

U.S. DISTRICT COURT, EAST DISTRICT OF MISSISSIPPI
MEMPHIS, TENNESSEE

No. 71-1000

WILLIAM D. HARRIS,

Plaintiff,

vs.
FARMERS' TRUST COMPANY, INC.,
an Arkansas corporation,

Defendant.

FILED
MAY 31 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF SETTLEMENT

NOW, on the date below written, comes on before me, the undersigned Judge, to be heard the proposed settlement of the parties herein; the plaintiff appearing by his next of kin, Heskett & Heskett by Elmer J. Raymond, and the defendant appearing by its attorneys, Long & Mance by Kenneth A. Mance; and the Court finds that the parties have agreed as follows:

(1) That the facts set forth in the complaint and exhibits herein are true and correct.

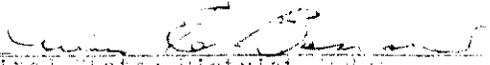
(2) That the principal plus accrued interest as of the date of the last payment, 2 February, 1971, totals a sum of \$18,262.87.

(3) That the plaintiff shall receive from the defendant the sum of \$18,262.87 plus accrued interest from the date of the last payment, 2 February, 1971, to the date of this order, at the rate of 10% per annum.

IT IS ORDERED that the plaintiff shall receive from the defendant the sum of \$18,262.87 plus accrued interest from the date of the last payment, 2 February, 1971, to the date of this order, at the rate of 10% per annum.

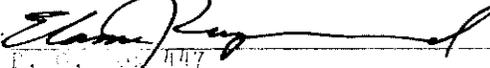
against the defendant, Grand American Company, Inc., an Arkansas
corporation, as per the address of the plaintiff herein.

Dated this 30th day of July, 1977.


United States District Judge

APPROVED AS TO FORM AND CONTENT:

Attorneys for Plaintiff
HERBERT S. HENNING

By: 
E. W. Long, III
Pawhuska, Oklahoma 74056

Attorneys for Defendant
LONG & NANCE

By: _____
1501 South Western Avenue
Oklahoma City, Oklahoma 73109

TM:tlb
7/27/73

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

AMERICAN BILTRITE ROOPER CO., INC.,)
)
 Plaintiff,)
)
 vs.)
)
 THE HAPPY COMPANY, INC.,)
)
 Defendant.)

Civil Action
 FILED
 No. 70-C-37N OPEN COURT
 JUL 31 1973

Jack C. Silver
 Clerk, U. S. District Court

ORDER DISMISSING ACTION WITH PREJUDICE

NOW, on this 31st day of July, 1973, the above entitled cause came on for hearing, upon a Stipulation of the parties to dismiss the same, and the Court being well and sufficiently advised finds that all of the matters in this cause have been adjusted by virtue of the receivership proceedings previously pending herein, and that the action between the Plaintiff and Defendant herein be, and the same is hereby dismissed with prejudice.

Spalden E. Barrow
 Chief U. S. District Judge

APPROVED:

[Signature]
 Attorney for Plaintiff

[Signature]
 Attorney for Defendant

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

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

TULSA LOCAL 212, LITHOGRAPHERS)
AND PHOTOENGRAVERS UNION,)
vs)
MORGAN ENGRAVING COMPANY, and its)
successor, UNITED GRAPHICS, INC.)

73-C-4 FILED
IN OPEN COURT

JUL 31 1973

Jack C. Silver
Clerk, U. S. District Court

DISMISSAL WITH PREJUDICE

COMES NOW the Plaintiff, TULSA LOCAL 212, LITHOGRAPHERS AND
PHOTOENGRAVERS UNION, and dismisses the above styled cause of
action with prejudice unto the Plaintiff.



Gene D. Daubert,
Attorney of Law
5662 South Pittsburg
Tulsa, Oklahoma 74135
918/742-5397

Approved
/s/ Helen E. Barron

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

THE FIRST NATIONAL BANK AND TRUST)
COMPANY OF TULSA, a National Banking)
Association,)

Plaintiff,)

-vs-)

MIAMI INDUSTRIAL AUTHORITY, A Public)
Trust, SECRETARY OF COMMERCE OF THE)
UNITED STATES OF AMERICA, E. & J.)
CONSTRUCTION COMPANY, INC., SOUTH-)
WESTERN SASH & DOOR COMPANY, SHADE)
STONE, O'BRIEN ROCK CO., INC.,)
MILLER ELECTRIC SHOP, INC., GEORGE)
SHAMBLIN, ANCO MANUFACTURING AND)
SUPPLY COMPANY, GENE LONGAN, C. WATTS)
CONSTRUCTION COMPANY, INC., CALVIN L.)
WATTS, NATIONAL INDEMNITY COMPANY,)
STEELCRAFT CORPORATION, JOHN GARRETT,)
and CROWN, LTD., a limited partner-)
ship,)

Defendants.)

72-C-78
No. ~~0-11-556~~

FILE
JUN 5 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

Now on this 31st day of July, 1973,

the above entitled cause comes on for hearing upon the Stipulation of Plaintiff and Defendant, Southwestern Sash & Door Company, to dismiss and the Court being well and fully advised finds that said cause with respect to Plaintiff and Defendant, Southwestern Sash & Door Company, should be and the same is hereby dismissed.

Stallen E. Barnes
Judge

APPROVED:

John L. Gann
Attorney for Plaintiff

Robert Marshall
Attorney for Defendant
SOUTHWESTERN SASH & DOOR COMPANY

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

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
vs.) CIVIL ACTION NO. 73-C-123
)
)
JOHNNY C. WANN and)
MELBA C. WANN,)
)
) Defendants.)

FILED

JUL 31 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

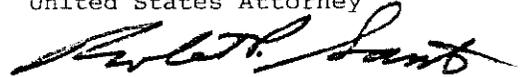
NOTICE OF DISMISSAL

COMES NOW the plaintiff, United States of America,
by and through its attorney Robert P. Santee, Assistant United
States Attorney for the Northern District of Oklahoma, and
hereby gives Notice of its Dismissal of its Complaint filed
herein on April 26, 1973. No responsive pleading to the
Complaint has been filed by any party.

Dated this 30th day of July, 1973.

UNITED STATES OF AMERICA

NATHAN G. GRAHAM
United States Attorney



ROBERT P. SANTEE
Assistant U.S. Attorney

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

FOREMOST-McKESSON, INC., d/b/a/)
McKESSON CHEMICAL COMPANY, a)
corporation,)
)
Plaintiff,)
)
vs.) No. 72-C-393
)
CHEMTROL COMPANY, a corporation)
and PALADIN INDUSTRIES, INC., a)
corporation,)
)
Defendants.)

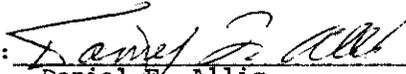
FILED
JUL 30 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

Notice of DISMISSAL WITHOUT PREJUDICE AS TO
SEPARATE DEFENDANT PALADIN INDUSTRIES, INC.

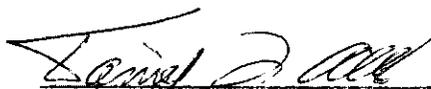
Comes now the plaintiff, Foremost-McKesson, Inc.,
d/b/a McKesson Chemical Company, by and through its attorneys
of record, Vestal & Allis, and dismisses without prejudice the
complaint filed herein on October 31, 1972, as to separate de-
fendant, Paladin Industries, Inc.

VESTAL & ALLIS
Attorneys at Law
Suite 340, City Plaza East.
5330 E. 31st Street
Tulsa, Oklahoma 74135

By: 
Daniel E. Allis

CERTIFICATE OF MAILING

I, Daniel F. Allis, do hereby certify that on the
30th day of July, 1973, I mailed a true and correct copy of
the within and foregoing Dismissal to Jack Bryant, Attorney
at Law, 115 Citizens National Bank Bldg., Abilene, Texas, At-
torney for the Defendants, by regular mail with proper postage
prepaid.


Daniel F. Allis

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

NADINE CARSON,)
)
 Plaintiff,)
)
 -vs-)
)
 RESORT ENTERPRISES, INC.,)
)
 Defendant,)

No. 73-C-46

FILED

JUL 27 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER VACATING JUDGMENT
AND
DISMISSING PLAINTIFF'S COMPLAINT WITHOUT
PREJUDICE

THIS ACTION coming before this Court upon the Plaintiff's application to vacate it's judgment and to dismiss it's complaint without prejudice the Court after reviewing the file and application of the Plaintiff finds that it is without personal jurisdiction over the Defendant corporation and that the Plaintiff's application should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the judgment obtained against the Defendant be vacated and that the complaint be dismissed without prejudice to the Plaintiff.

Dated July 27th, 1973

John C. Silver
JUDGE OF THE DISTRICT COURT

I hereby certify that on this 27 day of July, 1973, a true and correct copy of the above Order Vacating Judgment and Dismissing Plaintiff's Complaint Without Prejudice was mailed to Mr. Dwight O. Nichols, 34 Ridgway, Eureka Springs, Arkansas; Mr. Robert Boenan c/o Reut-a-Curz, 2274 East Sunshine, Springfield, Missouri and to Collier, Cobb & Associates, Chapel Hill, North Carolina. *and checked on 8/1/73*

Charles E. Godstock
CHARLES E. GODSTOCK, Attorney

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

FRED M. JOSEPH and)
ROSAMOND JOSEPH,)
)
Plaintiffs,)
)
-vs-)
)
MARNIE B. SEDBERRY; J. B.)
SEDBERRY, INCORPORATED,)
a Tennessee Corporation; and)
J. B. SEDBERRY OF TEXAS)
INCORPORATED, a Texas)
Corporation,)
)
Defendants.)

NO. 73-C-107

FILED
JAN 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

Now, on this 17 day of Jan, 1973, captioned
cause is hereby dismissed.

John E. ...
UNITED STATES DISTRICT JUDGE

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
 vs.)
)
 VERNON D. MYERS, et al.,)
)
 Defendants.)

CIVIL ACTION NO. 73-C-32

FILED

JUL 26 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 25 day of July, 1973, the plaintiff appearing by Robert P. Santee, Assistant United States Attorney, and the defendants, Vernon D. Myers and Donna Myers, appearing not.

The Court being fully advised and having examined the file herein finds that the defendants are not residents and cannot be found within the State of Oklahoma; that these defendants were served by publication, as evidenced by the Affidavit of Publication filed herein on July 24, 1973, and

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

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

Lot Five (5), Block Two (2), SEYBERT ADDITION,
an Addition to the City of Bartlesville,
Washington County, Oklahoma.

THAT the defendants, Vernon D. Myers and Donna Myers, did, on the 2nd day of April, 1971, execute and deliver to IDS Mortgage Corporation, A Delaware Corporation, their mortgage and mortgage note in the sum of \$17,450.00 with 7 percent interest per annum, and further providing for the payment of monthly installments

of principal and interest; and that by Assignment of Mortgage dated January 12, 1972, IDS Mortgage Corporation sold, assigned, transferred and set over said Mortgage Note and Mortgage to the Secretary of Housing and Urban Development, Washington, D. C., his successors and assigns.

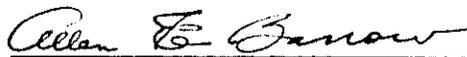
The Court further finds that the defendants, Vernon D. Myers and Donna Myers, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the above-named defendants are now indebted to the plaintiff in the sum of \$17,450.00 as unpaid principal, with interest thereon at the rate of 7 percent interest per annum from May 1, 1972, 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, Vernon D. Myers and Donna Myers, ^{in rem,} ~~For~~ the sum of \$17,450.00 with interest thereon at the rate of 7 percent interest per annum from May 1, 1972, 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.

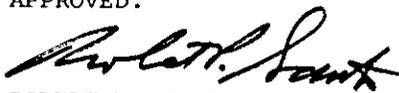
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this

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

FILED
JUL 24 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

DONALD G. BENNER, ROY PETERSON,
and JASON KOUMANOS,

Plaintiffs,

vs.

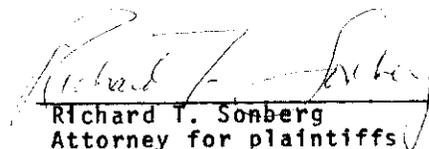
NO. 73-C-151

EMPIRE RESOURCES INTERNATIONAL,
INC., an Oklahoma corporation,
and WILLIAM H. PARISH,

Defendants.

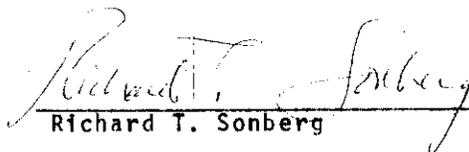
VOLUNTARY DISMISSAL BY PLAINTIFFS
(Without Prejudice)

Come Now the plaintiffs, and each of them, by and through their attorney of record, Richard T. Sonberg, and pursuant to Rule 41 (a)(1) of the Rules of Civil Procedure, do voluntarily dismiss the above-captioned civil action, without prejudice, the defendants having not answered or moved for summary judgment therein.


Richard T. Sonberg
Attorney for plaintiffs

CERTIFICATE OF MAILING

I hereby certify that a full, true and correct copy of the above and foregoing Voluntary Dismissal by Plaintiffs (Without Prejudice) was mailed to Gene Mortensen, Rosenstein, Fist & Ringold, 300 McFarlin Building, Tulsa, Oklahoma 74103, on the 24th day of July, 1973.


Richard T. Sonberg

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

ELMER DAVIS, Regional Director of the
Sixteenth Region of the National Labor
Relations Board, for and on behalf of
the NATIONAL LABOR RELATIONS BOARD,

Petitioner,

v.

INTERNATIONAL UNION OF OPERATING
ENGINEERS, LOCAL NO. 627, AFL-CIO,

Respondent.

Civil No. 73-C-185 ✓

FILED
JUL 24 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

NOTICE OF DISMISSAL PURSUANT TO RULE 41

PLEASE TAKE NOTICE that, pursuant to Rule 41 of the Federal Rules
of Civil Procedure, the above-entitled proceeding is hereby dismissed.

DATED at Fort Worth, Texas, this 13th day of July, 1973.

Evert P. Rhea

Evert P. Rhea, General Attorney
National Labor Relations Board
Sixteenth Region
Room 8A24, Federal Office Building
819 Taylor Street
Fort Worth, Texas 76102

TO: Mr. John C. Zwakman
1468-W, First National
Bank Building
St. Paul, Minnesota 55101

Mr. Gerald Ellis, Business
Manager and Attorney
Local No. 627, International
Union of Operating
Engineers, AFL-CIO
1315 South 73rd East Avenue
Tulsa, Oklahoma 74112

Mr. C. R. Warren, Business Agent
Sprinkler Fitters Local 669
1619 LaTexo
Houston, Texas 77018

IT IS SO ORDERED:

July-23 - - -, 1973.

Luther Bohanon
Luther Bohanon
United States District Judge

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

HENRY SMITH,)
)
 Plaintiff,)
)
 vs.)
)
 THE ATCHISON, TOPEKA & SANTA)
 FE RAILWAY COMPANY, a)
 corporation, and STILLWATER)
 MILLING COMPANY, an Oklahoma)
 corporation,)
)
 Defendants.)

No. 71-C-401
Civil Action

FILED
JUL 24 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OVERRULING MOTION FOR NEW TRIAL

NOW on this 19th day of July, 1973, the plaintiff's Motion for New Trial as to the Defendant Stillwater Milling Company on the issue of damages only, comes on for hearing before me, the undersigned Judge. The Court having heard the argument of counsel and being fully advised in the premises finds that the plaintiff's Motion for New Trial should be and the same is overruled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff's Motion for New Trial as against the Defendant Stillwater Milling Company on the issue of damages only should be and the same is hereby overruled.

Luther Bohannon
Judge

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
 vs.) No. 72-C-11
)
 CITY OF PAWHUSKA, OKLAHOMA, A)
 Municipal Corporation,)
)
 Defendant.)

FILED

JUL 19 1973

Jack C. Silver, 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 with the Clerk of this Court, it is

THE JUDGMENT OF THE COURT that plaintiff have and recover nothing of and from the defendant, and judgment is hereby rendered in favor of the defendant and against the plaintiff.

Dated this 19th day of July, 1973.

Arthur Bohanan
UNITED STATES DISTRICT JUDGE

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

WELLS MILLS, INC., an Indiana
Corporation,

Plaintiff,

DEWEY MILL AND ELEVATOR, INC.,
an Oklahoma Corporation,

Defendant.

PO. 75-8-120

FILED
IN OPEN COURT

JUL 19 1973

JACK C. SILVER, CLERK
U. S. DISTRICT COURT

J U D G M E N T

Now on this 19th day of July, 1973, said cause came on regularly for hearing, upon plaintiff's Motion for Default Judgment and plaintiff appeared by and through its counsel our defendant appeared not. Thereupon, the Court determines that defendant was properly served but has failed to appear within the time provided or after the filing of plaintiff's Motion for Default Judgment. Therefore, the Court finds that the allegations of plaintiff's petition are confessed as against defendant and the same are true and correct. Plaintiff is entitled to judgment as prayed for in said petition.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment from the defendant in the principal sum of \$14,175.34, with interest thereon ^{at} six percent from November 27, 1970 to this date for a reasonable attorney fee in the sum of \$_____, and interest hereafter at the rate of ten percent per annum until paid, and costs of this action

[Signature]
HONORABLE LUTHER BOHAYON, Judge

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

WALTER WILLIAMS,

Plaintiff,

vs.

COX MOTOR COMPANY,

Defendant.

No. 77-C-245

FILED

AUL 19 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

Dismissal With Prejudice

COMES NOW the Plaintiff above named, appearing by and through his counsel of record, and respectfully shows to the Court that all things and matters, demands and liens in controversy between the parties, WALTER WILLIAMS and COX MOTOR COMPANY have been paid, compromised and settled and that there are no further issues, liens, claims or demands between the parties, whereby Plaintiff prays an order of this Court dismissing said action as against the Defendant and dismissing its demand for a claimed lien under the statutes of the United States and further states that such dismissal shall be to the prejudice of bringing another or future action.

C
O
P
Y

Walter Williams, Plaintiff

Byron E. Williams, Attorney for Plaintiff

Order of Dismissal

NOW on this _____ day of _____, 1973, the Plaintiff's motion for Dismissal with Prejudice having been duly presented to the Court for ratification and approval, and the Court finds that the Plaintiff, WALTER WILLIAMS, and the Defendant, COX MOTOR COMPANY, have settled and compromised all of their issues, claims, controversies and demands, and that said action should be Dismissed with Prejudice to the bringing of another or future action.

IT IS THEREFORE ORDERED That this action be, and the same is hereby, dismissed with prejudice.

Executed at _____, Oklahoma, this _____ day of _____, 1973.

Allen Barrow, U. S. District Judge

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

FILED
JUL 23 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
DONALD HERMAN BLOSCH a/k/a)
DONALD H. BLOSCH, et al.,)
)
Defendants.)

Civil Action No. D73-C-26

REFERRED

JUL 23 1973

AT
Jack C. Silver
Clerk, U. S. District Court

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 23-day
of July, 1973, the plaintiff appearing by Robert P. Santee, Assistant
United States Attorney, and the defendants, Donald Herman Blosch
a/k/a Donald H. Blosch and Ova Lorita Blosch, appearing not.

The Court being fully advised and having examined the
file herein finds that after diligent effort the whereabouts and
residence of these defendants cannot be ascertained; that these
defendants were served by publication as evidenced by the Proof of
Publication filed herein on July 17, 1973, and

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

The N/2 of the S/2 of the NE/4 of the NE/4
of Section 19, Township 15 North, Range 9 East
in Creek County, State of Oklahoma, according
to the U. S. Government Survey thereof.

THAT the defendants, Donald Herman Blosch and Ova Lorita
Blosch, did, on the 1st day of July, 1970, execute and deliver
to the Administrator of Veterans Affairs, their mortgage and
mortgage note in the sum of \$19,400.00 with 7 1/2 percent interest
per annum, and further providing for the payment of monthly install-
ments of principal and interest; and

The Court further finds that the defendants, Donald Herman Blossch and Ova Lorita Blossch, 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 \$19,170.52 as unpaid principal, with interest thereon at the rate of 7 1/2 percent interest per annum from February 1, 1972, 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, Donald Herman Blossch and Ova Lorita Blossch, ^{in rem,} for the sum of \$19,170.52 with interest thereon at the rate of 7 1/2 percent interest per annum from February 1, 1972, 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 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.

Lee Daugherty
United States District Judge

APPROVED.

Robert P. Santee
ROBERT P. SANTEE
Assistant United States Attorney

AMERICAN BANK NOTE COMPANY,

Plaintiff,

v.

NO. 17-111 ✓

OKARN, JAMES, ALICE LARETN,
and JOHN DOE,

Defendants.

ORDER

W. SCOTT CURT
U.S. DISTRICT COURT

NOW, on this 23rd day of July, 1973, upon application of the Plaintiff, the Plaintiff's Motion to Dismiss, with prejudice, is hereby granted by order of the Court with costs to the parties and *Plfs action is dismissed.*

FW

W. Scott Curt

UNITED STATES DISTRICT COURT

LAW OFFICES
UNGERMAN,
GRABEL &
UNGERMAN

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA

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

PUBLIC SERVICE COMPANY OF OKLAHOMA,)
An Oklahoma corporation,)
)
Plaintiff,)

vs.)

No. 72-0465

A 130 foot wide easement and right-of-)
way for electric power transmission)
line purposes to be located upon,)
over and across a certain tract of)
land in Rogers County, State of Okla-)
homa;)

AND)

THE UNITED STATES OF AMERICA as a)
matter affecting the title to certain)
Cherokee Indian lands previously al-)
lotted in fee with certain restraints)
on alienation and presently owned by)
restricted Cherokee Indians: MALINDA)
WILLIAMS, also known as Malinda Wil-)
liams Hummingbird, 15/16th Cherokee,)
NE; SADIE MAE CRITTENDEN, also known)
as Sadie Mae Torbey, 15/16th Cherokee)
NE; NATHAN CRITTENDEN, 15/16th Cher-)
okee, NE, the unknown heirs and)
successors in the interest of WEBSTER)
CRITTENDEN, 7/8th Cherokee, Roll No.)
M-4483, all being successors to the)
interest of FRANCIS WALKINGSTICK,)
deceased, full blood Cherokee, Roll)
No. 20094,)

Defendants.)

FILED

JUL 20 1973

**Jack C. Silver, Clerk
U. S. DISTRICT COURT**

FINAL DECREE AUTHORIZING
TAKING IN CONDEMNATION

Now, on this 19 day of July, 1973, this cause comes on regularly to be heard, Plaintiff appearing by its attorney, Richard H. Ruth, and Defendant, United States of America, as Trustee, and on behalf of the aforementioned Indian owners, appearing by Jack Short, Assistant United States Attorney for the Northern District of the State of Oklahoma, all parties having announced ready for trial, the attention of the Court is directed to each and every of the following pleadings heretofore filed in this proceeding, to-wit:

The Complaint and Application for Order directing manner of service, verified under oath; the Order of this Court directing the manner of service of Notice; Notice by the Plaintiff to

the Attorney General of the United States of America, in Washington, D. C., and Nathan G. Graham, United States Attorney for the Northern District of Oklahoma; Notice by the Clerk of this Court to the Area Director⁰⁰⁰, Muskogee Area Office, Bureau of Indian Affairs, Department of the Interior, Muskogee, Oklahoma, on behalf of the United States of America, for the above-named Cherokee Indians; Affidavits of Mailing and delivery of Notices executed under oath by Richard H. Ruth, attorney; General appearance of the United States on behalf of said restricted Cherokee Indians; Order Appointing Commissioners; Oath of Commissioners; Report of Commissioners; Order Fixing Commissioners Fees; all as filed herein;

Whereupon, Plaintiff, by and through its attorney, in open Court, withdraws its demand for trial by jury heretofore filed in this cause and Defendants, by and through the Assistant United States Attorney in open Court withdraw their demand for trial by jury and thus being fully advised in the premises, all parties submit the issue of damages to the Court for determination.

Plaintiff and Defendants then introduced their respective testimony and evidence relative to the damages suffered by the parties in interest in and to the lands herein condemned and which will result from appropriation by the Plaintiff of a perpetual easement and right-of-way for an electric power transmission line, all as hereinafter more particularly set out, and the Court being fully advised in the premises finds as follows:

THE COURT FINDS that the matter set out in the verified Complaint filed herein by Plaintiff are true and correct, and said Plaintiff, a corporation, organized under the laws of the State of Oklahoma, authorized and qualified to furnish light, heat and power by electricity, engaged in the generation and production of electricity for light, heat and power purposes, and for the distribution and sale thereof through eastern and southwestern Oklahoma, characterized by the laws of the State of Oklahoma as a public service corporation, and operating as such, is therefore authorized by the laws of the State of Oklahoma to exercise the right of eminent domain to acquire rights-of-way for electric power transmission and distribution, and it further

appearing that the taking and use of an easement and right-of-way for the purposes is a taking and use for a public purpose, and that said Plaintiff should be granted the relief prayed for in its Complaint; that this Court has proper jurisdiction of this cause by reason of the Act of Congress of March 3, 1901, Chapter 832, Section 3, 31 Stat. 1084, 24 USCA, Sec. 357; applicable Oklahoma Statutes are 27 O.S.A., Sec. 7, and 66 O.S.A., Secs. 51-60 inclusive; Rule 71-A(k) of the Federal Rules of Procedure applies; and that notice of this proceeding has been served according to law and the Order of this Court upon all parties in interest in and to the lands involved herein, including the United States of America, which is an interested party by reason of the fact that this matter affects the title to certain restricted lands previously allotted in fee with certain restraints on alienation and presently owned by restricted Cherokee Indians. That all necessary parties to this cause are now properly before the Court for final disposition of the proceedings; that all parties hereto have withdrawn their demands for trial by jury; and Defendant, United States of America, has joined with Plaintiff in praying that full disposition be made of this proceeding, and the Court make its findings with respect to damages; that the easement and right-of-way sought to be condemned by Plaintiff herein will not, in any way, constitute a burden or encumbrance upon the mineral interests in said land involved herein.

THE COURT FURTHER FINDS that the nature of the property and the rights with respect to the lands so to be taken and the uses for which said property is to be taken are:

A perpetual easement and right-of-way 130 feet in width for the purpose of erecting, operating, and maintaining upon, over and along the route and across the lands hereinafter fully described, an electric power transmission line, consisting of double-pole, H-frame structures, and special steel structures carrying wires and fixtures, operating initially at 345 thousand volts, carrying, for transmission, electric power and energy and telephone and

telegraph messages necessary to the operation thereof, together with rights and privileges of ingress and egress for the purposes of constructing, operating, maintaining, removing or reconstructing said electric power transmission line at any time, and including also the right to cut down, trim, remove or chemically treat trees and undergrowth, and to prohibit the placement of or remove other obstacles which may, in Plaintiff's judgment, interfere with or endanger said line, its maintenance or operation within an area of sixty-five (65) feet on both sides of the center line thereof, BUT RESERVING, nevertheless, to the landowners, lessees and tenants of said lands, at all times, the right to make any use of said lands, including the 130 foot width of said easement, as is not inconsistent with or dangerous to the operation and maintenance of said electric power transmission line.

THE COURT FURTHER FINDS that the description of the lands upon, over and across which Plaintiff seeks herein to condemn said easement and right-of-way, together with the beneficial owners thereof, Defendants herein, and the reasonable and adequate compensation for the damages occurring to said lands and interest therein as the result of said appropriation of an easement and right-of-way thereover is as follows:

TRACT NO. 1:

The Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Section 11, Township 24 North, Range 15 East, Rogers County, Oklahoma.

To construct upon, over and across said tract an electric power transmission line carrying initial nominal voltage of 345 KV, having 6 conductors and 2 shield wires, all mounted on double-pole, H-frame structures, upon an easement 130 feet in width, the centerline of which is described as follows:

Entering said tract 232 feet West of the Southeast corner thereof, thence in a northeasterly direction leaving said tract at a point 195 feet South of the Northeast corner of said tract. Traversing said tract a total distance of 70 rods.

Including the location of 2 double-pole, H-frame structures.

THE COURT FINDS that just compensation for the above-described easement taken by Plaintiff herein upon, over and across the tract herein described, to be paid to the owners of said tract, is in the amount of Fifteen Hundred Dollars (\$1,500.00).

THE COURT FURTHER FINDS that Nathan Crittenden possesses a 7/18th interest in the above described; Sadie Mae Crittenden, now Torbey, possesses a 7/18th interest in the above-described tract and Malinda Williams, now Hummingbird, possesses a 4/18th interest in the above-described tract and that the aforesaid individuals are the sole and only owners of said tract.

THE COURT FURTHER FINDS that the aforementioned total damages and compensation in the amount of Fifteen Hundred Dollars (\$1,500.00) shall be distributed among the aforesaid owners as follows: Nathan Crittenden shall receive the amount of \$583.33; Sadie Mae Crittenden, now Torbey, shall receive the amount of \$583.33; and Malinda Williams, now Hummingbird, shall receive the amount of \$333.34, and that the foregoing damages awarded completely compensate the aforesaid owners of said land for all injury and damage done either directly or indirectly to the interest of same in and to said lands, crops, fences, improvements thereon, which may result from the construction, operation, maintenance of said electric power transmission line and that such award also includes adequate compensation for the right of future ingress and egress to and from said land for future maintenance, operation, reconstruction or removal of said line, but does not include damages to said land or to crops, fences, and improvements thereon, which may, in the future, result from unreasonable exercise of said right of entry or such maintenance, operation, reconstruction or removal.

THE COURT FURTHER FINDS that the Plaintiff has heretofore paid to the Clerk of this Court the sum of Twelve Hundred and Fifty Four Dollars (\$1,254.00) pursuant to the Report of Commissioners filed herein; said amount being the full amount reported by said Commissioners.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff pay to the Clerk of this Court the sum of Two Hundred and Forty-Six Dollars (\$246.00).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the entry upon and taking forthwith of said perpetual easement and right-of-way as found and described above herein, upon, over and across said lands as hereinbefore set out by Plaintiff, for the construction, operation, reconstruction or removal of an electric power transmission line, all as prayed for in said Complaint, is hereby authorized and confirmed in all things, and said Plaintiff, Public Service Company of Oklahoma, is hereby vested with the perpetual right of ingress and egress, all free and clear of any and all claims of Defendant herein, their heirs and assigns, who are hereby perpetually enjoined and barred from hereinafter claiming adversely to Plaintiff's said rights, privileges and estate ordered, decreed and adjudged and granted herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Clerk of this Court make payment to the restricted owners as follows: Nathan Crittenden, \$583.33; Sadie Mae Crittenden, now Torbey, \$583.33; Malinda Williams, now Hummingbird, \$333.34.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the perpetual easement and right-of-way taken by Plaintiff and described herein in the operation of said electric power transmission line will not, in any way, constitute a burden or encumbrance upon the mineral interests in said land.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the costs of this proceeding be taxed against the Plaintiff.

ALLEN E. BARROW

Allen E. Barrow, Judge, U. S.
District Court for the Northern
District of Oklahoma

APPROVED FOR PLAINTIFF:


Richard H. Ruth

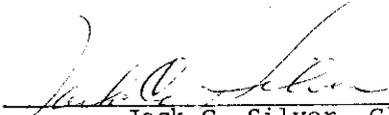
APPROVED FOR DEFENDANTS:


Jack Short, Assistant U. S.
Attorney, Northern District of
Oklahoma

STATE OF OKLAHOMA, COUNTY OF TULSA, ss:

I, the undersigned Clerk of the U. S. District Court for the Northern District of Oklahoma, do hereby certify that on the 20 day of July, 1973, Public Service Company of Oklahoma, Plaintiff in said cause, deposited in my office in said cause for the use and benefit of the parties in interest and owners of the tract of land described in said Decree, the sum of Two Hundred and Forty-Six Dollars (\$246.00) as ordered in said Decree, and that said Plaintiff has further paid all costs accrued and accruing in this office in said action to this date.

Witness my hand and seal of office hereto affixed at the Federal Building in Tulsa, Oklahoma, this 20 day of July, 1973.



Jack C. Silver, Clerk
U. S. District Court for the
Northern District of Oklahoma

By _____
Deputy

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

Oklahoma Turnpike Authority,)
)
Plaintiff,)
)
vs.)
)
120.42 Acres of Land in)
Pawnee County, State of)
Oklahoma, more or less,)
et al,)
)
Defendants.)

FILED

No. 72-C-406 JUL 19 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

J U D G M E N T

Now, on this 18 day of July, 1973, there comes on for hearing pursuant to regular assignment, the application of the plaintiff herein for a judgment approving the Commissioners Reports heretofore filed in this proceeding.

Thereupon, the Court proceeded to hear and pass upon said application, the Petition for condemnation, Reports of Commissioners, and all other matters herein, and finds:

1. Each and all of the allegations of said Petition for condemnation are true and the Oklahoma Turnpike Authority, is entitled to acquire the property by eminent domain for the uses and purposes therein set forth.

2. In said Petition for Condemnation, a statement of plaintiff under which, the public use for which the estates in said lands were taken, was set forth.

3. A proper description of the lands sufficient for the identification thereof is set out in said Petition for Condemnation and a statement of the estates or interest in said lands taken for the public use is set out therein.

4. Due, proper and legal notice of the Application of the plaintiff for the appointment of Commissioners herein was served by law and order of this Court and the Return as filed by the United States Marshall's office is true and correct, and that the same are in accordance with law and are hereby approved by this Court.

5. The Court further conducted a judicial inquiry into the sufficiency of plaintiffs' search to determine the names

and whereabouts of the defendants who were served herein by publication, and based on the evidence adduced the Court finds that plaintiffs have exercised due diligence and have conducted a meaningful search of all reasonably available sources at hand. The Court approves the publication service given herein as meeting both Statutory Requirements and the minimum standards of State and Federal due process. The Court further finds such publication service to be legally sufficient and regular in all respects, and the Court hereby approves such Service by Publication upon said defendants.

6. The Court finds that the Commissioners appointed herein to appraise and fix the damages occasioned by the taking of the estates in the lands involved in this proceeding duly qualified by taking and filing herein their oath of office as such, and said duly qualified Commissioners, after inspection of the premises and consideration of the damages sustained occasioned by the taking of said estates in said lands, filed their reports herein on February 20, 1973, wherein they fixed the fair cash market value of the estates taken, and all damages to the remainder, if any, as well as damages to tenants thereof, as to the lands more described as follows, to-wit:

TRACT DESIGNATION	DAMAGES	
	Owner	Tenant
Tract No. 1 (CM-104)	\$ 9,841.37	None - Settled
Tract No. 2 (CM-104A)	8,082.90	\$ 217.00
Tract No. 3 (CM-104B)	14,890.45	250.27
Tract No. 4 (CM-107)	3,473.50	None - Settled
Tract No. 5 (CM-109)	2,301.00	42.67
Tract No. 6 (CM-109A)	1,888.42	49.02
Tract No. 7 (CM-110)	1,072.92	23.33
Tract No. 8 (CM-117)	6,874.44	336.30

Said tracts of land being more particularly described, to-wit:

Tract No. 1

The fee simple title in and to the following described real estate, excepting oil and other mineral rights, but including dirt, rock, gravel, sand and other road-building materials, to-wit:

That part of the $E\frac{1}{2}$ $SW\frac{1}{4}$ and $SE\frac{1}{4}$ $NW\frac{1}{4}$ of Section 8, T 20N, R5E, in Pawnee County, Oklahoma described by metes and bounds as follows:

Beginning at the Southwest corner of said $SE\frac{1}{4}$ $NW\frac{1}{4}$, thence North along the West line of said $SE\frac{1}{4}$ $NW\frac{1}{4}$ a distance of 595 feet, thence Easterly on a curve to the right having a radius of 3969.7 feet a distance of 860 feet, thence S 79° 43'E a distance of 163 feet, thence N 10° 17'E a distance of 50 feet, thence S 79° 43'E a distance of 200 feet, thence S 10° 17'W a distance of 50 feet, thence S 79° 43'E a distance of 130 feet to a point on the East line of said $SE\frac{1}{4}$ $NW\frac{1}{4}$, 431 feet North of the Southeast corner of said $SE\frac{1}{4}$ $NW\frac{1}{4}$, thence South along the East line of said $SE\frac{1}{4}$ $NW\frac{1}{4}$ and $E\frac{1}{2}$ $SW\frac{1}{4}$ a distance of 517 feet, thence S 80° 23'W a distance of 497 feet, thence Southwesterly on a curve to the right having a radius of 3969.7 feet a distance of 853 feet to a point on the West line of said $E\frac{1}{2}$ $SW\frac{1}{4}$, thence North along said West line a distance of 212 feet to point of beginning.

Containing 23.19 acres, more or less.

Also, a permanent easement for public highway purposes on the following described tract:

That part of the $E\frac{1}{2}$ $SW\frac{1}{4}$ and $SE\frac{1}{4}$ $NW\frac{1}{4}$ of Section 8, T 20N, R5E in Pawnee County, Oklahoma described by metes and bounds as follows:

Beginning at a point on the East line of said $E\frac{1}{2}$ $SW\frac{1}{4}$, 86 feet South of the Northeast corner of said $E\frac{1}{2}$ $SW\frac{1}{4}$, thence South along said line a distance of 81.3 feet, thence S 79° 43'W a distance of 486.3 feet, thence Southwesterly on a curve to the right having a radius of 4049.7 feet a distance of 844.6 feet, thence S 52° 58'W a distance of 50 feet to a point on the West line of said $E\frac{1}{2}$ $SW\frac{1}{4}$, thence North along said West line a distance of 101.3 feet to a point 212 feet South of the Northwest corner of said $E\frac{1}{2}$ $SW\frac{1}{4}$, thence Northeasterly on a curve to the left having a radius of 3969.7 feet a distance of 853 feet, thence N 79° 43'E a distance of 497 feet to point of beginning.

Containing 2.50 acres, more or less.

Also, beginning at the Northeast corner of said $SE\frac{1}{4}$ $NW\frac{1}{4}$, thence West along the North line of said $SE\frac{1}{4}$ $NW\frac{1}{4}$ a distance of 40 feet, thence South a distance of 100 feet, thence East a distance of 40 feet to a point on the East line of said $SE\frac{1}{4}$ $NW\frac{1}{4}$, thence North along said East line a distance of 100 feet to point of beginning.

Containing 0.09 acres, more or less.

Tract No. 2

The fee simple title in and to the following described real estate, excepting oil and other mineral rights, but including dirt, rock, gravel, sand and other road-building materials, to-wit:

That part of the $W\frac{1}{2}SE\frac{1}{4}$ and $SW\frac{1}{4}NE\frac{1}{4}$ of Section 8, T 20N, R 5E, in Pawnee County, Oklahoma described by metes and bounds as follows:

Beginning at the Southwest corner of said $SW\frac{1}{4}NE\frac{1}{4}$, thence North along the West line of said $SW\frac{1}{4}NE\frac{1}{4}$ a distance of 431.0 feet, thence S $79^{\circ}43'E$ a distance of 109.0 feet, thence S $87^{\circ}40'E$ a distance of 1007.0 feet, thence N $72^{\circ}20'E$ a distance of 205.0 feet to a point on the East line of said $SW\frac{1}{4}NE\frac{1}{4}$, 425 feet North of the Southeast corner of said $SW\frac{1}{4}NE\frac{1}{4}$, thence South along the East line of said $SW\frac{1}{4}NE\frac{1}{4}$ and $W\frac{1}{2}SE\frac{1}{4}$ a distance of 530.0 feet, thence N $69^{\circ}40'W$ a distance of 44.0 feet, thence N $84^{\circ}40'W$ a distance of 470.0 feet, thence S $88^{\circ}20'W$ a distance of 695.0 feet, thence S $80^{\circ}23'W$ a distance of 108.0 feet to a point on the West line, thence North along said West line a distance of 85.0 feet to point of beginning.

Containing 14.40 acres, more or less.

Also a permanent easement for public highway purposes on the following described tract:

That part of the $SW\frac{1}{4}NE\frac{1}{4}$ of Section 8, T 20N, R 5E, in Pawnee County, Oklahoma described by metes and bounds as follows:

Beginning at the Northwest corner of said $SW\frac{1}{4}NE\frac{1}{4}$, thence East along the North line of said $SW\frac{1}{4}NE\frac{1}{4}$ a distance of 40 feet, thence South a distance of 100 feet, thence West a distance of 40 feet to a point on the West line of said $SW\frac{1}{4}NE\frac{1}{4}$, thence North along said West line a distance of 100 feet to point of beginning.

Containing 0.09 acres, more or less.

Also a temporary easement during construction of the Cimarron Turnpike on the following described tract:

That part of the $W\frac{1}{2}SE\frac{1}{4}$ of Section 8, T 20N, R 5E, in Pawnee County, Oklahoma described by metes and bounds as follows:

Beginning at a point on the West line of said $W\frac{1}{2}SE\frac{1}{4}$, 85 feet South of the Northwest corner of said $W\frac{1}{2}SE\frac{1}{4}$, thence N $80^{\circ}22'E$ a distance of 108.0 feet, thence Southerly along a line parallel to said West line a distance of 81.3 feet, thence S $80^{\circ}22'W$ a distance of 108.0 feet to a point on said West line, thence North along said West line a distance of 81.3 feet to point of beginning.

Containing 0.20 acres, more or less.

Tract No. 3

The fee simple title in and to the following described real estate, excepting oil and other mineral rights, but including dirt, rock, gravel, sand and other road-building materials, to-wit:

That part of the $E\frac{1}{2} SE\frac{1}{4}$ and $SE\frac{1}{4} NE\frac{1}{4}$ of Section 8, T 20N, R 5E, in Pawnee County, Oklahoma described by metes and bounds as follows:

Beginning at the Southwest corner of said $SE\frac{1}{4} NE\frac{1}{4}$, thence North along the West line of said $SE\frac{1}{4} NE\frac{1}{4}$ a distance of 425.0 feet, thence N 72° 20' E a distance of 272.0 feet, thence N 60° 20' E a distance of 787.0 feet, thence S 89° 40' E a distance of 167.8 feet, thence N 13° 50' E a distance of 428.5 feet to a point on the North line of said $SE\frac{1}{4} NE\frac{1}{4}$, 100 feet West of the Northeast corner of said $SE\frac{1}{4} NE\frac{1}{4}$, thence East along said North line a distance of 50.0 feet to a point on the West right-of-way line of state Highway 18, thence South along said West right-of-way line a distance of 3117.0 feet, thence N 89° 40' W a distance of 50.0 feet, thence North parallel to said right-of-way line a distance of 730.0 feet, thence N 10° 40' W a distance of 505.0 feet, thence N 89° 40' W a distance of 110.5 feet, thence N 59° 40' W a distance of 764.2 feet, thence N 75° 34' W a distance of 349.0 feet to a point on the West line of said $E\frac{1}{2} SE\frac{1}{4}$, thence North along said West line a distance of 105.0 feet to point of beginning.

Containing 33.46 acres, more or less.

Tract No. 4

The fee simple title in and to the following described real estate, excepting oil and other mineral rights, but including dirt, rock, gravel, sand and other road-building materials, to-wit:

That part of the $E\frac{1}{2} NE\frac{1}{4}$ of Section 9, T 20N, R5E, in Pawnee County, Oklahoma described by metes and bounds as follows:

Beginning at the Southwest corner of said $E\frac{1}{2} NE\frac{1}{4}$, thence North along the West line of said $E\frac{1}{2} NE\frac{1}{4}$ a distance of 342.1 feet, thence S 89° 40'E a distance of 866.4 feet, thence S 86° 20'E a distance of 436.7 feet to a point on the East line of said $E\frac{1}{2} NE\frac{1}{4}$, thence South along said East line a distance of 325.6 feet to the Southeast corner of said $E\frac{1}{2} NE\frac{1}{4}$, thence West along the South line of said $E\frac{1}{2} NE\frac{1}{4}$ a distance of 1302.2 feet to point of beginning.

Containing 10.13 acres, more or less.

Tract No. 5

The fee simple title in and to the following described real estate, excepting oil and other mineral rights, but including dirt, rock, gravel, sand and other road-building materials, to-wit:

That part of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, T 20N, R 5E in Pawnee County, Oklahoma described by metes and bounds as follows:

Beginning at the Southwest corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$, thence North along the West line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 415.8 feet; thence S 86° 20' E a distance of 365.3 feet; thence S 3° 40' W a distance of 100 feet; thence S 86° 20' E a distance of 964 feet to a point on the East line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence South along said East line a distance of 228.3 feet to the Southeast corner of said SW $\frac{1}{4}$ NW $\frac{1}{4}$; thence West along the South line of said SW $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 1321 feet to point of beginning.

Containing 9.08 acres, more or less.

Tract No. 6

The fee simple title in and to the following described real estate, excepting oil and other mineral rights, but including dirt, rock, gravel, sand and other road-building materials, to-wit:

That part of the $SE\frac{1}{4} NW\frac{1}{4}$ of Section 10, T 20N, R 5E in Pawnee County, Oklahoma described by metes and bounds as follows:

Beginning at the Southwest corner of said $SE\frac{1}{4} NW\frac{1}{4}$; thence North along the West line of said $SE\frac{1}{4} NW\frac{1}{4}$ a distance of 228.3 feet, thence S $86^{\circ} 20' E$ a distance of 736 feet; thence N $3^{\circ} 40' E$ a distance of 50 feet; thence S $86^{\circ} 20' E$ a distance of 200 feet; thence S $3^{\circ} 40' W$ a distance of 50 feet; thence S $86^{\circ} 20' E$ a distance of 387.5 feet to a point on the East line of said $SE\frac{1}{4} NW\frac{1}{4}$; thence South along said East line a distance of 141 feet to the Southeast corner of said $SE\frac{1}{4} NW\frac{1}{4}$; thence West along the South line of said $SE\frac{1}{4} NW\frac{1}{4}$ a distance of 1321 feet to point of beginning.

Containing 5.84 acres, more or less.

Also a temporary easement during construction of the Cimarron Turnpike on the following described tract:

That part of the $SE\frac{1}{4} NW\frac{1}{4}$ of Section 10, T 20N, R 5E in Pawnee County, Oklahoma described by metes and bounds as follows:

Beginning at a point on the West line of said $SE\frac{1}{4} NW\frac{1}{4}$, 228.3 feet North of the Southwest corner of said $SE\frac{1}{4} NW\frac{1}{4}$; thence S $86^{\circ} 20' E$ a distance of 236 feet to a point of beginning, thence continuing S $86^{\circ} 20' E$ a distance of 500 feet; thence N $3^{\circ} 40' E$ a distance of 50 feet; thence N $86^{\circ} 20' W$ a distance of 500 feet; thence S $3^{\circ} 40' W$ a distance of 50 feet to said point of beginning.

Containing 0.57 acres, more or less.

Tract No. 7

The fee simple title in and to the following described real estate, excepting oil and other mineral rights, but including dirt, rock, gravel, sand and other road-building materials, to-wit:

That part of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 10, T 20N, R 5E in Pawnee County Oklahoma described by metes and bounds as follows:

Beginning at the Southwest corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence North along the West line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 241.2 feet; thence S 86° 20' E a distance of 618.4 feet; thence S 3° 40' W a distance of 100 feet; thence S 86° 20' E a distance of 734.8 feet to a point on the East line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence South along said East line a distance of 59.9 feet to the Southeast corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$; thence West along the South line of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ a distance of 1341 feet to point of beginning.

Containing 4.51 acres, more or less.

Tract No. 8

The fee simple title in and to the following described real estate, excepting oil and other mineral rights, but including dirt, rock, gravel, sand and other road-building materials, to-wit:

That part of the NE $\frac{1}{4}$ of Section 12, T 20N, R5E, in Pawnee County, Oklahoma described by metes and bounds as follows:

Beginning at the Southwest corner of said NE $\frac{1}{4}$, thence North along the West line of said NE $\frac{1}{4}$, a distance of 95.8 feet, thence N 86° 31'E a distance of 2461.1 feet, thence N 7° 35'E a distance of 765.3 feet, thence N 89° 49'E a distance of 49.0 feet to a point on the East line of said NE $\frac{1}{4}$, thence South along said East line a distance of 944.3 feet to a point on the South line of said NE $\frac{1}{4}$, thence West along said South line a distance of 2606 feet to point of beginning.

Containing 10.48 acres, more or less.

Also a Temporary easement during construction of the Cimarron Turnpike on the following described tract:

That part of the NE $\frac{1}{4}$ of Section 12, T 20N, R5E, in Pawnee County, Oklahoma described by metes and bounds as follows:

Beginning at a point on the East line of said NE $\frac{1}{4}$, 944.3 feet North of the Southeast corner of said NE $\frac{1}{4}$, thence S 89° 49'W a distance of 49 feet, thence S 7° 35'W a distance of 765.3 feet, thence S 86° 31'W a distance of 102 feet, thence N 7° 35'E a distance of 850 feet, thence N 45° 00'E a distance of 150 feet, thence due East a distance of 33 feet to a point on the East line of said NE $\frac{1}{4}$, thence South along said East line a distance of 200 feet to point of beginning.

ALSO: Beginning at a point on the West line of said NE $\frac{1}{4}$, 95.8 feet North of the Southwest corner of said NE $\frac{1}{4}$, thence North along said West line a distance of 300.6 feet, thence N 86° 31'E a distance of 511.5 feet, thence S 3° 29'E a distance of 300 feet, thence S 86° 31'W a distance of 539.8 feet to point of beginning.

Containing in both tracts 5.88 acres, more or less.

7. It further appearing to the Court that no demands for jury trial were filed by either plaintiff or any of the defendants in the above numbered and entitled cause within sixty (60) days after the filing of the Commissioners Report in the office of the Court Clerk in this case, and that therefore, the damages as assessed and noted hereinabove by the Commissioners heretofore appointed is final and assesses damages to owner and tenants of all tracts involved in this cause of action.

8. The Court further finds that the said just compensation for the estates taken herein for the tracts herein described as fixed by the Report of Commissioners and Court judgment is final just compensation which amounts have been paid by plaintiff.

9. The Court having fully considered the Petition for Condemnation and all proceedings had herein, is of the opinion that the plaintiff was and is entitled to take said property and have the title to the estate therein taken vested in it, and the alleged public purpose and use, as set out in said Petition for Condemnation, is hereby adjudged to be in truth and in fact a public purpose and use within the meaning and report of the laws of the State of Oklahoma.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Reports of Commissioners filed herein are final and the damages sustained as set out and fixed in said Reports of Commissioners as hereinabove set forth, and judgment of the Court is full and just compensation for the taking of said estate in the lands hereinabove described.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the estate taken for public use, as described hereinabove, as to each and all tracts of land, be, and the same hereby is, vested in plaintiff absolutely, said plaintiffs having paid into the registry of this Court all sums due herein for the use and benefit of the owners of said lands.

LUTHER BOHANON
Luther Bohanon
United States District Judge

APPROVED:

SCOTT & PERRY

W. William J. Perry
William J. Perry
Attorneys for Plaintiff

H. Hubert A. Marlow
Hubert A. Marlow
Assistant United States Attorney

IN THE FEDERAL DISTRICT COURT FOR THE NORTHERN DISTRICT

OF OKLAHOMA

MISCELLANEOUS ACTIONS OF THE)
 STATE OF OKLAHOMA,)
)
 Plaintiff,)
)
 -vs-)
)
 DELTA P. WIX and SOONER STATE)
 NEWS AGENCY,)
)
 Defendants.)

No. 73 C 198

NOTICE OF DISMISSAL

Comes now the defendants, Sooner State News Agency, Inc. and Delta P. Wix and by and through their attorney, Don E. Gasaway, hereby dismisses its Petition for Removal in the above styled and numbered case, filed on the 12th day of July, 1973.

WOODSON AND GASAWAY

By: _____
Don E. Gasaway

CERTIFICATE OF MAILING

I, Don E. Gasaway, do hereby certify that I placed a true and correct copy of the above and foregoing instrument in the United States Mail, postage prepaid, on the 13th day of July, 1973, to Don E. Austin, Court Clerk, Tulsa County Courthouse, Tulsa, Oklahoma, and S. M. Fallis, Jr. District Attorney, Tulsa County Courthouse, Tulsa, Oklahoma.

WOODSON & GASAWAY
 ATTORNEYS AT LAW
 1849 EAST FIFTEENTH
 TULSA, OKLAHOMA
 74104
 AREA CODE 918
 527-1008

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

ROBERT F. MARTIN, et al,)	
)	
Plaintiffs,)	
)	
-vs-)	
)	
LAUREL STEWART, et al,)	Civil Action
)	
Defendants.)	No. 71-C-348

ORDER OF DISMISSAL

NOW on this 12th day of July, 1973, the Court having reviewed the "Joint Dismissal With Prejudice" filed by all parties under Rule 41,

IT IS HEREBY ORDERED that the above captioned civil action is dismissed, with prejudice, with each party to bear his own costs herein incurred.

/s/ Allen E. Barrow
U.S. District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA
DISORDER OF DISMISSAL

MOBILE POWER ENTERPRISES, INC.,
vs. Challenge Corporation, et al.,
Plaintiffs,

NO. 72-C-411

POWER VAC, INC., a Foreign Corporation
and ANILAS, INC., a Foreign
Corporation,
Defendants.

Consolidated

EUGENE ASHLEY GAITHERS,
Plaintiff,

NO. 72-C-412

vs.
POWER VAC, INC., a Foreign Corporation
and ANILAS, INC., a Foreign
Corporation,
Defendants.

ORDER OF DISMISSAL WITH PREJUDICE

THIS matter coming on for hearing before the Court on this 9 day of July, 1973, upon the application of the Plaintiffs for order of dismissal with prejudice in this cause, Plaintiffs appearing by counsel, McConnico & Thompson, and defendant Power Vac, Inc., appearing by counsel, Dan A. Rogers, and the Defendant Anilas, Inc., appearing by counsel, Rucker, Tabor, McBride & Hopkins, and the Court being advised in the premises and having examined the application of the Plaintiffs herein, find that all issues of law and fact heretofore existing between the parties have been settled, compromised, released and extinguished, save and except for the application of Anilas, Inc., against Mobile Power Enterprises, Inc., to tax and assess costs and attorneys fees, for valuable consideration flowing from the Defendants to Plaintiff, and further finds that there remains no issue of law or fact to be determined in this cause, with the exception of the issue of taxing and assessing of cost as herein before stated, and further finds that the Plaintiff's desire to dismiss their cause of future actions for the reasons stated,

and that their application should be granted;

BE IT, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that all issues of law and fact heretofore existing between the Plaintiffs and the Defendants, save and except the issue of the taxing and assessing of costs as between Anilas, Inc., upon its application to assess cost against Mobile Power Enterprises, Inc., have been settled, compromised, released and extinguished for valuable consideration, and that there remains no issue to be determined in this cause between the parties save and except as herein before stated;

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by the Court that upon consumation of the settlement by distribution of the draft of the amount of SIXTEEN THOUSAND DOLLARS (16,000.00) held by the Court Clerk herein, that the attorneys for the Plaintiff withhold in their trust account, the sum of FIFTEEN HUNDRED DOLLARS (\$ 1,500.00) to assure the availability of funds in the event costs and attorney fees are assessed against Mobile Power Enterprises, Inc.;

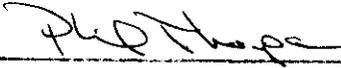
BE IT FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Court Clerk is hereby ORDERED to release the draft in the sum of SIXTEEN THOUSAND DOLLARS (\$16,000.00) to the attorneys for the Plaintiff;

BE IT FURTHER ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff's cause and any causes arising therefrom, be and the same are hereby dismissed with prejudice to all future actions, and that the issue of the taxing and assessing of costs as between Anilas, Inc., and Mobile Power Enterprises, Inc., be reserved for decision by the Court, and it is so ORDERED.

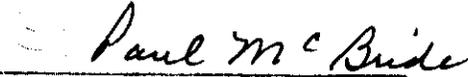

UNITED STATES DISTRICT JUDGE

APPROVED:

McCONNICO & THOMPSON
Attorneys for Plaintiffs

By: 

RUCKER, TABOR, McBRIDE & HOPKINS
Attorneys for Defendant Anilas, Inc.

By: 


DAN A. ROGERS
Attorney for Defendant Power Vac, Inc.

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

THOMAS J. CLARK,)
)
) Petitioner,)
)
)
) NO. 73-C-122
)
)
)
)
)
) Respondent.)

O R D E R

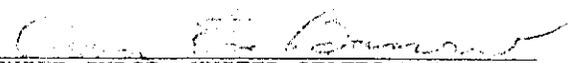
The Court has for consideration an instrument filed pro se, in forma pauperis, by Thomas J. Clark, wherein the petitioner attempts to invoke 28 U.S.C. § 2254 by claiming violations of the 4th, 5th, 6th, 13th and 14th Amendments to the United States Constitution in his jury trial and conviction for obtaining merchandise by bogus check in the Tulsa County District Court, State of Oklahoma, in Case No. 69-2139, affirmed on appeal, Case No. A-17,224. See Clark v. State of Oklahoma, 499 P.2d 467 (1972). It further appears that he asserts as jurisdictional grounds 28 U.S.C. § 1875; 8 U.S.C. §§ 41, 43, 47; and the Civil Rights Act of 1964 and 1965. There is no Section 1875 in Title 28 of the Federal Code. The Title 8 Sections relied upon are now Title 42, Sections 1981, et seq.

After repeated readings of the instruments presented by the petitioner, the Court finds that petitioner seeks appellate review in this United States District Court of his State trial, conviction, and sentence, on the assertion that he was convicted and sentenced for a false crime because he committed no crime. There is further an allusory insinuation throughout the instruments that such was perpetrated upon him because he is a negro. Further, it appears that petitioner may be complaining about an action for liable filed against him in the State Court, Case No. CRM 70-219. If so, there is no showing that the adequate and available State remedies have been exhausted, and the Civil Rights Statute cannot be used to circumvent exhaustion of state remedies in habeas corpus. Denney v. State of Kansas, 436 F.2d 587 (10th Cir. 1970).

The Court finds, from the instruments presented, a total failure to set forth allegations that would give this Court jurisdiction to proceed or grant relief herein. Therefore, the Court finds that the instruments in their present form, with their dearth of specificity, fail to establish jurisdiction in this Court and further do not comply with Local Court Rule 6; and that the action should be denied and dismissed.

IT IS, THEREFORE, ORDERED that the instruments herein be denied and dismissed without prejudice to a later action, if valid grounds therefor exist, wherein jurisdictional grounds are properly alleged and there is compliance with the Local Court Rules.

Dated this 11th day of July, 1973, at Tulsa, Oklahoma.



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

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

RALPH A. SMITH, ARTHUR W.)
CONSOER, FRANK R. MORBIUS,)
LEO F. REEM, FREDERICK)
BUNKFELDT, JR., CARL W.)
MORBIUS and KENNETH D.)
MORBIUS,)

Plaintiffs,)

vs.)

DONALD L. MISHLER,)
Defendant.)

Cause No. 73-C-5

O R D E R

Jack C. Sibley, Clerk
U. S. DISTRICT COURT

This matter coming on to be considered this 2nd day of July, 1973, by the Court upon the Joint Motion and Stipulation of Plaintiff and defendant to dismiss the Plaintiff's Complaint with prejudice, and the Court being fully advised in the premises finds that pursuant to said Joint Motion and Stipulation the Complaint and causes of action therein stated should be and the same are hereby dismissed, with prejudice, at the Plaintiff's costs.

Luther Bohanon

Luther Bohanon, Judge

APPROVED:

Austin R. Deaton
DEATON & GASSAWAY
207 Townsend Building
Ada, Oklahoma 74829
Attorneys for Plaintiff's

Original Signed By

JACK H. SANTEE
Jack H. Santee
MARTIN, LOGAN, MOYERS, MARTIN & CONWAY
920 National Bank of Tulsa Building
Tulsa, Oklahoma 74103
Attorneys for Defendant

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

TERRY T. BAUSER,)
)
 Plaintiff,)
 vs.)
)
 FRANCIS A. HOLTON,)
)
 Defendant.)

No. 73-C-53

FILED
JUL 11 1973
JAMES C. SUMMERLIN
U. S. DISTRICT COURT

ORDER OF DISMISSAL

ON this 10 day of July, 1973, upon the written application of the parties for a Dismissal with Prejudice of the Complaint and all causes of action, the Court having examined said application, finds that said parties have entered into a compromise settlement covering all claims involved in the Complaint and have requested the Court to dismiss said Complaint with prejudice to any future action, and the Court being fully advised in the premises, finds that said Complaint should be dismissed pursuant to said application.

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

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

APPROVAL:

EEAGINS, SUMMERLIN & WILLIAMS

By: James Summerlin
James Summerlin

Attorneys for the Plaintiff

KNIGHT, WILBURN & WAGNER

By: Ray H. Wilburn
Ray H. Wilburn

Attorneys for the Defendant

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

BOB J. CHEATHAM, Individually and)
for all others similarly situated,)
)
Complainants,)
)
vs.)
)
REGINALD D. BARNES, Chairman, G.T.)
DAUGHERTY, WILBUR DEE CAVE, R. M.)
GREER, LEON N. GILBERT, MRS. ROBERT I.)
HARTLEY, JOE D. VOTO, CARL E. WARD,)
and W. E. FARHA, Members of the)
Oklahoma Oklahoma Public Welfare)
Commission; L. E. RADER, Director of)
PUBLIC WELFARE, STATE OF OKLAHOMA:)
NORA NICHOLSON, Administrator of PUB-)
LIC WELFARE, TULSA COUNTY, STATE OF)
OKLAHOMA, DAVID HALL, Governor, STATE)
OF OKLAHOMA, LARRY DERRYBERRY, Attor-)
ney General, STATE OF OKLAHOMA,)
Individually and in their official)
capacities,)
)
Respondents.)

No. 73-C-52 ✓

FILED
JUL 10 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER SUSTAINING RESPONDENTS' MOTION
TO DISMISS

The Court has for consideration the Respondents' Motion to Dismiss, the briefs in support of and in opposition thereto, and, being fully advised in the premises, finds:

That the Complainant, Bob J. Cheatham, has received Aid to the Disabled since 1967 for himself and Aid for Dependent Children for his two children and wife. In October, 1971, the Complainant and his wife opened Tulsa Residential Supply Company, a merchandising business in residential supplies. On October 26, 1972, a periodic review home visit was made by the Complainant's caseworker, Stanley Riggs. At that time, the Complainant's financial records were examined and deposits totaled. On the basis of the bank deposits and application of the 25% rule found in 321.63

Section A(1)(a), paragraph 2 and 331.63 Section A(1)(a) of the Oklahoma Department of Public Welfare, Manual of Policy and Procedure, caseworker Riggs determined that the Complainant made an excessive income to qualify for public assistance benefits. The Complainant requested an appeal of the caseworker's decision that he had excessive earned income to be eligible for public benefits by a request for hearing dated November 15, 1972. At the hearing on November 29, 1972, the Complainant contended that his company was not making a profit and tendered evidence in an attempt to show that the company was not making a profit. Complainant further contended the company was not providing any earned income for him.

As a result of the hearing, the Complainant was denied Aid to the Disabled and Aid for Dependent Children benefits to become effective upon February 1, 1973.

The Complainant thereupon filed the instant litigation in this Court and was granted a temporary restraining order against the Respondents, which temporary restraining order placed him back upon welfare pending the outcome of the legal issues. Effective April 12, 1973, the Oklahoma Public Welfare Department, following the temporary restraining order placing the Complainant on welfare again, revised the earned income provisions of their manual to include an alternative method to the 25% rule, allowing a Claimant the alternative of presenting a profit and loss statement certified by a licensed public accountant who is not a relative of the claimant. It was required that the statement cover a period of at least the preceding 12 months from the time of application or recertification.

Thereafter, the Respondents filed the Motion to Dismiss which is the subject matter of this Order.

The Court is of the opinion that the Motion to Dismiss should be sustained for the following reasons:

1. The Respondents have reinstated the named complainant.

2. The Court fails to find there is anything unreasonable about the amended Oklahoma public assistance eligibility regulations, Section 321.63 and 331.63, as amended, in placing the alternative profit and loss statement prepared by a certified or licensed accountant burden upon the public assistance applicant if he objects to the formula method.

3. Tenth Circuit opinions have consistently held that a claimant must establish disability to qualify for disability benefits. *Valentine v. Richardson* (10th Cir., 1972) 468 F.2d 788; *Keating v. Secretary of Health, Education and Welfare of United States* (10th Cir., 1972) 458 F.2d 1065; *Johnson v. Finch* (10th Cir., 1971) 437 F.2d 1321.

4. It is well established that where disability is claimed, the burden of sustaining the claim for benefits under the Social Security Act is on claimant. *Adams v. Flemming* (2nd Cir., 1960) 276 F.2d 901; *Hawkins v. Celdrezze* (W.D. Ark., 1962) 210 F.Supp. 341.

5. There is no real controversy or issue of fact or law and the question now before the Court has, therefore, become moot.

IT IS, THEREFORE, ORDERED that the Respondents' Motion to Dismiss be and the same is hereby sustained, and the Complaint and cause of action are hereby dismissed.

IT IS FURTHER ORDERED that the Temporary Restraining Order issued by the Court on March 6, 1973, be vacated.

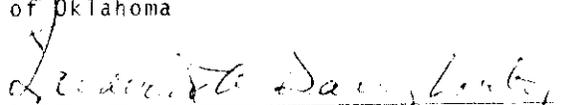
ENTERED this 10th day of June, 1973.



JAMES E. BARRETT, United States Circuit
Judge, Tenth Circuit



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



FREDERICK A. DAUGHERTY, Judge, United
States District Court, Western, Eastern
and Northern Districts of Oklahoma

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

CHARLES HENRY BEAN,)	
)	
Plaintiff,)	
)	
vs.)	
)	
JUDY HOPE KELLY WORDROP,)	71-C-335
)	
Defendant,)	
)	
and)	
)	
MFA MUTUAL INSURANCE COMPANY,)	
)	
Garnishee.)	

FILED
JUL 10 1973

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER REMANDING

The Court, having reconsidered its Order filed July 31, 1972, Overruling Plaintiff's Motion to Remand, and having carefully perused the entire file and the briefs of the parties, and, being fully advised in the premises, finds:

That 12 O.S.A. §1182 provides:

"The proceedings against a garnishee shall be deemed an action by the plaintiff against garnishee and defendant, as parties defendant, ***."

The deposition of the defendant, Judy Hope Kelly Wordrop, (p. 3 & 4) reveal that she was domiciled and resided and was a citizen of Oklahoma on August 16, 1971, the date the garnishee summons was issued.

The Court, therefore, concludes that the requisite diversity jurisdiction does not exist and the case should be remanded. London & Lancashire Indemnity Co. v. Courtney (10th CCA, 1939) 106 F.2d 277; Moore's Federal Practice, Volume 1A, page 4-301; Bank v. Turnbull & Co. (1873) 10 Wall 197; Condurant vs. Wagon (1880) 103 U.S. 281.

IT IS, THEREFORE, ORDERED that this cause of action
and complaint be and the same are hereby remanded to the District
Court for Tulsa County, Oklahoma.

ENTERED this 10 day of July, 1973.

William H. Marshall

CHIEF UNITED STATES DISTRICT JUDGE

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

DORIS ANN WHITETAIL PARKER and)
EPHEL ARLENE WHITETAIL ACHTENBERG,)

Plaintiffs,)

vs.)

70-C-373)

JOHN PAPPAN, Superintendent of the)
Osage Indian Agency; CECIL WOOD,)
Field Solicitor of the Osage Indian)
Agency; RAYMOND L. SANFORD,)
Regional Solicitor of the Department)
of the Interior; and FRED J.)
RUSSELL, Acting Secretary of the)
Interior,)

Defendants,)

RAYMOND RED CORN, HAROLD RED CORN,)
THELMA TUCKER, ALEX PAPPIN, and)
GARNEY CANNON,)

Intervenors.)

FILED

JUL 10 1970

Jack C. Silver, Clerk
U. S. DISTRICT COURT

FINDINGS OF FACT AND CONCLUSIONS
OF LAW

The Court has for consideration the Motion for Summary Judgment filed by the plaintiffs and the Motion for Summary Judgment filed by the Intervenors, the briefs in support and opposition thereto, the transcript of the proceedings and exhibits supplied by the Osage Indian Agency, the Memorandum dated October 10, 1969, to the Superintendent, Osage Agency, from the Field Solicitor, Lawhuska, with reference to the Will of John P. Whitetail, Osage Probate No. 491, deceased, and being fully advised in the premises, makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. John P. Whitetail, Osage Allottee No. 491, now deceased, executed a Last Will and Testament in the office of W. H. McKenzie, an attorney then practicing in Pawhuska, Oklahoma. The will was subscribed to, as witnesses, by Kenneth Isbell, Osage County Court Reporter, and Theodore S. Brunt and Archie L. Mason, employees of the Osage Indian Agency.

2. Mr. Whitetail departed this life on December 3, 1967.

3. A petition for the approval of the June 19, 1958 will was duly filed and notice of hearing was mailed on April 12, 1968 to each of the contestants. The notice set the hearing for April 23, 1968.

4. Doris Ann Parker and Ethel Arlene Achterberg filed protests against the admission of the Will on April 22, 1968, one day prior to the hearing. Copies of said protests were served on proponents' counsel the day of the hearing, i.e. April 23, 1968.

5. Loretta LaPuma filed and served a copy of her protest on the day of the hearing.

6. Ruth Garcia Whitetail and Donald Bussey Whitetail filed protests on April 29, 1968.

7. The proponents objected to the protests filed on the grounds that they violated the rules of procedure set forth in 25 C.F.R. 17. Section 17.3(b) provides in part.

"(b) Any interested party desiring to contest approval of the will may, not less than 5 days before the date set for hearing, file written objections in triplicate, showing that a copy thereof was served upon attorneys for the proponent and other attorneys of record in the case. ***."

This objection and motion for strike were overruled and the

objection was preserved throughout the hearing.

8. Proponents introduced evidence to establish the execution and attestation of the Will. The burden of proving lack of testamentary capacity was undertaken by the contestants seeking to establish the incompetency of the testator since a period of 1926 to 1932. Contestants, Doris Ann Parker and Ethel Whitetail petitioned for approval of a 1956 will executed by the testator.

9. The Superintendent approved the June 19, 1958 Will on November 25, 1969. An appeal was taken by the contestants and briefs were submitted. The approval of the Will was sustained by the Regional Solicitor on April 17, 1970.

10. Thereafter this action was commenced on December 4, 1970, and is presently pending before the Court on the Motion for Summary Judgment of the Interveners and the Motion for Summary Judgment filed by the plaintiffs.

CONCLUSIONS OF LAW

1. This Court has jurisdiction of the subject matter of the litigation and the parties.

2. The Secretary's authority to delegate matter of this nature are contained in the Act of Congress of May 29, 1950, 15 F.R. 3174, 64 Stat. 1262, as Amended July 5, 1952, 66 Stat. 121.

3. The Department of Interior has the authority to determine the Wills of restricted Osage Indians and such determinations are binding unless the decision is shown to be an arbitrary one.

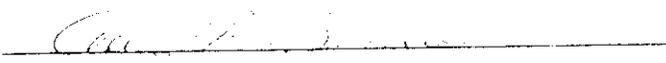
4. Based on the evidence adduced before the Examiner, the approval of the Will in question was proper and was not arbitrary.

5. The Court cannot place this matter in the posture of a trial de novo, but must look to ascertain if there was substantial evidence to support the findings of the Department of the Interior.

6. The findings of the Department of the Interior are substantiated by the evidence and the applicable law.

7. 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 Intervenor.

ENTERED this 10 day of July, 1973.



CHIEF UNITED STATES DISTRICT JUDGE

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 AN ARTICLE OF DEVICE CONSISTING)
 OF ONE DEVICE, MORE OR LESS,)
 LABELED IN PART:)
)
 "DIAPULSE MODEL D101 Serial)
 NO. 8644 *** DIAPULSE MANU-)
 FACTURING CORPORATION OF)
 AMERICA NEW YORK CITY ***")
)
 AND ALSO INCLUDING AN ITEM OF)
 WRITTEN, PRINTED AND GRAPHIC)
 MATTER RELATING TO THE ARTICLE,)
 AND CONSISTING OF A FOLDER)
 ENTITLED "A CONTINUAL SEARCH")
 AND "DIAPULSE CORPORATION OF)
 AMERICA", WHICH CONTAINS NEWS-)
 LETTERS DATED MARCH 1968,)
)
 Defendant.)

CIVIL ACTION NO. 73-C-82 ✓

FILED

JUL 10 1973

J.
Jack C. Silver, Clerk
U. S. DISTRICT COURT

CONSENT DECREE OF CONDEMNATION

On March 15, 1973, a libel of information against the above-described article and literature relating thereto was filed in this Court on behalf of the United States of America by the United States Attorney and the Assistant United States Attorney for this district. The libel alleges that the article and literature proceeded against are a device and literature which were shipped in interstate commerce and are misbranded and misleading in violation of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352(a) and (f)(1)). Pursuant to Monition issued by this Court, the United States Marshal for this district seized said article and literature on March 28, 1973. Thereafter, Leon Anderson of Jenks, Oklahoma, intervened and filed claim to said article. Claimant consents that a Decree, as prayed for in the libel, be entered condemning the article and literature under seizure.

The Court being fully advised in the premises finds that the allegations in the Complaint are true and correct; that the article and the literature relating thereto were misbranded and misleading when introduced into and while in interstate commerce and that they cannot be salvaged for any useful purpose.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COURT that the said article and the literature under seizure are misbranded and misleading in violation of 21 U.S.C. 352(a) and (f) (1), and are therefore hereby condemned pursuant to 21 U.S.C. 334(a); and it is further

ORDERED, ADJUDGED, AND DECREED, pursuant to 21 U.S.C. 334(e), that the United States of America shall recover from said Claimant court costs and fees, and storage and other proper expenses, as taxed herein, to-wit, the sum of \$29.64; and

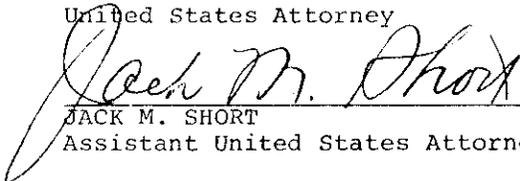
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED BY THE COURT that said article and the literature relating thereto seized and held by the United States Marshal for the Northern District of Oklahoma under and pursuant to the Monition heretofore issued and served herein and by consent of the Claimant, be and they are hereby ORDERED forfeited to the United States of America, and the United States Marshal for the Northern District of Oklahoma is ordered and directed to destroy said article and the literature relating thereto because they cannot be salvaged for any useful purpose.

Dated at Tulsa, Oklahoma, this 10 day of ^{July}~~June~~,
1973.


UNITED STATES DISTRICT JUDGE

We hereby consent to the entry of the foregoing Decree.

NATHAN G. GRAHAM
United States Attorney


JACK M. SHORT
Assistant United States Attorney

ROONEY MCINERNEY
Attorney for Leon Anderson, Claimant

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
vs.)	CIVIL ACTION NO. 73-C-161
)	
GUY T. BURGESS aka GUY THOMAS)	
BURGESS, MARY FRANCES BURGESS,)	
GARY LEE ROBERTS, SAINT FRANCIS)	
HOSPITAL, INCORPORATED, PAYCO OF)	
ILLINOIS, and ROBERT G. FRY,)	
Attorney-at-Law,)	
)	
Defendants.)	

ST. FRANCIS HOSPITAL
JUL 11 1973
Jack C. ROBERTS
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this _____ day of July, 1973, the plaintiff appearing by Robert P. Santee, Assistant United States Attorney, and the defendants, Guy T. Burgess aka Guy Thomas Burgess, Mary Frances Burgess, Gary Lee Roberts, Saint Francis Hospital, Incorporated, Payco of Illinois, and Robert G. Fry, Attorney-at-Law, appearing not.

The Court being fully advised and having examined the file herein finds that Guy T. Burgess aka Guy Thomas Burgess, Mary Frances Burgess, and Gary Lee Roberts were served with Complaint and Summons on May 23, 1973; that Saint Francis Hospital, Incorporated and Robert G. Fry, Attorney-at-Law, were served with Complaint and Summons on May 22, 1973; that Payco of Illinois was served with Complaint and Summons on May 30, 1973, all as appears from the Marshal's Return of Service herein, and

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 Five (5), SUBURBAN ACRES
SECOND ADDITION to the City of Tulsa, County
of Tulsa, State of Oklahoma, according to the
recorded plat thereof.

THAT the defendants, Guy T. Burgess aka Guy Thomas Burgess and Mary Frances Burgess, did, on the 20th day of February, 1971, execute and deliver to Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$10,000.00 with 4 1/2 percent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendant, Gary Lee Roberts, was the grantee in a deed from Guy T. Burgess and Mary Francis Burgess dated July 3, 1971, and filed September 15, 1971, in Book 3985, Page 548, records of Tulsa County, wherein Gary Lee Roberts assumed and agreed to pay the mortgage indebtedness being sued upon herein.

The Court further finds that the defendants, Guy T. Burgess aka Guy Thomas Burgess, Mary Frances Burgess, and Gary Lee Roberts, 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 \$9,957.42 as unpaid principal, with interest thereon at the rate of 4 1/2 percent interest per annum from December 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, Guy T. Burgess aka Guy Thomas Burgess, Mary Frances Burgess, and Gary Lee Roberts, in personam, for the sum of \$9,957.42 with interest thereon at the rate of 4 1/2 percent interest per annum from December 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,)
)
) Petitioner,) Civil No. 73-C-115 ✓
)
vs.)
)
)
)
)
) KYLE DAILY NICHOLS,) FILED
) JUL 10 1973 U
) Patient.) Jack C. Silver, Clerk
) U. S. DISTRICT COURT

ORDER OF DISMISSAL

On this date, it appearing from the reports received by this Court (which are filed coincident herewith) that the Surgeon General through Harold T. Conrad, M.D. at the National Institute Mental Health Clinical Research Center, Lexington, Kentucky, has determined that the above named patient's continued confinement is no longer necessary or desireable pursuant to 42 U.S.C. §3416.

THEREFORE, IT IS HEREBY ORDERED BY THE COURT, that these proceedings be dismissed and that said patient be discharged immediately from the care and custody of the Surgeon General.

Dated this 10th day of July, 1973.


UNITED STATES DISTRICT JUDGE

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

FILED

JUL 10 1973

TIMOTHY CHARLES PROCK,)
)
Petitioner,)
)
vs.)
)
STATE OF OKLAHOMA,)
)
Respondent.)

Jack C. Silver, Clerk
U. S. DISTRICT COURT

NO. 73-C-179

O R D E R

THE COURT, having examined the petition for writ of habeas corpus filed herein by the Clerk together with the Initial Report of the United States Magistrate concerning the same and being fully advised in the premises, FINDS:

1. That petitioner's allegation of mistreatment by prison authorities does not present a matter within the jurisdiction of this Court in that, from his own admissions in his pro se petition, it appears the petitioner is not being denied medical treatment, but rather that he does not agree with the prognosis of the attendant physicians and wishes hospitalization and medical care outside the prison facilities.

2. Further, it does not appear that the applicant has exhausted the remedies available in the Courts of the State of Oklahoma, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the petitioner. 28 U.S.C.A. § 2254 and Hogatt vs. Page, 432 F.2d 41 (10th Cir. 1970).

IT IS, THEREFORE, ORDERED:

1. That the request for appointment of counsel is overruled and the Petition for Writ of Habeas Corpus is denied and the case is dismissed.

2. That the Clerk of this Court furnish to petitioner a copy of this Order together with the Initial Report of the United States Magistrate.

Dated this 10th day of July, 1973, at Tulsa, Oklahoma.

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

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

RETAIL CLERKS UNION, LOCAL NO. 73,)

Plaintiff,)

vs.)

SAFEWAY STORES, INCORPORATED,)

Defendant.)

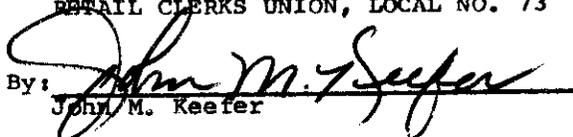
No. 73-C-171

NOTICE OF DISMISSAL

COMES NOW the Plaintiff above-named, Retail Clerks Union,
Local No. 73, and does hereby dismiss the above-entitled action,
with prejudice to the filing of a new action at a later date.

DATED this 9th day of July, 1973.

RETAIL CLERKS UNION, LOCAL NO. 73

By: 

John M. Keefer

JARBOE & KEEFER
1210 Mid-Continent Bldg.
Tulsa, Oklahoma 74103

CERTIFICATE OF SERVICE

I do hereby certify that on this 9th day of July, 1973,
I mailed a true and correct copy of the within and foregoing
Notice of Dismissal to T. Hillis Eskridge, BOESCHE, McDERMOTT &
ESKRIDGE, Attorneys at Law, 1300 NBT Building, Tulsa, Oklahoma
74103, Attorney for Safeway Stores, Incorporated, by regular
mail, with all postage fully prepaid thereon.


John M. Keefer

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

CLYDE L. MORLAND, Pro Se,)
)
Petitioner,)
)
vs.)
)
WILBURN K. DeBRULER, Special)
Agent In Charge, Federal Bureau)
of Investigation Regional Office,)
P. O. Box 25732, Oklahoma City,)
Oklahoma 73125,)
)
Respondent.)

No. 73-C-89

FILED

JUL 9 1973

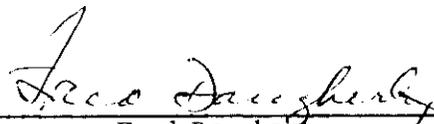
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

On May 30, 1973, the above respondent filed a motion to dismiss the Petition for Writ of Mandamus.

On June 5, 1973, the Court ordered the petitioner to respond to said motion within twenty (20) days from said date. Petitioner has failed to comply with said order.

IT IS THEREFORE ORDERED that petitioner's action herein is dismissed this 9th day of July, 1973, for failure of petitioner to comply with an order of this Court. 15 A.L.R.2d 407. ^{FILE}
^


Fred Daugherty
United States District Judge