

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

10.00 Acres of Land, More or Less,  
Situate in Nowata County, State of  
Oklahoma, and James Francis Harmon,  
et al., and Unknown Owners,

Defendants.

CIVIL ACTION NO. 70-C-334

Tract No. 1331M

**FILED**  
AUG 31 1971  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

J U D G M E N T

1.  
Now, on this 30 day of August 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 June 4, 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 to the entire estate taken in Tract No. 1331M, as such estate and tract are described in the Complaint filed in this action.

4.

Service of process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause, who are interested in subject 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 estate described above in paragraph 2. Pursuant thereto, on October 23, 1970, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America, as of the date of filing 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 the subject property 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 June 4, 1971, is hereby accepted and adopted as a finding of fact as to the subject tract. The amount of just compensation for the estate taken in the subject tract as fixed by the Commission is set out below in paragraph 11.

8.

The defendant named in paragraph 11 as owner of subject property is the only defendant asserting any interest in the estate condemned herein; all other defendants having either disclaimed or defaulted, the named defendant, as of the date of taking, was the owner of the estate condemned herein and, as such, is entitled to receive the award of just compensation.

9.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use Tract No. 1331M, as such tract is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint is CONDEMNED, and title thereto is vested in the United States of America, as of October 23, 1970, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

10.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owner of the estate taken herein in subject tract was the defendant whose name appears below in paragraph 11 and the right to receive the just compensation for such interest is vested in the party so named.

11.

It Is Further ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on June 4, 1971, hereby is confirmed and the sum therein fixed is adopted as just compensation for the leasehold interest in the estate taken in the subject tract, as shown by the following schedule:

TRACT NO. 1331M

Owner: Jim Harmon

Award of just compensation,  
pursuant to Commissioners' report . . . . . \$50.00 . . . . . \$50.00  
Deposited as estimated compensation . . . . . \$50.00  
Disbursed to owner . . . . . none  
Balance due to owner . . . . . \$50.00

---

12.

It Is Further ORDERED that the Clerk of this Court shall disburse the deposit for the subject tract, in the amount of \$50.00 to Jim Harmon.

/s/ Luther Bohanon

---

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

---

HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
  
Plaintiff,  
  
vs.  
  
160.00 Acres of Land, More or Less,  
Situate in Nowata County, State of  
Oklahoma, and Charles G. Zugar,  
et al, and Unknown Owners,  
  
Defendants.

CIVIL ACTION NO. 71-C-113  
  
Tract No. 1508M  
  
(Lessor (royalty) interest  
only)

**FILED**

AUG 30 1971

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

J U D G M E N T

Now, on this 30 day of August<sup>1.</sup>, 1971, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of Judgment on a contract, wherein the owner and the Plaintiff have agreed upon the amount of just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff finds:

2.

This Judgment applies only to the lessor (royalty) interest in the estate condemned in Tract No. 1508M, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this civil action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power and authority to condemn for public use the estate described above in paragraph 2. Pursuant thereto, on April 2, 1971, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

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

7.

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

8.

The former owner of the lessor interest in the estate taken in subject tract and the United States of America have executed a contract, designated as "Option for Purchase of Mineral Estate", wherein they have agreed that just compensation for the taking of subject property is in the amount shown as compensation in paragraph 12, and such contract should be approved.

9.

This judgment will create a deficiency between the amount deposited as estimated compensation for the lessor interest in the estate taken in subject tract and the amount fixed by the option contract signed by the parties; and the amount of such deficiency should be deposited for the benefit of the owner. Such deficiency is set out below in paragraph 12.

10.

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

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking, the owner of the lessor interest in the estate condemned herein in the subject tract was the person whose name appears below in paragraph 12, and the right to receive the just compensation awarded by this judgment is vested in the party so named.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the contract, described in paragraph 8 above, hereby is confirmed; and the sum therein fixed is adopted as the award of just compensation for the lessor interest in the estate condemned in subject tract, as follows:

TRACT NO. 1508M  
(Lessor (royalty) interest only)

Owner: Margaret Zugar

Award of just compensation		
pursuant to option contract . . . . .	\$1,000.00	\$1,000.00
Deposited as estimated compensation . . . . .	800.00	
Disbursed to owner . . . . .		<u>none</u>
Balance due to owner . . . . .		<u>\$1,000.00</u>
Deposit deficiency . . . . .	\$ 200.00	

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall deposit in the registry of this Court, in this civil action, to the credit of subject tract, the deficiency sum of \$200.00. When such deposit has been made the Clerk of this Court shall disburse from the deposit for the subject tract, to Margaret Zugar, the sum of \$1,000.00.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

20.00 Acres of Land, More or Less,  
Situate in Rogers County, State of  
Oklahoma, and W. L. Mullen, et al.,  
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 69-C-191

Tract No. 420M

**FILED**

AUG 30 1971

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

J U D G M E N T

1.

NOW, on this 30 day of August, 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 29, 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 to the entire estate condemned in Tract No. 420M, as such estate and tract are described in the Complaint filed in this action.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on July 31, 1969, the United States of America filed its Declaration of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the 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 10.

7.

The Report of Commissioners filed herein on March 29, 1971, hereby is approved, and adopted as a finding of fact as to subject tract. The amount of just compensation for the estate taken in the subject tract, as fixed by the Commission, is set out below in paragraph 10.

8.

The defendants named in paragraph 10 as owners are the only defendants asserting any interest in the estate condemned herein; all other defendants having either disclaimed or defaulted, (as of the date of taking) the named defendants were the owners of the estate condemned herein and, as such, are entitled to receive the just compensation awarded by this judgment.

9.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tract, as such tract is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of July 31, 1969, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

10.

It Is Further ORDERED, ADJUDGED AND DECREED that the right to receive the just compensation for the estate taken herein in subject tract is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of March 29, 1971, is hereby confirmed and the sum therein fixed is adopted as just compensation for the estate taken in subject tract as shown by the following schedule:

<u>TRACT NO. 420M</u>		
Award of just compensation for all interests, pursuant to Commissioner's report . . . . .	\$79.00	\$79.00
Deposited as estimated compensation . . . . .	<u>\$79.00</u>	
Disbursed to owners . . . . .		none
Balance due to owners . . . . .		\$79.00

OWNERSHIP AND DISTRIBUTION OF AWARD:

<u>Owner</u>	<u>Interest</u>	<u>Share of award and balance due</u>
W. L. Mullen . . . . .	1/16 . . . . .	\$4.94
H. M. McMillan . . . . .	1/16 . . . . .	4.94
Heirs of J. E. Bible, deceased who are:		
Esther Bible Land . . . . .	7/80 . . . . .	6.92
Leona Bible Crowe . . . . .	7/80 . . . . .	6.92
Everett Bible . . . . .	7/80 . . . . .	6.91
Oscenea Bible Frits . . . . .	7/80 . . . . .	6.91
Dorothy Bible Smith . . . . .	7/80 . . . . .	6.91
Loyd Bible . . . . .	7/80 . . . . .	6.91
Leo Bible . . . . .	7/80 . . . . .	6.91
Hugh Bible . . . . .	7/80 . . . . .	6.91
Kenneth Bible . . . . .	7/80 . . . . .	6.91
Florence Bible Griffin . . . . .	7/80 . . . . .	6.91

---

11.

It Is Further ORDERED that the Clerk of this Court shall disburse the deposit for the subject tract by paying to each owner the balance due to him or her as shown above in paragraph 10.

/s/ Allen E. Barrow

---

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

---

HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

20.00 Acres of Land, More or Less,  
Situate in Rogers County, State of  
Oklahoma, and Ruth Geneva Conn, et  
al., and Unknown Owners,

Defendants.

CIVIL ACTION NO. 69-C-190

Tract No. 434M

(Overriding royalty interest only)

**F I L E D**

AUG 30 1971

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

J U D G M E N T

1.

Now, on this 30 day of August, 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 29, 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 to the overriding royalty interest only in the estate taken in Tract No. 434M, as such estate and tract 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 property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on July 31, 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 the subject property a certain sum of money, and none of this deposit has been disbursed as set out below in paragraph 12.

7.

The Report of Commissioners filed herein on March 29, 1971 hereby is accepted and adopted as a finding of fact as to subject property. The amount of just compensation for the taking of subject property as fixed by the Commission is set out below in paragraph 12.

8.

This judgment will create a surplus in the deposit of estimated just compensation for the taking of subject property, and such surplus should be refunded to the plaintiff. The calculation of such surplus is set out below in paragraph 12.

9.

The defendant named in paragraph 12 as owner of the subject property is the only defendant asserting any interest in such estate; all other defendants having either disclaimed or defaulted, the named defendant was, (as of the date of taking) the owner of the estate condemned herein 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 Tract, as it is described in the Complaint filed herein, and such property, to the extent of the overriding royalty interest only in the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of July 31, 1971, and all defendants herein and all other persons are forever barred from asserting any claim to such property.

11.

It Is, Further ORDERED, ADJUDGED AND DECREED that on the date of taking in this case, the owner of the subject property was the defendant whose name appears below in paragraph 12, and the right to receive the just compensation for the taking of such property is vested in the party so named.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on March 29, 1971, hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the taking of subject property, as shown by the following schedule:

TRACT NO. 434M  
(Overriding royalty interest only)

Owner: Shell Companies Foundation, Incorporated	
Deposited as estimated compensation . . . . .	\$100.00
Award of just compensation, pursuant to Commissioners' report . . . . .	70.00 . . . . \$70.00
Disbursed to owner . . . . .	none
Balance due to owner . . . . .	<u>\$70.00</u>
Deposit surplus . . . . .	<u>\$ 30.00</u>

13.

It Is Further ORDERED, that the Clerk of this Court shall disburse from the deposit for the subject tract the deposit surplus created by this judgment, in the amount of \$30.00, to the Treasurer of the United States of America.

The Clerk shall further disburse from the deposit for the subject tract to Shell Companies Foundation, Incorporated the sum of \$70.00.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
  
Plaintiff,  
  
vs.  
  
50.00 Acres of Land, More or Less,  
Situate in Rogers County, State of  
Oklahoma, and Julia J. Harmon, et  
al., and Unknown Owners,  
  
Defendants.

CIVIL ACTION NO. 69-C-189

Tract No. 428M  
(all interests except  
working interest)

**F I L E D**

AUG 30 1971

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

J U D G M E N T

1.

Now, on this 30 day of August, 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 29, 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 to all interests, except the working interest, in the estate taken in Tract No. 428M, as such estate and tract 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 property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on July 31, 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 the described estate in the subject property a certain sum of money, and none of this deposit has been disbursed as set out below in paragraph 12.

7.

The Report of Commissioners filed herein on March 29, 1971 hereby is accepted and adopted as a finding of fact as to subject property. The amount of just compensation for the taking of subject property as fixed by the Commission is set out below in paragraph 12.

8.

This judgment will create a surplus in the amount deposited as estimated just compensation for the taking of subject property, and such surplus should be refunded to the plaintiff. The calculation of such surplus is set out below in paragraph 12.

9.

The defendants named in paragraph 12 as owners of the subject property are the only defendants asserting any interest in such estate; all other defendants having either disclaimed or defaulted, the named defendants were, (as of the date of taking,) the owners of 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 all interests, except the working interest, in the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of July 31, 1969, and all defendants herein and all other persons are forever barred from asserting any claim to such property.

11.

It Is, Further ORDERED, ADJUDGED AND DECREED that on the date of taking in this case, the owners of the subject property were the defendants whose names appear below in paragraph 12, and the right to receive the just compensation for the taking of such property is vested in the parties so named.

It Is Further ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on March 29, 1971, hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the taking of the subject property, as shown by the following schedule:

TRACT NO. 428M  
(all interests except working interest)

DEPOSIT OF ESTIMATED COMPENSATION:

Total deposit for all interests,  
except working interest . . . . . \$970.00

Allocation of deposit:

For lessor (mineral) interest . . . \$750.00  
For overriding royalty interest . . . . . \$220.00

AWARD OF JUST COMPENSATION:  
(pursuant to Commissioners' Report)

Total award for all interests,  
except working interest . . . . . \$315.00

Allocation of award:

To lessor (mineral) interest . . . \$296.00  
To overriding royalty interest . . . . . \$ 19.00

DEPOSIT SURPLUS:

As to lessor . . . . . \$454.00  
As to override . . . . . \$201.00  
Total deposit surplus . . . . . \$655.00

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSALS:

1. Lessor (mineral) interest:

<u>Owners</u>	<u>Interest</u>	<u>Share of Award</u>	<u>Disbursed</u>	<u>Balance Due</u>
Julia J. Harmon . . . . .	1/2 . . . . .	\$148.00 . . . . .	none . . . . .	\$148.00
First National Bank and Trust Company of Tulsa, Trustee of the Juliann W. Funke, Living Trust . . . . .	1/16 . . . . .	\$ 18.50 . . . . .	none . . . . .	\$18.50
First National Bank and Trust Company of Tulsa, Trustee of the Helen Whitehill Kenyon Trust . . . . .	1/16 . . . . .	\$ 18.50 . . . . .	none . . . . .	\$18.50
Carey and Company, a co- partnership . . . . .	1/16 . . . . .	\$ 18.50 . . . . .	none . . . . .	\$18.50

The First National Bank and Trust Company of Tulsa and Benjamin Franklin Whitehill, Trustees of Trust A . . . . .	1/32 . . . . .	\$ 9.25 . . . . .	none . . . . .	\$ 9.25
The First National Bank and Trust Co. of Tulsa and Benjamin Franklin Whitehill, Trustees of Trust B . . . . .	1/64 . . . . .	\$ 4.63 . . . . .	none . . . . .	\$ 4.63
The First National Bank and Trust Company of Tulsa and Howard Joseph Whitehill, Jr., Trustees of Trust C . . . . .	1/64 . . . . .	\$ 4.62 . . . . .	none . . . . .	\$ 4.62
Ann B. Whitehill . . . . .	1/8 . . . . .	\$37.00 . . . . .	none . . . . .	\$37.00
Anne M. Whitehill . . . . .	1/8 . . . . .	\$37.00 . . . . .	none . . . . .	\$37.00

2. Overriding royalty interest:

Owner: Shell Companies Foundation, Incorporated

Share of award . . . . . \$19.00

Disbursed . . . . . none

Balance due . . . . . .\$19.00

13.

It Is Further ORDERED, that the Clerk of this Court shall disburse from the deposit for the subject tract the deposit surplus created by this judgment, in the amount of \$655.00, to the Treasurer of the United States of America.

The Clerk shall further disburse from the deposit for the subject tract to each owner the balance due to him or her as shown above in paragraph 12.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
Plaintiff, ) CIVIL ACTION NO. 69-C-188  
 )  
vs. ) Tracts Nos. 415M and 418M  
 ) (All interests except working  
 ) interest.)  
30.75 Acres of Land, More or Less, )  
Situat e in Rogers County, State of )  
Oklahoma, and Alta McSpadden, et al., )  
and Unknown Owners, )  
 )  
Defendants. )

**FILED**

AUG 30 1971

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

J U D G M E N T

1.

Now, on this 30 day of August, 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 29, 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 to all interests, except the working interest, in the estate taken in Tracts Nos. 415M and 418M as such estate and tracts 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 property.

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on July 31, 1969, the United States of America filed its Declaration of Taking of a certain estate in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such 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 the described estate in the subject property a certain sum of money, and none of this deposit has been disbursed as set out below in paragraph 12.

7.

The Report of Commissioners filed herein on March 29, 1971, hereby is accepted and adopted as a finding of fact as to subject property. The amount of just compensation as to the estate taken in subject property as fixed by the Commission is set out below in paragraph 12.

8.

This judgment will create a deficiency between the amount deposited as estimated just compensation for the estate taken in subject property 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 12.

9.

The defendants named in paragraph 12 as owners of the estate taken in subject property are the only defendants asserting any interest in such estate; all other defendants having either disclaimed or defaulted, the named defendants were, (as of the date of taking,) the owners of 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 all interests, except the working interest, in such property, to the extent of the estate described in such Complaint is condemned, and title thereto is vested in the United States of America, as of July 31, 1969, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

11.

It Is, Further ORDERED, ADJUDGED AND DECREED that on the date of taking in this case, the owners of the estate taken herein in subject property

were the defendants whose names appear below in paragraph 12, and the right to receive the just compensation for the taking of such estate is vested in the parties so named.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on March 29, 1971 hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the estate taken in subject property, as shown by the following schedule:

TRACTS NOS. 415M & 418M  
(All interests except the working interest)

AWARD OF JUST COMPENSATION:  
(Pursuant to Commissioners' Report)

Total award for all interests  
except working interest . . . . . \$1,729.00

Allocation of award:

To basic mineral interest . . \$154.00  
To unitized royalty interest . . . . . \$1,095.00  
To overriding royalty interest . . . . . \$480.00

DEPOSIT OF ESTIMATED COMPENSATION:

Total deposit for all interests  
except working interest . . . . . \$1,274.00

Allocation of deposit:

For basic mineral interest . . none  
For unitized royalty . . . . . \$ 934.00  
For overriding royalty . . . . . \$340.00

Deposit deficiency:

As to basic mineral interest \$154.00  
As to unitized royalty . . . . . \$.161.00  
As to overriding royalty . . . . . \$.140.00  
Total deposit deficiency . . . . . \$455.00

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSALS:

1. Basic mineral interest:

<u>Owner</u>	<u>Interest</u>	<u>Share of Award</u>	<u>Disbursed</u>	<u>Balance Due</u>
Alta McSpadden	all	\$154.00	none	\$154.00

2. Unitized royalty interest:

<u>Owner</u>	<u>Interest (percent)</u>	<u>Share of Award</u>	<u>Disbursed</u>	<u>Balance Due</u>
Alta McSpadden	45.97	\$503.37	none	\$503.37
Elmer Larison	18.415	201.64	none	201.64
PIC Management Company Inc.	4.543	49.75	none	49.75
Mary Stevenson	1.514	16.58	none	16.58
Hinman S. Milam	1.514	16.58	none	16.58
Mildred M. Viles	1.514	16.58	none	16.58
Wilburn Oil Company, Inc.	9.33	102.16	none	102.16
Joseph H. Freeman and J. Naomi Freeman	17.20	188.34	none	188.34

3. Overriding royalty interest:

<u>Owner</u>	<u>Interest</u>	<u>Share of Award</u>	<u>Disbursed</u>	<u>Balance Due</u>
Shell Companies Foundation, Incorporated	all	\$480.00	none	\$480.00

13.

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 12, in the total amount of \$455.00, together with interest on such deficiency at the rate of 6% per annum from July 31, 1969, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tracts in this civil action.

Upon receipt of such deficiency deposit the Clerk of this Court shall disburse the deposit for the subject tract as follows:

To each owner the balance due to him or her as shown above in paragraph 12, together with each owner's proportionate share of the accrued interest on the deposit deficiency based upon such owner's fractional interest in the subject property.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW  
Assistant United States Attorney

**FILED**

**AUG 30 1971**

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

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

JAMES N. BRITTAIN, )

Plaintiff, )

) 71-C-49

vs. )

THE SECRETARY OF HEALTH, EDUCATION )  
AND WELFARE, )

Defendant. )

**ORDER REMANDING**

The Court has for consideration the defendant's motion for summary judgment, motion for summary judgment on behalf of plaintiff, and alternative motion that said matter be remanded back to the Secretary for additional evidence, the briefs in support and opposition thereto, and, being fully advised in the premises, finds:

The Court finds that good cause for remanding a social security case for a rehearing is a relative and abstract term, and this Court must not require such a technical and cogent showing of good cause as would justify the vacation of a judgment or the granting of a new trial, where no party will be prejudiced by the acceptance of additional evidence and the evidence offered bears directly and substantially on the matter in dispute.

The Court cannot consider the appended evidence in reviewing the decision of the Secretary. In the alternative, plaintiff has requested that the case be remanded to the Secretary for the taking of additional evidence, presumably the introduction of the appendices. Remand to the Secretary for the taking of additional evidence can only be had on a showing of good cause.

The Court concludes that the appendices, not in the record, constitutes good cause for remanding the case to the Secretary for the taking of additional evidence and the case will be remanded accordingly.

IT IS, THEREFORE, ORDERED that the motions for summary judgment be and the same are hereby denied.

IT IS FURTHER ORDERED that this cause of action be remanded to the Secretary for the taking of additional evidence and re-consideration.

ENTERED this 30 day of August, 1971.



UNITED STATES DISTRICT JUDGE

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

THE FIRST NATIONAL BANK OF ATLANTA,

Plaintiff,

vs.

LINDA VANCE MULLENDORE, Executrix  
of the Estate of E. C. MULLENDORE, III,

Defendant.

X  
X  
X  
X  
X  
X  
X  
X  
X

NO. 70-C-162

**FILED**

AUG 30 1971

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

J U D G M E N T

This cause came on to be heard on plaintiff's Motion For Judgment on the Pleadings on the 3rd day of August, 1971; and the Court being fully advised, and upon the recommendation of the U. S. Magistrate, Morris L. Bradford, which recommendation is adopted and confirmed by the Court

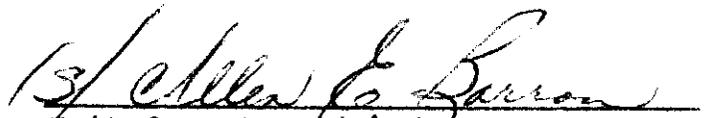
FINDS that the plaintiff is entitled to judgment as a matter of law on the undisputed facts appearing in the pleadings filed herein. The Court further

FINDS that on September 29, 1969, E. C. Mullendore, III executed and delivered to the First National Bank of Atlanta, a promissory note in the sum of \$80,255.00; that E. C. Mullendore, III defaulted in the terms of said promissory note; that there is presently due and payable to the plaintiff the sum of \$121,623.97, including interest through June 1, 1970, with interest accruing daily thereafter at the rate of \$26.70 per day (8% per annum on the unpaid balance); that demand for payment was made pursuant to the statutes and case law of the State of Georgia upon E. C. Mullendore, III prior to his death and upon Linda Vance Mullendore, Executrix of the Estate of E. C. Mullendore, III, deceased, both of whom failed and refused to

pay said note according to its terms; that plaintiff is entitled to judgment for the principal and interest due on said note, together with attorneys' fees of fifteen per cent (15%) of the principal and interest due on said note at the time of judgment and the costs of this action.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiff have judgment against the defendant, Linda Vance Mullendore, Executrix of the Estate of E. C. Mullendore, III, deceased, for the sum of \$133,051.57, which sum represents the principal and interest due on said note to August 3, 1971, plus attorneys' fees in the sum of \$19,957.72, which sum is fifteen per cent (15%) of the principal and interest due on said note at time of judgment, plus court costs, with interest on said judgment at the rate of ten per cent (10%) per annum from August 3, 1971.

DATED this 30 day of August, 1971.

  
United States District Judge

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

GERINGER & SONS MFG. CORP.,	)
a corporation,	)
	)
Plaintiff,	)
	)
-vs-	)
	)
TULSA BUILDING SUPPLY CO.,	)
INC., a corporation,	)
	)
Defendant.	)

Civil Action  
No. 70-C-353

**FILED**  
AUG 30 1971  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

ORDER

This action came on for hearing on August 4, 1971, upon plaintiff's Applications and Motions for Judgment by Default and Summary Judgment against the defendant. The Court, Honorable Morris P. Bradford, U.S. Magistrate, presiding, heard the issues, examined the pleadings, all of which were duly presented at the time of the hearing and found that:

Plaintiff's Application<sup>and motions</sup> for Judgment by Default and Summary Judgment against the defendant were well taken and should be sustained in law and in fact.

That the defendant had failed to appear or otherwise seek relief prior to or at the hearing of August 4, 1971.

Pursuant to the findings, the Honorable Morris P. Bradford, U.S. Magistrate presiding, recommended the following order:

That judgment by default and summary judgment for the plaintiff herein as against the defendant herein should be granted as prayed for by plaintiff in its Application and Motions for Judgment by Default and Summary Judgment unless within ten (10) days from the date of hearing on August 4, 1971, the defendant shall show good and legal cause to this Court why such order and judgment should not be entered.

This Court finds that on this 25th day of August, 1971, more than ten (10) days has expired since the entry of the above recommended order of the U.S. Magistrate presiding, and the defendant has failed to respond or show cause why said order and judgment should not be entered. Therefore,

upon recommendation of the U.S. Magistrate presiding, this Court adopts and affirms that the Application and Motions for Judgment by Default and Summary Judgment of the plaintiff are hereby granted.

IT IS THEREFORE ORDERED that the Application and Motions of plaintiff Geringer & Sons Mfg. Corp., a corporation, for Judgment by Default and Summary Judgment against the defendant, Tulsa Building Supply Co., Inc., a corporation, be and are hereby granted in the sum of Thirteen Thousand Two Hundred twenty-one Dollars and ninety-six cents (\$13,221.96), with interest thereon at the rate of 10% per annum from June 10, 1970, until paid, as provided by law and for the costs of this action.

IT IS FURTHER ORDERED that the plaintiff's Motion to recover of the defendant a reasonable attorneys fee in the amount of \$3,000 to be taxed as costs of this action for the use and benefit of plaintiff's counsel herein be and the same is hereby granted.

DATED at Tulsa, Tulsa County, Oklahoma, this 30<sup>th</sup> day of August, 1971.



UNITED STATES DISTRICT JUDGE FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

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

RAY MORRISON, d/b/a OKLAHOMA  
STATE EQUIPMENT COMPANY and  
CHIEF DICTATING MACHINE COMPANY,

Plaintiff,

vs.

FOY E. ROSE, d/b/a AUDIO  
EQUIPMENT COMPANY, and NORTH  
AMERICAN PHILIPS COMPANY, INC.,  
a corporation,

Defendants.

NO. 70-C-123

**FILED**

AUG 20 1971

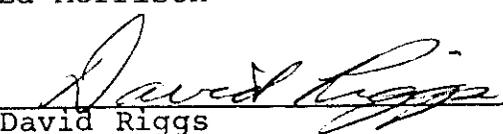
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

STIPULATION OF DISMISSAL  
WITH PREJUDICE

It is stipulated by and between the attorneys for Ray L. Morrison, d/b/a Oklahoma State Equipment Company and Chief Dictating Machine Company, plaintiff, and Foy E. Rose, d/b/a Audio Equipment Company, and North American Philips Corporation, defendants, that the above entitled action is dismissed with prejudice, each party to bear his own costs and payment of attorney fees.

DATED this 26<sup>th</sup> day of August, 1971.

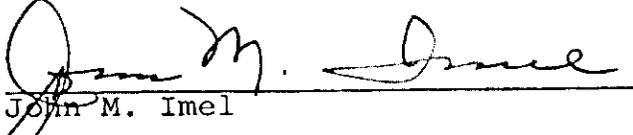
  
Ed Morrison

  
David Riggs

ATTORNEYS FOR PLAINTIFF,  
Ray L. Morrison, d/b/a Oklahoma  
State Equipment Company and  
Chief Dictating Machine Company

  
James R. Eagleton

ATTORNEY FOR DEFENDANT,  
Foy E. Rose, d/b/a Audio  
Equipment Company

  
John M. Imel

ATTORNEY FOR DEFENDANT,  
North American Philips Corporation

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
Plaintiff,  
vs.  
35.00 Acres of Land, More or Less,  
Situate in Rogers County, State of  
Oklahoma, and R. Paul Henry, et al,  
and Unknown Owners,  
Defendants.

CIVIL ACTION NO. 68-C-106  
Tracts Nos. 421-1 thru 421-4

**FILED**

AUG 25 1971

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

J U D G M E N T

1.

NOW, on this 24 day of Aug., 1971. this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies only to the estate condemned in Tracts Nos. 421-1, 421-2, 421-3, and 421-4, as such estate and tracts are described in the Declaration of Taking filed in this action, and as modified by stipulation of the parties as hereinafter noted.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on May 7, 1968, the United States of America has filed its Declaration of Taking of such described property, and title to the described estate in such property, as modified by the stipulation of the parties, should be vested in the United States of America as of the date of filing the Declaration of Taking.

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 tracts a certain sum of money, and all of this deposit has been disbursed, as set out below in paragraph 14.

7.

On the date of taking in this action, the owner of the estate taken in subject tracts was the defendant whose name is shown below in paragraph 14. Such named defendant is the only person asserting any interest in the estate taken in such tracts, all other persons having either disclaimed or defaulted, and such named defendant is entitled to receive the just compensation awarded by this judgment.

8.

A Stipulation for Exclusion of Property, executed by the owner's attorney and the United States of America, was filed herein on July 16, 1971, whereby certain "Right-of-way easements for watering of stock and for water pipelines and pumping units, for the exercise of established or hereinafter established water rights, ...." were excluded from the taking effected by the filing of the Declaration of Taking in this action. The areas covered by the easements were parts of Tracts 421-1 and 421-2 in this action and such easement areas were particularly described in the said Stipulation. Such Stipulation should be approved.

9.

The owner of the subject tracts and the United States of America have executed and filed herein a Stipulation As To Just Compensation wherein they have agreed that just compensation for the estate hereby condemned in subject tracts, as modified by the Stipulation described above in paragraph 8, is in the amount shown as compensation in paragraph 14 below, and such Stipulation should be approved.

10.

This judgment will create a deficiency between the amount deposited as estimated compensation for subject tracts and the amount fixed by the Stipulation As to Just Compensation, and the amount of such deficiency should be deposited for the benefit of the landowner. Such deficiency is set out below in paragraph 14.

11.

It Is, Therefore, ORDERED, ADJUDGED, and DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in paragraph 2 herein, as such tracts are particularly described in the Complaint and Declaration of Taking filed herein; and such tracts, with the exception of the property excluded by paragraph 13, to the extent of the estate described and for the uses and purposes described in such Declaration of Taking, are condemned and title thereto is vested in the United States of America, and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim to such property.

12.

It Is Further ORDERED, ADJUDGED, and DECREED that on the date of taking, the owner of the estate condemned herein in subject tracts was the defendant whose name appears below in paragraph 14, and the right to just compensation for the estate taken herein in these tracts is vested in the party so named.

13.

It Is Further ORDERED, ADJUDGED, and DECREED that the Stipulation For Exclusion of Property described in paragraph 8 above hereby is confirmed, and title to the easements established by such Stipulation remains vested in the defendant owner.

14.

It Is Further ORDERED, ADJUDGED, and DECREED that the Stipulation As To Just Compensation, mentioned in paragraph 9 above, hereby is confirmed; and the sum therein fixed is adopted as the award of just compensation for the estate condemned in subject tracts, as follows:

Tracts Nos. 421-1, 421-2, 421-3, 421-4

Owner: R. Paul Henry

Award of Just Compensation, pursuant to Stipulation - - - - -	\$36,640.00	\$36,640.00
Deposited as estimated compensation - - - - -	18,390.00	
Disbursed to owner - - - - -		<u>18,390.00</u>
Balance due to owner - - - - -		<u>\$18,250.00</u>
Deposit deficiency - - - - -	\$18,250.00	

15.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall deposit in the Registry of this Court, in this civil action, to the credit of subject tracts, the deficiency sum of \$18,250.00, and the Clerk of this Court then shall disburse from the deposit in this action, to R. Paul Henry, the sum of \$18,250.00.

ALLEN E. BARROW  

---

UNITED STATES DISTRICT JUDGE

APPROVED:

---

RICHARD H. WILLS, JR.  
Attorney for Defendant

*HUBERT A. MARLOW*  

---

HUBERT A. MARLOW  
Assistant United States Attorney

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

United States of America,

Plaintiff,

-v-

Stephen H. Perkins, et al,

Defendants. )

**F I L E D**

AUG 25 1971

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

Civil No. 71-C-245

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this ~~24th~~ <sup>25th</sup> day of August, 1971, the defendants, Stephen H. Perkins, Rose Lea Perkins, Mutual Plan of Tulsa, Inc., and Termplan of Tulsa, appearing not; and

The Court being fully advised and having examined the file herein finds that due and legal personal service of summons by the United States Marshal for the Northern District of Oklahoma has been made on defendants: Stephen H. Perkins and Rose Lea Perkins on July 15, 1971; Termplan of Tulsa on July 15, 1971; and Mutual Plan of Tulsa, Inc. on July 15, 1971. And, further, that Ronald H. Mook and Mallie M. Norton were served on July 26, 1971, and have disclaimed any right, title, or interest whatsoever in said real property.

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 County, State of Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Fifteen (15), Block One, (1), Valley View Acres Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof.

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

That the Defendants, Stephen H. Perkins and Rose Lea Perkins, did on November 6, 1963, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note for the sum of \$3,500 with interest thereon at the rate of 5½ per cent per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the above named defendants made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than nine months last past, which default has continued and that by reason thereof said defendants

are now indebted to the Plaintiff in the sum of \$8,527.88 as unpaid principal, with interest thereon at the rate 5½ per cent per annum from October 1, 1970, 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 judgement against said defendants for the sum of \$8,527.88 with interest thereon at the rate of 5½ per cent per annum from October 1, 1970, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of the defendants, Stephen H. Perkins and Rose Lea Perkins, 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, all of the defendants and each of them and all persons claiming under them since the filing of the Complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.

  
UNITED STATES DISTRICT JUDGE

Approved.

ROBERT P. SANTEE

ROBERT P. SANTEE  
Assistant United States Attorney

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDDY EMERY COOPER and DONNA COOPER,

Defendants.)

CIVIL ACTION NO. 71-C-173

**FILED**

AUG 24 1971

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

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 24 day of August, 1971, the defendants, Eddy Emery Cooper and Donna Cooper, appearing not; and

The Court being fully advised and having examined the file herein finds that legal service by publication was made upon the defendants, Eddy Emery Cooper and Donna Cooper, as appears by Proof of Publication filed herein on August 18, 1971, requiring them to answer the Complaint filed herein not more than twenty (20) days after date of last publication, 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 the City of Tulsa, Tulsa County, State of Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Five (5) in Block Five (5), Northgate 3rd Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

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

That the defendants, Eddy Emery Cooper and Donna Cooper, did on the 4th day of March, 1970, execute and deliver to Diversified Mortgage and Investment Company their certain mortgage note in the principal amount of \$13,250.00 with interest thereon at 8 1/2 per cent per annum from date until paid, and

further providing for payments on the principal and interest in monthly installments of \$101.89 each, commencing on the 1st day of May, 1970;

That on March 4, 1970, Diversified Mortgage and Investment Company assigned, transferred and set over to Federal National Mortgage Association all its right, title and interest in and to said mortgage note and mortgage on the above-described real property by Assignment of Mortgage of Real Estate;

That on the 15th day of September, 1970, Federal National Mortgage Association transferred, assigned, set over and delivered unto the Secretary of Housing and Urban Development of Washington, D. C., his successors and assigns, the above-described mortgage note and mortgage.

It further appears that the defendants, Eddy Emery Cooper and Donna Cooper, made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make the monthly installment due thereon on May 1, 1971, which default has continued, and that by reason thereof the defendants are now indebted to the plaintiff in the sum of \$14,236.23 as of May 1, 1971, with interest thereon at the rate of 8 1/2 per cent per annum until paid, plus any additional sums advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, or sums for the preservation of subject property and 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, Eddy Emery Cooper and Donna Cooper, for the sum of \$14,236.23, with interest at the rate of 8 1/2 per cent per annum from May 1, 1971, until paid, plus any additional sums advanced or expended during this foreclosure action for taxes, insurance, abstracting, or sums for the preservation of subject property and the cost of this action accrued and accruing.

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

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

  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
ROBERT P. SANTEE  
Assistant United States Attorney

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WOODROW W. CAYCE, a/k/a W. W. CAYCE,  
if living, or if deceased, his unknown  
heirs, executors, assigns and administrators,  
and ORA CAYCE, a/k/a ORA N. CAYCE,

Defendants.

CIVIL ACTION NO. 71-C-137

**E I L E D**  
AUG 25 1971  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 25 day of August, 1971, the defendants, Woodrow W. Cayce, a/k/a W. W. Cayce, if living, or if deceased, his unknown heirs, executors, assigns and administrators, and Ora Cayce, a/k/a Ora N. Cayce, appearing not; and

The Court being fully advised and having examined the file herein finds that personal service was made on Ora Cayce, a/k/a Ora N. Cayce, on April 23, 1971; that Woodrow W. Cayce, a/k/a W. W. Cayce, is deceased, and that service by publication was made upon his unknown heirs, executors, assigns and administrators as appears by Proof of Publication filed herein on August 23, 1971, requiring them to answer the Complaint filed herein not more than twenty (20) days after date of last publication, 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 Osage County, State of Oklahoma, within the Northern Judicial District of Oklahoma, to-wit:

Lots Ten (10), Eleven (11), Twelve (12), and Thirteen (13),  
Block Two (2), Yarbrough Addition to the Town of Prue,  
Oklahoma, according to the recorded plat thereof.

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

That the defendants, Woodrow W. Cayce, a/k/a W. W. Cayce, and Ora Cayce, a/k/a Ora N. Cayce, did on September 21, 1967, execute and deliver to the Small Business Administration their certain mortgage note in the principal amount of \$17,300.00, with interest thereon at the rate of 5 1/2 per cent per annum from date until paid, and further providing for payments on the principal and interest in monthly installments of \$191.00 each commencing December 21, 1967.

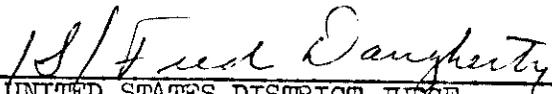
It further appears that the defendants, Woodrow W. Cayce, a/k/a W. W. Cayce, and Ora Cayce, a/k/a Ora N. Cayce, made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make the monthly installments due thereon on June 21, 1968, which default has continued, and that by reason thereof the defendants are now indebted to the plaintiff in the sum of \$18,332.90 as of December 3, 1970, with interest thereon at the rate of 5 1/2 per cent per annum until paid, plus any additional sums advanced or expended during this foreclosure action by plaintiff for taxes, abstracting, and 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, the unknown heirs, executors, assigns and administrators of the estate of Woodrow W. Cayce, a/k/a W. W. Cayce, deceased, and Ora Cayce, a/k/a Ora N. Cayce, for the sum of \$18,332.90 as of December 3, 1970, with interest thereon at the rate of 5 1/2 per cent per annum until paid, plus any additional sums advanced or expended during this foreclosure action by plaintiff for taxes, abstracting, and the cost of this action accrued and accruing.

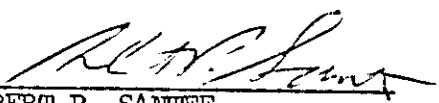
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon failure of the defendants to satisfy plaintiff's money judgment herein, an Order of Sale shall issue to the United States Marshal for the Northern District of Oklahoma commanding him to advertise and sell, with appraisal, the above-described real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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, the

defendants and each of them and all persons claiming under them since the filing of the Complaint herein be and they are forever barred and foreclosed of any right, title, interest, or claim in or to the real property or any part thereof.

  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
ROBERT P. SANTEE  
Assistant United States Attorney

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

United States of America, )  
 )  
Plaintiff, )  
 )  
-v- )  
 )  
William E. Carson, et al, )  
 )  
Defendants.) Civil No. 71-C-30

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 24  
day of August 1971, the Plaintiff, United States of  
America, appearing by and through its attorney, Robert  
P. Santee, Assistant United States Attorney for the  
Northern District of Oklahoma, and the defendants, William  
E. Carson, Ada L. Carson, and Leona R. Carson, appearing  
not.

The Court being fully advised and having examined  
the file herein finds that due and legal personal service  
has been made on the defendants, William E. Carson and Ada  
L. Carson, on March 2, 1971, as shown on Marshal's Return  
of Service; and that service by publication on the  
defendant, Leona R. Carson, has been obtained as shown by  
Proof of Publication filed on July 30, 1971.

It appearing that said defendants have failed to  
answer herein and that default has been entered by the  
Clerk of this Court.

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 and that the following  
described property is located in Tulsa County, State of  
Oklahoma:

Lot Fourteen (14), Block Five (5), Chandler-  
Frates Fourth Addition to the City of Tulsa,  
Tulsa County, Oklahoma, according to the  
recorded plat thereof.

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

That the defendants, William E. Carson and Ada L. Carson, did, on December 5, 1967, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note for the sum of \$9,500, with interest thereon at the rate of 6 per cent per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the above named defendants made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than fifteen (15) months last past, which default has continued and that by reason thereof said defendants are indebted to the Plaintiff in the sum of \$9,399.72 with interest thereon at the rate of 6 per cent per annum from November 1, 1969, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of the defendants, William E. Carson and Ada L. Carson, to satisfy Plaintiff's money judgment herein, an Order of Sale shall issue to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisal, the said 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, all of the defendants, William E. Carson, Ada L. Carson, and Leona R. Carson, and each of

them and all persons claiming under them since the filing of the Complaint herein be and they are forever barred and foreclosed of any right, title, interest, or claim in or to the real property or any part thereof.

*By Allen E. Barrow*  
UNITED STATES DISTRICT JUDGE

Approved.

*ROBERT P. SANTEE*

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

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
Plaintiff,  
vs.  
20.26 Acres, More or Less, in Rogers  
County, Oklahoma, including all accre-  
tions and riparian rights thereto, and  
Julius A. Burson, et al, and Unknown  
Owners,  
Defendants.

CIVIL ACTION NO. 67-C-128  
Tracts Nos. 151E and 152E

**E I L E D**

**AUG 25 1971**

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

J U D G M E N T

1.

NOW, on this 24 day of August, 1971, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies only to the estates condemned in the tracts enumerated in the caption above, as such estates and tracts are described in the Complaint and the Declaration of Taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estates described in paragraph 2 herein. Pursuant thereto, on July 19, 1967, the United States of America filed its Declaration of Taking of such described property, and title to the described estates in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

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

7.

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

8.

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

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED, AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tracts named in paragraph 2 herein, as such tracts are particularly described in the Complaint and Declaration of Taking filed herein; and such tracts, to the extent of the estates described in such Complaint are condemned and title thereto is vested in the United States of America, as of the date of filing such Declaration of Taking, and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim to such estates.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking, the owners of the estates condemned herein in subject tracts were the defendants whose names appear below in paragraph 12, and the right to receive the just compensation for the estates taken herein in these tracts is vested in the parties so named.

12.

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

TRACT NOS. 151E and 152E

OWNERS:

Julius A. Burson and  
Freddie E. Burson  
Subject to a mortgage held by  
First National Bank of Claremore, Oklahoma

Award of just compensation pursuant to stipulation . . . . .	\$11,000.00	\$11,000.00
Deposited as estimated compensation . . . . .	7,662.00	
Disbursed to owners . . . . .		7,649.00
Balance due to owners . . . . .		<u>3,351.00</u>
Deposit deficiency . . . . .	<u>\$3,338.00</u>	

13.

It Is Further ORDERED, ADJUDGED, and DECREED that the United States of America shall deposit in the Registry of this Court, in this civil action, to the credit of the subject tracts, the deficiency sum of \$3,338.00, and the Clerk of this Court then shall disburse, from the deposit in this case, to

Julius A. Burson and Freddie E. Burson and  
First National Bank of Claremore, Oklahoma, jointly,  
the sum of . . . . . \$3,351.00

ALLEN E. BARROW

UNITED STATES DISTRICT JUDGE

APPROVED:

**HUBERT A. MARLOW**

HUBERT A. MARLOW  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
Plaintiff,

vs.

40.00 Acres of Land, More or Less  
Situate in Nowata County, State of  
Oklahoma, and Edward Campbell  
Lawson, Jr., et al., and Unknown  
Owners,

Defendants.

CIVIL ACTION NO. 70-C-376

TRACT NO. 1119M

(all interests)

**E I L E D**

AUG 25 1971

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

United States of America,

Plaintiff,

vs.

35.49 Acres of Land, More or Less,  
Situate in Nowata County, State of  
Oklahoma, and Margaret Rorschach,  
et al., and Unknown Owners,

Defendants.

CIVIL ACTION NO. 70-C-377

TRACT NO. 1122M

(1/3 of lessor interest and)  
(all of lessee interest )

United States of America,

Plaintiff,

vs.

117.06 Acres of Land, More or Less,  
Situate in Nowata County, State of  
Oklahoma, and Lawson Petroleum  
Company, et al., and Unknown Owners,

Defendants.

CIVIL ACTION NO. 70-C-378

TRACT NO. 1227M

(all of lessor interest only)

United States of America,

Plaintiff,

vs.

50.00 Acres of Land, More or Less,  
Situate in Nowata County, State of  
Oklahoma, and L. P. Moore, et al.,  
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 70-C-379

TRACT NO. 1338M

(all of lessor interest only)

J U D G M E N T

NOW on this 24 day of August, 1971, this matter comes on for  
disposition on application of the plaintiff, United States of America, for  
entry of Judgment on a stipulation agreeing upon just compensation, and the  
Court, after having examined the files in this action and being advised by  
counsel for plaintiff finds:

2.

This Judgment applies only to certain interests in the property condemned in the four cases enumerated in the caption above, such interests being as follows:

- Civil Action 70-C-376: All interests in the estate taken.
- Civil Action 70-C-377: 1/3 of the lessor (royalty) interest and all of the lessee interest in the estate taken.
- Civil Action 70-C-378: All of the lessor (royalty) interest in the estate taken.
- Civil Action 70-C-379: All of the lessor (royalty) interest in the estate taken.

The descriptions of the tracts involved in these four cases and the estate taken in such tracts are as set forth in the Complaints filed in such cases.

3.

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

4.

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

5.

The Acts of Congress set out in Paragraph 2 of the Complaints filed herein give the United States of America the right, power and authority to condemn for public use the property described in Paragraph 2 herein. Pursuant thereto, on December 9, 1970 the United States of America filed its Declarations of Taking of such described property, and title to the described estates in such property should be vested in the United States of America as of that date.

6.

On the filing of the respective Declarations of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the described estates in the subject tracts, certain sums of money, and certain portions of these deposits have been disbursed as set out below in Paragraph 14.

7.

On the date of taking in these actions, the owners of the interests in the estate taken, as described in Paragraph 2, were the persons whose names are shown below in paragraph 14. Such named defendants are the only persons asserting any claim to such described interests. All other persons having either disclaimed or defaulted, such named defendants are entitled to receive the just compensation awarded by this judgment.

8.

The owners of the subject property and the United States of America have executed and filed herein, on March 26, 1971, a Stipulation whereby it was agreed that a certain water well situated on Tract No. 1122M, as described in Civil Action 70-C-377, is not taken by the Government and is not a part of these actions. Such Stipulation of the parties should be approved.

9.

The owners of the subject property and the United States of America have executed and filed herein a Stipulation As To Just Compensation, wherein they have agreed that just compensation for the estates condemned in subject property is in the total sum of \$41,750.00, inclusive of interest, and such Stipulation As To Just Compensation should be approved.

10.

This judgment will create a deficiency between the amounts deposited as estimated compensation for subject property and the amount fixed by the Stipulation As To Just Compensation, and the amount of such deficiency should be deposited for the benefit of the owners. Such deficiency is set out below in Paragraph 14.

11.

It Is Therefore ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the property particularly described in the Complaints filed herein. The interests described in paragraph 2 above, in such property, to the extent of the estates set forth in such Complaints, but with the exception of the property excluded in Paragraph 13 below, are condemned and title thereto is vested in the United States of America and all defendants herein and all other persons interested in such estates are forever barred from asserting any claim to such interests.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the subject interests as described in paragraph 2 above, were the persons whose names appear below in Paragraph 14, and the right to receive just compensation for the taking of such interests is vested in the parties so named.

13.

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulation described in Paragraph 8 above is hereby confirmed, and title to the water well covered by such Stipulation is not taken by these actions, but remains vested in the defendant owners.

14.

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulation As To Just Compensation mentioned in Paragraph 9 above is hereby confirmed; and the sum therein fixed is adopted as the award of just compensation for the taking of the subject interests, as described above in paragraph 2. The ownership, deposit, award and deficiency in this case are as follows, to-wit:

All interests in Tract 1119M  
1/3 of the lessor (royalty) interest and all of the lessee  
interest in Tract 1122M  
All of the lessor (royalty) interest in Tract 1227M  
All of the lessor (royalty) interest in Tract 1338M,  
combined.

Owners:

Lawson Petroleum Company  
Alice Kistler Willard  
Edward Campbell Lawson, Jr.  
Eugene Kistler Lawson and  
Patricia Lawson Gow

Award of Just Compensation:

Pursuant to Stipulation . . . . . \$41,750.00 \$41,750.00

Deposited as Estimated Compensation:

Civil Action 70-C-376 . . . . . \$ 3,162.00  
Civil Action 70-C-377 . . . . . 23,930.67  
Civil Action 70-C-378 . . . . . 2,008.00  
Civil Action 70-C-379 . . . . . 250.00  
Total deposited . . . . . \$29,350.67

Disbursed to Owners:

Civil Action 70-C-376 . . . . . \$ 3,162.00  
Civil Action 70-C-377 . . . . . 23,930.67  
Civil Action 70-C-378 . . . . . 1,968.40  
Civil Action 70-C-379 . . . . . 250.00  
Total disbursed . . . . . \$29,311.07

Balance Due to Owners . . . . . \$12,438.93

Deposit Deficiency . . . . . \$12,399.33

15.

It Is Further ORDERED that the Plaintiff shall pay into the registry of this Court the deficiency created by this Judgment in the amount of \$12,399.33. Such sum shall be placed by the Clerk in the deposit for Civil Action No. 70-C-378.

When such deficiency deposit has been made the Clerk of this Court shall disburse from the deposit in Civil Action No. 70-C-378 to Lawson Petroleum Company, Alice Kistler Willard, Edward Campbell Lawson, Jr., Eugene Kistler Lawson, and Patricia Lawson Gow, jointly, the sum of \$12,438.93.

/s/ Allen E. Barrow

---

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

---

HUBERT A. MARLOW By J.M.S.  
Assistant United States Attorney

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

DENNIS JOSEPH SEEKON,

Plaintiff,

vs.

LARRY ROBINSON, and  
SUN OIL COMPANY, a  
Foreign Corporation,

Defendants.

NO. 71-C-101

**FILED**  
AUG 24 1971  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

ORDER OF DISMISSAL

ON this 23 day of August, 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 defendant be and the same hereby is dismissed with prejudice to any future action.

Luther Bohanon  
JUDGE, DISTRICT COURT OF THE UNITED  
STATES, NORTHERN DISTRICT OF OKLAHOMA

APPROVAL:

ROSENSTEIN, LIVINGSTON, FIST & RINGOLD  
RICHARD D. GIBBON,

By: Caro J. Martensen

Attorneys for the Plaintiff,

ALFRED B. KNIGHT,

Alfred B. Knight  
Attorney for the Defendant.

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,  
  
Plaintiff,  
  
vs.  
  
95.00 Acres of Land, More or Less,  
Situate in Nowata County, State of  
Oklahoma, and Arley E. Nichols,  
et al., and Unknown Owners,  
  
Defendants.

CIVIL ACTION NO. 70-C-392  
  
Tract No. 1323M  
  
Lessor (royalty) interest only

**FILED**

AUG 24 1971

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

J U D G M E N T

1.

Now, on this 23 day of August, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies only to the lessor (royalty) interest in the estate condemned in Tract No. 1323M, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in Paragraph 2 of the Complaint herein give the United States of America the right, power, and authority to condemn for public use the estate described above in Paragraph 2. Pursuant thereto, on December 16, 1970, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such

property should be vested in the United States of America as of the date of filing 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 interest in the estate taken in the subject tract a certain sum of money, and all of this deposit has been disbursed, as set out below in Paragraph 12.

7.

On the date of taking in this action, the owner of the lessor interest in the estate taken in subject tract was the defendant whose name is shown in Paragraph 12 below, and such named defendant is entitled to receive the just compensation awarded by this judgment.

8.

The owner of the lessor interest in the estate taken in subject tract and the United States of America have executed and filed herein a stipulation as to just compensation wherein they have agreed that just compensation for such interest in subject tract is in the amount shown as compensation in Paragraph 12 below, and such stipulation should be approved.

9.

This judgment will create a deficiency between the amount deposited as estimated compensation for the lessor interest in the estate taken in subject tract and the amount fixed by the stipulation as to just compensation, and the amount of such deficiency should be deposited for the benefit of the owner. Such deficiency is set out below in Paragraph 12.

10.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tract named in Paragraph 2 herein, as such tract is particularly described in the Complaint and Declaration of Taking filed herein; and such tract, to the extent of the lessor interest in the estate described in such Declaration of Taking, is condemned, and title thereto is vested in the United States of America, as of the date of filing such Declaration of Taking, and

all defendants herein and all other persons are forever barred from asserting any claim to such interest.

11.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that on the date of taking, the owner of the lessor interest in the estate condemned herein in subject tract was the defendant whose name appears below in Paragraph 12, and the right to receive the just compensation for the taking of such interest is vested in the party so named.

12.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the stipulation as to just compensation, described in Paragraph 8 above, hereby is confirmed; and the sum therein fixed is adopted as the award of just compensation for the lessor interest in the estate condemned in subject tract as follows:

TRACT NO. 1323M  
(Lessor (royalty) interest only)

OWNER: Arley E. Nichols

Award of just compensation: (pursuant to stipulation) . . . . .	\$1,200.00	\$1,200.00
Deposited as estimated compensation . . . . .	475.00	
Disbursed to owner . . . . .		<u>475.00</u>
Balance due to owner . . . . .		\$725.00
Deposit deficiency . . . . .	<u>\$725.00</u>	

13.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United States of America shall deposit in the registry of this Court, in this Civil Action to the credit of Tract No. 1323M, the deficiency sum of \$725.00 and the Clerk of this Court then shall disburse from the deposit for the subject tract to Arley E. Nichols, the sum of \$725.00

/s/ Luther Bohanon  
UNITED STATES DISTRICT JUDGE

APPROVED:

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

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

DEWEY P. SHELTON,

Plaintiff,

vs.

THE LUPER TRANSPORTATION COMPANY,  
a Corporation, GULF INSURANCE COMPANY,  
a Corporation, and OLLIE R. HELMUTH,

Defendants.

NO. 71-C-28

**FILED**

AUG 24 1971

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

ORDER OF DISMISSAL

ON this 24<sup>th</sup> day of August, 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 and all causes of action 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.

Allen E. Barron  
JUDGE, DISTRICT COURT OF THE UNITED STATES, NORTHERN DISTRICT OF OKLAHOMA

APPROVAL:

SELLERS & SELLERS

By: W.C. Sellers

Attorneys for the Plaintiff,

ALFRED B. KNIGHT,

Alfred B. Knight

Attorney for the Defendants.

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

40.00 Acres of Land, More or Less,  
Situate in Nowata County, State of  
Oklahoma, and Marvin V. Gumm, et al.,  
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 70-C-391

Tract No. 1329M

**FILED**

AUG 24 1971

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

J U D G M E N T

1.

Now, on this 23 day of August 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 June 4, 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 to the entire estate taken in Tract No. 1329M as such estate and tract 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 December 16, 1970, 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 the described estate in the subject tract a certain sum of money, and none of this deposit has been disbursed as set out below in paragraph 12.

7.

The Report of Commissioners filed herein on June 4, 1971 hereby is accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to the estate taken in subject tract as fixed by the Commission is set out below in paragraph 12.

8.

This judgment will create a deficiency between the amount deposited as estimated just compensation for 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 12.

9.

The defendants named in paragraph 12 as owners of the estate taken in subject tract are the only defendants asserting any interest in such estate; all other defendants having either disclaimed or defaulted, the named defendants were, (as of the date of taking,) the owners of 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 estate described in such Complaint is condemned, and title thereto is vested in the United States of America, as of December 16, 1970, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

11.

It Is, Further ORDERED, ADJUDGED AND DECREED that on the date of taking in this case, the owners of the estate taken herein in subject tract

were the defendants whose names appear below in paragraph 12, and the right to receive the just compensation for such estate is vested in the parties so named.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on June 4, 1970 hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 1329M

AWARD OF JUST COMPENSATION:  
(pursuant to Commissioners report)

Total award for all interests . . . . . \$4,155.00

Allocation of award:

To lessor (royalty) interest \$600.00  
 To leasehold interest . . . . . \$3,435.00  
 To overriding royalty interest . . . . . \$120.00

DEPOSIT OF ESTIMATED COMPENSATION:

Total deposit for all interests . . . . . \$2,866.00

Allocation of deposit:

For lessor . . . . . \$600.00  
 For leasehold . . . . . \$2,266.00  
 For override . . . . . none

Deposit deficiency:

As to lessor. . . . . none  
 As to leasehold . . . . . \$1,169.00  
 As to override . . . . . \$120.00  
 Total deposit deficiency . . . . . \$1,289.00

---

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSALS:

1. Lessor interest:

<u>Owners</u>	<u>Interest</u>	<u>Share of Award</u>	<u>Disbursed</u>	<u>Balance Due</u>
Marvin V. Gumm	1/4	\$150.00	none	\$150.00
Wallace L. Gumm	1/4	150.00	none	150.00
Howard W. Gumm	1/4	150.00	none	150.00
Ellis Gumm	1/4	150.00	none	150.00

2. Leasehold interest:

<u>Owners</u>	<u>Interest</u>	<u>Share of Award</u>	<u>Disbursed</u>	<u>Balance Due</u>
Angle Oil Inc., subject to mortgage held by Victory National Bank of Nowata	All	\$3,435.00	none	\$3,435.00

3. Overriding royalty interest:

<u>Owner</u>	<u>Interest</u>	<u>Share of Award</u>	<u>Disbursed</u>	<u>Balance Due</u>
Gladys W. Rose	All	\$120.00	none	\$120.00

13.

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 12, in the total amount of \$1,289.00, together with interest on such deficiency at the rate of 6% per annum from December 16, 1970, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action.

Upon receipt of such deficiency deposit the Clerk of this Court shall disburse the deposit for the subject tract as follows:

To each of the owners of the lessor interest the balance due to him as shown in paragraph 12.

To each of the other owners the balances due as shown above in paragraph 12, together with each owner's proportionate share of the accrued interest on the deposit deficiency based upon such owner's interest in the subject property. Provided, that the sum to be disbursed for the leasehold interest shall be paid jointly to the owner and the mortgagee.

/s/ Luther Bohanon

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW  
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

20.00 Acres of Land, More or Less,  
Situate in Nowata County, State of  
Oklahoma, and Donald P. Oak, et al.,  
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 70-C-390

Tract No. 1321M

**FILED**

AUG 24 1971

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

J U D G M E N T

1.

Now, on this 23 day of August, 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 June 4, 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 to the entire estate taken in Tract No. 1321M as such estate and tract 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 December 16, 1970, 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 the described estate in the subject tract a certain sum of money, and none of this deposit has been disbursed as set out below in paragraph 12.

7.

The Report of Commissioners filed herein on June 4, 1971 hereby is accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to the estate taken in subject tract as fixed by the Commission is set out below in paragraph 12.

8.

This judgment will create a deficiency between the amount deposited as estimated just compensation for 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 12.

9.

The defendants named in paragraph 12 as owners of the estate taken in subject tract are the only defendants asserting any interest in such estate; all other defendants having either disclaimed or defaulted, the named defendants were, (as of the date of taking,) the owners of 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 estate described in such Complaint is condemned, and title thereto is vested in the United States of America, as of December 16, 1970, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

11.

It Is, Further ORDERED, ADJUDGED AND DECREED that on the date of taking in this case, the owners of the estate taken herein in subject tract

were the defendants whose names appear below in paragraph 12, and the right to receive the just compensation for such estate is vested in the parties so named.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on June 4, 1971 hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 1321M

AWARD OF JUST COMPENSATION:

(pursuant to Commissioners report)

Total award for all interests . . . . . \$2,289.00

Allocation of award:

To lessor (royalty) interest . . . \$712.00

To leasehold interest . . . . . \$1,577.00

DEPOSIT OF ESTIMATED COMPENSATION:

Total deposit for all interests . . . . . \$ 752.00

Allocation of deposit:

For lessor . . . . . \$225.00

For leasehold . . . . . \$ 527.00

Deposit deficiency:

As to lessor . . . . . \$487.00

As to leasehold . . . . . \$1,050.00

Total deposit deficiency . . . . . \$1,537.00

---

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSALS:

1. Lessor interest:

Owner: Donald P. Oak

Share of award . . . . . \$712.00

Disbursed . . . . . none

Balance due \$712.00

2. Leasehold interest:

Owner: Angle Oil, Inc.

subject to mortgage held by Victory National Bank of Nowata.

Share of award . . . . . \$1,577.00

Disbursed . . . . . none

Balance due . . . . . \$1,577.00

13.

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 12, in the total amount of \$1,537.00, together with interest on such deficiency at the rate of 6% per annum from December 16, 1970, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action.

Upon receipt of such deficiency deposit the Clerk of this Court shall disburse the deposit for the subject tract as follows:

To each owner the balance due as shown above in paragraph 12, together with each owner's proportionate share of the accrued interest on the deposit deficiency, based upon such owner's interest in the subject property. Provided, that the sum to be disbursed for the leasehold interest shall be paid to the owner and the mortgagee jointly.

/s/ Luther Bohanon

---

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

---

HUBERT A. MARLOW  
Assistant United States Attorney

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

FILED

AUG 19 1971

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

United States of America,

Plaintiff,

-v-

Yrimeo B. Casillas, et al,

Defendants. )

Civil No. 71-C-133

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 18<sup>th</sup> day of August, 1971, the defendants, Yrimeo B. Casillas, Rosa Casillas, Andrew V. Casillas, Karen Lee Casillas, Toby Cosar, Jr. a/k/a Tobey Cosar, Jr., Sharon Cosar a/k/a Sharon K. Cosar a/k/a Sharon Kay Cosar, Carolas Wheeler, 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 by the United States Marshal for the Northern District of Oklahoma on the defendants, Andrew V. Casillas and Karen Lee Casillas on April 15, 1971; Yrimeo B. Casillas and Rosa Casillas on April 16, 1971; Toby Cosar, Jr. a/k/a Tobey Cosar, Jr., on April 14, 1971; and Carolas Wheeler on April 27, 1971. Sharon Cosar a/k/a Sharon K. Cosar a/k/a Sharon Kay Cosar was served by publication as shown by Proof of Publication filed July 30, 1971; and Yrimeo B. Casillas, Rosa Casillas, Andrew V. Casillas, and Karen Lee Casillas disclaimed any and all right, title or interest in and to said property as shown by Disclaimer filed May 5, 1971.

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, State of Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Twenty-four (24), Block Fifty(50), Valley View Acres  
Third Addition to the City of Tulsa, Tulsa County, Oklahoma,  
according to the recorded plat thereof.

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

That the defendants, Yrineo B. Casillas and Rosa Casillas, did, on August 25, 1964, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note for the sum of \$10,250.00 with interest thereon at the rate of  $5\frac{1}{2}$  per cent per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Yrineo B. Casillas, Rosa Casillas, Andrew V. Casillas, Karen Lee Casillas, Toby Cosar, Jr. a/k/a Tobey Cosar, Jr., and Sharon Cosar a/k/a Sharon K. Cosar a/k/a Sharon Kay Cosar, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than nine months last past, which default has continued and that by reason thereof the above named defendants are now indebted to the plaintiff in the sum of \$9,517.90 as unpaid principal, with interest thereon at the rate of  $5\frac{1}{2}$  per cent per annum from July 1, 1970, 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 above named defendants for the sum of \$9,517.90 with interest thereon at the rate of  $5\frac{1}{2}$  per cent per annum from July 1, 1970, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of the above named defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall issue to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisalment, the 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, all of the defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.

  
WILLIAM C. JOHNSON  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
ROBERT P. SANTOS  
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

70.00 Acres of Land, More or Less,  
Situate in Nowata County, State of  
Oklahoma, and Joe W. Dee, et al.,  
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 70-C-393

Tract No. 1343M

**FILED**

AUG 19 1971

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

J U D G M E N T

1.

Now, on this 17 day of August, 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 June 16, 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 to the entire estate taken in Tract No. 1343M as such estate and tract 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 December 16, 1970, 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 the described estate in the subject tract a certain sum of money, and part of this deposit has been disbursed as set out below in paragraph 12.

7.

The Report of Commissioners filed herein on June 16, 1971 hereby is accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to the estate taken in subject tract as fixed by the Commission is set out below in paragraph 12.

8.

This judgment will create a deficiency between the amount deposited as estimated just compensation for 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 12.

9.

The defendants named in paragraph 12 as owners of the estate taken in subject tract are the only defendants asserting any interest in such estate; all other defendants having either disclaimed or defaulted, the named defendants were, (as of the date of taking,) the owners of 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 estate described in such Complaint is condemned, and title thereto is vested in the United States of America, as of December 16, 1970, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

11.

It Is, Further ORDERED, ADJUDGED AND DECREED that on the date of taking in this case, the owners of the estate taken herein in subject tract

were the defendants whose names appear below in paragraph 12, and the right to receive the just compensation for such estate is vested in the parties so named.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on June 16, 1971 hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 1343M

AWARD OF **JUST** COMPENSATION:  
pursuant to Commissioners' report.

Total award for all interests . . . . . \$8,847.00

Allocation of award:

To lessor (royalty) interest . . . . \$997.00

To leasehold interest . . . . . \$7,850.00

DEPOSIT OF ESTIMATED COMPENSATION

Total deposit for all interests. . . . . 2,730.00

Allocation of deposit:

For lessor . . . . . 925.00

For leasehold . . . . . 1,805.00

Deposit deficiency:

As to lessor. . . . . \$.72.00

As to leasehold . . . . . \$.6,045.00

Total deposit deficiency . . . . . \$.6,117.00

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSALS:

1. Lessor interest:

<u>Owners</u>	<u>Interest</u>	<u>Share of Award</u>	<u>Disbursed</u>	<u>Balance Due</u>
Joe W. Dee and Ceicel Ione Dee, jointly	7/8	\$872.38	\$809.36	\$ 63.02
Parmaly G. Hill	1/16	62.31	none	62.31
Almira K. Watts	1/16	62.31	none	62.31

2. Leasehold interest:

<u>Owners</u>	<u>Interest</u>	<u>Share of Award</u>	<u>Disbursed</u>	<u>Balance Due</u>
Frank M. Cummins	1/2	\$3,925.00	none	\$3,925.00
L. P. Moore	1/2	\$3,925.00	none	\$3,925.00

13.

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 12, in the total amount of \$6,117.00, together with interest on such deficiency at the rate of 6% per annum from December 16, 1970, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action.

Upon receipt of such deficiency deposit the Clerk of this Court shall disburse the deposit for the subject tract as follows:

To each owner the balance due to him or her as shown above in paragraph 12, together with each owner's proportionate share of the accrued interest on the deposit deficiency based upon such owner's fractional interest in the subject property.

*L. Luther Bohannon*  
UNITED STATES DISTRICT JUDGE

APPROVED:

*H. 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, ) CIVIL ACTION NO. 70-C-392  
 )  
vs. ) Tract No. 1323M  
 )  
95.00 Acres of Land, More or Less, ) Leasehold Interest Only  
Situates in Nowata County, State of )  
Oklahoma, and Arley E. Nichols, )  
et al., and Unknown Owners, )  
 )  
Defendants. )

**FILED**

AUG 19 1971

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

J U D G M E N T

1.

Now, on this 17<sup>th</sup> day of August, 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 June 16, 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 leasehold interest in the estate taken in Tract No. 1323M, as such estate and tract are described in the Complaint and 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 tract of land. Pursuant thereto, on December 16, 1970, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, and title to such property should be vested in the United States of America, as of the date of filing such Declaration of Taking.

6.

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

7.

The Report of Commissioners filed herein on June 16, 1971 is hereby accepted and adopted as a finding of fact as to the leasehold interest in the subject tract. The amount of just compensation as to the leasehold interest in the estate taken in subject tract, as fixed by the Commission is set out below in paragraph 12.

8.

This judgment will create a certain deficiency between the amount deposited as estimated just compensation for subject interest 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 12.

9.

The defendant named in paragraph 12 as owner of subject interest is the only defendant asserting any interest in the leasehold interest in the estate condemned herein; all other defendants having either disclaimed or defaulted, the named defendant is the owner of the leasehold interest in the estate taken in the subject tract, 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 tract, as it is described in the Declaration of Taking filed herein, and such property, to the extent of the leasehold interest in the estate described in the Declaration of Taking filed herein, is condemned, and title thereto is vested in the United States of America, as of the date of filing the Declaration of Taking, and all defendants herein and all other persons are forever barred from asserting any claim to such interest.

11.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owner of the leasehold interest in the estate taken herein in subject tract was the defendant whose name appears below in paragraph 12 and the right to receive the just compensation for such interest is vested in the party so named.

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the Report of Commissioners filed herein on June 16, 1971, hereby is confirmed and the sum therein fixed is adopted as just compensation for the leasehold interest in the estate taken in the subject tract, as shown by the following schedule:

TRACT NO. 1323M  
Leasehold Interest Only

Owner: S. E. Levinson

Award of just compensation pursuant to Commissioners' report . . . . .	\$475.00	\$475.00
Deposited as estimated compensation . . . . .	25.00	
Disbursed to owner . . . . .		<u>none</u>
Balance due to owner . . . . .		\$475.00
Deposit deficiency . . . . .	<u>\$450.00</u>	

13.

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 subject tract in the amount of \$450.00, together with interest on such deficiency at the rate of 6% per annum from December 16, 1970, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this civil action. Upon receipt of such sum, the Clerk of this Court shall disburse from the deposit for the subject tract, to S. E. Levinson the sum of \$475.00 plus all accrued interest included in the aforesaid deficiency deposit.

*Luther Bohannon*  
UNITED STATES DISTRICT JUDGE

APPROVED:

*Hubert A. Marlow*  
HUBERT A. MARLOW  
Assistant U. S. Attorney

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

LINDA VANCE MULLENDORE, )  
)  
Plaintiff, )  
vs. )  
)  
REPUBLIC NATIONAL LIFE )  
INSURANCE COMPANY, a foreign )  
insurance company, et al. )  
)  
Defendants. )

**FILED**  
No. 71-C-86      AUG 18 1971  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT.

O R D E R

This cause came on for consideration by the Court on July 27, 1971, upon Motion of the defendants to dismiss for failure to state a claim against them upon which relief could be granted. Plaintiff appeared by her attorneys, John L. Arrington, Jr., James L. Kincaid and Lynnwood R. Moore, Jr.; and the defendants appeared by G. Ellis Gable, V. P. Crowe and Clyde Muchmore. Statements and arguments were made, and the defendants were granted 15 days to file a reply Brief to plaintiff's Brief.

The Court having received all of the Briefs in this case and having studied the same, has reached the conclusion that defendants' Motion to Dismiss plaintiff's Complaint should be sustained.

The Complaint shows that United Family Life Insurance Company of Atlanta Georgia issued three separate policies of life insurance on the life of E. C. Mullendore, III, each policy in the face amount of \$5,000,000, making a total of \$15,000,000 insurance on the insured's life, and then alleges that United Family Life Insurance Company entered into a reinsurance agreement with the defendants by the terms of which each of said defendants was to assume a part of the insurance on the life of the insured Mullendore, and it is alleged in the Complaint that each of the defendants "agreed to indemnify said United Family Life Insurance Company in a specified amount in the event that said United Family Life Insurance Company became obligated to pay the proceeds of said policies to the plaintiff."

The Complaint does not show any contractual obligation or duty between the plaintiff and the named defendants, assuming, arguendo, that United did reinsure part of the contracts of insurance with the named defendants whereby they agreed to indemnify United Family Life; this would not create a liability upon the defendants unless and until United Family Life was required to pay the plaintiff and then only upon the demand of United Family Life. An indemnity agreement is not an agreement to pay absolutely but is an agreement to indemnify the indemnitee only if and after he has become legally liable to pay.

The allegations of the Complaint alleging a conspiracy among the defendants is not sufficient to create a liability in the type of action here under consideration. Assuming further that the defendants did jointly agree not to pay United Family Life Insurance Company, this would not be a breach of the contract or a conspiracy because each had a right not to pay until the indemnity agreement was breached, and only then would an obligation, if any, be cast upon the defendants to pay any part of the alleged claims of the plaintiff.

The Court takes judicial knowledge of an action in this Court pending between the plaintiff and United Family Life Insurance Company upon the policies issued by it. This action is pending and undecided. Consequently, the defendants here are not legally liable under the alleged indemnity agreement.

Plaintiff has her cause of action directly against United Family Life Insurance Company, which stands unimpaired, and no act or actions by the defendants here could influence any legal action by the plaintiff against United Family Life Insurance Company.

Therefore, the plaintiff's action against these defendants does not state a claim upon which relief can be granted, and is premature.

IT IS, THEREFORE, THE JUDGMENT OF THE COURT that plaintiff's Complaint be dismissed.

Dated this 17<sup>th</sup> day of August, 1971.

Luther Bohannon  
United States District Judge



However, the Court finds, based on the affidavit of Harvey W. Thompson, Assistant Secretary of Phillips Petroleum Company, that the principal place of business of Phillips Petroleum Company is in the State of Oklahoma.

Title 28 U.S.C.A. §1332 (c) provides:

"For the purposes of this section and section 1441 of this title, a corporation shall be deemed a citizen of any State by which it has been incorporated and of the State where it has its principal place of business."

The Court finds that a corporation incorporated in one state with its principal place of business in another state has dual citizenship for the purpose of diversity jurisdiction. Volume One, Moore's Federal Practice, ¶0.77[1.-1] et seq.

The Court finds that there is no diversity jurisdiction between the plaintiff and the defendant, Phillips Petroleum Company.

IT IS, THEREFORE, ORDERED that the defendants motion to dismiss for lack of jurisdiction be and the same is hereby sustained.

IT IS FURTHER ORDERED that the complaint and this cause of action be and the same are hereby dismissed.

ENTERED this 16 day of August, 1971.



---

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
 ) Plaintiff, )  
 vs. )  
 )  
 ) 120.00 Acres of Land, More or Less, )  
 ) Situate in Rogers County, State of )  
 ) Oklahoma, and Sallie Pearl Mayes, )  
 ) et al, and Unknown Owners, )  
 )  
 ) Defendants. )

CIVIL ACTION NO. 69-C-194

Tract No. 427M

**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 February 23, 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 estate condemned in Tract No. 427M, as such estate and tract are described in the Complaint filed in this action.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on July 31, 1969, the United States of America filed its Declaration of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the

estate taken in the subject tract a certain sum of money, and all of this deposit has been disbursed as set out below in paragraph 10.

7.

The Report of Commissioners filed herein on February 23, 1971 fixed the award of just compensation at \$457.50. The Report shows that the Commissioners, in fixing the award, relied upon the testimony of Mr. Gordon Romine. The record of the trial reflects that after testifying to values which mathematically resulted in a compensation of \$457.50, this witness further testified that he rounded this figure so that \$463.00 was his final opinion as to compensation. The Report of Commissioners, therefore, should be modified to agree with the witness's final opinion. The amount of just compensation for the estate taken in the subject tract, as modified by the Court, is set out below in paragraph 10.

8.

The defendants named in paragraph 10 as owners of the subject tract are the only defendants asserting any interest in the estate condemned therein, all other defendants having either disclaimed or defaulted. As of the date of taking, the named defendants were the owners of the estate condemned herein as shown in such paragraph 10 and, as such, are entitled to receive the just compensation awarded by this judgment.

9.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the subject tract, as such tract is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of July 31, 1969, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

10.

It Is Further ORDERED, ADJUDGED AND DECREED that the right to receive the just compensation for the estate taken herein in subject tract is vested in the defendants whose names appear below in this paragraph; the Report of Commissioners of February 23, 1971 hereby is modified by raising the compensation therein stated from \$457.50 to \$463.00, and as modified is approved, as shown in the following schedule:

Tract No. 427M

## Owners:

Henry Clay Cochran ----- 1/2

Sallie Pearl Mayes ----- 1/2

Award of just compensation  
pursuant to Commissioners'  
report -----

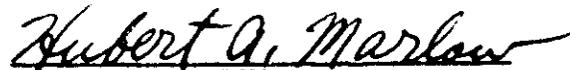
\$463.00

\$463.00

Deposited as estimated compensation ----- \$463.00Disbursed to owners ----- \$463.00

  
UNITED STATES DISTRICT JUDGE

## APPROVED:

  
HUBERT A. MARLOW  
Assistant U. S. Attorney

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

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

VIKING PETROLEUM, INC., )  
a corporation, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
JOHN T. ROGNRUD, )  
 )  
Defendant. )  
 )

No. 71-C-52

**FILED**

APR 13 1971

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

J U D G M E N T

NOW on this 13<sup>th</sup> day of April, 1971, on motion of the plaintiff, and for good cause shown, pursuant to Rule 55 of the Rules of Civil Procedure for the United States District Court, it appearing that service of summons has been had as provided by law and that the defendant, John T. Rognrud, has failed to file an answer or any other pleading in said cause and that plaintiff has filed its motion supported by affidavit of Robert J. Woolsey, its Counsel, for default judgment.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED, that plaintiff have judgment against the defendant, John T. Rognrud, for the sum of Fifteen Thousand One Hundred Seven Dollars and Eighty-one Cents (\$15,107.81) together with interest at 10% from the first day of May, 1970, until paid and the further sum of Three Thousand Seven Hundred and Seventy-Six Dollars and Ninety-Five Cents (\$3,776.95) attorney fees and costs of this action.

JOHN H. POE, Clerk of Court

By *Maigie L. Johnson*  
Deputy Court Clerk

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

United States of America, )  
 )  
 Plaintiff, )  
 )  
 -v- )  
 )  
 Leamon Butler Amos, et al, )  
 )  
 Defendants. )

FILED

AUG 12 1971

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

Civil No. 71-C-236

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 11<sup>th</sup>  
day of August 1971, the defendants, Leamon Butler Amos and  
Billie Dove Amos, 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 said defendants on July 9,  
1971.

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,  
State of Oklahoma, within the Northern Judicial District of  
Oklahoma:

Lot Twenty-eight (28), Block Thirty-six (36),  
Valley View Acres Second Addition to the City  
of Tulsa, County of Tulsa, State of Oklahoma,  
According to the recorded plat thereof.

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

That the defendants, Leamon Butler Amos and Billie  
Dove Amos, did, on March 4, 1964, execute and deliver to  
the Administrator of Veterans Affairs, their mortgage  
and mortgage note for the sum of \$10,250 with interest  
thereon at the rate of 5 1/4 per cent per annum, and  
further providing for the payment of monthly installments  
of principal and interest; and

The Court further finds that said defendants made  
default under the terms of the aforesaid mortgage note by  
reason of failure to make monthly installments due thereon  
for more than 11 months last past, which default has  
continued and that by reason thereof said defendants are

now indebted to the Plaintiff in the sum of \$9,270.78 as unpaid principal, with interest thereon at the rate of 5 1/4 per cent per annum from August 1, 1970, until paid, plus the cost of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against said defendants for the sum of \$9,270.78 with interest thereon at the rate of 5 1/4 per cent per annum from August 1, 1970, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of the defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the U.S. Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisement, said property and apply 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, all of the defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed of any right, title, interest, or claim in or to the real property or any part thereof.

  
UNITED STATES DISTRICT JUDGE

Approved.

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

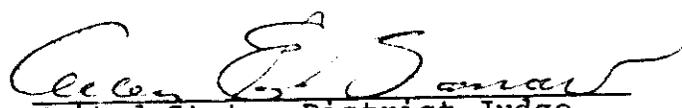
WAYNE A. PUGH, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
BUSINESS MEN'S ASSURANCE )  
COMPANY OF AMERICA, INC., )  
an insurance corporation, )  
 )  
Defendant. )

No. 69-C-148 ✓

**FILED**  
AUG 12 1971 ✓  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

ORDER FOR DISMISSAL WITH PREJUDICE

Pursuant to stipulation filed herein, this action is hereby dismissed with prejudice as to the claims of Wayne A. Pugh and the intervenor trustee in bankruptcy.

  
United States District Judge

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

GARY SCOBIE, )  
 )  
 Petitioner, )  
 )  
 v. ) 71-C-161  
 )  
 RAY H. PAGE, Warden, )  
 Oklahoma State Penitentiary, )  
 )  
 Respondent. )

**E I L E D**  
AUG 9 1971  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

O R D E R

THE PETITIONER HAS FILED an Application for Writ of Habeas Corpus. He is confined in the Oklahoma State Penitentiary at McAlester, Oklahoma, pursuant to the judgment and sentence of the District Court of Tulsa County, Oklahoma, Case No. 19,941. He received a term of twenty-five years imprisonment for the crime of Uttering a Forged Instrument, After Former Conviction of a Felony.

The major contention urged upon this court is that his conviction is constitutionally infirm because:

"(a) The rule laid down in Burgett v. Texas, 389 U.S. 109, 19 L.Ed 2d 319, 88 S.Ct. 258, decided by the Supreme Court of the United States on November 13, 1967, was violated, thereby denying due process of law to petitioner."

The trial of the defendant was conducted as a two-stage proceeding. It apparently is conceded by the respondent that in the second stage, the state introduced into evidence to establish the prior convictions of the defendant one indictment, one information, and two judgments and sentences. The record in the trial court was silent as to whether or not petitioner was represented by counsel at the time of said previous convictions. Apparently such evidence was received without objection by petitioner or his trial counsel. On May 20, 1970, petitioner filed in the Court of Criminal Appeals of the State of Oklahoma his Petition for Writ of Habeas Corpus, presenting the same issues contained in this petition with one exception hereinafter noted. This case,

styled Gary Scobie, Petitioner, v. Ray H. Page, Warden, Oklahoma State Penitentiary, was docketed as Case No. A-16,117 in that court. In that case, the Attorney General attached to his Response certified copies of pertinent portions of the Appearance Docket of the District Court for each of the defendant's prior convictions to establish that the defendant had, in fact, been represented by counsel at the time of his former convictions. The decision of the Criminal Court of Appeals, dated February 24, 1971, was reported in 481 P.2d 781. Therein the court stated at p. 782:

"[1] The two former felony convictions introduced in the second stage of the proceedings were defendant's conviction in the District Court of Tulsa County, Case No. 17407, for Attempted Burglary; and his conviction in the District Court of Tulsa County, Case No. 18122, for Burglary Second Degree After Conviction of a Felony. It is true that the judgment and sentence instrument in both of these cases fails to disclose that the petitioner was represented by counsel. However, the appearance docket in Case No. 17407 indicates that the petitioner was represented at arraignment by an attorney named Woodson and at his trial by an attorney named McGahey. The appearance docket in Case No. 18122 shows that the petitioner was represented by an attorney named Pope at the time that he entered his plea on September 11, 1959, and at the time that he was sentenced on said plea on September 15, 1959. We find that the appearance docket is competent evidence when properly certified to determine whether or not a defendant was represented by counsel. Accordingly, we conclude that competent evidence refutes the claim of the petitioner that his former felony convictions were constitutionally defective due to the absence of counsel."

In this court, the petitioner does not contend that he was not represented by counsel at the time of the former convictions, but only that it was improper for the Oklahoma Criminal Court of Appeals to consider the proof that he did. This does not raise a federal constitutional question. The thrust of Burgett, supra, is that the admission of a prior criminal conviction which is constitutionally infirm under the standards of Gideon v. Wainwright, 372 U.S. 335, is inherently prejudicial:

" . . . Gideon v. Wainwright established the rule that the right to counsel guaranteed by the Sixth Amendment was applicable to the States by virtue of the Fourteenth, making it unconstitutional to try a person for a felony in a state court unless he had a lawyer or had validly waived one. And that ruling was not limited to prospective applications. See Doughty v. Maxwell, 376 U.S. 202; Pickelsimer v. Wainwright, 375 U.S. 2. In this case the certified records of the Tennessee conviction on their face raise a presumption that petitioner was denied his right to counsel in the Tennessee proceeding, and therefore that his conviction was void. Presuming waiver of counsel from a silent record is impermissible. Carnley v. Cochran, 369 U.S. 506. To permit a conviction obtained in violation of Gideon v. Wainwright to be used against a person either to support guilt or enhance punishment for another offense (see Greer v. Beto, 384 U.S. 269) is to erode the principle of that case. Worse yet, since the defect in the prior conviction was denial of the right to counsel, the accused in effect suffers anew from the deprivation of that Sixth Amendment right." P. 114.

Here, although the evidence before the trial court was insufficient to establish that fact, the criminal convictions were not constitutionally infirm. A timely objection to the introduction of the evidence of the former convictions or to the sufficiency thereof should have been sustained in the trial court. However, the inquiry before this court is not whether the evidence should have been received, but rather whether the defendant was, in fact, represented by counsel at the time of the former convictions. The Oklahoma Court of Criminal Appeals has determined that he was, and this factual determination is supported by the record. States are free to provide such rules of procedure as they choose, including rules of evidence, so long as rules do not contravene a guarantee of the United States Constitution. Burgett v. Texas, supra. This court will diligently enforce the Sixth Amendment right to counsel which Gideon and Burgett were promulgated to protect. We will not dictate to the Oklahoma Criminal Court of Appeals the manner in which a violation thereof may be determined.

As further grounds for relief, petitioner alleges:

"(b) Petitioner was denied due process of law by the charge and showing of two previous convictions, when but one is all that the law contem-

plates or requires for the enhancement of punishment.

(c) Petitioner was denied due process of law by the reading and the introduction into evidence of the Information and Indictment allegedly relating to the purported previous convictions, only the judgment and sentence in one such case being proper.

(d) Petitioner was denied due process of law in the second-stage proceedings when neither the County Attorney, the Court Clerk, or the Trial Judge informed or instructed the jury that petitioner had entered a plea of not guilty to the subsequent offender portion of the charge.

(e) The cumulation of errors and irregularities on the second-stage proceedings deprived petitioner of a fair trial, and denied him due process of law to which he was entitled under the Constitution of the State of Oklahoma, and under the Constitution of the United States of America."

The questions presented are matters of interpretation of state law, and properly for the determination of the state courts. A federal court must accept the interpretation of state law unless it is inconsistent with the fundamental principles of liberty and justice. (See Francia v. Rodriguez, 371 F.2d 827 [CA10 1967]; Ratley v. Crouse, 365 F.2d 320 [CA10 1966]; and Mesmer v. Raines, 298 F.2d 718 [CA10 1961].) No such showing is made here.

It is not contended by the petitioner that Oklahoma law is being applied discriminately; therefore, these matters are determinable by the state and raise no issue cognizable in federal habeas corpus. (See Handley v. State, 398 F.2d 351 [CA10 1968].)

Finally the petitioner suggests he is entitled to relief because of certain alleged practices in his confinement which constitute cruel and unusual punishment in violation of the Eighth Amendment. The matter is not separately discussed further in the petitioner's brief, and there is no showing that any relief has been sought in the state courts. Therefore, this court cannot now consider this proposition, since there has not been an exhaustion of available state remedies. 28 U.S.C.A., Section 2254.

Since petitioner is not entitled to relief on his first five complaints and he has not shown an exhaustion of available state remedies on his final complaint, his Petition for Writ of Habeas Corpus filed herein is dismissed.

IT IS SO ORDERED THIS 6<sup>th</sup> DAY OF AUGUST, 1971.

*Luther Bohanon*  
\_\_\_\_\_  
LUTHER BOHANON  
United States District Judge

IN THE 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

ALL INTERESTS

**FILED**

APR - 6 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

WORKING INTEREST AND  
OVERRIDING ROYALTY INTEREST

United States of America,  
Plaintiff,  
vs  
60.0 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

ALL INTERESTS

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

ALL INTERESTS

J U D G M E N T

This cause came on regularly for hearing on this 6th day of April, 1971, upon the report of the Commissioners, duly appointed by this Court, and upon objections thereto by the United States of America, and by the defendants, International Equipment Leasing Corporation, Lillie Benbow and Ossie Mae Lary, and for judgment. All of the parties appeared either in person or by their respective counsel, and the Court having carefully examined the files and records in this cause and having heard the argument of counsel, and being fully advised in the premises, does hereby overrule the objections of the government and the defendants, and finds that the report of

the Commissioners filed herein on March 3, 1971, should in all respects be, and the same is hereby approved; it is further found by the Court that the United States of America, plaintiff, is not entitled to offset against the defendant owners any amount or amounts necessary to expend in the plugging of any of the wells located on any of the involved property.

THEREFORE, based upon these findings, it is

THE JUDGMENT OF THE COURT:

1. Royalty owners (lessor interest) as their interests appear in Tract No. 451M have and recover judgment against the United States of America in the sum of \$2,294.00;
2. Royalty owners (lessor interest) as their interests appear in Tract No. 453M have and recover judgment against the United States of America in the sum of \$1,425.00;
3. Royalty owners (lessor interest) as their interests appear in Tract No. 454M have and recover judgment against the United States of America in the sum of \$598.00;
4. The working interest owners in all four of the captioned tracts, have and recover judgment against the United States of America in the sum of \$14,339.00;
5. The overriding royalty interest on all four of the captioned tracts, as their interests appear, the sum of \$826.00.

The royalty owners (lessor interest) in Tract No. 452M has been settled by stipulation of the parties and, therefore, no judgment is entered with respect to these interests.

Done in open court, at Tulsa, Oklahoma, this 6th day of April, 1971.

  
United States District Judge

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

CARL L. SALSMAN,

Plaintiff

vs.

HENRY D. WITT and  
PAULINE WITT,

Defendants

No. 70-C-354 ✓

**E I L E D**

AUG 6 1971 *W*

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

J U D G M E N T

Based upon, and in accordance with, the Findings of Fact and Conclusions of Law this day filed with the clerk of this Court, it is

THE JUDGMENT OF THE COURT that the Plaintiff, Carl L. Salsman, recover of and from the Defendants, Henry D. Witt and Pauline Witt, the sum of \$14,350.00, together with interest at the rate of <sup>10%</sup> ~~6~~ per annum from the date of the entry of this Judgment until paid.

Costs are awarded to the Plaintiff.

Dated this 5 day of August, 1971.

Supersedeas bond is fixed in the amount of \$17,500.00.

*Arthur Bohannon*  
United District Judge

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

WILLIAM E. WILLIFORD,  
Plaintiff,  
v.  
THE SECRETARY OF HEALTH,  
EDUCATION, AND WELFARE,  
Defendant.

Civil Action 71-C-66 ✓

FILED

AUG 6 1971 *jm*

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

O R D E R

THIS IS AN ACTION brought by the plaintiff, William E. Williford, pursuant to Title 42 USC, Section 405(g), to review the final decision of the Secretary of Health, Education, and Welfare, denying plaintiff disability insurance benefits under the Social Security Act, as amended. The plaintiff, William E. Williford, appears by and through his attorneys, Malcolm Harper, and Don L. Gilder. The defendant, the Secretary of Health, Education, and Welfare, appears by and through his attorney, Robert P. Santee, Assistant United States Attorney for the Northern District of Oklahoma. The court has carefully considered the pleadings and transcript of the record, and finds that the Findings of Fact by the Secretary are supported by substantial evidence and are conclusive upon the court.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the decision of the Secretary that the plaintiff is not entitled, based on his application of June 25, 1969, to a period of disability or to disability insurance benefits under the provisions of Sections 216(i) and 223 respectively of the Social Security Act, as amended, is affirmed.

DATED THIS 5<sup>th</sup> DAY OF AUGUST, 1971.

*Luther Bohannon*  
UNITED STATES DISTRICT JUDGE

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

FILED

AUG 6 1971

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

CHARLES F. DIXON, )  
 )  
Plaintiff, )  
 )  
Vs. )  
 )  
UNITED STATES OF AMERICA, )  
 )  
Defendant. )

No. 70-C-244

J U D G M E N T

This cause comes on for hearing this 28th day of July, 1971, before the Court. The Court having heard testimony of the Plaintiff's case in chief and having heard testimony of the defense in chief and both sides having rested,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Plaintiff be and is hereby awarded judgment of the Court in the amount of \$30,000.00 from which there is to be deducted as attorneys fees for H. Corky Bishop and Jack Heskett twenty-five (25) percent, or, \$7,500.00.

*Leith Bohannon*  
JUDGE

APPROVED:

*William L. Graham*  
United States District Attorney

*H. Corky Bishop*  
H. Corky Bishop  
Attorney for Plaintiff



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

United States of America,  
Plaintiff,  
-v-  
Bobby Gene Knight, et al,  
Defendants.

FILED

AUG 5 1971

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

Civil No. 71-C-157

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this \_\_\_\_ day of August, 1971, the defendants, Bobby Gene Knight a/k/a B. G. Knight, Barbara Joan Knight, Oklahoma Morris Plan Company, Dickie Ray Knight now Suggs, Myrna Whitten Knight now Whitten, 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, Oklahoma Morris Plan Company, on May 5, 1971, as appears from the Marshal's Return of Service; and that defendants, Bobby Gene Knight a/k/a B. G. Knight, Barbara Joan Knight, Dickie Ray Knight now Suggs, Myrna Whitten Knight now Whitten, were served by publication as shown by Proof of Publication filed July 30, 1971.

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 Bartlesville, Washington County, State of Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Two (2), Block One (1), Monte Vista Addition to Bartlesville, Oklahoma.

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

That the defendants, Bobby Gene Knight and Barbara Joan Knight, executed and delivered to the Administrator of Veterans Affairs, their mortgage and mortgage note for the sum of Eight Thousand Five Hundred and no/100 (\$8,500.00), with interest thereon at the rate of four and three-fourths (4 3/4%) per cent per annum from date until paid, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Bobby Gene Knight and Barbara Joan Knight, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than eleven (11) months last past, which

default has continued and that by reason thereof the above named defendants are now indebted to the Plaintiff in the sum of \$5,911.40 as unpaid principal, with interest thereon at the rate of 4 3/4 per cent per annum from June 29, 1970, 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, Bobby Gene Knight and Barbara Joan Knight, for the sum of \$5,911.40 with interest thereon at the rate of 4 3/4 per cent per annum from June 29, 1970, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of the above named defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall issue to the U.S. 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, all of the defendants and each of them and all persons claiming under them since the filing of the Complaint herein be and they are forever barred and foreclosed of any right, title, interest, or claim in or to the real property or any part thereof.

  
UNITED STATES DISTRICT JUDGE

APPROVED:  
ROBERT P. SANTEE

ROBERT P. SANTEE  
Assistant United States Attorney

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

CHARLES CLINE, INC.,

Plaintiff,

vs.

A. L. ZAEPFEL, JR., d/b/a A. L.  
ZAEPFEL, JR., GENERAL INSURANCE,  
RUSSELL GRACE, d/b/a RUSSELL GRACE  
INSURANCE AGENCY, BANK OF COMMERCE  
OF FT. WORTH, JAMES L. LADD, RUDD  
AND RUDD, a co-partnership, ANDREW  
J. EMBRY and JOHN CHERVENAK,

Defendants.

FILED

AUG 5 1971

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

No. 70-C-122

O R D E R

This action comes on for hearing before the Court on the 3rd day of August, 1971, the Honorable Morris L. Bradford, Magistrate, presiding; the plaintiff appearing by its attorneys, Farmer, Woolsey, Flipppo & Bailey by Robert J. Woolsey; the defendants Rudd and Rudd appearing by and through their attorneys, Grigg & Richards by Lee Grigg. Pending before the Court are the motions of the defendants Rudd and Rudd to Dismiss or in the alternative, Motion for Judgment on the Pleadings or Motion for Summary Judgment, the said motions raising the issues of jurisdiction over the persons of the defendants Rudd and Rudd; limitations and proximate cause.

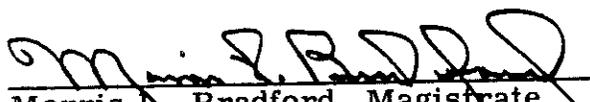
Thereupon the Court, after having examined the record, the briefs of the respective parties, the depositions on file herein and the exhibits attached thereto, the affidavit of K. Jack Rudd, and having heard the arguments and statements of counsel, finds that the Court has no jurisdiction over the persons of the defendants Rudd and Rudd and that the Motion to Dismiss by said defendants should be and is hereby sustained, and plaintiff's Complaint, Amended Complaint and causes of action therein are dismissed

as to the defendants Rudd and Rudd without prejudice to the plaintiff's right to maintain an action against said defendants in a proper forum.

The Court further finds that the above finding is dispositive of the Complaint, Amended Complaint and causes of action therein between the plaintiff and the defendants Rudd and Rudd, and no finding is made as to the other issues raised by the motion.

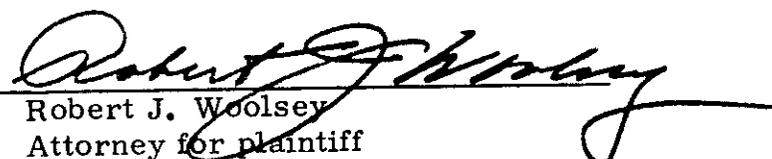
IT IS THEREFORE ORDERED AND ADJUDGED:

That the Motion of the defendants Rudd and Rudd to Dismiss for lack of Jurisdiction of the persons of the said defendants is sustained and plaintiff's Complaint, Amended Complaint and causes of action therein are dismissed as against the defendants Rudd and Rudd without prejudice to the plaintiff's right to maintain an action against said defendants in a proper forum.

  
Morris D. Bradford, Magistrate

APPROVED AS TO FORM:

FARMER, WOOLSEY, FLIPPO & BAILEY

By   
Robert J. Woolsey  
Attorney for plaintiff

GRIGG & RICHARDS

By   
Lee Grigg  
Attorney for defendants  
Rudd and Rudd

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

WALTER RICKLI,

Plaintiff,

vs.

ST. LOUIS-SAN FRANCISCO RAILWAY  
COMPANY, a Corporation, and  
BILL RIGGS,

Defendants.

No. 71-C-274

**FILED**

AUG 4 1971

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

O R D E R

Now, on this 31<sup>st</sup> day of August, 1971, comes before the Court the Joint Motion of Plaintiff and Defendants to Transfer this action to the United States District Court for the Western District of Oklahoma pursuant to the provisions of Title 28, U.S.C.A, Section 1404(a). And the Court having examined the file herein, and having examined the Joint Motion and stipulation of the plaintiff and both defendants herein to transfer this action, and having fully examined the authorities cited in support of said Joint Motion and being duly and fully advised in the premises, finds that the interests of justice will best be served by transferring this action to the United States District Court for the Western District of Oklahoma.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this action be and the same hereby is transferred to the United States District Court for the Western District of Oklahoma.

*Luther Bohannon*  
United States District Judge



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

**FILED**

AUG 4 1971 *ℓ*

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

WILLIAM L. MILLS, JR., )  
 )  
 ) Plaintiff, )  
 )  
 ) v. )  
 )  
 ) LORENE BILLINGSLEY, )  
 )  
 ) Defendant. )  
 )  
 ) UNITED STATES OF AMERICA )  
 ) and JOHN D. HEENEY, Special )  
 ) Agent, Internal Revenue )  
 ) Service, )  
 )  
 ) Petitioners, )  
 )  
 ) v. )  
 )  
 ) LORENE C. BILLINGSLEY, )  
 )  
 ) Respondent. )

Case No. 71-C-87 Civil ✓

Consolidated with

Case No. 71-C-147 Civil

ORDER

The United States of America has suggested under Rule 12(a) (3), F.R.Civ.P. that the Court has no jurisdiction in the earlier of the two cases above consolidated. In said earlier case the Taxpayer William L. Mills, Jr. sought an injunction against his former employer, Lorene Billingsley, from testifying under a 26 U.S.C.A. §7602 Internal Revenue Service summons. The United States of America was not a party to said earlier action. In the second case, the United States of America and a Special Agent of the Internal Revenue Service brought a proceeding to enforce its §7602 summons, served on Lorene Billingsley. This proceeding was brought pursuant to 26 U.S.C.A. §7604(a) and §7402(b). This former employer was willing to testify under the summons when she originally received the same but later refused to so testify after the Court issued a preliminary injunction in the earlier case prohibiting her from so testifying until the further Order of the Court.

Soon after the second case was filed the taxpayer moved to intervene therein. While this Motion was pending all parties agreed to the consolidation of the two cases. Taxpayer then withdrew his Motion to intervene in the second case on the basis that the consolidation had caused said Motion to become moot. However, now the United States of America has filed the above-mentioned suggestion that the Court has no jurisdiction to entertain the earlier case or one of the two consolidated cases.

Between Reisman v. Caplin, 375 U.S. 440, 11 L.Ed. 2d 459, 84 S.Ct. 508 (1964) and Donaldson v. United States, 400 U.S. 517, 27 L.Ed. 2d 580, 91 S.Ct. 534 (1971) the United States Supreme Court has brought about considerable confusion in this area of the law. Between Reisman and Donaldson both sides find comfort but unfortunately inconsistencies and uncertainties remain as to the use of the §7602 summons and the rights of the taxpayer when it is used. The Court could indulge in guesswork but as these cases now stand it seems rather clear that the single problem of substance is whether the §7602 summons involved has been issued in aid of the tax investigation of Mills in good faith and prior to a recommendation for criminal prosecution of Mills. Donaldson v. United States, <sup>1/</sup>supra. Hopefully, Donaldson has so reduced the substance of this controversy even though the pains were not taken therein to clarify exactly whose recommendation for criminal prosecution the

---

1/

This case said:

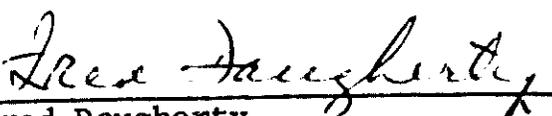
"We hold that under §7602 an internal revenue summons may be issued in aid of an investigation if it is issued in good faith and prior to a recommendation for criminal prosecution." (Underscoring added.)

Court had in mind. A disposition of these consolidated cases thus should turn on the said issues of good faith and recommendation for criminal prosecution. From a practical viewpoint it matters not whether the cases are consolidated or whether the taxpayer is a party. The Court in all events will determine the controversy on these two substantive issues.

As there is some doubt that the taxpayer is entitled in this Court to enjoin his former employer from testifying and as considerable doubt has been cast on the right of the taxpayer to intervene in the §7402(b) enforcement proceeding, the Court feels that the practical solution is to dismiss Civil Action No. 71-C-87 for lack of jurisdiction, deny the taxpayer the right to intervene in Civil Action No. 71-C-147 but allow the taxpayer to file an Amicus Curiae brief in Civil Action No. 71-C-147. By this procedure the Court should be able to give full consideration to the real substance of the problem at hand without getting involved in procedural niceties which is fast becoming the nemesis of the federal judicial system.

It is therefore ordered that Civil Action No. 71-C-87, Mills v. Billingsley, is dismissed for want of jurisdiction, the taxpayer's Motion to Intervene in Civil Action No. 71-C-147 United States of America, et al. v. Billingsley, is revived and denied. The taxpayer is granted leave to file an Amicus Curiae brief in the latter case and do so within fifteen (15) days from the date hereof.

It is so ordered this 4 day of August, 1971.

  
Fred Daugherty  
United States District Judge

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

COLUMBUS CRUISER CORPORATION, )  
Plaintiff, )  
vs. )  
MIAMI PRODUCTS, INC., )  
Defendant. )

**E I L E D**

AUG 3 1971

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

NO. 70-C-151

STIPULATION <sup>CF</sup> ~~FOR~~ DISMISSAL

It is hereby stipulated that the above-entitled action be dismissed without prejudice and without costs to either party.

Dated this 3rd day of August, 1971.

---

Robert S. Rizley  
Crawford, Rizley & Prichard  
1414 First National Building  
Tulsa, Oklahoma

Attorneys for Plaintiff

---

Lawrence A. Johnson  
Farmer, Woolsey, Flippo & Bailey  
National Bank of Tulsa Building  
Tulsa, Oklahoma

Attorneys for Defendant

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

**E I L E D**  
AUG 3 1971 *R*  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

United States of America,  
Plaintiff,  
-v-  
Jimmy D. Dohrer, et al,  
Defendants.)

Civil No. 71-C-237 ✓

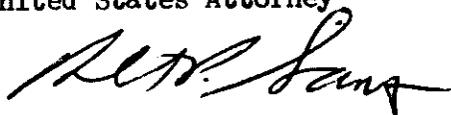
NOTICE OF DISMISSAL

COMES NOW the Plaintiff, United States of America, by and through its attorney, Robert P. Santee, Assistant United States Attorney for the Northern District of Oklahoma, and hereby gives notice of its dismissal with prejudice of the instant action.

Dated this 3rd day of August, 1971.

UNITED STATES OF AMERICA

NATHAN G. GRAHAM  
United States Attorney



ROBERT P. SANTEE  
Assistant United States Attorney



has not exhausted his available State remedies and this Court should not entertain his Petition for Writ of Habeas Corpus filed herein.

It is therefore ordered that the Petition for Writ of Habeas Corpus filed in this case is hereby dismissed for failure of Petitioner to show that he has exhausted his available State remedies in connection with the Complaints raised herein as required by 28 U.S.C.A. §2254.

It is so ordered this 2 day of August, 1971.

  
Fred Daugherty  
United States District Judge