action.

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 property.

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 property. Pursuant thereto, on July 17, 1969,  
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 Declaration of Taking.

6.

Simultaneously with the filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estate in the subject tract, a certain sum of money, and part of this deposit has been disbursed as set out below in paragraph 11.

7.

The Reports of Commissioners filed herein on May 21, 1970 and May 28, 1970, are hereby accepted and adopted as findings of fact as to the subject property. The amount of just compensation as to the various interests in the subject tract, as fixed by the Commission, is set out below in paragraph 11.

8.

This judgment will create a surplus in the deposit for the subject tract, as shown below in paragraph 11. Such surplus funds should be refunded to the Plaintiff.

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; the named defendants, as of the date of taking, were the owners of the respective interests in the estate condemned herein as shown in such paragraph 11 and, as such, are entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tract, as such tract 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 just compensation for their respective interests in the estate taken herein in subject tract is vested in the defendants whose names appear below in this paragraph; the Reports of Commissioners of May 21, 1970 and May 28, 1970 insofar as

they apply to subject tract, hereby are confirmed and the sums therein fixed are adopted as the awards of just compensation for the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 516M

1. Lessor interest, (1/8):

Owner: Glenn H. Chappell

Award of just compensation, pursuant to Commissioners' Report - - - - -	\$700.00	\$700.00
Deposited as estimated compensation - - -	<u>\$700.00</u>	
Disbursed to owner - - - - -		<u>None</u>
Balance due to owner - - - - -		-\$700.00

2. Leasehold interest from surface to base of Bartlesville sand, (7/8):

A. Working interest, (13/16):

Owner: Victor Oil Corporation - Subject to a Mortgage to the Fourth National Bank of Tulsa

Deposited as estimated compensation - - -	\$8,281.00	
Disbursed to owners jointly - - - - -		\$8,281.00
Award of just compensation pursuant to Commissioners' Report - - - - -	<u>None</u>	<u>None</u>
Over-deposit - - - - -	\$8,281.00	
Over-payment to owners - - - - -		\$8,281.00

B. Overriding royalty interest, (1/16):

Owner: Atlantic Richfield Company

Award of just compensation pursuant to Commissioners' Report - - - - -	\$246.00	\$246.00
Deposited as estimated compensation - - -	<u>\$246.00</u>	
Disbursed to owner - - - - -		<u>None</u>
Balance due to owner - - - - -		\$246.00

C. Oil Payment interest (on 1/8):

Owners: Russell Hester - - - - -	22.22%	
Wilburn Oil Company - - - - -	25.93%	
Consumers' Co-operative Electric Co. - -	12.82%	
Virginia M. Hester - - - - -	1/4 of 39.03%	
Linda C. Radke - - - - -	1/4 of 39.03%	
Polly Ann McAbee - - - - -	1/2 of 39.03%	
Award of just compensation pursuant to Commissioners' Report - - - - -	\$390.00	\$390.00
Deposited as estimated compensation - - -	<u>\$390.00</u>	
Disbursed to owners - - - - -		<u>\$390.00</u>
Balance due to owners - - - - -		<u>None</u>

3. Leasehold interest in zones below the base of the Bartlesville sand:

Owner: Atlantic Richfield Company

Award of just compensation - - - - - None

Deposited as estimated compensation - - - - - None

Disbursed to owner - - - - - None

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have judgment against Victor Oil Corporation, and the Fourth National Bank of Tulsa, jointly, for the overpayment to them as shown above in paragraph 11, in the amount of \$8,281.00. In payment of such judgment the Defendant shall deposit said sum of \$8,281.00 into the Registry of this Court.

Upon receipt of such deposit the Clerk of this Court shall credit such sum to the deposit for the subject tract and then disburse said deposit in the amount of \$8,281.00 to the Treasurer of the United States of America.

13.

It Is Further ORDERED that the Clerk of this Court now shall disburse from the deposit for the subject tract certain sums as follows:

To Glenn H. Chappell - - - - - \$700.00

To Atlantic Richfield Company - - - - - \$246.00.

/s/ Luther Bohanon

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.

140.00 Acres of Land, More or Less,  
Situate in Rogers County, State of  
Oklahoma, and Victor Oil Corporation,  
et al, and Unknown Owners,

Defendants.

CIVIL ACTION NO. 69-C-161

Tracts Nos. 518M-1 and  
518M-2

**FILED**

JUL - 8 1970

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

J U D G M E N T

1.

NOW, on this 8 day of July, 1970, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Reports of Commissioners filed herein on May 21, 1970, and May 28, 1970, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

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

3.

This judgment applies only to the estate condemned in Tracts Nos. 518M-1 and 518M-2, as such estate and tracts are described in the Complaint and Declaration of Taking filed in this action.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject tracts of land. Pursuant thereto, on July 17, 1969, the United States of America filed its Declaration of Taking of a certain estate in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such Declaration of Taking.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estate in the subject tracts, a certain sum of money and part of this deposit has been disbursed, as set out below in paragraph 11.

7.

The Reports of Commissioners filed herein on May 21, 1970 and May 28, 1970, are hereby accepted and adopted as findings of fact as to the subject tracts. The amount of just compensation as to the various interests in subject tracts as fixed by the Commission is set out below in paragraph 11.

8.

This judgment will create a surplus in the deposit for the subject tracts, as set out below in paragraph 11. Such surplus funds should be refunded to the Plaintiff.

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tracts, as such tracts are described in the Declaration of Taking filed herein, and such property, to the extent of the 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 just compensation for their respective interests in the estate taken herein in subject property is vested in the defendants whose names appear below in this paragraph; the Reports of Commissioners of May 21, 1970, and May 28, 1970, insofar as they apply to subject tracts, are hereby confirmed and the sums therein fixed

are adopted as the awards of just compensation for the estate taken in subject property as shown by the following schedule:

TRACTS NOS. 518M-1 and 518M-2

1. Lessor interest (3/16) from surface to the base of the Bartlesville sand, and All interests (8/8) in the zones below the base of the Bartlesville sand:

Owner: Atlantic Richfield Company

Award of just compensation pursuant to Commissioners' Report - - - - -	\$8,468.00	\$8,468.00
Deposited as estimated compensation - - - - -	<u>\$8,468.00</u>	
Disbursed to owner - - - - -		<u>None</u>
Balance due to owner - - - - -		\$8,468.00

2. Leasehold interest from surface to base of the Bartlesville sand (13/16):

- A. Working interest (11/16):

Owner: Victor Oil Corporation - Subject to a mortgage to the Fourth National Bank of Tulsa

Deposited as estimated compensation - -	\$9,948.00	
Disbursed to owners jointly - - - - -		\$9,948.00
Award of just compensation pursuant to Commissioners' Report - - - - -	<u>None</u>	<u>None</u>
Over-deposit - - - - -	\$9,948.00	
Overpayment to owners - - - - -		\$9,948.00

- B. Oil Payment interest (on 1/8):

Owners: Russell Hester - - - - -	22.22%
Wilburn Oil Company - - - - -	25.93%
Consumers Cooperative Electric Company - - - - -	12.82%
Virginia M. Hester - - - - -	1/4 of 39.03%
Linda C. Radke - - - - -	1/4 of 39.03%
Polly Ann McAbee - - - - -	1/2 of 39.03%

Award of just compensation pursuant to Commissioners' Report - - - - -	\$2,654.00	\$2,654.00
Deposited as estimated compensation - -	<u>\$2,654.00</u>	
Disbursed to owners - - - - -		<u>\$2,654.00</u>
Balance due to owners - - - - -		None

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America have judgment against Victor Oil Corporation, and the Fourth National Bank of Tulsa, jointly, for the overpayment to them, as shown above in

paragraph 11, in the amount of \$9,948.00. In payment of such judgment the defendant shall deposit said sum of \$9,948.00 into the Registry of this Court.

Upon receipt of such deposit the Clerk of this Court shall credit such sum to the deposit for the subject tracts and then disburse said deposit in the amount of \$9,948.00 to the Treasurer of the United States of America.

13.

It Is Further ORDERED that the Clerk of this Court now shall disburse from the deposit for the subject tract,

To Atlantic Richfield Company - - - - - \$8,468.00.

/s/ Luther Bohanon

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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. )  
 )  
 27.50 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and Clifford L. House, )  
 et al, and Unknown Owners, )  
 )  
 Defendants. )

CIVIL ACTION NO. 69-C-162

Tract No. 523M

**FILED**  
JUL - 8 1970  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 7 day of July, 1970, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on April 23, 1970, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

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

3.

This judgment applies only to the estate taken in Tract No. 523M, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject tract of land. Pursuant thereto, on July 17, 1969, 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.

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

7.

The Report of Commissioners filed herein on         , 1970, hereby is accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to various interests in the subject tract, as fixed by the Commission, is set out below in paragraph 12.

8.

This judgment will create a surplus in the deposit for the subject tract, as set forth below in paragraph 12. Such surplus should be refunded to the Plaintiff.

9.

The defendants named in paragraph 12 as owners of subject tract are the only defendants asserting any interest in the estate condemned therein; all other defendants having either disclaimed or defaulted; the named defendants, as of the date of taking, were the owners of the respective interests in such estate condemned herein as shown in such paragraph 12 and, as such, are entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tract, as said tract 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 on the date of taking the owners of the estate taken in the subject tract were the defendants whose names appear below in paragraph 12, and the interest owned by each is as therein shown. The right to receive the just compensation awarded by this judgment is vested in the parties so named in paragraph 12.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners of April 23, 1970, hereby is confirmed and the sums therein fixed are adopted as the awards of just compensation for the various interests in the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 523M

1. Lessor (royalty) interest (1/8):

Owners: Lena Slocter and Ernest Slocter - - - - -	3/8	
Clifford Lee House - - - - -	5/8	
The First National Bank of Nowata held a mortgage on the House interest.		
Award of just compensation pursuant to Commissioners' Report - - - - -	\$137.00	\$137.00
Deposited as estimated compensation - - - - -	<u>\$137.00</u>	
Disbursed to owners - - - - -		<u>None</u>
Balance due to owners - - - - -		\$137.00

2. Leasehold interest (7/8):

A. Working interest (3/4):

Owners: H. E. Wentworth and Florence Wentworth		
Deposited as estimated compensation - -	\$1,305.00	
Disbursed to owners - - - - -		\$1,305.00
Award of just compensation pursuant to Commissioners' Report - - - - -	<u>None</u>	None
Deposit surplus - - - - -	\$1,305.00	
Overpayment to owners - - - - -		\$1,305.00

B. Oil Payment interest (1/4):

(Also called security interest)

Owner: Carl S. Hall

Award of just compensation pursuant to Commissioners' Report - - - - -	\$28.00	\$28.00
Deposited as estimated compensation - - -	<u>\$28.00</u>	
Disbursed to owner - - - - -		<u>None</u>
Balance due to owner - - - - -		\$28.00

It Is Further ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have judgment against the defendants H. E. Wentworth, and Florence Wentworth, jointly, for the overpayment to them as shown above in

paragraph 12, in the amount of \$1,305.00. In payment of such judgment the defendants shall deposit said sum of \$1,305.00 into the Registry of this Court.

Upon receipt of such deposit the Clerk of this Court shall credit such sum to the deposit for the subject tract and then disburse said deposit in the amount of \$1,305.00 to the Treasurer of the United States of America.

14.

It Is Further ORDERED that the Clerk of this Court now shall disburse from the deposit for the subject tract certain sums as follows:

To Lena Slocter and Ernest Slocter, jointly - - - - -	\$51.38
To Clifford Lee House and The First National Bank of Nowata, jointly - - - - -	\$85.62
To Carl S. Hall - - - - -	\$28.00.

/s/ Luther Bohanon

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.  
115.93 Acres of Land, More or Less,  
Situate in Rogers County, State of  
Oklahoma, and D. E. Godsey, et al,  
and Unknown Owners,  
Defendants.

CIVIL ACTION NO. 69-C-164  
Tract No. 527M

**FILED**

JUL - 8 1970

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

J U D G M E N T

1.

NOW, on this 7 day of July, 1970, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of Judgment on the Report of Commissioners filed herein on May 21, 1970, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

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

3.

This Judgment applies only to the estate taken in Tract No. 527M, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on July 17, 1969, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, and title to such estate should be vested in the United States of America as of the date of filing such Declaration of Taking.

6.

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

7.

The Report of Commissioners filed herein on May 21, 1970, hereby is accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to various interests in the subject tract, as fixed by the Commission, is set out below in paragraph 12.

8.

This judgment will create a surplus in the deposit for the subject tract, as set forth below in paragraph 12. Such surplus should be refunded to the Plaintiff.

9.

The defendants named in paragraph 12 as owners of subject tract are the only defendants asserting any interest in the estate condemned therein; all other defendants having either disclaimed or defaulted; the named defendants, as of the date of taking, were the owners of the respective interests in such estate condemned herein as shown in such paragraph 12 and, as such, are entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tract, as said tract 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 on the date of taking the owners of the estate taken in the subject tract were the defendants whose names appear below in paragraph 12, and the interest owned by each is as therein shown. The right to receive the just compensation awarded by this judgment is vested in the parties so named in paragraph 12.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed May 21, 1970, hereby is confirmed and the sum therein fixed is adopted as just compensation for the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 527M

Owners:

Lessor interest: Ruth M. Karns

Lessee Interest: American Realty & Petroleum Corporation

Total award of just compensation - - - - - \$1,198.00  
Allocated as follows:

To Lessor Interest            \$1,198.00  
To Lessee Interest            None

Deposited as estimated compensation - - - - - \$5,347.00

Balance to be refunded to Plaintiff - - - - - \$4,149.00

Disbursed to owners - - - - - None

It Is ORDERED, ADJUDGED and DECREED that the Clerk of this Court shall disburse from the deposit for the subject tract the following sums of money:

To Ruth M. Karns - - - - - \$1,198.00  
To Treasurer of the United States - - - - - \$4,149.00.

*[Signature]*  
UNITED STATES DISTRICT JUDGE

APPROVED:

*[Signature]*  
HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

20.00 Acres of Land, More or Less,  
Situate in Rogers County, State of  
Oklahoma, and H. E. Wentworth, et  
al, and Unknown Owners,

Defendants.

CIVIL ACTION NO. 69-C-163

Tract No. 437M

**FILED**

JUL - 8 1970

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

J U D G M E N T

1.

NOW, on this 7 day of July, 1970, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on May 1, 1970, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

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

3.

This judgment applies only to the estate condemned in Tract No. 437M, as such estate and tract are described in the Complaint and Declaration of Taking filed in this action.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject tract of land. Pursuant thereto, on July 17, 1969, 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 Declaration of Taking.

6.

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

7.

The Report of Commissioners filed herein on May 1, 1970, hereby is accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to various interests in the subject tract, as fixed by the Commission, is set out below in paragraph 12.

8.

This judgment will create a surplus in the deposit for the subject tract, as set forth below in paragraph 12. Such surplus should be refunded to the Plaintiff.

9.

The defendants named in paragraph 12 as owners of subject tract are the only defendants asserting any interest in the estate condemned therein; all other defendants having either disclaimed or defaulted; the named defendants, as of the date of taking, were the owners of the respective interests in such estate condemned herein as shown in such paragraph 12 and, as such, are entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tract, as said tract 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 on the date of taking the owners of the estate taken in the subject tract were the defendants whose names appear below in paragraph 12, and the interest owned by each is as therein shown. The right to receive the just compensation awarded by this judgment is vested in the parties so named in paragraph 12.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed on May 1, 1970, hereby is confirmed and the sums therein fixed are adopted as the awards of just compensation for the various interests in the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 437M

1. Lessor (royalty) interest (1/8):

Owners:	Ruth Geneva Conn - - - - -	1/2	
	Charles Haven Caldwell - - - - -	1/2	
Deposited as estimated compensation - - - - -		\$1,119.00	
Award of just compensation pursuant to	Commissioners' Report - - - - -	<u>863.00</u>	\$863.00
Deposit surplus - - - - -		\$ 256.00	
Disbursed to owners - - - - -			<u>None</u>
Balance due to owners - - - - -			\$863.00

2. Leasehold interest (7/8):

A. Working interest (15/16):

Owners:	H. E. Wentworth and		
	Florence Wentworth		
Deposited as estimated compensation - - - - -		\$3,893.00	
Disbursed to owners - - - - -			\$3,893.00
Award of just compensation pursuant to	Commissioners' Report - - - - -	<u>None</u>	None
Deposit surplus - - - - -		\$3,893.00	
Overpayment to owners - - - - -			\$3,893.00

B. Overriding royalty interest (1/16):

Owner:	Howard S. Jones		
Deposited as estimated compensation - - - - -		\$446.00	
Disbursed to owner - - - - -			\$446.00
Award of just compensation pursuant	to Commissioners' Report - - - - -	<u>\$335.00</u>	\$335.00
Deposit surplus - - - - -		\$111.00	
Overpayment to owners - - - - -			\$111.00

13.

It Is Further ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have judgment against the following named defendants for the overpayments to them as shown above in paragraph 12, in the amounts as follows:

1. Judgment against H. E. Wentworth, and Florence Wentworth, jointly, in the amount of \$3,893.00;
2. Judgment against Howard S. Jones in the amount of \$111.00.

In payment of such judgments each defendant shall deposit the amount of his respective judgment into the Registry of this Court.

Upon receipt of payment of such judgments the Clerk of this Court shall credit such sum to the deposit for the subject tract and then disburse the sum so deposited to the Treasurer of the United States of America.

14.

It Is Further ORDERED that the Clerk of this Court now shall disburse from the deposit for the subject tract, certain sums as follows:

To Treasurer of the United States of America - - -	\$256.00
To Ruth Geneva Conn - - - - -	\$431.50
To Charles Haven Caldwell - - - - -	\$431.50

---

/s/ Luther Bohanon

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. )  
 )  
 54.14 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and Mary C. Kenton, et )  
 al, and Unknown Owners, )  
 )  
 Defendants. )

CIVIL ACTION NO. 69-C-165

Tract No. 532M

**FILED**

**JUL - 8 1970**

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

J U D G M E N T

1.

NOW, on this 7 day of July, 1970, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on May 7, 1970, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

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

3.

This judgment applies only to the estate taken in Tract No. 532M, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on July 17, 1969, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America, as of the date of filing such Declaration of Taking.

6.

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

7.

The Report of Commissioners filed herein on May 7, 1970, hereby is accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to various interests in the subject tract, as fixed by the Commission, is set out below in paragraph 12.

8.

This judgment will create a surplus in the deposit for the subject tract, as set forth below in paragraph 12. Such surplus should be refunded to the Plaintiff.

9.

The defendants named in paragraph 12 as owners of subject tract are the only defendants asserting any interest in the estate condemned therein; all other defendants having either disclaimed or defaulted; the named defendants, as of the date of taking, were the owners of the respective interests in such estate condemned herein as shown in such paragraph 12 and, as such, are entitled to receive the just compensation awarded by this judgment.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tract, as said tract 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 on the date of taking the owners of the estate taken in the subject tract were the defendants whose names appear below in paragraph 12, and the interest owned by each is as therein shown. The right to receive the just compensation awarded by this judgment is vested in the parties so named in paragraph 12.

It Is Further ORDERED, ADJUDGED and DECREED that the Report of Commissioners filed May 7, 1970, is hereby confirmed, and the sum therein fixed is adopted as just compensation for the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 532M

Owners:

Lessor Interest:

Mary C. Henton - - - - - 1/2  
 Victor James Sayre - - - - - 1/5) (Heirs of Fern Sayre,  
 Faye Ernestine Lawson - - - - - 1/5) deceased)  
 Fay Eleanor Allen - - - - - 1/10

Lessee Interest:

American Realty and Petroleum Corporation (all)

Total award of just compensation - - - - - \$685.00  
 Allocated as follows:

To Lessor Interest - - - - -	\$685.00	
To Lessee Interest - - - - -	None	_____
		\$685.00

Deposited as estimated compensation - - - - -	\$5,166.00
Balance to be refunded to Plaintiff - - - - -	\$4,481.00
Disbursed to owners - - - - -	None

It Is ORDERED, ADJUDGED and DECREED that the Clerk of this Court shall disburse from the deposit for the subject tract the following sums of money:

To Mary C. Henton - - - - -	\$342.50
To Victor James Sayre - - - - -	137.00
To Faye Ernestine Lawson - - - - -	137.00
To Fay Eleanor Allen - - - - -	68.50
To Treasurer of United States - - - - -	\$4,481.00.

/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

EMILY BUSBY, Administratrix of  
the Estate of JAMES R. BUSBY,  
Deceased,

Plaintiff,

vs.

EAGLE-PICHER INDUSTRIES, INC.,  
A Foreign Corporation,

Defendant.

NO. 69-C-108

**FILED**

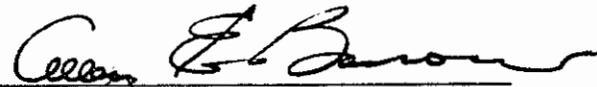
JUL 10 1970

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

JUDGMENT

THIS matter coming on for consideration by the Court on this 9th day of July, 1970, upon the stipulation of counsel filed herein, the Court finds that Plaintiff is entitled to judgment against the Defendant in the sum of Seventeen Thousand, Five Hundred Dollars (\$17,500.00) as damages for the wrongful death of James R. Busby, Deceased. Said damages are awarded as a pecuniary loss sustained by the surviving wife and minor children.

IT IS, THEREFORE, HEREBY ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff have and recover of and from the Defendant the sum of Seventeen Thousand Five Hundred Dollars (\$17,500.00).



ALLEN E. BARROW  
UNITED STATES DISTRICT JUDGE

APPROVED:

FLOYD L. WALKER and  
H. G. E. BEAUCHAMP

By Floyd L. Walker  
Attorneys for Plaintiff

RUCKER & TABOR

By Donald S. Hopkins  
Attorneys for Defendant

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

United States of America,

Plaintiff,

vs.

Civil No. 69-C-156

CLYDE E. BROWN and JEAN C. BROWN,  
d/b/a Magic Lantern Theaters,

Defendants.

**FILED**

JUL - 9 1970

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

ORDER CONFIRMING MARSHAL'S SALE

NOW on this 9th day of July, 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 18th day of May, 1970, under an Order of Sale dated March 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 Twenty-Three (23), Block Twenty-Three (23), original Town of Oilton, Creek County, Oklahoma, and

such property described in Exhibit "C" and that property listed in Exhibit "F" pertaining to the theater at Oilton, Oklahoma, which exhibits are attached hereto.

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 Sawtooth (Okla) Daily Herald

a newspaper published and of general circulation in the County of Creek, State of Oklahoma, and that on the day fixed therein the above-described property was sold to the The Small Business Administration, 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 Barry Connolly, United States Marshal for the Northern District of Oklahoma, make and execute to the purchaser, \_\_\_\_\_, a good and sufficient Deed for such premises.

④ Allen E. Barron  
UNITED STATES DISTRICT JUDGE

APPROVED:

s/ Robert P. Santee

\_\_\_\_\_  
ROBERT P. Santee  
Assistant U. S. Attorney

Clyde B. Brown and Jean C. Brown  
Brown & B/s  
THE MAGIC LANTERN THEATERS  
1360 E. Thompson  
Sapulpa, Oklahoma. 74066

Small Business Administration  
511 Oklahoma Mortgage Building  
324 North Robinson Street  
Oklahoma City, Oklahoma 73102  
337

EXHIBIT  
C

1. Debtor(s) (Last Name First) and address(es)

2. Secured Party (Last Name First)

This statement refers to original financing statement No. 8955

8955

and filed

STATE OF OKLAHOMA DEPARTMENT OF REVENUE  
COUNTY CLERK

A. Continuation.....

The original financing statement between the foregoing Debtor and Secured Party, bearing the file number shown above, is still effective.

B. Partial Release.....

From the collateral described in the financing statement bearing the file number shown above the Secured Party releases the following:

C. Assignment.....

The Secured Party certifies that the foregoing Party has assigned to the Secured Party all its rights, title and interest in the collateral described in the financing statement bearing the file number shown above in the following property:

For filing Office (Date, Name, Number, and Filing Office)

All machinery and equipment, furniture and fixtures now owned and hereafter acquired in connection with Magic Lantern Theater, Ollton, Oklahoma.

9:00 AM  
TED HULL  
By *[Signature]*

Date: January 10, 1959

*[Signature]*  
By *[Signature]*  
Sandra Thompson, Sec. of Original Secured Party  
Oklahoma Mortgage Building, O.C. President

This STATEMENT is presented to the County Clerk of

OKMFK

County, State of Oklahoma, for filing pursuant to the Uniform Commercial Code.

A. PARTIES

- 1. Debtor: Glyde E. Brown & Joan C. Brown, d/b/a THE PLACE OF GREAT AMBITIONS  
106 S. York, Oklahoma City, Oklahoma
- 2. Address: 120 W. 1st, Oklahoma City, Oklahoma  
(Manufacturer's show room)
- 3. Secured Party: FIRST NATIONAL BANK OF OKLAHOMA
- 4. Address: Box 525, Tulsa, Oklahoma 74109  
(Information concerning this security interest may be obtained in the office of the Secured Party)

B. AGREEMENT

Subject to the applicable terms of this security agreement, I (we) grant, to Secured Party, its successors or assigns, a security interest in the collection of notes and payment of the obligation.

C. OBLIGATION

- 1. The following is the obligation secured by this agreement:
  - a. All past, present, and future advances of funds of type, by Secured Party to Debtor, and extensions and renewals thereof, in which SBA has an interest.
  - b. All existing and future liabilities, of whatever type, of Debtor to Secured Party.
  - c. All costs incurred by Secured Party to obtain, preserve, and enforce this security interest, collect the obligation, and maintain and preserve the collateral, and including (but not limited to) taxes, assessments, insurance premiums, repairs, reasonable attorneys' fees and legal expenses, rent, storage costs, and expenses of sale.
  - d. Interest on the above amounts, as agreed between Secured Party and Debtor.
- 2. List notes included in the obligation as of the date of this agreement:

Date	Amount
Same date as this instrument.	\$15,000.00

D. COLLATERAL

- 1. The security interest is granted in the following collateral:
  - a. Describe collateral. Include the following information:
    - (1) For oil, gas or other minerals to be extracted; timber to be cut; and fixtures (goods to be affixed to real estate), or consumers goods; describe real estate concerned.
    - (2) If debtor's chief place of business is other than the address given above give the address thereof; if collateral to be enumerated below is not then all in one location and at the address given above, segregate by location and give the address thereof.
    - (3) If this is a purchase money security interest, list purchase price and name of the supplier opposite each item.
    - (4) If insufficient space to list all collateral, continue on separate sheet(s) affixed hereto and signed for purposes of identification.

(Give Serial Numbers Where Available.)

See attached equipment list.

- (Description continued on 2 pages attached hereto)
- b. All substitutes and replacements for, accessories, attachments, and other additions to, and tools, parts, and equipment used in connection with, the above property.
- c. All property similar to the above hereafter acquired by debtor.
- 2. Classify goods under (one or more of the following Uniform Commercial Code categories):
  - Consumer Goods     Equipment (business use)     Inventory
  - Accounts Receivable     Contract Rights
- 3.  If this block is checked, this is in part or all a purchase money security interest, and debtor will use part or all of the funds advanced to purchase part or all of the collateral, or Secured Party may disburse funds direct to the seller of the collateral, and to purchase insurance on the collateral.
- 4. If any of the collateral is accounts or contract rights, give the location of the office where the records concerning them are kept (if other than debtor's address in Item A2):  
150 E. Thompson, Sapulpa, Oklahoma 74066
- 5. Whether or not this security agreement is to be filed as a financing statement, check the appropriate block if
  - proceeds     products
 are covered for financing statement purposes. Coverage of proceeds or products for financing statement purposes is not to be construed as giving debtor any additional rights with respect to the collateral, and debtor is not authorized to sell, lease, otherwise transfer, furnish under contracts of service, manufacture, process or assemble the collateral except in accordance with the provisions on the back of this security agreement.

Additional terms on back.

ATTEST: (if corporate Debtor) \_\_\_\_\_ DEBTOR, By: \_\_\_\_\_ SECURED PARTY, By: \_\_\_\_\_  
 (Sign) Secretary of Corporation    Joan C. Brown    [Signature]  
 Signature    Joan C. Brown, partner    Signature

Typed Name    Joan C. Brown    [Signature]    [Signature]  
 (Typed Name and Title)    (Typed Name and Title)    (Typed Name and Title)

Secured Party must sign if this security agreement is to be filed as financing statement.

EXHIBIT "F"





Description of Property (Contd.) (State whether new or used)	Make or Model Number	Serial Number	Model No. or Year
---	-------------------------	------------------	----------------------

Located at 300 S. Main, Muskogee, Oklahoma:

Coke dispenser w/carbonator    Coca Cola

Located at 100 E. Main, Okfuskee, Oklahoma:

THE MOUND THEATRE OWNERS

Date: 4-15-68

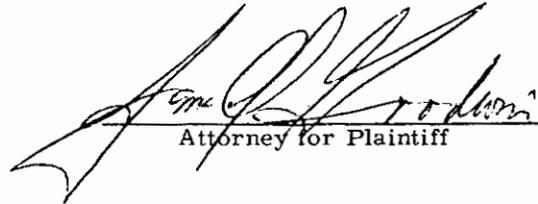
By: *John C. Brown*  
 John C. Brown, Partner

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

HERBERT LEE HUTCHISON, )  
Plaintiff, )  
)  
-vs- ) No. Civil Action  
) 69-C-209  
)  
NORTH AMERICAN ROCKWELL )  
CORP., et al, )  
Defendants )

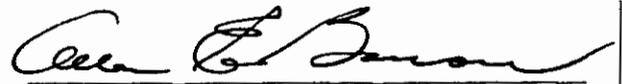
MOTION TO DISMISS

COMES now the plaintiff and moves the Court to dismiss *DISTRICT COURT*  
the above cause with prejudice to a future action, the parties having reached  
a full settlement.

  
Attorney for Plaintiff

ORDER OF DISMISSAL

NOW, on this 9<sup>th</sup> day of July, 1970, the above cause came  
on to be ~~heard~~ <sup>considered</sup> upon application of the plaintiff to dismiss, and the above  
cause ~~is~~ <sup>of action & Complaint are</sup> hereby dismissed with prejudice to a future action.

  
United States District Judge

FILED  
JUL - 9 1970  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

McARTHUR AUSTIN, et al.,

Defendants.)

CIVIL ACTION NO. 70-C-127 ✓

**FILED**

JUL - 9 1970

JOHN H. POE, Clerk  
U. S. DISTRICT COURT *1/2*

NOTICE OF DISMISSAL

COMES NOW the Plaintiff, United States of America, by and through its attorney, Robert P. Santee, Assistant United States Attorney for the Northern District of Oklahoma, and hereby gives notice of dismissal of this cause without prejudice.

Dated this 9th day of July, 1970.

UNITED STATES OF AMERICA

NATHAN G. GRAHAM  
United States Attorney

*R. P. Santee*  
ROBERT P. SANTEE  
Assistant United States Attorney

CERTIFICATE OF SERVICE BY MAILING

I hereby certify that a true and correct copy of the foregoing Notice of Dismissal was mailed on this 9th day of July, 1970, to the following individuals at the addressed indicated:

Mr. F. Paul Thieman, Jr.  
Attorney-at-Law  
11-3 Southland Financial Center  
4111 South Darlington  
Tulsa, Oklahoma 74135

Mr. McArthur Austin  
461 W. 87th Street, Apt. 7,  
Los Angeles, California 90044

Mrs. Johnnie Mae Austin  
713 East 34th Street North  
Tulsa, Oklahoma.

*R. P. Santee*  
ROBERT P. SANTEE  
Assistant United States Attorney

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

**FILED**

JUL - 9 1970

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

VEVA CARTER, ROBERT VAUGHN,  
E. W. BURROWS and SUZANNE  
BURROWS, Husband and Wife,  
ERNEST HOLLOPETER and  
KATHRYN HOLLOPETER, husband  
and wife, and KEITH E. NEWBY and  
VERA M. NEWBY, Husband and wife,

Plaintiffs,

vs.

EMPLOYER'S LIABILITY ASSURANCE  
CORPORATION LTD, BOSTON,  
MASSACHUSETTS,

Defendant.

70-C-202

ORDER REMANDING CAUSES OF ACTION

The Court has for consideration the Motion to Remand filed by plaintiffs herein, the brief in support thereof, and having carefully perused the entire file, being fully advised in the premises, finds:

That in the removal defendant seeks to aggregate the claims of plaintiffs to meet jurisdictional requirements.

The Court finds that such claims cannot be aggregated to create the jurisdictional amount necessary to establish jurisdiction.

IT IS, THEREFORE, ORDERED that the causes of action and complaint of plaintiffs be and the same are hereby remanded to the District Court of Washington County, Oklahoma.

ENTERED this 9th day of July, 1970.



CHIEF UNITED STATES DISTRICT JUDGE

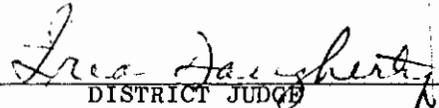


1970, assessing plaintiff Seventeen Thousand Two Hundred Sixty-four and no/100 (\$17,264.00) Dollars for the appropriation by said plaintiff of the lands and property sought by it in this proceeding, and for full and complete damages to any and all of the remaining land and property of said defendants.

The court finds that, pursuant to such award, plaintiff deposited with the Clerk of this Court on the 4th day of June, 1970, the said sum of Seventeen Thousand Two Hundred Sixty Four and no/100 (\$17,264.00) Dollars and thereupon plaintiff became entitled to the immediate possession of the property concerned herein, and defendants thereupon became entitled by operation of law to have said award disbursed to them by the Court Clerk, free and clear of all poundage or other fees.

The Court finds that the statutory limitation period within which the parties to said proceedings might have filed a demand for jury trial, or otherwise objected, has expired; and, none of the parties hereto have filed written demand for jury, or exceptions and objections; or if filed, said demand and/or objections have been withdrawn or abandoned. That these proceedings have therefore become final and complete; and, that plaintiff is entitled to an order of this court approving the said proceedings and confirming the appropriation by plaintiff of the right, title and interest taken by it in the property described on the sheet attached hereto.

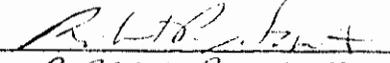
IT IS THEREFORE by the Court considered, ordered adjudged and decreed that plaintiffs' taking of the right and interest sought by it in these proceedings as acquired by it on the 4th day of June, 1970, in the hereinafter described property is hereby approved and confirmed, and plaintiffs' are hereby decreed to have acquired fee simple title in and to the surface of said described property as prayed for in plaintiffs' petition including the right to use and remove any and all dirt, rock, gravel and other road building materials from the realty, but not including oil, gas or other mineral rights in said property.

  
DISTRICT JUDGE

APPROVED:

  
Attorneys for Plaintiffs

U.S. DISTRICT ATTORNEY,  
ATTORNEY FOR DEFENDANT

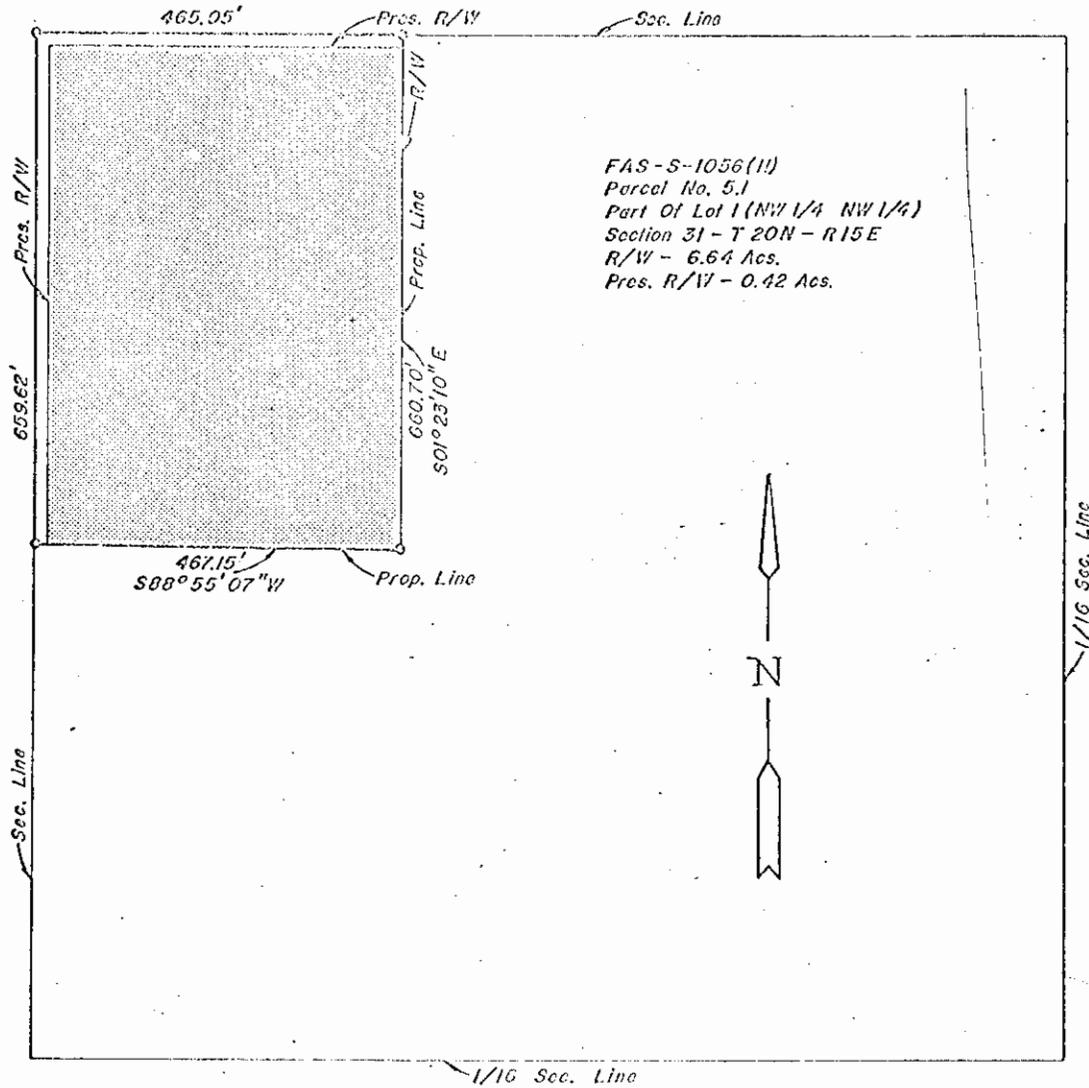
By:   
ROBERT P. SWILLE

February 3, 1970

FAS-5-1056(11)

Parcel No. 5.1

A strip, piece or parcel of land lying in part of Lot 1 (NW $\frac{1}{4}$  NW $\frac{1}{4}$ ) of Section 31, T 20 N, R 15 E in Rogers County, Oklahoma. Said parcel of land (shaded area) is delineated as follows:



Containing 6.64 acres, more or less.



The Court finds and holds that the policy of insurance does cover the loss of use of the article complained of by the plaintiff. The Court will be open for further argument on this question at and during the trial of the case.

The Clerk is ordered to place this case on the next jury docket to be called not later than September, 1970.

Dated this 16<sup>th</sup> day of July, 1970.

*Luther Bohanon*

United States District Judge

**FILED**  
JUL 17 1970  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

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

GRAND RIVER DAM AUTHORITY,  
a Public Corporation,

Plaintiff

VS.

CASE NO. 70-C-5

A Strip of Land 100 Feet in  
Width in the S/2 SE/4 NW/4;  
and N/2 NE/4 SW/4 and Lot 6  
in Section 23, Township 22  
North, Range 15 East, Rogers  
County, Oklahoma, et al.,

Defendants

ORDER CONFIRMING REPORT OF COMMISSIONERS  
AS MODIFIED BY STIPULATION OF THE PARTIES

Now on this 17 day of July, 1970, the Court considered the application of the petitioner herein for a judgment approving the Commissioners' report heretofore filed in this proceeding as to the real estate hereinafter specifically described.

The Court finds that:

1. Each and all of the allegations of the said petition for condemnation are true and that the Grand River Dam Authority is entitled to acquire property by eminent domain for the uses and purposes therein set forth.

2. That more than 60 days has elapsed since the filing of the Report of Commissioners herein and no exceptions therein nor demand for jury trial are pending as to the lands hereinafter described and that the Report of Commissioners filed herein on the 3rd day of February, 1970, should be confirmed and approved.

3. That there has been filed herein a Stipulation by all parties hereto that the just compensation for the taking by the plaintiff be fixed at the sum of \$4,750.00 and that the defendants herein and each of them have withdrawn their exceptions to the Commissioners' Report and demand for jury trial. That the Stipulation provides that the Report of Commissioners shall be confirmed except as modified by the Stipulation.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the Report of Commissioners filed herein on the 3rd day of February, 1970, is final and the award is set out and fixed in said report together with the sum of \$750.00 as set forth in the Stipulation is the full and just compensation for the taking of the lands and/or estate taken are described as follows, to-wit:

TRACT NO. 327-7.4

PERPETUAL EASEMENT

A Strip of Land 100 Feet in Width in the South Half of the Southeast Quarter of the Northwest Quarter and the North Half of the Northeast Quarter of the Southwest Quarter and Lot 6 in Section 23, Township 22 North, Range 15 East of the Indian Base and Meridian in Rogers County, Oklahoma, the Center Line of which is described as follows, to-wit:

Beginning at a point in the West Boundary of the said South Half of the Southeast Quarter of the Northwest Quarter, 398 Feet North of the Southwest Corner thereof; thence in a Southeasterly direction to a point in the East Boundary of the said Lot 6, said point being approximately 806 Feet South and 624 Feet East of the Northwest Corner thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the estate or right taken is the perpetual right, privilege and authority to erect, operate and maintain a line or lines of poles, towers, structures, wires and fixtures for the transmission of electric energy and to cut down, remove and trim any trees that may, in the judgment of the plaintiff, interfere with or endanger said line, or lines, poles, towers, structures, wires and fixtures or the maintenance or operation thereof; also, the perpetual right, privilege and authority to set the necessary footings, guy and brace poles and anchors, and to attach all the necessary guy wires upon the above described premises and to enter upon the above described premises for the purpose of erecting, maintaining and operating the said line, or lines, of poles, towers, structures, wires and fixtures as aforesaid and the perpetual privilege, right and authority to erect, maintain and operate said line or lines upon, over and across any street, alley, highway, railroad or other right-of-way now or hereafter established and existing on or across said lands or adjoining the same or adjacent thereto; reserving unto the owners the use of said lands for any and all purposes that do not interfere with the estate and right taken by the plaintiff and for the purposes herein set forth.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the estate and all of the above designated and described real estate, as described in said petition, and the interest therein taken by these eminent domain proceedings, was vested in the Grand River Dam Authority on the 3rd day of February, 1970, upon the depositing of the sum of \$4,000.00 with the registry of this Court for the lands and estates taken in and to the above described land.

*L. C. Daugherty*  
United States District Judge

APPROVED:

*[Signature]*  
Attorney for Plaintiff

*[Signature]*  
Attorney for Defendants

UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

MACK DONALDSON and BILL DONALDSON, )  
d/b/a DONALDSON BROTHERS, a )  
partnership, . . . . Plaintiffs, )  
vs. ) No. 70-C-34  
J. D. COUGH and the PRYOR LIVESTOCK )  
COMMISSION COMPANY, a corporation, . . . . Defendants, )  
vs. )  
TRAVELERS INDEMNITY COMPANY, . . . . Garnishee. )

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

ORDER ON AGREED SETTLEMENT

The parties hereto by joint application have on this 20<sup>th</sup> day of July, 1970, requested the Court to enter an order effectuating the agreed settlement evidenced by the joint application. Pursuant to said joint application, the court enters the following order:

(1) From the proceeds in the sum of \$8,332.60 on deposit with the Security National Bank of Sapulpa, Oklahoma, in the account of Ed Morrison, as trustee for Donaldson Brothers, a draft in the sum of \$7332.60 is to be made payable to Mack Donaldson and Bill Donaldson, d/b/a Donaldson Brothers, a partnership, its attorney, Bill Wilson and the American National Bank of Bristow, Oklahoma.

(2) The remaining sum of \$1,000.00 in said trust account in the Security National Bank of Sapulpa, Oklahoma, is to be made payable to Pryor Livestock Commission Company and its attorney, Hughey Baker.

(3) The Travelers Indemnity Company is to pay to the plaintiffs, Mack Donaldson and Bill Donaldson, d/b/a Donaldson Brothers, a partnership, and its attorney, Bill Wilson, and The American National Bank of Bristow, Oklahoma, the sum of \$6667.40.

IT IS THEREFORE ORDERED payments are to be made to the respective parties in the sums as above set forth. IT IS FURTHER

ORDERED the respective rights and claims of the various parties herein are settled pursuant to the agreement of the parties and the claims of the various parties are hereby dismissed with the exception of the claim which Pryor Livestock Commission Company, a corporation, or The Travelers Indemnity Company have against said J. D. Couch for his initial wrong in passing a bogus check resulting in ultimate loss to Pryor Livestock Commission Company and the Travelers Indemnity Company.

*Luther Bohannon*

UNITED STATES DISTRICT JUDGE



ENTERED this 24 day of July, 1970.

A handwritten signature in cursive script, appearing to read "Alan E. Bauer". The signature is written in black ink and is positioned above a horizontal line.

CHIEF UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**FILED**

JUL 24 1970 ✓

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

JAMES D. HODGSON (Successor to )  
George P. Shultz) Secretary of )  
Labor, United States Department )  
of Labor )  
Plaintiff )  
v. )  
MARTIN MARIETTA COMPANY, a )  
Corporation )  
Defendant )

CIVIL ACTION

File No. 70-C-11 ✓

ORDER OF DISMISSAL

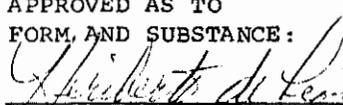
This cause coming on to be considered upon the stipulation of the parties, and it appearing that all matters in controversy have been amicably resolved between the parties or have become moot, and the court being fully advised; it is hereby,

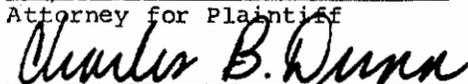
ORDERED, ADJUDGED and DECREED that the above entitled and numbered cause be, and the same is, hereby dismissed with prejudice.

DATED: July 24, 1970.

  
United States District Judge

APPROVED AS TO  
FORM AND SUBSTANCE:

  
Attorney for Plaintiff

  
Attorney for Defendant

IN THE DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF OKLAHOMA

DORIS J. SMITH,

Plaintiff,

vs.

TOM J. MILLER, an individual,  
and THE MACWHYTE COMPANY OF  
KENOSHA, WISCONSIN, a Wisconsin  
corporation,

Defendants.

)  
)  
) 70-C-153  
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FILED  
JUL 24 1970  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

ORDER REMANDING CAUSE OF ACTION

The Court, being under a duty at all times to inquire into its jurisdiction, finds:

That this litigation was originally filed in the District Court of Tulsa County and was removed to this Court by defendants.

That the allegation with reference to diversity jurisdiction is defective.

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

ENTERED this 24 day of July, 1970.



CHIEF UNITED STATES DISTRICT JUDGE



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-222

**FILED**

**JUL 24 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. The petitioner names as respondent the Tulsa County District Court of Oklahoma. Further, the petitioner states 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 pursuant to Rule 21 of the Federal Rules of Civil Procedure, the Court should motu proprio drop as party respondent the Tulsa County District Court of Oklahoma; and, add the custodian of the body of the petitioner as the proper party respondent, i.e., Ray H. Page, Warden, Oklahoma State Penitentiary, McAlester, Oklahoma.

2. 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.

IT IS, THEREFORE, ORDERED that Ray H. Page, Warden, Oklahoma State Penitentiary, McAlester, Oklahoma, be and he is hereby designated the party respondent; and, the cause of action against the respondent, Tulsa County District Court of Oklahoma, is dismissed.

IT IS FURTHER ORDERED that the petition for writ of habeas corpus of Jessie James Haynes 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 24<sup>th</sup> day of July, 1970, at Tulsa, Oklahoma.

  
UNITED STATES DISTRICT JUDGE

, UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GEORGE P. SHULIN, SECRETARY OF LABOR,  
United States Department of Labor;

v.

JUBILEE CITY DISCOUNT FOODS, INC.

Plaintiff

Defendant)

CIVIL ACTION FILE

NO. 67-C-94

ORDER OF DISMISSAL

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Defendant having stipulated that it will  
comply in the future with the provisions of the Fair  
Labor Standards Act of 1938, and that the above  
captioned complaint, and all motions and proceedings  
may be dismissed, and that all papers and filings  
filed herein, it is, therefore,

ORDERED, ADJUDGED and Decreed by the court  
that the above styled and numbered cause do, and it  
heroby is, dismissed with costs against the defendant.

DATED this 10th day of April, 1970.

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Approved:

Nathan Racheck  
Trial Attorney for Plaintiff

Rheam and Noss

By Clayton L. Rheam  
Attorney for Defendant

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

E. R. REID, et al.,  
Plaintiffs,

vs.

MCDONNELL DOUGLAS CORPORATION,  
et al.,  
Defendants.

)  
)  
) 67-C-224 ✓  
)  
)  
)  
)  
)  
)

**FILED**  
JUL 27 1970 *W*  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

ORDER OVERRULING PLAINTIFFS' MOTION FOR VACATION OF  
ORDER DISMISSING COMPLAINT AND MOTION FOR RECONSIDERATION,  
REHEARING AND NEW TRIAL; AND OVERRULING PLAINTIFFS' AMEND-  
ED MOTION FOR VACATION OF ORDER DISMISSING COMPLAINT,  
FOR RECONSIDERATION, REHEARING AND NEW TRIAL, AND  
FOR LEAVE TO AMEND THE COMPLAINT HEREIN

The Court has for consideration the motion for vacation  
of order dismissing complaint and motion for reconsideration, re-  
hearing and new trial, and amended motion for vacation of order  
dismissing complaint, for reconsideration, rehearing and new trial,  
and for leave to amend the complaint filed by the plaintiffs herein,  
the briefs in support and opposition thereto, and, being fully  
advised in the premises, finds:

That said motions should be overruled.

IT IS, THEREFORE, ORDERED that the motion for vacation of  
order dismissing complaint and motion for reconsideration, rehearing  
and new trial, and amended motion for vacation of order dismissing  
complaint, for reconsideration, rehearing and new trial, and  
for leave to amend the complaint be and the same are hereby  
overruled.

ENTERED this 27th day of July, 1970.

  
UNITED STATES DISTRICT JUDGE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES E. MILLER, d/b/a INTERNATIONAL  
HOUSE, and BETTYE L. MILLER,

Defendants.)

CIVIL ACTION NO. 70-C-106

**FILED**

**JUL 28 1970**

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

DEFAULT JUDGMENT

NOW, on this 24 day of July, 1970, this matter coming on for consideration, the plaintiff, United States of America, appearing by and through its attorney, Robert P. Santee, Assistant United States Attorney for the Northern District of Oklahoma, and the defendants, James E. Miller and Bettye L. Miller, appearing not, and it appearing that this is a suit based on a Promissory Note and for foreclosure of a real estate mortgage, all securing said note; and

There further appearing that the real estate interest described in said mortgage is located in Tulsa County, Oklahoma; and

It further appearing that due and legal service has been made on the defendants, James E. Miller and Bettye L. Miller, by publication in the Tulsa Daily Legal News for six consecutive weeks, the first day of publication being on June 3, 1970, and the last day of publication being on July 8, 1970, requiring each of them to answer the Complaint herein not more than 20 days after date of publication, and it appearing that said defendants have failed to file an answer or otherwise plead herein, they and each of them are hereby in default.

The Court being fully advised finds that the allegations and averments in the Complaint of the plaintiff filed herein are true and correct and that there is due and owing to the plaintiff, United States of America, from the defendants, James E. Miller and Bettye L. Miller, the sum of \$19,440.15 as of February 3, 1970, plus interest from and after that date at the rate of 5-5/8 per cent per annua, plus costs of this action.

The Court further finds that the plaintiff has a first and prior lien upon certain real property described in the complaint by virtue of a real estate mortgage given as security for the payment of the indebtedness, interest and costs, which real property is described as follows:

Lot Four (4), Block Five (5), Davis and Wilson Heights, according to the official plat of record in the office of the County Clerk in and for Tulsa County, State of Oklahoma.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Plaintiff, United States of America, does have and recover from the defendants, James E. Miller and Bettye L. Miller, d/b/a International House, a judgment in the amount of \$19,440.15 as of February 3, 1970, with interest from and after that date at the rate of 5-5/8 per cent per annum, plus costs of this action.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon failure of the defendants, James E. Miller and Bettye L. Miller, to satisfy the judgment of plaintiff, an Order of Sale shall issue to the United States Marshal for the Northern District of Oklahoma, commanding him to levy upon, advertise and sell, according to law, with appraisement, the real property interests hereinabove described as being in Tulsa County, State of Oklahoma, and to apply the proceeds of such sale of real property as follows:

1. In payment of the costs of the sale and of the cost of this action.
2. In payment to plaintiff of the sum of \$19,440.15 with interest thereon at the rate of 5-5/8 per cent from February 3, 1970, until paid.
3. The residue, if any, to be paid to the Clerk of this Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the hereinabove described real property be sold, with appraisement, and after such sale 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 and from any and every lien upon, right, title, interest, estate or equity of, in or to the real property described herein.

Dated this 24<sup>th</sup> day of July, 1970.

APPROVED:

William L. Harrison  
UNITED STATES DISTRICT JUDGE

Robert P. Santee  
ROBERT P. SANTEE  
Assistant United States Attorney

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 BENJAMIN FRANKLIN STEWART, )  
 )  
 Defendant. )

No. 69-CR-49 Criminal  
**FILED**  
JUL 30 1970  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

ORDER

Upon consideration of the Defendant's Motion for Reduction of Sentence with attached brief and documents, the Court finds that the Motion should be denied.

It is felt, in the circumstances of this case, that the sentence imposed was the proper sentence to be assessed in the case.

It is so ordered this 30 day of July, 1970.

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

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 40.00 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and Aymer & Faulkner, )  
 et al, and Unknown Owners, )  
 )  
 Defendants. )

CIVIL ACTION NO. 69-C-144

Tract No. 508M

**FILED**

**JUL 30 1970**

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

J U D G M E N T

1.

NOW, on this 30 day of July, 1970, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Report of Commissioners filed herein on June 9, 1970, and the Court, after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

This Judgment applies only to the estate condemned in Tract No. 508M, as such tract and estate are described in the Complaint and Declaration of Taking filed in this action.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on July 2, 1969, 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 Declaration of Taking.

6.

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

7.

The Report of Commissioners filed herein on June 9, 1970, is hereby accepted and adopted as findings of fact insofar as it applies to the subject tract. The amount of just compensation as to the various interests in subject tract as fixed by the Commissioners is set out below in paragraph 12.

8.

This judgment will create a deficiency between the amount deposited as estimated compensation for the estate taken in the subject tract and the total award of just compensation fixed by the Court, as set forth below in paragraph 12. The plaintiff should deposit a sum of money sufficient to cover such deficiency.

9.

The defendants named in paragraph 12 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; the named defendants, as of the date of taking, were the owners of the respective interests in the estate condemned herein as shown in such paragraph 12, and, as such, are entitled to receive the just compensation awarded by this Judgment.

10.

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

11.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estate taken in the subject tract were the defendants whose names appear below in paragraph 12, and the interest owned by each is as therein shown. The right to receive the just compensation awarded by this judgment is vested in the parties so named in paragraph 12.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on June 9, 1970, is hereby confirmed, insofar as it applies to the subject tract, and the sums therein fixed are adopted as just compensation for the various interests in the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 508M

1. Lessor (royalty) interest (1/3):

Owners:

Garland G. Boyd and  
Leona E. Boyd

Award of just compensation pursuant to Commissioner's Report . . .	\$430.00	\$430.00
Deposited as estimated compensation . . .	200.00	
Disbursed to Owners . . . . .		<u>None</u>
Balance due to owners . . . . .		\$430.00 plus interest
Deposit deficiency, as to this interest . . . . .	\$230.00 plus interest	

2. Leasehold interest (7/8):

A. Working Interest:

Owners:

C. M. McGonigal and  
Bob Highfill

Deposited as estimated compensation	\$215.00	
Award of just compensation pursuant to Commissioner's Report	None	None
Disbursed to Owners . . . . .		None
Deposit surplus, as to this interest	\$215.00	

B. Oil Payment Interest:

Owner:

J. & J. Constructors, Inc.

Award of just compensation (The Commissioners made an award of \$120.00 for this tract combined with two other tracts taken in two other cases. The Court has allocated 1/3 to each case.)	\$ 40.00	\$ 40.00
Deposited as estimated compensation		None
Original deposit deficiency . . . . .	40.00	
Plus interest of 6% for 1 year . . . . .	2.40	2.40
Total deposit deficiency, as to this interest . . . . .	42.40	
Disbursed to owner . . . . .		None
Balance due to owner . . . . .		\$ 42.40

13.

It Is Further ORDERED that the Clerk of this Court now shall disburse from the deposit for Tract No. 500M to J. & J. Constructors, Inc. the sum of \$42.40.

14.

It Is Further ORDERED, ADJUDGED AND DECREED that the Plaintiff, United States of America shall pay into the registry of this Court the sum of \$57.40, plus interest on \$230.00 (deposit deficiency for Lessor interest) computed at the rate of 6% per annum from July 2, 1969, to the date of deposit of such sum.

When such deposit has been made, the Clerk of this Court shall credit such payment to the deposit for Tract No. 500M and then disburse such deposit as follows:

To - Garland G. Boyd and Leona E. Boyd,  
jointly, the sum of . . . . . \$430.00 plus  
all of the accrued interest included  
in the aforesaid deficiency deposit  
made by the Plaintiff.

/s/ Fred Daugherty

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )

Plaintiff, )

vs. )

20.00 Acres of Land, More or Less,  
Situate in Rogers County, State of  
Oklahoma, and George S. Downey,  
et al, and Unknown Owners, )

Defendants.)

CIVIL ACTION NO. 69-C-145

Tract No. 511M

**FILED**

**JUL 30 1970**

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

J U D G M E N T

1.

NOW, on this 20 day of July, 1970, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Report of Commissioners filed herein on June 9, 1970, and the Court, after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

This Judgment applies only to the estate condemned in Tract No. 511M, as such tract and estate are described in the Complaint and Declaration of Taking filed in this action.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on July 2, 1969, 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 Declaration of Taking.

6.

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

7.

The Report of Commissioners filed herein on June 9, 1970, is hereby accepted and adopted as findings of fact insofar as it applies to the subject tract. The amount of just compensation as to the various interests in subject tract as fixed by the Commissioners is set out below in paragraph 12.

8.

This judgment will create a deficiency between the amount deposited as estimated compensation for the estate taken in the subject tract and the total award of just compensation fixed by the Court, as set forth below in paragraph 12. The plaintiff should deposit a sum of money sufficient to cover such deficiency.

9.

The defendants named in paragraph 12 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; the named defendants, as of the date of taking, were the owners of the respective interests in the estate condemned herein as shown in such paragraph 12, and, as such, are entitled to receive the just compensation awarded by this Judgment.

10.

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

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estate taken in the subject tract were the defendants whose names appear below in paragraph 12, and the interest owned by each is as therein shown. The right to receive the just compensation awarded by this judgment is vested in the parties so named in paragraph 12.

It Is Further ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on June 9, 1970, is hereby confirmed, insofar as it applies to the subject tract, and the sums therein fixed are adopted as just compensation for the various interests in the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 511M

1. Lessor interest:

A. Royalty interest (1/8):

Owners:

George S. Downey . . . . . 1/3  
 C. A. Steele . . . . . 1/3  
 June H. Collins . . . . . 1/3

Award of just compensation pursuant to Commissioners' Report . . . . .	\$ 230.00	\$ 230.00
Deposited as estimated compensation . . . . .	100.00	
Disbursed to owners . . . . .		None
Balance due to owners . . . . .		\$ 230.00 plus interest
Deposit deficiency as to this interest . . . . .	\$ 130.00 plus interest	

B. Reversionary interest:

Owner: Glenn H. Chappell

Award of just compensation pursuant to Commissioners' Report . . . . .	\$ 50.00	\$ 50.00
Deposited as estimated compensation . . . . .	None	
Original deposit deficiency . . . . .	\$ 50.00	
Plus interest at 6% for 1 year . . . . .	3.00	3.00
Total deposit deficiency for this interest . . . . .	\$ 53.00	
Disbursed to owner . . . . .		None
Balance due to owner . . . . .		\$ 53.00

2. Leasehold interest (1/3):

A. Working interest:

Owners:

C. M. McGonigal and  
Bob Highfill

Deposited as estimated compensation	\$ 100.00	
Award of just compensation pursuant to Commissioners' Report	None	None
Disbursed to owners . . . . .		None
Deposit surplus as to this interest	\$ 100.00	

B. Oil Payment interest:

Owner:

J. & J. Constructors, Inc.

Award of just compensation . . . . .	\$ 40.00	\$ 40.00
(The Commissioners made an award of \$120.00 for this tract combined with two other tracts taken in two other cases. The Court has allocated 1/3 to each case.)		
Deposited as estimated compensation . . . . .	None	
Original deposit deficiency . . . . .	\$ 40.00	
Plus interest at 6% for 1 year . . . . .	2.40	2.40
Total deposit deficiency as to this interest . . . . .	\$ 42.40	
Disbursed to owner . . . . .		None
Balance due to owner . . . . .		\$ 42.40

13.

It Is Further ORDERED that the Clerk of this Court now shall disburse from the deposit for Tract No. 511M, certain sums as follows:

To: Glenn H. Cahppell . . . . . \$ 53.00  
To: J. & J. Constructors, Inc. . \$ 42.40

14.

It Is Further ORDERED, ADJUDGED AND DECREED that the Plaintiff, United States of America shall pay into the registry of this Court the sum of \$125.40, plus interest on \$130.00, (deposit deficiency for Lessor interest) computed at the rate of 6% per annum from July 2, 1969, to the date of deposit of such sum.

When such deposit has been made the Clerk of this Court shall credit such payment to the deposit fro Tract No. 511M and then disburse such deposit as follows:

- To: George S. Downey . . . . . \$ 76.67,  
plus 1/3 of the accrued interest  
included in the aforesaid deficiency  
deposit.
- To: C. A. Steele . . . . . \$ 76.67,  
plus 1/3 of the accrued interest  
included in the aforesaid deficiency  
deposit.
- To: June H. Collins . . . . . \$ 76.66,  
plus 1/3 of the accrued interest  
included in the aforesaid deficiency  
deposit.

*Fred Staugherty*  
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )

Plaintiff, )

vs. )

40.00 Acres of Land, More or Less,  
Situate in Rogers County, State of  
Oklahoma, and J & J Construction,  
Inc., et al, and Unknown Owners, )

Defendants. )

CIVIL ACTION NO. 69-C-147

Tract No. 520M

**FILED**

**JUL 30 1970**

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

J U D G M E N T

1.

NOW, on this 30 day of July, 1970, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of Judgment on the Report of Commissioners filed herein on June 9, 1970, and the Court, after having examined the files in this action and being advised by counsel for the plaintiff, finds that:

2.

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

3.

This Judgment applies only to the estate condemned in Tract No. 520M, as such tract and estate are described in the Complaint and Declaration of Taking filed in this action.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on July 2, 1969, 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 Declaration of Taking.

6.

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

7.

The Report of Commissioners filed herein on June 9, 1970, is hereby accepted and adopted as findings of fact insofar as it applies to the subject tract. The amount of just compensation as to the various interests in subject tract as fixed by the Commissioners is set out below in paragraph 12.

8.

This judgment will create a deficiency between the amount deposited as estimated compensation for the estate taken in the subject tract and the total award of just compensation fixed by the Court, as set forth below in paragraph 12. The plaintiff should deposit a sum of money sufficient to cover such deficiency.

9.

The defendants named in paragraph 12 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; the named defendants, as of the date of taking, were the owners of the respective interests in the estate condemned herein as shown in such paragraph 12, and, as such, are entitled to receive the just compensation awarded by this Judgment.

10.

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

11.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estate taken in the subject tract were the defendants whose names appear below in paragraph 12, and the interest owned by each is as therein shown. The right to receive the just compensation awarded by this judgment is vested in the parties so named in paragraph 12.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on June 9, 1970, is hereby confirmed, insofar as it applies to the subject tract, and the sums therein fixed are adopted as just compensation for the various interests in the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 520M

1. Lessor (royalty) interest (1/3):

Owners:

June H. Collins . . . . . 1/2  
Garland G. Boyd . . . . . 1/2

Award of just compensation pursuant to Commissioner's Report . . . . .	\$ 790.00	\$ 790.00
Deposited as estimated compensation . . . . .	149.00	
Disbursed to owners . . . . .		None
Balance due to owners . . . . .		\$ 790.00 plus interest
Deposit deficiency as to this interest	\$ 641.00 plus interest	

2. Leasehold interest 7/8:

A. Working interest:

Owners:

C. M. McGonigal and  
Bob Highfill

Deposited as estimated compensation	\$ 59.00	
Award of just compensation, pursuant to Commissioners' Report	None	None
Disbursed to owners . . . . .		None
Deposit surplus as to this interest . . . . .	\$ 59.00	

B. Oil payment interest:

Owner:

J. & J. Constructors, Inc.

Award of just compensation . . . . .	\$ 40.00	\$ 40.00
(The Commissioners made an award of \$120.00 for this tract combined with two other tracts in two other cases. The Court has allocated 1/3 to each case.)		
Deposited as estimated compensation		<u>None</u>
Original deposit deficiency . . . . .	\$ 40.00	
Plus accrued interest at 6% for 1 year	<u>2.40</u>	2.40
Total deposit deficiency, as to this interest . . . . .	\$ 42.40	
Disbursed to owner . . . . .		<u>None</u>
Balance due to owner . . . . .		\$ 42.40

13.

It Is Further ORDERED that the Clerk of this Court now shall disburse from the deposit for Tract No. 520M to J. & J. Constructors, Inc. the sum of \$42.40.

14.

It Is Further ORDERED, ADJUDGED AND DECREED that the Plaintiff, United States of America, shall pay into the registry of this Court the sum of \$624.40, plus interest on \$641.00 (deposit deficiency for Lessor interest) computed at the rate of 6% per annum from July 2, 1969, to the date of deposit of such sum.

When such deposit has been made, the Clerk of this Court shall credit such payment to the deposit for Tract No. 520M and then disburse such deposit as follows:

To: June H. Collins . . . . . \$ 395.00 plus  
1/2 of the accrued interest  
included in the aforesaid deficiency  
deposit.

To: Garland G. Boyd . . . . . \$ 395.00 plus  
1/2 of the accrued interest  
included in the aforesaid deficiency  
deposit.

/s/ Fred Daugherty

UNITED STATES DISTRICT JUDGE

APPROVED;

/s/ Hubert A. Marlow

HUBERT A. MARLOW  
Assistant United States Attorney