

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 B. R. Sleeper, et al.,
and Unknown Owners,
Defendants.)

CIVIL ACTION NO. 69-C-128

Tract No. 448M

FILED
DEC 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 Dec, 1971, this matter comes on for disposition on application of the owners, for entry of judgment on the Supplemental Report of Commissioners filed herein on July 1, 1971, and the Court, after having examined the files in this action and being advised by counsel for the defendants 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. 448M, as such estate and tract are described in the Complaint and the Declaration of Taking, filed in this action.

4.

Service of Process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause, who are interested in subject 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 June 18, 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.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)	
)	
Plaintiff,)	CIVIL ACTION NO. 69-C-128
)	
vs.)	Tract No. 448M
)	
20.00 Acres of Land, More or Less,)	
Situate in Rogers County, State of)	
Oklahoma, and B. R. Sleeper, et al.,)	
and Unknown Owners,)	
)	
Defendants.))	

J U D G M E N T

1.

Now, on this _____ day of _____, 1971, this matter comes on for disposition on application of the owners, for entry of judgment on the Supplemental Report of Commissioners filed herein on July 1, 1971, and the Court, after having examined the files in this action and being advised by counsel for the defendants 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. 448M, as such estate and tract are described in the Complaint and the Declaration of Taking, filed in this action.

4.

Service of Process has been perfected either personally or by publication notice as provided by Rule 71A of the Federal Rules of Civil Procedure on all parties defendant in this cause, who are interested in subject 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 June 18, 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.

in the defendants whose names appear below in this paragraph; the Supplemental Report of Commissioners filed July 1, 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. 448M

Owners:

1/8 Royalty (mineral) interest:

B. R. Sleeper	}	1/2
Margaret Sleeper Sames		
Alethea Sleeper Dossett		
Frances Sleeper Stone		

(B. R. Sleeper is attorney in fact for the other three royalty owners.)

T. J. Dye and	}	1/2
Minnie Dye		

Leasehold estate (7/8 Working interest):

Harley Price

Machinery and equipment:

Harley Price

Total award of just compensation
for entire estate taken, pursuant to
Commissioners' findings \$43,000.00

Allocation of award, deposit, and disbursements:

	1/8 Royalty Interest	Leasehold Estate, (7/8 W.I.)	Machinery and Equipment
Share of award	\$2,320.00	\$26,680.00	\$14,000.00
Deposited as estimated compensation			\$11,601.00
Disbursed to owners:		none	none
(To Sleepers - \$1,351.00)			
(To Dyes - \$1,351.00)	<u>2,702.00</u>		
Overpayment	<u>382.00</u>		
Balance due to owner		\$26,680.00	\$14,000.00
Deposit deficiency			<u>\$31,399.00,</u> plus interest

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 as shown in paragraph 11 in the

amount of \$31,399.00, together with interest on such deficiency at the rate of 6% per annum from June 18, 1969, until the date of deposit of such deficiency sum; and such sum shall be placed in the deposit for subject tract in this action.

13.

It Is Further ORDERED, ADJUDGED AND DECREED that the United States of America shall have judgment against the owners of the 1/8 royalty interest for the overpayment to them as follows:

1. Against B. R. Sleeper, Margaret Sleeper Sames, Alethea Sleeper Dossett and Frances Sleeper Stone in the amount of \$191.00, together with interest at the rate of 6% per annum from January 30, 1970, to the date of payment of this judgment.
2. Against T. J. Dye and Minnie Dye, in the amount of \$191.00, together with interest at the rate of 6% per annum from January 30, 1970, to the date of payment of this judgment.

14.

It Is Further ORDERED that when the deposit required by paragraph 12 above be made by the Plaintiff, the Clerk of this Court then shall disburse, from the deposit in this case, to Harley Price, the sum of \$40,680.00, together with all accrued interest included in the said deficiency deposit made by the Plaintiff.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

Jack L. Rorschach
JACK L. RORSCHACH
Attorney for Defendants

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

United States of America,)

Plaintiff,)

-v-)

Richard L. Stewart, et al,)

Defendants.)

CIVIL NO: 71-C-329

FILED

DEC 28 1971

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 22nd day
of Dec 1971, the Plaintiff appearing by Robert
P. Santee, Assistant United States Attorney, and the defendants,
appearing not.

The Court being fully advised and having examined the
file herein finds that Richard L. Stewart and Linda M. Stewart
were served by publication as shown on Proof of Publication
filed herein; that Universal CIT Credit Company was served with
Complaint and Summons on September 13, 1971.

It appearing that the 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 real property
is located in Tulsa County, Tulsa, Oklahoma, within the Northern
Judicial District of Oklahoma:

Lot Twenty-Two (22), Block Nine (9), Rolling Hills
Addition in Tulsa County, State of Oklahoma, according
to the recorded plat thereof.

That the defendants, Richard L. Stewart and Linda M.
Stewart, did, on April 30, 1970, execute and deliver to Lomas
and Nettleton West, Inc., their mortgage and mortgage note in
the sum of \$15,000 with 8 1/2 percent interest per annum, and
further providing for the payment of monthly installments of
principal and interest; and

Plaintiff further alleges that by instrument dated May 18, 1970, Lomas & Nettleton West, Inc. assigned said mortgage to Federal National Mortgage Association; and by instrument dated December 22, 1970, Federal National Mortgage Association assigned said mortgage to Secretary of Housing and Urban Development of Washington, D. C.

The Court further finds that the defendants, Richard L. Stewart and Linda M. Stewart, 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 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 \$15,967.95 as unpaid principal, with interest thereon at the rate of 8 1/2 percent per annum from November 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 defendants, Richard L. Stewart and Linda M. Stewart, for the sum of \$15,967.95 with interest thereon at the rate of 8 1/2 percent per annum from November 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 said defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisalment, the said 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.

H. Allen E. Simpson
UNITED STATES DISTRICT JUDGE

Approved.

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

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

United States of America,)
)
 Plaintiff,)
 -v-)
)
 Freddie Wayne Martin, et al,)
)
 Defendants.)

CIVIL NO: 71-C-278

FILED
DEC 28 1971

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 23rd day
of Dec 1971, the Plaintiff appearing by Robert
P. Santee, Assistant United States Attorney, and the defendants,
appearing not.

The Court being fully advised and having examined the
file herein finds that Aetna Finance Company; Jones Plumbing,
Heating and Air Conditioning Company; Za Ann Cozette Martin and
Freddie Wayne Martin were served with Complaint and Summons on
July, 29, 1971; that Billy Wayne Clayton and Lela M. Clayton
were served by Publication as shown on Proof of Publication filed
herein.

It appearing that the 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 real property
is located in Washington County, Oklahoma, within the Northern
Judicial District of Oklahoma:

Lot Nine (9), Block Eight (8) of South Sunset Addition
to Bartlesville, Washington County, Oklahoma

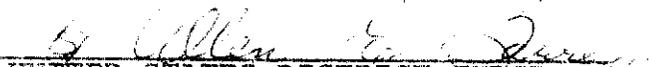
That the defendants, Freddie Wayne Martin and Za Ann
Cozette Martin, did, on June 27, 1968, execute and deliver to
Administrator of Veterans Affairs, their mortgage and mortgage
note in the sum of \$9,250 with 8 3/4 percent interest per annum,
and further providing for the payment of monthly installments
of principal and interest; and

The Court further finds that the defendants, Freddie Wayne Martin and Za Ann Cozette, Billy Wayne Clayton and Lela M. Clayton, 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 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 \$9,124.59 as unpaid principal, with interest thereon at the rate of 7 percent per annum from August 27, 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 defendants, Freddie Wayne Martin and Za Ann Cozette, Billy Wayne Clayton and Lela M. Clayton, for the sum of \$9,124.49 with interest thereon at the rate of 7 percent per annum from August 27, 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 said defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisalment, the said 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
Assistant U.S. Attorney

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

LINDSEY S. GOLDMAN, d/b/a
LINDSEY S. GOLDMAN LATH AND PLASTER,

Plaintiff,

-vs-

GEORGE A. FULLER COMPANY,
A Corporation,

Defendant.

Nos. 71-C-139
71-C-143
Consolidated

FILED

DEC 28 1971

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

ORDER

NOW, on this 28TH day of December, 1971, this matter comes on for hearing upon the Dismissal with Prejudice of the Plaintiff herein, Lindsey S. Goldman, d/b/a Lindsey S. Goldman Lath and Plaster, with prejudice to future action in this cause, and the Court, being fully advised in the premises, finds:

That this matter should be dismissed with prejudice to future action upon the written application of the Plaintiff herein, duly executed by the Plaintiff and Whitebook and Raskin, by H. Richard Raskin,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this cause should be and the same is hereby dismissed against the Defendant herein, George A. Fuller Company, a corporation, with prejudice as to future action by the Plaintiff.



JUDGE

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

EMIAE BUTLER,

Plaintiff,

-vs-

SOUTHWESTERN BELL TELEPHONE
COMPANY, a corporation,

Defendant.

No. 71-C-286

FILED
DEC 27 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

JUDGMENT

Now on this 23rd day of December, 1971, the captioned cause coming on for hearing on the plaintiff's motion for the Court to enter its order and judgment dismissing plaintiff's complaint with prejudice to the bringing of any further action or proceeding in the premises; and the Court being fully informed in the premises finds that the plaintiff's motion should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff's complaint herein be and the same hereby is dismissed with prejudice to the bringing of any further action or proceeding by plaintiff in the premises.

Luther Bohannon

UNITED STATES DISTRICT JUDGE

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MIKE PORTER and SUSANNE PORTER,

Defendants.)

CIVIL ACTION NO. 71-C-336

F I L E D

DEC 23 1971

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

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this _____ day of December, 1971, the defendants, Mike Porter and Susanne Porter, 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, Mike Porter and Susanne Porter, as appears by Proof of Publication filed herein on December 21, 1971, requiring them to answer the Complaint filed herein on September 14, 1971, 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 Tulsa County, State of Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Twenty-Two (22), in Block Three (3) of NORTHGATE
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, Mike Porter and Susanne Porter, did on the 16th day of October, 1970, execute and deliver to Diversified Mortgage and Investment Company their mortgage note in the principal amount of \$14,250.00, with interest thereon at the rate of 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 \$109.58 each, commencing on the 1st day of December, 1970.

That subsequent thereto and on the 2nd day of November, 1970, Diversified Mortgage and Investment Company, endorsed said mortgage note, without recourse, to the Federal National Mortgage Association;

That subsequent thereto Federal National Mortgage Association, on the 22nd day of December, 1970, by Reassignment of Mortgage, did sell, assign, transfer, set over and convey unto Diversified Mortgage and Investment Company the aforesaid Mortgage; and

That subsequent thereto, on the 11th day of January, 1971, Diversified Mortgage and Investment Company did sell, assign, transfer, set over and convey unto the Secretary of Housing and Urban Development, Washington, D. C., his successors and assigns, the aforesaid mortgage.

It further appears that the defendants, Mike Porter and Susanne Porter, 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 November 1, 1970, which default has continued, and that by reason thereof the defendants are now indebted to the plaintiff in the sum of \$15,144.16, with interest thereon from September 1, 1971, at the rate of 8 1/2 per cent per annum 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, 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, Mike Porter and Susanne Porter, for the sum of \$15,144.16 with interest at the rate of 8 1/2 per cent per annum from September 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, plus 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 appraisement, the above-described real property and apply the proceeds thereof in satisfaction of plaintiff's judgment. The residue, if any, to be deposited with the Clerk of the Court to await further order of the Court.

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

UNITED STATES DISTRICT JUDGE

APPROVED:

sf 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.

40.00 Acres of Land, More or Less,
Situate in Nowata County, State of
Oklahoma, and Xenoclea Coker
Wilkinson, et al., and Unknown
Owners,

Defendants.

CIVIL ACTION NO. 71-C-215
Tract No. 1102M

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

J U D G M E N T

1.

On October 13, 1971, this cause came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The Plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The defendant owner, Xenoclea Coker Wilkinson, did not appear. Likewise, the other persons named as defendants in this case did not appear. After being advised by counsel and having examined the files, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This judgment applies to the entire estate condemned in Tract No. 1102M, as such tract and estate are described in the Complaint filed in this action.

3.

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 tract.

4.

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, as such tract is particularly

described in such Complaint. Pursuant thereto, on June 9, 1971, the United States of America filed its Declaration of Taking of a certain estate in such tract, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

Simultaneously with filing herein 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, none of which has been disbursed, as shown in paragraph 9.

6.

At the pre-trial conference the Plaintiff submitted evidence showing that just compensation for the estate taken in the subject tract, as of the date of taking, was the sum of \$140.00. Since there was no objection and no offer of evidence to the contrary, the sum of \$140.00 should be adopted as the award of just compensation for the taking of the subject property.

7.

The defendant named as owner in paragraph 9 is the **only defendant** asserting any interest in the estate condemned in subject tract. All other defendants having either disclaimed or defaulted, the named defendant was the owner of such estate, as of the date of taking, and as such, is entitled to receive the just compensation awarded by this judgment.

8.

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 filed herein; and such tract, 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 June 19, 1971, and all defendants herein and all other persons interested in such estate are forever barred from asserting thereto any claim.

9.

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

the defendant whose name appears in the schedule below; the right to receive the just compensation for the estate taken in this tract is vested in the party so named, and the sum of \$140.00 hereby is adopted as the award of just compensation for the estate taken in subject tract by this action, all as follows, to-wit:

TRACT NO. 1102M

OWNER:

Xenoclea Coker Wilkinson

Award of just compensation pursuant to Court's findings	\$140.00	\$140.00
Deposited as estimated compensation	<u>140.00</u>	
Disbursed to owner		<u>none</u>
Balance due to owner		\$140.00

10.

It Is Further ORDERED that the Clerk of this Court shall disburse the deposit in this case as follows:

To: Xenoclea Coker Wilkinson \$140.00

/s/ Allen E. Barrow

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

LINDA VANCE MULLENDORE,

Plaintiff,

vs.

UNITED FAMILY LIFE INSURANCE COMPANY,
A foreign insurance company,

Defendant,

FIRST NATIONAL BANK OF ATLANTA, A
National Banking Association; EUGENE
C. MULLENDORE AND KATHLEEN BOREN
MULLENDORE; FULTON NATIONAL BANK OF
ATLANTA, a National Banking
Association; JOE R. JARBOE AND EDDIE
KING, Receivers of the Mullendore
Debtor Estate; PONCA CITY PRODUCTION
CREDIT ASSOCIATION, a Federal Corpora-
tion organized under the provisions of
the Farm Credit Act of 1933,

Intervenors.

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

No. 71-C-85 ✓

J U D G M E N T

Upon consideration of the pleadings on file herein,
the depositions on file, the Stipulation for Entry of Judgment,
and the Findings of Fact and Conclusions of Law,

IT IS ORDERED, ADJUDGED, AND DECREED that:

1. Plaintiff, Linda Vance Mullendore, and intervenors
Fulton National Bank of Atlanta; First National Bank of Atlanta;
Joe R. Jarboe and Eddie King, Receivers of the Mullendore Debtor
Estate; and intervenors Eugene C. Mullendore and Kathleen Boren
Mullendore have and recover judgment on the First, Third, and
Fifth Causes of Action in plaintiff's Complaint (Petition)
against the defendant, United Family Life Insurance Company, a
corporation, in the sum of Eight Million Dollars (\$8,000,000.00),
to be allocated as follows:

(a) to intervenor Fulton National Bank
of Atlanta, a national banking association, the sum
of Three Hundred Four Thousand Two Hundred Forty-seven
Dollars and Fifty-one Cents (\$304,247.51);

(b) to intervenor First National Bank of Atlanta, a national banking association, the sum of One Hundred Fifty-eight Thousand Nine Hundred Sixty-three Dollars and Eighty-one Cents (\$158,963.81); and

(c) to plaintiff, Linda Vance Mullendore; Joe R. Jarboe and Eddie King, Receivers of the Mullendore Debtor Estate; and intervenors Eugene C. Mullendore and Kathleen Boren Mullendore, jointly, the sum of Seven Million Five Hundred Thirty-six Thousand Seven Hundred Eighty-eight Dollars and Sixty-eight Cents (\$7,536,788.68).

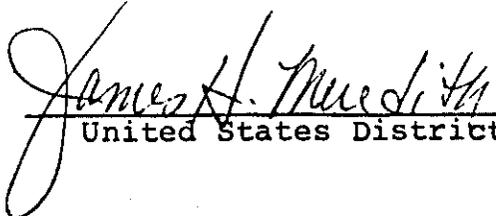
2. The cause of action alleged in the Intervenor's Complaint of Ponca City Production Credit Association is hereby dismissed, with prejudice.

3. Judgment is rendered herein for defendant, United Family Life Insurance Company, on the Second, Fourth, and Sixth Causes of Action in plaintiff's Complaint (Petition) herein as against the plaintiff and the above-named intervenors.

4. Each party shall pay its own costs, attorney fees, and expenses.

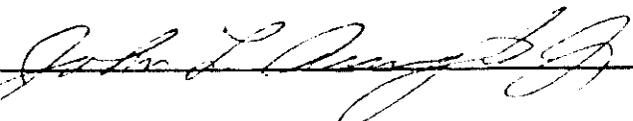
5. The judgment entered herein shall not bear interest until twenty-one (21) days from the date hereof, after which, if the same is not paid, it shall bear interest at the rate of ten percent (10%) per annum.

Dated this 22 day of December, 1971.


United States District Judge

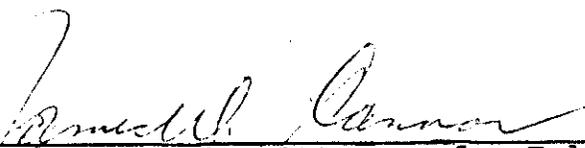
Approved and Consented to, both
as to form and substance:

JOHN L. ARRINGTON, JR.; JAMES L.
KINCAID; and PAT MALLOY, Attorneys
for Linda Vance Mullendore, Plaintiff

By: 

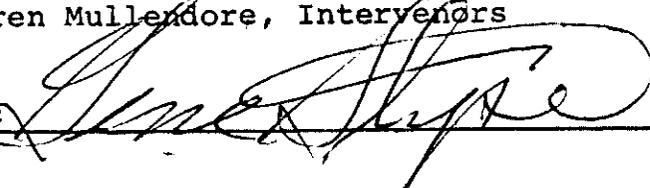
HEYMAN AND SIZEMORE;
CROWE, DUNLEVY, THWEATT, SWINFORD,
JOHNSON & BURDICK; and
GABLE, GOTWALS, HAYS, RUBIN & FOX
Attorneys for United Family Life
Insurance Company, Defendant

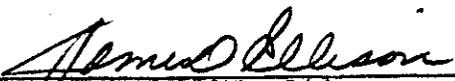
By: 

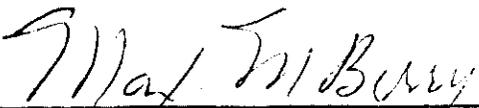

JAMES W. CONNOR, Attorney for Fulton
National Bank of Atlanta, Intervenor


ROBERT S. RIZLEY, Attorney for First
National Bank of Atlanta, Intervenor

IRVINE E. UNGERMAN; GENE STIPE; and
WILLARD GOTCHER, Attorneys for
Eugene C. Mullendore and Kathleen
Boren Mullendore, Intervenor

By: 


JAMES O. ELLISON, Attorney for
Joe W. Jarboe and Eddie King,
Receivers of the Mullendore
Debtor Estate


MAX M. BERRY, Attorney for Ponca City
Production Credit Association, Intervenor

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CLINT COX and WANDA COX, husband and
wife; WARREN FULTON, d/b/a FULTON
MARKET FULTON USED CARS; and
TIMEPLAN CORPORATION,

Defendants.)

CIVIL ACTION NO. 71-C-252 ✓

FILED ✓

DEC 21 1971 ✓

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

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 20 day of
December, 1971, the defendants, Clint Cox, Wanda Cox, and Warren Fulton,
d/b/a Fulton Market Fulton Used Cars, 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,
Clint Cox and Wanda Cox, as appears by Proof of Publication filed herein
on December 16, 1971, requiring them to answer the Complaint filed herein
not more than twenty (20) days after date of last publication; that the
defendant, Warren Fulton, d/b/a Fulton Market Fulton Used Cars, was served
on July 16, 1971, as appears from the Marshal's return of service, and the
defendant, Timeplan Corporation, was served on July 14, 1971, as appears on
the Marshal's return of service and that its answer was filed on October 8,
1971, and it appearing that the defendants, Clint Cox, Wanda Cox, and Warren
Fulton, d/b/a Fulton Market Fulton Used Cars, have failed to file an answer
therein and their default has been entered by the Clerk of this Court; and

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

Lot Twelve (12), Block Fifteen (15), ROBERTS ADDITION
to the City of Tulsa, Tulsa County, State of Oklahoma,
according to the recorded plat thereof.

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

That the defendants, Clint Cox and Wanda Cox, did on the 14th day of April, 1970, execute and deliver to Mercury Mortgage Company, Inc., their certain mortgage note in the principal amount of \$15,550.00 with interest thereon at the rate of 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 \$119.58 each, commencing on the 1st day of June, 1970;

That subsequent thereto, on the 17th day of April, 1970, by Assignment of Mortgage, Mercury Mortgage Company, Inc., did sell, assign, transfer and set over and convey unto Federal National Mortgage Association, its successors and assigns the aforesaid mortgage;

That on the 15th day of October, 1970, by Reassignment of Mortgage, Federal National Mortgage Association did sell, assign, transfer, set over and convey unto Mercury Mortgage Company, Inc., the aforesaid mortgage;

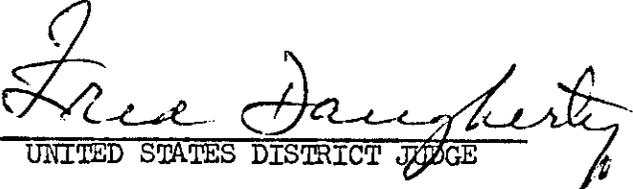
That on the 19th day of October, 1970, by Assignment of Mortgage, Mercury Mortgage Company, Inc., did sell, assign, transfer, set over and convey unto the Secretary of Housing and Urban Development, Washington, D. C., his successors and assigns, the aforesaid mortgage.

It further appears that the defendants, Clint Cox and Wanda Cox, 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 November 1, 1970, which default has continued, and that by reason thereof the defendants, Clint Cox and Wanda Cox, are now indebted to the plaintiff in the sum of \$16,480.81 with interest thereon from June 1, 1971, at the rate of 8 1/2 per cent per annum until paid, plus the cost of this action accrued and accruing.

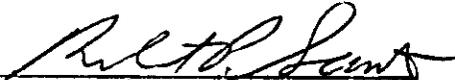
IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the plaintiff, United States of America, have and recover judgement against the defendants, Clint Cox and Wanda Cox, for the sum of \$16,480.81 with interest thereon at the rate of 8 1/2 per cent per annum from June 1, 1971, until paid, plus the cost of this action accrued and accruing.

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

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


UNITED STATES DISTRICT JUDGE

APPROVED:


ROBERT P. SANTEE
Assistant United States Attorney

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

BONNIE BEISSEL and
RETHA JUNE BEISSEL,
Plaintiff

vs.

UNITED STATES OF AMERICA,
Defendant

CIVIL ACTION FILE NO. 71-C-12
71-C-13 Consolid.

JUDGMENT
FILED

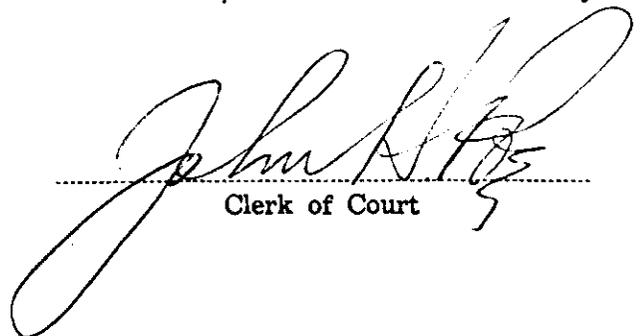
DEC 21 1971

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

This action came on for trial (~~hearing~~) before the Court, Honorable Fred Daugherty, United States District Judge, presiding, and the issues having been duly tried (heard) and a decision having been duly rendered, for the Defendant.

It is Ordered and Adjudged that the plaintiffs take nothing, that the action is dismissed on its merits, and that the defendant, United States of America, recover of the plaintiffs, its costs of action.

Dated at Tulsa, Oklahoma, this 21st day
of December, 19 71.


Clerk of Court

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

United States of America,
Plaintiff,
-v-
Woody D. Hardin, et al,
Defendants.

FILED
DEC 21 1971 *h*
JOHN H. POE, Clerk
U. S. DISTRICT COURT.

Civil No. 71-C-248

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 17 day of December, 1971. The defendants, Ruth Ann French and Third Finance Corporation were served with Complaint and Summons on July 14, 1971; Woody D. Hardin and Shelba J. Hardin were served with Complaint and Summons on July 26, 1971, and Glenn Paul French was served by publication as shown by Proof of Publication filed herein on December, 1971; the time within which defendants may answer or otherwise move as to the Complaint has expired and default has been entered.

The Court further finds that this is a suit based upon a mortgage note and foreclosure on a real property mortgage securing said mortgage note on the following described real property located in Tulsa, Tulsa County, Oklahoma:

Lot Twenty-four (24), Block Thirty-nine (39), Valley View Acres Second Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

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

That defendants, Woody D. Hardin and Shelba J. Hardin, did, on May 19, 1965, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note for the sum of \$10,700 with interest thereon at the rate of 5 3/4 percent 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 their failure to make monthly installments due thereon for more than 10 months last past, which default has continued and that by reason thereof the defendants are now indebted to the Plaintiff in the sum of \$9,816.62 as unpaid principal, with interest thereon at the rate of 5 3/4 percent from February 1, 1971, 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 the defendants, Woody D. Hardin and Shelba J. Hardin, for the sum of \$9,816.62 as unpaid principal, with interest thereon at the rate of 5 3/4 percent from February 1, 1971, until paid, 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 said defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall issue to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisement, the above described real property and apply the proceeds thereof in satisfaction of Plaintiff's judgment. The residue, if any, to be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, 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
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 Nowata County, State of
Oklahoma, and Henry L. Buck, et al.,
and Unknown Owners,

Defendant.

CIVIL ACTION NO. 71-C-109

Tract No. 1332M

FILED

DEC 20 1971

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

J U D G M E N T

1.

On October 13, 1971, this cause came on for pretrial conference before the Honorable Allen E. Barrow, Judge of the United States District Court for the Northern District of Oklahoma. The Plaintiff, United States of America, appeared by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. The Defendant owner, Henry L. Buck, and the Defendant mortgagees did not appear. After being advised by counsel and having examined the files in the case, the Court finds:

2.

The Court has jurisdiction of the parties and the subject matter of this action. This judgment applies to the entire estate condemned in Tract No. 1332M, as such tract and estate are described in the Complaint filed in this action.

3.

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 tract.

4.

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. Pursuant thereto, on April 2, 1971, the United States of America filed its Declaration of Taking of a certain estate in such described tract, and title to such property should be vested in the United States of America, as of the date of filing such instrument.

5.

Simultaneously with filing herein 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, none of which has been disbursed, as shown below in paragraph 9.

6.

Prior to the filing of this case the United States of America had purchased an undivided $3/4$ interest in the estate described in the Complaint filed herein and was the owner of said interest on the date of taking. Thus, the award made in this case is for the outstanding $1/4$ interest not owned by the United States. Said outstanding $1/4$ interest, on the date of taking, was owned by Henry L. Buck, subject to two certain mortgages owned as shown in paragraph 9. Since this taking is a partial taking, the mortgagees' security interests are adequately protected by the remainder of the unit, and the owner, Henry L. Buck, is entitled to receive the entire compensation awarded by this judgment.

7.

At the pretrial conference the Plaintiff advised the Court that in the event of trial its evidence as to just compensation for the outstanding $1/4$ interest in the subject property would be \$25.00. In the absence of any objection or offer of evidence to the contrary, the said sum of \$25.00 should be adopted by the Court as just compensation for the taking of said $1/4$ interest.

8.

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 described in paragraph 2 herein, and such tract, to the extent of the estate described in the Complaint 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 interested in such estate are forever barred from asserting any claim to such property.

9.

It Is Further ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estate condemned in the subject tract were the parties

whose names appear in the schedule below; the right to receive the just compensation awarded by this judgment is vested in Henry L. Buck; and the sum of \$25.00 hereby is adopted as the award of just compensation for the estate taken in subject tract by this action, all as follows, to-wit:

TRACT NO. 1332M

Owners:

United States of America. . .3/4

Henry L. Buck1/4

subject to two mortgages owned as follows:

1. Book 428, Page 551, First Federal Savings and Loan Association of Coffeyville.
2. Book 431, Page 266, National Bank of Tulsa.

Award of Just Compensation for Buck 1/4 interest, pursuant to Court's findings.	\$25.00	\$25.00
Deposited as estimated compensation, for Buck 1/4 interest	<u>\$25.00</u>	
Disbursed to owner		<u>None</u>
Balance due to owner		\$25.00

10.

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

TO: Henry L. Buck \$25.00

/s/ Allen E. Barrow

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

MARY B. GARDNER,

Plaintiff,

vs.

ELLIOT L. RICHARDSON, individually
and as Secretary of the Department
of Health, Education, and Welfare,

and

THE UNITED STATES OF AMERICA,

Defendants.)

CIVIL ACTION NO. 70-C-198

FILED

DEC 20 1971

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

ORDER

NOW, on this 20th day of December, 1971, there came on for consideration the finding and recommendation of the Honorable Morris L. Bradford, United States Magistrate for the Northern District of Oklahoma, which ~~finding~~ ~~and~~ recommendation ^{was} ~~were~~ in favor of the defendant, Elliot L. Richardson's motion to amend this Court's order of May 17, 1971. The Court finds that such ~~finding and~~ recommendation should be adopted.

NOW, IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion of defendant, Elliot L. Richardson, to amend this Court's order of May 17, 1971, be and the same is hereby granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that this Court's order of May 17, 1971, be amended to read,

"The Court further finds that plaintiff is eligible as a matter of law for Social Security disability benefits retroactive to February, 1968, twelve (12) months prior to the date that the plaintiff filed her application on February 4, 1969."



UNITED STATES DISTRICT JUDGE

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

FILED

DEC 20 1971

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

ROSCOE CURTIS MONTGOMERY,

PLAINTIFF,

vs.

THE STATE OF OKLAHOMA,
SHERIFF, TULSA COUNTY,

DEFENDANTS.

71-C-384

CASES CONSOLIDATED 71-C-385
71-C-386 71-C-387 71-C-388
71-C-389

ORDER SUSTAINING DEFENDANTS' MOTIONS

THE COURT HAS FOR CONSIDERATION THE FOLLOWING MOTIONS:

1. THE MOTION TO DISMISS COMPLAINT FILED BY THE
DEFENDANT, DAVE T. FAULKNER, SHERIFF OF TULSA COUNTY;

2. THE MOTION TO DISMISS AS PARTY DEFENDANT FILED BY
THE DEFENDANT. THE STATE OF OKLAHOMA.

THE COURT HAS CAREFULLY PERUSED THE COMPLAINT, THE
BRIEFS FILED BY THE DEFENDANTS, AND THE RESPONSE OF THE PLAINTIFFS
AND BEING FULLY ADVISED IN THE PREMISES, FINDS:

WITH REFERENCE TO THE DEFENDANT, DAVE T. FAULKNER,
THE COMPLAINT ALLEGES NO PERSONAL INVOLVEMENT WITH THE SERIES OF
ACTS OR EVENTS HERE IN QUESTION OR WITH KNOWLEDGE THEREOF, THUS
THE COMPLAINT, AS TO DAVE T. FAULKNER, FAILS TO STATE A CAUSE OF
ACTION.

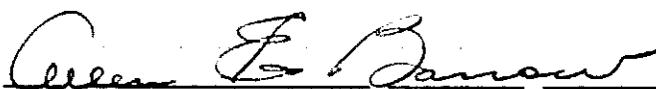
WITH REFERENCE TO THE DEFENDANT, THE STATE OF OKLAHOMA,

SAID STATE IS IMMUNE FROM SUIT, WITHOUT ITS CONSENT, AND THERE IS NO SHOWING THAT THE STATE OF OKLAHOMA, IN THIS CIVIL RIGHTS ACTION, HAS CONSENTED TO BE SUED.

IT IS, THEREFORE, ORDERED THAT THE MOTION TO DISMISS OF DAVE T. FAULKNER, SHERIFF, OF TULSA COUNTY, BE AND THE SAME IS HEREBY SUSTAINED FOR FAILURE TO STATE A CAUSE OF ACTION AND THE COMPLAINT AND CAUSE OF ACTION IS HEREBY DISMISSED AS TO HIM.

IT IS FURTHER ORDERED THAT THE MOTION TO STRIKE AND/OR DISMISS THE STATE OF OKLAHOMA AS PARTY DEFENDANT BE AND THE SAME IS HEREBY SUSTAINED AND THE COMPLAINT AND CAUSE OF ACTION IS HEREBY DISMISSED AS TO THE STATE OF OKLAHOMA.

ENTERED THIS 20th DAY OF DECEMBER 1971.



UNITED STATES DISTRICT JUDGE

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

FELIX F. CHUDEREWICZ,

Plaintiff,

vs.

ELLIOT L. RICHARDSON, Secretary of
Health, Education, and Welfare,

Defendant.

CIVIL ACTION NO. 70-C-331

FILED

DEC 20 1971

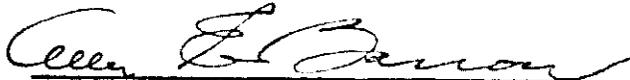
JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER

NOW, on this 20th day of December, 1971, there came on for consideration the recommendation ~~and finding~~ of Honorable Morris L. Bradford, United States Magistrate for the Northern District of Oklahoma, which ~~finding~~ and recommendation ^{was} ~~were~~ in favor of the defendant on his motion for summary judgment and against the plaintiff on his motion for summary judgment. The Court finds that such ~~finding and~~ recommendation should be adopted.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the plaintiff, Felix F. Chuderevicz's motion for summary judgment be and the same is hereby denied, and that the defendant, Elliot L. Richardson's motion for summary judgment be and the same is hereby granted.

ACCORDINGLY, IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the decision of the Secretary of Health, Education, and Welfare, being supported by substantial evidence, should be and the same is hereby affirmed.


UNITED STATES DISTRICT JUDGE

THE PARTIES, AND, BEING FULLY ADVISED IN THE PREMISES, MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ENTERS JUDGMENT ACCORDINGLY.

FINDINGS OF FACT

1. THAT THIS COURT HAS JURISDICTION OF THE SUBJECT MATTER AND THE PARTIES IN THE INSTANT LITIGATION.

2. THAT ON THE 19TH DAY OF JULY, 1969, PLAINTIFF WAS THE OWNER OF AN 8 INCH PIPELINE LYING IN AN EAST-WEST DIRECTION ACROSS A DIRT AND GRAVEL ROAD LOCATED IN SECTION 12, TOWNSHIP 3 SOUTH, RANGE 15 EAST, PUSHMATAHA COUNTY, OKLAHOMA.

3. THAT ON THE 19TH DAY OF JULY, 1969, DEFENDANT, PETER KIEWIT SONS' CO., THROUGH ITS AGENT, SERVANT AND EMPLOYEE, B. F. SPRINGS, ACTING WITHIN THE COURSE AND SCOPE OF HIS EMPLOYMENT, WHILE DRIVING DEFENDANT'S ROAD GRADER, PUNCTURED PLAINTIFF'S PIPELINE.

4. THAT SAID PIPELINE WAS WITHIN THE BOUNDS DESCRIBED IN ITS RECORDED EASEMENT, TO-WIT: WITHIN THE SW/4 AND SW/4 SW/4 SE/4 OF SECTION 12. TOWNSHIP 3 SOUTH, RANGE 15 EAST, PUSHMATAHA COUNTY. OKLAHOMA.

5. THAT THE DIRT AND GRAVEL ROAD INVOLVED WAS THEN AND STILL IS WITHIN A STRIP OF LAND DESCRIBED AS THE SW/4 AND SW/4 SW/4 SE/4 OF SECTION 12, TOWNSHIP 3 SOUTH, RANGE 15 EAST, PUSHMATAHA COUNTY, OKLAHOMA.

6. THAT PLAINTIFF. AT THE TIME OF THE PUNCTURE AND NOW STILL HAS A PIPELINE EASEMENT RECORDED IN PUSHMATAHA COUNTY. OKLAHOMA, DESCRIBED IN FINDING NUMBER 4 ABOVE.

7. THAT THE DIRT AND GRAVEL ROAD INVOLVED HEREIN IS NOT SHOWN OF RECORD IN THE PUSHMATAHA COUNTY CLERK'S RECORDS.

8. THAT AT THE TIME OF THE INCIDENT, JOHN W. STONE AND NELLIE MAY STONE, HUSBAND AND WIFE, WERE THE OWNERS OF THE PROPERTY DESCRIBED IN FINDING NUMBER 5.

9. THAT JOHN W. STONE AND NELLIE MAE STONE HAD KNOWLEDGE OF PLAINTIFF'S PIPELINE LOCATION. THERE IS NO EVIDENCE IN THE RECORD THAT THEY HAD KNOWLEDGE OF THE DEPTH OF SAID PIPELINE.

10. THAT THE COUNTY COMMISSIONER AND COUNTY ROAD MAINTENANCE CREWS HAD KNOWLEDGE OF PLAINTIFF'S PIPELINE LOCATION. THERE IS NO EVIDENCE IN THE RECORD THAT THEY HAD KNOWLEDGE OF THE DEPTH OF SAID PIPELINE.

11. THAT AT THE POINT WHERE THE PUNCTURE OCCURRED, PLAINTIFF'S PIPELINE WAS BURIED BETWEEN FIVE AND SIX INCHES OF THE SURFACE OF THE BARDITCH.

12. THAT AT THE TIME WHEN THE PUNCTURE OCCURRED THE LOCATION, BUT NOT THE DEPTH, OF PLAINTIFF'S PIPELINE WAS MARKED BY SIGNS, ORANGE PAINTED FENCEPOST TOPS, AN ALUMINUM PAINTED RIGHT-OF-WAY GATE, AND BY METALLIC MARKERS ON THE TELEPHONE POLES RUNNING ALONG THE COURSE OF THE PIPELINE.

13. THAT THE DEFENDANT KNEW, OR SHOULD HAVE KNOWN THAT THE PIPELINE WAS AT THE LOCATION IN QUESTION. THERE IS NO EVIDENCE TO SHOW THAT DEFENDANT KNEW, OR SHOULD HAVE KNOWN OF THE SHALLOW DEPTH OF THE PIPELINE AT THE POINT OF PUNCTURE.

CONCLUSIONS OF LAW

BASED ON THE FOREGOING FINDINGS OF FACT, THE COURT MAKES THE FOLLOWING CONCLUSIONS OF LAW:

1. THIS COURT IS REQUIRED BY STATUTE (44 U.S.C.A. SEC.

1507) TO TAKE JUDICIAL NOTICE OF THE CONTENTS OF THE FEDERAL REGISTER. THE FEDERAL REGISTER SETS FORTH A SERIES OF DEPTH REQUIREMENTS WHICH THE INTERSTATE COMMERCE COMMISSION HAS SET AS A MINIMUM SAFETY REQUIREMENTS FOR CRUDE OIL PRESSURE PIPELINES (49 CFR 195.248). ALTHOUGH THESE REGULATIONS WERE NOT IN EFFECT AT THE TIME OF THE PUNCTURE OR AT THE TIME THE PIPELINE WAS INITIALLY LAID, THE COURT FINDS THEM OF SOME VALUE, FOR THEY INDICATE THAT IN NO EVENT IS A PIPELINE TO BE PLACED WITHOUT THE EQUIVALENT OF EIGHTEEN INCHES OF COVER.

2. THE COURT FURTHER NOTES THAT IN 1945, THE SUPREME COURT OF THE STATE OF OKLAHOMA AFFIRMED A FINDING THAT THE MAINTENANCE OF A PIPELINE ELEVEN AND ONE-HALF INCHES BENEATH THE SURFACE OF A ROAD AT THE CENTER AND FIVE INCHES UNDER THE SURFACE IN A BARDITCH WAS NEGLIGENT, *MAGNOLIA PIPELINE Co. v. BROWN* (OKL. 1945) 157 P.2D 184.

3. THAT PLAINTIFF'S MAINTENANCE OF A HIGH PRESSURE PIPELINE AT THE ABOVE MENTIONED DEPTH UNDER A TRAVELED ROADWAY WAS NEGLIGENT, AS IT SHOULD REASONABLY BE CONTEMPLATED THAT MAINTENANCE EQUIPMENT WOULD OPERATE ON THE ROAD, AND THAT THE PIPELINE WOULD BE EXPOSED TO THE HAZARD OF PUNCTURES.

JUDGMENT

BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW,

IT IS ORDERED THAT JUDGMENT BE ENTERED IN FAVOR OF THE DEFENDANT AND AGAINST THE PLAINTIFF.

ENTERED THIS 17 DAY OF December, 1971

Allen E. Banner

UNITED STATES DISTRICT JUDGE

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

INGERSOLL-RAND COMPANY, by and)
through its division I-R DRILLING)
& COMPRESSION SERVICES,)
)
Plaintiff,)
)
vs.)
)
JOHN BUNNING TRANSFER CO., INC.,)
and HARTFORD FIRE INSURANCE COMPANY,)
)
Defendants.)

No. 69-C-205

FILED
DEC 17 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER FOR JUDGMENT AND JUDGMENT

This cause having come on to be heard on motion of defendant, John Bunning Transfer Co., Inc. for judgment on its Cross Complaint against defendant, Hartford Fire Insurance Company, and the Court having considered the pleadings in the action, having heard oral argument, and having concluded that the defendant, John Bunning Transfer Co., Inc. is entitled to judgment as a matter of law, it is hereby

ORDERED, that defendant, John Bunning Transfer Co., Inc.'s motion for judgment is in all respects granted, and it is further

ORDERED, ADJUDGED AND DECREED that the defendant, John Bunning Transfer Co., Inc. recover from the defendant, Hartford Fire Insurance Company, the sum of \$2,896.09 with interest at the rate of 10% per annum as provided by law and its costs of the action.

12/16/1971 Luther Robinson
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

[Signature]
Attorney for Hartford Fire Insurance Company

[Signature]
Attorney for John Bunning Transfer Co., Inc.

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

GENE HUMPHRIES
South Foreman Street
Vinita, Oklahoma,

Plaintiff,

v.

JAMES SHAVER
210 East Merriman
Wynne, Arkansas,

FALLS EQUIPMENT COMPANY
Highway #1 & 64
Wynne, Arkansas,

Defendants.

Case No. 71-C-297

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

ORDER TRANSFERRING CASE

Defendants have moved for a change of venue or for an Order transferring this case to the United States District Court for the Eastern District of Arkansas pursuant to 28 U.S.C.A. §1404(a) for the convenience of parties and witnesses and in the interest of justice.

It appears from the affidavit of Defendant Shaver that all of the Defendants reside in the Eastern District of Arkansas, that the subject realty in the action is located in Cross County, Arkansas, in the Eastern District of Arkansas, that all of the witnesses to be called by Defendants whose testimony will be material to the case also reside in the Eastern District of Arkansas and are without the territorial subpoena power of this Court, Rule 45(e), F.R.Civ.P., the place of trial presently being Tulsa, Oklahoma which is more than 100 miles distant from any point within the Eastern District of Arkansas, and that the burden and expense of attending trial in Tulsa, Oklahoma will be great.

Plaintiff has responded at the request of the Court to said Motion stating in opposition to the Motion that the alleged wrong

took place in Oklahoma, that the burdens of travel apply equally to him, and suggesting the possibility that local bias and prejudice exists in the small community of Helena, Arkansas, where Defendants ask that the case be tried.

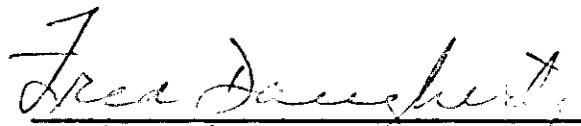
Inasmuch as jurisdiction of this case is founded upon diversity of citizenship and presence of the requisite amount in controversy, 28 U.S.C.A. §1332, and could have been brought in the Eastern District of Arkansas, where all the Defendants reside, 28 U.S.C.A. §1391(a), Defendants' Motion is properly before the Court.

Under the circumstances presented by the parties herein, the Court concludes that the Defendants have satisfied their burden and that this case should be transferred to the Eastern District of Arkansas. A request for transfer is addressed to the sound discretion of the trial Court. Chicago, Rock Island & Pacific R. Co. v. Hugh Breeding, Inc., 247 F. 2d 217 (Tenth Cir. 1956), appeal dismissed 355 U.S. 880, 2 L.Ed.2d 107, 78 S.Ct. 138. The question whether a transfer should be granted depends upon the particular circumstances of each case. 1 ALR Fed. 15 at p. 40. All key witnesses in this case except the Plaintiff reside in Arkansas. The prospective purchaser is in Arkansas. Defendant Shaver who Plaintiff alleges was his attorney and agreed to furnish Plaintiff an abstract of title to the Arkansas property is in Arkansas. Rev. Ramsey who Plaintiff alleges made the arrangements with Defendant Shaver for him resides in Arkansas. The Defendant Falls Equipment Company is an Arkansas corporation with principal place of business in Arkansas. Its owners and managers reside in Arkansas. The alleged conspiracy would have been committed in Arkansas. As shown to the Court there is only one witness in the case who does

not live in Arkansas, namely, the Plaintiff and his activities regarding the subject matter of the case appear to consist of long distance telephone contacts with Arkansas. The availability of key witnesses is an important factor in transfer motions. 1 ALR Fed. 15 at p. 59. Therefore, for the convenience of the parties and witnesses, in the belief that this case, considering its nature, can be more effectively presented by the assured personal appearance of the key witnesses as opposed to the presentation of their testimony by deposition and in the interest of justice, the Court in its discretion determines that the Motion for transfer should be granted. The Court, however, declines to assume the authority to assign this case to any particular division of the Eastern District of Arkansas as it is believes that such function should be exercised by the Chief Judge of that Court. 28 U.S.C. §1404(b).

Defendants' Motion for Change of Venue (to transfer) is granted and the Clerk is directed to effect transfer of this case to the United States District Court for the Eastern District of Arkansas.

It is so ordered this 16th day of December, 1971.


Fred Daugherty
United States District Judge

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

CEMENT ASBESTOS PRODUCTS COMPANY,)
a corporation,)
)
Plaintiff,)
)
vs.)
)
BOWLINE CONSTRUCTION COMPANY,)
INC., a corporation, and UNITED STATES)
FIDELITY & GUARANTY COMPANY, a)
corporation,)
)
Defendants.)

No. 70-C-179

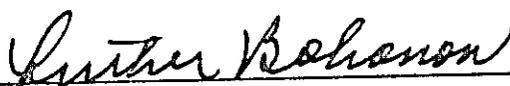
FILED

DEC 15 1971

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

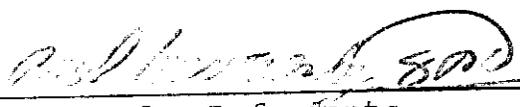
ORDER

This matter coming on to be heard this 14th day of December, 1971, before the Court upon the written stipulation of the parties hereto, on file in the above entitled cause, and the Court being fully advised in the premises finds that pursuant to said stipulation the complaint and the answer and amended counter-claims should be and the same are hereby dismissed, without prejudice.


LUTHER BOHANON, JUDGE

APPROVED:


Attorney for Plaintiff


Attorney for Defendants

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 Ross E. Welch, et al,
and Unknown Owners,
Defendants,

CIVIL ACTION NO. 71-C-288
Tract No. 1248M

E I L E D

DEC 14 1971

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

J U D G M E N T

1.

NOW, on this 13th day of December 1971, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on stipulations agreeing upon just compensation, and the court, after having examined the files in this action and being advised by counsel for plaintiff, finds:

2.

This judgment applies to the entire estate condemned in Tract No. 1248M as such estate and tract are described in the Complaint filed in this action.

3.

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

4.

Service of process has been perfected either personally, or by publication notice, as provided by Rule 71A of 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 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 August 9, 1971, the United States of America filed its declaration of taking of such described property, and title to the estate in such property as described in said Complaint, should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On 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 subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in Paragraph 12.

7.

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

8.

The owners of the estate taken in subject tract and the United States of America have executed and filed herein certain stipulations as to just compensation wherein they have agreed that just compensation for their respective interests in the estate condemned in subject tract is in the amounts shown as compensation in Paragraph 12 below, and such stipulations should be approved.

9.

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

10.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tract named in Paragraph 2 herein, as such tract is particularly described in the Complaint filed herein; and such tract, 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 the date of filing such Declaration of Taking and all defendants herein and all other persons interested in such estate are forever barred from asserting thereto any claim.

11.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that on the date of taking, the owners of the estate condemned herein in subject tract were the defendants whose names appear below in Paragraph 12, and the right to receive the just compensation for the estate taken herein in this tract is vested in the parties so named.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the stipulations as to just compensation, mentioned in Paragraph 8 above, hereby are confirmed; and the sum of \$825.00 is adopted as the total award of just compensation for the estate condemned in subject tract and said award is allocated among the respective owners as follows:

TRACT NO. 1248M

Owners:

Ross E. Welch

Marvin Zerger

Elden Zerger

Evelyn Stucky (widow and sole heir of Samuel Stucky, deceased.)

Award of just compensation (total)
for all interests, per stipulations . . . \$825.00 \$825.00

Deposited as estimated compensation
(total) for all interests \$100.00

Deposit deficiency \$725.00

Disbursed to owners none

Allocation of award and
balance due to each owner:

To:

Ross E. Welch	\$750.00	
Marvin Zerger	25.00	
Elden Zerger	25.00	
Evelyn Stucky	<u>25.00</u>	<u> </u>
Total		\$825.00

13.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United States of America shall deposit in the registry of this Court, in this Civil Action

to the credit of Tract No. 1248M, the deficiency sum of \$725.00 and the Clerk of this Court then shall disburse from such deposit the balance due to each owner as set forth above in Paragraph 12.

/s/ Allen E. Barrow

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

MARGARET L. ADAMS,)
)
Plaintiff,)
)
vs.)
)
JAMES E. HURR,)
)
Defendant.)

NO. 71-C-95

FILED
DEC 14 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

ON This 14th day of December, 1971, upon the written applica-
tion of the parties for a Dismissal with Prejudice of the Complaint and
all causes of action, the Court having examined said application, finds
that said parties have entered into a compromise settlement covering
all claims involved in the Complaint and have requested the Court to
dismiss said Complaint with prejudice to any future action, and the
Court being fully advised in the premises, finds that said Complaint
should be dismissed pursuant to said application.

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

Allen E. Barrow
ALLEN E. BARROW, Judge
United States District Court
Northern District of Oklahoma

APPROVAL:

JACK L. GAFFNER,
Jack L. Gaither
Attorney for the Plaintiff,

vs. RED W. ENIGET,

Attorney for Defendant.

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

FILED
DEC 14 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

United States of America,)
)
Plaintiff,)
)
-v-)
)
Tony E. Ward, et al,)
)
Defendants.)

Civil No. 71-C-325

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 14 day of December, 1971, the defendants, Tony E. Ward and Doris R. Ward, appearing not; and

The Court being fully advised and having examined the file herein finds that due and legal service by publication was served on above named defendants as shown by Proof of Publication filed herein on December 10, 1971; that the time within which these defendants may answer or otherwise move as to the Complaint has expired and default has been entered herein.

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 Fourteen (14), Block Four (4) Northgate 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, Tony E. Ward and Doris R. Ward, did, on August 28, 1970 execute and deliver to Diversified Mortgage & Investment Company, their mortgage and mortgage note for the sum of \$14,050, with interest thereon at the rate of $8\frac{1}{2}$ percent per annum, and further providing for the payment of monthly installments of principal and interest; and

That by instrument dated September 3, 1970, Diversified Mortgage & Investment Company assigned said mortgage to Federal National Mortgage Association, which assignment was duly signed and acknowledged and recorded in Book 3938, Page 1069-70 of the Tulsa County, Oklahoma, Mortgage Records.

That by Instrument dated December 22, 1970, Federal National Mortgage Association reassigned said mortgage to Diversified Mortgage & Investment Company, which assignment was duly signed and acknowledged and recorded in Book 3951, Page 608, of Tulsa County Mortgage Records, Oklahoma.

That by instrument dated January 14, 1971, Diversified Mortgage & Investment Company assigned said mortgage to the Secretary of Housing & Urban Development of Washington, D. C., which instrument was duly signed and acknowledged and recorded in Book 3955, Page 101, of Tulsa County, Oklahoma, Mortgage records.

The Court further finds that said 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 twelve months last past, which default has continued and that by reason thereof the defendants are now indebted to the Plaintiff in the sum of \$14,838.88, with interest at the rate of $8\frac{1}{2}$ percent per annum, until paid, plus the costs of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff have and recover judgment against Tony E. Ward and Doris R. Ward, for the sum of \$14,838.88 with interest thereon at the rate of $8\frac{1}{2}$ percent per annum from November 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 said 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 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
Assistant United States Attorney

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

THE TRAVELERS INSURANCE COMPANY,)
)
Plaintiff,)
)
vs.)
)
ROBERT S. BERRY and HARRY S.)
JAMESON,)
)
Defendants.)

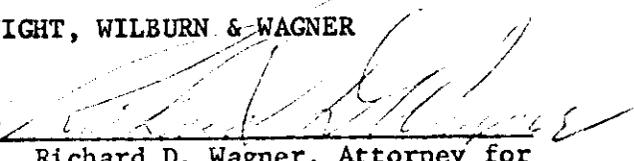
NO. 71-C-43

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DEC 13 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT.

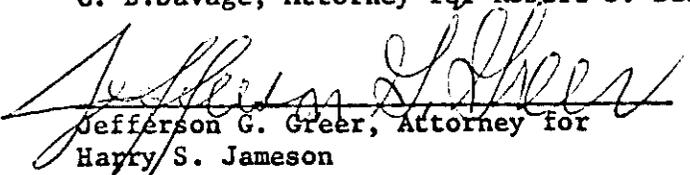
STIPULATION AND DISMISSAL WITH PREJUDICE

COMES now the Plaintiff, The Travelers Insurance Company,
through their attorney, Richard D. Wagner, and the Defendant, Robert
S. Berry, through his attorney, C. B. Savage, and Harry S. Jameson,
through his attorney, Jefferson G. Greer, and stipulate that the
above-captioned cause of action be dismissed with prejudice to
filing of future action herein.

KNIGHT, WILBURN & WAGNER

By 
Richard D. Wagner, Attorney for
The Travelers Insurance Company


C. B. Savage, Attorney for Robert S. Berry


Jefferson G. Greer, Attorney for
Harry S. Jameson

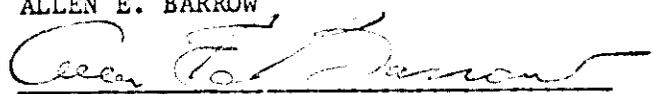
FILED
DEC 14 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT.

ORDER

Now on this 14 day of December, 1971, there came on for considera-
tion before the undersigned Judge of the United States District Court
for the Northern District of Oklahoma, Stipulation of the parties hereto
of Dismissal, parties hereto having advised the Court that all disputes
between the parties have been settled.

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

ALLEN E. BARROW


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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

80.00 Acres of Land, More or Less,
Situate in Nowata County, State of
Oklahoma, and V. C. COUCH, et al.,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 70-C-168

Tract No. 1047M

F I L E D

DEC 13 1971

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

J U D G M E N T

1.

Now, on this 10th day of Dec., 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 October 20, 1971, and the Court, after having examined the file 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. 1047M 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 the 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 the subject property for public use. Pursuant thereto, on June 3, 1970, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, which was the date of taking thereof. Simultaneously therewith, Plaintiff deposited \$210.00 in the Registry of this Court as estimated compensation for the taking of said estate, none of which has been

disbursed; therefore, title to such property should be vested in the United States of America as of June 3, 1970.

6.

The Report of Commissioners filed herein on October 20, 1971, is hereby accepted and adopted as findings of fact as to the subject tract, wherein the amount of just compensation as to the estate taken therein is fixed by the Commission at \$210.00.

7.

The Defendants named in paragraph 10 as owners of the estate taken in the subject tract are the only Defendants asserting any interest in such estate; all other Defendants having either disclaimed or defaulted. Said named Defendants were the owners of the estate condemned herein as of the date of taking and, as such, are entitled to receive the just compensation awarded by this judgment. Except that the 25-year-term oil and gas lease hereon will expire November 13, 1972, and since there was no production at the date of taking, said oil and gas lease along with the overriding royalty interest thereon, have no value; therefore the owners of such interests in the estate taken are not entitled to any portion of the award.

8.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT 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 June 3, 1970, which was the date of taking thereof, and all Defendants herein and all other persons are forever barred from asserting any claim to such estate.

9.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that on the date of taking in this case, the owners of the estate taken herein in the subject tract were the Defendants whose names appear below in paragraph 10 and the right to receive the just compensation for such estate is vested in the parties so named with the exception of the leasehold and overriding royalty interests whose owners are not entitled to any portion of the award.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Report of Commissioners filed herein on October 20, 1971, is hereby confirmed and the \$210.00 therein fixed is adopted as the award of just compensation for the estate taken in the subject tract, to be allocated and disbursed according to the following schedule:

TRACT NO. 1047M

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

Total award for all interest \$210.00

Allocation of award:

To lessor (royalty) interest . . . \$210.00
 To leasehold interest None
 To overriding royalty interest None

DEPOSIT OF ESTIMATED COMPENSATION:

Total deposit for all interests \$210.00

Allocation of deposit:

For lessor \$210.00
 For leasehold None
 For override None

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSAL:

Lessor interest:

Owners	Interest	Share of Award	Previously Disbursed	Balance Due
Heirs of Ida M. Couch, deceased, who are:				
V. C. Couch	1/7	\$30.00	None	\$30.00
Elna Couch	1/7	\$30.00	None	\$30.00
Leola Couch Reinhardt	1/7	\$30.00	None	\$30.00
Herbert F. Couch, Jr.	1/7	\$30.00	None	\$30.00
Penn Couch	1/7	\$30.00	None	\$30.00
Elaine Couch	1/7	\$30.00	None	\$30.00
Wanda Strain	1/7	\$30.00	None	\$30.00

10. (Continued)

<u>Owners</u>	<u>Interest</u>	<u>Share of Award</u>	<u>Previously Disbursed</u>	<u>Balance Due</u>
<u>Lessee Interest:</u>		None	None	None
Gail L. Ireland		"	"	"
George F. Rock) Benjamin F. Stapleton)		"	"	"
H. W. Patton		"	"	"
<u>Overriding Royalty Interest:</u>		None	None	None
V. C. Couch		"	"	"
Heirs of H. F. Couch, deceased who are:				
V. C. Couch		"	"	"
Elna Couch		"	"	"
Leola Couch Reinhardt		"	"	"
Herbert F. Couch, Jr.		"	"	"
Penn Couch		"	"	"
Elaine Couch		"	"	"
Wanda Strain		"	"	"

11.

IT IS FURTHER ORDERED BY THE COURT that the Clerk of this Court shall forthwith disburse the award for the subject tract from the deposit on hand by paying each owner his or her balance due as shown above in paragraph 10.

/s/ Luther Bohanon

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Jack M. Short

JACK M. SHORT
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

80.00 Acres of Land, More or Less,
Situate in Nowata County State of
Oklahoma, and W. A. MATTHEW, et al.,
and Unknown Owners,

Defendants.

CIVIL ACTION NO. 70-C-167

Tract No. 1044M

FILED

DEC 13 1971

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

J U D G M E N T

1.

Now, on this 16th day of Dec., 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 October 20, 1971, and the Court, after having examined the file 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. 1044M 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 the 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 the subject property for public use. Pursuant thereto, on June 3, 1970, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, which was the date of taking thereof. Simultaneously therewith, Plaintiff deposited \$188.00 in the Registry of this Court as estimated compensation for the taking of said estate, none of which has been

disbursed; therefore, title to such property should be vested in the United States of America as of June 3, 1970.

6.

The Report of Commissioners filed herein on October 20, 1971, is hereby accepted and adopted as findings of fact as to the subject tract, wherein the amount of just compensation as to the estate taken therein is fixed by the Commission at \$188.00.

7.

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

8.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT 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 June 3, 1970, which was the date of taking thereof, and all Defendants herein and all other persons are forever barred from asserting any claim to such estate.

9.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that on the date of taking in this case, the owners of the estate taken herein in the subject tract were the Defendants whose names appear below in paragraph 10 and the right to receive the just compensation for such estate is vested in the parties so named.

10.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Report of Commissioners filed herein on October 20, 1971, is hereby confirmed and the \$188.00 therein fixed is adopted as the award of just compensation for

the estate taken in the subject tract, to be disbursed according to the following schedule:

TRACT NO. 1044M

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

Total award for all interests \$188.00

DEPOSIT OF ESTIMATED COMPENSATION (Total deposit for all interests): \$188.00

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSAL:

<u>Owners</u>	<u>Interest</u>	<u>Share of Award</u>	<u>Previously Disbursed</u>	<u>Balance Due</u>
W. A. Mattix	1/4	\$47.00	None	\$47.00
W. W. Mattix	1/4	\$47.00	None	\$47.00
M. M. Mattix	1/4	\$47.00	None	\$47.00
M. E. Mattix	1/4	\$47.00	None	\$47.00

11.

IT IS FURTHER ORDERED BY THE COURT that the Clerk of this Court shall forthwith disburse the award for the subject tract from the deposit on hand by paying each owner his balance due as shown above in paragraph 10.

/s/ Luther Bohanon

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Jack M. Short

JACK M. SHORT
Assistant U. S. Attorney

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 IRIS N. JOHNSON, ET
AL, AND UNKNOWN OWNERS,

Defendants.

CIVIL ACTION NO. 70-C-166

Tract No. 1017M

FILED

DEC 13 1971

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

J U D G M E N T

1.

Now, on this 10th day of December, 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 October 20, 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. 1017M 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 the 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 the subject property for public use. Pursuant thereto, on June 3, 1970, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, which was the date of taking thereof, 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 the filing of the Declaration of Taking, Plaintiff deposited \$40.00 in the Registry of this Court as estimated compensation for the taking of the described estate in the subject tract, none of which has been disbursed.

7.

The Report of Commissioners filed herein on October 20, 1971, is hereby accepted and adopted as findings of fact as to the subject tract, wherein the amount of just compensation as to the estate taken therein is fixed by the Commission at \$40.00.

8.

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

9.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT 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 June 3, 1970, which was the date of taking thereof, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

10.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that on the date of taking in this case, the owners of the estate taken herein in the subject tract were the defendants whose names appear below in paragraph 11 and the right to receive the just compensation for such estate is vested in the parties so named.

11.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Report of Commissioners filed herein on October 20, 1971, is hereby confirmed and the \$40.00 therein fixed is adopted as the award of just compensation for the estate taken in the subject tract, to be allocated and disbursed forthwith by the Clerk of this Court according to the following schedule:

TRACT NO. 1017M

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

Total award for estate taken - - - - - \$40.00

DEPOSIT OF ESTIMATED COMPENSATION:

Total deposit for estate taken - - - - - \$40.00

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSALS:

MINERAL INTEREST:

<u>Owners</u>	<u>Interest</u>	<u>Share of Award</u>	<u>Disbursed</u>	<u>Balance Due</u>
Iris N. Johnson	1/8 of 1/8 of Oil	\$ 2.50	None	\$ 2.50
John Hundley	1/16 of 1/8 of Gas	1.25	None	1.25
Verlie Emmanuel	1/16 of 1/8 of Gas	1.25	None	1.25
Julian W. Glass, Jr., Trustee for Julian W. Glass, Jr., Eva Payne Glass and Ernest Frances Bradfield	7/8 of 1/8 of Oil & Gas	35.00	None	35.00

12.

IT IS FURTHER ORDERED BY THE COURT that the Clerk of this Court shall forthwith disburse the award for the subject tract from the deposit on hand by paying each owner his balance due as shown above in paragraph 11.

/s/ Luther Bohanon

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Jack M. Short

JACK M. SHORT
Assistant United States Attorney

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

STEPHEN E. NASH, MARTHA A. NASH,
GEORGE R. HANN, OLIVER JOHN ANDERSON,
MARY CREED ANDERSON, RICHARD W.
TRAPNELL III, and JANE A. TRAPNELL,

Plaintiffs,

- vs -

HOME-STAKE 1964 PROGRAM OPERATING
CORPORATION, HOME-STAKE 1965 PRO-
GRAM OPERATING CORPORATION, HOME-
STAKE PRODUCTION COMPANY, and
ROBERT S. TRIPPET,

Defendants.

FILED
DEC 13 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

Civil Action

No. 71-C-249 ✓

ORDER OF DISMISSAL WITH PREJUDICE

Now on this 13th day of December, 1971, there comes before the Court for its consideration the "Joint Stipulation of Dismissal with Prejudice," filed herein by the parties to this civil action pursuant to Rule 41 (a) of the Federal Rules of Civil Procedure. Said Joint Stipulation is signed by the attorneys of record for the plaintiffs and the defendants.

Whereupon, it is the order of the Court that the above captioned civil action is hereby dismissed with prejudice, with the respective parties to bear their own costs herein incurred.

Allen E. Barrow
U. S. District Judge

APPROVED AS TO FORM
AND CONTENT:

[Signature]
Attorney for Plaintiffs

[Signature]
Attorney for Defendants

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 NOWATA COUNTY, STATE OF
OKLAHOMA, AND ROY W. WILKINSON, ET
AL, AND UNKNOWN OWNERS,

Defendants.

CIVIL ACTION NO. 70-C-165

Tract No. 802M

F I L E D

(DEC 13 1971)

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

J U D G M E N T

1.

Now, on this 10th day of December, 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 October 20, 1971, and the Court, after having examined the file 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. 802M 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 the 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 the subject property for public use. Pursuant thereto, on June 3, 1970, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, which was the date of taking thereof. Simultaneously therewith, Plaintiff deposited \$120.00 in the Registry of this Court as estimated compensation for the taking of said estate, none of which has been disbursed;

therefore, title to such property should be vested in the United States of America as of June 3, 1970.

6.

The Report of Commissioners filed herein on October 20, 1971, is hereby accepted and adopted as findings of fact as to the subject tract, wherein the amount of just compensation as to the estate taken therein is fixed by the Commission at \$120.00.

7.

The Defendants named in paragraph 10 as owners of the estate taken in the subject tract are the only Defendants asserting any interest in such estate; all other Defendants having either disclaimed or defaulted. The Court further finds there was no subsisting oil and gas lease on this tract on the date of taking. Said named Defendants were the owners of the estate condemned herein as of the date of taking and, as such, are entitled to receive the just compensation awarded by this judgment.

8.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT 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 June 3, 1970, which was the date of taking thereof, and all Defendants herein and all other persons are forever barred from asserting any claim to such estate.

9.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that on the date of taking in this case, the owners of the estate taken herein in the subject tract were the Defendants whose names appear below in paragraph 10 and the right to receive the just compensation for such estate is vested in the parties so named; and, there was no subsisting oil and gas lease on this tract on the date of taking.

10.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Report of Commissioners filed herein on October 20, 1971, is hereby confirmed and the \$120.00 therein fixed is adopted as the award of just compensation for the estate taken in the subject tract, to be allocated and disbursed according to the following schedule:

TRACT NO. 802M

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

Total award for estate taken - - - - - \$120.00

DEPOSIT OF ESTIMATED COMPENSATION:

Total deposit for estate taken - - - - - \$120.00

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSAL:

MINERAL INTEREST:

<u>Owners</u>	<u>Interest</u>	<u>Share of Award</u>	<u>Previously Disbursed</u>	<u>Balance Due</u>
Roy W. Wilkinson	5/15	\$40.00	None	\$40.00
Hugh S. Wilkinson	1/15	8.00	None	8.00
Lucille Vincent	3/15	24.00	None	24.00
Maud Ann Blecha	3/15	24.00	None	24.00
Lucille Wilkinson, Executrix of the Estate of John F. Wilkinson, deceased	3/15	24.00	None	24.00

11.

IT IS FURTHER ORDERED BY THE COURT that the Clerk of this Court shall forthwith disburse the award for the subject tract from the deposit on hand by paying each owner his or her balance due as shown above in paragraph 10.

/s/ Luther Bohanon

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Jack M. Short

JACK M. SHORT
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

80.00 ACRES OF LAND, MORE OR LESS,
SITUATE IN NOWATA COUNTY, STATE OF
OKLAHOMA, AND RAYMOND F. KRAVIS,
ET AL, AND UNKNOWN OWNERS,

Defendants.

CIVIL ACTION NO. 70-C-164

Tract No. 801M

FILED
DEC 13 1971

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

J U D G M E N T

1.

Now, on this 16th day of December, 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 October 20, 1971, and the Court, after having examined the file 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. 801M 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 the 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 the subject property for public use. Pursuant thereto, on June 3, 1970, the United States of America filed its Declaration of Taking of a certain estate in such tract of land, which was the date of taking thereof. Simultaneously therewith, Plaintiff deposited \$80.00 in the Registry of this Court as estimated compensation for the taking of said estate, none of which has been disbursed;

therefore, title to such property should be vested in the United States of America as of June 3, 1970.

6.

The Report of Commissioners filed herein on October 20, 1971, is hereby accepted and adopted as findings of fact as to the subject tract, wherein the amount of just compensation as to the estate taken therein is fixed by the Commission at \$80.00.

7.

The Defendants named in paragraph 10 as owners of the estate taken in the subject tract are the only Defendants asserting any interest in such estate; all other Defendants having either disclaimed or defaulted. The Court further finds that there was no subsisting oil and gas lease on this tract on the date of taking. Said named Defendants were the owners of the estate condemned herein as of the date of taking and, as such, are entitled to receive the just compensation awarded by this judgment.

8.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT 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 June 3, 1970, which was the date of taking thereof, and all Defendants herein and all other persons are forever barred from asserting any claim to such estate.

9.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that on the date of taking in this case, the owners of the estate taken herein in the subject tract were the Defendants whose names appear below in paragraph 10 and the right to receive the just compensation for such estate is vested in the parties so named; and, there was no subsisting oil and gas lease on this tract on the date of taking.

10.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that the Report of Commissioners filed herein on October 20, 1971, is hereby confirmed and the \$80.00 therein fixed is adopted as the award of just compensation for the estate taken in the subject tract, to be disbursed according to the following schedule:

TRACT NO. 801M

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

Total award for estate taken - - - - - \$80.00

DEPOSIT OF ESTIMATED COMPENSATION:

Total deposit for estate taken - - - - - \$80.00

OWNERSHIP, DISTRIBUTION OF AWARD AND DISBURSAL:

MINERAL INTEREST:

<u>Owners</u>	<u>Interest</u>	<u>Share of Award</u>	<u>Previously Disbursed</u>	<u>Balance Due</u>
Joseph P. Kennedy	37,390/75,000	\$39.88	None	\$39.88
Aberdeen Petroleum Corporation	26,320/75,000	28.07	None	28.07
Raymond F. Kravis	11,280/75,000	12.03	None	12.03
Mrs. Diane Hirsch	10/75,000	.02	None	.02

11.

IT IS FURTHER ORDERED BY THE COURT that the Clerk of this Court shall forthwith disburse the award for the subject tract from the deposit on hand by paying each owner his balance due as shown above in paragraph 10.

/s/ Luther Bohanon

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Jack M. Short

JACK M. SHORT
Assistant United States Attorney

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

L. K. TURLEY AND GOLDIE M. TURLEY,)
)
Plaintiffs,)
)
vs.)
)
AMERICAN NATIONAL INSURANCE)
COMPANY, a Foreign Corporation,)
SHIRLEY EASTWOOD, nee SHIRLEY RHODD,)
and JOE C. EASTWOOD, Administrator)
of the Estate of HARVEL EUGENE)
EASTWOOD, Deceased,)
)
Defendants.)
)
)

FILED
DEC 13 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

No. 71-C-134

JUDGMENT ALLOWING INTERPLEADER AND DISCHARGING
DEFENDANT AND COUNTERCLAIMANT AMERICAN NATIONAL
INSURANCE COMPANY AND FIXING ATTORNEYS' FEES AND COSTS

Upon stipulation of the parties, evidenced by their approval of this order, the court makes findings of fact and conclusions of law in accordance with the following judgment and finds that judgment should be entered as follows.

IT IS ORDERED, ADJUDGED, AND DECREED by the court that this court has jurisdiction of all parties by reason of diversity of citizenship between the counterclaimant for interpleader, American National Insurance Company, a Texas corporation, and the plaintiff and the other defendants, as alleged in the Answer and Counterclaim filed herein by said insurance company. The amount involved is more than \$10,000, exclusive of interest and costs.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the court that interpleader in this cause by the counterclaimant for interpleader, American National Insurance Company, is allowed and approved; that the counterclaimant, American National Insurance Company, has paid the sum of \$14,000 in to the Clerk of this court to abide the final judgment of the court; and that said amount is the full amount payable under the insurance policies set forth in said Answer and Counterclaim as follows:

(1) American National Insurance Company Policy No. M4915162, issued August 5, 1970, upon the life of Harvel E. Eastwood in the amount of \$3,000, payable to the beneficiary named therein upon the death of the insured, with an additional \$3,000 payable in the event of accidental death.

(2) American National Insurance Company Policy No. M4915161, issued August 5, 1970, upon the life of Harvel E. Eastwood in the amount of \$8,000, payable to the beneficiary therein designated upon the death of the insured.

Said counterclaimant, American National Insurance Company, is hereby discharged from any and all liability to the plaintiffs and the other defendants herein, their heirs, executors, administrators, and assigns, under and in connection with said policies, and said policies are hereby ordered to be surrendered and are hereby cancelled.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the court that the plaintiffs and the other defendants herein are ordered to make proof herein of their rights to the proceeds of such policies; and such parties, their heirs and assigns, are hereby permanently restrained and enjoined from instituting or prosecuting any action against the counterclaimant, American National Insurance Company, herein upon said insurance policies other than in this cause.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the court that the defendant and counterclaimant, American National Insurance Company, have its costs herein and its reasonable attorneys' fees in the amount of \$ 600.00 _____, and the clerk is ordered to pay said sums to the attorneys for said counterclaimant, Gable, Gotwals, Hays, Rubin & Fox, out of the proceeds paid in to the clerk of this court.

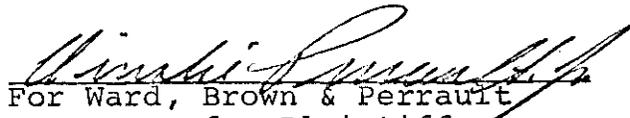
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the court that the issues as between the plaintiffs and the other

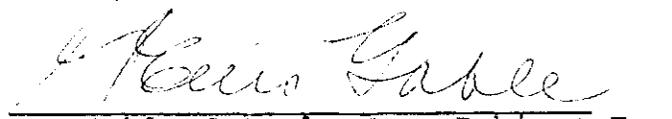
defendants herein, involving the right to the proceeds of such insurance policies, are to be determined at a later date.

Dated this 10th day of December, 1971.

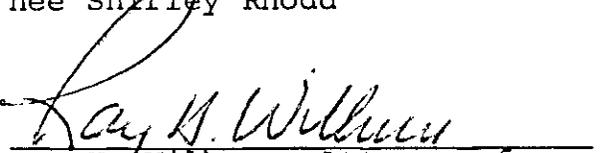

United States District Judge

Approved:


For Ward, Brown & Perrault
Attorneys for Plaintiff


For Gable, Gotwals, Hays, Rubin & Fox
Attorneys for Defendant and
Counterclaimant, American National
Insurance Company


Elmore A. Page, Attorney for
Defendant Shirley Eastwood,
nee Shirley Rhodd


Ray H. Wilburn, Attorney for
Defendant Joe C. Eastwood,
Administrator of the Estate of
Harvel Eugene Eastwood, Deceased

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

DAVID G. PETERSON,)
)
 Plaintiff,)
)
 vs.) No. 70-C-157
)
 VERNON T. FLOURNOY,)
)
 and)
)
 MARGIE M. FLOURNOY,)
)
 Defendants.)

FILED
DEC 13 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

JOURNAL ENTRY
OF
DEFAULT DEFICIENCY JUDGMENT

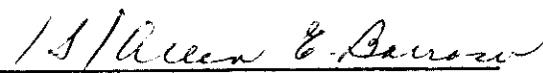
Now, on this 13th day of December, 1971, the Plaintiff's Motion for Deficiency Judgment herein having been previously referred to the United States Magistrate for the Northern District of Oklahoma, and said Magistrate having made his findings and recommendations therein on November 10, 1971, this matter comes on for determination and confirmation by the Court.

Upon consideration of the instant Motion, matters appearing of record from the file herein, the arguments of counsel and the default of the Defendants before the Magistrate, the findings and recommendations of the Magistrate, and being otherwise advised in the premises, the Court finds that the findings and recommendations of the Magistrate should be, and hereby are, by separate Order, approved and adopted as those of the Court, and that the relief prayed for in the instant Motion should be granted.

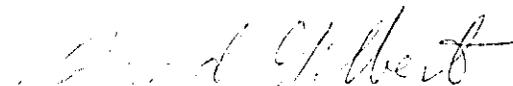
IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED
By the Court that the Plaintiff, David G. Peterson, recover of the

Defendants, Vernon T. Flourney and Margie M. Flourney, and each of them, jointly and severally, personal deficiency judgment in the Cause herein in the amount of \$11,985.44, with interest thereon at the rate of ten per cent per annum from the date of the original judgment herein (August 25, 1970) until paid; \$665.43 remaining attorneys fees; and all accruing costs herein; for which let Execution lie.

Witness my hand and this seal of this Court this 13th day of December, 1971.


ALLEN E. BARROW
United States District Judge
Northern District of Oklahoma

APPROVED AS TO FORM:


FRED P. GILBERT
Attorney for Plaintiff


EUGENE CARR
Attorney for Defendants

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

COLUMBUS ATRY,

Plaintiff,

vs.

ELLIOT L. RICHARDSON, Secretary of
Health, Education, and Welfare,

Defendant.

CIVIL ACTION NO. 70-C-313

FILED

DEC 27 1971

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

ORDER

NOW, on this 17th day of December, 1971, there came on for consideration the finding and recommendation of Honorable Morris L. Bradford, United States Magistrate for the Northern District of Oklahoma, which ~~finding~~ and recommendation ^{was} ~~were~~ in favor of the defendant on his motion for summary judgment. The Court finds that such ~~finding and~~ recommendation should be adopted.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the defendant, Elliot L. Richardson's motion for summary judgment be and the same is hereby granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the decision of the Secretary of Health, Education, and Welfare, being supported by substantial evidence, should be and the same is hereby affirmed.

S. Allen E. Bann
UNITED STATES DISTRICT JUDGE

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

FILED

DEC 10 1971

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

CHARLES BAKER and DOROTHY BAKER, husband
and wife, and all other parties plaintiff
similarly situated along or near TRANSOK
PIPE LINE COMPANY, an Oklahoma corporation,
right-of-way transmission pipeline from
Ames, Oklahoma to Oologah, Oklahoma, all
within the State of Oklahoma,

Plaintiffs,

v.

CENTRAL & SOUTH WEST CORPORATION, a
foreign corporation, doing business within
the State of Oklahoma, and PUBLIC SERVICE
CORPORATION, an Oklahoma corporation,

Defendants.

Case No.
71-C-347 Civil

ORDER REMANDING CASE

This case was removed under 28 U.S.C. 1441(b) to this Court from an Oklahoma State Court by Defendants Public Service Company of Oklahoma and Central and South West Corporation on the ground that Federal jurisdiction exists within the meaning of 28 U.S.C.A. §1331(a).

Plaintiffs own property which is crossed by a high pressure gas pipeline which they claim is beneficially owned and operated by the Defendants. Plaintiffs' State Court action seeks to enjoin Defendants' use of the pipeline until it is made to conform with applicable safety standards^{1/} and to recover actual and punitive damages totalling \$60,000,000 on a theory of private nuisance. Defendants have removed on

1/

Plaintiffs ask for an injunction against Defendants using the pipeline until it is, "rendered safe and is constructed in accordance with U.S.A.S. B-31.8-1968, under Oklahoma Statutes 52 O.S.A. §§5,5.1."

the ground^{2/} that Plaintiffs have raised questions of the Constitutionality of certain safety standards for pipelines which have been established pursuant to Federal Statute, 49 U.S.C.A. §1671 et seq. and made effective by Oklahoma State Statute, 52 Okl.Stat. Ann. §5 et seq. in that they claim they have been denied the equal protection of the laws and due

2/

Defendants' precise removal language is:

"2. That the above described action is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. Sec. 1331, and as such may be removed to this Court by your petitioners, defendants therein, pursuant to the provisions of 28 U.S.C. Sec. 1441, in that one of the grounds alleged in support of plaintiffs' nuisance cause of action is that the minimum standards of natural gas pipe line safety in effect in Oklahoma, as established by federal statutes (49 U.S.C. Sec. 1671 et seq.) and regulations thereunder (49 C.F.R. Sec. 190), state statutes (52 O.S.A. Sec. 5 et seq.) and regulations thereunder (the Oklahoma Corporation Commission Orders promulgating said regulations are General Order No. 66094, adopted June 14, 1967, in Cause No. 23643, and General Order No. 70510, adopted December 4, 1968, in Cause No. 23916), deny plaintiffs equal protection of the laws and were adopted without proper notice and hearing, thereby denying plaintiffs due process of law, all in violation of the plaintiffs' rights under the 5th and 14th Amendments to the Constitution of the United States, and therefore this action is one arising under the Constitution, laws or treaties of the United States."

In this regard Plaintiffs' Petition states:

"Plaintiffs Baker have raised questions of the constitutionality of the provisions of U.S.A.S. B-31.8-1968, which provides for lesser safety and construction standards in rural areas based on population density. This provision denies the country dweller equal protection under the laws. Further, this code was adopted by the U. S. Congress from the pipeline industry's own specifications for construction and is, in effect, a convenience code that was never intended to be a safety code. Its minimum safety and construction standards were adopted without adequate public hearings to give parties interested in the environment an opportunity to plead their cause; this is a denial of due process."

process of law in the promulgation thereof. Defendants assert that such Constitutional question raises a substantial Federal question. Further, that Plaintiffs' nuisance action must fail if the standards or regulations are Constitutionally valid, by reason of the prohibition of 50 Okl.Stat. Ann. §4. Defendants then conclude, ". . . therefore this action is one arising under the Constitution, laws or treaties of the United States."

Defendants' assertion that Plaintiffs' action arises under the Constitution, laws or treaties of the United States will not withstand analysis. Federal question jurisdiction under 28 U.S.C.A. §1331(a) requires that the action stand or fall on an interpretation of the Federal Constitution, laws or treaties.^{3/} Gully v. First National Bank, 299 U.S. 109, 81 L.Ed. 70, 57 S.Ct. 96 (1936). Bell v. Hood, 327 U.S. 678, 90 L.Ed. 939, 66 S.Ct. 773, 13 A.L.R. 2d 383 (1946).^{4/} In order to predicate jurisdiction under 28 U.S.C.A. §1331(a) on

3/

The regulations promulgated by the Secretary of Transportation under the authority of 49 U.S.C.A. §1672(a), while not laws in the sense that they are not acts of Congress or statutes, have the force and effect of law. See Isbell v. Union Light, Heat & Power Co., 162 F. Supp. 471 (Ky. 1958).

4/

In Bell v. Hood, supra, the Court said:

"Before deciding that there is no jurisdiction, the district court must look to the way the complaint is drawn to see if it is drawn so as to claim a right to recover under the Constitution and laws of the United States. For to that extent 'the party who brings a suit is master to decide what law he will rely upon and . . . does determine whether he will bring a "suit arising under" the [Constitution or laws] of the United States by his declaration or bill.'"

such regulations or safety standards in this case they must form a vital or essential element of Plaintiffs' right to recovery. Gully v. First National Bank, supra; Skelly Oil Co. v. Phillips Petroleum Co., 174 F. 2d 89, (Tenth Cir. 1949), rev. other grounds 339 U.S. 667, 70 S.Ct. 876, 94 L.Ed. 1194. Nelson v. Leighton, 82 F. Supp. 661 (ND NY 1949) summarizes the law here involved in clear and precise language.

"In other words, if this action may be maintained without the determination of a federal question, then this Court has no jurisdiction, since the action has a sufficient non-federal foundation to support it. To summarize, to give this Court jurisdiction, (a) this action must be founded upon a claim or right arising under the Constitution or laws of the United States; (b) it must be such that the construction or interpretation of the Constitution or a federal statute will support or defeat the action depending upon the construction or interpretation given by the Court on the trial of the action; (c) a genuine and present controversy must exist as to the construction or interpretation of the Constitution or of a statute of the United States; (d) the controversy must be disclosed upon the face of the complaint unaided by the answer or petition for removal."

Plaintiffs' action is founded on private nuisance under Oklahoma law. Plaintiffs' action does not arise under the Constitution, laws or treaties of the United States. The construction or interpretation of the Federal safety standards (as adopted by Oklahoma) will not support or defeat Plaintiffs' action depending upon the construction or interpretation given by the Court on the trial of the case. Plaintiffs can maintain their action by showing that Defendants failed to meet the safety standards prescribed by the State of Oklahoma. This would not involve a construction or interpretation of such safety standards, rather, whether they have been met. If they have not been met Defendants will not get the benefit

of 50 Okl.Stat. Ann. §4.^{5/}

Plaintiffs in their State Court Petition have made mention of the question of the constitutionality of Federal safety standards in the language set out in Note 2, supra. Such mention was no doubt made in anticipation of the use of 50 Okl.Stat. Ann. §4 defensively. But Plaintiffs seek an injunction until these very safety standards are met and base the alleged private nuisance on Defendants' failure to meet such safety standards.^{6/} It is thus quite clear that Plaintiffs' action may be maintained without the determination of a Federal question. Moreover, Plaintiffs' Constitutional Complaints are clearly lacking in substance and hence do not

5/

50 Okl.Stat. Ann. §4 provides:

"Nothing which is done or maintained under the express authority of a statute can be deemed a nuisance."

6/

Plaintiffs allege:

"Plaintiffs herein pray for relief from a private nuisance by a temporary restraining order which would order the closing of the 20" Transok pipeline (hereinafter described) until a hearing can be had and evidence submitted to sustain a permanent injunction closing the 20" Transok pipeline until such line can be made safe and made to conform with applicable safety and construction standards." (Underscoring added.)

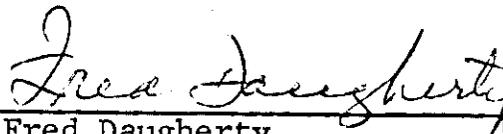
* * * *

". . . this evidence clearly shows per se violations of the minimum safety and construction standards as adopted by the Corporation Commission under the authority given them by 52 O.S.A. §§5, 5.1."

present a substantial Federal question. 7/

Thus, the Court concludes that Plaintiffs' claim is founded on an alleged private nuisance under Oklahoma law and does not arise under the Constitution, laws or treaties of the United States within the meaning of 28 U.S.C. §1441(b) and §1331(a). Plaintiffs' Motion to Remand is therefore granted. Defendants' request for oral argument is denied. All other Motions pending in the case are referred to the State Court. The Clerk is directed to effect remand of this case to the State District Court from which it was improvidently removed.

It is so ordered this 10 day of December, 1971.


Fred Daugherty
United States District Judge

7/

There is clearly a rational basis for different pipeline standards in a crowded city and a rural area. As to notice and hearing, these standards stem from legislative action of the Congress. No doubt Plaintiffs recognize a lack of substance in these complaints of unconstitutionality for in their brief they offer to withdraw all allegations challenging the validity of these Federal safety standards.

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

United States of America,)
)
Plaintiff,)
)
-v-)
)
Jessie T. Hayhurst, et al,)
)
Defendants.)

FILED
DEC 10 1971 ✓
JOHN H. POE, Clerk
U. S. DISTRICT COURT

Civil No. 71-C-3191 ✓

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this ~~30th~~ ^{December} day of ~~January~~ 1971, the defendants, Jessie T. Hayhurst, Barbara J. Hayhurst, and Ruby Ethel Johnson, appearing not;

The Court being fully advised and having examined the file herein finds that due and legal personal service of summons has been made on defendants, Jessie T. Hayhurst and Barbara J. Hayhurst, on October ², 1971; that defendant, Ruby Ethel Johnson, was served by publication as shown by Proof of Publication filed December 7, 1971; that the time within which these defendants may answer or otherwise move as to the Complaint has expired and default has been entered herein.

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:

Lot Sixteen (16), Block Forty-Three (43), Valley View Acres Second Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

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

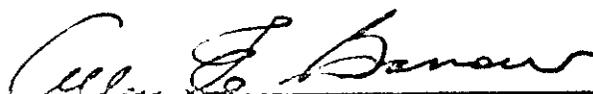
That the defendants, Jessie T. Hayhurst and Barbara J. Hayhurst, did, on October 27, 1965, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note for the sum of \$9,653 with interest thereon at the rate of 5 3/4 percent per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Jessie T. Hayhurst, Barbara J. Hayhurst, and Ruby Ethel Johnson, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than six months last past, which default has continued and that by reason thereof the defendants are now indebted to the Plaintiff in the sum of \$8,882.66 as unpaid principal, with interest thereon at the rate of 5 3/4 percent from March 1, 1971 (per annum) 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 defendants, Jessie T. Hayhurst, Barbara J. Hayhurst, and Ruby Ethel Johnson, for the sum of \$8,882.66 with interest thereon at the rate of 5 3/4 percent per annum from March 1, 1971, 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 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 appraisal, the subject 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
Assistant U.S. Attorney

United States District Court for the

NORTHERN DISTRICT OF OKLAHOMA

FILED

DEC 10 1971

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

United States of America, vs. Jessie T. Hayhurst, et al,

CIVIL ACTION FILE NO.

71-C-319

Judgment having been entered in the above entitled action on the 8th day of December, 19 71, against Jessie T. and Barbara J. Hayhurst, and Ruby Ethel Johnson the clerk is requested to tax the following as costs:

BILL OF COSTS

Table with 2 columns: Description of costs and Amount. Items include Fees of the clerk (\$15.00), Fees of the marshal (10.20), Fees of the court reporter, Fees and disbursements for printing, Fees for witnesses, Fees for exemplification, Docket fees under 28 U. S. C. 1923 (20.00), Costs incident to taking of depositions, Cost as shown on Mandate of Court of Appeals, Publication Fees (54.72), and Total (\$99.45).

State of Oklahoma County of Tulsa

ss:

I, ROBERT P. SANTEE, Assistant U.S. Attorney, do hereby swear that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy hereof was this day mailed to above named defendants with postage fully prepaid thereon.

Please take notice that I will appear before the Clerk who will tax said costs on December 10, 1971 at

Signature of Robert P. Santee, Attorney for United States

Subscribed and sworn to before me this 9th day of December A. D. 19 71 at Tulsa, Oklahoma

Signature of Jane T. Davis, Notary Public

My commission expires: 5-26-75

Costs are hereby taxed in the amount of \$ 99.72 this 10th day of December, 19 71, and that amount included in the judgment.

Signature of John N. Poe, Clerk

Signature of Jerry L. Clough, Deputy Clerk

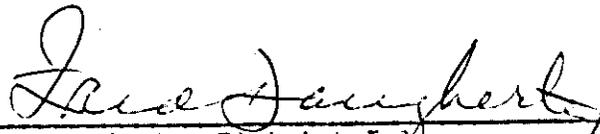
NOTE: SEE REVERSE SIDE FOR AUTHORITIES ON TAXING COSTS.

The Court further finds that the defendants, Victor Roy Bunning and Janice Mae Bunning, Roger L. Monyhan and Janice L. Monyhan, Theodore Jean Thomas aka Ted Thomas and Lena L. Thomas, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the said defendants are now indebted to the Plaintiff in the sum of \$10,443.10 as unpaid principal, with interest thereon at the rate of 6 percent per annum from May 1, 1970, until paid, plus the cost of this action accrued and accruing.

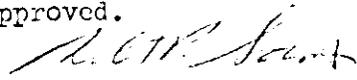
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against the defendants, Victor Roy Bunning and Janice Mae Bunning, Roger L. Monyhan and Janice L. Monyhan, Theodore Jean Thomas aka Ted Thomas and Lena L. Thomas, for the sum of \$10,443.10 with interest thereon at the rate of 6 percent per annum from May 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 said defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall issue to the the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisalment, 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 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 and 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

M. B. BALDREDGE and LEO W. IMHAUSER,)
)
 Plaintiffs,)
 vs.)
)
 McPIKE, INC., a Missouri Corporation;)
 NILES & MOSER CIGAR COMPANY, A Missouri)
 Corporation; THE NILES AND MOSER CIGAR)
 COMPANY OF COLORADO, a Colorado Corpo-)
 ration; SOUTHWEST CIGAR COMPANY, a)
 Texas Corporation; MERLE C. SPERRY;)
 R. O. STENZEL; WILLIAM G. STENZEL; and)
 JOHN STENZEL,)
)
 Defendants.)

CIVIL ACTION

No. 71-C-221 ✓

FILED

DEC 10 1971 *m*

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

ORDER OF DISMISSAL

In this case the plaintiffs appeared by Messrs. Holmes Baldridge and Royce H. Savage; and the defendants appeared by Mr. B. W. Tabor and Hillix, Brewer & Myers.

It is the duty of the Court to look into its own jurisdiction in any case.

The Complaint does not allege that there exists a controversy between the plaintiff Baldridge and the defendants that exceeds \$10,000, nor does the Complaint state a controversy between the plaintiff Imhauser and the defendants in the excess of \$10,000 exclusive of interest and costs.

The Complaint alleges that the plaintiffs were employees of Niles and Moser Cigar Company, a Missouri Corporation, and they attempt in this action to bring a class action on behalf of employees of separate, distinct entities, and this is not a case for a class action, and these plaintiffs have no right or authority to represent individual employees of separate corporations.

The affidavit of Merle C. Sperry, who was an officer in all of the corporations defendant and was trustee under the pension plan in question, clearly and distinctly shows the amount of benefits due to each of the plaintiffs and shows that these benefits have been paid. There has been no denial of this affidavit or any counter-affidavit filed by the plaintiffs. This affidavit further shows that the parties defendant were separate and distinct corporations, and their respective employees had separate and distinct interests in the pension plan, and these plaintiffs have no legal right or authority to bring a class action on behalf of employees of separate corporations, of which they were not employees.

The Court heretofore and on the 30th day of August, 1971, ordered the plaintiffs within 30 days to bring forth proof sufficient to prove that they have a cause of action within the jurisdiction of this Court, and plaintiffs have declined to do so.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that this cause be, and the same is hereby dismissed.

Dated this 9th day of December, 1971.

Katherine Bohannon
United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

SAMUEL L. WOODS,)

Plaintiff,)

v.)

NORTH AMERICAN ROCKWELL)
CORPORATION, a corporation;)
and LOCAL 952, INTERNATIONAL)
UNION, UNITED AUTOMOBILE,)
AEROSPACE AND AGRICULTURAL)
IMPLEMENT WORKERS OF AMERICA)
(U.A.W.))

Defendants.)

Civil No. 70-C-273

MEMORANDUM OPINION AND
ORDER OF DISMISSAL

FILED

1970 9 19

WILLIAM H. FOE, Clerk
U. S. DISTRICT COURT

Appearances:

For Plaintiff Samuel L. Woods,

pursuant to court appointment,

Byron S. Mathews, Esq. and Ben

Price, Esq., Tulsa, Oklahoma;

For Defendant North American Rockwell Corporation,

Stephen E. Tallent, Esq.,

Gibson, Dunn & Crutcher of

Counsel, Los Angeles, California;

James O. Ellison, Esq., Boone,

Ellison & Smith of Counsel,

Tulsa, Oklahoma;

For Defendant Local 952, International Union,

United Automobile, Aerospace and

Agricultural Implement Workers of

America, John P. Sizemore, Esq.,

Youngdahl, Sizemore, Brewer, Forster

& Uhlig of Counsel, Little Rock,

Arkansas, and Maynard I. Ungerman, Esq.,

Ungerman, Grabel, Ungerman & Leiter of

Counsel, Tulsa, Oklahoma.

OPINION AND ORDER

This Memorandum Opinion and Order of Dismissal is rendered pursuant to the provisions of Rule 41(b) of the Federal Rules of Civil Procedure, and contains below the Court's findings of fact and conclusions of law as required by Rule 52(a).

Plaintiff was bypassed for a promotion and later discharged as an unsatisfactory employee by defendant North American Rockwell Corporation. Plaintiff claims that these actions were motivated by racial discrimination, and in addition charges the defendant union with failing, for racial reasons, sufficiently to press the grievances which plaintiff filed on account of the actions of the employer. Plaintiff's suit was brought under the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e, et. seq.

Plaintiff's case consisted of testimony by himself and two of his former co-workers. All are black. The plaintiff's testimony disclosed no factual basis for his claim that he was treated in a racially discriminatory fashion by either the employer or the union. Plaintiff's "proof" was limited to his own personal feeling that he had been discriminated against. He provided no instances where he had been treated differently than similarly situated white employees. The plaintiff's other witnesses likewise provided no testimony that the employer had engaged in any racially discriminatory treatment, either of them or of plaintiff. The main thrust of their testimony was that the plaintiff's work as a burr hand was satisfactory. Neither of these witnesses gave any testimony that indicated any suggestion that racial discrimination had been practiced against the plaintiff or anyone else. Neither was able to testify from extensive personal observation as to the quality or character of the plaintiff's performance. Both testified the plaintiff's work relationships to their knowledge was satisfactory with all employees and supervision. They did state that they had observed the plaintiff's supervisor timing the length of his absences from

his work station, but admitted that they had no knowledge of whether the plaintiff's absences were abnormally long or whether the white employees were timed when they behaved similarly.

On the subject of plaintiff's qualifications for the position of leadman, the parties had stipulated in the pretrial order that the plaintiff had one (1) day more seniority than did the white employee who was finally selected for the leadman position. Prior to that selection, however, the position was offered to a black employee. Moreover, plaintiff offered no evidence of any kind that would even tend to indicate that he was more qualified than the white employee selected for the leadman position. The Collective Bargaining Agreement covering the leadman position in question clearly indicates that seniority is not the controlling factor in such promotion.

Rather than supporting inferences of racial discrimination by defendants, plaintiff's evidence, if anything, tended to negate such inferences. Both plaintiff's witnesses had been promoted while employed by North American. In fact, one of the witnesses testified that he had been offered the very same promotion to leadman that is the subject of the plaintiff's claim here. Supervision had urged this black employee to take that promotion, but the employee himself had declined the promotion on the grounds that the Company could not guarantee him unlimited job security. Neither of these witnesses testified as to any hint or suggestion of racial discrimination against themselves or any other employee of North American, and, of course, experience at North American indicates a willingness on the part of that employer to promote qualified employees without regard to their race. The union according to the plaintiff's own testimony accepted and processed each grievance which plaintiff filed. The employer could not be expected to endure indefinitely the insubordination by the plaintiff, and the union could not be expected indefinitely to prosecute grievances having no more factual basis than those disclosed by plaintiff in his testimony.

The evidence offered by plaintiff fails wholly to establish that the employer or the union engaged in any racially discriminatory employment practice.

The respective motions of the defendants for a dismissal of the action pursuant to Rule 41(b) are granted. The Clerk shall enter judgment thereon. Plaintiff's attorney is relieved from the Court's earlier order appointing him to represent plaintiff. Defendants, having waived recovery of their reasonable attorneys' fees pursuant to 42 U.S.C. Sec. 2000e-5(k), shall have their other costs.

DATED: December , 1971.

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

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 Nowata County, State of)
) Oklahoma, and Oscar H. Holman, et)
) al, and Unknown Owners,)
)
) Defendants,)

CIVIL ACTION NO. 71-C-18

Tract No. 849M

FILED

DEC 8 - 1971

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

J U D G M E N T

1.

NOW, on this 7 day of December, 1971, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on a stipulation of the parties agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies to the entire estate condemned in Tract No. 849M, as such estate and tract are described in the Complaint filed in this action.

3.

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

4.

Service of Process has been perfected either personally, or by publication notice, as provided by Rule 71A of 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 property described in such Complaint. Pursuant thereto, on January 26, 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 the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of a certain estate in subject tract, a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

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

8.

The owners of the subject tract and the United States of America have executed and filed herein a Stipulation as to Just Compensation wherein they have agreed that the estate taken herein does not include any coal or the right to mine coal in the subject tract, and that just compensation for the estate condemned in subject tract is in the amount shown as compensation in paragraph 12 below, and such stipulation should be approved.

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED, and DECREED that the United States of America has the right, power, and authority to condemn for public use Tract No. 849M, as such tract is particularly described in the Complaint filed herein; and such tract, to the extent of the estate described in such Complaint, but not including any coal or rights to mine coal, is condemned

and title thereto is vested in the United States of America, as of January 26, 1971, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such estate.

11.

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

12.

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

TRACT NO. 849M

OWNERS:

Oscar H. Holman and Katherine A. Holman

Award of just compensation, pursuant to stipulation	\$1,500.00 . . .	\$1,500.00
Deposited as estimated compensation	140.00	
Disbursed to owners		<u>none</u>
Balance due to owners		\$1,500.00
Deposit deficiency	<u>\$1,360.00</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 tract, the deficiency sum of \$1,360.00, and the Clerk of this Court then shall disburse the deposit in this case as follows:

Oscar H. Holman and Katherine A. Holman, jointly,
the sum of \$1,500.00.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

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

GERALD W. RUSSELL and)
PATRICIA G. RUSSELL,)
)
Plaintiffs,)
)
vs.)
)
KENNEDY INVESTMENTS, INC., an)
Oklahoma corporation; and)
)
EDWARD B. KENNEDY,)
)
Defendants.)

No. 70-C-371 ✓

FILED
DEC 6 - 1971 ✓
JOHN H. POE, Clerk
U. S. DISTRICT COURT

MOTION TO DISMISS

COME NOW the Plaintiffs, Gerald W. Russell and Patricia G. Russell, by and through their attorney-of-record, and move the Court to dismiss the captioned cause of action and complaint filed herein with prejudice to their rights to refile the same.

GERALD W. RUSSELL & PATRICIA G. RUSSELL

By Roger R. Scott
Roger R. Scott, Their Attorney

ORDER

This matter coming on for hearing pursuant to the Motion to Dismiss filed herein on behalf of the Plaintiffs, the Court finds that such Motion should be granted; it is therefore ORDERED that the complaint filed herein and the captioned cause of action be and the same is hereby dismissed with prejudice to the rights of the Plaintiffs to refile the same.

Dated, this 7th day of
December, 1971.

Cecilia E. Johnson
United States District Judge

FILED
DEC 7 - 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

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

FILED

DEC 6 - 1971

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

United States of America,)
)
) Plaintiff,)
)
)
-v-)
)
Annabeth Jackson Volz now)
Murray, et al,)
)
) Defendants.)
)

Civil No. 71-C-2531/

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 2nd day of December, 1971, the defendants Clark E. Fancher a/k/a Clark Edward Fancher, Rose E. Fancher a/k/a Rose Elenor Fancher, and Evelyn C. Dawson, appearing not; and

The Court being fully advised and having examined the file herein finds that due and legal personal service of summons has been made on the defendants, Annabeth Jackson Volz now Murray and Mike Murray on July 15, 1971; Clark E. Fancher a/k/a Clark Edward Fancher on July 15, 1971, and August 2, 1971 (Amendment to Complaint); Evelyn C. Dawson on July 20, 1971; and Rose E. Fancher a/k/a Rose Elenor Fancher by publication as shown by proof of publication as filed herein on November 22, 1971. Mike Murray filed his disclaimer herein on August 2, 1971. Annabeth Jackson Volz now Murray filed her answer and cross-claim herein on August 2, 1971, and a duly certified true and correct copy thereof was personally served on Clark E. Fancher a/k/a Clark Edward Fancher on August 5, 1971. Clark E. Fancher a/k/a Clark Edward Fancher, Rose E. Fancher a/k/a Rose Elenor Fancher, and Evelyn C. Dawson are in default hereto for failure to answer or otherwise plead herein.

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:

Lot Nine (9), Block Forty-seven (47), in Valley View Acres Third Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

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

That the defendant, Annabeth Jackson Volz now Murray, did, on August 18, 1964, execute and deliver to the Administrator of Veterans Affairs, her mortgage and mortgage note for the sum of \$10,100 with interest thereon at the rate of 5½ percent per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Clark E. Fancher a/k/a Clark Edward Fancher and Rose E. Fancher a/k/a Rose Elenor Fancher, assumed and agreed to pay the mortgage and the mortgage note being sued upon and foreclosed against as evidenced by the General Warranty Deed from Annabeth Jackson Volz now Murray to Clark E. Fancher a/k/a Clark Edward Fancher and Rose E. Fancher a/k/a Rose Elenor Fancher dated November 20, 1967, filed January 8, 1968, in Book 3834, Page 893, Tulsa County Records.

The Court further finds that defendant, Annabeth Jackson Volz now Murray, Clark E. Fancher a/k/a Clark Edward Fancher and Rose E. Fancher a/ka/ Rose Elenor Fancher, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 10 months last past, which default has continued and that by reason thereof said defendants are now indebted to the Plaintiff in the sum of \$9,427.64 with interest thereon at the rate of 5½ percent per annum from August 1, 1970, until paid, plus the cost of this action accrued and accruing.

The Court further finds that the defendant, Annabeth Jackson Volz now Murray, is entitled to judgment on her cross-claim

against Clark E. Fancher a/k/a Clark Edward Fancher and Rose E. Fancher a/k/a Rose Elenor Fancher in an amount equal to the total sum of any deficiency judgment entered hereinafter on behalf of the United States against her.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against defendants, Annabeth Jackson Volz now Murray, Clark E. Fancher a/k/a Clark Edward Fancher, and Rose E. Fancher a/k/a Rose Elenor Fancher, for the sum of \$9,427.64 with interest thereon at the rate of 5½ percent 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 the defendant, Annabeth Jackson Volz now Murray, have and recover judgment against the defendant Clark E. Fancher a/ka/ Clark Edward Fancher, in an amount equal to the total sum of any deficiency judgment hereinafter granted in favor of the United States of America against Annabeth Jackson Volz now Murray.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, in the event the United States pursues and obtains a deficiency judgment against Annabeth Jackson Volz now Murray, it be required to make diligent and reasonable effort to collect said deficiency judgment first from Clark E. Fancher a/ka/ Clark Edward Fancher before pursuing collection of said deficiency judgment against Annabeth Jackson Volz now Murray.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said 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 appraisal, the above described real property and apply the proceeds thereof in satisfaction of Plaintiff's judgment; the residue,

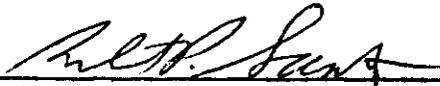
if any, to be deposited with the Clerk of the Court to await further order of the Court.

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, 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.

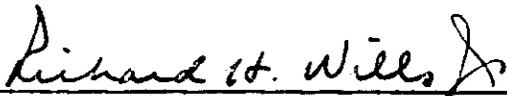


UNITED STATES DISTRICT JUDGE

Approved.



ROBERT P. SANTEE
Assistant U.S. Attorney



RICHARD H. WILLS, JR.
Attorney for Annabeth Jackson
Volz now Murray

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

United States of America,)
)
 Plaintiff,)
 -v-)
 Eugene Jones, et al,)
)
 Defendants.)

FILED
DEC 1 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

Civil No. 71-C-264

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 21st day of November 1971, the defendants, Eugene Jones and Mary Colleen Jones, and M & M Automotive, appearing not; and

The Court being fully advised and having examined the file herein finds that due and legal personal service of summons has been made on the defendants, Eugene Jones; Mary Colleen Jones; County Treasurer of Washington County; Oklahoma Morris Plan Company; Aetna Finance Corporation; M & M Automotive; and Jerry M. Maddux, Attorney at Law, on June 22, 1971; that Joan B. Jarboe, Trustee in Bankruptcy No. 71-B-354, and William E. Rutledge, Referee in Bankruptcy, were served as shown by Marshal's Service Form on August 27, 1971; that Commerce Acceptance Company was served as shown by Marshal's Service Form on October 14, 1971; that defendants, Oklahoma Morris Plan Company, Commerce Acceptance Company and Jerry M. Maddux, have filed a Disclaimer; that Aetna Finance Corporation filed its answer herein on August 11, 1971; that the County Treasurer of Washington County filed his answer herein on August 4, 1971; that Eugene Jones, Mary Colleen Jones, M & M Automotive, Joan B. Jarboe and William E. Rutledge, are in default hereto for failure to answer herein.

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 Washington County, State of Oklahoma:

Lot Two (2), in Block Twelve (12), McDaniels Addition to the City of Bartlesville, Oklahoma.

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

That the defendants Eugene Jones and Mary Colleen Jones, did on February 6, 1962, execute and deliver to the Administrator of

Veterans Affairs, their mortgage and mortgage note for the sum of \$10,400 with interest thereon at the rate of $5\frac{1}{2}$ percent per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Eugene Jones and Mary Colleen Jones, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than twelve months last past, which default has continued and that by reason thereof said defendants are now indebted to the Plaintiff in the sum of \$7,831.66 as unpaid principal, with interest thereon at the rate of $5\frac{1}{2}$ percent per annum from June 6, 1970, until paid, plus the cost of this action accrued and accruing.

The Court further finds that the defendant, County Treasurer of Washington County, claims a lien on the premises described herein by reason of personal property taxes assessed against the defendants, Eugene Jones and Mary Colleen Jones, and not paid for the years 1969 and 1970, but that such lien is junior and inferior to the mortgage lien claimed by the Plaintiff.

The Court further finds that the defendant, Aetna Finance Corporation, is entitled to judgment on its cross-claim in the amount of \$2,464.34 together with interest thereon from February 26, 1971, at the rate of 10 percent per annum until paid together with attorney fees in a sum equal to 10 percent of the unpaid balance, but that such judgment is junior and inferior to the judgment of the Plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against the defendants, Eugene Jones and Mary Colleen Jones, for the sum of \$7,831.66 with interest thereon at the rate of $5\frac{1}{2}$ percent per annum from June 6, 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 THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant, Aetna Finance Corporation, have and recover judgment against the defendants, Eugene Jones and Mary Colleen Jones, for the sum of \$2,464.34 together with interest thereon from February 26, 1971, at the rate of 10 percent per annum, together with attorney fees in a sum equal to 10 percent of the unpaid balance, but that such judgment is junior and inferior to the judgment of the Plaintiff.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said 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 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, ADJUGED 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 E. Sarran
UNITED STATES DISTRICT JUDGE

Approved.

Robert P. Santee
Robert P. Santee
Assistant U.S. Attorney

Willard Boone
Willard Boone
Attorney for County Treasurer,
Washington County.

Bruce W. Robinett
Bruce W. Robinett
Attorney for Aetna Finance Corporation