

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

United States of America,

Plaintiff,

vs.

Civil No. 70-C-340

Eddie Lee Taylor, Janice Kay  
Taylor, Wayne Howard Wilson,  
Lloyd P. Miller, Ardena E. Miller,  
if living, or if not her unknown  
heirs, executors, or administra-  
tors, Oklahoma Tax Commission, and  
Gary Williams,

Defendants.

**FILED**  
JOHN J. CLARK, Clerk  
U.S. DISTRICT COURT

J U D G M E N T

NOW, on this 31 day of March, 1971, there came on for consideration this matter. The Court finds that the Complaint herein was filed on October 27, 1970, and that this is a civil action of quiet title, jurisdiction being invoked under Title 28, Section 1345 U.S.C.

The Court finds that personal service was had upon the following defendants: Wayne Howard Wilson, Oklahoma Tax Commission and Lloyd P. Miller.

The Court further finds that service by publication was had upon the following defendants: Eddie Lee Taylor, Janice Kay Taylor, Ardena E. Miller, if living, or if not her unknown heirs, executors, or administrators, and Gary Williams, by virtue of an Order entered herein on February 8, 1971.

The Court further finds that the following named defendant has entered its Answer and Cross-Petition herein: Oklahoma Tax Commission.

The Court further finds that no Answer or Appearance has been made on behalf of Eddie Lee Taylor, Janice Kay Taylor, Wayne Howard Wilson, Lloyd P. Miller, Ardena E. Miller, if living, or if not her unknown heirs, executors or administrators and Gary Williams.

The Court finds that the averments and allegations of the plaintiff's Complaint are true and correct. The Court further finds that judgment should be entered against all the named defendants adjudging and decreeing that the United States of America, on behalf of the Administrator of Veterans Affairs, is the owner of the land title in fee simple and to the below described real property, free and clear of all rights, claims or interests of such defendants;

that the subject defendants should be adjudged to have no right, title or interest in such real property and that such defendants should be permanently barred and enjoined from asserting any right, title or interest in and to such property, and that the fee simple title thereto should be quieted and confirmed as against said defendants and that the forged instruments be expunged from the record, cancelled and held for naught; and that the United States of America, on behalf of the Administrator of Veterans Affairs, should be adjudged the owner of the fee simple title to the following described real property situated in the City of Tulsa, Tulsa County, Oklahoma and further should be adjudged to be entitled to the immediate possession thereof, to-wit:

Lot 2, Block 6, Suburban Acres Third Addition  
in the City of Tulsa, Tulsa County, Oklahoma,  
according to the recorded plat thereof.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED and DECREED that the plaintiff, United States of America, recover judgment against the defendants, Eddie Lee Taylor, Janice Kay Taylor, Wayne Howard Wilson, Lloyd P. Miller, Ardna E. Miller, if living, or if not her unknown heirs, executors, or administrators, Oklahoma Tax Commission, and Gary Williams, adjudging and decreeing that the United States of America, on behalf of the Administrator of Veterans Affairs, is the owner of the legal title in fee simple in and to the above-described real property free and clear of all right, title or interest of such named defendants; that the subject defendants have no right, title or interest in and to such real property and that they are permanently barred and enjoined from asserting any right, title or interest to such property and the fee simple title thereto is quieted and confirmed against said defendants and the forged instruments referred to in the Complaint are expunged from the record, cancelled and held for naught; and further that the United States of America, on behalf of the Administrator of Veterans Affairs, is the owner of the fee simple title to the above-described property and is entitled to the immediate possession thereof.

  
UNITED STATES DISTRICT JUDGE

APPROVED:

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ROBERT P. SAWTEE  
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-325

Ira L. King, Judy A. King,  
Earl L. Williams, Lois S. Williams,  
Credit Plan, Incorporated,  
Chandler Materials Company, an  
Oklahoma Corporation,  
Hope Lumber and Supply Company,  
Bagby-Harris Concrete Company,  
City Finance Company of Fourth  
Street, Inc.,

Defendants.

**FILED**

JOHN W. PAUL, Clerk  
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 31 day of March, 1971. The defendants, Ira L. King, Judy A. King, Earl L. Williams, Lois S. Williams, Credit Plan, Incorporated, Chandler Materials Company, an Oklahoma Corporation, Hope Lumber and Supply Company, Bagby-Harris Concrete Company, City Finance Company of Fourth Street, Inc., appearing not; and

The Court being fully advised and having examined the file herein finds that due and legal service of summons has been made on the defendants, Earl L. Williams, Credit Plan, Incorporated, Hope Lumber and Supply Company, Chandler Materials Company, an Oklahoma Corporation, and City Finance Company of Fourth Street, Inc., on October 15, 1970, and Bagby-Harris Concrete Company on October 16, 1970; and

It further appearing and the Court finds that legal service by publication was made upon the defendants, Ira L. King, Judy A. King and Lois S. Williams, as appears by Proof of Publication filed herein on ~~March 30, 1971~~ requiring each of them to answer the Complaint filed herein not later than March 24, 1971, and it appearing that said defendants have failed to file an Answer herein and their default has been entered by the Clerk of this Court; and

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

Lot 16, Block 40, Valley View Acres Second Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

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

That the defendants, Ira L. King, and Judy A. King, Jt., on October 7, 1966, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note for the sum of \$1,000.00, with interest thereon at the rate of 1% per annum, and further provides for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Earl L. Williams and Lois S. Williams, have or claim some right, title, or interest in and to the premises herein being foreclosed by reason of a General Warranty Deed, dated October 26, 1967, and filed of record November 3, 1967, in Book 3327 at Page 753, in the Office of the County Clerk of Tulsa County, Oklahoma, but in this regard, plaintiff states that whatever right, title, or interest the defendants, Earl L. Williams and Lois S. Williams, have in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this plaintiff; and

The Court further finds that the defendant, Credit Plan, Incorporated, has or claims some right, title, or interest in and to the premises herein being foreclosed by reason of a Real Estate Mortgage, dated September 15, 1963, and filed of record October 17, 1963, in Book 3366, Page 722, in the Office of the County Clerk of Tulsa County, Oklahoma, and a Second Real Estate Mortgage, dated October 3, 1963, and filed of record, October 17, 1963, in Book 3905, Page 2055, in the Office of the County Clerk of Tulsa County, Oklahoma, but in this regard, plaintiff states that whatever right, title or interest the defendant, Credit Plan, Incorporated, has in and to said property being foreclosed is junior and inferior to the first mortgage lien of this plaintiff; and

The Court further finds that the defendant, Chandler Materials Company, an Oklahoma Corporation, has or claims some right, title, or interest in and to the premises herein being foreclosed by reason of a Judgment dated May 27, 1969, and entered May 28, 1969, in The District Court Within and For Tulsa County, Oklahoma, being No. CSJ-19-823, but in this regard, plaintiff states that whatever right, title, or interest the defendant, Chandler Materials Company, an Oklahoma Corporation, has in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this plaintiff; and

The Court further finds that the defendant, Hope Lumber and Supply Company, has or claims some right, title, or interest in and to the premises herein being foreclosed by reason of a Judgment dated September 18, 1969, and entered September 26, 1969, in the District Court Within and For Tulsa County, Oklahoma, being No. CSJ-69-2241, but in this regard, plaintiff states that whatever right, title, or interest the defendant, Hope Lumber and Supply Company, has in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this plaintiff; and

The Court further finds that the defendant, Bagby-Harris Concrete Company, has or claims some right, title, or interest in and to the premises herein being foreclosed by reason of a Judgment dated October 24, 1969, and entered October 25, 1969, in the District Court Within and For Tulsa County, Oklahoma, being No. CSJ-69-2596, but in this regard, plaintiff states that whatever right, title, or interest the defendant, Bagby-Harris Concrete Company, has in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this plaintiff; and

The Court further finds that the defendant, City Finance Company of Fourth Street, Incorporated, has or claims some right, title, or interest in and to the premises herein being foreclosed by reason of a Judgment dated November 14, 1969, and entered November 17, 1969, in the District Court Within and For Tulsa County, Oklahoma, being No. CSJ-69-2752, but in this regard, plaintiff states that whatever right, title, or interest the defendant, City Finance Company of Fourth Street, Incorporated, has in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this plaintiff; and

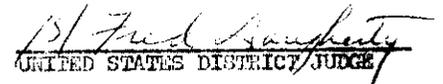
It further appears that the defendants, Ira L. King and Judy A. King, and Earl L. Williams and Lois S. Williams, made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make monthly installments due thereon on September 1, 1969, which default has continued and that by reason thereof the defendants, Ira L. King and Judy A. King, and Earl L. Williams and Lois S. Williams, are now indebted to the plaintiff in the sum of \$9,524.08, as unpaid principal, with interest thereon at the rate of 6% per annum from September 1, 1969, until paid, plus the cost of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the plaintiff, United States of America, have and recover judgment against the defendants,

Ira L. King and Bessie M. King, and Carl L. Williams and Lela P. Williams,  
for the sum of \$1,524.00, with interest thereon at the rate of 6% per annum  
from September 1, 1941, until paid, plus the cost of this action accrued and  
accruing, and the sum of \$32.00 expended for Abstracting Fees, and the sum  
of \$62.00 expended for Hazard Insurance Premium.

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

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

  
UNITED STATES DISTRICT JUDGE

APPROVED:

ROBERT P. Santee  
Assistant U. S. Attorney

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

EUGENE BROWN, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 ROBERT CAMPBELL, )  
 )  
 Defendant. )

NO. 70-C-347

**FILED**  
APR - 2 1971  
J. H. POE, Clerk  
U. S. DISTRICT COURT

ORDER OF DISMISSAL

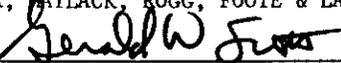
ON this 2nd day of April, 1971, upon the written applica-  
tion of the parties for a Dismissal with Prejudice of the Complaint and  
all causes of action, the Court having examined said application, finds  
that said parties have entered into a compromise settlement covering all  
claims involved in 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 dis-  
missed 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.

  
JUDGE, UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

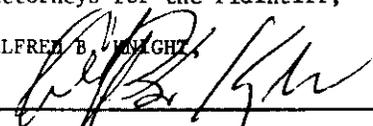
APPROVAL:

HOUSTON, KLEIN & DAVIDSON,  
BLAIR, MATLACK, ROGG, FOOTE & LAMBDIN,

By: 

Attorneys for the Plaintiff,

ALFRED B. WRIGHT,



Attorney for the Defendant.



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

KENNETH EUGENE SUTTON,

Petitioner,

PEOPLE OF THE STATE OF  
OKLAHOMA, et al.

Respondents.

NO. 71-C-84

**FILED**

APR 2 1971

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

O R D E R

The Court has before it a pro se instrument seeking to have T. 21 O.S.A. § 51 declared unconstitutional which the petitioner, Kenneth Eugene Sutton, asks be filed in forma pauperis.

The petitioner's writing has been perused for a valid or meritorious claim, and the Court finds the instrument is frivolous and without merit and should be denied.

The Court finds that the Oklahoma recidivist statute, T. 21 O.S.A. § 51, et seq., is not unconstitutional. The validity of recidivist statutes has been decided and it is held they do not abridge the guarantees of the Constitution of the United States against double jeopardy, self-incrimination, cruel and unusual punishment, and the due process and equal protection clauses of the Fifth and Fourteenth Amendments. Further, the habitual criminal statute of Oklahoma does not define or describe a new and additional offense, but merely provides conditions under which one convicted of a crime may be given a heavier penalty. *Cyler v. Boles, Warden*, 368 U.S. 447 (1962); *Washington v. U.S.*, 401 F.2d 312 (D.C.Cir. 1968); *Sanders v. Waters*, 199 F.2d 317 (10th Cir. 1952); and *Williams v. Page*, 289 F.Supp. 661 (E.D.Okla. 1968).

IT IS, THEREFORE, ORDERED that the in forma pauperis application to proceed without payment of costs herein be and it is hereby overruled and denied, and the petition is dismissed.

Dated this 2nd day of <sup>April</sup> ~~March~~, 1971, at Tulsa, Oklahoma.

  
UNITED STATES DISTRICT JUDGE

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

WILLIAM G. FISCHER,

Petitioner,

NO. 71-C-92

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

Respondent.

**FILED**  
APR 2 1971  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

O R D E R

The Court has before it a habeas corpus petition filed pro se in forma pauperis by William G. Fischer. Further, the Court has received a letter from the petitioner requesting to withdraw said petition on the admitted grounds that petitioner has not exhausted his State remedies.

The Court finds that the laws of the State of Oklahoma provide for direct appeal, 22 O.S.A. § 1051 et seq.; and for post-conviction relief, Post Conviction Procedure Act, Section 1, Chapter 220, O.S.L. 1970, 22 O.S. Supp 1970, § 1080 to 1088, effective July 1, 1970; and prior thereto by Section 1, Chapter 165, O.S.L. 1965 (22 O.S. Supp. 1969 § 1073) repealed as of July 1, 1970. Further, the laws of the State of Oklahoma protect the right of every person to due process of law and give any person illegally held in custody within the State the right to habeas corpus protection in the State Courts, Okl. St. Ann. Const. Art. 2 §§ 7 and 11, 12 Okl. St. Ann. § 1331 et seq.

The Court finds that the in forma pauperis petition herein should be denied because it is premature in the Federal Courts, the petitioner by his own admission having failed to exhaust his available and adequate State remedies.

IT IS, THEREFORE, ORDERED that the in forma pauperis petition for habeas corpus of William G. Fischer be and it is hereby denied and dismissed.

Dated this 2nd day of April, 1971, at Tulsa, Oklahoma.

Allen E. Berman  
UNITED STATES DISTRICT JUDGE

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

CHARLES SEQUOYAH GUESS,

Plaintiff,

vs.

GENERAL AMERICAN LIFE INSURANCE  
COMPANY,

Defendant.

)  
)  
) 70-C-137  
)  
)  
)  
) **FILED**  
) APR - 2 1971  
) JOHN H. POE, Clerk  
) U. S. DISTRICT COURT

ORDER OVERRULING PLAINTIFF'S MOTION TO REINSTATE COMPLAINT

The Court has for consideration the Plaintiff's Motion to Reinstatement Complaint, the briefs in support and opposition thereto, and, being fully advised in the premises, finds:

That said motion should be overruled.

IT IS, THEREFORE, ORDERED that plaintiff's motion to reinstate complaint be and the same is hereby denied.

ENTERED this 24 day of April, 1971.

Carol E. Benson  
UNITED STATES DISTRICT JUDGE



"Aetna Casualty and Surety company \*\*\* agrees with the insured, \*\*\* Part I-Liability \*\*\* to pay on behalf of the insured all sums which the insured shall become legally obligated to pay as damages because of:

A. bodily injury \*\*\* including death resulting therefrom, \*\*\* sustained by any person;

B. injury to or destruction of property, \*\*\*.

arising out of the ownership, maintenance or use of the owned automobile or any nonowned automobile \*\*\*.

\*\*\*

#### PERSONS INSURED

The following are insureds under Part I:

(a) with respect to the owned automobile,

(1) the named insured and any resident of the same household,

(2) any other person using such automobile with the permission of the named insured, provided his actual operation or (if he is not operating) his other actual use thereof is within the scope of such permission, and

(3) any other person or organization but only with respect to his or its liability because of acts or omissions of an insured under (2) (1) or (2) above; \*\*\*."

3. The Court finds that the State Farm Mutual Automobile Insurance Company issued its automobile liability policy Number 940 770-A15-36 and 919 547-C06-36, to Lester C. Watson and Evelyn Watson, Route 4, Box 523, Claremore, Oklahoma, providing coverage for a 1965 one-half ton Chevrolet pickup truck and a 1964 4-door Chevrolet automobile, each policy providing bodily injury limits of \$15,000.00 each person and \$30,000.00 each accident, and property damage limits of \$10,000.00 each accident, which policies were in full force and effect on the 14th day of September, 1969.

4. The Court finds that the said automobile liability policies issued by the State Farm Mutual Insurance Company provide as follows:

"State Farm Mutual Automobile Insurance Company \*\*\*  
agrees with the named insured \*\*\*  
INSURING AGREEMENT I - THE OWNED AUTOMOBILE \*\*\*

(1) To pay on behalf of the insured all sums which the insured shall become legally obligated to pay as damages because of  
(A) bodily injury sustained by other persons, and  
(B) property damage, caused by accident arising out of the ownership, maintenance or use \*\*\* of the owned automobile.

\*\*\*

INSURING AGREEMENT II - NON-OWNED AUTOMOBILES

If the named insured is a person or persons and if during the policy period such named insured owns an automobile covered by this policy \*\*\* such insurance as is afforded by this policy with respect to the owned automobile under:

(1) coverages A and B applies to the use of a non-owned automobile by:

- (a) the first person named in the declaration or,
- (b) if residents of the same household, his spouse or the relatives of either, and

\*\*\*

provides such use, operation, occupancy or custody is with the permission of the owner or person in lawful possession of such automobile.

\*\*\*

CONDITIONS - INSURING AGREEMENTS I and II

\*\*\*

15. Other Insurance \*\*\*

(b) The insurance with respect to \*\*\* a non-owned automobile shall be excess over other collectible insurance."

5. The Court finds that the Independence Fire and Casualty Company issued its Policy Number FA4-3741 to Leo Clinton, Route 1, Oologah, Oklahoma, covering a 1963 Ford Galaxie automobile with bodily injury limits of \$5,000.00 each person and \$10,000.00 each accident, and that said policy was in full force and effect on September 14, 1969.

6. The Court finds that said automobile liability policy of Independence Fire and Casualty Company provides as follows:

"INDEPENDENCE FIRE AND CASUALTY COMPANY \*\*\* agrees with the insured \*\*\*

PART I - LIABILITY

\*\*\* To pay on behalf of the insured all sums which the insured shall become legally obligated to pay as damages because of:

A. bodily injury \*\*\* including death resulting therefrom \*\*\* sustained by

B. injury to or destruction of property \*\*\*

arising out of the ownership, maintenance or use of the owned automobile or any non-owned automobile \*\*\*

PERSONS INSURED: The following are insureds under Part I:

(a) with respect to the owned automobile,

(1) the named insured and any resident of the same household,

\*\*\*

(b) with respect to a non-owned automobile,

(1) the named insured,

(2) any relative, but only with respect to a private passenger automobile or trailer

provided his actual operation or, if he is not operating, the actual use thereof is with the permission, or reasonably believed to be with the permission, of the owner and is within the scope of such permission, and

\*\*\*

Other Insurance: If the insured has other insurance against a loss covered by Part I of this policy \*\*\* provided, however, the insurance with respect to \*\*\* or non-owned automobile shall be excess insurance

over any other valid and collectible insurance."

7. The Court finds that on September 14, 1969, Charles Hunt was the son of Clifford and Mary Hunt and a resident of their household; that Dale Watson was the son of Lester C. and Evelyn Watson and a resident of their household; and that Michael Clinton was the son of Leo Clinton and a resident of his household.

8. The Court finds that on September 14, 1969, Charles Hunt was the owner of a 1963 Chevrolet Impala automobile; that said automobile was insured by the Aetna Casualty and Surety Company in the name of Clifford R. Hunt and Mary Hunt; that Clifford R. Hunt and Mary Hunt had given specific instructions to Charles R. Hunt not to let any other person operate the 1963 Chevrolet Impala automobile.

9. That on September 14, 1969, Charles Hunt, Michael Clinton, Dale Watson, Cinda Kay Dudley and Linda Mae Dudley were riding in the 1963 Chevrolet Impala automobile. That Charles Hunt permitted Cinda Kay Dudley to operate said automobile in and around Oolagah Lake; that thereafter he permitted Michael Clinton to use said automobile while he remained at the apartment of Linda Mae Dudley with her and Cinda Kay Dudley and Dale Watson. That thereafter when Michael Clinton returned in the automobile to the area of the Dudley girls' apartment Dale Watson forced himself into the driver's side of said automobile advising Michael Clinton that Clifford Hunt had given him permission to operate said vehicle. That Michael Clinton rolled down the window on the passenger side of said vehicle and attempted to verify Dale Watson's statement that he had permission to operate said vehicle but was effectively prevented from doing so by the actions of Dale Watson who turned the tape deck in said automobile to full volume and drove rapidly away from the parking area in front of the Dudley girls' apartment.

10. The Court finds that Dale Watson did not have permission to operate the car from Clifford Hunt, Mary Hunt, Charles Hunt or Michael Clinton. That he in fact knowingly took said car without permission. That at the time he took said car from Michael Clinton's custody, Michael Clinton having ridden with Dale Watson on one occasion was not acquainted with and had no knowledge of Dale Watson's driving ability. The Court further finds that Dale Watson was a high school graduate and during high school had taken and passed a drivers education course.

11. The Court finds that after taking the Hunt vehicle Dale Watson drove Michael Clinton to his home, thereafter went joy riding on a mission of his own and while so doing was involved in an automobile accident wherein Edith Marie Mills and Patsy Teel were killed and Wilford Lamar Teel and Thomas A. Teel suffered injuries. That as a result of said accident, suits are now pending in the District Court of Tulsa County seeking damages as a result of said accident and resulting deaths and injuries. That demands have been made upon the Aetna Casualty and Surety Company, the State Farm Mutual Automobile Insurance Company and the Independence Fire and Casualty Company to defend and indemnify their respective insureds and the driver of the Hunt vehicle, Dale Watson, as a result of the damages sustained in said accident.

12. The Court finds that at the time of the accident the vehicle which Dale Watson was operating was a "non-owned" automobile under the terms of the insurance contract issued by the State Farm Mutual Automobile Insurance Company and the Independence Fire and Casualty Company.

13. The Court finds that at the time of the accident and at the time of trial Dale Watson was a legally competent person.

#### CONCLUSIONS OF LAW

1. The Court holds that 28 U.S.C. §§2201 et seq. vests this Court with jurisdiction to determine the rights and responsibilities of the parties thereto under the insurance contracts

issued by the Aetna Casualty and Surety Company, the State Farm Mutual Automobile Insurance Company and the Independence Fire and Casualty Company.

2. That the Court has acquired personal jurisdiction of the parties involved herein.

3. That the policy issued by the Aetna Casualty and Surety Company to Clifford R. Hunt and Mary Hunt does not afford coverage for the accident of September 14, 1969, and that the Aetna Casualty and Surety Company is not obligated to defend or indemnify Clifford R. Hunt, Mary Hunt, Charles Hunt, or Dale Watson in any action arising out of said accident.

4. That the policies issued by the State Farm Mutual Automobile Insurance Company does not afford coverage for the accident of September 14, 1969, and that the State Farm Mutual Insurance Company is not obligated to defend or indemnify Dale Watson in any action arising out of said accident.

5. That the policy issued by the Independence Fire and Casualty Company does not afford coverage for the accident of September 14, 1969, that the said Independence Fire and Casualty Company is not obligated to defend or indemnify Michael Clinton or Dale Watson in any action arising from the said accident.

JUDGMENT

Judgment is hereby entered in favor of Aetna Casualty and Surety Company, the State Farm Mutual Automobile Insurance Company, and the Independence Fire and Casualty Company decreeing they have no coverage and are not obligated to defend or indemnify as to any claims arising out of the accident of September 14, 1969.

ENTERED this 2nd day of April, 1971.

  
UNITED STATES DISTRICT JUDGE

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

PAUL B. LEGGETT, and ONE-HOUR )  
MARTINIZING, A Co-Partnership )  
composed of RALPH PRETTI and )  
LEROY HOPKINS, Liquidating )  
Partner, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
THE HOME INDEMNITY COMPANY, )  
 )  
Defendant. )

NO. 70-C-51  
70-C-53

FILED  
1971  
Clerk  
DISTRICT COURT

J U D G M E N T

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The above cause came on for trial the 18th day of March, 1971. Case numbered 70-C-53 being heretofore consolidated with the above-styled case, numbered 70-C-51; and trial by jury being waived by agreement of parties. The Plaintiff, Paul B. Leggett, appeared by his counsel, Floyd L. Walker and A. M. Brown; Plaintiffs, Ralph Pretti and Leroy Hopkins, appeared by their counsel, C. D. Tomlins, Floyd L. Walker and A. M. Brown; Defendant, The Home Indemnity Company, appeared by its counsel, Richard D. Wagner and Alfred B. Knight. All parties having announced ready for trial, this Court proceeded to hear evidence offered by the parties, and being fully advised in the premises, this matter was submitted to the Court by all parties for decision.

This Court having duly considered the evidence, finds that the allegations of Plaintiffs' Complaint in 70-C-51 are not supported by the evidence, and Judgment is therefore rendered for the Defendant therein; the alleged injuries complained of by Paul B. Leggett was not "caused by accident" for which coverage was afforded under the contract of insurance issued by Home Indemnity Company; Home Indemnity Company did not breach said contract of insurance by its refusal to defend the claims made by Paul B. Leggett; therefore, Judgment is rendered for Home Indemnity Company in case number 70-C-53. It is adjudged that no liability or obligation exists from Home Indemnity Company to Ralph Pretti, Leroy Hopkins, or Paul B. Leggett. It is further adjudged

that said Plaintiffs are enjoined and restrained from prosecuting any action or claim against Home Indemnity Company predicated upon such contract of insurance arising out of this occurrence. It is further adjudged that Home Indemnity Company recover its costs from the said Plaintiffs herein, in each of said consolidated actions.

DATED THIS 2<sup>nd</sup> day of ~~March~~, 1971.

*April*

*S. Allen E. Bassett*  
The United States District Judge  
for the Northern District of Oklahoma

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

BERNICE WALKER, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 DR. LAWRENCE K. JOHNSON, )  
 DR. CLARENCE H. JOHNSON and )  
 AFTON MEMORIAL HOSPITAL, )  
 )  
 Defendants. )

NO. 70-C-91

**FILED**

APR - 2 1971

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

ORDER OF DISMISSAL

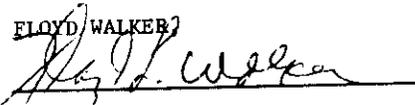
ON this 2 day of April, 1971, upon the written application of the parties for a Dismissal with Prejudice of the Complaint and all causes of action, the Court having examined said application, finds that said parties have entered into a compromise settlement covering all claims involved in the Complaint 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 defendants be and the same hereby is dismissed with prejudice to any future action.

  
JUDGE, UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

APPROVAL:

FLOYD WALKER



Attorney for the Plaintiff,

ALFRED B. KNIGHT,



Attorney for the Defendant.

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

LOUELLA JEAN LUETHJE, as  
Executrix of the Estate of  
Russell James Luethje, Deceased,  
Plaintiff,

vs.

CARL A. HAWS, and GIFFORD-HILL  
& COMPANY, INC., a corporation  
and common carrier by motor  
vehicle and/or contract carrier  
by motor vehicle, survivor of  
and d/b/a WALES TRUCKING CO.,  
of Hartford, Conn., and WALES  
TRUCKING COMPANY, a corporation,  
and WALES TRANSPORTATION, INC.,  
a corporation,

Defendants.

No. 70-C-344

**E I L E D**

APR - 5 1971

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

ORDER OF REMAND

This cause came on for consideration and argument on January 18, 1971, upon plaintiff's Motion to Remand this cause to the District Court of Creek County, Oklahoma, Drumright Division.

After argument the Court requested Briefs from the parties touching upon the questions involved, and the parties have submitted Briefs as ordered.

Now, upon consideration of the argument heretofore heard and the Briefs submitted by the parties in support of and in opposition to said Motion to Remand, and the Court having carefully considered the same, is of the opinion that plaintiff's Motion to Remand should be granted.

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

Dated this 2<sup>nd</sup> day of April, 1971.

Luther Bohanon  
United States District Judge

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

WILLIAM SANDERS,

Petitioner,

vs.

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

Respondent.

NO. 71-0-44

**FILED**

APR - 9 1971

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

ORDER

The Court has before it a pro se, in forma pauperis petition for Writ of Habeas Corpus filed by Dedlorn Sanders, a prisoner in the Oklahoma State Penitentiary, wherein petitioner alleges he is imprisoned in violation of his rights guaranteed by the Constitution of the United States in that (1) his plea of guilty was not knowing and voluntary, but entered only because he was in fear of the death penalty and upon coercion, duress and instructions of his retained counsel, and upon said counsel's promise that a lighter sentence would be imposed for a guilty plea; (2) numerous errors were made in the trial prior to his plea, i.e., he was not permitted to introduce all defense witnesses and all pertinent facts were not presented, there was insufficient evidence to show premeditated design or intent, etc., and (3) he was denied his right to appeal because not advised thereof by the trial Court and denied effective assistance of counsel.

The Court has carefully read the petition, response and attachments, including a transcript of the plea and sentence, and the Court finds as follows, to-wit:

1. That the petitioner, Dedlorn Sanders, was tried in the Tulsa County District Court of Oklahoma for the crime of murder, Case No. 23736. Therein, while jury trial was in progress, the defendant waived jury and entered a plea of guilty on February 13, 1969. Petitioner has exhausted his state remedies by habeas corpus or appeal out of time, Case No. A-15,803, denied February 25, 1970, and by writ of habeas corpus, Case No. A-16,079, dismissed May 27, 1970, by the Oklahoma Court of Criminal Appeals.

2. That the transcript of the plea and sentence conclusively shows, from the petitioner's statements in open Court to the trial Judge, that petitioner's plea was knowing and voluntary, free of coercion or threat

and a defense counsel or any person, and that his plea of guilty was because he was guilty of the crime charged. Further, the trial Court explained the severity of the sentence to the petitioner, that the crime of murder was punishable by death or life imprisonment and hard labor in the State penitentiary. The trial Court even went so far as to explain to petitioner that in all probability a jury trial would not result in the death penalty.

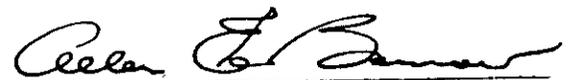
3. That a knowing and voluntary plea, as made in this instance, waives prior procedural defects and constitutional infirmities if any there be, and a sentence entered after such knowing and voluntary plea is not subject to collateral attack.

4. That petitioner was represented at trial by counsel of his own choice, during trial waived jury, and entered a knowing and voluntary plea of guilty. Under these circumstances, and as reflected at pp. 9 and 10 of the plea and sentence transcript, petitioner was adequately advised by the trial Court of his right to appeal. He was further advised that he would be held in Tulsa County jail for 10 days to file a written notice of intent to appeal if he so desired. *Mullins v. Page*, 443 P.2d 773, Okl. Cr. 1968.

The Court finds there is sufficient evidence before it to determine the merits of the petition, thus an evidentiary hearing is not required; and, that the petition for writ of habeas corpus of DeLorn Sanders is without merit as set forth above and that said petition should be denied.

IT IS, THEREFORE, ORDERED that the petition for writ of habeas corpus of DeLorn Sanders be and the same is hereby denied and dismissed.

Dated this 9th day of April, 1971, at Tulsa, Oklahoma.

  
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. 71-C-69

**FILED**

APR 9 1971

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

O R D E R

The Court has before it a petition for Writ of Habeas Corpus filed pro se by petitioner, Jessie James Haynes. The Court finds that this petition is practically verbatim to a like petition filed by this petitioner, bearing Case No. 70-C-311, and denied by this Court October 19, 1970. The previous denial was based on findings that the petitioner had not presented the issue raised therein to the State Courts for their determination; and thus, the petitioner had failed to exhaust his State remedies. The petitioner in his present petition makes no showing that such defect has been cured, or that State process is ineffective.

Petitioner did appeal State causes of action No. 23295 and No. 23300, wherein he pled guilty to 2nd Degree Rape, to the Oklahoma Court of Criminal Appeals, No. A-15,042 and A-15,043. However, the mandates filed June 24, 1970, on file in the Tulsa County Courthouse, reflect that the only grounds alleged in the State appeals was whether the defendant should have been committed to a mental institution for observation and determination of defendant's sanity, and whether the sentence was excessive. His present claim that his pleas of guilty were the result of fear from the harrassment and threats of the District Attorney and petitioner's Court-appointed defense attorneys has not been presented to the State Courts; and, until the State Courts have had an opportunity to rule on such allegation, the matter is premature in this Federal Court.

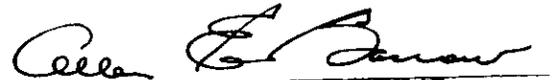
The laws of the State of Oklahoma provide for post-conviction relief, Post Conviction Procedure Act, Section 1, Chapter 220, O.S.L. 1970, 22 O.S. Supp. 1970, §§ 1080 to 1088, effective July 1, 1970; and prior thereto by Section 1, Chapter 165, O.S.L. 1965 (22 O.S. Supp. 1965 & 1972) repealed as of July 1, 1970. Further, the laws of the State of

to protect the right of every person to due process of law and  
to free 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.

The Court finds that the petition herein should be denied because  
it is premature in the Federal Courts. The petitioner has failed to  
exhaust his adequate and available State remedies by presenting the is-  
sue here raised to the State tribunals for determination.

IT IS, THEREFORE, ORDERED that the petition for writ of habeas  
corpus of Jessie James Haynes be and the same is hereby denied and  
dismissed.

Dated this 9th day of April, 1971, at Tulsa, Oklahoma.

  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 Plaintiff, ) Civil Action No. 69-C-173  
 )  
 vs. ) Tract No. 451M  
 )  
 79.95 Acres of Land, More or Less, ) WORKING INTEREST ONLY  
 Situate in Rogers County, State of )  
 Oklahoma, and June Collins, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

FILED

NOV 16 1971

JOHN H. POE Clerk  
U. S. DISTRICT COURT

United States of America, )  
 )  
 Plaintiff, ) Civil Action No. 69-C-174  
 )  
 vs. ) Tract No. 452M  
 )  
 20.00 Acres of Land, More or Less, ) WORKING INTEREST ONLY  
 Situate in Rogers County, State of )  
 Oklahoma, and Jean Martin, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

United States of America, )  
 )  
 Plaintiff, ) Civil Action No. 69-C-175  
 )  
 vs. ) Tract No. 453M  
 )  
 60.00 Acres of Land, More or Less, ) WORKING INTEREST ONLY  
 Situate in Rogers County, State of )  
 Oklahoma, and Lillie Benbow, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

United States of America, )  
 )  
 Plaintiff, ) Civil Action No. 69-C-176  
 )  
 vs. ) Tract No. 454M  
 )  
 19.65 Acres of Land, More or Less, ) WORKING INTEREST ONLY  
 Situate in Rogers County, State of )  
 Oklahoma, and Forest Oil Corpora- )  
 tion, et al, and Unknown Owners, )  
 )  
 Defendants. )

FINAL JUDGMENT

1.

NOW, on this 12 day of April, 1971, this matter comes  
on for disposition on application of the Plaintiff, United States of America,  
for entry of judgment on the Report of Commissioners filed herein on  
March 3, 1971, and the Court, after having examined the files in these ac-  
tions and being advised by counsel for the Plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of these actions.

3.

This judgment applies only to the working interest in the estates taken in the cases and tracts named in the captions above, as such estates are described in the Complaints filed in these cases.

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 these causes, who are interested in subject property.

5.

The Acts of Congress set out in paragraphs 2 of the Complaints 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 23, 1969, the United States of America filed its Declarations of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America, as of such date.

6.

Simultaneously with filing of the Declarations of Taking, there were deposited in the Registry of this Court as estimated compensation for the taking of certain estates in the subject tracts certain sums of money and none of these deposits have been disbursed, as set out in paragraph 11 below.

7.

The Report of Commissioners filed herein on March 3, 1971 already has been approved by this Court by the Judgment filed herein on April 6, 1971, which Judgment is incorporated herein by reference and made a part hereof, insofar as it applies to the working interest in the subject tracts. The amount of just compensation as to the working interest in the estate taken in the subject tracts as fixed by the Commission is set out below in paragraph 11.

8.

This judgment will create a certain deficiency between the amounts deposited as estimated just compensation for the working interest in the estates taken in subject tracts and the amount fixed by the

Para. 8 (Contd)

Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 11.

9.

The defendant named in paragraph 11 as owner of the working interest in the subject tracts is the only defendant asserting any claim to such interest, all other defendants having either disclaimed or defaulted; the named defendant is the owner of such working interest and, as such, is 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 Complaints filed herein, and such property, to the extent of the working interest only in the estates described in the Complaints filed herein, is CONDEMNED, and title thereto is vested in the United States of America, as of July 23, 1969, and all defendants herein and all other persons are barred forever from asserting any claim to such working interest.

11.

It Is Further ORDERED, ADJUDGED and DECREED that the right to receive the just compensation for the working interest in the estates taken herein in subject tracts is vested in the defendant whose name appears below in this paragraph; the Report of Commissioners filed herein on March 3, 1971, hereby is confirmed and the sum therein fixed is adopted as just compensation for the working interest in the estates taken in subject tracts, as shown by the following schedule:

Para 11 (Contd)

TRACTS NOS. 451M, 452M, 453M AND 454M COMBINED

WORKING INTEREST ONLY

OWNER: International Equipment Leasing Corp.

Award of just compensation pursuant to Commissioners' Report . . . . .	\$14,339.00	\$14,339.00
Deposited as estimated compensation . . .	9,628.00	
(451M - \$6,701.00)		
(452M - 208.00)		
(453M - 2,653.00)		
(454M - 66.00)		
Disbursed to owner . . . . .		<u>None</u>
Balance due to owner . . . . .		\$14,339.00
Deposit deficiency . . . . .	\$ 4,711.00	

12.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owner the deposit deficiency for the working interest in the estate taken in subject tracts as shown in paragraph 11, together with interest on such deficiency, at the rate of 6% per annum from July 23, 1969, until the date of deposit of such deficiency sum; and such sum shall be credited to the deposit for Civil Action No. 69-C-173. The clerk of this Court then shall disburse from the deposits for all 4 subject civil actions certain sums as follows:

From the deposit for Civil Actions Nos.:

- 69-C-173 - the sum of \$11,412, plus all accrued interest on the deposit deficiency for the working interest,
- 69-C-174 - the sum of \$208.00,
- 69-C-175 - the sum of \$2,653.00, and
- 69-C-176 - the sum of \$66.00.

These disbursals, in the total amount of \$14,339.00, plus all accrued interest on the deposit deficiency for the working interest, shall be paid to International Equipment Leasing Corp.

*Luther Robinson*

UNITED STATES DISTRICT JUDGE

APPROVED As To Form:

*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, ) Civil Action No. 69-C-173  
 )  
 vs. ) Tract No. 451M  
 )  
 79.95 Acres of Land, More or Less, ) WORKING INTEREST ONLY  
 Situate in Rogers County, State of )  
 Oklahoma, and June Collins, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

FILED  
MARCH 12 1971  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 Plaintiff, ) Civil Action No. 69-C-174  
 )  
 vs. ) Tract No. 452M  
 )  
 20.00 Acres of Land, More or Less, ) WORKING INTEREST ONLY  
 Situate in Rogers County, State of )  
 Oklahoma, and Jean Martin, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

United States of America, )  
 )  
 Plaintiff, ) Civil Action No. 69-C-175  
 )  
 vs. ) Tract No. 453M  
 )  
 60.00 Acres of Land, More or Less, ) WORKING INTEREST ONLY  
 Situate in Rogers County, State of )  
 Oklahoma, and Lillie Benbow, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

United States of America, )  
 )  
 Plaintiff, ) Civil Action No. 69-C-176  
 )  
 vs. ) Tract No. 454M  
 )  
 19.65 Acres of Land, More or Less, ) WORKING INTEREST ONLY  
 Situate in Rogers County, State of )  
 Oklahoma, and Forest Oil Corpora- )  
 tion, et al, and Unknown Owners, )  
 )  
 Defendants. )

F I N A L J U D G M E N T

1.

NOW, on this 12 day of April, 1971, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on March 3, 1971, and the Court, after having examined the files in these actions and being advised by counsel for the Plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of these actions.

3.

This judgment applies only to the working interest in the estates taken in the cases and tracts named in the captions above, as such estates are described in the Complaints filed in these cases.

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 these causes, who are interested in subject property.

5.

The Acts of Congress set out in paragraphs 2 of the Complaints 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 23, 1969, the United States of America filed its Declarations of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America, as of such date.

6.

Simultaneously with filing of the Declarations of Taking, there were deposited in the Registry of this Court as estimated compensation for the taking of certain estates in the subject tracts certain sums of money and none of these deposits have been disbursed, as set out in paragraph 11 below.

7.

The Report of Commissioners filed herein on March 3, 1971 already has been approved by this Court by the Judgment filed herein on April 6, 1971, which Judgment is incorporated herein by reference and made a part hereof, insofar as it applies to the working interest in the subject tracts. The amount of just compensation as to the working interest in the estate taken in the subject tracts as fixed by the Commission is set out below in paragraph 11.

8.

This judgment will create a certain deficiency between the amounts deposited as estimated just compensation for the working interest in the estates taken in subject tracts and the amount fixed by the

Para. 8 (Contd)

Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 11.

9.

The defendant named in paragraph 11 as owner of the working interest in the subject tracts is the only defendant asserting any claim to such interest, all other defendants having either disclaimed or defaulted; the named defendant is the owner of such working interest and, as such, is 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 Complaints filed herein, and such property, to the extent of the working interest only in the estates described in the Complaints filed herein, is CONDEMNED, and title thereto is vested in the United States of America, as of July 23, 1969, and all defendants herein and all other persons are barred forever from asserting any claim to such working interest.

11.

It Is Further ORDERED, ADJUDGED and DECREED that the right to receive the just compensation for the working interest in the estates taken herein in subject tracts is vested in the defendant whose name appears below in this paragraph; the Report of Commissioners filed herein on March 3, 1971, hereby is confirmed and the sum therein fixed is adopted as just compensation for the working interest in the estates taken in subject tracts, as shown by the following schedule:

Para 11 (Contd)

TRACTS NOS. 451M, 452M, 453M AND 454M COMBINED

WORKING INTEREST ONLY

OWNER: International Equipment Leasing Corp.

Award of just compensation pursuant to Commissioners' Report . . . . .	\$14,339.00	\$14,339.00
Deposited as estimated compensation . . . . .	9,628.00	
(451M - \$6,701.00)		
(452M - 208.00)		
(453M - 2,653.00)		
(454M - 66.00)		
Disbursed to owner . . . . .		<u>None</u>
Balance due to owner . . . . .		\$14,339.00
Deposit deficiency . . . . .	\$ 4,711.00	

12.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owner the deposit deficiency for the working interest in the estate taken in subject tracts as shown in paragraph 11, together with interest on such deficiency, at the rate of 6% per annum from July 23, 1969, until the date of deposit of such deficiency sum; and such sum shall be credited to the deposit for Civil Action No. 69-C-173. The clerk of this Court then shall disburse from the deposits for all 4 subject civil actions certain sums as follows:

From the deposit for Civil Actions Nos.:

- 69-C-173 - the sum of \$11,412, plus all accrued interest on the deposit deficiency for the working interest,
- 69-C-174 - the sum of \$208.00,
- 69-C-175 - the sum of \$2,653.00, and
- 69-C-176 - the sum of \$66.00.

These disbursals, in the total amount of \$14,339.00, plus all accrued interest on the deposit deficiency for the working interest, shall be paid to International Equipment Leasing Corp.

*Luther Bohanan*

UNITED STATES DISTRICT JUDGE

APPROVED As To Form:

*Hubert A. Marlow*

HUBERT A. MARLOW  
Assistant United States Attorney

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

SOUTHEASTERN ENTERPRISES, INC., )  
NATIONAL DIVERSIFIED INDUSTRIES, INC., )  
and AZALEA MEATS, INC., )  
Plaintiffs, )

v. )

JIMMIE J. RYAN, ELLIOTT FORBIS, )  
RAYMOND CONARD, H. G. BILL DICKEY, )  
KENNETH PARKER, BENNIE C. GARREN, )  
JAMES G. RODGERS, CALVIN WAGGENER, )  
HOMER KOON, REX R. RUDY, MIKE O'CONNER )  
and WILLIAM PARKHURST, )  
Defendants. )

No. 69-C-251 Civil

**FILED**

APR 15 1971

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

O R D E R

Upon consideration of the Second Motion to Intervene of Bennie C. Garren, the Court finds that the same should be denied.

This case has been dismissed against all defendants except Jimmie J. Ryan. Plaintiffs' Motion for Default Judgment against Ryan pends and will be set for hearing at an early date. Thus, all that remains in this case is Plaintiffs' right to a default judgment against Ryan and if that right exists, the amount of the judgment.

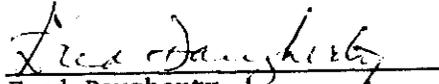
Movant Garren asserts that Plaintiffs desire to credit any default judgment against Ryan with the amount of a settlement Plaintiffs made with one Griffith. Plaintiffs have indicated this intention, asserting that Griffith and Ryan were joint wrongdoers as to the cause or causes of action sued on herein and in these circumstances such credit is required. Movant Garren appears to assert that such credit should not be allowed herein but should be credited in a state court action which pends.

Movant Garren is no longer a party to this action and the interest asserted, admitted by him to be contingent, is not sufficient to authorize intervention under Rule 24, F.R.Civ.P., 28 U.S.C.A. If Plaintiffs are to be compelled to share the proceeds of their settlement in the state court case, it seems to the Court that the state court is the proper tribunal to adjudicate the merits of Movant's claim.

The duty and responsibility of this Court in connection with a default judgment against Ryan is clear and was stated in the Order of the Court striking Garren's first Motion to Intervene herein. It is not believed that Garren has any standing to resist any credit which may be due Ryan on any judgment which may be entered herein against Ryan. This is a matter between Plaintiffs and Ryan. Moreover, if Garren is correct that the Griffith settlement should be credited in the pending state court action he should make such demand therein and if the same wrongs are involved he may be granted such credit. All joint wrongdoers would be entitled to the credit.

Movant Garren's Second Motion to Intervene is therefore denied.

It is so ordered this 12 day of April, 1971.

  
Fred Daugherty  
United States District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,	)	
	)	
Plaintiff,	)	Civil Action No. 69-C-173
	)	
vs.	)	Tract No. 451M
	)	
79.95 Acres of Land, More or Less,	)	WORKING INTEREST ONLY
Situate in Rogers County, State of	)	
Oklahoma, and June Collins, et al,	)	
and Unknown Owners,	)	
	)	
Defendants.	)	

**FILED**  
APR 13 1971

JOHN D. FOLLOMER  
U. S. DISTRICT JUDGE

United States of America,	)	
	)	
Plaintiff,	)	Civil Action No. 69-C-174
	)	
vs.	)	Tract No. 452M
	)	
20.00 Acres of Land, More or Less,	)	WORKING INTEREST ONLY
Situate in Rogers County, State of	)	
Oklahoma, and Jean Martin, et al,	)	
and Unknown Owners,	)	
	)	
Defendants.	)	

United States of America,	)	
	)	
Plaintiff,	)	Civil Action No. 69-C-175
	)	
vs.	)	Tract No. 453M
	)	
60.00 Acres of Land, More or Less,	)	WORKING INTEREST ONLY
Situate in Rogers County, State of	)	
Oklahoma, and Lillie Benbow, et al,	)	
and Unknown Owners,	)	
	)	
Defendants.	)	

United States of America,	)	
	)	
Plaintiff,	)	Civil Action No. 69-C-176
	)	
vs.	)	Tract No. 454M
	)	
19.65 Acres of Land, More or Less,	)	WORKING INTEREST ONLY
Situate in Rogers County, State of	)	
Oklahoma, and Forest Oil Corpora-	)	
tion, et al, and Unknown Owners,	)	
	)	
Defendants.	)	

F I N A L J U D G M E N T

1.

NOW, on this 12 day of April, 1971, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on March 3, 1971, and the Court, after having examined the files in these actions and being advised by counsel for the Plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of these actions.

3.

This judgment applies only to the working interest in the estates taken in the cases and tracts named in the captions above, as such estates are described in the Complaints filed in these cases.

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 these causes, who are interested in subject property.

5.

The Acts of Congress set out in paragraphs 2 of the Complaints 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 23, 1969, the United States of America filed its Declarations of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America, as of such date.

6.

Simultaneously with filing of the Declarations of Taking, there were deposited in the Registry of this Court as estimated compensation for the taking of certain estates in the subject tracts certain sums of money and none of these deposits have been disbursed, as set out in paragraph 11 below.

7.

The Report of Commissioners filed herein on March 3, 1971 already has been approved by this Court by the Judgment filed herein on April 6, 1971, which Judgment is incorporated herein by reference and made a part hereof, insofar as it applies to the working interest in the subject tracts. The amount of just compensation as to the working interest in the estate taken in the subject tracts as fixed by the Commission is set out below in paragraph 11.

8.

This judgment will create a certain deficiency between the amounts deposited as estimated just compensation for the working interest in the estates taken in subject tracts and the amount fixed by the

Para. 8 (Contd)

Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 11.

9.

The defendant named in paragraph 11 as owner of the working interest in the subject tracts is the only defendant asserting any claim to such interest, all other defendants having either disclaimed or defaulted; the named defendant is the owner of such working interest and, as such, is 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 Complaints filed herein, and such property, to the extent of the working interest only in the estates described in the Complaints filed herein, is CONDEMNED, and title thereto is vested in the United States of America, as of July 23, 1969, and all defendants herein and all other persons are barred forever from asserting any claim to such working interest.

11.

It Is Further ORDERED, ADJUDGED and DECREED that the right to receive the just compensation for the working interest in the estates taken herein in subject tracts is vested in the defendant whose name appears below in this paragraph; the Report of Commissioners filed herein on March 3, 1971, hereby is confirmed and the sum therein fixed is adopted as just compensation for the working interest in the estates taken in subject tracts, as shown by the following schedule:

Para 11 (Contd)

TRACTS NOS. 451M, 452M, 453M AND 454M COMBINED

WORKING INTEREST ONLY

OWNER: International Equipment Leasing Corp.

Award of just compensation pursuant to Commissioners' Report . . . . .	\$14,339.00	\$14,339.00
Deposited as estimated compensation . . .	9,628.00	
(451M - \$6,701.00)		
(452M - 208.00)		
(453M - 2,653.00)		
(454M - 66.00)		
Disbursed to owner . . . . .		<u>None</u>
Balance due to owner . . . . .		<u>.\$14,339.00</u>
Deposit deficiency . . . . .	\$ 4,711.00	

12.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owner the deposit deficiency for the working interest in the estate taken in subject tracts as shown in paragraph 11, together with interest on such deficiency, at the rate of 6% per annum from July 23, 1969, until the date of deposit of such deficiency sum; and such sum shall be credited to the deposit for Civil Action No. 69-C-173. The clerk of this Court then shall disburse from the deposits for all 4 subject civil actions certain sums as follows:

From the deposit for Civil Actions Nos.:

- 69-C-173 - the sum of \$11,412, plus all accrued interest on the deposit deficiency for the working interest,
- 69-C-174 - the sum of \$208.00,
- 69-C-175 - the sum of \$2,653.00, and
- 69-C-176 - the sum of \$66.00.

These disbursements, in the total amount of \$14,339.00, plus all accrued interest on the deposit deficiency for the working interest, shall be paid to International Equipment Leasing Corp.

*Luther Bohannon*

UNITED STATES DISTRICT JUDGE

APPROVED As To Form:

*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. )  
 )  
 79.95 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and June Collins, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

Civil Action No. 69-C-173

Tract No. 451M

WORKING INTEREST ONLY

**FILED**

APR 13 1971

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

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 20.00 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and Jean Martin, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

Civil Action No. 69-C-174

Tract No. 452M

WORKING INTEREST ONLY

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 60.00 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and Lillie Benbow, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

Civil Action No. 69-C-175

Tract No. 453M

WORKING INTEREST ONLY

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 19.65 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and Forest Oil Corpora- )  
 tion, et al, and Unknown Owners, )  
 )  
 Defendants. )

Civil Action No. 69-C-176

Tract No. 454M

WORKING INTEREST ONLY

FINAL JUDGMENT

1.

NOW, on this 12 day of April, 1971, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on March 3, 1971, and the Court, after having examined the files in these actions and being advised by counsel for the Plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of these actions.

3.

This judgment applies only to the working interest in the estates taken in the cases and tracts named in the captions above, as such estates are described in the Complaints filed in these cases.

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 these causes, who are interested in subject property.

5.

The Acts of Congress set out in paragraphs 2 of the Complaints 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 23, 1969, the United States of America filed its Declarations of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America, as of such date.

6.

Simultaneously with filing of the Declarations of Taking, there were deposited in the Registry of this Court as estimated compensation for the taking of certain estates in the subject tracts certain sums of money and none of these deposits have been disbursed, as set out in paragraph 11 below.

7.

The Report of Commissioners filed herein on March 3, 1971 already has been approved by this Court by the Judgment filed herein on April 6, 1971, which Judgment is incorporated herein by reference and made a part hereof, insofar as it applies to the working interest in the subject tracts. The amount of just compensation as to the working interest in the estate taken in the subject tracts as fixed by the Commission is set out below in paragraph 11.

8.

This judgment will create a certain deficiency between the amounts deposited as estimated just compensation for the working interest in the estates taken in subject tracts and the amount fixed by the

Para. 8 (Contd)

Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 11.

9.

The defendant named in paragraph 11 as owner of the working interest in the subject tracts is the only defendant asserting any claim to such interest, all other defendants having either disclaimed or defaulted; the named defendant is the owner of such working interest and, as such, is 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 Complaints filed herein, and such property, to the extent of the working interest only in the estates described in the Complaints filed herein, is CONDEMNED, and title thereto is vested in the United States of America, as of July 23, 1969, and all defendants herein and all other persons are barred forever from asserting any claim to such working interest.

11.

It Is Further ORDERED, ADJUDGED and DECREED that the right to receive the just compensation for the working interest in the estates taken herein in subject tracts is vested in the defendant whose name appears below in this paragraph; the Report of Commissioners filed herein on March 3, 1971, hereby is confirmed and the sum therein fixed is adopted as just compensation for the working interest in the estates taken in subject tracts, as shown by the following schedule:

Para 11 (Contd)

TRACTS NOS. 451M, 452M, 453M AND 454M COMBINED

WORKING INTEREST ONLY

OWNER: International Equipment Leasing Corp.

Award of just compensation pursuant to Commissioners' Report . . . . .	\$14,339.00	\$14,339.00
Deposited as estimated compensation . . . . .	9,628.00	
(451M - \$6,701.00)		
(452M - 208.00)		
(453M - 2,653.00)		
(454M - 66.00)		
Disbursed to owner . . . . .		<u>None</u>
Balance due to owner . . . . .		<u>\$14,339.00</u>
Deposit deficiency . . . . .	\$ 4,711.00	

12.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owner the deposit deficiency for the working interest in the estate taken in subject tracts as shown in paragraph 11, together with interest on such deficiency, at the rate of 6% per annum from July 23, 1969, until the date of deposit of such deficiency sum; and such sum shall be credited to the deposit for Civil Action No. 69-C-173. The clerk of this Court then shall disburse from the deposits for all 4 subject civil actions certain sums as follows:

From the deposit for Civil Actions Nos.:

- 69-C-173 - the sum of \$11,412, plus all accrued interest on the deposit deficiency for the working interest,
- 69-C-174 - the sum of \$208.00,
- 69-C-175 - the sum of \$2,653.00, and
- 69-C-176 - the sum of \$66.00.

These disbursals, in the total amount of \$14,339.00, plus all accrued interest on the deposit deficiency for the working interest, shall be paid to International Equipment Leasing Corp.

*Luther Bohanan*  
 \_\_\_\_\_  
 UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

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

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

FILED

APR 14 1971

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

THOMAS C. BOLT,

Plaintiff,

-vs-

ROY LEO CRAWFORD,

Defendant.

NO. C-70-62

ORDER OF DISMISSAL

On this 14<sup>th</sup> day of <sup>March</sup>~~March~~, 1971, this cause is presented to the Court with a Stipulation by the parties showing this cause has been compromised and settled and by reason thereof this cause is dismissed with prejudice at the cost of defendant.

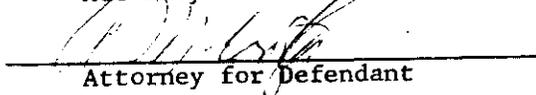


JUDGE

OK AS TO FORM:



Attorney for Plaintiff



Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 19.65 Acres of Land, More or Less, )  
 Situate in Robers County, State of )  
 Oklahoma, and Forest Oil Corporation, )  
 et al, and Unknown Owners, )  
 )  
 Defendants. )

CIVIL ACTION NO. 69-C-176 ✓

Tract No. 454M

(Lessor Interest Only)

**FILED**

APR 15 1971

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

J U D G M E N T

1.

Now, on this 15<sup>th</sup> day of April, 1971, this matter comes on

for disposition on application of the plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on March 3, 1971, 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 lessor interest in the estate taken in Tract No. 454M, as such estate and tract are described in the Complaint and the Declaration of Taking, filed herein.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on July 23, 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 of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of a certain estate in the subject tract a certain sum of money, and none of this deposit has been disbursed as set out below in paragraph 11.

7.

The Report of Commissioners filed herein on March 3, 1971 hereby is accepted and adopted by the Court, insofar as it applies to the lessor interest in the estate taken in subject tract. The amount of just compensation as to the said lessor interest, as fixed by the Commission is set out below in paragraph 11.

8.

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

9.

The defendants named in paragraph 11 as owners of the lessor interest in the estate taken in subject tract are the only defendants asserting any interest therein, all other defendants having either disclaimed or defaulted. As of the date of taking, the named defendants were the owners of said lessor interest in the estate condemned herein 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 it is described in the Complaint filed herein, and such property, to the extent of the lessor interest in the estate described in the Complaint filed herein, is condemned, and title to such lessor interest in such estate is vested in the United States of America, as of July 23, 1969, and all defendants herein and all other persons are forever barred from asserting any claim to such interest.

11.

It Is Further ORDERED, ADJUDGED AND DECREED that the right to receive the just compensation for the lessor interest in the estate taken

herein in subject tract is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners filed March 3, 1971 hereby is confirmed, insofar as it applies to the lessor interest in the estate taken in subject tract, and the sum therein fixed is adopted as the award of just compensation for such lessor interest, as shown by the following schedule:

TRACT NO. 454M

Owners:

- |  |      |
|--|------|
| 1. Forest Oil Corporation -----        | 9/10 |
| 2. Petroleum International, Inc. ----- | 1/10 |

Award of just compensation pursuant to Commissioners' report -----	\$598.00	\$598.00
Deposited as estimated compensation -----		\$ 98.00
Disbursed to owners -----	<u>None</u>	
Balance due to owners -----	\$598.00	
Deposit deficiency -----		\$500.00

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall pay into the Registry of this Court, for the benefit of the owners, the deposit deficiency for the subject tract as shown in paragraph 11, in the amount of \$500.00, together with interest on such deficiency at the rate of 6% per annum from July 23, 1969, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action.

Upon receipt of the deficiency deposit, the clerk of this Court shall disburse from the deposit for the subject tract certain sums as follows:

TO Forest Oil Corporation, the sum of \$538.20, plus 9/10 of all accrued interest on the above-described deposit deficiency.

TO Petroleum International, Inc., the sum of \$59.80, plus 1/10 of all accrued interest on the above-described deposit deficiency.

*Yutha Bohanan*  
UNITED STATES DISTRICT JUDGE

APPROVED:  
*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. )  
 )  
 60.00 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and Lillie Benbow, et al, )  
 and Unknown Owners, )  
 Defendants. )

CIVIL ACTION NO. 175

Tract No. 453M

LESSOR (ROYALTY) INTEREST  
ONLY

**FILED**

APR 15 1971

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

F I N A L J U D G M E N T

1.

NOW, on this 15<sup>th</sup> day of April, 1971 this matter comes on for disposition on application of the plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on March 3, 1971, 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 lessor (royalty) interest in the estate taken in Tract No. 453M as such tract and estate are described in the Complaint filed in this case.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on July 23, 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 of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the lessor (royalty) interest in the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed as set out below in paragraph 11.

7.

The Report of Commissioners filed herein on March 3, 1971 already has been approved by this Court by the Judgment filed herein on April 6, 1971, which Judgment is incorporated herein by reference and made a part hereof, insofar as it applies to the lessor (royalty) interest in the subject tract. The amount of just compensation as to the lessor (royalty) interest in the subject tract as fixed by the Commission is set out below in paragraph 11.

8.

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

9.

The defendants named in paragraph 11 as owners of the lessor (royalty) interest in the estate taken in subject tract are the only defendants asserting any claim to such interest, all other defendants having either disclaimed or defaulted. As of the date of taking, the named defendants were the owners of the lessor (royalty) interest in the estate condemned herein 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 it is described in the Complaint filed herein, and such property, to the extent of the lessor (royalty) interest in the estate described in the Complaint filed herein, is condemned, and title to such lessor (royalty) interest in such estate is vested in the United

Para. 10 (Contd)

States of America, as of July 23, 1969, and all defendants herein and all other persons are forever barred from asserting any claim to such interest.

11.

It Is Further ORDERED, ADJUDGED and DECREED that the right to receive the just compensation for the lessor (royalty) interest in the estate taken herein in subject tract is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners filed March 3, 1971 hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for such lessor (royalty) interest in the estate taken in the subject tract, as shown by the following schedule:

TRACT NO. 453M

LESSOR (ROYALTY) INTEREST ONLY

Owners:

Lillie Benbow - 1/2

Ossie May Lary - 1/2

Award of just compensation pursuant to Commissioners' Report. . . . .	\$1,425.00	\$1,425.00
Deposited as estimated compensation. . . . .	\$1,260.00	
Disbursed to owners. . . . .		<u>None</u>
Balance due to owners. . . . .		<u>\$1,425.00</u>
Deposit deficiency. . . . .	\$ 165.00	

12.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the lessor (royalty) interest in the subject tract as shown in paragraph 11, together with interest on such deficiency at the rate of 6% per annum from July 23, 1969, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action.

The Clerk of this Court then shall disburse from the deposit in the subject civil action certain sums as follows:

TO: Lillie Benbow, the sum of \$712.50 plus 1/2 of all accrued interest on the deposit deficiency for the lessor interest.

TO: Ossie May Lary, the sum of \$712.50 plus 1/2 of all accrued interest on the deposit deficiency for the lessor interest.

Luther Salmon  
UNITED STATES DISTRICT JUDGE

APPROVED:

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. )  
 )  
 79.95 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and June Collins, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

Civil Action No. 69-C-173

Tract No. 451M

LESSOR (ROYALTY) INTEREST  
ONLY

**FILED**  
APR 15 1971  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

F I N A L J U D G M E N T

1.

NOW, on this 15<sup>th</sup> day of April 1971, this matter comes on for disposition on application of the plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on March 3, 1971, 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 lessor (royalty) interest in the estate taken in Tract No. 451M, as such tract and estate are described in the Complaint filed in this case.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on July 23, 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 of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the lessor (royalty) interest in the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed as set out below in paragraph 11.

7.

The Report of Commissioners filed herein on March 3, 1971 already has been approved by this Court by the Judgment filed herein on April 6, 1971, which Judgment is incorporated herein by reference and made a part hereof, insofar as it applies to the lessor (royalty) interest in the subject tract. The amount of just compensation as to the lessor (royalty) interest in the subject tract as fixed by the Commission is set out below in paragraph 11.

8.

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

9.

The defendants named in paragraph 11 as owners of the lessor (royalty) interest in the estate taken in subject tract are the only defendants asserting any claim to such interest, all other defendants having either disclaimed or defaulted. As of the date of taking, the named defendants were the owners of the lessor (royalty) interest in the estate condemned herein 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 it is described in the Complaint filed herein, and such property, to the extent of the lessor (royalty) interest in the estate described in the Complaint filed herein, is condemned, and title to such lessor (royalty) interest in such estate is vested in the United

Para. 10 (Contd)

States of America, as of July 23, 1969, and all defendants herein and all other persons are forever barred from asserting any claim to such interest.

11.

It Is Further ORDERED, ADJUDGED and DECREED that the right to receive the just compensation for the lessor (royalty) interest in the estate taken herein in subject tract is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners filed March 3, 1971 hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for said lessor (royalty) interest in the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 451M

LESSOR (ROYALTY) INTEREST ONLY

Owners:

- H. M. McMillan - 1/4
- June Collins - 1/2
- Jno. W. Nichols, Trustee - 37% of 1/4
- Frances Fell Malone - 31.5% of 1/4
- Elizabeth Fell Cummins - 31.5% of 1/4

(The last two owners are successors to the interest of Georgie S. Fell, now deceased, and the percentage shown after each name includes that which was inherited from the deceased.)

Award of just compensation pursuant to Commissioners' Report. . . . .	\$2,294.00	\$2,294.00
Deposited as estimated Compensation. . . . .	1,454.00	
Disbursed to owners. . . . .		<u>None</u>
Balance due to owners. . . . .		\$2,294.00
Deposit deficiency. . . . .	\$ 840.00	

12.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the lessor (royalty) interest in the subject tract as shown in paragraph 11, together with interest on such deficiency at the rate of 6% per annum from July 23, 1969, until the

Para. 12 (Contd)

date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action.

The Clerk of this Court then shall disburse from the deposit in this civil action certain sums as follows:

TO:

1. H. M. McMillan, the sum of \$573.50, plus 25% of all accrued interest on the deposit deficiency for the lessor interest.
2. June Collins, the sum of \$1,147.00, plus 50% of all accrued interest on the deposit deficiency for the lessor interest.
3. Jno. W. Nichols, Trustee, the sum of \$212.20, plus 9.25% of all accrued interest on the deposit deficiency for the lessor interest.
4. Frances Fell Malone, the sum of \$180.65, plus 7.875% of all accrued interest on the deposit deficiency for the lessor interest.
5. Elizabeth Fell Cummins, the sum of \$180.65, plus 7.875% of all accrued interest on the deposit deficiency for the lessor interest.

  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
HUBERT A. MARLOW  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 Plaintiff, ) Civil Action No. 69-C-173  
 )  
 vs. ) Tract No. 451M  
 )  
 79.95 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and June Collins, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

OVERRIDING ROYALTY INTEREST  
ONLY

**FILED**

APR 15 1971

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

United States of America, )  
 )  
 Plaintiff, ) Civil Action No. 69-C-174  
 )  
 vs. ) Tract No. 452M  
 )  
 20.00 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and Jean Martin, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

OVERRIDING ROYALTY INTEREST  
ONLY

United States of America, )  
 )  
 Plaintiff, ) Civil Action No. 69-C-175  
 )  
 vs. ) Tract No. 453M  
 )  
 60.00 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and Lillie Benbow, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

OVERRIDING ROYALTY INTEREST  
ONLY

United States of America, )  
 )  
 Plaintiff, ) Civil Action No. 69-C-176  
 )  
 vs. ) Tract No. 454M  
 )  
 19.65 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and Forest Oil Corpora- )  
 tion, et al, and Unknown Owners, )  
 )  
 Defendants. )

OVERRIDING ROYALTY INTEREST  
ONLY

F I N A L J U D G M E N T

1.

NOW, on this 15 day of April, 1971, this matter comes  
on for disposition on application of the Plaintiff, United States of  
America, for entry of judgment on the Report of Commissioners filed herein  
on March 3, 1971, and the Court after having examined the files in these  
actions and being advised by counsel for the Plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of these actions.

3.

This judgment applies only to the overriding royalty interest in the estates taken in the tracts named in the caption above, as such tracts and estates are described in the Complaints filed in these actions.

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 these causes, who are interested in subject property.

5.

The Acts of Congress set out in paragraphs 2 of the Complaints 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 23, 1969, the United States of America filed its Declarations of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such instruments.

6.

Simultaneously with filing of the Declarations of Taking, there were deposited in the Registry of this Court as estimated compensation for the taking of the overriding royalty interest in the estate taken in the subject tracts certain sums of money and none of these deposits have been disbursed, as set out below in paragraph 11.

7.

The Report of Commissioners filed herein on March 3, 1971 already has been approved by this Court by the Judgment filed herein on April 6, 1971, which Judgment is incorporated herein by reference and made a part hereof, insofar as it applies to the overriding royalty interest in the subject tracts. The amount of just compensation as to the overriding royalty interest in the estate taken in the subject tracts as fixed by the Commission is set out below in Paragraph 11.

8.

This Judgment will create a certain deficiency between the amounts deposited as estimated just compensation for the overriding royalty interest in the estates taken in subject tracts and the amount fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 11.

9.

The defendants named in paragraph 11 as owners of the overriding royalty interest in the subject tracts are the only defendants asserting any claim to such interest, all other defendants having either disclaimed or defaulted; the named defendants are the owners of such overriding royalty interest 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 Complaints filed herein, and such property, to the extent of the overriding royalty interest only in the estates described in the Complaints filed herein, is CONDEMNED, and title thereto is vested in the United States of America, as of July 23, 1969, and all defendants herein and all other persons are barred forever from asserting any claim to such overriding royalty interest.

11.

It Is Further ORDERED, ADJUDGED, and DECREED that the right to receive the just compensation for the overriding royalty interest in the estates taken herein in subject tracts is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners filed herein on March 3, 1971, hereby is confirmed and the sum therein fixed is adopted as just compensation for the overriding royalty interest in the estates taken in subject tracts, as shown by the following schedule:

TRACTS NOS. 451M, 452M, 453M, AND 454M COMBINED

OVERRIDING ROYALTY INTEREST ONLY

Owners:

Marcella H. Godfrey	-	1/4
Mozelle C. Hill	-	1/4
W. V. Pound and Louise Pugh	-	1/2

Award of just compensation pursuant to Commissioners' Report. . . . .	\$826.00	\$826.00
Deposited as estimated compensation. . . . .	\$480.00	
(451M - \$260.00)		
(452M - 20.00)		
(453M - 200.00)		
(454M - None)		
Disbursed to owners. . . . .		<u>None</u>
Balance due to owners. . . . .		\$826.00
Deposit deficiency. . . . .	\$346.00	

12.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the overriding royalty interest in the estate taken in the subject tracts as shown in paragraph 11, together with interest on such deficiency, at the rate of 6% per annum from July 23, 1969, until the date of deposit of such deficiency sum; and such sum shall be credited to the deposit for Civil Action No. 69-C-173. The Clerk of this Court then shall disburse, from the deposits for all 4 of the subject cases, certain sums as follows:

From the deposit for Civil Actions Nos.:

- 69-C-173 - the sum of \$606.00, plus all accrued interest on the deposit deficiency for the overriding royalty interest,
- 69-C-174 - the sum of \$20.00, and
- 69-C-175 - the sum of \$200.00.

These disbursements, in the total amount of \$826.00, plus all accrued interest on the deposit deficiency for the overriding royalty interest, shall be paid to the owners named in paragraph 11.

Para. 12 (Contd)

Each owner shall be paid that amount of the total disbursed as indicated by the fraction following such owner's name.

Luther Johnson  
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, ) Civil Action No. 69-C-173  
 )  
 vs. ) Tract No. 451M  
 )  
 79.95 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and June Collins, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

OVERRIDING ROYALTY INTEREST  
ONLY

**FILED**

APR 15 1971

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

United States of America, )  
 )  
 Plaintiff, ) Civil Action No. 69-C-174  
 )  
 vs. ) Tract No. 452M  
 )  
 20.00 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and Jean Martin, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

OVERRIDING ROYALTY INTEREST  
ONLY

United States of America, )  
 )  
 Plaintiff, ) Civil Action No. 69-C-175  
 )  
 vs. ) Tract No. 453M  
 )  
 60.00 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and Lillie Benbow, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

OVERRIDING ROYALTY INTEREST  
ONLY

United States of America, )  
 )  
 Plaintiff, ) Civil Action No. 69-C-176  
 )  
 vs. ) Tract No. 454M  
 )  
 19.65 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and Forest Oil Corpora- )  
 tion, et al, and Unknown Owners, )  
 )  
 Defendants. )

OVERRIDING ROYALTY INTEREST  
ONLY

F I N A L J U D G M E N T

1.

NOW, on this 15 day of April, 1971, this matter comes  
on for disposition on application of the Plaintiff, United States of  
America. for entry of judgment on the Report of Commissioners filed herein  
on March 3, 1971, and the Court after having examined the files in these  
actions and being advised by counsel for the Plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of these actions.

3.

This judgment applies only to the overriding royalty interest in the estates taken in the tracts named in the caption above, as such tracts and estates are described in the Complaints filed in these actions.

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 these causes, who are interested in subject property.

5.

The Acts of Congress set out in paragraphs 2 of the Complaints 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 23, 1969, the United States of America filed its Declarations of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such instruments.

6.

Simultaneously with filing of the Declarations of Taking, there were deposited in the Registry of this Court as estimated compensation for the taking of the overriding royalty interest in the estate taken in the subject tracts certain sums of money and none of these deposits have been disbursed, as set out below in paragraph 11.

7.

The Report of Commissioners filed herein on March 3, 1971 already has been approved by this Court by the Judgment filed herein on April 6, 1971, which Judgment is incorporated herein by reference and made a part hereof, insofar as it applies to the overriding royalty interest in the subject tracts. The amount of just compensation as to the overriding royalty interest in the estate taken in the subject tracts as fixed by the Commission is set out below in Paragraph 11.

8.

This Judgment will create a certain deficiency between the amounts deposited as estimated just compensation for the overriding royalty interest in the estates taken in subject tracts and the amount fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 11.

9.

The defendants named in paragraph 11 as owners of the overriding royalty interest in the subject tracts are the only defendants asserting any claim to such interest, all other defendants having either disclaimed or defaulted; the named defendants are the owners of such overriding royalty interest 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 Complaints filed herein, and such property, to the extent of the overriding royalty interest only in the estates described in the Complaints filed herein, is CONDEMNED, and title thereto is vested in the United States of America, as of July 23, 1969, and all defendants herein and all other persons are barred forever from asserting any claim to such overriding royalty interest.

11.

It Is Further ORDERED, ADJUDGED, and DECREED that the right to receive the just compensation for the overriding royalty interest in the estates taken herein in subject tracts is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners filed herein on March 3, 1971, hereby is confirmed and the sum therein fixed is adopted as just compensation for the overriding royalty interest in the estates taken in subject tracts, as shown by the following schedule:

TRACTS NOS. 451M, 452M, 453M, AND 454M COMBINED

OVERRIDING ROYALTY INTEREST ONLY

Owners:

Marcella H. Godfrey	-	1/4
Mozelle C. Hill	-	1/4
W. V. Pound and Louise Pugh	-	1/2

Award of just compensation pursuant to Commissioners' Report. . . . .	\$826.00	\$826.00
Deposited as estimated compensation. . . . .	\$480.00	
(451M - \$260.00)		
(452M - 20.00)		
(453M - 200.00)		
(454M - None)		
Disbursed to owners. . . . .		<u>None</u>
Balance due to owners. . . . .		\$826.00
Deposit deficiency. . . . .	\$346.00	

12.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the overriding royalty interest in the estate taken in the subject tracts as shown in paragraph 11, together with interest on such deficiency, at the rate of 6% per annum from July 23, 1969, until the date of deposit of such deficiency sum; and such sum shall be credited to the deposit for Civil Action No. 69-C-173. The Clerk of this Court then shall disburse, from the deposits for all 4 of the subject cases, certain sums as follows:

From the deposit for Civil Actions Nos.:

- 69-C-173 - the sum of \$606.00, plus all accrued interest on the deposit deficiency for the overriding royalty interest,
- 69-C-174 - the sum of \$20.00, and
- 69-C-175 - the sum of \$200.00.

These disbursements, in the total amount of \$826.00, plus all accrued interest on the deposit deficiency for the overriding royalty interest, shall be paid to the owners named in paragraph 11.

Para. 12 (Contd)

Each owner shall be paid that amount of the total disbursed as indicated by the fraction following such owner's name.

*Arthur Donovan*  
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. )  
 )  
 79.95 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and June Collins, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

Civil Action No. 69-C-173  
Tract No. 451M  
OVERRIDING ROYALTY INTEREST  
ONLY

**FILED**

APR 15 1971

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

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 20.00 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and Jean Martin, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

Civil Action No. 69-C-174  
Tract No. 452M  
OVERRIDING ROYALTY INTEREST  
ONLY

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 60.00 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and Lillie Benbow, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

Civil Action No. 69-C-175  
Tract No. 453M  
OVERRIDING ROYALTY INTEREST  
ONLY

United States of America, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 19.65 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and Forest Oil Corpora- )  
 tion, et al, and Unknown Owners, )  
 )  
 Defendants. )

Civil Action No. 69-C-176  
Tract No. 454M  
OVERRIDING ROYALTY INTEREST  
ONLY

F I N A L J U D G M E N T

1.

NOW, on this 15 day of April, 1971, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Report of Commissioners filed herein on March 3, 1971, and the Court after having examined the files in these actions and being advised by counsel for the Plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of these actions.

3.

This judgment applies only to the overriding royalty interest in the estates taken in the tracts named in the caption above, as such tracts and estates are described in the Complaints filed in these actions.

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 these causes, who are interested in subject property.

5.

The Acts of Congress set out in paragraphs 2 of the Complaints 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 23, 1969, the United States of America filed its Declarations of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such instruments.

6.

Simultaneously with filing of the Declarations of Taking, there were deposited in the Registry of this Court as estimated compensation for the taking of the overriding royalty interest in the estate taken in the subject tracts certain sums of money and none of these deposits have been disbursed, as set out below in paragraph 11.

7.

The Report of Commissioners filed herein on March 3, 1971 already has been approved by this Court by the Judgment filed herein on April 6, 1971, which Judgment is incorporated herein by reference and made a part hereof, insofar as it applies to the overriding royalty interest in the subject tracts. The amount of just compensation as to the overriding royalty interest in the estate taken in the subject tracts as fixed by the Commission is set out below in Paragraph 11.

8.

This Judgment will create a certain deficiency between the amounts deposited as estimated just compensation for the overriding royalty interest in the estates taken in subject tracts and the amount fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 11.

9.

The defendants named in paragraph 11 as owners of the overriding royalty interest in the subject tracts are the only defendants asserting any claim to such interest, all other defendants having either disclaimed or defaulted; the named defendants are the owners of such overriding royalty interest 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 Complaints filed herein, and such property, to the extent of the overriding royalty interest only in the estates described in the Complaints filed herein, is CONDEMNED, and title thereto is vested in the United States of America, as of July 23, 1969, and all defendants herein and all other persons are barred forever from asserting any claim to such overriding royalty interest.

11.

It Is Further ORDERED, ADJUDGED, and DECREED that the right to receive the just compensation for the overriding royalty interest in the estates taken herein in subject tracts is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners filed herein on March 3, 1971, hereby is confirmed and the sum therein fixed is adopted as just compensation for the overriding royalty interest in the estates taken in subject tracts, as shown by the following schedule:

TRACTS NOS. 451M, 452M, 453M, AND 454M COMBINED

OVERRIDING ROYALTY INTEREST ONLY

Owners:

Marcella H. Godfrey	- 1/4
Mozelle C. Hill	- 1/4
W. V. Pound and Louise Pugh	- 1/2

Award of just compensation pursuant to Commissioners' Report. . . . .	\$826.00	\$826.00
Deposited as estimated compensation. . . . .	\$480.00	
(451M - \$260.00)		
(452M - 20.00)		
(453M - 200.00)		
(454M - None)		
Disbursed to owners. . . . .		None
Balance due to owners. . . . .		\$826.00
Deposit deficiency. . . . .	\$346.00	

12.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the overriding royalty interest in the estate taken in the subject tracts as shown in paragraph 11, together with interest on such deficiency, at the rate of 6% per annum from July 23, 1969, until the date of deposit of such deficiency sum; and such sum shall be credited to the deposit for Civil Action No. 69-C-173. The Clerk of this Court then shall disburse, from the deposits for all 4 of the subject cases, certain sums as follows:

From the deposit for Civil Actions Nos.:

- 69-C-173 - the sum of \$606.00, plus all accrued interest on the deposit deficiency for the overriding royalty interest,
- 69-C-174 - the sum of \$20.00, and
- 69-C-175 - the sum of \$200.00.

These disbursements, in the total amount of \$826.00, plus all accrued interest on the deposit deficiency for the overriding royalty interest, shall be paid to the owners named in paragraph 11.

Para. 12 (Contd)

Each owner shall be paid that amount of the total disbursed as indicated by the fraction following such owner's name.

*Luther Bohannon*  
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, ) Civil Action No. 69-C-173  
 )  
 vs. ) Tract No. 451M  
 )  
 79.95 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and June Collins, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

OVERRIDING ROYALTY INTEREST  
ONLY

**FILED**

APR 15 1971

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

United States of America, )  
 )  
 Plaintiff, ) Civil Action No. 69-C-174  
 )  
 vs. ) Tract No. 452M  
 )  
 20.00 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and Jean Martin, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

OVERRIDING ROYALTY INTEREST  
ONLY

United States of America, )  
 )  
 Plaintiff, ) Civil Action No. 69-C-175  
 )  
 vs. ) Tract No. 453M  
 )  
 60.00 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and Lillie Benbow, et al, )  
 and Unknown Owners, )  
 )  
 Defendants. )

OVERRIDING ROYALTY INTEREST  
ONLY

United States of America, )  
 )  
 Plaintiff, ) Civil Action No. 69-C-176  
 )  
 vs. ) Tract No. 454M  
 )  
 19.65 Acres of Land, More or Less, )  
 Situate in Rogers County, State of )  
 Oklahoma, and Forest Oil Corpora- )  
 tion, et al, and Unknown Owners, )  
 )  
 Defendants. )

OVERRIDING ROYALTY INTEREST  
ONLY

F I N A L J U D G M E N T

1.

NOW, on this 15 day of April, 1971, this matter comes  
on for disposition on application of the Plaintiff, United States of  
America. for entry of judgment on the Report of Commissioners filed herein  
on March 3, 1971, and the Court after having examined the files in these  
actions and being advised by counsel for the Plaintiff, finds that:

2.

The Court has jurisdiction of the parties and the subject matter of these actions.

3.

This judgment applies only to the overriding royalty interest in the estates taken in the tracts named in the caption above, as such tracts and estates are described in the Complaints filed in these actions.

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 these causes, who are interested in subject property.

5.

The Acts of Congress set out in paragraphs 2 of the Complaints 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 23, 1969, the United States of America filed its Declarations of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such instruments.

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Simultaneously with filing of the Declarations of Taking, there were deposited in the Registry of this Court as estimated compensation for the taking of the overriding royalty interest in the estate taken in the subject tracts certain sums of money and none of these deposits have been disbursed, as set out below in paragraph 11.

7.

The Report of Commissioners filed herein on March 3, 1971 already has been approved by this Court by the Judgment filed herein on April 6, 1971, which Judgment is incorporated herein by reference and made a part hereof, insofar as it applies to the overriding royalty interest in the subject tracts. The amount of just compensation as to the overriding royalty interest in the estate taken in the subject tracts as fixed by the Commission is set out below in Paragraph 11.

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This Judgment will create a certain deficiency between the amounts deposited as estimated just compensation for the overriding royalty interest in the estates taken in subject tracts and the amount fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 11.

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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 Complaints filed herein, and such property, to the extent of the overriding royalty interest only in the estates described in the Complaints filed herein, is CONDEMNED, and title thereto is vested in the United States of America, as of July 23, 1969, and all defendants herein and all other persons are barred forever from asserting any claim to such overriding royalty interest.

11.

It Is Further ORDERED, ADJUDGED, and DECREED that the right to receive the just compensation for the overriding royalty interest in the estates taken herein in subject tracts is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners filed herein on March 3, 1971, hereby is confirmed and the sum therein fixed is adopted as just compensation for the overriding royalty interest in the estates taken in subject tracts, as shown by the following schedule:

TRACTS NOS. 451M, 452M, 453M, AND 454M COMBINED

OVERRIDING ROYALTY INTEREST ONLY

Owners:

Marcella H. Godfrey - 1/4  
 Mozelle C. Hill - 1/4  
 W. V. Pound and  
 Louise Pugh - 1/2

Award of just compensation pursuant to Commissioners' Report. . . . .	\$826.00	\$826.00
Deposited as estimated compensation. . . . .	\$480.00	
(451M - \$260.00)		
(452M - 20.00)		
(453M - 200.00)		
(454M - None)		
Disbursed to owners. . . . .		None
Balance due to owners. . . . .		\$826.00
Deposit deficiency. . . . .	\$346.00	

12.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency for the overriding royalty interest in the estate taken in the subject tracts as shown in paragraph 11, together with interest on such deficiency, at the rate of 6% per annum from July 23, 1969, until the date of deposit of such deficiency sum; and such sum shall be credited to the deposit for Civil Action No. 69-C-173. The Clerk of this Court then shall disburse, from the deposits for all 4 of the subject cases, certain sums as follows:

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- 69-C-174 - the sum of \$20.00, and
- 69-C-175 - the sum of \$200.00.

These disbursals, in the total amount of \$826.00, plus all accrued interest on the deposit deficiency for the overriding royalty interest, shall be paid to the owners named in paragraph 11.

Para. 12 (Contd)

Each owner shall be paid that amount of the total disbursed as indicated by the fraction following such owner's name.

*Luther Robinson*  
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

KATHOL NATURAL GAS, INC., )  
 )  
 Plaintiff, )

vs. )

THE FOURTH NATIONAL BANK OF )  
TULSA (formerly Mac Engineering )  
Corporation), SOUTHLAND STEEL )  
COMPANY, A. J. McALISTER, JR., )  
B. R. CARTWRIGHT and W. B. )  
BERARD, )

Defendants. )

NO. 69-C-248 ✓

THE FOURTH NATIONAL BANK OF )  
TULSA (formerly Mac Engineering )  
Corporation), )

Third Party )  
Plaintiff, )

vs. )

GERALD KATHOL and DAVID L. GRAY, )

Third Party )  
Defendants. )

**FILED**  
APR 15 1971 *PK*  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

ORDER OF DISMISSAL

Upon the Stipulation of the parties for the dismissal of  
this action,

IT IS ORDERED:

1. That the Complaint of the plaintiff is dismissed with  
prejudice to the filing of another action at the cost of the  
plaintiff; and

2. The Cross-Petition and Third Party Complaint of The  
Fourth National Bank of Tulsa against the plaintiff, Kathol

Natural Gas, Inc. and against the third party defendants, David L. Gray and Gerald Kathol, is hereby dismissed, at the cost of the plaintiff with prejudice to another action.

  
UNITED STATES DISTRICT JUDGE

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

OWEN D. AND LOIS C. AUSTIN, )  
 )  
 Plaintiffs, )  
 vs. )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Defendant. )

No. 70-C-30

**FILED**  
APR 15 1971  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

JUDGMENT

This case having been tried by the Court without a jury, and the Court having heretofore entered its findings of fact and conclusions of law in this action, it is hereby

ORDERED, ADJUDGED AND DECREED that plaintiffs have and recover from defendant the amount of \$2,774.39 plus interest as allowed by law. Be it further provided that defendant shall have and recover its costs of this action.

Dated this 15<sup>th</sup> day of April, 1971.

*Luther Robinson*  
United States District Judge

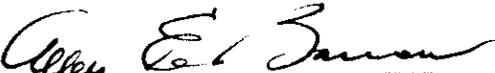
IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
Petitioner,  
vs.  
LELAND JOE WILLIAMS  
Patient.

Civil No. 71 - C - 81

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

Entered this 16 day of April, 1971.

  
United States District Judge

**FILED**

APR 16 1971

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

*[Handwritten initials]*

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

BOARD OF TRUSTEES, PIPELINE :  
INDUSTRY BENEFIT FUND, :

Plaintiff, :

vs :

OHIO PIPELINE CONSTRUCTION COM- :  
PANY, :

Defendant. :

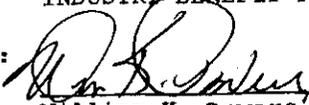
No. 70-C-318

**FILED**  
APR 16 1971  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

STIPULATION & ORDER OF DISMISSAL

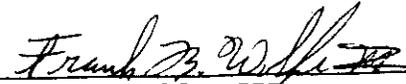
COMES NOW the Plaintiff and Defendant, appearing by their respective counsel, and stipulate and agree that all matters, issues and claims between the parties have been compromised, settled and paid, and that pursuant to Rule 41(a)(ii), Rules of Civil Procedure, the parties stipulate and agree to a dismissal of said action.

BOARD OF TRUSTEES, PIPELINE  
INDUSTRY BENEFIT FUND

By: 

William K. Powers, its attorney  
1501 4th National Bank Bldg.  
Tulsa, Oklahoma 74119

OHIO PIPELINE CONSTRUCTION  
COMPANY

By: 

Frank B. Wolfe, III  
Kothe and Eagleton, Inc.  
204 Philtower Building  
Tulsa, Oklahoma 74103

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

DENNIS LOANE,

Petitioner,

v.

THE STATE OF OKLAHOMA, et al.,

Respondents.

Case No. 71-C-72 Civil

**E I L E D**

APR 20 1971

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

O R D E R

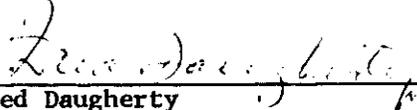
Petitioner, a State prisoner, seeks habeas corpus relief in this Court for alleged violations of his Constitutional rights and asserts that he has exhausted his available State remedies as required by 28 U.S.C.A. §2254(b). It appears that on February 4, 1971, Petitioner applied to the Oklahoma Court of Criminal Appeals for a Writ of Mandamus. That Court on February 5, 1971 directed the Tulsa County District Court to entertain proceedings under the Oklahoma Post-Conviction Procedure Act, 22 Okl.St. Ann. §1080 et seq. The Tulsa County District Court held an evidentiary hearing on claimed violations of Petitioner's Constitutional rights, the nature of which Petitioner has not revealed to this Court, and on February 22, 1971, the Tulsa County District Court denied Petitioner relief. Pursuant to 22 Okl.St. Ann. §1087 of the Oklahoma Post-Conviction Procedure Act, Petitioner's counsel filed notice of appeal of the District Court's denial of Petitioner's claim for relief and that is where the matter now stands.

It appears to the Court that Petitioner's application to this Court is premature. 22 Okl.St. Ann. §1087 affords him a remedy in the State Appellate Court which is being used and under State proceedings are still pending. Under these circumstances, the Petition presented in this case must be

dismissed. 28 U.S.C.A. §2254(b); Brown v. Crouse, 395 F. 2d 755 (Tenth Cir. 1968); Omo v. Crouse, 395 F. 2d 757 (Tenth Cir. 1968).

The Petition filed herein by Petitioner is dismissed.

It is so ordered this 20 day of April, 1971.

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

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

UNITED STATES OF AMERICA for the use of )  
STANDARD INDUSTRIES, INC., a Delaware )  
corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
BUSHMAN CONSTRUCTION COMPANY, a )  
Missouri corporation; BOB ZSCHACH, )  
d/b/a BOB ZSCHACH & ASSOCIATES; and )  
SEABOARD SURETY COMPANY, a foreign )  
corporation, )  
 )  
Defendants. )

**FILED**  
APR 22 1971  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

Civ. No. 70-C-274

~~**FILED**  
APR 13 1971  
REX W. ALLEN, Clerk  
U. S. DISTRICT COURT~~

JOURNAL ENTRY OF JUDGMENT

Now on this 6th day of April, 1971, this matter comes on for trial pursuant to previous setting and notice thereof, the Use Plaintiff, Standard Industries, Inc., a Delaware corporation being represented by and through its attorney, James R. Jessup of Boone, Ellison & Smith; the defendants, Bushman Construction Company, a Missouri corporation, and Seaboard Surety Company, a foreign corporation, being represented by their attorney, John B. Hayes of Watts, Looney, Nichols & Johnson, and the Defendant, Bob Zschach d/b/a Bob Zschach & Associates, a sole proprietorship, being represented by Richard W. Gable of Gable, Gotwals, Hays, Rubin & Fox, being all of the counsel of record herein and trial by jury having heretofore been waived in open Court, this cause proceeded to trial upon oral stipulation of fact by counsel in open Court and submission to the Court for decision herein and the Court, being fully advised in the premises, and after due consideration of all evidence before it, makes the following findings of fact and conclusions of law, to-wit:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Defendant, Bob Zschach d/b/a Bob Zschach & Associates, is now and has been since the 31st day of August, 1969, indebted to the Use Plaintiff for materials furnished upon open

account in the total sum of \$31,941.52.

2. The Defendant, Bushman Construction Company, is indebted to the Defendant, Bob Zschach, under a written subcontract agreement dated November 6, 1967, for work performed and materials furnished in connection with the United States on Oolagah Dam Spillway, USCE Contract #DACW 56-67-C-0282, dated June 30, 1967 in the sum of \$18,000.00.

3. That said indebtedness of \$18,000.00, owed by the Defendant, Bushman Construction Company, to the Defendant, Bob Zschach, is properly payable to the Use Plaintiff as a credit against the aforesaid sum of \$31,941.52 owed to Use Plaintiff by Defendant, Bob Zschach, by virtue of an assignment of the same from the Defendant, Bob Zschach, to Use Plaintiff dated December 30, 1968, the receipt of a copy of which was acknowledged by the Defendant, Bushman Construction Company.

4. That the defendant, Seaboard Surety Company, as surety on the Miller Act Payment Bond posted under said project in conformity with 40 USCA Section 270 a & b is jointly and severally liable to Use Plaintiff for said sum of \$18,000.00 owed by the Defendant, Bushman Construction Company, as above set forth.

5. That the cross-claim of the Defendant, Bob Zschach, against the Defendants, Bushman Construction Company and Seaboard Surety Company, for sales tax in the amount of two percent (2%) of the gross amount of the above described contract should be severed from this law suit and reserved for disposition between the parties in an appropriate forum at a later date.

6. That all other cross-claims between the parties defendant are to be denied pursuant to the oral stipulation of the above-named parties.

7. The above-named parties should bear their own respective costs incurred herein, including attorney's fees.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Use Plaintiff, Standard Industries, Inc., a Delaware corporation,

have and recover judgment under its first cause of action against the Defendant, Bob Zschach d/b/a Bob Zschach & Associates, a sole proprietorship, for the sum of \$31,941.52, together with interest thereon at the rate of ten percent (10%) per annum from the 31st day of August, 1969 until paid.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Use Plaintiff, Standard Industries, Inc., a Delaware corporation, have and recover judgment against the Defendant, Bushman Construction Company, a Missouri corporation, and Seaboard Surety Company, a foreign corporation, under its second cause of action, for the sum of \$18,000.00, which sum to the extent of such recovery and payment of same shall be deemed a credit against the aforesaid sum recovered by Use Plaintiff against the Defendant, Bob Zschach d/b/a Bob Zschach & Associates, a sole proprietorship.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the cross-claim <sup>for sale: 1/2X</sup> of the Defendant, Bob Zschach, against the Defendants, Bushman Construction Company and Seaboard Surety Company, be and the same is hereby severed from this law suit to be resolved between the parties at a future date in a proper forum.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all other cross-claims between the parties defendant herein be and the same are hereby denied.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all parties hereto bear their own respective costs incurred herein including attorney's fees.

*Luther Bohanon*  
\_\_\_\_\_  
Luther Bohanon  
U. S. District Judge

APPROVED AS TO FORM  
AND SUBSTANCE:

*James R. Jessup*  
\_\_\_\_\_  
James R. Jessup of Boone,  
Ellison & Smith, Attorney  
for Use Plaintiff, Standard  
Industries, Inc.

*John B. Hayes*

John B. Hayes of  
Watts, Looney, Nichols & Johnson  
Attorney for Defendants, Bushman  
Construction Company and Seaboard  
Surety Company

*Richard W. Gable*

Richard W. Gable of  
Gable, Gotwals, Hays, Rubin & Fox  
Attorney for Defendant, Bob Zschach  
d/b/a Bob Zschach & Associates

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

CHARLES DAVIDA, )  
 )  
 Plaintiff, )  
 ) Case No. 71-C-51 Civil  
 v. )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Defendant. )

**FILED**

APR 22 1971

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

O R D E R

The above Plaintiff, whose Jury Conviction in this Court for passing counterfeit money has been affirmed by the United States Court of Appeals, Tenth Circuit and Certiorari Denied by the United States Supreme Court, now moves under 28 U.S.C. §2255 to vacate his said conviction and the sentence based thereon because allegedly he was served by ineffective counsel at his trial before this Court.

His trial counsel was privately retained and in the opinion of the Court as Trial Judge did an outstanding job on behalf of Plaintiff in the face of the overwhelming guilt of the Plaintiff as shown by the evidence of the Government. Apparently the Plaintiff did not think too ill of the representation he received by his privately retained counsel before this Court, for he further privately engaged him to represent him on his Appeal from this Court and on his Petition for Certiorari to the United States Supreme Court.

Our Circuit in the recent case of Plaskett v. Page, \_\_\_ F.2d \_\_\_ (Tenth Cir. 1971) said:

"Plaskett selected his own counsel and the effectiveness of that counsel was his responsibility."

If this case for any reason should not dispose of Plaintiff's Motion adversely to him, then the test delineated by our Circuit in claimed ineffective counsel cases is that the Plaintiff must show that because of ineffective counsel this trial was a farce and mockery of justice. Hanks v. United States, 420 F.2d 412 (Tenth Cir. 1970);

Criser v. United States, 319 F.2d 849 (Tenth Cir. 1963); Frاند v. United States, 301 F.2d 102 (Tenth Cir. 1962). For the record as the Trial Judge, I certify that the representation received by the Plaintiff from his privately retained counsel in the trial before this Court was of extremely high quality and did not by any means cause Plaintiff's trial to be a farce or a mockery of justice. A transcript of the trial has been filed herein and will fully support the above certificate. In Reed v. United States, \_\_\_\_\_ F.2d \_\_\_\_\_ (Tenth Cir. 1971) our Circuit said:

"Nor does the transcript of the trial reflect ineffective legal representation, for the proceedings therein could not be characterized as a sham or a mockery by any measure."

Should this Order be appealed, the Appellate Court is invited to read said transcript.

For the foregoing reasons, Plaintiff's Petition is without merit and is dismissed.

It is so ordered this 22 day of April, 1971.

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

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

BANK OF COMMERCE OF TULSA,  
a State Bank.

Plaintiff,

vs

THE CONTINENTAL INSURANCE COMPANY,  
a Stock Insurance Corporation.

Defendant.

Civil Action

No. 71-C-79 ✓

**FILED**  
APR 23 1971  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

ORDER DISMISSING CAUSE WITH PREJUDICE

Pursuant to the Stipulation of the parties, it is hereby  
ordered that this cause be dismissed with prejudice.

Order entered April 22, 1971.

  
ALIEN E. BARROW  
UNITED STATES DISTRICT JUDGE

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

ELDRIDGE M. BISHOP, 84785 )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Respondent. )

No. 71-C-129 ✓

**FILED**  
APR 23 1971  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

O R D E R

THE COURT having examined the "Petition for Writ of Habeas Corpus" filed herein by the above named petitioner and the files and records of the United States of America v. Reecil Wayne Gravitt, Gale Kenneth Nipp and Eldridge M. Bishop, Defendants, Northern District of Oklahoma, CR 68-58, finds:

1. That petitioner, Eldridge M. Bishop, is a federal prisoner in the United States Penitentiary at Leavenworth, Kansas;
2. Although styled a Petition for Writ of Habeas Corpus, this is a proceeding brought pursuant to Title 28 U.S.C.A., Section 2255, in which the petitioner attacks the validity of a sentence imposed May 21, 1968, by the United States District Court for the Northern District of Oklahoma, in the above entitled and numbered case;
3. Petitioner's first contention that the testimony of the witness, Dors Lee Hill, violated the petitioner's right under the Sixth Amendment to be confronted with the witnesses against him is obviously without merit. The witness, Hill, was present in court and subject to the cross examination of this petitioner. Such cross examination was, in fact, extensive. (See pp. 40-49 of the Transcript of Trial Proceedings.) Bruton v. United States, 391 U.S. 123 (1968) relied upon by the petitioner is not in point, since it relates to the receipt in evidence of the confession of one defendant inculcating another co-defendant.

4. Petitioner's second contention is also frivolous. Contrary to the allegation of his petition that it was a statement of his co-defendant, Government's Exhibit #6 was in fact a copy of a report made by a Secret Service Agent and does not even mention the petitioner, and he could not have been prejudiced thereby. His co-defendant, Nipp, who was mentioned in the report, claimed error in the admission of said report in evidence on his appeal. The United States Court of Appeals for the Tenth Circuit found no error. See *Nipp v. United States*, 422 F.2d 509, 514.

5. Petitioner's final contention that the court erred in refusing to grant a severance must likewise fail, since it is based upon the false premise that the testimony of the witness, Dors Lee Hill, and receipt of Government Exhibit #6 were within the proscription of Bruton. No other constitutional claim is made.

6. The allegations of the petitioner's motion and the files and records of the case conclusively show that the prisoner is entitled to no relief as a matter of law.

IT IS ORDERED that the petition filed herein by the petitioner, Eldridge M. Bishop, is denied without a hearing and this cause is hereby dismissed.

Dated this 21<sup>st</sup> day of April, 1971.

*Arthur Balaban*  
UNITED STATES DISTRICT JUDGE

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

ARTHUR L. TAUBMAN, ROBERT B. REED,  
JOSEPH L. PARKER, ROBERT G. BEACH,  
J. L. MILLS, JR., A. N. WARD, MERLIN  
C. STICKELBER and OKLAHOMA AEROMOTIVE,  
INC., an Oklahoma Corporation,

Plaintiffs,

vs.

JAMES F. WARDELL and  
HERMAN E. TAYLOR,

Defendants.

69-C-242  
~~69-C-343~~  
**FILED**  
APR 23 1971  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

JUDGMENT

This cause came on for trial before the Court, the Honorable Allen E. Barrow, Chief Judge, presiding, and the issues having been duly tried, upon consideration thereof, the Court rendered and filed an opinion and made and filed findings of fact and conclusions of law, all dated the 21st day of April, 1971,

IT IS ORDERED AND ADJUDGED that plaintiffs, Arthur L. Taubman, Robert B. Reed, Joseph L. Parker, Robert G. Beach, J. L. Mills, Jr., A. N. Ward, Merlin C. Stickelber and Oklahoma Aeromotive, Inc., an Oklahoma corporation, recover of defendants, James F. Wardell and Herman E. Taylor the sum of \$88,533.43, with interest thereon at the rate of 6% per annum from April 30, 1969, to March 16, 1971, and 10% per annum from March 16, 1971, as provided by law, and the costs of this action.

ENTERED this 22nd day of April, 1971.

  
UNITED STATES DISTRICT JUDGE

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

VINITA BROADCASTING COMPANY, INC., )  
Plaintiff )  
VS. )  
LAUREN A. COLBY, )  
Defendant )

✓  
NO. 70-C-355 Civil

**FILED**

APR 23 1971

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

ORDER OF DISMISSAL

Comes now the application of Plaintiff, Vinita Broadcasting Company,  
for dismissal of the action herein without prejudice and without imposition  
of any conditions thereon; and

The Court being fully advised of the premises, finds the application  
well taken.

THEREFORE IT IS HEREBY ORDERED that said action be and is hereby  
DISMISSED upon said application of plaintiff; and said dismissal being  
without prejudice and without the imposition of any conditions thereon.

*Dated 4/23/71.*

*Fred Daugherty*  
FRED DAUGHERTY  
United States District Judge

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

PAUL R. HENDERSON, Administrator )  
of the Estate of Robert Duane Byrd, )  
Deceased, )

Plaintiff, )

v. )

HALLIBURTON COMPANY, a foreign )  
corporation, HALLIBURTON OIL PRODUCING )  
COMPANY, a foreign corporation; BAKER )  
OIL TOOLS, INC., a foreign corporation; )  
R. O. HINTON and FRANK COSHOW, )

Defendants. )

Case No. 71-C-17  
Civil

**E I L E D**

APR 23 1971

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

ORDER OF DISMISSAL WITHOUT PREJUDICE

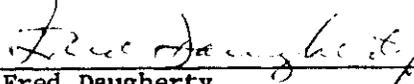
On January 26, 1971 the Defendants Halliburton Oil Producing Company, R. O. Hinton and Frank Coshow joined by the Defendant Halliburton Company moved to dismiss the above case against them or in the alternative to grant summary judgment in their favor. On January 29, 1971 the Court Ordered the Plaintiff to respond to said Motion with supporting brief within fifteen (15) days from the date of said Order. At the request of Plaintiff the Court extended the date to file said Response thirty (30) days or until March 15, 1971. Plaintiff failed to comply with said Order of the Court as extended and became in default thereof on March 16, 1971.

On April 2, 1971 the Court again Ordered the Plaintiff to file said Response with supporting brief on or before April 12, 1971 and advised the Plaintiff in said Order that his failure to comply with this Order would result in the Court dismissing Plaintiff's case. Plaintiff has failed to comply with this Order of the Court.

It is therefore Ordered that Plaintiff's action herein is dismissed as to all Defendants without prejudice for failure

of Plaintiff to comply with the Orders of this Court. Link v. Wabash R. Co., 370 U.S. 626, 8 L.Ed. 2d 734, 82 Sup.Ct. 1386, reh. den. 371 U.S. 873; Pearson v. Dennison 353 F.2d 24 (Ninth Cir. 1965).

It is so ordered this 23-day of April, 1971.

  
Fred Daugherty  
United States District Judge

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

SECURITIES AND EXCHANGE COMMISSION, )  
 )  
Plaintiff, ) 67-C-110  
 )  
vs. )  
 )  
COMMUNITY NATIONAL LIFE INSURANCE )  
COMPANY, et al., )  
 )  
Defendants. )

**FILED**  
APR 26 1974  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

JUDGMENT FOR PERMANENT INJUNCTION

It appearing to the Court that the defendant Lyndon L. Pearson has agreed with the plaintiff to a disposition of this matter by written stipulation between Plaintiff and this Defendant consented to the entry of a Final Judgment of Permanent Injunction conformable to the demands of Plaintiff's complaint filed herein as a part of an overall settlement of this matter in which the plaintiff is a party, including an administrative proceeding before the plaintiff, which stipulation is incorporated herein by reference and made a part hereof;

It further appearing to the Court that pursuant to the said stipulation that the Defendant has filed his answer in this cause, denying any allegations of wrong doing contained in the complaint;

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Defendant Lyndon L. Pearson and his agents, employees, and assigns, and persons or entities having a control relationship with him and any other persons acting in concert or participation with him is hereby permanently enjoined and restrained from, directly or indirectly:

- a. Making use of any means or instruments of transportation or communication in interstate commerce or of the mails to offer to sell through these or medium of any prospectus, or otherwise, Class A

common stock or any other Class of security of Community National Life Insurance Company, unless and until a registration has been filed with the Securities and Exchange Commission as to such securities, or while a registration statement filed with the Securities and Exchange Commission as to such securities is the subject of a refusal order or stop order of the Securities and Exchange Commission, or (prior to the effective date of the registration statement) any public proceedings or examination under Section 8 of the Securities Act of 1933.

b. Making use of any means or instruments of transportation or communication in interstate commerce or of the mails to sell Class A common stock or any other class of security of Community National Life Insurance Company through the use of any prospectus, or otherwise, unless and until a registration statement is in effect with the Securities and Exchange Commission as to such securities.

c. Carrying such securities or causing them to be carried through the mails or in interstate commerce by any means or instruments of transportation for the purpose of sale or delivery after sale, unless and until a registration statement is in effect with the Securities and Exchange Commission as to such securities.

Provided, however, that nothing in the foregoing shall apply to any security or transaction which is exempt from the provisions of Section 5 of the Securities Act of 1933, as amended.

d. Making use of the means and instrumentalities of interstate commerce, or the mails, or the facilities

of any national securities exchange, to bid for or purchase for any account in which such defendant has a beneficial interest, including the account of any nominee of the defendant, or to attempt to induce any person, including any broker or dealer in securities, to purchase any Community National Life Insurance Company security which is the subject of a distribution, or any security of the same class or series, or any right to purchase such security, while such defendant is the person on whose behalf such distribution is being made or is otherwise participating in such distribution, until such distribution has been completed, unless the activities of such defendant fall within the exemptive provisions of Rule 10b-6 under the Securities Exchange Act of 1934 (17 CFR 240.10b-6) or an exemptive order therefrom is obtained from the securities and Exchange Commission.

e. Making use of the means and instruments of interstate commerce, or the mails, or the facilities of any national securities exchange for the purpose of

1. using or employing any manipulative or deceptive device, scheme, artifice or contrivance to deceive in connection with the purchase or sale of any Community National Life Insurance Company security, and particularly
2. making untrue statements of material facts, or omitting to state material facts necessary in order to make statements made, not misleading, in connection with the purchase or sale of any Community National Life Insurance Company security;
3. engaging in any act, practice, or course of business which operates or would operate as a deceit upon any person in connection with the purchase or sale of any Community National Life Insurance Company security; or

4. engaging in any act, practice or course of business of a similar purport or object in violation of Section 17 (a) of the Securities Act of 1933 and Section 10(b) of the Securities Exchange Act of 1934, and Rule 10b-5 thereunder, in connection with the purchase or sale of any Community National Life Insurance Company security.

DATED this 11th day of April, 1971.



UNITED STATES DISTRICT JUDGE



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

United States of America,

Petitioner,

vs.

**John Neilson Williams,**

Patient.

Civil No. 71-C-22

**FILED**

APR 27 1971

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

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

Entered this 27<sup>th</sup> day of April, 19 71.

51 Allen L. Barron  
United States District Judge

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

LINA MARTIN, by her Father and  
Next Friend, LEO A. MARTIN,

Plaintiff,

vs.

THE FIRST NATIONAL BANK OF DECATUR,  
the Executor of the Estate of Chester Arthur  
Morrow, deceased;  
MACK BENTON DELK, Executor of the Estate  
of Mary Sue Quigg, and  
PATRICIA SUE HALE, Executrix of the Estate  
of Bertha J. Morse,

Defendants.

No. 70-C-346 ✓

FILED  
APR 28 1971  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT

This cause coming on before me, the undersigned Judge, this 28 day of April, 1971, for trial and all parties being present in person or by counsel and having announced ready, and all parties having waived trial by jury and having consented to trial of all issues by the Court; and the parties having proceeded to trial and having adduced evidence in their behalfs and the Court having considered the same, together with statements of counsel for good cause shown finds that the Plaintiff should have judgment against the Defendants and each of them, jointly and severally, in the sum of \$5,000.00 and costs of the action;

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED AND DECREED that the Plaintiff be and she is hereby awarded judgment against the Defendants, The First National Bank of Decatur, Executor of the Estate of Chester Arthur Morrow, deceased; Mack Benton Delk, Executor of the Estate of Mary Sue Quigg; and Patricia Sue Hale, Executrix of the Estate of Bertha J. Morse, jointly and severally, for the sum of \$5,000.00, together with the costs of this action, for all of which let execution issue.

Allen E. Douglas  
United States District Judge

APPROVED AS TO FORM:

JONES, GIVENS, BRETT, GOTCHER & DOYLE

By \_\_\_\_\_  
Jack R. Givens  
Attorneys for Plaintiff

DOERNER, STUART, SAUNDERS, DANIEL & LANGENKAMP

By *R. Dobie Langenkamp*  
R. Dobie Langenkamp  
Attorneys for The First National Bank of Decatur,  
Executor of the Estate of Chester Arthur Morrow,  
Deceased.

WHITTEN & McDANIEL

By *Dale F. McDaniel*  
Dale F. McDaniel  
Attorneys for Mack Benton Delk, Executor of the  
Estate of Mary Sue Quigg, Deceased.

BAKER & BAKER

By \_\_\_\_\_  
Hughey Baker  
Attorneys for Mack Benton Delk, Executor of the  
Estate of Mary Sue Quigg, Deceased.

CHURCH & ROBERTS

By *Donald Church*  
Donald Church  
Attorneys for Patricia Sue Hale, Executrix of the  
Estate of Bertha J. Morse.

KNIGHT, WILBURN & WAGNER

By \_\_\_\_\_  
Ray H. Wilburn  
Attorneys for Patricia Sue Hale, Executrix of the  
Estate of Bertha J. Morse.

F. A. PETRIK

\_\_\_\_\_  
Attorney for Mack Benton Delk, Executor of the  
Estate of Mary Sue Quigg and for Patricia Sue Hale  
Executrix of the Estate of Bertha J. Morse.

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

United States of America,

Plaintiff,

vs.

Civil No. 71-C-31

Donald R. Pitts, and Betty J.  
Pitts, Bill Silver and Frances E.  
Silver, Long Investment Company,  
Raymond E. Evans and Mary D. Evans,  
Max D. McCormick, Iris Gene Hearn  
and Mary Francis Hearn,

Defendants.

**FILED**  
APR 20 1971  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 28<sup>th</sup> day of April 1971. The defendants, Donald R. Pitts and Betty J. Pitts, Bill Silver and Frances E. Silver, Long Investment Company, Raymond E. Evans and Mary D. Evans, Max D. McCormick, Iris Gene Hearn and Mary Francis Hearn, appearing not; and

The Court being fully advised and having examined the file herein finds that due and legal personal service of summons has been made on the defendant, Max D. McCormick on February 11, 1971 and February 19, 1971, respectively; on the defendant, Raymond E. Evans on February 18, 1971; on the defendant, Mary D. Evans on February 18, 1971; on Long Investment Company, Incorporated, on February 18, 1971; on Frances E. Silver on March 3, 1971; on Bill Silver on March 3, 1971; on Betty J. Pitts on March 4, 1971; on Donald R. Pitts on March 4, 1971; and

It further appearing and the Court finds that legal service by publication was made upon the defendants, Iris Gene Hearn and Mary Francis Hearn, as appears by Proof of Publication filed herein on April 26, 1971, requiring each of them to answer the complaint filed herein not later than April 21, 1971, and it appearing that said defendants have failed to file an answer herein and their default has been entered by the Clerk of this Court; and

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

being foreclosed herein in favor of the first mortgage lien of  
defendants, Raymond D. Evans and Mary D. Evans, save in and to the property  
this regard, plaintiff states that whatever right, title or interest was  
the County Clerk, Tulsa County, Oklahoma, in Book 3879, Page 307, in the  
February 17, 1969, and filed of record February 17, 1969, in the office of  
presides herein being foreclosed by reason of a General Warranty Deed, dated  
and Mary D. Evans, have or claim some right, title, or interest in and to the  
The Court further finds that the defendants, Raymond D. Evans

Plaintiff and

foreclosed herein in favor and interest of the first mortgage lien of this  
the defendants, Long Investment Company, was in and to said property being  
also, but in this regard, plaintiff states that whatever right, title or interest  
the County Clerk, Tulsa County, Oklahoma, on July 17, 1969, in Book 3896, Page  
Estate Mortgage, dated July 15, 1969, and filed of record in the office of  
the County Clerk, Tulsa County, Oklahoma, in Book 3879, Page 307, and Real  
February 17, 1969, and filed of record February 17, 1969, in the office of  
Tulsa County, Oklahoma, in Book 3878, Page 170, Real Estate Mortgage, dated  
1969, and filed of record February 7, 1969, in the office of the County Clerk,  
herein being foreclosed by reason of a Quit Claim Deed, dated February 4,

Company, has or claims some right, title, or interest in and to the presides  
The Court further finds that the defendants, Long Investment

in favor and interest of the first mortgage lien of this plaintiff, and  
and Frances E. Silver, have in and to said property being foreclosed herein  
states that whatever right, title, or interest the defendants, Bill Silver  
Tulsa County, Oklahoma, in Book 3889, Page 565, but in this regard, plaintiff  
November 14, 1967, and filed of record in the office of the County Clerk,  
the presides herein being foreclosed by reason of a Warranty Deed, dated  
Frances E. Silver, have or claim some right, title, or interest in and to  
The Court further finds that the defendants, Bill Silver and

payment of money, the benefits of principal and interest, and  
interest thereon at the rate of 5% per annum, and further provided for the  
advice, their mortgages and mortgages notes for the sum of \$99,000.00, with  
on December 4, 1968, executed and delivered to the administrators of the estate  
That the defendants, Ronald M. White and Betty J. White, did,

Complaint now read and correct;

The Court further finds that the material allegations of plaintiff's  
D. Evans (2), Alton Evans (1), Evans  
Tulsa County, State of Oklahoma, according  
of the recorded deed and copy

**abstracting fees.**

cost of this action accrued and accruing, and the sum of \$30.00 expended for thereon at the rate of 10% per annum from May 1, 1970, until paid, plus the Donald R. Pitts and Betty J. Pitts, for the sum of \$3,379.37, with interest, United States of America, have and recover judgment against the defendants, **IT IS THEREFORE ORDERED, ADJUDGED and DECREED** that the plaintiff,

for abstracting fees.

cost of this action accrued and accruing, and the sum of \$30.00 expended thereon at the rate of 10% per annum from May 1, 1970, until paid, plus the to the plaintiff in the sum of \$3,379.37, on unpaid principal, with interest thereof the defendants, Donald R. Pitts and Betty J. Pitts, are now indebted due thereon on May 1, 1970, which default has continued and shall be a bar to note and mortgage by reason of their failure to make monthly installments Betty J. Pitts, made default under the terms of the aforesaid mortgage.

It further appears that the defendants, Donald R. Pitts and

plaintiff, and

foreclosed herein as junior and inferior to the first mortgage filed on this Irla Gene Hearns and Mary Frances Hearns, have in and to said property being regard, plaintiff claims that whatever right, title, or interest the defendants, County Clerk, Tulsa County, Oklahoma, in Book 3396, Page 939, but in this

dated July 15, 1969, and filed of record July 17, 1969, in the office of the as the premises herein being foreclosed by reason of a General Warranty Deed, and Mary Frances Hearns, have or claim some right, title, or interest in and The Court further finds that the defendants, Irla Gene Hearns

this plaintiff, and

being foreclosed herein as junior and inferior to the first mortgage, filed on title or interest in defendant, Max D. McCordley, has in and to said property 317, Page 941, for the said regard, plaintiff claims that whatever right, title, or interest the defendants, Irla Gene Hearns and Mary Frances Hearns, have or claim some right, title, or interest in and to said property being foreclosed herein as junior and inferior to the first mortgage, filed on

County Clerk, Oklahoma, in Book 3396, Page 939, and assignment of 1969, and filed of record February 17, 1969, in the office of the County foreclosed herein as junior and inferior to the first mortgage, filed on title or interest in and to said property being foreclosed herein as junior and inferior to the first mortgage, filed on

the Court further finds that the defendants, Irla Gene Hearns

IT IS FURTHER ORDERED, ADJUDGED and DECREED that upon failure of the defendants to satisfy plaintiff's demand for cash hereon, an Order of Sale shall issue to the United States Marshal in the Northern District of Oklahoma, commanding him to advertise and sell, with appraisal, the above-described real property and apply the proceeds thereof to 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, he, and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part hereof.

  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
ROBERT P. Santee  
Assistant United States Attorney



