

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

JERRY SCROGGINS,

Plaintiff,

vs.

HALLIBURTON COMPANY, and
subsidiary Division, WELEX
and R. B. HAMILL,

Defendants.)

No. 70-C-400 Civil

FILED

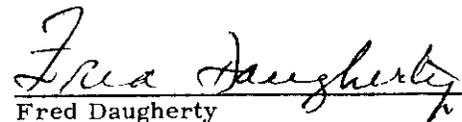
FEB - 1 1971

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

ORDER

The Motion to Remand filed herein by plaintiff Jerry Scroggins came on for hearing January 26, 1971, pursuant to notice and attorneys Burton J. Johnson and Dean Hart appearing for plaintiff with John Cheek appearing for defendant Halliburton, and upon consideration of Briefs submitted and the evidence submitted this Court being fully informed finds that plaintiff does have a cause of action against defendant Hamill, that both plaintiff and defendant Hamill are residents and citizens of the State of Oklahoma whereby this Court sustains the Motion to Remand of plaintiff and directs the Clerk of this Court to take prompt action for further proceedings to remand this action to the District Court within and for Creek County, State of Oklahoma, the Drumright Division, and such other steps as will expedite its transfer back to the Court from whence it came.

It is so ordered this 26 day of January, 1971.


Fred Daugherty
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

30.00 Acres of Land, More or Less,
Situate in Nowata County, State of
Oklahoma, and James R. Gibson, et
al, and Unknown Owners,

Defendants.

CIVIL ACTION NO. 70-C-333

Tract No. 1312M

FILED

FEB 21 1971

U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

J U D G M E N T

1.

NOW, on this 21st day of February, 1971, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on a stipulation of the parties agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies to the entire estate condemned in Tract No. 1312M, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on October 23, 1970, 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 the 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 none of this deposit has been disbursed, as set out below in paragraph 12.

7.

On the date of taking in this action, the owners of the estate taken in subject tract were the defendants whose names are shown below in paragraph 12. Such named defendants are the only persons asserting any interest in the estate taken in such tract, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation for the estate taken in this tract.

8.

The owners of the subject tract and the United States of America have executed and filed herein a Stipulation As To Just Compensation wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in paragraph 12 below, and such stipulation should be approved.

9.

This judgment will create a deficiency between the amount deposited as estimated compensation for subject tract and the amount fixed by the Stipulation As to Just Compensation, and the amount of such deficiency should be deposited for the benefit of the owners. Such deficiency is set out below in paragraph 12.

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 Tract No. 1312M, as such tract is particularly described in the Complaint and Declaration of Taking filed herein; and such tract, to the extent of the estate described in such Declaration of Taking, is condemned and title thereto is vested in the United States of America, as of the date of filing such Declaration of Taking, and all defendants herein and all other persons interested in such estate 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 condemned herein in subject tract were the defendants whose names appear below in paragraph 12, and the right to receive just compensation for the estate taken herein in this tract is vested in the parties so named.

12.

It Is Further ORDERED, ADJUDGED, and DECREED that the Stipulation As To Just Compensation, mentioned in paragraph 8 above, is hereby confirmed; and the sum therein fixed is adopted as the award of just compensation for the estate condemned in subject tract as follows:

TRACT NO. 1312M

Owners: James R. Gibson and
Lola R. Gibson

Deposited as estimated compensation - - - -	\$940.00	
Award of just compensation pursuant to Stipulation - - - - -	700.00	\$700.00
Disbursed to owners - - - - -		<u>None</u>
Balance due to owners - - - - -		\$700.00
Deposit surplus - - - - -	<u>\$240.00</u>	

13.

It Is Further ORDERED that the Clerk of this Court shall disburse the deposit for Tract No. 1312M in this case as follows:

To Treasurer, United States of America - - - - -	\$240.00
To James R. Gibson and Lola R. Gibson, jointly - - - - -	\$700.00.

UNITED STATES DISTRICT JUDGE

APPROVED:

HUBERT A. MARLOW
Assistant United States Attorney

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

FILED
FEB - 3 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

TRANSOK PIPE LINE COMPANY)
an Oklahoma corporation,)
)
Plaintiff,)
)
vs.)
)
A 50 foot wide easement and right-of-)
way for a natural gas pipeline to be)
located upon, over and across certain)
tracts of land in Osage County, Okla-)
homa, et al,)
)
Defendants.)

NO. 70-C-252

FINAL DECREE AUTHORIZING TAKING
IN CONDEMNATION

NOW, on this 3rd day of February, 1971, this cause comes on regularly to be heard. Plaintiff appearing by its attorney, Charles B. Crane, and Defendant, United States of America, as Trustee, appearing by Robert P. Santee, Assistant United States Attorney for the Northern District for the State of Oklahoma.

All parties having announced ready for hearing, the Court's attention was drawn to each and every one of the following pleadings heretofore filed in this proceeding, to-wit:

The Complaint and Application for Order directing manner of service, verified under oath; Order of this Court dated August 13, 1970, directing manner of Service of Notice; Notice by the Clerk of the Court to the Superintendent, Osage Indian Agency, Bureau of Indian Affairs, Pawhuska, Oklahoma, Harold West, James F. Rusk, U. G. Savage and Wayland Smith; Notice to the Attorney General of the United States of America, Washington, D. C., and the United States Attorney for the Northern District of Oklahoma, by attorney for Plaintiff; Affidavit of Mailing and Service of Notice executed under oath by P. Jay Hodges, attorney for Plaintiff; Affidavit of Service of Notice executed under oath by Alton McKnight; Dismissal as to James F. Rusk and U. G. Savage; Order Appointing Commissioners; Oath of Commissioners; Report of Commissioners; Demand for Jury Trial by Defendant; and Demand for Jury Trial by Plaintiff; all as filed herein.

Whereupon, Plaintiff, by and through its attorney, in open court, waives its right to and withdraws its written demand for jury trial, and the Defendants, by and through their attorney, in open court, waive their right to and withdraw their written demand for trial by jury, and thus, being fully advised in the premises, all parties submit the issue of damages to the court for determination.

Plaintiff and Defendants then introduce their respective testimony relative to the damages suffered by the parties in interest in and to the lands herein sought to be condemned and which will result from appropriation by Plaintiff of a perpetual easement and right-of-way for a natural gas pipeline, all as hereinafter more particularly set out, and the Court being fully advised in the premises;

THE COURT FINDS: That the matters set out in the verified Complaint herein filed by Plaintiff are true and correct and said Plaintiff, a corporation, organized under the laws of the State of Oklahoma, authorized and qualified to engage in the business of piping or transporting natural gas characterized by the laws of the State of Oklahoma as a gas transmission company, and operating as such, is, therefore, authorized by the laws of the State of Oklahoma to exercise the right of eminent domain to acquire rights-of-way for natural gas transmission, and it further appearing that the taking and use of an easement and right-of-way for said purpose is a taking and use for a public purpose and that said Plaintiff should be granted the relief prayed in its said Complaint; that this Court has proper jurisdiction of this cause by reason of the Act of Congress of March 3, 1901, Chap. 832, Section 3, 31 Stat. 1084, 25 USCA Section 357; applicable Oklahoma Statutes are 52 OSA Sections 22 and 27, and 66 OSA Sections 51 to 60 inclusive; Rule 71A(k) of the Federal Rules of Procedure applies; and that notice of this proceeding has been served according to law and the Order of this Court upon all the parties in interest in and to the land involved herein, including the United States of America, which is an interested

party by reason of the fact that this matter affects the title to certain Indian lands previously allotted with certain restraints on alienation and presently restricted under the law; that all necessary parties to this cause are now properly before the Court for final disposition of this proceeding; that all parties hereto have waived their right to jury trial and Defendant, United States of America, and Defendant Wayland Smith have joined with Plaintiff in praying that final disposition be made of this proceeding and that the Court make its finding with respect to damage; that the easement and right-of-way sought to be condemned by Plaintiff herein will not, in any manner, constitute a burden or encumbrance upon the mineral interests in said lands involved herein.

THE COURT FURTHER FINDS that the nature of the property and the rights with respect to the lands so to be taken and the uses for which such property is to be taken are:

A perpetual easement and right-of-way 50 feet in width for the purpose of constructing, operating, inspecting, repairing, and maintaining, upon, over, and along the route and across the lands, hereinafter fully described, a 20 inch (20") natural gas pipeline for the transmitting and transporting of natural gas at any pressure and in any quantity desired by Plaintiff, together with the right and privilege of ingress and egress for the purpose of constructing, operating, repairing, inspecting, maintaining, removing or reconstructing said natural gas pipeline at any time and including, also, the right to prevent construction of any structures upon said easement and right-of-way which may, in Plaintiff's judgment, interfere with or endanger said pipeline, its maintenance or operation, but reserving, nevertheless, to the landowners, lessees and tenants of said lands, at all times, the right to make any use of said lands, including the width of said easement, as is not inconsistent with or dangerous to the operation and maintenance of said natural gas pipeline, including specifically the right to cultivate along, over and across said easement and right-of-way.

THE COURT FURTHER FINDS that the description of the lands upon, over and across which Plaintiff seeks herein to condemn said easement and right-of-way, together with the beneficial owners thereof, Defendants herein, and that reasonable and adequate compensation for the damages occurring to said lands and interests therein, as a result of said appropriation of an easement and right-of-way thereover, is as follows:

TRACT NO. 1:

The Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section Twenty-six (26), Township Twenty-three North (T23N), Range Seven East (R7E), Osage County, Oklahoma.

To construct upon, over and across said lands a natural gas pipeline on a right-of-way easement the center line of which is described as follows:

Entering said tract at a point approximately 560 feet South of the Northwest corner thereof; thence North 67 degrees 45 minutes East a distance of 1091 feet; thence North 39 degrees 03 minutes East a distance of 40 feet; thence North 11 degrees 09 minutes East a distance of 114 feet and leaving said tract at a point approximately 1116 feet East of the Northwest corner thereof. Traversing said tract a total distance of 75 rods.

OWNERS: Harold West, Roll No. 3544 and Celestia Mae West
AS THEIR INTERESTS MAY APPEAR.

TOTAL DAMAGES: Three Hundred Thirty Seven Dollars & ⁵⁰/₀₀ (\$337.50)

TRACT NO. 3:

The Northwest Quarter (NW $\frac{1}{4}$) and the Northwest Quarter of the Northeast Quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Thirty (30), Township Twenty-three North (T23N), Range Eleven East (R11E), Osage County, Oklahoma.

To construct upon, over and across said lands a natural gas pipeline on a right-of-way easement the center line of which is described as follows:

Entering said Northwest Quarter (NW $\frac{1}{4}$) of Section Thirty (30) at a point approximately 1479 feet South of the Northwest corner thereof, thence bearing North 82 degrees 45 minutes East a distance of 400 feet, thence South 87 degrees 15 minutes East in a straight line a distance of 2300 feet and leaving said tract at a point approximately 1570 feet South of the Northeast corner of said Northwest Quarter (NW $\frac{1}{4}$) of Section Thirty (30). Traversing said tract a total distance of 164 rods.

OWNERS: Harold West, Roll No. 3544 and Celestia Mae West
TENANT: Wayland Smith
AS THEIR INTERESTS MAY APPEAR.

TOTAL DAMAGES: Nine Hundred Eighty Four Dollars & ^{No}/₀₀ (\$984.00)

DAMAGES TO OWNERS: Six Hundred Fifty Six Dollars & ^{No}/₀₀ (\$656.00)

DAMAGES TO TENANT: Three Hundred Twenty Eight Dollars & ^{No}/₀₀ (\$328.00)

THE COURT FURTHER FINDS that the foregoing damages awarded adequately compensate the beneficial owners of said lands for all injury and damage done, either directly or indirectly, to the interest of the beneficial owners in and to said lands and crops, fences and improvements thereon, which may result from construction, operation and maintenance of said natural gas pipeline and that such awards also include adequate compensation for the right of future ingress and egress to and from said lands for future maintenance, operation, reconstruction, or removal of said line, but does not include damages to said lands, or to crops, fences and improvements thereon, which may, in the future, result from unreasonable exercise of said right of entry for such maintenance, operation, inspection, reconstruction or removal.

THE COURT FURTHER FINDS that pursuant to the Report of Commissioners, Plaintiff has heretofore on October 5, 1970, paid to the Clerk of this Court the sum of \$1,321.50.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the entry upon and taking forthwith of said perpetual easement and right-of-way as found and described above herein, upon, over and across said lands as hereinbefore set out, by Plaintiff, for construction, operation, maintenance, inspection, reconstruction or removal of a natural gas pipeline, all as prayed for in said Complaint, is hereby authorized and confirmed in all things and said Plaintiff, Transok Pipe Line Company, is hereby vested with said perpetual easement and right-of-way together with perpetual rights of ingress and egress, all free and clear of any and all claims of Defendants herein, their heirs and assigns, who are hereby perpetually enjoined and barred from hereinafter claiming adversely to Plaintiff's said rights, privileges and estate ordered, adjudged and decreed and granted herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the perpetual easement and right-of-way taken by Plaintiff and described herein and the operation of said natural gas pipeline will not, in any way, constitute a burden or encumbrance upon the mineral interest in said land.

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

FIREMAN'S FUND INSURANCE COMPANY,
a corporation, Plaintiff,)

vs.)

HARRY SIMMS, d/b/a SIMMS CONSTRUCTION
and SIMMS, INCORPORATED, an Oklahoma
corporation, Defendants)

ISOLA ABERNATHY and ALVIN RALPH
ABERNATHY, Intervenors.)

No. 70-C-182

FILED
FEB 3 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

DISMISSAL WITHOUT PREJUDICE

Comes now the plaintiff, Fireman's Fund Insurance Company, and dis-
misses the above styled and numbered cause of action without prejudice to the
bringing of a future action for the reason the matter is now moot.

Dated this 29 day of ~~December~~ ^{January}, 1970.

FIREMAN'S FUND INSURANCE COMPANY

by JONES, GIVENS, BRETT, GOTCHER & DOYLE

By: [Signature]
Its Attorneys

Come now the defendants and intervenors, by and through their counsel of
record, and consent to the dismissal of the above styled and numbered cause of
action without prejudice to the bringing of any future action.

[Signature]
Barry Simms - Attorney for Defendants

[Signature]
Doyle Watson - Attorney for Intervenors

IT IS HEREBY ORDERED that the above styled and numbered cause be
dismissed without prejudice.

[Signature]
UNITED STATES DISTRICT JUDGE

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

United States of America,

Plaintiff,

vs.

Civil No. 70-C-224

Everett E. Copeland and
Dorothy J. Copeland, Paul R.
Scribner and S. Louise Scribner,
et al,

Defendants.

FILED

FEB 3 1971

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

ORDER CONFIRMING MARSHAL'S SALE

NOW on this 9th day of February, 19 71, 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 January 18, 1971,
under an Order of Sale dated December 10, 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 Thirteen (13), Block Seven (7), Suburban
Acres Addition to the City of Tulsa, Tulsa
County, State of Oklahoma, according to the
~~recorded~~ plat thereof,

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

Tulsa Daily Legal News,

a newspaper published and of general circulation in the County of
Tulsa, State of Oklahoma, and that on the day fixed therein
the above-described property was sold to the _____

Administrator of Veterans Affairs, it being the highest
and best bidder therefor.

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

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

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

IT IS FURTHER ORDERED that after the execution and delivery of the Deed to the purchaser by the United States Marshal for the Northern District of Oklahoma, the purchaser is hereby granted possession of the property against any or all persons now in possession.

UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE
Assistant U. S. Attorney

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

United States of America,

Plaintiff,

vs.

Maurice O. Harding, and Charles M.
(Marie) Harding, et al,

Defendants.

Civil No. 70-C-263

FILED

FEB 5 1971

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

ORDER CONFIRMING MARSHAL'S SALE

NOW on this 3rd day of February, 19 71, 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 January 18, 1971, under an Order of Sale dated December 10, 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 Six (6), Block Sixty (60), Valley View Acres
Third Addition to the City of Tulsa, Tulsa County,
Oklahoma, according to the recorded plat thereof,

and the Court having examined the proceedings of the United States Marshal under the aforesaid Order of Sale and no one appearing in opposition thereto and no exceptions having been filed, finds that due and legal notice of the sale was given by publication once a week for at least four (4) weeks prior to the date of sale in the _____
Tulsa Daily Legal News,
a newspaper published and of general circulation in the County of _____
Tulsa, State of Oklahoma, and that on the day fixed therein the above-described property was sold to the _____
Administrator of Veterans Affairs, it being the highest and best bidder therefor.

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

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

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

IT IS FURTHER ORDERED that after the execution and delivery of the Deed to the purchaser by the United States Marshal for the Northern District of Oklahoma, the purchaser is hereby granted possession of the property against any or all persons now in possession.

Allen L. Barron
UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. SANTEE
Assistant U. S. Attorney

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

SAMMIE A. RIGGS,

Plaintiff,

vs.

BRITISH COMMONWEALTH CORPORATION,
A Texas Corporation; JAMES LOVELL;
W. N. WRAY, JR.; and IVAN HALL,

Defendants.

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)
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)
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69-C-272

FILED

FEB 4 1971

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

ORDER DISMISSING CAUSE OF ACTION
AND COMPLAINT

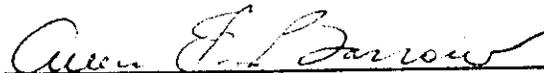
The Court, having heard oral argument on the question of jurisdiction, having carefully perused the entire file, including briefs, statements, and, being fully advised in the premises, finds:

That W. N. Wray, Jr., filed in this Court his verified answer wherein it appears that he resides in Oklahoma.

That although given the opportunity by the Court, the plaintiff has not sustained the bruden of refuting such verified answer.

IT IS, THEREFORE, ORDERED that plaintiff's complaint and cause of action be and the same are hereby dismissed for lack of jurisdiction.

ENTERED this 4th day of February, 1971.



UNITED STATES DISTRICT JUDGE

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

MARY STAIGER and EMMA COCHRAN,

Plaintiffs,

vs.

MARY WORLEY, THE AMERICAN NATIONAL BANK
AND TRUST COMPANY, SAPULPA, OKLAHOMA,
ARTHUR FAUST, JERRY FAUST, MARY ELLA WILER,
BRUCE WORLEY and ADA BESSER,

Defendants.

No. 70-C-70

JOURNAL ENTRY OF JUDGMENT

This matter came on for non-jury trial on the 15th day of December, 1970. The Plaintiffs were represented by their attorney, Lester Henderson; the Defendant, American National Bank and Trust Company, Sapulpa, Oklahoma ("Bank" herein) was represented by its attorney, Thomas Allen; and the Defendant, Mary Worley, was represented by her attorney, R. Dobie Langenkamp. The other named Defendants made no appearance in the case.

The Plaintiffs and Defendants called numerous witnesses who testified regarding this matter after being duly sworn. This Court then rendered its Findings of Fact and Conclusions of Law orally from the bench, and based upon said findings,

IT IS ORDERED, ADJUDGED AND DECREED:

1. That the Temporary Injunction entered earlier in this proceeding shall remain in full force and effect for a period of five (5) days from date.
2. That the request of the Plaintiffs herein for the issuance of a permanent injunction restraining the Defendant Bank from giving effect to the revocation of Trust transmitted by Mary Worley to

said Bank be denied, and that Plaintiffs be denied any other or further equitable relief.

3. That the Bank shall be governed by the terms of the Revocable Trust at such time as the Temporary Restraining Order above referred to expires pursuant to this Order.

4. That the costs be absorbed by the Plaintiffs, and there being no basis in fact or law for an award of attorneys' fees in this case, no attorneys' fees to any party herein is allowed.

JUDGE OF THE U. S. DISTRICT COURT

APPROVED AS TO FORM:

LESTER HENDERSON, Attorney for
Plaintiffs, Mary Staiger & Emma Cochran

THOMAS ALLEN, Attorney for
Defendant, American National Bank
and Trust Company, Sapulpa, Oklahoma

R. DOBIE LANGENKAMP, Attorney for
Defendant, Mary Worley

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN

DISTRICT OF OKLAHOMA

LEON LAMBERT & GENE HOLMES,)
)
 Plaintiffs,)
)
 -vs-)
)
 TRANSAMERICA INSURANCE COMPANY,)
)
 Defendant.)

NO. 70-C-105

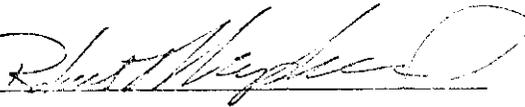
J U D G M E N T

This case came on for trial on the 27th day of January, 1971, before the undersigned Judge, a jury having been waived by both parties. Both parties announced ready for trial and the Plaintiffs introduced their evidence. At the conclusion of the Plaintiffs' evidence, Defendant moved the Court to dismiss Plaintiffs' action for the reason that the Plaintiffs had failed to prove a cause of action, which Motion to Dismiss was overruled by the Court. The Defendant thereupon put on its evidence. At the conclusion of all of the evidence, both sides having rested, the Court entered its findings of fact and conclusions of law rendering judgment for the Plaintiffs and against the Defendant in the amount of TWENTY THOUSAND AND NO/100 (\$20,000) DOLLARS, with interest at the rate of 6% per annum from December 30, 1969, until the date the judgment is filed and thereafter at 10% per annum.

Judge of the United States District Court

APPROVED AS TO FORM:

ROBERT L. SHEPHERD
SELLERS, O'NEAL & LUCAS
Attorneys for Plaintiffs

By 

RHODES, HIERONYMUS, HOLLOWAY & WILSON
Attorneys for Defendant

By 

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LEONARD S. BARNHILL,

Plaintiff,

CIVIL ACTION NO. 70-0-250

vs.
EMILIO L. RICHARDSON, Secretary of
the Department of Health, Education
and Welfare,

Defendant.)

FILED

FEB 19 1971

San Francisco
U. S. DISTRICT COURT

J U D G M E N T

This action came on for consideration by the court for a review of the Hearing Examiner's decision, Department of Health, Education and Welfare, entered on March 31, 1970, and the action of the Appeals Council examining the Examiner's decision dated June 12, 1970, all as provided by 42 U.S.C.A., Section 405(g), and upon the full consideration of all pleadings and transcript of the record,

The JUDGMENT AND DECISION of the hearing Examiner, as the final decision of the Secretary of Health, Education and Welfare, is hereby affirmed.

Dated this 7 day of February, 1971.

UNITED STATES DISTRICT JUDGE

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

HELMERICH & PAYNE INTERNATIONAL DRILLING CO.,
Plaintiff
vs.
KING RESOURCES COMPANY,
Defendant

Civil Action #70-C-360

FILED

FEB - 8 1971

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

CONSENT DECREE ENTERED UPON STIPULATION

The Plaintiff and Defendant herein having entered into a Stipulation, original of which is being filed with the Court, and due deliberation being had thereon, now, on motion of counsel for the Plaintiff, it is:

ORDERED, ADJUDGED AND DECREED that as final judgment in this action the Plaintiff, Helmerich & Payne International Drilling Co., recover of the Defendant, King Resources Company, the sum of Thirty-one Thousand Seventy-one and 64/100 Dollars (\$31,071.64), together with interest thereon at the rate of two percent (2%) per month from the 20th day of August, 1970, until paid, and it is further ordered that execution on judgment be, and the same is hereby, stayed for a period of 90 days from the date hereof, provided that on or before 30 days from the date hereof Defendant shall pay to Plaintiff on said judgment the sum of \$11,455.07, and on or before 60 days from the date hereof the Defendant shall pay to the Plaintiff on said judgment an additional sum in the amount of \$11,455.07, and in the event Defendant fails to make either of said payments, then said stay of execution shall be vacated on motion of Plaintiff.

Dated this 7 day of February, 1971.

Frederick A. ...
UNITED STATES DISTRICT JUDGE

Agreed to:

Leon C. Garas
Attorney for Plaintiff

W. F. ...
Attorney for Defendant

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAMES D. HODGSON, Secretary of Labor)
United States Department of Labor)
Plaintiff)
v.)
MORROW ENGINEERING COMPANY, a Corp.)
Defendant)

Civil Action File

No. 69-C-186 ✓

FILED

FEB 10 1971

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

J U D G M E N T

In accordance with the findings of fact and conclusions of law, made and entered herein on the 15th day of December 1970, it is hereby:

ORDERED, ADJUDGED, and DECREED that the defendant, its officers, agents, servants, employees, and all persons acting or claiming to act in its behalf and interest be, and it hereby is, permanently enjoined and restrained from violating the provisions of sections 15(a)(2) and 15(a)(5) of the Fair Labor Standards Act of 1938 (Act of June 25, 1938, Title 29, U.S.C. 201 et seq.), hereinafter referred to as the Act, in any of the following manners:

I

Defendant shall not, contrary to section 6 of the Act, pay any of its employees who are engaged in commerce or in the production of goods for commerce or who are employed by an enterprise engaged in commerce or in the production of goods for commerce as defined by the Act,

wages at rates less than \$1.60 per hour or such other rate or rates as may be hereafter provided by law. The provisions of this paragraph shall not prevent defendant from paying to any of its employees wages authorized as to such employees by a special certificate issued and in effect under section 14 of the Act.

II

Defendant shall not, contrary to section 7 of the Act, employ any of its employees engaged in commerce or in the production of goods for commerce or employed by it as an enterprise engaged in commerce or in the production of goods for commerce, as defined by the Act, for workweeks longer than 40 hours unless such employees receive compensation for their employment in excess of 40 hours at rates not less than one and one-half times the regular rates at which such employees are employed.

III

Defendant shall not fail to make, keep, and preserve records of its employees, and the wages, hours, and other conditions and practices of employment maintained by it, as prescribed by the regulations of the Administrator issued, and from time to time amended, pursuant to sections 11(c) and 15(a)(5) of the Act and found in Title 29, Chapter V, of Code of Federal Regulations, Part 516.

IV

Defendant is restrained from further withholding the sum of \$5,598.42, together with interest thereon at

the rate of six percent per annum from the date such amounts became due, representing overtime compensation found to be due to defendant's employees. This provision of this order shall be deemed complied with upon defendant's delivering, within 30 days from the date hereof, a certified or cashier's check payable to "U. S. Department of Labor - Wage-Hour" in the aforesaid amount, together with interest as required. Plaintiff shall be responsible for distributing such overtime compensation to the employees entitled thereto, as shown in the findings of fact, less appropriate deductions for social security and Federal income tax. In the event plaintiff is unable to distribute any of such amounts within a reasonable time, either because of inability to locate the employees entitled thereto or because of an employee's refusal to accept same, such amounts shall be covered into the Treasury of the United States as miscellaneous receipts.

V

Defendant shall not request, solicit, suggest, or coerce, directly or indirectly, any employee to return or to offer to return to the defendant or to someone else for the defendant, any money in the form of cash, check, or any other form, for wages previously due or to become due in the future to said employee under the provisions of this judgment or the Act; nor shall defendant accept, or receive from any employee, either directly, or indirectly, any money in the form of cash,

check, or any other form, for wages heretofore or hereafter paid to said employee under the provisions of this judgment or the Act; nor shall defendant discharge or in any other manner discriminate, nor solicit or encourage anyone else to discriminate, against any such employee because such employee has received or retained money due to him from the defendant under the provisions of this judgment or the Act.

VI

It is further ORDERED that costs of the above styled and numbered action shall be taxed to defendant.

Dated this 10th day of February 1971.

E. John Eagleton
UNITED STATES DISTRICT JUDGE

Approved as to form:

E. John Eagleton
KOTHE AND EAGLETON, INC.

Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

WILLIAM GAINES,)
)
Plaintiff,)
)
-vs-)
)
)
MILEX, INC.,)
A Corporation,)
)
Defendant.)

157-1-C-240

FILED

ORDER OF DISMISSAL

U. S. Clerk
COURT

Now on this 9th day of February, 1971, comes the said plaintiff, William Gaines, by his attorneys, Frazier Harris, Dyer, Pate & Hopper, and C. W. (Bill) Pate and thereupon on motion, it is Ordered by the Court that this cause and the same hereby is dismissed at cost of plaintiff, with prejudice to his right to bring a new action in this behalf.

JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

Mrs. Leo Allison,
Plaintiff,
vs.
United States of America,
Defendant.

CIVIL NO. 69-C-276

FILED

FEB 10 1971

JOHN H. POE Clerk
U. S. DISTRICT COURT

J U D G M E N T

This action was submitted to the Court upon stipulations of the parties, and the Court has rendered a decision as expressed in the Memorandum Opinion filed herein on February 1, 1971.

Pursuant to the findings and conclusions set forth in such Memorandum Opinion, It is ORDERED, ADJUDGED and DECREED that the Defendant, United States of America, have judgment against the Plaintiff, denying the prayer of her Complaint.

Dated this 10th day of February, 1971.

15/ Fred Laugherty
UNITED STATES DISTRICT JUDGE

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

SECURITIES AND EXCHANGE COMMISSION, :
Plaintiff :

V. :

Civil Action No. 70-C-185

GEORGE W. BECK III :
INVESTORS INSTITUTE, INCORPORATED, :
Defendants :

FILED
FEB 20 1971

INVESTORS INSTITUTE, INCORPORATED, :
an Oklahoma Corporation, :
Plaintiff :

U.S. District Court
Tulsa, Oklahoma

V. :

Civil Action No. 70-C-121

THE UNITED STATES OF AMERICA, :
SECURITIES AND EXCHANGE COMMISSION, :
an Agency thereof, :
Defendant :

FINAL JUDGMENT OF PERMANENT INJUNCTION

In above entitled and numbered causes, having been heretofore consolidated into Civil Action No. 70-C-121, all parties thereto appeared pro se or by counsel, and the Court having heard the pleadings, the evidence and arguments of counsel, and having heretofore consolidated the hearing for a preliminary injunction with trial on the merits pursuant to Rule 65(a)(2) of the Federal Rules of Civil Procedure, and having heard this case upon its merits; and upon due consideration it appearing to the Court that the Securities and Exchange Commission should be granted the relief prayed for in its

Complaint and the Court being of the opinion that George W. Beck III and Investors Institute, Incorporated will, unless and until permanently enjoined from further violations of Section 203(a) of the Investment Advisers Act of 1940, as amended (15 U.S.C. 80b-3), continue to engage in the business of investment adviser as defined in Section 202(a)(11) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2), without required registration with the United States Securities and Exchange Commission, it is therefore,

ORDERED, ADJUDGED AND DECREED that the preliminary injunction heretofore entered by the Court on November 19, 1970 be and is hereby made permanent and perpetual and further, it is therefore,

ORDERED, ADJUDGED AND DECREED that George W. Beck III and Investors Institute, Incorporated, their agents, servants, employees, attorneys, successors, and assigns, or any other business operated by or under the control of George W. Beck III, be and hereby are permanently enjoined from making use of the mails or any means of instrumentality of interstate commerce while, for compensation, engaging in the business of advising others, either directly or through publications or writing, as to the value of securities or as to the advisability of investing in, purchasing or selling securities, or for compensation and as part of a regular business while issuing or promulgating analyses or reports concerning securities, unless and until registered with the United States Securities and Exchange Commission as required by Section 203(a) of the Investment Advisers Act of 1940, as amended (15 U.S.C. 80b-3); provided however that nothing in the foregoing order of permanent injunction shall apply to any

investment adviser --

a) all of whose clients are residents of the state within which such investment adviser maintains his or its principal office and place of business and who does not furnish advice or issue analyses or reports with respect to securities listed or admitted to unlisted trading privileges on any national securities exchange;

b) whose only clients are investment companies and insurance companies; or

c) who during the course of the preceding twelve months has fewer than fifteen clients and who does not hold himself out generally to the public as an investment adviser.

The Court further orders that a copy of this Final Judgment of Permanent Injunction be served upon George W. Beck III and Investors Institute, Incorporated by the U. S. Marshal.

Entered this 10th day of February 1971.

(5) Allen E. Barrow
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF OKLAHOMA
TULSA DIVISION

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

BETHLEHEM STEEL CORPORATION,)
Buffalo Tank Division,)
a corporation,)
)
Plaintiff,)
vs.)
)
ALTON B. HOLMES, d/b/a)
A. B. HOLMES & COMPANY,)
)
Defendant.)

No. 70-C-275

FILED
FEB 12 1971
JOHN H. BOE, Clerk
U. S. DISTRICT COURT

J U D G M E N T

A Motion by the plaintiff above named for Summary Judgment in its favor for \$15,491.44, plus interest thereon at the rate of 10% per annum from February 2, 1970, until paid, the cost of this action and a reasonable attorney fee of \$3,956, having been duly brought on to be heard, and the court having made an order pursuant thereto granting the plaintiff's motion and directing that judgment be entered herein in the plaintiff's favor granting judgment on plaintiff's complaint and granting plaintiff judgment on defendant's counterclaims, it is hereby

ORDERED, ADJUDGED, AND DECREED as follows:

1. Plaintiff is hereby granted judgment against the defendant for \$15,491.44, plus interest at the rate of 10% per annum from February 2, 1970, until paid, a reasonable attorney fee in the amount of \$3,956, plus the costs of this action, for all of which let execution issue.

2. Plaintiff is granted judgment against the defendant on defendant's counterclaims I and II and the same are hereby dismissed.

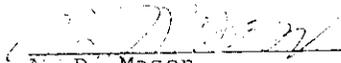
DATED this 12 day of February, 1971.

U. S. District Judge

Approved as to form:



Richard W. Gable
and Gable, Gotwals, Hays, Rubin & Fox
2010 Fourth National Bank Building
Tulsa, Oklahoma 74119
(918) 582-9201



A. D. Mason
and Mason & Mason
336 Court Arcade Building
Tulsa, Oklahoma 74103
(918) 583-1104

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
) Plaintiff,)
)
 vs.)
)
 30.00 Acres of Land, More or Less,)
 Situate in Rogers County, State of)
 Oklahoma, and Charles F. Dominy,)
 et al, and Unknown Owners,)
)
) Defendants.)

CIVIL ACTION NO. 69-C-129

Tract No. 464M

E I L E D

FEB 16 1971

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

J U D G M E N T

1.

NOW, on this 16 day of February, 1971, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies only to the estate condemned in Tract No. 464M, as such estate and tract are described in the Complaint filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on June 18, 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 the Declaration of Taking.

6.

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

7.

On the date of taking in this action, the owner of the estate taken in subject tract was the defendant whose name is shown in paragraph 12 below. Such named defendant is the only person asserting any interest in the estate taken in such tract, all other persons having either disclaimed or defaulted, and such named defendant is entitled to receive the just compensation awarded by this judgment.

8.

The owner of the subject tract and the United States of America have executed and filed herein a Stipulation As To Just Compensation wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in paragraph 12 below, and such stipulation should be approved.

9.

This judgment will create a deficiency between the amount deposited as estimated compensation for subject tract and the amount fixed by the Stipulation As To Just Compensation, and the amount of such deficiency should be deposited for the benefit of the owner. Such deficiency is set out in paragraph 12 below.

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 tract named in paragraph 2 herein, as such tract is particularly described in the Complaint and Declaration of Taking filed herein; and such tract, to the extent of the estate described in such Complaint, is condemned, and title to such described estate is vested in the United States of America as of June 18, 1969, and all defendants herein and all other persons interested in such estate are forever barred from asserting thereto any claim.

11.

It Is Further ORDERED, ADJUDGED, and DECREED that on the date of taking, the owner of the estate condemned herein in subject tract was the

defendant whose name appears below in paragraph 12, and the right to receive the just compensation for the estate taken herein in this tract is vested in the party so named.

12.

It Is Further ORDERED, ADJUDGED, and DECREED that the Stipulation As To Just Compensation, mentioned in paragraph 8 above, hereby is confirmed; and the sum therein fixed is adopted as the award of just compensation for the estate condemned in subject tract as follows:

TRACT NO. 464M

Owner: Charles F. Dominy

Award of just compensation, pursuant to Stipulation - - - - -	\$200.00	\$200.00
Deposited as estimated compensation - - - -	70.00	
Disbursed to owner - - - - -		<u>None</u>
Balance due to owner - - - - -		-\$200.00
Deposit deficiency - - - - -	\$130.00	

13.

It Is Further ORDERED, ADJUDGED, and DECREED that the United States of America shall deposit in the Registry of this Court, in this civil action, to the credit of subject tract, the deficiency sum of \$130.00, and the Clerk of this Court then shall disburse from the deposit for subject tract the sum of \$200.00 to Charles F. Dominy.

Malcolm E. Barron
UNITED STATES DISTRICT JUDGE

APPROVED:

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

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

CCC, INC.,
a corporation,

Plaintiff

-vs-

ATLAS WIRE PRODUCTS
COMPANY, INC., a foreign
corporation,

Defendant.

No. 70-C-304

FILED

FEB 16 1971

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

O R D E R

The Defendant having moved to quash the service of summons and return of summons, and to set aside the purported service of summons on the ground that Defendant had not been properly or sufficiently served with process in this action; and to dismiss the action on the ground of lack of jurisdiction over the Defendant; and said motion having duly come on to be heard before this Court on the 18th day of January 1971; and the Court having examined the record herein, the affidavits submitted by the parties and their respective briefs; and upon hearing Remington Rogers in support of said motion, and Dale F. McDaniel in opposition thereto, the Court found that the summons and service thereof should be quashed, and this action dismissed.

IT IS ORDERED that plaintiff's action be, and the same is hereby, dismissed at plaintiff's costs.

Dated January 18, 1971.

Sutton Robinson
District Judge

*Christy Rogers
Dale F. McDaniel
Remington Rogers
atty for plaintiff*

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION FILE NO. 70-C-245

Ralph L. Rawdon and Mary Ann Rawdon,
Plaintiffs,

vs.

Harold Eldon Stanley.

FILED

FEB 17 1971

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

JUDGMENT

This action came on for trial before the Court and a jury, Honorable Fred Daugherty, Judge , United States District Judge, presiding, and the issues having been duly tried and the jury having duly rendered its verdict,

It is Ordered and Adjudged that the plaintiff, Ralph L. Rawdon, have and recover judgment from the defendant, Harold Eldon Stanley, the sum of Three Hundred Ninety-Seven (\$397.00) Dollars, together with costs; that the plaintiff, Mary Ann Rawdon, take nothing and that her action against Harold Eldon Stanley is hereby dismissed.

Dated at Tulsa, Oklahoma
of February , 1971 .

, this 17th day

JOHN H. POE

Clerk of Court

By *Ben B. Bullen*
Deputy

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

MICHAEL T. BURNETT

Plaintiff

vs.

No. 70-C-292

WILLIAM WALDRON, PARK
BROTHERS TRUCKING COMPANY,
AMERICAN RED BALL TRANSIT
COMPANY, INC., and AETNA
CASUALTY AND SURETY COMPANY

Defendants

FILED

FEB 17 1971

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

ORDER OF DISMISSAL WITH PREJUDICE

This matter coming on for hearing before the Court on this 16th day of February, 1971, upon the application of the plaintiff for order of dismissal with prejudice in this cause, plaintiff appearing by counsel, William F. Powers, and the defendants appearing by counsel, Whitten and McDaniel, by Dale F. McDaniel, and the court being advised in the premises, and having examined the application of the plaintiff herein, finds that all issues of law and fact heretofore existing between the parties have been settled, compromised, released, and extinguished, for valuable consideration flowing from defendants to plaintiff and from plaintiff to defendants, and further finds that there remains no issue of law or fact to be determined in this cause. The court further finds that plaintiff desires to dismiss his cause with prejudice to future actions for the reasons stated and that his application should be stated.

BE IT THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that all issues of law and fact heretofore existing between the plaintiff and all defendants have been settled,

compromised, released, and extinguished, for valuable consideration, and that there remains no issue to be determined in this cause between the parties.

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by the Court that plaintiff's cause, and any causes arising therefrom, be and the same are hereby dismissed with prejudice to all future action thereon.



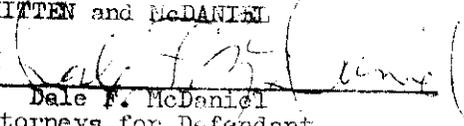
Judge

Approved:



WILLIAM F. POWERS,
Attorney for Plaintiff

WHITTEN and McDANIEL

By 

Dale F. McDaniel
Attorneys for Defendant,
American R & Ball Transit Company
and Aetna Casualty and Surety Co.

ENTERED this 16 day of February, 1971.



UNITED STATES DISTRICT JUDGE

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

United States of America,

Plaintiff,

vs.

Edward Moore and Verlene
Moore,

Defendants.

Civil No. 70-C-295

FILED

FEB 19 1971

WAIN H. FOLEY
DISTRICT CLERK

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 19th day of February, 1971, and the defendants, Edward Moore and Verlene Moore, appearing not.

The Court being fully advised and having examined the files herein finds that personal service was made on the defendants, Edward Moore and Verlene Moore, on September 24, 1970; and

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

That the defendants, Edward Moore and Verlene Moore, did, on October 25, 1960, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note for the sum of \$3,000.00, with interest thereon at the rate of 7% per annum and further providing for the payment of monthly installments of principal and interest; and

It further appears that the defendants, Edward Moore and Verlene Moore, made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make the monthly installments due thereon for more than eleven (11) months prior to September 22, 1970, the date of the filing of this action, which default has continued and that by reason thereof the defendants, are now indebted to the Plaintiff in the sum of \$8,547.50, with interest thereon at the rate of 7% per annum from December 25, 1969, until paid.

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

Lot Twenty-Eight (28), Block Two (2), Devonshire Place Fourth, an Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof.

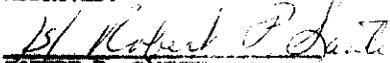
IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have and recover judgment against the defendants, Edward Moore and Verlene Moore, for the sum of \$3,947.50, with interest thereon at the rate of 7% per annum from December 25, 1949, until paid, plus the costs of this action accrued and accruing, plus the sum of \$ 32⁰⁰ expended for Abstracting Fees.

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

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


UNITED STATES DISTRICT JUDGE

APPROVED:


ROBERT P. SAMMES
Assistant U. S. Attorney

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

United States of America,

Plaintiff,

vs.

Civil No. 70-C-388

Willie J. Hill and Deborah Ann
Hill,

Defendants.

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 23 day of
February, 1971, and the defendants, Willie J. Hill and Deborah Ann Hill,
appearing not.

The Court being fully advised and having examined the files
herein finds that personal service was made on the defendants, Willie J.
Hill and Deborah Ann Hill, on December 17, 1970; and

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

That the defendants, Willie J. Hill and Deborah Ann Hill, did,
on January 6, 1969, execute and deliver to the Administrator of Veterans
Affairs, their mortgage and mortgage note for the sum of \$7,950.00, with
interest thereon at the rate of 7% per annum and further providing for the
payment of monthly installments of principal and interest; and

It further appears that the defendants, Willie J. Hill and
Deborah Ann Hill, made default under the terms of the aforesaid mortgage
note and mortgage by reason of their failure to make the monthly install-
ments due thereon for more than seven (7) months prior to December 16, 1970,
the date of the filing of this action, which default has continued and that
by reason thereof the defendants, are now indebted to the Plaintiff in the
sum of \$7,842.33, with interest thereon at the rate of 7% per annum from
May 6, 1970, until paid.

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

Lot Eight (8), Block Three (3), Sunnyland
Addition to the City of Tulsa, Tulsa County,
Oklahoma, according to the recorded plat thereof.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have and recover judgment against the defendants, Willie J. Hill and Deborah Ann Hill, for the sum of \$7,842.33, with interest thereon at the rate of 7% per annum from May 6, 1970, until paid, plus the cost of this action accrued and accruing, plus the sum of \$34.00 expended for Abstracting Fees.

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

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

J. Allen E. Brown
UNITED STATES DISTRICT JUDGE

APPROVED:

Robert P. Santee

ROBERT P. SANTEE

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 May McSpadden Poole,)
 et al, and Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 69-C-127 ✓
Tract No. 459M
Lessor (mineral) Interest Only

FILED
FEB 25 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

J U D G M E N T

1.

NOW, on this 25th day of February, 1971, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on stipulations agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies only to the lessor (mineral) interest in the estate taken in Tract No. 459M, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on June 18, 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 the 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 lessor (mineral) interest in the estate taken in subject tract, a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

On the date of taking in this action, the owners of the lessor (mineral) interest in the estate taken in subject tract were the defendants whose names are shown below in paragraph 12. Such named defendants are the only persons asserting any interest in the lessor (mineral) interest in the estate taken in such tract, all other persons having either disclaimed or defaulted, and such named defendants are entitled to receive the just compensation awarded by this judgment.

8.

The owners of the lessor (mineral) interest in the estate taken in the subject tract, and the United States of America, have executed and filed herein Stipulations As To Just Compensation whereby they have agreed that just compensation for said lessor (mineral) interest in the estate condemned in subject tract is in the amount shown as compensation in paragraph 12 below, and such stipulations should be approved.

9.

This judgment will create a deficiency between the amount deposited as estimated compensation for the lessor (mineral) interest in the estate taken in the subject tract and the amount fixed by the Stipulations As To Just Compensation, and the amount of such deficiency should be deposited for the benefit of the owners. Such deficiency is set out below in paragraph 12.

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 tract named in paragraph 2 herein, as such tract is particularly described in the Complaint and Declaration of Taking filed herein; and such tract, to the extent of the lessor (mineral) interest only, in 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 such Declaration of Taking, and all defendants herein and all other persons interested in

such lessor (mineral) interest are forever barred from asserting thereto any claim.

11.

It Is Further ORDERED, ADJUDGED, and DECREED that on the date of taking, the owners of the lessor (mineral) interest in the estate condemned in subject tract were the defendants whose names appear below in paragraph 12, and the right to receive the just compensation awarded by this judgment is vested in the parties so named.

12.

It Is Further ORDERED, ADJUDGED, and DECREED that the Stipulations As To Just Compensation, mentioned in paragraph 8 above, hereby are confirmed; and the sum thereby fixed is adopted as the award of just compensation for the lessor (mineral) interest in the estate condemned in subject tract as follows:

TRACT NO. 459M

Lessor (mineral) interest only

OWNERS:

Gladys Poole Barrow - - - - - 1/3
May McSpadden Poole - - - - - 1/3
Irene Poole - - - - - 1/3

Award of just compensation, pursuant to Stipulations - - - - -	\$720.00	\$720.00
Deposited as estimated compensation - - - - -	650.00	
Disbursed to owners - - - - -		<u>None</u>
Balance due to owners - - - - -		\$720.00
Deposit deficiency - - - - -	\$70.00	

13.

It Is Further ORDERED that the United States of America shall deposit in the Registry of this Court in this civil action the deposit deficiency for the subject tract in the sum of \$70.00.

The Clerk of this Court then shall disburse from the sum on deposit for the subject tract the award for the lessor (mineral) interest as follows:

To Gladys Poole Barrow - - - - - \$240.00
May McSpadden Poole - - - - - \$240.00
Irene Poole - - - - - \$240.00.

APPROVED:

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

Allen E. Bacon
UNITED STATES DISTRICT JUDGE

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

URBIE PENNINGTON RODGERS,

Petitioner,

vs.

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

Respondent.

NO. 70-C-246

FILED

FEB 25 1971

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

ORDER

The Court has before it a pro se petition for writ of habeas corpus filed by Urbie Pennington Rodgers wherein petitioner alleges his rights guaranteed by the 4th, 5th, 6th and 14th Amendments to the Constitution of the United States have been abridged as follows:

1. That his plea of guilty was not made knowingly and voluntarily, but rather was the result of coercion by his retained counsel and the trial Judge, and from such duress was entered in a state of temporary mental and emotional incapacity.

2. That he was denied the right to appeal.

Therefore, petitioner contends that he is illegally imprisoned in the Oklahoma State Penitentiary and should be released from custody. Petitioner has also filed a motion for appointment of counsel to assist him with his habeas corpus proceeding before this Court.

Petitioner in the State Courts of Oklahoma was convicted by jury of the crime of burglary of a coin-operated machine after former conviction of a felony; and, on appeal, said judgment and sentence was reversed and remanded for new trial (Rodgers v. State, 427 P.2d 116, Okl. 1967). Thereafter, petitioner entered a plea of guilty to the alleged crime, Case No. 21479; filed an appeal out of time, Case No. A-15,120, which was denied October 15, 1969; and, his State habeas corpus was denied May 6, 1970. Thus, petitioner has exhausted his State remedies.

This Court has before it the petition, response, and full and complete records and transcripts of the pertinent State proceedings; and, upon careful review of said file and being fully advised in the premises determines as follows:

1. That petitioner alleges his retained counsel coerced him by threatening to walk out on petitioner on the day set for trial if petitioner did not plead guilty.

The Court finds that the record clearly shows an allegation, said attorney had withdrawn from the case with petitioner's knowledge and with the Court's approval a full month prior to petitioner's appearance and plea of guilty on November 6, 1967. Said attorney had returned to the petitioner the unearned portion of the fee advanced by defendant; and, petitioner acknowledged by letter receipt thereof. Canon 44 of the Oklahoma Professional Ethics, T. S. O.S.A. Ch. 3 App. 3, requires no more. The said attorney did appear in Court with petitioner when petitioner entered his plea of guilty; but, as the testimony of the State Court transcript shows, said attorney appeared as requested by petitioner for the sole and only purpose of checking into the possibility of a lesser sentence being rendered in return for a guilty plea.

2. That petitioner alleges the trial Judge coerced him by forcing petitioner to trial with Attorney Dickey or a public defender, even though petitioner had informed the Court he had no confidence in and would not use a public defender and had money to retain another counsel if given a brief continuance to do so.

The Court finds that petitioner told the trial Court he had paid and was represented by Mr. Dickey--so told the trial Court when petitioner knew he and said attorney had not reached agreement, the attorney had withdrawn from defense a month previously with the Court's permission, and had returned the unearned fee. Petitioner testified that he had "fired" all his lawyers; indeed, the record shows that petitioner has been represented by at least six different retained attorneys since the filing of the information charging the crime for which petitioner is imprisoned. Further, the record is clear that petitioner's trial, after reversal and remand, was originally set on the June, 1967, jury docket; was passed June 6 to June 7; was passed June 7 to June 12; was passed June 12 to June 13; and, June 13, at defendant's request, was passed to the September docket. September 5, 1967, it was stricken at defendant's request to the October jury docket. On October 3, 1967, defendant present, trial was passed at defendant's request to the November jury docket and defendant's attorney, Mr. Dickey, was allowed to withdraw as attorney for defendant, and a public defender appointed.

The Court finds that although a defendant must be given a fair opportunity to secure counsel of his choice, the defendant must act expeditiously to do so, and a continuance for such purpose is within the sound discretion of the trial Court. It is not an abuse of discretion to deny continuance when a defendant indefinitely postpones trial by failure to reach agreement with counsel and repeatedly discharges counsel and employs new counsel. A defendant may not use the right of counsel to play a "cat and mouse" game with the Court, or by ruse or stratagem place the trial Judge in a position in which the Judge appears to be arbitrarily depriving defendant of counsel. *Nunn v. Wilson* 371 F.2d 113 (9th Cir. 1967); *Leino v. U.S.*, 338 F.2d 154 (10th Cir. 1964); and *Sam v. U.S.*, 385 F.2d 213 (10th Cir. 1967).

3. That petitioner alleges that from the harassment, coercion and duress of his trial counsel and trial Judge he was in such an "emotional state of confusion," a state of "emotional and mental incompetence," in which he "trembled" and "completely lost control of himself," a "state of mind amounting to a temporary mental and nervous breakdown," that his plea of guilty was not a knowing and voluntary plea; and, that he "does not of his own accord remember doing so" i.e., pleading guilty.

The Court finds that the alleged temporary emotional and mental incompetence of petitioner was thoroughly gone into in an evidentiary hearing in the State Court on petitioner's motion for new trial and application to withdraw plea, and that the transcript thereof as well as the transcript of the plea and sentence, supports the finding of the State trial Judge, based on that "Court's clear recollection of this incident," and upon which relief was denied in the State Courts. After examination of the transcripts of the State proceedings, this Court is satisfied that the petitioner's rights were fully protected in the State Courts and that there is sufficient evidence from the testimony of the petitioner, lay and professional witnesses to provide ample basis for the decision of the State Court on this matter.

4. That petitioner alleges he was denied his right to appeal.

The Court finds that the failure to perfect an appeal by an attorney, selected and retained by the petitioner's own free choice, is not of itself a basis for discharge on habeas corpus. *Moore v. Ashcroft*, 198 F.2d 725 (10th Cir. 1959); *McKee v. Page*, ___ F.2d ___ (10th Cir. 1970), filed December 15, 1970.

On the findings herein, based on the State records and transcripts before this Court, the Court finds that the petitioner has not been denied any rights guaranteed by the Constitution of the United States; and, therefore, that the petition for writ of habeas corpus of Urbie Pennington Rodgers should be denied.

Further, the Court finds that the appointment of counsel and an evidentiary hearing are not required when there is sufficient evidence before the Court to determine the merits of a petition. Since the Court finds that the petition for writ of habeas corpus should be denied, the motion for appointment of counsel is moot and should be overruled.

IT IS, THEREFORE, ORDERED that petitioner's Motion for Appointment of Counsel to assist in his habeas corpus petition be and it is hereby overruled.

IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus of Urbie Pennington Rodgers be and it is hereby denied and dismissed.

Dated this 25th day of February, 1971, at Tulsa, Oklahoma.


UNITED STATES DISTRICT JUDGE

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

DONALD G. GRISWOLD and)
CLA-VAL CO., INC.,)
)
) Plaintiffs,)
)
 vs.)
)
 OIL CAPITAL VALVE CO.,) No. Civ. 5523
 AEROPARTS MANUFACTURING)
 CO., ROBERT E. RADFORD,)
 and DOROTHY JOYCE RADFORD,)
 as an Individual and as)
 Trustee for Joseph Britton)
 Radford, Janice Joyce Radford,)
 and Robert E. Radford, Jr.,)
)
 Defendants.)

FILED
FEB 26 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

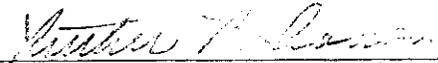
J U D G M E N T

Based upon, and in accordance with the Findings of Fact and Conclusions of Law filed in this cause on the 24th day of February, 1971,

IT IS ADJUDGED AND DECREED:

1. That the defendants above named have and recover judgment against plaintiffs in the sum of \$52,000.00 all in accordance with Findings of Fact Nos. 3 and 4 and Conclusion of Law No. 1.
2. That plaintiffs have judgment against defendants, and defendants shall take nothing from plaintiffs all in accordance with Findings of Fact Nos. 5, 6, 7, 8 and 9 and Conclusions of Law Nos. 2 and 4.
3. That the defendants have and recover judgment for their costs legally taxable and attributable to plaintiffs' patent claims and plaintiffs' infringement claims.
4. That each party shall bear its own costs attributable to defendants' claims for damages asserted against plaintiffs in defendants' second counterclaim.

Dated this 25th day of February, 1971.


United States District Judge

United States District Court

FEB 20 1971

FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

Betty S. Stuart,

CIVIL ACTION FILE NO. 69-C-123

vs.

JUDGMENT

Safeco Insurance Company of America,
a Washington Corp.

This action came on for trial before the Court and a jury, Honorable ALLEN E. BARROW, United States District Judge, presiding, and the issues having been duly tried and the jury having duly rendered its verdict, for the plaintiff, Betty S. Stuart.

It is Ordered and Adjudged that the plaintiff, Betty S. Stuart, have and recover judgment against the defendant, Safeco Insurance Company of America, a Washington Corp., in the sum of Thirty-Two Thousand (\$32,000.00) Dollars, with interest at the rate of 10% from date of judgment, which was February 29, 1969, and her cost of action.

Dated at Tulsa, Oklahoma, this 26th day
of February, 1971.

JOHN H. POE
Clerk of Court

By [Signature]

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

SOUTHWIDE BAPTIST FOUNDATION)
and CADENCE CORPORATION,)
)
Plaintiffs,) 70-C-28
)
vs.)
)
TULSA CRUDE OIL PURCHASING)
COMPANY,)
)
Defendant.)

FILED

FEB 26 1971

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

ORDER OVERRULING PLAINTIFFS' MOTION TO OBTAIN
RELIEF FROM JUDGMENT AND ORDER OF
COURT

The Court has for consideration the plaintiffs' motion to obtain relief from judgment and order of Court, the brief in support thereof, and, being fully advised in the premises, finds:

That said motion should be overruled.

IT IS, THEREFORE, ORDERED that plaintiffs' motion to obtain relief from judgment and order of Court be and the same is hereby overruled.

ENTERED this 26th day of February, 1971.



UNITED STATES DISTRICT JUDGE

