

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

CATHERINE I. REYNOLDS,

Plaintiff,

-vs-

MICHAEL DAVID DIXON,

Defendant.

NO. 70-C-74

FILED

MAY 31 1972

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

ORDER OF DISMISSAL

Upon Joint Motion of the parties this cause is dismissed with
prejudice.

May - 22 - 1972

Arthur Robinson

Judge

Attorney for Plaintiff

A. M. [Signature]

Attorney for Defendant

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

ALLSTATE INSURANCE COMPANY, a)
foreign insurance corporation,)

Plaintiff,)

- vs -)

BOBBY LEE BOGGS, RUBY W. BOGGS,)
VIRGINIA PARKER and DAN PARKER,)

Defendants.)

NO. C-71-14 ✓

FILED

MAY 31 1972 *lmw*

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

ORDER

This matter comes before the Court this 31 day of
May, 1972, on the Joint Application of Plaintiff and Defendants
for dismissal. The Court being fully advised orders said action
dismissed as moot.

W. L. Brown

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

F I L E D
MAY 30 1972

LADONNA JEAN GULLEY,

Plaintiff,

vs.

MISSOURI-KANSAS-TEXAS RAILROAD
COMPANY, a corporation,

Defendant.

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

No. 71-C-353

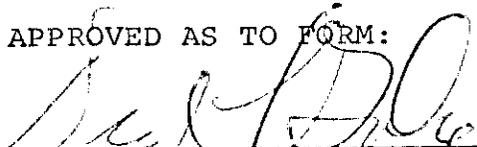
ORDER OF DISMISSAL

Now on this 26 day of May, 1972, comes on for ~~hearing~~ ^{consideration} the Stipulation of Dismissal of plaintiff and defendant hereto in the above entitled cause. The Court finds that said cause has been settled and that defendant has this date paid to plaintiff the sum of Thirty-Four Thousand Dollars (\$34,000.00) in full settlement, release and satisfaction of plaintiff's cause of action set forth in the Complaint herein, and that plaintiff has accepted said sum in full satisfaction, release and discharge of her cause of action and claim against the defendant, and the Court, after due consideration, finds that said Dismissal should be approved.

IT IS THEREFORE ORDERED that this cause be, and the same is hereby dismissed with prejudice, each party to bear their own costs.


UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:


ATTORNEY FOR PLAINTIFF


ATTORNEY FOR DEFENDANT

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

ANNA FAYE KIDDOO,)
)
 Plaintiff,)
)
-vs-) No. 71-C-186 ✓
)
 THE HARTFORD LIFE INSURANCE)
 COMPANY, A Corporation,)
)
 Defendant.)
 _____)

FILED
MAY 26 1972 *John*
JOHN H. POE, Clerk
U. S. DISTRICT COURT

J U D G M E N T

Now on this 22nd day of May, 1972, came on for trial, all parties being present, plaintiff appearing by attorney, B. W. Tabor, defendant appearing by James E. Poe, jury was empaneled and accepted, plaintiff presented her witnesses and rested, defendant presented its witnesses and rested, arguments were made to the jury by counsel, and the Court presented its instructions to the jury. The jury retired to consider its verdict and returned its verdict into court in favor of the plaintiff and against the defendant in the amount of \$23,925.00. The verdict was accepted by the Court and ordered filed.

The Court does hereby pass its judgment on the verdict of the jury and does hereby render judgment in favor of plaintiff and against the defendant in the amount of \$23,925.00 with interest at 6% from January 25, 1971, the date the defendant denied on the policy, to the date of the judgment, May 22, 1972.

Be it so ordered.

Yetter Bohannon

JUDGE OF THE U. S. DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
OKLAHOMA

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

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

CIVIL ACTION NO. 71-C-113 ✓

Tract No. 1508M

(Lessee Interest Only)

E I L E D JB

MAY 26 1972

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

J U D G M E N T

1.

NOW, on this 25 day of May, 1972, this matter comes on for disposition on application of plaintiff, United States of America, for entry of judgment on a stipulation of the parties filed herein and the Court, after having examined the files in this action and being advised by counsel for plaintiff, finds that:

2.

This judgment applies only to the lessee interest in the estate condemned in Tract No. 1508M, as such estate and tract are described in the Complaint filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject property. Pursuant thereto, on April 2, 1971,

the United States of America filed its Declaration of Taking of a certain estate in the above named tract of land, and title to such property should be vested in the United States of America as of the date of filing such Declaration of Taking.

6.

Simultaneously with filing of the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the taking of the subject property 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 owner of the subject property was the defendant whose name is shown below in paragraph 12. Such defendant is the only person asserting any claim to the subject property. All other persons having either disclaimed or defaulted, such named defendant is entitled to receive the just compensation awarded by this judgment.

8.

The owner of the subject property and the United States of America have executed and have filed herein a stipulation as to just compensation wherein they have agreed that just compensation for the taking of subject property 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 deposit of estimated just compensation for the taking of subject property and the amount awarded herein, and such deficiency should be deposited by the plaintiff. 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 subject tract as described in the Complaint filed herein, and such property, to the extent of the lessee interest only in the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America,

2.

as of April 2, 1971, and all defendants herein and all other persons are forever barred from asserting any claim to such property.

11.

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

12.

It Is Further ORDERED, ADJUDGED AND DECREED that the stipulation as to just compensation, described above in paragraph 8, hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the taking of subject property, as shown by the following schedule:

TRACT NO. 1508M
(Lessee Interest Only)

Owner: Shoaf and Lewis Oil Co., Inc.

Award of just compensation pursuant to stipulation	\$800.00	\$800.00
Deposited as estimated compensation	630.00	
Disbursed to owner		<u>None</u>
Balance due to owner		\$800.00
Deposit deficiency	<u>\$170.00</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, the deficiency sum of \$170.00. When such deposit has been made the Clerk of this Court shall disburse the deposit for the subject tract, to Shoaf and Lewis Oil Co., Inc. in the amount of \$800.00.

/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

WILLIAM A. KING,)

Plaintiff,)

v.)

Case No. 71-C-342 Civil)

ELLIOT RICHARDSON, Secretary)
of Health, Education and)
Welfare of the United States)
of America,)

Defendant.)

FILED

MAY 25 1972

JOHN H. POE, Clerk
S. DISTRICT COURT.

MEMORANDUM OPINION AND ORDER

Plaintiff King (Claimant) seeks review by this Court of the Defendant's denial of disability benefits under 42 U.S.C.A. §423 to which he claims he is entitled. Claimant's claim was initially denied by a Hearing Examiner, whose decision was affirmed by the Appeals Council. The basis of the Defendant's denial of Claimant's claim was that the evidence does not establish that Claimant was under a disability as defined by 42 U.S.C.A. §423 and that he can engage in existing substantial gainful employment. Claimant's position is that such finding is not supported by substantial evidence.

The function of this Court is to review the evidence considered by the Hearing Examiner and determine if his decision is supported by substantial evidence. 42 U.S.C.A. §405(g). Gardner v. Bishop, 362 F. 2d 917 (Tenth Cir. 1966).

At the time of the hearing the Claimant was 51 years old. He was born and reared on a farm. He completed the fourth grade. He worked on a farm as a youth until he entered service during World War II. Upon discharge from the Army, the Plaintiff took three years of farm training. He farmed until 1956. In that same year, he commenced working for a company, which straightened and rechrome

bumpers. His job was to straighten bumpers with a three pound sledge hammer.

Finally, this work became too strenuous because of his lung trouble. Since January 1970, the Claimant has worked keeping parts straight in the racks and picking up trash in the yard of the company, where he had been working.

Claimant's complaints are emphysema, bronchitis and chronic lung disease.

Dr. Maurice C. Fuquay in his letters of December 8, 1969 and December 16, 1969 stated that he had performed an open lung biopsy on the Claimant and the final pathology report substantiated the diagnosis of pulmonary fibrosis and pulmonary arteriosclerosis. He recommended further conservative treatment with expectorants, bronchodilators and an antibiotic to be used the first seven days of each month.

A report of the Veterans Administration Hospital, Muskogee, Oklahoma, which covers the period Claimant was hospitalized, February 12, 1970 to March 21, 1970, reported that breath sounds were quite rough on the right and more prolonged in the inspiratory phase. No rales were heard. The chest X-rays revealed some pleural thickening at the right dome of the diaphragm. He was seen by a doctor or doctors in the Medical Department who felt that Claimant did have bronchiectosis and bronchiolitis and suggested postural drainage which was instituted. The diagnosis was chronic obstructive pulmonary disease.

A report of the Veterans Administration Hospital, Muskogee, Oklahoma, covering Plaintiff's hospitalization of May 12, 1970 to May 26, 1970, reported that his chest was negative. The diagnosis was bronchitis, chronic. The report states that it is felt that Claimant is not able to return to any type of work.

In a letter dated September 23, 1970, Dr. Boyd O. Whitlock, a specialist in internal medicine, reports that the chest examination revealed some decreased breath sounds and dullness in the right base. There were scattered coarse moist breath sounds in both bases, particularly on the left and when Claimant was supine he had scattered expiratory wheezes which cleared partially with coughing. He was exercised by climbing one flight of stairs and did develop a mild dyspnea. The chest examination revealed the right diaphragm was sharply elevated and the costophrenic sinus on this side was obliterated. The curvilinear superior margin of the density across the right costophrenic sinus had the X-ray appearance of pleural effusion, or thickened pleura. The lung fields were otherwise clear. It was Dr. Whitlock's impression that he had adhesive pleuritis, right diaphragm. The chest was otherwise negative. Pulmonary function studies were done and Claimant did have a slight decrease in his vital capacity with a more marked decrease in his maximum breathing capacity and bronchodilators showed little improvement. Dr. Whitlock believes that Claimant does have chronic bronchitis and possibly some early emphysema. He feels that Claimant will not in the future be able to perform strenuous, heavy type work.

A report of the Veterans Administration Hospital, Muskogee, Oklahoma, covering Claimant's hospitalization, October 1, 1970 to November 5, 1970, gave a diagnoses of osteoarthritis of the right elbow and chronic bronchitis.

A report of the Hillcrest Medical Center, covering Claimant's hospitalization, March 10, 1971 to March 20, 1971, reports that examination of the chest reveals some decrease in breath sounds with slight prolongation of expiration. Pulmonary function studies revealed the maximal breathing parameters. The above data indicates the restriction with moderate obstruction. Compared with the tests of December 2, 1969, slight reduction was noted in all parameters with the exception of maximal breathing capacity which was excessively reduced. The discharge diagnoses were the recent onset of diabetes mellitus, degenerative and post traumatic arthritis of the right hand and elbow, moderately symptomatic and chronic lung disease, obstructive showing progression during the past two years.

In a letter of April 7, 1971, Dr. Henwood was of the opinion that the Claimant is permanently and totally disabled.

The Hearing Examiner found under the evidence that the Claimant was not "disabled" under the Act but also in effect found that he could not perform his previous work. These findings are supported by substantial evidence. The effect of such findings is that the Claimant has a "partial disability" which will permit him to do certain light work. But he cannot do his previous work and yet is not "disabled" within the meaning of the Act. The Hearing Examiner then found that the Claimant retained the physical capacity to engage in work activities such as light janitorial or porter work, or jobs such as a watchman or guard, flagman at a construction site, or highway building site, or even jobs such as parking lot attendant or a small products assembler (electrical, metal, plastic, ceramic or wood parts). An examination of the record discloses in this connection an absence of evidence as to the Claimant's physical

capacity to do such light work^{1/} and also that such light work is in existence or reasonably available to the Claimant.^{2/}

In a "partial disability" case it is necessary that the Hearing Examiner have before him evidence from a competent source that the claimant by reason of age, education, work experience and physical capacity is in fact able to perform the light work enumerated by the Hearing Examiner. Gardner v. Earnest, 371 F. 2d 606 (Fourth Cir. 1967); Edwards v. Celebrezze, 220 F. Supp. 79 (South Carolina 1963). Then, it is necessary that the Hearing Examiner have evidence before him that such light work as the claimant can perform is in fact in existence or reasonably available to him under the applicable tests.

The test of reasonable availability of jobs in the Tenth Circuit is "reasonable availability of jobs within the geographical areas which the claimant would normally be expected to consider if regularly in the labor market." Gardner v. Brian, 369 F. 2d 443 (Tenth Cir. 1966) quoting and citing Celebrezze v. Kelly, 331 F. 2d 981 at 982 (Fifth Cir. 1964). This test is believed to have been slightly modified in 1968 by 42 U.S.C.A. §423(d)(2)(A) which provides that such work must exist in significant numbers either in the region where claimant lives or in several regions of the country.

^{1/}

Mr. Haskell G. Clark, vocational expert, testified that his conclusions concerning the substantial gainful work which the Claimant can perform are based upon Claimant's age, education and work experience, but not upon his physical capacity. (TR. 59).

^{2/}

The vocational expert testified as to the existence or reasonable availability to Claimant of work as a small products assembler, but not the existence or reasonable availability of the other work. (TR. 57).

In these circumstances the case must be remanded for receipt of further evidence as to Claimant's capability to perform specific jobs different from his previous work and whether these jobs are in existence or reasonably available to him under the above tests.

It is so ordered this 25th day of May, 1972.

Fred Daugherty
Fred Daugherty
United States District Judge

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION FILE NO. 71-C-417

PATSY LOU OWENS,
Plaintiff,

vs.

WOOLCO DEPARTMENT STORES,
Defendant.

JUDGMENT

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

It is Ordered and Adjudged **that the plaintiff, Patsy Lou Owens, recover from the Defendant, Woolco Department Stores, the sum of One Thousand Dollars (\$1,000.00), and her costs of action.**

FILED
MAY 23 1972
JOHN H. POE, Clerk
U. S. DISTRICT COURT

Dated at **Tulsa, Oklahoma**, this **23rd** day
of **May**, 19 **72**.

/s/ JOHN H. POE, Clerk
Clerk of Court

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

United States of America,)
)
) Plaintiff,)
)
-v-)
)
Billie Jean Willsey, a single)
Woman,)
)
)
) Defendant.)

CIVIL NO: 72-C-48

FILED

MAY 23 1972

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 16 day of May, 1972, the plaintiff appearing by Robert P. Santee, Assistant United States Attorney, and the defendant, Billie Jean Willsey, appearing not.

The Court being fully advised and having examined the file herein finds that Billie Jean Willsey was served by publication as shown on the Proof of Publication filed herein.

It appearing that the said defendant has 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, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Twenty-six (26), Block Two (2), NORTHGATE
THIRD ADDITION, to the City of Tulsa, Tulsa
County, Oklahoma, according to the recorded
plat thereof.

THAT the defendant, Billie Jean Willsey, did, on June 9, 1969, execute and deliver to Diversified Mortgage and Investment Company her mortgage and mortgage note in the sum of \$13,100 with 7½ per cent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that Billie Jean Willsey made default under the terms of the aforesaid mortgage note by reason of her failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof billie Jean Willsey is now indebted to the plaintiff in the sum of \$13,417.74 as unpaid principal, with interest thereon at the rate of 7½ per cent interest per annum from February 1, 1971, until paid, plus the cost of this action accrued and accruing.

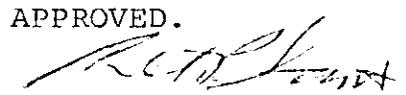
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against Billie Jean Willsey for the sum of \$13,417.74 with interest thereon at the rate of 7½ per cent per annum from February 1, 1971, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by plaintiff by 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 defendant 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 appraisement the 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, said defendant or any person claiming under her 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

FILED

MAY 23 1972

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

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

United States of America,)
)
 Plaintiff,)
) CIVIL NO: 72-C-49
 -v-)
)
 Thomas E. Warder, et al.,)
)
)
)
 Defendants.)

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 16 day of May, 1972, the plaintiff appearing by Robert P. Santee, Assistant United States Attorney, and the defendants, Thomas E. Warder, Daisy Warder and Nationwide Finance Company, appearing not.

The Court being fully advised and having examined the file herein finds that Nationwide Finance Company was served with complaint and summons on February 22, 1972; that Thomas E. Warder and Daisy Warder were served by publication as shown by 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 Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot One (1), Block Seven (7), Village Square
Second, an addition to the City of Broken
Arrow, Tulsa County, State of Oklahoma,
according to the recorded amended plat thereof.

THAT the defendants, Thomas E. Warder and Daisy Warder, did, on July 21, 1970, execute and deliver to Lomas and Nettleton Company their mortgage and mortgage note in the sum of \$15,500 with 8½ per cent interest per annum, and further

providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Thomas E. Warder and Daisy Warder, 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 above-named defendants are now indebted to the plaintiff in the sum of \$16,644.70 as unpaid principal, with interest thereon at the rate of 8½ per cent interest per annum from January 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 defendants, Thomas E. Warder and Daisy Warder, for the sum of \$16,644.70 with interest thereon at the rate of 8½ per cent per annum from January 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 by 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 appraisement the 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

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

United States of America,)
)
) Plaintiff,)
)
-v-)
)
Jerry Wayne Barnhart, et al.,)
)
)
)
) Defendants.)

CIVIL NO: 72-C-50

FILED

MAY 23 1972

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 16 day of May, 1972, the plaintiff appearing by Robert P. Santee, Assistant United States Attorney, and the defendants, Jerry Wayne Barnhart and Lois R. Barnhart, appearing not.

The Court being fully advised and having examined the file herein finds that these defendants were served by publication as shown by 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 Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Twelve (12), Block Four (4), Northgate 3rd Addition, to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

THAT the defendants, Jerry Wayne Barnhart and Lois R. Barnhart, did, on October 13, 1969, execute and deliver to Diversified Mortgage and Investment Company their mortgage and mortgage note in the sum of \$13,100 with 7½ per cent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, named above, are in default under the terms of the aforesaid mortgage

note by reason of their failure to make monthly installments due thereon for more than 16 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 \$14,211.04 as unpaid principal, with interest thereon at the rate of 7½ per cent interest per annum from September 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, Jerry Wayne Barnhart and Lois R. Barnhart, for the sum of \$14,211.04 with interest thereon at the rate of 7½ per cent per annum from September 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 by 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 appraisement the 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.

15/ Allen E. Barrow
United States District Judge

APPROVED.

R. P. Santee

ROBERT P. SANTEE
Assistant United States Attorney

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

United States of America,

Plaintiff,

-v-

David Elba Short, et al.,

Defendants.

CIVIL NO: 72-C-51

FILED

MAY 23 1972

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 17 day of May, 1972, the plaintiff appearing by Robert P. Santee, Assistant United States Attorney, and the defendants, David Elba Short and Linda Short, appearing not.

The Court being fully advised and having examined the file herein finds that both defendants 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 Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot One (1), Block Six (6), NORTHGATE 3RD
ADDITION to the City of Tulsa, Tulsa County,
Oklahoma, according to the recorded plat
thereof.

THAT the defendants, David Elba Short and Linda Short, did, on January 15, 1971, execute and deliver to Diversified Mortgage and Investment Company their mortgage and mortgage note in the sum of \$14,400 with 8½ per cent interest per annum,

and further providing for the payment of monthly installments of principal and interest; and

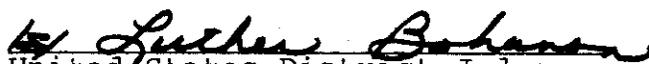
The Court further finds that the defendants, David Elba Short and Linda Short, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the above-named defendants are now indebted to the plaintiff in the sum of \$15,476.31 as unpaid principal, with interest thereon at the rate of 8½ per cent interest per annum from March 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 defendants, David Elba Short and Linda Short, for the sum of \$15,476.31 with interest thereon at the rate of 8½ per cent 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 by taxes, insurance, abstracting, or sums for the preservation of the subject property.

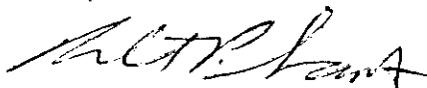
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said defendants to satisfy plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisement the real property 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

FILED

MAY 23 1972

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

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

United States of America,)
)
 Plaintiff,) CIVIL NO: 72-C-35
-v-)
)
 Phillip Earl Oakes, et al.,)
)
)
 Defendants.)

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 16 day of May, 1972, the plaintiff appearing by Robert P. Santee, Assistant United States Attorney, and the defendants, Phillip Earl Oakes, Judith Judy Oakes aka Judith Janet Oakes, Anderson S. Moses, and Loyce J. Moses, appearing not.

The Court being fully advised and having examined the file herein finds that Phillip Earl Oakes was served with complaint and summons on February 10, 1972; that Judith Judy Oakes aka Judith Janet Oakes, Anderson S. Moses, and Loyce J. Moses were served by publication as shown by 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 Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Forty-two (42), Block Eighteen (18),
VALLEY VIEW ACRES ADDITION to the City of
Tulsa, Tulsa County, Oklahoma, according
to the recorded plat thereof.

THAT the defendants, Phillip Earl Oakes and Judith Judy Oakes aka Judith Janet Oakes, did, on December 27, 1962, execute and deliver to Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$9,700 with 5½ per cent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Phillip Earl Oakes, Judith Judy Oakes aka Judith Janet Oakes, Anderson S. Moses, and Loyce J. Moses, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 7 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 \$8,540.05 as unpaid principal, with interest thereon at the rate of 5½ per cent interest per annum from May 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 defendants, Phillip Earl Oakes, Judith Judy Oakes aka Judith Janet Oakes, Anderson S. Moses, and Loyce J. Moses, for the sum of \$8,540.05 with interest thereon at the rate of 5½ per cent per annum from May 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 by 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

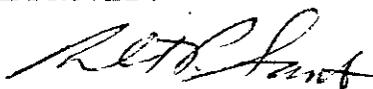
States Marshal for the Northern District of Oklahoma, Commanding him to advertise and sell, with appraisement the real property and apply the proceeds thereof in satisfaction of plaintiff's judgment. The residue, if any, to be deposited with the Clerk of the Court to await further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that 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 appraisement the 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

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

JOHN C. McGRATH, Trustee of the
Estate of Oil Field Drilling Company,
Petroleum Equipment Leasing Company
and Gas Transmission Organization,
Inc.,

Plaintiff,

v.

MARTIN LeANCE, MICHAEL KASTNER,
JOHN LEYTON, DIANA LEYTON, ERIC
WEISSMANN, ROBERT H. PROPPER and
FRANK R. MIELE, all d/b/a T. S. Oil
Company, a partnership,

Defendants.

Case No. 72-C-42 Civil

FILED

MAY 23 1972

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

ORDER

Plaintiff sues to recover the balance due on certain notes executed by the Defendants and the sum of certain expenses incurred by Plaintiff's beneficiaries in the operation of oil properties for the benefit of the Defendants. Defendants object to jurisdiction of this Court on the ground that minimal contacts with the forum are absent.

When challenge is made to the factual basis of jurisdiction, an evidentiary hearing normally would be in order. In this case, however, Plaintiff's affidavits presented in support of his factual assertions and in opposition to the affidavit presented by Defendants fail to establish the necessary jurisdictional facts.

12 Okl.St. Ann. §187 and §1701.03 permit the exercise of jurisdiction over out-of-state persons in two instances: where the nonresident is doing business in the state, in which case the

cause of action need not arise out of the business done, and where the nonresident has done some particular thing in the state, in which case the cause of action must arise therefrom. Neither situation is present here. The three affidavits of Plaintiff establish that Defendants opened a bank account in Tulsa, Oklahoma and deposited the sum of \$30,000 loaned them by Petroleum Equipment Leasing Company. Two checks were drawn on this account, exhausting it, and it was closed. One check was made payable to T. S. Oil Co. and the other to Defendant LeAnce.

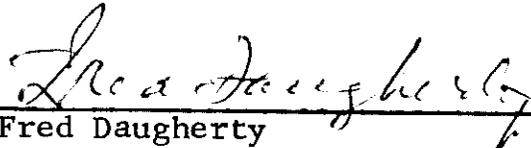
Plaintiff does not sue on the checks: he sues on notes. The notes show on their face that they were executed in California (which may or may not be true). Plaintiff does not refute this record.

With respect to the expenses incurred for the benefit of Defendants, the Complaint states that they were all related to the operation of oil and gas properties owned by the Defendants and situated in Texas.

Plaintiff McGrath has offered nothing to show that the Defendants were doing business in Oklahoma and Plaintiff does not appear to rely on that branch of jurisdiction. According to the face of the notes and the allegations of the Complaint respecting expenses incurred, no specific act of the Defendants relating thereto occurred in Oklahoma. The only transactions of the Defendants occurring in Oklahoma have to do with the bank account and Plaintiff's action does not arise out of those transactions. Thus, Plaintiff has failed to establish any act of the Defendants occurring in Oklahoma out of which the asserted causes of action arise.

Defendants' Motion To Dismiss is granted and Plaintiff's
Complaint is hereby dismissed without prejudice.

It is so ordered this 23 day of May, 1972.



Fred Daugherty
United States District Judge

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

ROBERT C. TAYLOR, a minor, who)
sues by JACK TAYLOR, as next)
friend,)

Plaintiff,)

vs.)

ETHEL C. STURGES,)

Defendant.)

No. 71-C-377

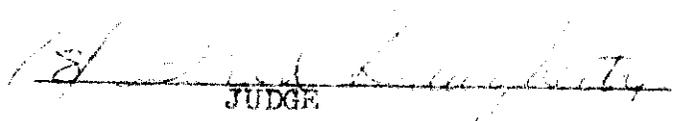
FILED
IN OPEN COURT

MAY 22 1972

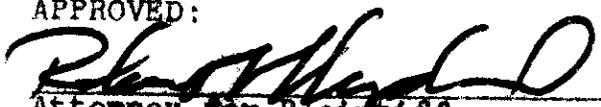
JOHN H. POE, Clerk
U. S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT

On the 22 day of May, 1972, this matter came on for trial. The plaintiff appeared by his attorney, Robert Shepherd, the defendant appeared by her attorney, Best, Sharp, Thomas & Glass. The parties agreed that a jury could be waived and the matter tried to the Court. After hearing the evidence the Court entered judgment in favor of Robert C. Taylor, a minor, in the amount of \$1,500.00.


JUDGE

APPROVED:


Attorney for Plaintiff

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

LAURA MAE FOX,
Plaintiff,
vs.
ETHEL C. STURGES,
Defendant.

No. 71-60378

FILED
IN OPEN COURT

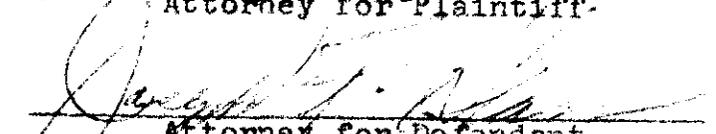
MAY 22 1972

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

STIPULATION OF DISMISSAL WITH PREJUDICE

Comes now the plaintiff, through her attorney, Carl W. Longmire, and stipulate that the above captioned cause of action be dismissed with prejudice to filing a future action herein.


Attorney for Plaintiff


Attorney for Defendant

ORDER

And now on this 22 day of May, 1972, there came on for consideration 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 styled 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.


JUDGE

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

MARVIN A. STILL,)
)
vs. Plaintiffs,) No. 71-C-392
)
MISSOURI PACIFIC RAILROAD)
COMPANY, A Corporation,)
)
Defendant.)

FILED

MAY 23 1972

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

D I S M I S S A L

COMES NOW the Plaintiff, Marvin A. Still, and dismisses the above entitled
action with prejudice to a future cause of action.

Marvin A. Still
MARVIN A. STILL, Plaintiff

Robert W. Booth
ROBERT W. BOOTH, Attorney for
Plaintiff

FRANK ROBERT HICKMAN,
Attorney for Plaintiff

FILED
MAY 22 1972
JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

NOW on this 22 day of May, 1972, Plaintiffs dismissal coming on for con-
sideration and counsel for plaintiff herein representing and stating that all issues,
controversies, debts and liabilities between the parties have been paid, settled and
compromised,

IT IS THE ORDER OF THIS COURT that said action be and the same is hereby
dismissed with prejudice to the bringing of another or future action by the plaintiff
herein.

Ired Daugherty
JUDGE, UNITED STATES DISTRICT COURT

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

United States of America,)
)
Plaintiff,)
) CIVIL NO: 72-C-37
--v-)
)
Robert Hoskins, Jr., et al.,)
)
)
Defendants.)

FILED
MAY 22 1972
JOHN H. POE, Clerk
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 22 day of May, 1972, the plaintiff appearing by Robert P. Santee, Assistant United States Attorney, and the defendants, Robert Hoskins, Jr., Geraldine Hoskins, George Vealy and Freddie Vealy, Beneficial Finance Company, and Planned Credit, Inc., appearing not.

The Court being fully advised and having examined the file herein finds that Robert Hoskins, Jr. and Geraldine Hoskins were served with complaint and summons on February 10, 1972, that George Vealy and Freddie Vealy were served by publication as shown on Proof of Publication filed herein; that Beneficial Finance Company of Oklahoma, Incorporated, was served with complaint and summons on May 2, 1972; that Planned Credit, Incorporated, was served with complaint and summons on February 8, 1972.

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, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Nine (9), Block Eleven (11), Suburban Acres Second Addition to the City of Tulsa County of Tulsa, State of Oklahoma, according to the recorded plat thereof.

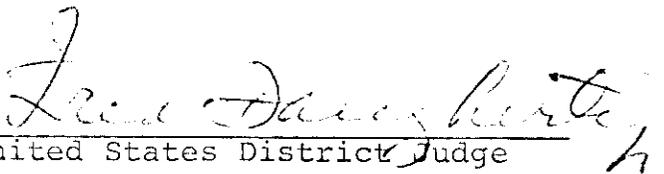
THAT the defendants, Robert Hoskins, Jr. and Geraldine Hoskins, did, on August 17, 1964, execute and deliver to Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$8,500 with 5½ per cent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Robert Hoskins, Jr. and Geraldine Hoskins, 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 above-named defendants are now indebted to the plaintiff in the sum of \$7,680.71 as unpaid principal, with interest thereon at the rate of 5½ per cent interest per annum from April 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 defendants, Robert Hoskins, Jr. and Geraldine Hoskins, for the sum of \$7,680.71 with interest thereon at the rate of 5½ per cent per annum from April 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 by 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 appraisement the 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

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

United States of America,)
)
Plaintiff,)
) CIVIL NO: 72-C-47
-v-)
)
Vivian Lamont Snyder, a single)
woman,)
)
Defendant.)

FILED

MAY 22 1972

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 22 day
of May, 1972, the plaintiff appearing by Robert P. Santee, Assistant
United States Attorney, and the defendant, Vivian Lamont Snyder,
appearing not.

The Court being fully advised and having examined the
file herein finds that above-named defendant was served with
publication notice in the Tulsa Daily Legal News as shown by
Proof of Publication filed herein.

It appearing that the said defendant has 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, Oklahoma, within the
Northern Judicial District of Oklahoma:

Lot Nineteen (19), Block One (1), STACY
LYNN FOURTH, an addition to the City of
Tulsa, Tulsa County, State of Oklahoma,
according to the recorded plat thereof.

THAT the defendant, Vivian Lamont Snyder, did, on
February 17, 1970, execute and deliver to Mercury Mortgage
Company, Inc., her mortgage and mortgage note in the sum of

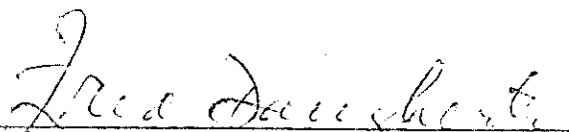
\$15,050 with 8½ per cent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendant, Vivian Lamont Snyder, made default under the terms of the aforesaid mortgage note by reason of her failure to make monthly installments due thereon for more than 13 months last past, which default has continued and that by reason thereof the above-named defendant is now indebted to the plaintiff in the sum of \$16,316.87 as unpaid principal, with interest thereon at the rate of 8½ per cent interest per annum from December 1, 1970, until paid, plus the cost of this action accrued and accruing.

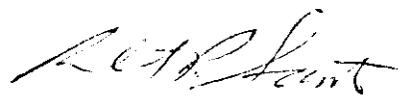
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against Vivian Lamont Snyder for the sum of \$16,316.87 with interest thereon at the rate of 8½ per cent per annum from December 1, 1970, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by plaintiff by 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 defendant 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 appraisement the 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, Vivian Lamont Snyder and any persons claiming under her 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 *h*

APPROVED.


ROBERT P. SANTEE
Assistant United States Attorney

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

United States of America,)
)
) Plaintiff,)
) CIVIL NO: 72-C-52
-v-)
)
Paul W. Russell, et al.,)
)
)
)
)
) Defendants.)

FILED

MAY 22 1972

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 22 day
of May, 1972, the plaintiff appearing by Robert P. Santee, Assistant
United States Attorney, and the defendants, Paul W. Russell and
Dale I. Russell, appearing not.

The Court being fully advised and having examined
the file herein finds that both defendants were served by
publication as shown by 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 Tulsa County, Oklahoma, within the
Northern Judicial District of Oklahoma:

Lot One (1), COURSEY ADDITION, an addition
in Tulsa County, State of Oklahoma, according
to the recorded plat thereof.

THAT the defendants, Paul W. Russell and Dale I. Russell,
did, on December 3, 1969, execute and deliver to Finance
Corporation their mortgage and mortgage note in the sum of

\$9,900 with 7½ per cent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

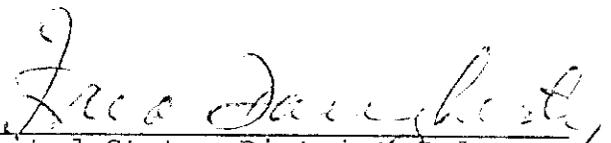
The Court further finds that the defendants, Paul W. Russell and Dale I. Russell, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 6 months last past, which default has continued and that by reason thereof the above-named defendants are now indebted to the plaintiff in the sum of \$9,831.48 as unpaid principal, with interest thereon at the rate of 7½ per cent interest per annum from September 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, Paul W. Russell and Dale I. Russell, for the sum of \$9,831.48 with interest thereon at the rate of 7½ per cent per annum from September 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 by 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 appraisement the 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

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

UNITED STATES OF AMERICA,

Plaintiff,

CIVIL ACTION NO. 72-C-137

vs.

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

Defendants.)

FILED
IN OPEN COURT
MAY 22 1972
JOHN H. POE, Clerk
U. S. DISTRICT COURT

DEFICIENCY JUDGMENT

NOW, on this 22 day of May, 1972, there came on for consideration the Motion of the plaintiff, United States of America, for leave to enter a Deficiency Judgment, which Motion was filed herein on the 26th day of April, 1972, and a copy of such Motion was mailed to the defendant, Ora Cayce a/k/a Ora N. Cayce, and the Court being fully advised and upon consideration of said Motion finds that the fair and reasonable market value of the mortgaged property was, as of the date of the Marshal's Sale herein, to-wit: December 13, 1971, -- \$800.00.

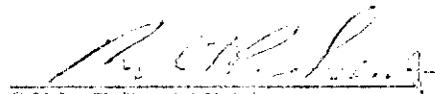
The Court further finds that the sum of \$800.00 was the highest and best bid on the real property as shown by the Marshal's Return of Sale filed herein.

The Court further finds that the aggregate amount of judgments entered herein, together with interest and costs to December 13, 1971, is \$18,000.43, and that the plaintiff is accordingly entitled to a deficiency judgment against the defendant, Ora Cayce a/k/a Ora N. Cayce, for the sum of \$18,000.43 with interest on said sum at the rate of 5 1/2 per cent per annum from December 13, 1971, until paid.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff, United States of America, now and recover from the defendant, Ora Cayce a/k/a Ora N. Cayce, a deficiency judgment in the amount of \$18,688.43 with interest thereon from December 13, 1971, at the rate of 5 1/2 per cent per annum until paid.


UNITED STATES DISTRICT JUDGE

APPROVED:


ROBERT P. SATRIALE
Assistant U. S. Attorney

FILED

MAY 19 1972

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
Plaintiff,))
) CIVIL ACTION NO. 70-C-377
vs.))
) Tract No. 1122M
35.49 Acres of Land, More or)
Less, Situate in Nowata County) 2/3 of the Lessor Interest
State of Oklahoma, and)
Margaret Rorschach, et al.,)
and Unknown Owners,)
)
Defendants.)

J U D G M E N T

1.

NOW, on this 18 day of May, 1972, this matter comes on for disposition on application of the parties for entry of judgment fixing just compensation in this matter, and the Court, after having examined the files in this action and being advised by counsel, finds:

2.

This judgment applies only to 2/3 of the lessor interest in the estate condemned in Tract No. 1122M, 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 December 9, 1970, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking. Provided, that the estate taken should be limited by the stipulation of the parties described below in paragraph 8.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of the described estate in subject property, a certain sum of money, and all of such deposit has been disbursed, as set out below in paragraph 14.

7.

On the date of taking in this action, the owners of 2/3 of the lessor interest in the estate taken in subject tract were the defendants whose names are shown below in paragraph 14. Such named defendants are the only persons asserting any interest in such property. All other persons having either disclaimed or defaulted, such named defendants are entitled to receive the just compensation awarded by this judgment.

8.

On May 4, 1972, the owners, of 2/3 of the lessor interest in the estate taken in the subject tract, and the United States of America have executed and filed herein a stipulation whereby they have agreed that the estate taken by the Plaintiff in this case does not include any coal in the subject tract and likewise does not include gold, copper, iron, or other hard minerals. In other words the estate taken in this case is limited to oil and gas rights (together with related equipment) and other minerals which are produced as oil or gas or produced as a component or constituent of oil or gas, whether hydrocarbon or non-hydrocarbon. Such stipulation should be approved.

9.

The owners of the subject property and the Plaintiff have advised the Court that they are ready for trial and that

2.

the witness for the Plaintiff would testify that the fair market value of 2/3 of the lessor interest in the estate taken in subject tract is \$6,100.00. The owners have advised the Court that they will adopt the testimony of the Plaintiff's witness as their own and request that judgment be entered in that amount. Under these circumstances no trial is necessary and judgment should be entered as requested.

10.

This judgment will create a deficiency between the amount deposited as estimated compensation for subject property and the amount fixed by the Court as to just compensation, and the amount of such deficiency should be deposited for the benefit of the owners. Such deficiency is set out below in paragraph 14.

11.

It Is, Therefore, ORDERED, ADJUDGED, and DECREED that the United States of America has the right, power, and authority to condemn for public use Tract No. 1122M, 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 as limited by paragraph 12 herein, is condemned and title thereto is vested in the United States of America, as of December 9, 1970, and all defendants herein and all other persons interested in such estate are forever barred from asserting thereto any claim.

12.

It Is, Further ORDERED, ADJUDGED, and DECREED that the stipulation of the parties, described in paragraph 8 above, to the effect that the estate taken in this case does not include coal, and limiting the estate taken is approved.

13.

It Is Further ORDERED, ADJUDGED, and DECREED that on the date of taking, the owners of 2/3 of the lessor interest in the estate condemned herein in subject tract were the defendants whose names appear below in paragraph 14, and the right to receive the just compensation for such interest is vested in the parties so named.

14.

It Is Further ORDERED, ADJUDGED, and DECREED that, based upon the statement of the parties, just compensation for 2/3 of the lessor interest in the estate taken in the subject tract is fixed at \$6,100.00 and such award is distributed as follows:

TRACT NO. 1122M
(2/3 of lessor interest)

Owners:

Margaret Rorschach -- 1/6 of total lessor interest

Rufus R. Riley ----- 1/2 of total lessor interest

Award of Just Compensation
for 2/3 lessor interest \$6,100.00

Allocation of award, deposit and disbursements:

	<u>Rorschach Interest</u>	<u>Riley Interest</u>
Share of award	\$1,525.00	\$4,575.00
Deposited as estimated compensation and disbursed to owner	<u>668.33</u>	<u>2,005.00</u>
Balance due to owner and deposit deficiency	\$ 856.67	\$2,570.00

15.

It Is Further ORDERED, ADJUDGED, and DECREED that the United States of America shall deposit in the Registry of this Court, in this civil action, to the credit of the subject tract, the deficiency sum of \$3,426.67, and the Clerk of this Court then shall disburse such deficiency deposit in this case as follows:

To Margaret Rorschach \$856.67

To Rufus R. Riley \$2,570.00

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

4.00 Acres of Land, More or Less,
Situate in Rogers County, State of
Oklahoma, and Lawrence H. Humphrey,
et al., and Unknown Owners,

Defendants.

CIVIL ACTION NO. 68-C-107
Tract No. 422

FILED

MAY 17 1972

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

United States of America,

Plaintiff,

vs.

14.80 Acres of Land, More or Less,
Situate in Rogers County, State of
Oklahoma, and James L. Finegan,
et al., and Unknown Owners,

Defendants.

CIVIL ACTION NO. 68-C-108
Tracts Nos. 432 and 432E

J U D G M E N T

Now on this 10th day of May, 1972, the parties to this action having requested Judgment of the Court on the Report of Commissioners filed herein on January 20, 1972, and the Court having considered the proceedings and files herein and being fully advised finds that:

1.

The Court has jurisdiction of the subject matter of this action and all parties having any interest in the subject property.

2.

On May 7, 1968, the United States of America as Plaintiff filed its Declaration of Taking, in the actions consolidated herein, pursuant to the Acts of Congress giving it the authority and right to condemn for public use the subject property.

3.

With the filing of the Declarations of Taking there was deposited with the clerk sums of money that were estimated as compensation for taking the subject tracts, and disbursement of such sums were made to the defendants.

4.

The parties to this action entered a Stipulation for Revestment and For Just Compensation covering Tract No. 432E, which was filed in this cause on September 17, 1970. On the same date the defendants returned to the registry of this Court the sum of \$610.00 representing the surplus between the deposit of estimated compensation and the agreed just compensation for such tract, and such sum is presently on deposit to the credit of these cases. Said Stipulation should be adopted by the Court.

5.

The Report of the Commissioners filed herein on January 20, 1972, should be accepted and adopted as findings of fact as to Tracts 422 and 432, and the amount of just compensation for the subject lands is hereafter adjudged. The judgment establishes a deficiency between the amount deposited as estimated compensation, for said Tracts 422 and 432, and the award of just compensation for said tracts as fixed by this Court and Plaintiff should deposit a sum of money sufficient to cover such deficiency with interest as herein provided.

6.

The defendants James L. Finegan, Ouida L. Finegan and Lawrence H. Humphrey are the only defendants asserting any interest in the subject lands and were the owners of the estates condemned and are entitled to receive the just compensation awarded by this judgment.

7.

It is therefore ORDERED, ADJUDGED, AND DECREED that the United States of America has the power and authority to condemn for public use the subject tracts as described in the Declarations of Taking filed in these consolidated actions, and title thereto, to the extent set forth in the Declarations of Taking is vested in the United States of America as of May 7, 1968, and the defendants and all other persons are forever barred from asserting any claim to such estate. PROVIDED that the title to Tract 432E is limited to the extent provided in the Stipulation for Revestment filed in this cause September 17, 1970.

8.

It is further ORDERED, ADJUDGED, AND DECREED that on the date of taking the owners of the estate taken in the subject tracts were James L. Finegan,

2.

Ouida L. Finegan and Lawrence H. Humphrey and they are vested with the right to receive the just compensation.

9.

It is further ORDERED, ADJUDGED, AND DECREED that the Report of the Commissioners filed herein on January 20, 1972, is confirmed and the sums therein awarded are adopted as just compensation to the defendants, as to Tracts Nos. 422 and 432, in the total sum of \$32,267.00 and having withdrawn, as to these two tracts the sum of \$6,507.00, there is a deficiency owing the defendants in the sum of \$25,760.00 with interest at 6% per annum thereon from May 7, 1968, until date of payment of such deficiency and interest into the registry of this Court.

10.

It is further ORDERED, ADJUDGED, AND DECREED that the Stipulation for Revestment and for Just Compensation, described in paragraph 4 above, be and hereby is confirmed and the sum of \$200.00 is adopted as the award of just compensation for the estate taken in Tract 432E. The defendants have been paid in full as to said tract. The sum of \$610.00 refunded by the defendants shall be applied to reduce the amount required to be deposited by the Plaintiff.

11.

It is therefore ORDERED AND DECREED that there being on deposit the sum of \$610.00, the Plaintiff United States of America shall pay into the registry of this Court the sum of \$25,150.00 plus interest on the deficiency described in paragraph 9, to-wit the sum of \$25,760.00, at 6% per annum from May 7, 1968 to the date of deposit and such deposit shall be credited to Civil Action No. 68-C-108. When such deficiency has been deposited the Clerk of this Court shall disburse the total sum on deposit in said Civil Action 68-C-108 jointly to James L. Finegan, Ouida L. Finegan and Lawrence H. Humphrey.

/s/ Allen E. Barrow

United States District Judge

Approved as to form:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Attorney for Plaintiff

/s/ Robert W. Reynolds

ROBERT W. RAYNOLDS

/s/ Bill R. Scarth

BILL R. SCARTH
Attorney for Defendants

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

4.00 Acres of Land, More or Less,
Situate in Rogers County, State of
Oklahoma, and Lawrence H. Humphrey,
et al., and Unknown Owners,

Defendants.

CIVIL ACTION NO. 68-C-107
Tract No. 422

E I L E D
MAY 17 1972
JOHN H. POE, Clerk
U. S. DISTRICT COURT

United States of America,

Plaintiff,

vs.

14.80 Acres of Land, More or Less,
Situate in Rogers County, State of
Oklahoma, and James L. Finegan,
et al., and Unknown Owners,

Defendants.

CIVIL ACTION NO. 68-C-108
Tracts Nos. 432 and 432E

J U D G M E N T

Now on this 10th day of May, 1972, the parties to this action having requested Judgment of the Court on the Report of Commissioners filed herein on January 20, 1972, and the Court having considered the proceedings and files herein and being fully advised finds that:

1.

The Court has jurisdiction of the subject matter of this action and all parties having any interest in the subject property.

2.

On May 7, 1968, the United States of America as Plaintiff filed its Declaration of Taking, in the actions consolidated herein, pursuant to the Acts of Congress giving it the authority and right to condemn for public use the subject property.

3.

With the filing of the Declarations of Taking there was deposited with the clerk sums of money that were estimated as compensation for taking the subject tracts, and disbursement of such sums were made to the defendants.

4.

The parties to this action entered a Stipulation for Revestment and For Just Compensation covering Tract No. 432E, which was filed in this cause on September 17, 1970. On the same date the defendants returned to the registry of this Court the sum of \$610.00 representing the surplus between the deposit of estimated compensation and the agreed just compensation for such tract, and such sum is presently on deposit to the credit of these cases. Said Stipulation should be adopted by the Court.

5.

The Report of the Commissioners filed herein on January 20, 1972, should be accepted and adopted as findings of fact as to Tracts 422 and 432, and the amount of just compensation for the subject lands is hereafter adjudged. The judgment establishes a deficiency between the amount deposited as estimated compensation, for said Tracts 422 and 432, and the award of just compensation for said tracts as fixed by this Court and Plaintiff should deposit a sum of money sufficient to cover such deficiency with interest as herein provided.

6.

The defendants James L. Finegan, Ouida L. Finegan and Lawrence H. Humphrey are the only defendants asserting any interest in the subject lands and were the owners of the estates condemned and are entitled to receive the just compensation awarded by this judgment.

7.

It is therefore ORDERED, ADJUDGED, AND DECREED that the United States of America has the power and authority to condemn for public use the subject tracts as described in the Declarations of Taking filed in these consolidated actions, and title thereto, to the extent set forth in the Declarations of Taking is vested in the United States of America as of May 7, 1968, and the defendants and all other persons are forever barred from asserting any claim to such estate. PROVIDED that the title to Tract 432E is limited to the extent provided in the Stipulation for Revestment filed in this cause September 17, 1970.

8.

It is further ORDERED, ADJUDGED, AND DECREED that on the date of taking the owners of the estate taken in the subject tracts were James L. Finegan,

2.

Ouida L. Finegan and Lawrence H. Humphrey and they are vested with the right to receive the just compensation.

9.

It is further ORDERED, ADJUDGED, AND DECREED that the Report of the Commissioners filed herein on January 20, 1972, is confirmed and the sums therein awarded are adopted as just compensation to the defendants, as to Tracts Nos. 422 and 432, in the total sum of \$32,267.00 and having withdrawn, as to these two tracts the sum of \$6,507.00, there is a deficiency owing the defendants in the sum of \$25,760.00 with interest at 6% per annum thereon from May 7, 1968, until date of payment of such deficiency and interest into the registry of this Court.

10.

It is further ORDERED, ADJUDGED, AND DECREED that the Stipulation for Revestment and for Just Compensation, described in paragraph 4 above, be and hereby is confirmed and the sum of \$200.00 is adopted as the award of just compensation for the estate taken in Tract 432E. The defendants have been paid in full as to said tract. The sum of \$610.00 refunded by the defendants shall be applied to reduce the amount required to be deposited by the Plaintiff.

11.

It is therefore ORDERED AND DECREED that there being on deposit the sum of \$610.00, the Plaintiff United States of America shall pay into the registry of this Court the sum of \$25,150.00 plus interest on the deficiency described in paragraph 9, to-wit the sum of \$25,760.00, at 6% per annum from May 7, 1968 to the date of deposit and such deposit shall be credited to Civil Action No. 68-C-108. When such deficiency has been deposited the Clerk of this Court shall disburse the total sum on deposit in said Civil Action 68-C-108 jointly to James L. Finegan, Ouida L. Finegan and Lawrence H. Humphrey.

/s/ Allen E. Barrow

United States District Judge

Approved as to form:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Attorney for Plaintiff

/s/ Robert W. Reynolds

ROBERT W. RAYNOLDS

/s/ Bill R. Scarth

BILL R. SCARTH
Attorney for Defendants

FILED

MAY 16 1972

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

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

BRUCE H. HARLTON, JR.,)

Plaintiff,)

vs.)

THE SECRETARY OF THE UNITED)
STATES AIR FORCE, UNITED STATES)
OF AMERICA,)

Defendant.)

69-C-152

JUDGMENT

IT IS ORDERED that plaintiff have his name placed on the permanent disability retired list of the United States Air Force as of September 1, 1962, V.A. Code 5002 and 5286, rated at 100%, with entitlements to disability retired pay effective September 1, 1962, and computed on the basis of 10 years and 26 days longevity at the highest rank attained of Captain.

IT IS ORDERED that the United States of America be credited for all previous retirement benefits paid.

IT IS ORDERED that the United States is not entitled to credit for active reserve and National Guard pay and allowances received by Plaintiff, which allowances were actually earned by Plaintiff.

IT IS ORDERED that plaintiff is granted interest at the rate of 6% on all disability retirement arrearage payments from due date.

IT IS FURTHER ORDERED that the Air Force Accounting and Finance Center, Denver, Colorado, calculate and establish the amount due Captain Harlton, pursuant to this order.

ENTERED this 16 day of may, 1972.



CHIEF UNITED STATES DISTRICT JUDGE

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

JOHN C. McGRATH, Receiver for)
Century Geophysical Corporation,)
Debtor,)
Plaintiff,)
v.) NO. C-72-7
HIGHLANDS INSURANCE COMPANY, A)
Corporation,)
Defendant.)

FILED

MAY 15 1972

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

O R D E R

Upon motion of both plaintiff and defendant, and
for good cause shown,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the
Court that the above styled and numbered cause of action
upon the part of the plaintiff, John C. McGrath, Receiver
for Century Geophysical Corporation, is hereby dismissed
with prejudice to further action as against the defendant,
Highlands Insurance Company.

Dated this 15th day of May, 1972.


FRED DAUGHERTY
United States District Judge

O.K. AS TO FORM:


LANCE STOCKWELL
OF BOESCHE, McDERMOTT & ESKRIDGE
Attorneys for Plaintiff


ALEX CHEEK
OF CHEEK, CHEEK & CHEEK
Attorneys for Defendant

IN THE DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

WANDA SUE HANAN,)
)
 Plaintiff,)
)
 -vs-)
)
 UNITED DOLLAR STORES, INC.,)
 a foreign corporation,)
)
 Defendant.)

FILED

MAY 15 1972

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

No. 72-C-12

ORDER DISMISSING CAUSE WITH PREJUDICE

Now on this 15 day of May, 1972, it having been made to appear to this Court that the plaintiff's action herein has been fully compromised and settled and upon plaintiff's Application that her action on file herein should be dismissed with prejudice to the bringing of any future action;

It is therefore ORDERED that the above and within action is hereby DISMISSED with prejudice to the bringing of a future action.

18/ Fred Daugherty
Fred Daugherty, Judge of the United
States District Court

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

EARLE M. JORGENSEN CO.,
a corporation,

Plaintiff,

vs.

CRESCENT PRECISION PRODUCTS, INC.,
a corporation,

Defendant.

No. 70-C-363

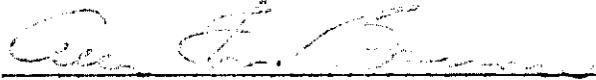
FILED

MAY 15 1972

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

ORDER

This matter coming on to be ^{considered} heard this 15 day of May, 1972, ^{by} before the Court upon the Joint Motion and Stipulation of plaintiff and defendant to dismiss the plaintiff's claim and the defendant's counterclaim herein, with prejudice, and the Court being fully advised in the premises finds that pursuant to said Joint Motion and Stipulation the Complaint and the Answer and Counterclaim ^{and causes of action} should be and the same are hereby dismissed, with prejudice, at the plaintiff's costs.


ALLEN E. BARROW, JUDGE

APPROVED:


Jack H. Santee
MARTIN, LOGAN, MOYERS, MARTIN & CONWAY
Attorneys for Plaintiff


Sam P. Daniel, Jr.
DOERNER, STUART, SAUNDERS, DANIEL
& LANGENKAMP
Attorneys for Defendant

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JAMES D. HODGSON, Secretary of Labor)
United States Department of Labor)
Plaintiff)
v.)
MOBILE HOMES, INC., a Corporation)
and GARY PINALTO, Individually,)
Vice-President)
Defendants)

CIVIL ACTION

File No. 71-C-334

FILED

MAY 15 1972

ORDER OF DISMISSAL

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

Plaintiff having filed his complaint herein, and thereafter defendants having assured plaintiff and this court that they will fully comply in the future with the provisions of the Fair Labor Standards Act, as amended, and defendants having paid to plaintiff \$3,000.00 for the use and benefit of defendants' employees, representing unpaid wages due such employees, and defendants having entered into a stipulation of compliance, wherein defendants specifically agree to comply with all pertinent provisions of the Fair Labor Standards Act of 1938, as amended;

It is, therefore, ORDERED, ADJUDGED and DECREED that the above styled and numbered cause be, and the same hereby is, dismissed, with prejudice, with costs to defendants.

DATED this 15 day of May, 1972.



UNITED STATES DISTRICT JUDGE

As to Petitioner's requested reduction of sentence, such request must in the first place be made under the provisions of Rule 35, Federal Rules of Criminal Procedure and in the second place must be made within 120 days of final judgment. Petitioner was sentenced October 30, 1968 by this Court, no Appeal was taken therefrom and thus more than 120 days have passed since that time until the date of filing Petitioner's instant Motion.

Petitioner's Motion Pursuant to 28 U.S.C. §2255 is therefore denied.

It is so ordered this 10 day of May, 1972.


Fred Daugherty
United States District Judge

The Court finds no extraordinary circumstances calling for again reviewing the allegations one and two; and, as to allegation three, the Circuit Court has stated its position, against petitioner. Thus, the Court finds that this § 2255 motion is without merit and should be overruled.

IT IS, THEREFORE, ORDERED that the § 2255 motion of Joann Chiles be and it is hereby overruled and dismissed.

Dated this 10th day of May, 1972, at Tulsa, Oklahoma.


CHIEF JUDGE, UNITED STATES DISTRICT
COURT, NORTHERN DISTRICT OF OKLAHOMA

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

ANNIE L. LaFRANCE,

Plaintiff,

vs.

THE UNITED STATES OF AMERICA,

Defendant.

)
)
) 71-C-15 ✓
)
)
)
)
)
)

FILED
MAY 10 1972
JOHN H. POE, Clerk
U. S. DISTRICT COURT

JUDGMENT

Based on the Findings of Fact and Conclusions of Law filed
this date,

IT IS ORDERED THAT judgment be entered in favor of plaintiff
and against the defendant in the sum of \$10,000.00
plus interest at the rate of 10% per annum until paid.

IT IS FURTHER ORDERED that defendant take nothing by
virtue of its counter-claim.

ENTERED this 10 day of May, 1972.



CHIEF UNITED STATES DISTRICT JUDGE

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

United States of America,)
)
) Plaintiff,)
)
 -v-)
)
 Lonnie Green Akins, et al.,)
)
)
) Defendants.)

CIVIL NO: 72-C-32 ✓

FILED

MAY 10 1972 *PC*

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 10th day of May, 1972, the Plaintiff appearing by Robert P. Santee, Assistant United States Attorney, and the defendants, Lonnie Green Akins, Christine Akins, Lowell Meeks aka Lowell W. Meeks, Georgia M. Meeks, Luke R. Wells, and Gertrude C. Wells, appearing not.

The Court being fully advised and having examined the file herein finds that Lonnie Green Akins, Christine Akins, Lowell Meeks aka Lowell W. Meeks, Georgia M. Meeks, Luke R. Wells, and Gertrude C. Wells were served by publication as shown by 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 Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Twelve (12), Block Forty-four (44),
VALLEY VIEW ACRES SECOND ADDITION to the
City of Tulsa, Tulsa County, Oklahoma,
according to the recorded plat thereof.

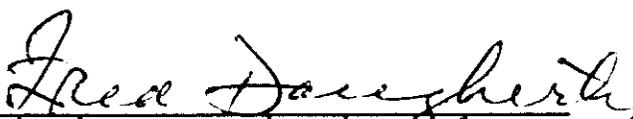
THAT the defendants, Lonnie Green Akins and Christine Akins, did, on October 11, 1963, execute and deliver to Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$9,750 with 5½ per cent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Lonnie Green Akins, Christine Akins, Lowell Meeks aka Lowell W. Meeks, Georgia M. Meeks, Luke R. Wells, and Gertrude C. Wells, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 6 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 \$8,548.18 as unpaid principal, with interest thereon at the rate of 5½ per cent interest per annum from June 1, 1971, until paid, plus the cost of this action accrued and accruing.

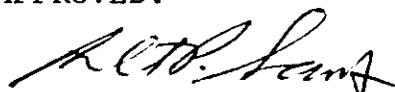
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendants, Lonnie Green Akins, Christine Akins, Lowell Meeks, aka, Lowell W. Meeks, Georgia M. Meeks, Luke R. Wells, and Gertrude C. Wells, for the sum of \$8,548.18 with interest thereon at the rate of 5½ per cent per annum from June 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 by 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 appraisement the 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

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

United States of America,)
)
) Plaintiff,)
) CIVIL NO: 72-C-33
-v-)
)
Thomas C. Dorse, et al.,)
)
)
)
)
) Defendants.)

FILED
MAY 9 1972
JOHN H. POE, Clerk
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 8th day
of May, 1972, the plaintiff appearing by Robert P. Santee,
Assistant United States Attorney, and the defendants, Thomas C.
Dorse, Mary K. Dorse aka Mary Kay Dorse, Thomas J. McCauley,
Kathryn F. McCauley, Fred J. Harmon, Peggy V. Harmon, Phil
W. Keith aka Phil Wade Keith, and Agnes J. Keith aka Agnes
Jo Keith , appearing not.

The Court being fully advised and having examined
the file herein finds that Thomas J. McCauley and Kathryn F.
McCauley were served by publication as shown on Proof of Publication
filed herein; Thomas C. Dorse was served with complaint and summons
on February 8, 1972; Fred J. Harmon and Peggy V. Harmon were
served with complaint and summons on February 9, 1972; Mary
Kay Dorse, Phil W. Keith, and Agnes J. Keith were served with
complaint and summons on February 10, 1972.

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, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Ten (10), Block One (1), Yahola Heights Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

THAT the defendants, Thomas C. Dorse and Mary K. Dorse, did, on November 25, 1963, execute and deliver to Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$9,750 with 5½ per cent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Thomas C. Dorse, Mary Kay Dorse, Phil W. Keith aka Phil Wade Keith and Agnes J. Keith aka Agnes Jo Keith, 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 above-named defendants are now indebted to the plaintiff in the sum of \$8,811.22 as unpaid principal, with interest thereon at the rate of 5½ per cent interest per annum from December 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, Thomas C. Dorse, Mary Kay Dorse, Phil W. Keith aka Phil Wade Keith and Agnes J. Keith aka Agnes Jo Keith, for the sum of \$8,811.22 with interest thereon at the rate of 5½ per cent per annum from December 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 by 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 appraisement the 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.

15/ Allen E. Barrow
United States District Judge

APPROVED.

/s/ Robert P. Santee

ROBERT P. SANTEE
Assistant United States Attorney

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

United States of America,)
)
) Plaintiff,)
) CIVIL NO: 72-C-34
-v-)
)
Fred Bee Underwood, et al.,)
)
)
)
) Defendants.)

FILED
MAY 9 1972
JOHN H. POE, Clerk
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 9th day
of May, 1972, the plaintiff appearing by Robert P. Santee,
Assistant United States Attorney, and the defendants, Fred Bee
Underwood and Carole A. Underwood, appearing not.

The Court being fully advised and having examined
the file herein finds that Fred Bee Underwood and Carole A.
Underwood were served with complaint and summons on March 21, 1972.

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, Oklahoma, within
the Northern Judicial District of Oklahoma:

Lot Thirty (30), Block Fifty-seven (57),
VALLEY VIEW ACRES THIRD ADDITION to the
City of Tulsa, Tulsa County, Oklahoma,
according to the recorded plat thereof.

THAT the defendants, Fred Bee Underwood and Carole
A. Underwood, did, on July 29, 1970, execute and deliver
to Administrator of Veterans Affairs, their mortgage and
mortgage note in the sum of \$12,000 with 8½ per cent interest

per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Fred Bee Underwood and Carole A. Underwood, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 7 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 \$12,048.69 as unpaid principal, with interest thereon at the rate of 8½ per cent interest per annum from May 29, 1971, until paid, plus the cost of this action accrued and accruing.

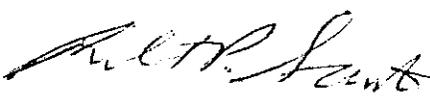
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendants, Fred Bee Underwood and Carole A. Underwood, for the sum of \$12,048.69 with interest thereon at the rate of 8½ per cent per annum from May 29, 1971, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by plaintiff by 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 appraisement the 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

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

XX

State of Oklahoma, ex rel)
Department of Highways of)
the State of Oklahoma;)
Plaintiff)

vs.)
)

Certain parcels of land in Osage County,)
Oklahoma, containing 1.80 acres, more or)
less; Harold West, Sr. and Celestia Mae)
West, husband and wife; and the unknown)
heirs, executors, administrators, trustees,)
legatees, devisees, creditors and assigns)
of Charlie West, Allotee No. 79, Deceased:)
County Treasurer of Osage County, Oklahoma;)
and The United States of America;)

NO. 71-C-363

FILED

Defendants) MAY 8 1972

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

JOURNAL ENTRY

NOW ON the 8 day of May, 1972, this matter came on for trial pursuant to assignment, plaintiff appearing by its attorney, James D. Payne, and defendants appearing by their attorney, ROBERT P. SAUTER ASS'Y U.S. ATTY.

Both parties in open court waive trial by jury and agree that the issues may be tried by the court without the intervention or aid of a jury. Whereupon the court examined the facts and pleadings and heard in open court the statements of counsel on both sides and found as follows: that this was a condemnation proceeding instituted by plaintiff; that commissioners were duly and regularly appointed by the court and filed their report on the 11th day of November, 1971; that the sole issue to be determined in this case is the amount of compensation that the defendants should receive because of plaintiff's appropriation of the land hereinafter described. The court found that the defendants should recover the sum of Two Thousand and no/100

(\$ 2,000.00) dollars, which would cover the damages due the defendants, as well as full compensation for the land taken.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the defendants above named do have and recover judgment of and from the plaintiff in the total sum of Two Thousand and no/100 (\$2,000.00) dollars. It is further ordered by the court that since the plaintiff has heretofore deposited with the Clerk of the Court the sum of One Thousand and no/100 (\$1,000.00) dollars for credit of the defendants, the defendants should recover judgment of and from the plaintiff the sum of One Thousand and no/100 (\$1,000.00) dollars, which the plaintiff (is) ~~(was)~~ ordered to pay through the Clerk of this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that plaintiff's appropriation in fee simple, excepting and reserving all minerals other than sand, rock and gravel, of the following described property, to-wit:

(SEE NEXT PAGE)

SAP-57(46)

Parcel Nos. 3 and 3.1

October 8, 1971

A strip, piece or parcel of land lying in part of the SW $\frac{1}{4}$ of Section 6, T 24 N, R 6 E in Osage County, Oklahoma. Said parcel of land being described by metes and bounds as follows:

Beginning at a point on the South line of said SW $\frac{1}{4}$, 235.49 feet West of the SE corner of said SW $\frac{1}{4}$, thence West along said South line a distance of 237.80 feet, thence N 17°43'49"E a distance of 192.96 feet, thence N 29°01'40"E a distance of 382.84 feet, thence N 17°43'49"E a distance of 481.32 feet, thence S 72°16'11"E a distance of 50.00 feet to the present West right-of-way line of State Highway No. 18, thence Northeasterly along said right-of-way line a distance of 111.60 feet to the East line of said SW $\frac{1}{4}$, thence South along said East line a distance of 327.85 feet to the present East right-of-way line of State Highway No. 18, thence Southwesterly along said right-of-way line a distance of 772.09 feet to point of beginning.

Containing 1.80 acres, more or less of new right-of-way, the remaining area included in the above description being 2.17 acres of right-of-way occupied by the present highway.

All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.

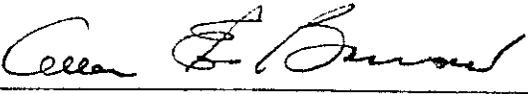
Also, a temporary grant for the purpose of constructing a detour on the following described tract:

Beginning at a point on the East line of said SW $\frac{1}{4}$, 611.19 feet North of the SE corner of said SW $\frac{1}{4}$, thence North along said East line a distance of 98.36 feet to the point where the East right-of-way line of State Highway No. 18 intersects the East line of said SW $\frac{1}{4}$, thence Southwesterly along said right-of-way line a distance of 115.73 feet, thence N 29°02'25"E a distance of 152.97 feet, thence N 17°43'49"E a distance of 62.03 feet to point of beginning.

Containing 0.13 acres, more or less.

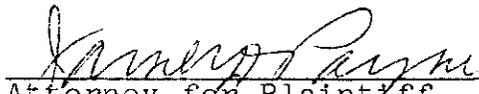
All bearings contained in this description are based on the Oklahoma State Plane Coordinate System and are not astronomical bearings.

be deemed complete and final and that the appropriation by plaintiff in the condemnation proceeding is approved and confirmed.

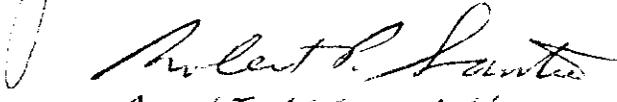


DISTRICT JUDGE

APPROVED:



Attorney for Plaintiff



ASS'T. U.S. ATTY
Attorney for Defendants

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

FILED

MAY 8 1972

JOHN H. POE, Clerk
U. S. DISTRICT COURT
NO. 70-C-15

ST. PAUL FIRE & MARINE INSURANCE)
COMPANY, a Foreign Corporation,)
Plaintiff,)
vs. :
)
GARY BRUMLEY, a Minor, by his Mother)
and Next Friend, Mrs. H. G. BRUMLEY,)
GARY BRUMLEY, an Individual, and)
JAMES C. WALKER, M.D.,)
Defendants.)

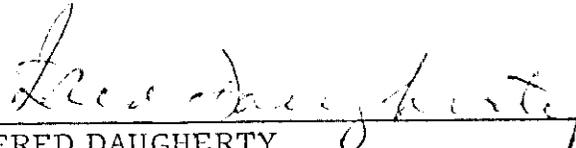
ORDER DISMISSING COMPLAINT AND CROSS-PETITION AND ALL
AFFIRMATIVE PRAYERS FOR RELIEF WITH PREJUDICE

AT TULSA, within the Northern District of Oklahoma, on this 2 day of April, 1972, there having been presented to the undersigned United States District Judge the Motion to Dismiss plaintiff's Complaint and the defendant's Cross-Petition, joined in by all of the parties involved in the same, together with their respective counsel, and the Court having read the same and being well and sufficiently advised in the premises finds that an order dismissing the said Complaint filed herein by the plaintiff and the defendant's James C. Walker, Cross-Petition, and all prayers for affirmative relief as prayed for by the defendant, James C. Walker, and the defendant, Gary Brumley, a minor by his mother and next friend, Mrs. H. G. Brumley, and Gary Brumley, an individual, should issue herein.

The Court further finds from the Motion and Stipulation that there were never any acts of impropriety or fraud on the part of the defendants, or their respective attorneys.

IT IS THEREFORE ORDERED BY THIS COURT that the Complaint filed herein by the plaintiff, St. Paul Fire & Marine Insurance Company, a Foreign Corporation, be and the same is hereby dismissed with prejudice.

IT IS FURTHER ORDERED BY THIS COURT that the Cross-Petition filed herein by the defendant, James C. Walker, as against the plaintiff, St. Paul Fire & Marine Insurance Company, a Foreign Corporation, and all further affirmative prayers for relief as prayed for by the defendant, James C. Walker, and the defendant, Gary Brumley, a minor, by his mother and next friend, Mrs. H. G. Brumley, and Gary Brumley, an individual, be and the same are hereby dismissed with prejudice.


FRED DAUGHERTY
United States District Judge

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

HARTFORD ACCIDENT AND)
INDEMNITY COMPANY,)

Plaintiff,)

vs.)

NO. 71-C-356

FRANK DAN HENDERSON)
and LILLIAN YAUNT,)

Defendants.)

FILED
MAY 5 1972. *Dmm*
JOHN H. POE, Clerk
U. S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT

This cause having been duly filed as a Declaratory Judgment Action in this Court, the deposition of the defendant, Frank Dan Henderson, having been taken, filed and duly considered by the Court, the defendant, Lillian Yaunt, filed her Motion For Summary Judgment with a brief in support thereof, after which plaintiff Hartford Accident And Indemnity Company filed its Motion For Summary Judgment with a brief in support thereof. Additional briefs have been filed and considered.

This matter came on for hearing on the respective motions on March 13, 1972, at which time the Court heard the argument of counsel and continued this case for further hearing on April 20, 1972.

The Court having invited the parties to present any additional evidence they cared to present before a ruling of this Court, this matter was heard on April 20, 1972, at which time additional evidence was presented and all parties announced at the close of the evidence that there was no further evidence to be presented.

This Court having examined the pleadings and having studied the briefs, the deposition of Frank Dan Henderson, and the evidence in this case and having heard the testimony of witnesses and heard the argument of counsel and being fully advised, finds as follows:

I.

That there is no issue of fact left remaining in this case and this case is, therefore, one for summary judgment.

II.

That defendant Henderson was involved in a motor vehicle accident in Tulsa, Oklahoma, on July 29, 1969, while he was driving a 1965 model Ford pickup truck, Serial No. F10JE636868, which he had purchased at Wilmington, Delaware, on or about the 17th day of June, 1969.

III.

That defendant Henderson was, at the time of the accident, insured by a policy of automobile insurance which had been issued to him by the plaintiff, Hartford Accident And Indemnity Company, said policy being better identified as No. 57AZ196471; that said policy provided automobile liability insurance coverage for a 1965 Ford pickup F100, Identification No. 681 and a 1966 Ford Galaxie 500, Identification No. 63B.

IV.

That the 1965 Ford pickup truck, Serial No. F10JE636868, purchased in Delaware by defendant Henderson which later was involved in the Tulsa accident was not insured under the said Hartford policy; that no notice of the acquisition of this vehicle was given to Hartford within thirty days as stipulated by the policy in order to provide coverage for this vehicle; that this vehicle involved in the accident did not replace the 1965 Ford pickup F100, Identification No. 681, which was insured by the policy for the reason that the said insured Ford pickup truck had not been disposed of nor rendered inoperable nor incapable of further service.

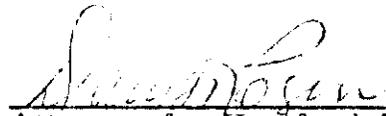
V.

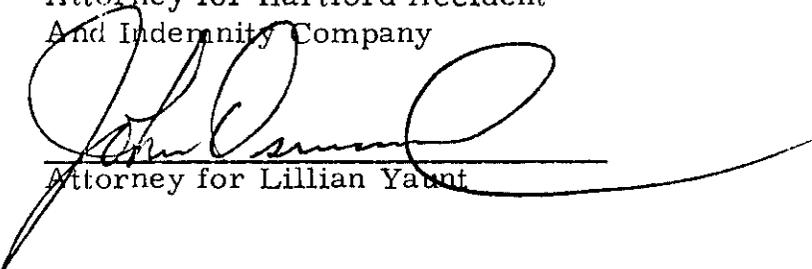
That since the Ford pickup involved in the Tulsa accident was not insured by the plaintiff Hartford's policy, that therefore plaintiff Hartford Accident And Indemnity Company provided no automobile liability insurance coverage under its Policy No. 57AZ196471 for the automobile accident of July 29, 1969, and therefore the said plaintiff, Hartford Accident And Indemnity Company, has no liability to defend any actions, claims or law suits arising out of said accident including Tulsa County District Court Case No. C-71-1385, Lillian Yaunt vs. Frank Dan Henderson, and that the said company has no duty to indemnify the said Frank Dan Henderson from any claims or judgments arising out of the ownership, maintenance or use of said pickup truck, Serial No. F10JE636868.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiff, Hartford Accident And Indemnity Company, have summary judgment in its favor against the defendants, Frank Dan Henderson and Lillian Yaunt; that declaratory judgment be and is hereby entered in this case that no automobile liability insurance coverage existed on July 29, 1969, or at any other time, under the Hartford Accident And Indemnity Company insurance policy No. 57AZ196471 concerning a 1965 Ford pickup truck, Serial No. F10JE636868; that the said plaintiff, therefore, has no duty to defend nor indemnify the insured, Frank Dan Henderson, in the Tulsa County District Court Case No. C-71-1385, Lillian Yaunt vs. Frank Dan Henderson.


UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:


Attorney for Hartford Accident
And Indemnity Company


Attorney for Lillian Yaunt

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

BOARD OF TRUSTEES, PIPELINE)
INDUSTRY BENEFIT FUND,)
vs. Plaintiff,)
PRAIRIE CONSTRUCTION CO., INC.,)
Defendant.)

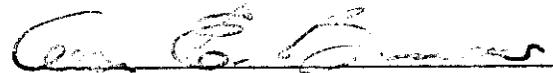
No. 72-C-120

FILED
MAY 4 1972
JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

Now on this 4th day of May, 1972, Plaintiff's Motion for Dismissal coming on for consideration and counsel for Plaintiff herein representing and stating that all issues, controversies, debts and liabilities between the parties have been paid, settled and compromised.

IT IS THE ORDER OF THIS COURT that said action be and the same is hereby dismissed with prejudice to the bringing of another or future action by the Plaintiff herein.


Allen E. Barrow, District Judge

It further appearing to the Court that disposition herein may require an evidentiary hearing, in which event the persons who may be called as witnesses are more conveniently located in the United States District Court for the Western District of Oklahoma, and there being no question of jurisdiction in that Court, this Court finds that in the furtherance of justice, the instruments herein filed should be transferred to the Western District of Oklahoma pursuant to the authority of 28 U.S.C. § 2241(d).

IT IS, THEREFORE, ORDERED that pursuant to the authority of 28 U.S.C. § 2241(d), this cause of action be and it is hereby transferred to the United States District Court for the Western District of Oklahoma for hearing and determination.

Dated this 3rd day of May, 1972, at Tulsa, Oklahoma.



CHIEF JUDGE, UNITED STATES DISTRICT
COURT, NORTHERN DISTRICT OF OKLAHOMA

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

WALTER NAPIER,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)

72-0-17
FILED
MAY 2 1972
JOHN H. POE, Clerk
U. S. DISTRICT COURT

O R D E R

THE PETITIONER has filed a "Motion Pursuant to 28 U.S.C. 2255" to vacate his judgment and sentence imposed May 28, 1970, in the United States District Court for the Northern District of Oklahoma, Case No. 70-Cr-39. For the purposes of this proceeding, the petitioner's version of the essential facts is accepted as true. He alleges that on or about February 1, 1970, he was committed to the California Rehabilitation Center located at Corona, California, pursuant to a civil commitment under the Welfare and Institutions Code, § 3653 of the State of California. On March 20, 1970, he was removed from the said California Rehabilitation Center by a deputy United States marshal pursuant to a Writ of Habeas Corpus Ad Prosequendum issued out of the United States District Court for the Northern District of Oklahoma. He was then lodged in the County Jail at Los Angeles, California, until March 22, 1970, when he was taken by the United States Marshal to Tulsa, Oklahoma. Prior to leaving the State of California, the petitioner was never taken before a United States commissioner or judge. After his trial and conviction, pursuant to the Writ of Habeas Corpus Ad Prosequendum, the petitioner was returned by the United States Marshal from Tulsa, Oklahoma, by way of Las Vegas, Nevada, to the State of California, and surrendered to the California Rehabilitation Center at Corona, California.

Petitioner claims that his sentence may now be collaterally attacked because he was not afforded a removal hearing in accordance with Rule 40(b), Federal Rules of Criminal Procedure, and that after his conviction, he was illegally returned to the California authorities.

The contentions by the petitioner are without merit. He assumes a constitutional right to removal hearing, but there is no constitutional requirement for removal proceedings. United States ex rel. Kassin v. Mulligan, 295 U.S. 396 (1935); United States ex rel. Hughes v. Gault, 271 U.S. 142 (1926). The United States District Court for the Northern District of Oklahoma clearly had jurisdiction to issue the Writ of Habeas Corpus Ad Prosequendum to secure the presence of the petitioner for trial. Carbo v. United States, 364 U.S. 611 (1961). It may be doubted that under the circumstances Rule 40(b) was even applicable to the petitioner. See Bandy v. United States, 408 F.2d 518 (CA 8 1969), cert. denied 396 U.S. 890, and Rush v. United States, 290 F.2d 709 (CA 5 1961). However, if error did occur, it does not afford a basis for collateral attack under 28 U.S.C. § 2255. Relief is not available under this section for "an error which is neither jurisdictional nor constitutional." Hill v. United States, 368 U.S. 424, 428 (1962). It was, at most, an irregularity in preliminary proceedings which is neither jurisdictional nor constitutional. Therefore, he is entitled to no relief.

IT IS SO ORDERED.

DATED THIS 1st DAY OF MAY, 1972.

Arthur Bohanon
UNITED STATES DISTRICT JUDGE