

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 31 1972

JACK C. SILVER-ASTINE Clerk  
U. S. DISTRICT COURT

United States of America,  
  
Plaintiff,  
  
vs.  
  
10.00 Acres of Land, More or Less,  
Situate in Nowata County, State of  
Oklahoma, and Fred C. Summers, Inc.,  
et al., and Unknown Owners,  
  
Defendants.

CIVIL ACTION NO. 70-C-336

Tract No. 1339M

J U D G M E N T

1.

NOW, on this 31 day of July, 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 to the entire estate condemned in Tract No. 1339M, 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 October 23, 1970, the United States of America filed its Declaration of

Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

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

7.

The Defendants named in Paragraph 14 as owners of subject tract are the only persons asserting any interest in the estate condemned in such tract. All other Defendants having either disclaimed or defaulted, the named Defendants are the owners of such estate, as of the date of taking, and as such are entitled to receive the just compensation awarded by this judgment.

8.

The owner of the lessee interest in the subject property and the United States of America have executed and filed herein, on July 10, 1972, a stipulation as to just compensation wherein they have agreed upon the amount of just compensation for such lessee interest, as shown below in paragraph 14, and such stipulation should be approved.

9.

At the pretrial conference held in this case the Court was advised by counsel for Plaintiff that in the event of a trial Plaintiff's evidence as to the value of the lessor interest in the subject property would be the sum of \$50.00. The owners of the said lessor interest did not appear at said pretrial and have not contested Plaintiff's proposed testimony and are otherwise wholly in default. Therefore, the sum of \$50.00 should be adopted as the award of just compensation for such lessor interest in the subject property.

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. 1339M, as such tract is particularly described in the Complaint filed herein; and such tract to the extent of the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of October 23, 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 on the date of taking, the owners of the estate condemned herein in subject tract were the Defendants whose names appear in the schedule in paragraph 14 below; and the right to receive the just compensation for the estate taken in this tract is vested in the parties so named.

13.

It Is Further ORDERED, ADJUDGED AND DECREED that the Stipulation as to Just Compensation described in paragraph 8 above, hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the lessee interest in the estate condemned in the subject tract, as shown below in paragraph 14.

14.

It Is Further ORDERED, ADJUDGED AND DECREED that the sum of \$50.00 hereby is adopted as the award of just compensation for the lessor interest in the estate condemned herein in subject tract, as shown in the schedule as follows, to-wit:

Tract No. 1339M

Owners:

Lessor Interest:

George C. Lynde and  
Cornelia L. Sneed, Co executors of the Estate of  
Elizabeth W. Lynde, deceased . . . . . 1/2

Trustees of Iowa College . . . . . 1/2

Lessee Interest:

Fred C. Summers, Inc.

Award of just compensation, deposit, and disbursals:

	Lessor Interest	Lessee Interest
Award		
Pursuant to Court findings . . . . .	\$50.00    \$50.00	
Pursuant to stipulation . . . . .		\$1,700.00    \$1,700.00
Deposited as estimated compensation	50.00	710.00
Disbursed to owners . . . . .	<u>none</u>	<u>710.00</u>
Balance due to owners	\$50.00	\$ 990.00
Deposit deficiency	<u>None</u>	<u>\$ 990.00</u>

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 \$990.00, and the Clerk of this Court then shall disburse the total sum on deposit in this case, paying to the owners the balance due to them as shown above in paragraph 14.

*Cecilia L. Summers*  
UNITED STATES DISTRICT JUDGE

APPROVED:

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

United States District Court )  
Northern District of Oklahoma) ss

I hereby certify that the foregoing is a true copy of the original on file in this Court.

JACK C. SILVER-ACTING Clerk

By *J. Laughlin*  
Deputy

4.

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

VELMA ROSE BIGHEART, surviving spouse  
of William Bigheart, Jr., Deceased,  
unallotted Osage Indian,

Plaintiff,

vs.

JOHN PAPPAN, Superintendent of the  
Osage Indian Agency, JOHN SLATER,  
Field Solicitor of the Osage Indian  
Agency, RAYMOND A. SANFORD, Regional  
Solicitor of the Department of the  
Interior, and WALTER J. HICKLE,  
Secretary of the Interior,

Defendants,

BRUCE W. GAMBILL, PEARL HALL,  
TERRIL RAW BIGHEART and RANDY  
BIGHEART,

Intervenors.

69-C-303 ✓

FILED

JUL 31 1972

Clerk  
U. S. DISTRICT COURT

FINDINGS OF FACT, CONCLUSIONS OF LAW; ORDER OVERRULING  
PLAINTIFF'S OBJECTIONS TO RECOMMENDATION OF THE  
MAGISTRATE; ORDER OVERRULING PLAINTIFF'S  
MOTION FOR SUMMARY JUDGMENT; ORDER  
SUSTAINING INTERVENOR'S MOTION  
FOR SUMMARY JUDGMENT

The Court has for consideration the plaintiff's motion for summary judgment; the intervenors' motion for summary judgment; the objections of plaintiff to the recommendation of the United States Magistrate; the briefs in support and opposition thereto, the transcript of the administrative proceedings, and having carefully perused the entire file, being fully advised in the premises, the Court makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. The deceased, William Bigheart, Jr., died on or about September 29, 1967, and at the time of his death he was married to Velma Rose Bigheart, a white woman, plaintiff in the instant litigation. The parties were married at Chadron, Nebraska,

on or about August 17, 1965.

2. At the time of death there was found in the papers of the deceased a will bearing the date of November 15, 1965. Under the terms of this will the mother of the deceased, Mrs. Pearl Hall, was to receive from the estate of the deceased \$100.00 per month during her lifetime; the residue after expenses was bequeathed 1/3 to Velma Rose Bigheart, plaintiff; 1/3 to Terrill Rea Bigheart; 1/3 to Randy Bigheart. The last two named beneficiaries were minor children of the deceased by his first wife.

3. There was also found in the effects of the deceased a will dated June 27, 1967, which is the will that is the subject matter of this litigation. Under the terms of this will, the deceased bequeathed \$100.00 per month to his mother, Mrs. Pearl Hall, for life, and the residue of the estate, after taxes and expenses, was left in equal shares to the two minor children, Terrill Rea Bigheart and Randy Bigheart. Velma Wilson Bigheart, the surviving wife of the deceased and plaintiff in the instant litigation, was deleted in this will.

4. Also in the effects of the deceased was a codicil to the will, described in paragraph 3 above, dated July 7, 1967. In this codicil the deceased bequeathed to his mother, Mrs. Pearl Hall, \$2500.00; Velma Wilson Bigheart, plaintiff, was bequeathed the sum of \$10.00. The residue of said estate, after taxes and expenses, was left in equal shares to Terrill Rea Bigheart and Randy Bigheart.

5. The complaint in this litigation was for a review of the findings of the Secretary of the Interior, resulting from a hearing to determine the validity of the will bearing the date of June 27, 1967, and the codicil thereto, bearing date of July 7, 1967.

6. In accordance with the regulations issued by the Secretary of the Interior (25 C.F.R. 17.1 and 17.14) hearings were held by the Superintendent of the Osage Indian Agency at Pawhuska, Oklahoma, and at the conclusion of the hearings, and, after the parties concerned had an opportunity to submit briefs, the Superintendent made a finding approving the will bearing the date of June 27, 1967, and the codicil thereto, bearing the date of July 7, 1967.

7. The plaintiff, by proper notice and pleading, appealed the findings of the Superintendent of the Osage Indian Agency to the Regional Solicitor's Office, and, after due consideration, the Solicitor affirmed the findings of the Superintendent of the Osage Indian Agency, determining that the will of the deceased dated June 27, 1967, and the codicil to said will dated July 7, 1967, were valid instruments, executed according to the Statutes of the State of Oklahoma, and that the deceased had testamentary capacity at the time said instruments were executed and witnessed.

8. The pleadings, briefs, and transcript of the administrative proceedings, clearly establish that the deceased, William Bigheart, Jr., was competent at the time he executed the will and the codicil which are the subject of this action and that the deceased was possessed of testamentary capacity at the time both of said instruments were executed and witnessed.

#### CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the Court makes the following Conclusions of Law.

1. This Court has jurisdiction of the subject matter and the parties to this litigation.
2. The Secretary's authority to delegate matters of this nature are contained in the Act of Congress of May 29, 1950, 15 P.R. 3174, 64 Stat. 1262, as Amended July 5, 1952, 66 Stat. 121.

3. The record in this case clearly confirms the findings of the Superintendent of the Osage Indian Agency and the affirmation of those findings by the Regional Solicitor. The will of June 27, 1967, and the codicil of July 7, 1967, were valid in all respects and fully conformed to the Oklahoma statutory requirements as to execution and publication.

4. It appears from the file that the complaint, together with all motions and briefs, constitute an attempt on the part of plaintiff to attack the constitutionality of the Act of 1912, 37 Stat. 86, the Act of 1925, 43 Stat. 1011 and the Amendment of 1950, 64 Stat. 572.

5. Section 8 of the Act of 1912 provides, in part, as follows:

"That any adult member of the Osage Indian Tribe of Indians not mentally incompetent may dispose of any or all of his estate, real, personal, or mixed, including trust funds, from which restrictions as to alienation have not been removed by will, in accordance with the laws of the State of Oklahoma: provided, that no such will shall be admitted to probate or have any validity unless approved before or after the death of the testator by the Secretary of the Interior."

6. Section 7 of the Act of Congress of February 27, 1925, provides as follows:

"Hereafter none but heirs of Indian blood shall inherit from those who are of one-half or more Indian blood of the Osage Tribe of Indians any right, title or interest to any restricted lands, monies or mineral interests of the Osage Tribe: provided that this section shall not apply to spouses under existing marriages."

7. There is no relevant authority in any of the papers filed by plaintiff herein that would sustain the position of the Osage Indian Agency or the affirmation of the Superintendent's findings by the Regional Solicitor that could result in invalidating those findings.

8. The references that plaintiff makes to the Magna Carta, the Declaration of Independence and the Fifth, Ninth, Tenth and Fourteenth Amendments to the Constitution are frivolous and

no comment.

9. The record in this case, in its present posture, reflects that there is no genuine issue as to any material fact and summary judgment will lie in favor of the intervenors.

ORDER

IT IS, THEREFORE, ORDERED that plaintiff's motion for summary judgment be and the same is hereby overruled.

IT IS FURTHER ORDERED that intervenors' motion for summary judgment be and the same is hereby sustained.

IT IS FURTHER ORDERED that plaintiff's objections to recommendations of the United States Magistrate be and the same are hereby overruled.

ENTERED this 31 day of July, 1972.



CHIEF UNITED STATES DISTRICT JUDGE

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

JOHN C. McGRATH, Trustee of the  
Estates of Oil Field Drilling  
Company, Petroleum Equipment  
Leasing Company, and Gas Trans-  
mission Organization,

Plaintiff,

vs.

CARSON WAYNE NEWTON, a/k/a WAYNE  
NEWTON, JERRY P. NEWTON, THOMAS  
A. AMATO and NEWTON ENTERPRISES,  
INC., a corporation,

Defendants.

72-C-39

FILED

JUL 31 1972  
U.S. DISTRICT COURT

ORDER OVERRULING PLAINTIFF'S OBJECTIONS TO FINDINGS  
AND RECOMMENDATIONS OF MAGISTRATE AND ORDER  
SUSTAINING SPECIAL APPEARANCE, MOTION TO  
QUASH AND OBJECTIONS TO JURISDICTION  
OVER THE PERSONS OF DEFENDANTS AND  
DISMISSING COMPLAINT AND CAUSE  
OF ACTION

The Court has for consideration the plaintiff's objections  
to findings and recommendations of Magistrate, the briefs in  
support and opposition thereto, the affidavits on file, and,  
being fully advised in the premises, finds:

That the plaintiff's objections to the findings and  
recommendations of the Magistrate should be overruled.

That the Special Appearance, Motion to Quash and  
Objections to Jurisdiction Over the Persons of Defendants  
should be sustained.

That the complaint and cause of action should be  
dismissed for lack of jurisdiction.

IT IS, THEREFORE, ORDERED that plaintiff's objections to the findings and recommendations of the Magistrate be and the same are hereby overruled.

IT IS FURTHER ORDERED that the Special Appearance, Motion to Quash and Objections to Jurisdiction over the Persons of Defendants be and the same is hereby sustained.

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

ENTERED this 21 day of July, 1972.

  
\_\_\_\_\_  
CHIEF UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

40.00 ACRES OF LAND, MORE OR  
LESS, SITUATE IN NOWATA COUNTY,  
STATE OF OKLAHOMA, AND EDNA  
COUCH, ET AL., AND UNKNOWN  
OWNERS,

Defendants.

CIVIL ACTION NO. 70-C-381

Tract No. 1048M  
(Working (13/16ths) Interest  
Only)

**FILED**

JUL 31 1972

J U D G M E N T

JACK G. SILVER-Acting

Clerk

U. S. DISTRICT COURT

1.

Now, on this 31 day of July, 1972, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies only to the working interest in the estate condemned in Tract No. 1048M, as such estate and tract are described in the Complaint and the Declaration of Taking filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the subject property. Pursuant thereto, on December 9, 1970, 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 working interest in the estate taken in subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

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

8.

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

9.

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

10.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the United States of America has the right, power, and authority to condemn for public use the tract named in paragraph 2 herein, as such tract is particularly described in the Complaint and Declaration

of Taking filed herein; and such tract, to the extent of the working interest in the estate described in such Declaration of Taking, is condemned, and title thereto is vested in the United States of America, as of the date of filing such Declaration of Taking, and all defendants herein and all other persons are forever barred from asserting any claim to such interest.

11.

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

12.

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

TRACT NO. 1048M  
(Working (13/16ths) Interest Only)

OWNER: Wilbur McCracken

Award of just compensation, pursuant to Stipulation - - - -	\$5,000.00	\$5,000.00
Deposited as estimated compensation -	\$3,775.00	
Disbursed to owner - - - - -		<u>None</u>
Balance due to owner - - - - -	<u>                    </u>	\$5,000.00
Deposit deficiency - - - - -	\$1,225.00	

13.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United States of America shall deposit in the Registry of this Court, in this Civil Action to the credit of Tract No. 1048M, the deficiency sum of \$1,225.00, and the Clerk of this Court

then shall disburse from the deposit for the subject tract to  
Wilbur McCracken, the sum of \$5,000.00.

/s/ Fred Daugherty

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Jack M. Short

JACK M. SHORT  
Ass't United States Attorney

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

STATE FARM FIRE & CASUALTY  
COMPANY,

Complainant,

vs.

ZORAH ETHEL KNOTT and HAROLD  
BAKER,

Defendants.

No. 72-C-137

F I L E D

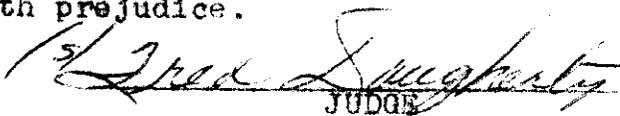
8 81

U. S. DISTRICT COURT

O R D E R

NOW on this 28 day of July, 1972, the complainant, State Farm Fire & Casualty Company, has filed its application asking the Court to dismiss the above entitled cause on the grounds and for the reason that the judgment entered in Cause No. C-69-51 in the District Court of Creek County, State of Oklahoma, Bristow Division, entitled Zorah Ethel Knott, plaintiff, versus Harold Baker, defendant, has been fully satisfied and compromised between the parties and a Release and Satisfaction of said judgment having been filed in the District Court of Creek County, Bristow Division, the Court being fully advised in the premises finds that by reason of the settlement of said judgment the issues herein are moot and there is no issue to be adjudicated by this court and the application of said complainant should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED the complaint heretofore filed in the above entitled cause by State Farm Fire & Casualty Company and the Cross-Petition filed herein by Harold Baker are both dismissed with prejudice.

  
JUDGE

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

SUN PHOTO COLOR, INC., )  
)  
Plaintiff )  
)  
vs )  
)  
CROWN DRUG CENTERS, INC., formerly )  
CROWN DRUG COMPANY, INC., )  
OKLAHOMA PHOTO SUPPLY, INC., )  
NATIONAL PHOTO CORPORATION and )  
EXEL PHOTO COMPANY, )  
)  
Defendants )

No. Civil Action  
71-C-362 ✓

FILED  
JUL 27 1972  
JACK C. SILVER - ACTING Clerk  
U. S. DISTRICT COURT

ORDER OF DISMISSAL WITHOUT  
PREJUDICE

Now, on this 27<sup>th</sup> day of July, 1972 comes on  
for hearing the motion of the plaintiff to dismiss the above  
entitled cause without prejudiced to the beringing of a future  
action, plaintiff appearing by its attorney, John W. Moody of  
Boyd & Parks, and defendants, Oklahoma Photo Supply, Inc.,  
National Photo Corporation and Exel Photo Company, appearing  
by its attorney Thomas G. Marsh, and the Court being fully  
advised in the premises, having examined the files and pleadings  
in this cause, and having heard the argument of counsel finds  
that said motion to dismiss without prejudice should be sustained.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by  
the Court that the above entitled cause is hereby dismissed  
without prejudice to the right of the plaintiff to bring a  
future action.

James G. Bailey  
JUDGE OF THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

APPROVED:

John W. Moody  
Attorney for Plaintiff

Thomas G. Marsh  
Attorney for Defendants

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

BOARD OF TRUSTEES, PIPELINE	)	
INDUSTRY BENEFIT FUND,	)	
	)	
vs.	Plaintiff,	)
	)	
MICHIGAN PIPELINE & CONSTRUCTION	)	
COMPANY, INC.,	)	
	)	
Defendant.	)	

No. 72 C 117

**FILED**  
JUL 24 1972  
*Jack C. Silver*  
Acting Clerk  
U. S. DISTRICT COURT

APPLICATION TO SET ASIDE DEFAULT JUDGMENT  
AND MOTION TO DISMISS

COMES NOW the plaintiff, by and through its attorneys, Dyer, Powers and Marsh, and shows unto the Court that heretofore on the 6th day of July, 1972, the above matter came on for hearing before this Honorable Court and the defendant not being present or represented by counsel, was adjudged in default and a default decree of judgment was entered in said cause; plaintiff would further show unto the Court that a settlement of all issues had been reached by and between the parties but that because of plaintiff's counsel being on vacation, knowledge of said settlement agreement was not communicated to the Court.

WHEREFORE, this plaintiff prays that the default judgment heretofore rendered on the 6th day of July, 1972, be vacated, set aside and held for naught; and that plaintiff's motion for dismissal of this cause with prejudice be herewith approved.

DYER, POWERS & MARSH

By \_\_\_\_\_  
ATTORNEYS FOR PLAINTIFF  
1501 Fourth National Bank Building  
Tulsa, Oklahoma

ORDER

This matter coming on to be heard upon the plaintiff's motion to set aside the default judgment and application for dismissal of said cause with prejudice and the Court being fully advised and informed in the premises does hereby order, adjudge and decree that the default judgment of this Court heretofore rendered on the 6th day of July, 1972, is hereby vacated and set aside and the above entitled cause is dismissed with prejudice as to the defendant and at plaintiff's cost.

Done at Tulsa, Oklahoma, this 21 day of July, 1972.

*Luther Bohannon*

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

United States of America, )  
 )  
 ) Plaintiff, )  
 )  
-v- )  
 )  
 )  
William D. Vaught, et al., )  
 )  
 )  
 ) Defendants. )

CIVIL NO: 72-C-36 ✓

**FILED**  
JUL 21 1972 *hm*  
Clerk  
U. S. DISTRICT COURT

J U D G M E N T

NOW, on this 20<sup>th</sup> day of July, 1972, there came on for consideration this matter. The Court finds that the Complaint was filed herein on February 7, 1972, and the Amended Complaint was filed herein on April 19, 1972. This is a civil action to quiet title, jurisdiction being invoked under Title 28, Section 1345 USC.

The Court finds that, as to the Complaint, personal service was had upon the following defendants: Earl C. Jones aka Earl C. Jones, Jr. and Patricia Ann Jones were served with Complaint and Summons on March 10, 1972; that Norris Van Richardson, Arlene Richardson, and Federal National Mortgage Association were served on February 10, 1972; that William D. Vaught and Opal Norine Vaught were served on February 22, 1972; that American Plan Corp. of Tulsa County, Inc., now known as American Finance System of Tulsa, Inc. was served on February 9, 1972.

The Court further finds that, as to the Amended Complaint, personal service was had upon the following defendants: William D. Vaught, Norris Van Richardson, Arlene Richardson were served on April 24, 1972; That Federal National Mortgage Association and American Finance System of Tulsa, Inc. were served on

April 21, 1972; that Earl C. Jones aka Earl C. Jones, Jr. and Patricia Ann Jones were served on May 24, 1972; that Opal Norine Vaught was served on May 25, 1972.

The Court finds that Opal Norine Vaught has filed an answer herein on May 26, 1972, admitting as true and correct the allegations of the Complaint as amended. The Court further finds that Federal National Mortgage Association filed its Disclaimer herein on May 8, 1972.

The Court finds that the averments and allegations of the plaintiff's Complaint are true and correct. The Court further finds that judgment should be entered against all the named defendants adjudging and decreeing that the United States of America on behalf of the Administrator of Veterans Affairs is the owner of the legal title in fee simple in and to the below described real property, free and clear of all right, title or interest of such defendants; that the subject defendants should be adjudged to have no right, title, or interest in and to such real property and that such defendants should be permanently barred and enjoined from asserting any right, title, or interest in and to such property, and that the fee simple title thereto should be quieted and confirmed as against said defendants and that the forged instruments be expunged from the record, cancelled and held for naught; and that the United States of America, on behalf of the Administrator of Veterans Affairs, should be adjudged the owner of the fee simple title to the following described real property situated in Tulsa County, City of Tulsa, Oklahoma, and further should be adjudged to be entitled to the immediate possession thereof, to-wit:

Lot Thirty-three (33), Block Four (4),  
Suburban Acres an Addition to the City of  
Tulsa, County of Tulsa, State of Oklahoma,  
according to the recorded plat amended thereof.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED  
that the plaintiff, United States of America, recover judgment  
against the defendants, William D. Vaught, Opal Norine Vaught,  
Earl C. Jones aka Earl C. Jones, Jr., Patricia Ann Jones, Norris  
Van Richardson, Arlene Richardson, American Plan Corporation of  
Tulsa County, Inc., now known as American Finance System of Tulsa,  
Inc., and Federal National Mortgage Association, adjudging and  
decreeing that the United States of America, on behalf of  
the Administrator of Veterans Affairs, is the owner of the  
legal title in fee simple in and to the above-described real  
property free and clear of all right, title or interest of  
such named defendants; that the subject defendants have no  
right, title or interest in and to such real property and that  
they are permanently barred and enjoined from asserting any  
right, title or interest to such property and the fee simple  
title thereto is quieted and confirmed against said defendants  
and the forged instruments referred to in the Complaint are  
expunged from the record, cancelled and held for naught; and  
further that the United States of America, on behalf of the  
Administrator of Veterans Affairs, is the owner of the fee  
simple title to the above described property and is entitled to  
the immediate possession thereof.

  
UNITED STATES DISTRICT JUDGE

Approved.

  
ROBERT P. SANTEE  
Assistant United States Attorney

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

WILBERT MOORE, )  
 )  
 ) Petitioner, )  
 vs. ) No. 72-C-189 ✓  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 ) Respondent. )

FILED  
JUL 20 1972  
JOHN H. POE, Cler  
U. S. DISTRICT COU

ORDER DENYING MOTION  
UNDER TITLE 28 U.S.C. SECTION 2255

Petitioner, Wilbert Moore, after a plea of not guilty was tried in the United States District Court for the Northern District of Oklahoma by the Court with a jury and was found guilty of violation of the Federal Narcotic Laws and duly sentenced to a term of seven and one half years.

Petitioner seeks an evidentiary hearing before this Court upon the ground that at the time of trial he was suffering from narcotic withdrawal symptoms and was, therefore, incompetent to stand trial or to aid in his defense.

Petitioner appealed to the United States Court of Appeals, Tenth Circuit, from the judgment and conviction and such judgment and conviction was affirmed by that Court.

This Court finds from a careful examination of all of the files and records in this cause and the files and records in case No. 70-CR-39 that there is no basis in fact for plaintiff's claim for relief under Title 28 U.S.C. Section 2255, and his motion is, therefore, denied.

The record shows that petitioner has been in continuous custody since the date of his arrest, February 14, 1970, through his trial which was held May 25-28, 1970, and the sentencing upon the verdict of guilty on June 15, 1970.

There is attached to respondent's brief a letter to the United States Attorney's office from Twilah A. Fox, M.D.<sup>1</sup>

1

"June 18, 1971

Jim L. Lindsey  
Law Clerk  
United States Attorney  
Northern District of Oklahoma  
Tulsa, Oklahoma 74103

RE: METHADONE DETOXIFICATION

Dear Mr. Lindsey:

My procedure for detoxifying patients using heroin takes five days and involves giving Methadone in diminishing doses, twice daily. Under this system the patient experiences nervousness for the next four to six weeks.

A patient withdrawing from heroin without the use of Methadone will experience nausea and vomiting,

This same letter is referred to by petitioner in his brief. In a report from Dr. Fox attached as an exhibit to petitioner's Motion he states in part: "He was admitted for Methadone detoxification. This was accomplished, and the patient was discharged on no medication and comfortable."

The petitioner relies on Hansford v. United States, 365 F.2d 920 (D.C. Cir. 1966). There is no similarity between Hansford, supra. and the case at bar. Petitioner here was in custody in a drug-free environment for three months prior to trial, whereas the defendant in Hansford admitted from the witness stand that he had been using narcotics throughout the trial daily.

In the case at bar the Court did not observe that petitioner was suffering from any withdrawal symptoms, and this trial covered four days. Never was there any question about the competency of petitioner made at the time of trial or before trial.

Where the entire record and files in a case, including exhibits relied upon by petitioner, clearly show that he was not suffering from narcotic withdrawal symptoms at the time of his trial, he is not entitled to an evidentiary hearing upon his bald statement that he was incompetent due to withdrawal symptoms.

THEREFORE, as above stated petitioner's Motion is denied.

Dated this 18<sup>th</sup> day of July, 1972.

  
UNITED STATES DISTRICT JUDGE

---

1 Cont'd.

severe anxiety, muscular pain, abdominal cramping, running nose and eyes, and profuse sweating. These symptoms will last approximately 24 to 36 hours and then taper off. The mental function is not impaired, thus, judgment, perception and reasoning remains intact, even if the patient is quite ill physically throughout the process.

Sincerely,

/s/ Twilah A. Fox, M. D.

TWILAH A. FOX, M. D."



in further view of the provision of §52 of Article 5 of the  
Constitution of the State of Oklahoma.

IT IS, THEREFORE, ORDERED that plaintiff's objections  
to findings and recommendations of the United States Magistrate  
be and the same are hereby overruled.

IT IS FURTHER ORDERED that defendant's motion to  
dismiss be and the same is hereby sustained and the complaint  
and cause of action are hereby dismissed.

ENTERED this 10 day of July, 1972.

Allen E. Barrow

CHIEF UNITED STATES DISTRICT JUDGE

**United States District Court**

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION FILE NO. 71-C-257

ULYSSES J. WIMBUSH,  
Plaintiff

vs.

FROUG'S COMPANY, INC., a/k/a FROUG'S,  
Defendant

JUDGMENT

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

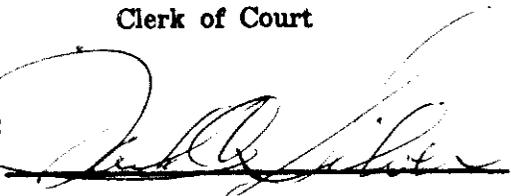
It is Ordered and Adjudged that the Plaintiff's Complaint is dismissed.

**FILED**  
JUL 13 1972  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

Dated at TULSA, OKLAHOMA, this 13th day  
of JULY, 19 72.

JOHN H. POE  
Clerk of Court

By:



UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
70.00 Acres of Land, More or )  
Less, Situate in Nowata County, )  
State of Oklahoma, and Nellie )  
Agusta Miller, et al., and )  
Unknown Owners, )  
 )  
Defendants. )

CIVIL ACTION NO. 71-C-20 ✓

Tracts Nos. 1262M, 1264M,  
and 1266M

FILED

JUL 12 1972 *lm*

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

AMENDMENT TO JUDGMENT

NOW, on this 12th day of July, 1972, this matter comes on for disposition of the application of the Defendant Edgar C. Welsh to correct the spelling of his name in the Judgment filed herein on June 22, 1972, and on the check issued by the Clerk pursuant to such Judgment. Having examined the files in this case and being advised by the Defendant and by counsel for Plaintiff, the Court finds that:

1. The Judgment filed herein on June 22, 1972, recites that Edgar C. Welch was the owner of 3/5 of subject property and directs the Clerk to disburse certain funds to Edgar C. Welch.

2. Pursuant to such Judgment, the Clerk of this Court issued his Check No. 5114, drawn on the National Bank of Tulsa, payable to Edgar C. Welch.

3. The Defendant's surname actually is spelled with an "s" instead of a "c".

The Court concludes that the Judgment should be amended and the check corrected.

It Is, Therefore, ORDERED, ADJUDGED AND DECREED that the Judgment filed herein on June 22, 1972, be and hereby is amended in the following particulars only:

The name "Welch" appearing in paragraph 11 and again in paragraph 12, is changed to read "Welsh".

It Is Further ORDERED that the Clerk of this Court shall amend his Check No. 5114, dated June 23, 1972, drawn on the National Bank of Tulsa, so that the payee's name shall read Edgar C. Welsh.

---

UNITED STATES DISTRICT JUDGE

APPROVED:

---

HUBERT A. MARLOW  
Assistant United States Attorney

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

JACK S. BURDEN, )  
 )  
 Plaintiff, )  
 vs. )  
 UNITED STATES OF AMERICA, )  
 )  
 Defendant. )

No. 71-C-226

FILED  
JUL 17 1972  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

J U D G M E N T

Based upon the Findings of Fact and Conclusions of Law this day filed, it is

THE JUDGMENT OF THE COURT that the plaintiff take nothing upon its Complaint in this case.

IT IS THE FURTHER ORDER AND JUDGMENT OF THIS COURT that the defendant, United States of America, have judgment against the plaintiff upon its counterclaim in the sum of \$156,016.28 together with interest at the rate of six percent (6%) per annum to the date of this Judgment, and thereafter at the rate of ten percent (10%) per annum until paid.

IT IS THE FURTHER JUDGMENT OF THE COURT that the defendant, United States of America, have judgment for its costs herein expended.

Dated this 14<sup>th</sup> day of July, 1972.

*Ruthen Bohanon*  
UNITED STATES DISTRICT JUDGE

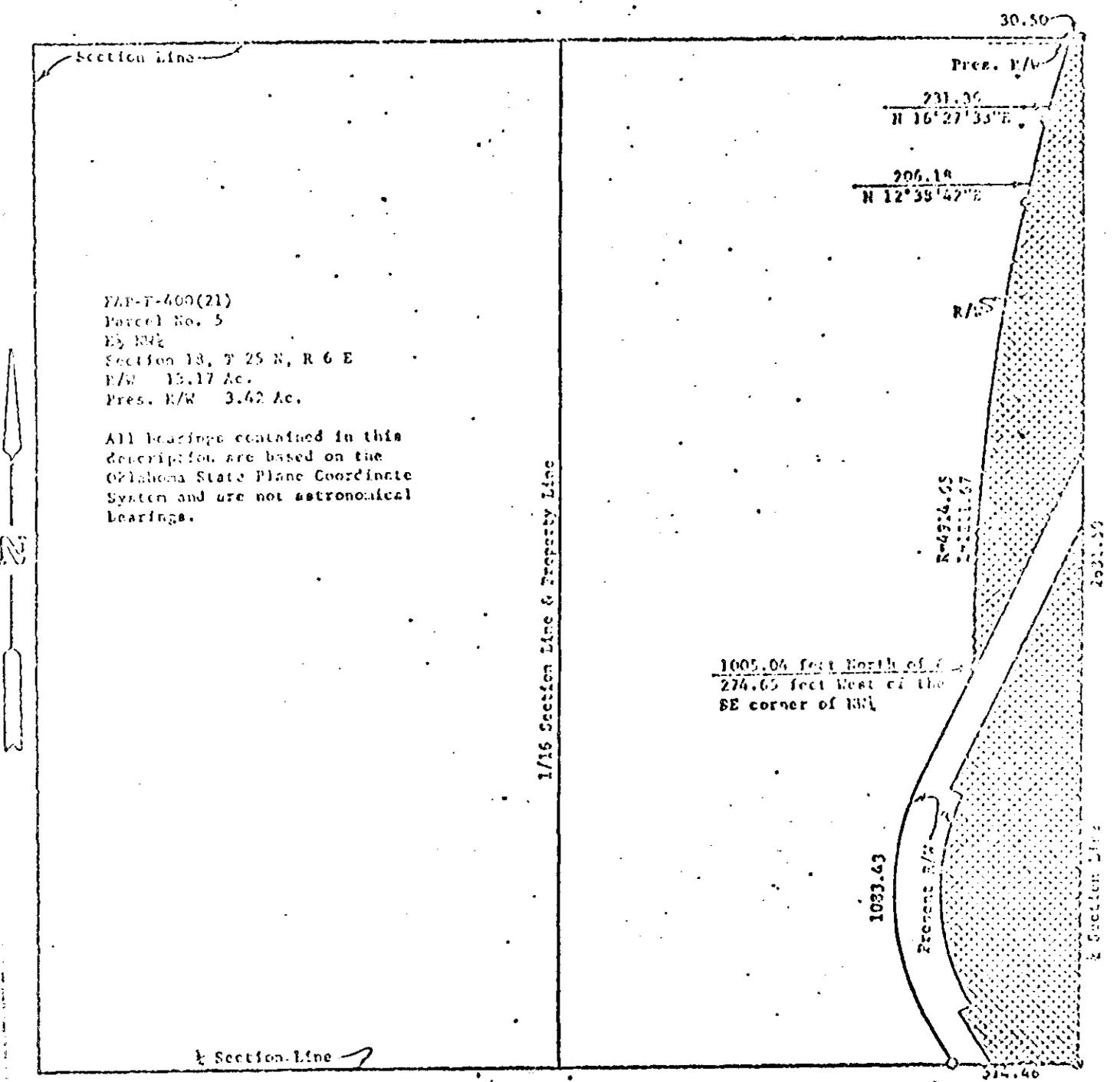


IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that the defendants above named do have and recover judgment of and from the plaintiff in the total sum of Nine thousand six hundred dollars and no/100 (\$ 9,600.00) dollars. It is further ordered by the court that since the plaintiff has heretofore deposited with the Clerk of the Court the sum of Eight thousand six hundred thirty dollars and <sup>no/100</sup>\$ 8,630.00 ) dollars for credit of the defendants, the defendant should recover judgment of and from the plaintiff the sum of Nine hundred seventy dollars and no/100 (\$970.00 ) dollars, which the plaintiff (is) (~~are~~) 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)

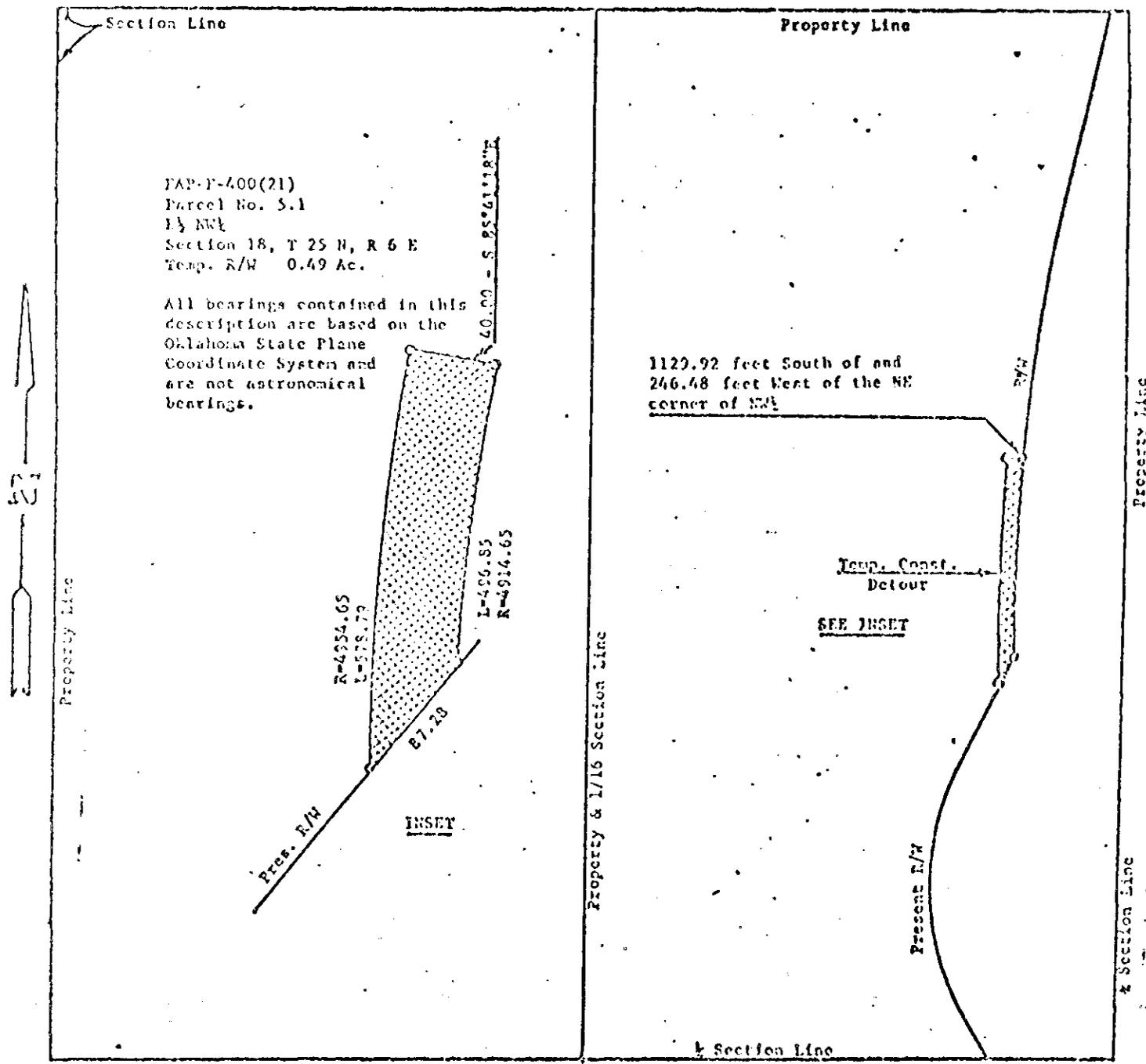
A strip, piece or parcel of land lying in the E $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 18, T 25 N, R 6 E in Osage County, Oklahoma. Said parcel of land (shaded area) is delineated as follows:



Containing 13.17 acres, more or less.

Scale 1"=400'

A strip, piece or parcel of land lying in the  $\frac{1}{2}$  NW $\frac{1}{4}$  of Section 18 T 25 N, R 6 E in Osage County, Oklahoma. Said parcel of land (shaded area) is delineated as follows:



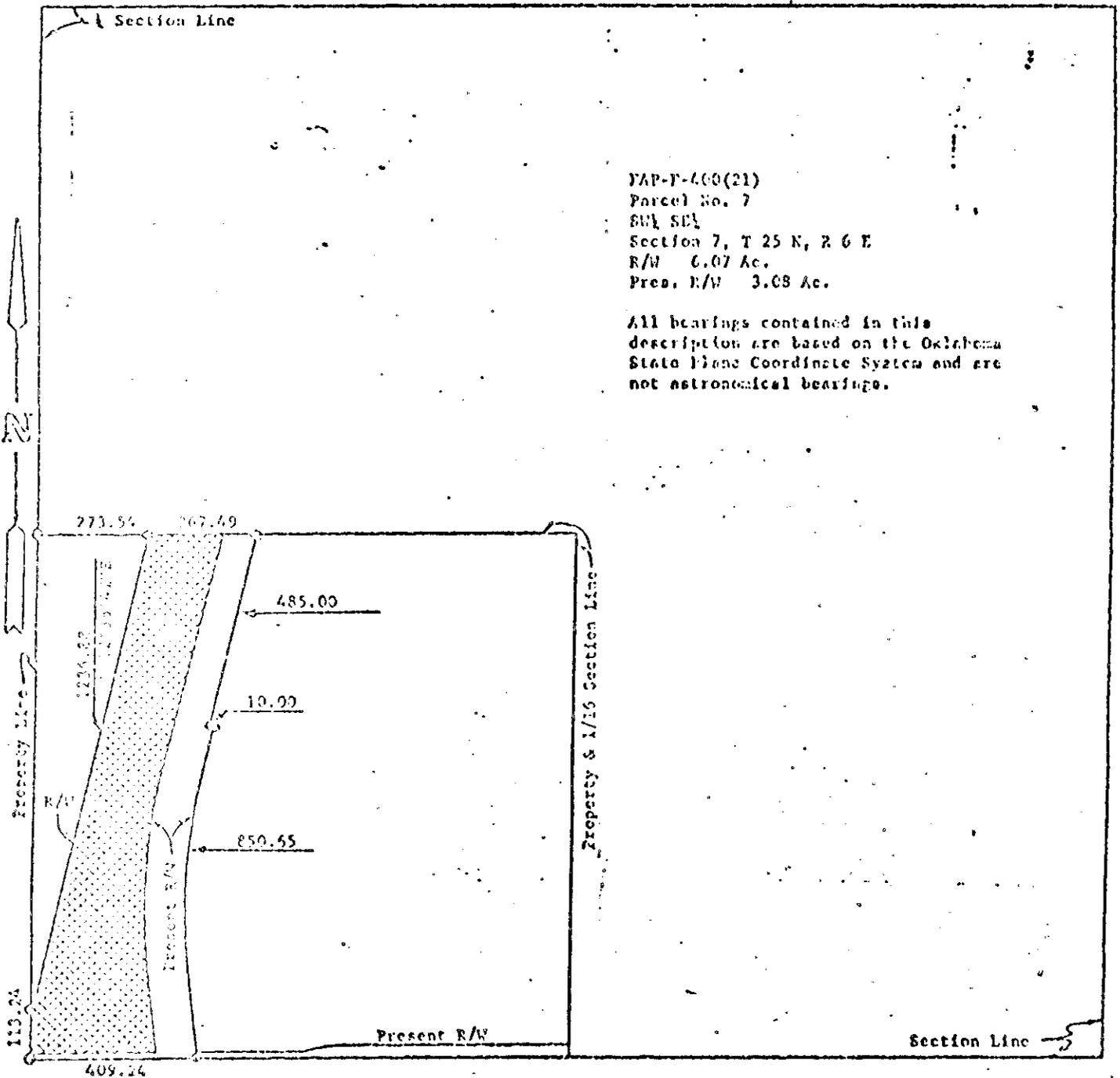
Containing 0.49 acres, more or less.

Scale 1"=400'

A strip, piece or parcel of land lying in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 7, T 25 N, R 6 E in Osage County, Oklahoma. Said parcel of land (shaded area) is delineated as follows:

YAP-F-400(21)  
Parcel No. 7  
SW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 7, T 25 N, R 6 E  
R/W 6.07 Ac.  
Pres. R/W 3.08 Ac.

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

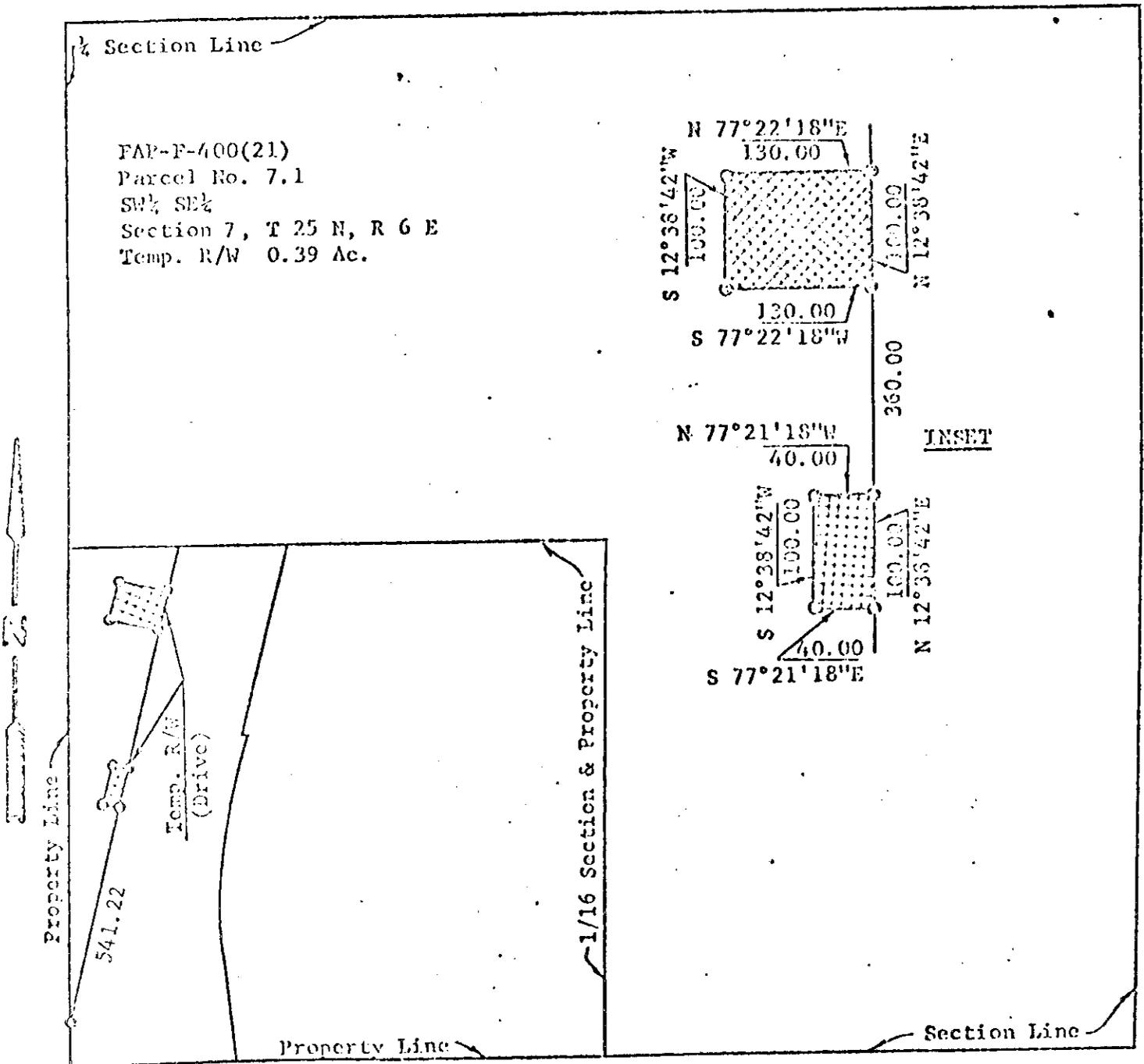


Containing 6.07 acres, more or less.

Scale 1"=400'

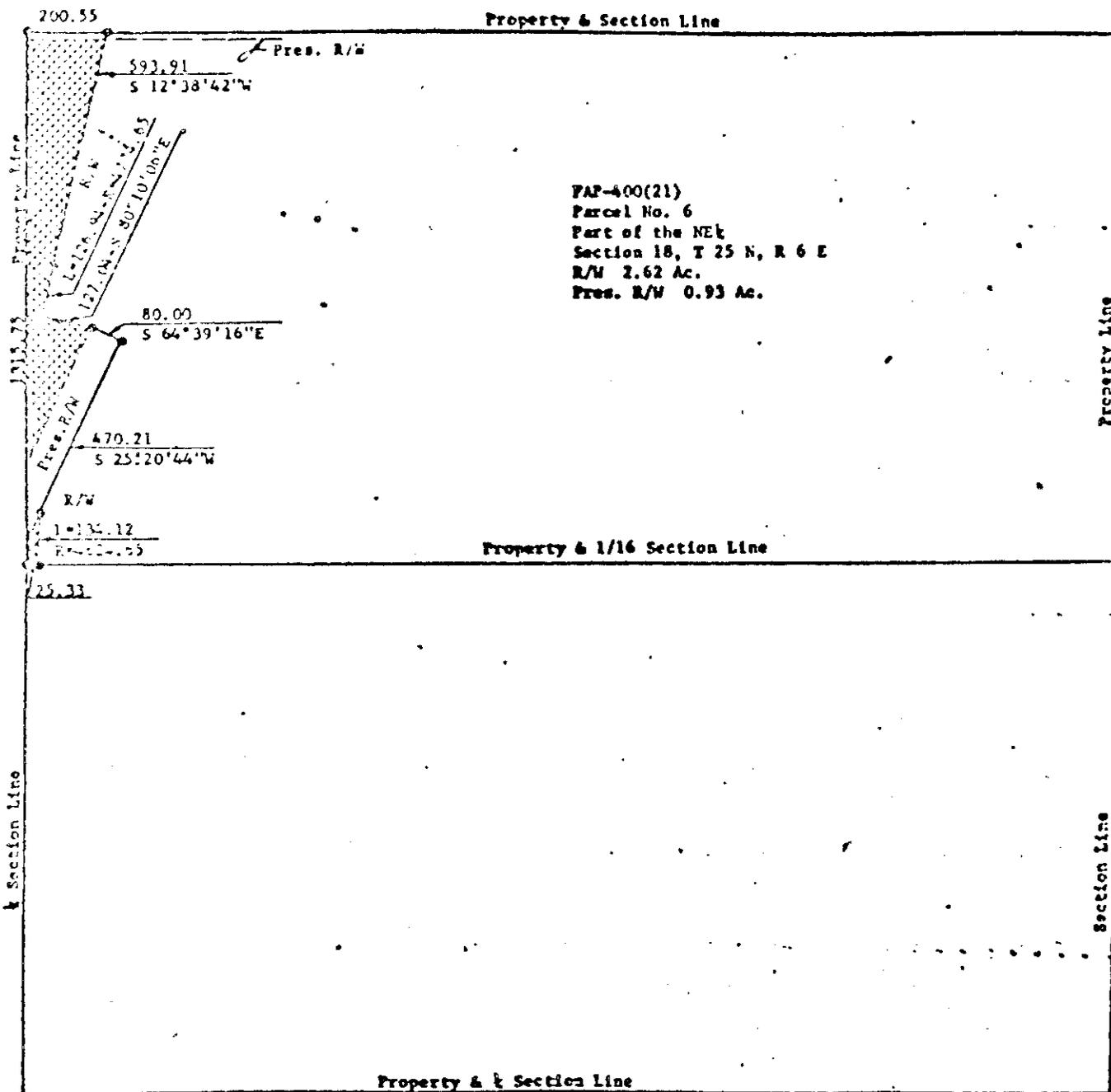
This is a temporary grant for the purpose of constructing driveways on the following described tract:

A strip, piece or parcel of land lying in the SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 7, T 25 N, R 6 W in Osage County, Oklahoma. Said parcel of land (shaded area) is delineated as follows:



Containing 0.39 acres, more or less. Scale 1"=400'

A strip, piece or parcel of land lying in the NE $\frac{1}{4}$ , NE $\frac{1}{4}$  of Section 18, T 25 N, R 6 E in Osage County, Oklahoma. Said parcel of land (shaded area) is delineated as follows:



Containing 2.62 acres, more or less.

Scale 1"=400'

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

Allen E. Barrow  
DISTRICT JUDGE

APPROVED:

James P. Payne  
Attorney for Plaintiff

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

Judith M. Tiger  
JUDITH M. TIGER

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

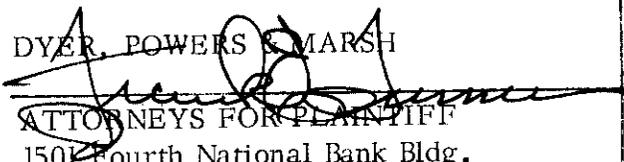
BOARD OF TRUSTEES, PIPELINE )  
INDUSTRY BENEFIT FUND, )  
 )  
vs. Plaintiff, ) No. 72 C 66  
 )  
F. H. LINNEMAN, INC., A )  
Corporation, )  
 )  
Defendant. )

**FILED**  
OCT 13 1972  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

APPLICATION TO SET ASIDE DEFAULT JUDGMENT AND  
MOTION FOR DISMISSAL OF CASE WITH PREJUDICE ON  
BASIS OF AGREED SETTLEMENT

COMES now the Plaintiff, by and through its attorneys, Dyer, Powers and Marsh, and shows unto the Court that heretofore on the 6th day of July, 1972, the above matter came on for hearing before this Honorable Court and the defendant not being present or represented by counsel, was adjudged in default and a default decree of judgment was entered in said cause; plaintiff would further show unto the Court that a settlement of all issues had been reached by and between the parties but that because of plaintiff's counsel being on vacation, knowledge of said settlement agreement was not communicated to the Court; attached to this Motion is a copy of the fully executed stipulation and agreement of settlement by and between the plaintiff and defendant.

WHEREFORE, this plaintiff prays that the default judgment heretofore rendered on the 6th day of July, 1972, be vacated, set aside and held for naught; that the parties' stipulated and agreed settlement in this cause be entered and that plaintiff's motion for dismissal of this cause with prejudice be herewith approved.

DYER, POWERS & MARSH  
  
ATTORNEYS FOR PLAINTIFF  
1501 Fourth National Bank Bldg.  
Tulsa, Oklahoma

O R D E R

This matter coming on to be heard upon the plaintiff's motion to set aside the default judgment and application for dismissal of said cause with prejudice and the Court

being fully advised and informed in the premises does hereby order, adjudge and decree that the default judgment of this Court heretofore rendered on the 6th day of July, 1972, is hereby vacated and set aside and the above entitled cause is dismissed with prejudice as to the defendant and at plaintiff's cost.

Done at Tulsa, Oklahoma this 12<sup>th</sup> day of July, 1972.

Luther Bohanan  
HONORABLE LUTHER BOHANAN

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

UNITED STATES OF AMERICA,

Plaintiff, )

vs. )

ROBERT P. Santee,

Defendant. )

CIVIL ACTION NO. 72-C-214

**FILED**  
JUL 13 1972  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

NOTICE OF DISMISSAL WITH PREJUDICE

COMES NOW the United States of America, plaintiff herein, and hereby gives notice of its dismissal of this action with prejudice.

Dated this 13th day of July, 1972.

UNITED STATES OF AMERICA

NATHAN G. GRAHAM  
United States Attorney

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, )  
 -v- ) CIVIL NO: 72-C-103  
 )  
 Bennie Earl Cash, et al., )  
 )  
 )  
 Defendants. )

**FILED**  
JUL 11 1972  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 5 day  
of July, 1972, the plaintiff appearing by Robert P.  
Santee, Assistant United States Attorney, and the defendants,  
Bennie Earl Cash aka Bennie Cash, Roberta Lynn Cash, Doctor  
W. C. Fulton, Gary M. Jay, and Robert B. Copeland, appearing  
not.

The Court being fully advised and having examined  
the file herein finds that Bennie Earl Cash aka Bennie Cash,  
Roberta Lynn Cash, and Doctor W. C. Fulton were served by  
publication as shown on Proof of Publication filed herein; that  
Gary M. Jay and Robert B. Copeland were served with complaint  
and summons on April 3, 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 Sixteen (16), Block Two (2), DEVONSHIRE PLACE FOURTH, an addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

THAT the defendants, Bennie Earl Cash aka Bennie Cash and Roberta Lynn Cash, did, on April 1, 1964, execute and deliver to Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$8,000 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, Bennie Earl Cash aka Bennie Cash and Roberta Lynn Cash, 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 \$7,273.93 as unpaid principal, with interest thereon at the rate of 5½ per cent interest per annum from February 1, 1971, until paid, plus the cost of this action accrued and accruing.

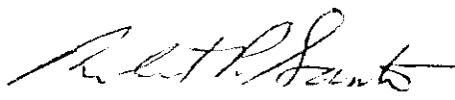
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendants, Bennie Earl Cash aka Bennie Cash and Roberta Lynn Cash, in rem, for the sum of \$7,273.93 with interest thereon at the rate of 5½ per cent per annum from February 1, 1971, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said defendants to satisfy plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with 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- )  
 )  
 Tim Esau aka Timothy J. )  
 Esau, et al., )  
 )  
 Defendants. )

CIVIL NO: 72-C-104

**FILED**

**JUL 11 1972**

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this \_\_\_\_\_ day  
of July, 1972, the plaintiff appearing by Robert P. Santee,  
Assistant United States Attorney, and the defendants, Tim Esau aka  
Timothy J. Esau and Mary L. Esau, Texaco, Inc. and Oklahoma  
Employment Security Corp., appearing not.

The Court being fully advised and having examined  
the file herein finds that Tim Esau aka Timothy J. Esau and Mary  
L. Esau were served by publication as shown on Proof of Publication  
filed herein; that Texaco, Inc. was served with complaint and  
summons on April 10, 1972; that Oklahoma Employment Security  
Corp. was served with complaint and summons on April 4, 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-one (31), Block Seven (7), FAIRHILL  
SECOND ADDITION, a subdivision to the City of  
Tulsa, Tulsa County, State of Oklahoma, according  
to the recorded plat thereof.

THAT the defendants, Tim Esau aka Timothy J. Esau and Mary L. Esau, did, on March 29, 1962, execute and deliver to Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$12,600 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, Tim Esau aka Timothy J. Esau and Mary L. Esau, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 11 months last past, which default has continued and that by reason thereof the above-named defendants are now indebted to the plaintiff in the sum of \$10,065.75 as unpaid principal, with interest thereon at the rate of 5½ per cent interest per annum from April 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, Tim Esau aka Timothy J. Esau and Mary L. Esau, in rem, for the sum of \$10,065.75 with interest thereon at the rate of 5½ per cent per annum from April 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 for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said defendants to satisfy plaintiff's money judgment herein, an Order of Sale shall be issued to

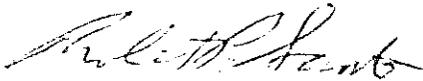
the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisement the real property and apply the proceeds thereof in satisfaction of plaintiff's judgment. The residue, if any, to be deposited with the Clerk of the Court to await further order of 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- )  
 )  
Hugh V. Kelley, et al., )  
 )  
 )  
 )  
 ) Defendants. )

CIVIL NO: 72-C-105

**FILED**

**JUL 11 1972**

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 5<sup>th</sup> day of July, 1972, the plaintiff appearing by Robert P. Santee, Assistant United States Attorney, and the defendants, Hugh V. Kelley, Margaret J. Kelley, Bill Silver, Frances E. Silver, Clifford Earl Carter, Sharon Kay Carter, Home Federal Savings and Loan Association of Tulsa, Dry Dock Savings Bank, Home Federal Savings and Loan Association of Chicago, Federal National Mortgage Association, Levine's Department Store, Carl A. Clark dba Clark Investment Company, appearing not.

The Court being fully advised and having examined the file herein finds that Clifford Earl Carter and Sharon Kay Carter were served by publication as shown by Proof of Publication filed herein; that Hugh V. Kelley and Margaret J. Kelley were served with complaint and summons on April 11, 1972; that Bill Silver and Frances E. Silver were served with complaint and summons on April 10, 1972; that Home Federal Savings and Loan Association of Tulsa was served with complaint and summons on April 10, 1972; that Dry Rock Savings Bank was served with complaint and summons on April 11, 1972; that Home Federal Savings and Loan Association of Chicago was served on April 5, 1972; that Levines; Department Store and Carl A. Clark dba as Clark, Inc. were served with complaint and summons on April 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 Seven (7), Block Thirty-eight (38), Valley View Acres Second Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof,

THAT the defendants, Hugh V. Kelley and Margaret J. Kelley, did, on March 26, 1965, execute and deliver to Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$10,500 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, Hugh V. Kelley and Margaret J. Kelley and Clifford Earl Carter and Sharon Kay Carter, 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 \$9,510.59 as unpaid principal, with interest thereon at the rate of 5½ per cent interest per annum from August 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, Clifford Earl Carter and Sharon Kay Carter, in rem, and Hugh V. Kelley and Margaret J. Kelley, for the sum of \$9,510.59 with interest thereon at the rate of 5½ per cent per annum

from August 1, 1971, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

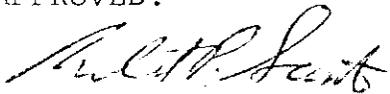
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said defendants to satisfy plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisement the real property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

CIVIL NO: 72-C-155

**FILED**  
JUL 11 1972  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 5<sup>th</sup> day  
of July, 1972, the plaintiff appearing by Robert P. Santee,  
Assistant United States Attorney, and the defendants, Arthur Perry  
Mullins and Wanda Lee Mullins, appearing not.

The Court being fully advised and having examined  
the file herein finds that said defendants were served with  
complaint and summons on May 11, 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 Fifteen (15), Block Four (4), SUBURBAN  
ACRES SECOND ADDITION to the City of Tulsa,  
Tulsa County, Oklahoma, according to the  
recorded plat thereof,

THAT the defendants, Arthur Perry Mullins and  
Wanda Lee Mullins, did, on December 29, 1964, 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, Arthur Perry Mullins and Wanda Lee Mullins, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 14 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 \$9,128.16 as unpaid principal, with interest thereon at the rate of 5½ 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, Arthur Perry Mullins and Wanda Lee Mullins, for the sum of \$9,128.16 with interest thereon at the rate of 5½ 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 for taxes, insurance, abstracting, or sums for the preservation of the subject property.

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

ANNIE L. LaFRANCE,

Plaintiff,

vs.

THE UNITED STATES OF AMERICA,

Defendant.

CIVIL ACTION NO. 71-C-15

**FILED**

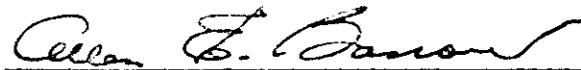
**JUL 11 1972**

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

AMENDMENT TO JUDGMENT

NOW on this 11<sup>th</sup> day of July, 1972, the Court having considered the Stipulation previously filed herein wherein it was agreed that this Court's Judgment of May 10, 1972, should be amended to exclude interest payable at the rate of 10% per annum on said Judgment.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that this Court's Judgment of May 10, 1972, be and the same is hereby amended to exclude the following: "plus interest at the rate of 10% per annum until paid."

  
UNITED STATES DISTRICT JUDGE

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

NATHANIAL HUDSON, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 PARK ANDERSON, Warden, )  
 )  
 Respondent. )

Civ. 72-C-131<sup>1</sup>

**FILED**

JUL 11 1972 *John*

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

O R D E R

PETITIONER HAS FILED HEREIN his petition for a writ of habeas corpus. He asserts that his rights have been violated in that he has been denied speedy review, denied a new trial, and adequate means to prosecute his appeal. It appears from the pleadings that the petitioner was charged in Case No. CRF. 70-1767, District Court of Tulsa County, with the offense of Second Degree Burglary After Former Conviction of a Felony. After a plea of not guilty, he was tried by a jury which convicted him on October 22, 1970. He has alleged that at the time of sentencing, November 9, 1970, petitioner duly and timely did all things necessary to perfect his appeal to the Oklahoma Court of Criminal Appeals. Such appeal was to have been perfected by filing a petition in error, transcript, and certified copy of the court record in the Court of Criminal Appeals on or before May 9, 1971. At that time, the court reporter failed, through no fault of the petitioner, to have the transcript prepared. Upon petitioner's application in Case No. A-16,762, the Court of Criminal Appeals granted an appeal out of time and allowed an additional 120 days for the preparation and filing of the transcript. The time again expired without the court reporter completing the transcript, and the Court of Criminal Appeals then extended the time for an additional 45 days. This period of time also passed without a transcript being prepared.

The petitioner, then, in Case No. A-17,090, made application to the Court of Criminal Appeals to reverse and remand the case. The court found that the state had failed to protect the constitutional rights of the petitioner, and on November 24, 1971, reversed and remanded the cause for a new trial. In early December, the state filed a Petition for Rehearing. The petitioner immediately filed his brief opposing the Petition for Rehearing about the tenth of December. Thereafter, on December 15, 1971, it appears that the court reporter did file a purported transcript of the case. On or about December 20, 1971, petitioner filed a Supplemental Reply to Petition for Rehearing, in which he challenged the transcript as being inadequate.

From the record, it thus appears that there is still pending and undecided before the Court of Criminal Appeals, in Case No. A-17,090, a Petition for Rehearing by the state, and there has now been filed a purported transcript which is challenged by the petitioner. The adequacy of the transcript has not been determined by either the trial court or the Court of Criminal Appeals. Such factual matters should, of course, be resolved by the state courts and presumably will be considered by the Court of Criminal Appeals in the final order on the Petition for Rehearing.

The real question presented to this court at this time is whether the delay in ruling upon the Petition for Rehearing has been inordinate, excessive, and unreasonable. Petitioner's supplemental reply brief was filed around December 20, 1971, and this action was commenced April 25, 1972. The matter had only been submitted before the Court of Criminal Appeals for some four months prior to the time petitioner sought relief in the federal courts. In light of the legal

issues to be resolved, the factual determinations required concerning the adequacy of the transcript and the heavy caseload in the Court of Criminal Appeals which is known to this court, we cannot say that such delay is unreasonable. Mere lapse of time does not, in and of itself, constitute a denial of a constitutional right. Jones v. Crouse, 360 F.2d 157 (CA 10 1966). In view of all the circumstances in this case, comity calls for extended deference until the state action is completed.

The petitioner has not alleged that his conviction was because of any deprivation of federal constitutional rights. It does not follow that even if the delay were unreasonable under the circumstances, that such a delay would ipso facto render his detention unlawful. In Prescher v. Crouse, 431 F.2d 209, 212 (CA 10 1970), the court said:

"Having found the absence of inordinate, excessive and inexcusable delay, we need not further consider whether such a delay ipso facto equates with illegal detention cognizable under 28 U.S.C. § 2241. We only note that in previous cases we treated the issue in the context of exhaustion and either required a hearing on the merits of the original habeas claims or refused to grant the writ upon grounds that the delay was not constitutionally excessive." (Footnotes omitted.)

If further delay in the ruling on the Petition for Rehearing should become constitutionally intolerable, this court, in a proper habeas corpus proceeding, could then find petitioner had exhausted his state remedies and proceed to a hearing upon the merits of any alleged constitutional infirmities in his conviction and sentence, including any alleged denial of his right to appeal.

ACCORDINGLY, IT IS ORDERED that the petition for a writ of habeas corpus is dismissed.

DATED THIS 10<sup>th</sup> DAY OF JULY, 1972:

  
UNITED STATES DISTRICT JUDGE

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

MARGARET PELTON, )  
 )  
 ) Plaintiff, )  
 vs. )  
 )  
 ELLIOT RICHARDSON, Secretary )  
 of Health, Education, and )  
 Welfare of the United States )  
 of America, )  
 )  
 ) Defendant. )

No. 71-C-151 ✓

**FILED**  
JUL 11 1972  
JOHN H. FUE, Clerk  
U. S. DISTRICT COURT

J U D G M E N T

This cause comes on for consideration by the Court upon the pleadings and transcript of the record, and upon full consideration thereof the Court affirms the decision of the Appeals Council dated March 1, 1972, that the claimant is not entitled to widow's insurance benefits under Section 202(e) and 223 respectively of the Social Security Act, as amended.

Dated this 10<sup>th</sup> day of July, 1972.

*Ruthie Bohannon*  
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

JACK S. BURDEN,

Plaintiff

VS.

UNITED STATES OF AMERICA,

Defendant

VS.

TRANSWESTERN PIPELINE  
COMPANY, a corporation,

Defendant

CIVIL ACTION NO. 71-C-226 ✓

**FILED**  
JUL 11 1972  
JOHN H. POE, Clerk  
U. S. DISTRICT COURT

ORDER DISMISSING TRANSWESTERN PIPELINE COMPANY

At a pre-trial conference pursuant to notice came plaintiff Jack S. Burden, defendant United States of America, and Transwestern Pipeline Company by their respective attorneys, and the Court having heard and considered the statements of counsel, together with the testimony adduced at the prior hearings hereof and the briefs and authorities filed, and being of the opinion that there is no genuine issue as to any material fact with respect to the possible liability of Transwestern Pipeline Company in this cause and that Transwestern Pipeline Company is entitled as a matter of law to be dismissed; it is hereby ORDERED that the previous order of this Court dated March 23, 1972, denying the motion of Transwestern Pipeline Company to dismiss be hereby set aside; and

It is further hereby ORDERED that Transwestern Pipe-  
line Company be and it is hereby dismissed from this action.

DATED this 10<sup>th</sup> day of July, 1972.

*Luther Bohannon*  
UNITED STATES DISTRICT JUDGE

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

MICHAEL R. MASON, )  
 )  
 Plaintiff, )  
 )  
 -vs- ) Case No. 72-C-233 Civil  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Respondent. )

**FILED**

**JUL 10 1972**

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

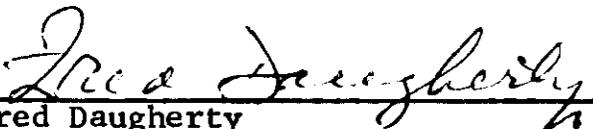
ORDER

Plaintiff has applied to this Court for a reduction of the sentence imposed in United States of America v. Michael Robert Mason, No. 69-CR-15 Criminal, Northern District of Oklahoma on 18 February 1969. It is Plaintiff's contention that the Court has the power to grant this relief under the all writs act, 28 U.S.C.A. §1651. Coram nobis is an appropriate remedy where the prisoner has not begun to serve the sentence imposed, Deckard v. United States, 381 F. 2d 77 (Eighth Cir. 1967), or where the sentence has been served, Ward v. United States, 381 F. 2d 14 (Tenth Cir. 1967). It is available to one presently serving such a sentence only to correct errors of the most fundamental character, United States v. Malinsky, 310 F. Supp. 523 (NY 1970). It is not a substitute for a proper proceeding under 28 U.S.C.A. §2255. Cito v. United States, 283 F. 2d 49 (Tenth Cir. 1960), cert. den. 366 U.S. 938, 81 S.Ct. 1664, 6 L.Ed. 2d 849.

Plaintiff presents no ground which would entitle him to relief under 28 U.S.C.A. §2255 nor under the principles governing the writ of error coram nobis discussed above. He merely seeks reduction of sentence. The power of the Court to reduce sentences is defined by Rule 35, F.R.Cr.P., 18 U.S.C.A., and such power terminated

according to the terms of that Rule 120 days after the date Plaintiff was sentenced. The 120 days have long since passed in this case.

Plaintiff's Petition for Writ of Error Coram Nobis is denied. It is so ordered this 10 day of July, 1972.

  
Fred Daugherty  
United States District Judge

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

T. E. PATTERSON, JOE L. REED  
and HORACE E. TATE, on behalf  
of themselves and all others  
similarly situated,

Plaintiffs,

vs.

FAIRMONT MAYO HOTEL,

Defendant.

CIVIL ACTION NO. 71-C-231

**FILED**

JUL - 7 1972

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

CONSENT JUDGMENT

The Plaintiffs, T. E. Patterson, Joe L. Reed and Horace E. Tate, having filed their amended complaint herein on behalf of themselves and all others similarly situated on December 23, 1971, and the Defendant, Fairmont Mayo Hotel, having filed its answer on March 27, 1972, and the Plaintiffs and Defendant have stipulated and agreed that:

I.

Plaintiffs, T. E. Patterson, Joe L. Reed and Horace E. Tate are adult citizens of the United States and, respectively, of Little Rock, Arkansas, of the State of Alabama, and of the State of Georgia, as more fully set forth in the said amended complaint.

II.

The Defendant, San-Tul Hotel Company/Simon Zunamon Company d/b/a the Fairmont Mayo Hotel, owns and operates a hotel known as the Fairmont Mayo Hotel in Tulsa, Oklahoma, as well as a restaurant located within said hotel and known as the Golden Flame Room.

III.

This action is a proper class action under Rule 23(b) (2) of the Federal Rules of Civil Procedure as provided in the Pretrial Order of this Court of May 22, 1972.

IV.

The Fairmont Mayo Hotel and the Golden Flame Room are places of public accommodation within the meaning of 42 U.S.C. §§2000a--2000a-6.

V.

The operations of the Fairmont Mayo Hotel affect commerce within the meaning of 42 U.S.C. §2000a-(c)(1), in that it provides and offers to provide lodgings to transient guests and contains 462 rooms for sleeping plus additional rooms for conferences and meetings.

VI.

The operations of the Golden Flame Room affect commerce within the meaning of 42 U.S.C. §2000a-(c)(2), in that said restaurant serves and offers to serve food and beverages to interstate travelers and a substantial proportion of the goods sold has moved in interstate commerce within the meaning of said statute.

VII.

The Golden Flame Room is physically located within the premises of the Fairmont Mayo Hotel and said restaurant holds itself out as serving the patrons of said hotel, and therefore is an establishment covered under 42 U.S.C. §2000a-(b)(4) and (c)(4).

VIII.

Plaintiffs have alleged that on February 5 and 6, 1971, they and <sup>were</sup> certain other persons/refused service in the Golden Flame Room of the Fairmont Mayo Hotel on account of race, in violation of 42 U.S.C. §§1981, 1982, 1983, and 2000a--2000a-6; and Defendant has denied said allegations and represented to this Court that it was, is and will be its policy to accommodate and serve all persons without regard to race or color and that all its officers, employees, agents, and those acting in concert with them, will continue to follow this policy faithfully at all times in the operation of the Fairmont Mayo Hotel and all the facilities of said hotel, including the Golden Flame Room.

IX.

Plaintiffs and Defendant, in the interest of conserving the time of the Court and avoiding the additional time and expenses required by the trial

of this matter, having duly consented to the entry of this final consent decree.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED by the Court, making no finding on the issue of racial discrimination, that the San-Tul Hotel Company/Simon Zunamon Company d/b/a Fairmont Mayo Hotel Company, together with all their agents, employees, successors, and all persons in active concert or participation with each or any of them be, and each of them is, hereby permanently enjoined from engaging in any act or practice, including, but not limited to, any refusal to admit or any failure or refusal to sell food, meals or beverages or to provide service, which deprives any person, directly or indirectly, on account of his race or the race of his companions of the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of the Fairmont Mayo Hotel or the Golden Flame Room.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties shall each bear their own costs of this proceeding and that, in the event that one or more of the plaintiffs, or any member of the class represented by the plaintiffs in this proceeding, should seek judicial relief pursuant to this Order, said moving party shall first afford the defendant, San-Tul Hotel Company/Simon Zunamon Company d/b/a Fairmont Mayo Hotel Company, fifteen (15) days notice of its intention to seek such judicial relief.

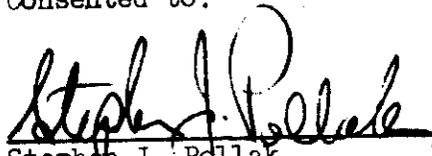
The Clerk will furnish a copy hereof to each attorney.

Entered this 7<sup>th</sup> day of July, 1972.

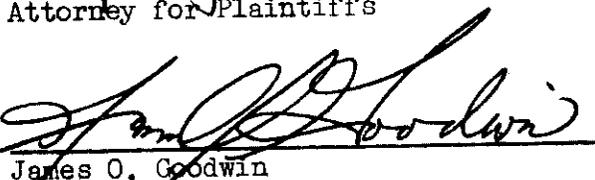
LUTHER BOHANON

LUTHER BOHANON  
United States District Judge

Consented to:

  
Stephen J. Pollak

Attorney for Plaintiffs

  
James O. Goodwin

Tom N. Krentos  
Attorneys for Defendant

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

BOARD OF TRUSTEES, PIPELINE )  
INDUSTRY BENEFIT FUND, )  
 )  
vs. Plaintiff, ) No. 72 C 66  
 )  
F. H. LINNEMAN, INC., A )  
Corporation, )  
 )  
Defendant. )

FILED  
JUL 7 1972  
JOHN B. BOGGS, Clerk  
U. S. DISTRICT COURT

JUDGMENT BY DEFAULT

The summons and the complaint in the above entitled action having been duly served on the defendant, and the defendant is in default for failure to appear in this action, and the plaintiff appearing pursuant to regular assignment; the Court declares that the defendant is in default and affords judgment to the plaintiff as hereinafter set forth, it is

ORDERED that judgment be entered in favor of the plaintiff abovenamed, and against the defendant abovenamed, in the sum of \$1141.28 together with interest at the rate of 10% from and after this date, with costs in the sum of \$19.35 and attorney fees in the amount of \$250.00.

DATED at Tulsa, Oklahoma this 6<sup>th</sup> day of July, 1972.

Leith Bohannon  
JUDGE

IEU:slb  
6/23/72

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

JUDY HARRIS, CAROL TIDD and )  
CINDY WAGGONER, )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 STANDARD FINANCE SERVICE COMPANY, )  
 )  
 Defendant. )

Civil Action ✓

No. 72-C-96

**FILED**

JUL 7 1972

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

ORDER DISMISSING PLAINTIFFS'  
CAUSES OF ACTION WITH PREJUDICE

NOW, on this 7<sup>th</sup> day of July, 1972, there having been presented to the undersigned United States District Judge sitting in and for the Northern District of Oklahoma the joint motion filed herein by the Plaintiffs and the Defendant seeking an order of Dismissal with Prejudice of the various causes of action filed by the Plaintiffs in the above styled and numbered matter, and the Court having considered the same and being well and sufficiently advised in the premises finds that said order should issue herein.

IT IS THEREFORE ORDERED BY THIS COURT that the causes of action of Judy Harris, Carol Tidd and Cindy Waggoner as contained in the above styled and numbered matter and as against the Defendant, Standard Finance Service Company, be, and the same is hereby ordered dismissed with prejudice to the bringing of any future action on the same and at the cost of the Defendant herein.

*Arthur Bohannon*  
United States District Judge

APPROVED:

*David Harris*  
David Harris, Attorney for Plaintiffs

UNGERMAN, GRABEL, UNGERMAN & LEITER

By *[Signature]*  
Attorneys for Defendant

LAW OFFICES  
UNGERMAN,  
GRABEL,  
UNGERMAN  
& LEITER  
  
SIXTH FLOOR  
WRIGHT BUILDING  
TULSA, OKLAHOMA

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

BOARD OF TRUSTEES, PIPELINE	)	
INDUSTRY BENEFIT FUND,	)	
	)	
vs.	Plaintiff,	No. 72 C 117
	)	
MICHIGAN PIPELINE AND CONSTRUCTION	)	
COMPANY, INC.,	)	
	)	
	Defendant.	)

JUDGMENT BY DEFAULT

The summons and the complaint in the above entitled action having been duly served on the defendant, and the defendant is in default for failure to appear in this action, and the plaintiff appearing pursuant to regular assignment; it is

ORDERED that judgment be entered in favor of the plaintiff abovenamed, and against the defendant abovenamed, in the sum of \$473.72 together with interest at the rate of 10% from this date, costs in the sum of \$15.00 and attorney fees in the amount of \$200.00.

DATED at Tulsa, Oklahoma this 10 day of July, 1972.

LUTHER BOHANON  
\_\_\_\_\_  
DISTRICT JUDGE

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

BOARD OF TRUSTEES, PIPELINE )  
INDUSTRY BENEFIT FUND, )  
 )  
vs. Plaintiff, ) No. 72 C ~~17~~ 121  
 )  
MURRY PIPELINE COMPANY, )  
 )  
Defendant. )

FILED  
JUL 19 1972  
U.S. DISTRICT COURT  
TULSA, OKLAHOMA

JUDGMENT BY DEFAULT

The summons and the complaint in the above entitled action having been duly served on the defendant, and the defendant is in default for failure to appear in this action, and the plaintiff appearing pursuant to regular assignment; and the plaintiff has filed a motion for default judgment and an affidavit of the amount due; it is

ORDERED that judgment be entered in favor of the plaintiff abovenamed, and against the defendant abovenamed, in the sum of \$428.00 together with interest at the rate of 10% per annum from this date, with costs in the sum of \$15.00 and attorney fees in the amount of \$200.00.

DATED at Tulsa, Oklahoma, this 12 day of July, 1972.

LUTHER BOHANNON  
JUDGE

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

KENNETH CROUCH, DAN J. DAVISSON  
and LEE A. MULHALL d/b/a Crouch  
Davisson, Mulhall Co., Realtors,

Plaintiffs,

-vs-

EDWARD A. SMITH, GERTRUDE A. SMITH  
and HERBERT P. BLEUSTEIN,

Defendants.

**FILED**

JUL 7 1972

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

No. 72-C-190

ORDER OF DISBURSEMENT AND  
ORDER OF DISMISSAL WITH PREJUDICE

Now on this 7<sup>th</sup> day of July, 1972, there comes before the Court for its consideration the joint "Stipulation of Dismissal" filed herein by the plaintiffs and defendants and the "Application for Disbursement of Deposited Funds and Order of Dismissal" filed herein by the defendants Smith. Attached to said Application is a copy of an "Agreement and Release" made between the defendants Smith and the defendant Bleustein wherein it is agreed and stipulated that the \$10,193.15 deposited with the Court Clerk by the plaintiffs in the interpleader action should be paid to the defendants Smith and this civil action should be dismissed with prejudice.

NOW, THEREFORE, it is the order of the Court as follows:

1. The Court Clerk shall disburse the \$10,193.15 heretofore deposited by the plaintiffs in the above captioned interpleader action over to the defendants, Edward A. Smith and Gertrude A. Smith, without further restrictions; and
2. The above civil action is hereby dismissed with prejudice as to all parties.

  
\_\_\_\_\_  
U.S. District Judge

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

MR. and MRS. SAM A. ORCUTT, )  
 )  
 Plaintiffs, )  
 )  
 vs. )  
 )  
 MISSOURI PACIFIC RAILROAD )  
 CO., a corporation, )  
 )  
 Defendant. )

No. 71-C-162

**FILED**  
JUL 7 1971  
JOHN H. PAUL, Clerk  
U. S. DISTRICT COURT

ORDER FOR DISMISSAL

On this 7 day of July, 1971, this case was reviewed by the Honorable Fred Daugherty, one of the judges of the United States District Court for the Northern District of Oklahoma, and having reviewed the file and the oral stipulations of counsel, the court finds that the "special appearance motion to quash service of summons, and objections as to venue" of the defendant, Missouri Pacific Railroad is valid for the reason that the defendant railroad has no lines of road or structures in Tulsa County, Oklahoma and that the action was improperly filed in its inception in the district court of Tulsa County, Oklahoma.

It is therefore ordered that the above styled action be and the same is hereby dismissed as prayed for in the motion to quash of the defendant, such dismissal to be without prejudice.

Fred Daugherty  
Judge

OK  
Joy C. Baker