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12/12/73

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

ENVIRONMENTAL DYNAMICS, INC.,

Plaintiff,

vs.

H. B. GUTELIUS, JR.; E. C. GUTELIUS;
THOMAS G. WATSON; CLAY CULLEN;
ETHMER HAGGARD; JOHN KACZMAREK;
L. D. ALLEN; W. L. MORRIS; A. V. TERRELL;
LONNIE FRANKLIN; M. M. CARSO; MILDRED
DEUTSCH; INLAND STATES GAS CO.; and
MID INGLISH,

Defendants.

No. 73-C-93

FILED

DEC 26 1973

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

ORDER OF DISMISSAL WITH PREJUDICE

On stipulation of dismissal filed herein on December 21, 1973,
(Cause of action & Complaint)
IT IS ORDERED that this case be and the same is hereby dismissed with prejudice
as to all parties and further ordered that plaintiff and defendants each shall
bear their own costs, including attorneys' fees.

DATED this 21st day of December, 1973.

Cecil E. Barrow

CHIEF UNITED STATES DISTRICT JUDGE

LAW OFFICES

UNGERMAN,
GRABEL &
UNGERMAN

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA

minerals in and under 170 acres of land described in the Complaint together with all appurtenant rights for exploration, development, production and removal of said oil, gas and other minerals, and all right, title, and interest in and to the structures and improvements now situate on and/or in said land which are owned or used in connection with said oil, gas and other minerals, subject, however, to existing easements for purposes of roads and highways, public utilities, railroads and pipelines. The 170 acres are part of a 300 acre unit of ownership. The taking is thus a partial taking as to the unit of ownership and the Commission properly considered, in accordance with the Court's instruction, the fair market value of the entire unit of ownership consisting of 300 acres before and after the taking in arriving at just compensation. The date of taking was April 2, 1971. There was an operating oil field on the unit of ownership engaged in secondary recovery measures by water flooding with water injection wells, a water pumping system and production wells together with certain structures and other property situated on the premises and used in connection with said operation. All of the various interests in the property taken have been disposed of except the working interest of Lewis and the oil payment of Evans.

Rule 53(e)(2), Federal Rules of Civil Procedure, provides that the Court shall accept the findings of fact of the Commission unless clearly erroneous. As all interested parties have spoken to the Report by filing Objections thereto or by responding favorably thereto as shown by the pleadings herein, the matter is before the Court for action upon the Report and Objections thereto as contemplated by Rule 53(e)(2). The Court adopts and affirms the Report.

The Commission found just compensation for the working interest taken (less the oil payment with which it was burdened) to be \$28,269.00 broken down at \$18,161.00 representing the equipment taken and \$10,108.00 for the working interest without the equipment. The value of the equipment appears to have been based largely on the testimony of the only witness presented who had had an opportunity to see and know what equipment was on the property on or near the date of taking and its fair market value. The value of the working interest without the equipment appears to have been based on the findings from credible evidence that the unit at or before the taking could produce an average of five (5) barrels of oil per day for a four-year future period of time and the net value thereof after deduction of lifting costs and the Evans oil payment.

The Commission found just compensation for the oil payment to be \$2,294.00. Such oil payment, originally in the amount of \$20,000.00, had an unpaid balance of \$15,842.00 at the date of taking. The Commission also found that it would not pay out due to production capabilities of the property but would pay \$2,294.00 free of costs and fixed just compensation in said amount. It was found to have no value after the taking herein.

The Objections to the Report are but arguments about the testimony. As to the working interest, the Commission had a wide range of competent testimony to consider. Evans, an expert and owner, testified to recoverable oil with a value of \$62,600.00 attributable to the property taken. The Commission specifically disregarded the additional testimony of Evans on which he made a higher valuation based on thermal recovery measures. The Plaintiff's expert gave no value to oil reserves or the working interest

but did acknowledge that from 40 to 60 percent of the original oil in place still remained and that he believed that the production of the lease could be built up to at least five barrels of oil per day though he did not believe that such an operation was economically feasible. Lewis, the working interest owner, did not testify to any values but testified about the production record of the unit to include production of around five barrels per day on the date of taking and that when he learned in 1969 of the Plaintiff's intention to take the property that he ceased doing anything to improve the operation or keep the property up; that at that time the property was producing eight barrels of oil per day.

As to the equipment taken, the Plaintiff apparently failed to make a customary inventory of equipment on the date of taking, and make note of its condition and fair market value by a qualified person. As a result, the testimony regarding the value of the equipment was in part so unreliable that the Commission disregarded some of the testimony submitted by Lewis. The only witness presented who saw the equipment around the date of taking (he checked the property to see about bidding on plugging the wells) was Bud Kester, who was a qualified expert in this area. He testified as to the equipment and its fair market value on the date of taking. The Commission adopted this testimony and in the circumstances was justified in doing so. The owner of the equipment (Lewis) did present evidence in the form of Exhibit 3 as to what equipment was on the property at the date of taking. Kester considered this list in his testimony. The only testimony of Plaintiff about the value of the equipment was by a witness who never saw the same and followed an inventory furnished by the Corps of Engineers which inventory was not supported by any testimony as to its accuracy or even when made.

Therefore, the Court concludes that the Plaintiff's Objections that there was not competent evidence before the Commission to

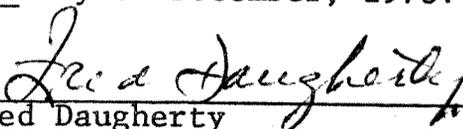
support its findings as to the value of the working interest and the value of the equipment and that the findings of the Commission as to just compensation for the working interest and the equipment taken are not supported by competent evidence are all without merit and should be overruled. The findings of the Commission regarding the working interest and the equipment are not clearly erroneous.

As to Evans' Objections to the Report as to his oil payment, the Court concludes that the Commission was correct in not considering his testimony as to value based on thermal recovery because of it being only a highly speculative theory without a rational foundation or being based on substantial data. United States v. Sowards, 370 F. 2d 87 (Tenth Cir. 1966); Olson v. United States, 292 U.S. 246 at p. 257 (1934). The Court further concludes that the Commission correctly disregarded the testimony of Charles L. Simons (presented by Lewis not Evans) based upon his acknowledging that his opinions were based on the report of another and the Corps analysis made by another. The Commission had a right as the trier of the facts to decide which testimony it would believe and which testimony it would not believe.

Therefore, the Court concludes that the Objections of Evans to the Report are without merit and should be overruled. The findings of the Commission regarding the oil payment are not clearly erroneous.

As the Report is based on and supported by competent evidence and the factual findings therein are not clearly erroneous and as the Objections thereto are deemed to be without merit, the Amended Report of Commissioners filed herein on August 6, 1973 is affirmed and Judgment is hereby entered accordingly.

It is so ordered this 26th day of December, 1973.


Fred Daugherty
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

DEC 1 1973

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

PETER J. BRENNAN, Secretary of Labor,)
United States Department of Labor,)
Plaintiff)

v.)

E. L. CUNDIFF, an individual, doing)
business as LADY FAIR LAUNDRY AND)
DRY CLEANERS)
Defendant)

Civil Action

No. 73-C-321

FILED

DEC 26 1973

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

J U D G M E N T

Plaintiff has filed his complaint against E. L. Cundiff, doing business as Lady Fair Laundry and Dry Cleaners. Defendant has appeared by counsel, waived any defenses thereto and agrees to the entry of this judgment without contest.

It is, therefore, on motion of the plaintiff and for cause shown,

ORDERED, ADJUDGED and DECREED that defendant, his agents, servants, employees and all persons acting or claiming to act in his behalf and interest, be and they hereby are, permanently enjoined and restrained from violating the provisions of sections 15(a)(2) and 15(a)(5) of the Fair Labor Standards Act of 1938 (Act of June 25, 1938, U.S.C. Title 29, section 201, et seq.), hereinafter referred to as the Act in any of the following manners:

I

Defendant shall not, contrary to sections 6 and 15(a)(2) of the Act, pay any of his employees who are engaged in interstate commerce or in the production of goods for interstate commerce; or employees of an enterprise engaged in commerce or in the production of goods for commerce, as defined by the Act, wages at rates less than \$1.60 per hour, or such other rates as may be hereinafter set by law.

II

Defendant shall not, contrary to sections 7 and 15(a)(2) of the Act, employ any of his employees engaged in interstate commerce or in the production of goods for interstate commerce, or employees of an enterprise engaged in commerce or in the production of goods for commerce, as those terms are defined by the Act, for a workweek longer than 40 hours unless such employees receive compensation for their employment in excess of 40 hours at a rate not less than one and one-half times the regular rate at which they are employed.

III

Defendant shall not fail to make, keep and preserve records of his employees and of the wages, hours or other conditions and practices of employment maintained by him, as prescribed by the Regulations of the Administrator issued, and from time to time amended, pursuant to section 11(c) of the Act and found in Title 29, Chapter V, Code of Federal Regulations, Part 516.

IV

Defendant is further enjoined and restrained from withholding from the employees listed below the unpaid minimum wages and overtime compensation as reflected opposite their respective names, to which they are entitled under the Act.

<u>Name</u>	<u>Period Covered</u>	<u>Amount</u>
Rose Elbert	9-15-72 - 11-30-72	\$120.00
Vera Fields	4-23-71 - 3-20-73	499.00
Alice Goins	4-23-71 - 7-28-72	228.00
Hazel Houseman	4-23-71 - 4- 7-72	441.00

V

The monetary provisions of this order shall be deemed satisfied when defendant has delivered to the plaintiff the total amount of \$1,288.00, in accordance with the following schedule:

January 10, 1974	\$75.00
February 10, 1974	75.00
March 10, 1974	75.00
April 10, 1974	75.00
May 10, 1974	75.00
June 10, 1974	75.00
July 10, 1974	75.00
August 10, 1974	75.00
September 10, 1974	75.00
October 10, 1974	75.00
November 10, 1974	75.00
December 10, 1974	75.00
January 10, 1975	75.00
February 10, 1975	75.00
March 10, 1975	75.00
April 10, 1975	75.00
May 10, 1975	75.00
June 10, 1975	13.00

The plaintiff will make the appropriate tax withholding and the employee's share for social security and distribute the net entitlement to each of the persons named above, or to their respective estates if that should be necessary. If, after making reasonable and diligent efforts to disburse said unpaid wages to the persons entitled thereto, plaintiff is unable to do so because of inability to locate a proper person, or because of a refusal to accept payment by any such person, he shall, within a reasonable period of time, as provided in Title 28, U.S.C. §§ 2041 and 2042, deposit such unpaid funds with the Clerk of this Court.

VI

Defendant shall not request, solicit, suggest, or coerce, directly or indirectly, any present or former employee enumerated herein to return or to offer to return to the defendant or to someone else for the defendant, any money in the form of cash, check, or any other form, for wages previously due or to become due in the future to said employee under the provisions of this judgment or the Act; nor accept or receive from any such present or former employee, either directly or indirectly, any money in the form of cash, check, or any other form, for wages heretofore or hereafter paid to said employee under the provisions of this judgment or the Act.

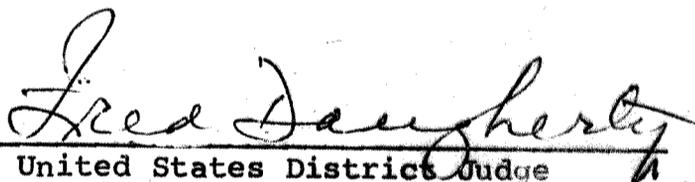
VII

As to the claim for monetary relief asserted by the plaintiff, the jurisdiction of this court in this case extends

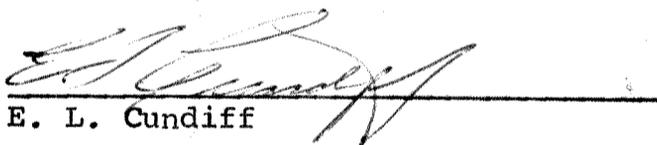
only to the claims for back wages of the employees named herein and all other such claims are specifically excluded. Defendant agrees that in the event any employee not named above who has been employed by said defendant should bring an action under the provisions of section 16(b) of the Act [29 U.S.C. § 216(b)], the said defendant will not claim nor plead this action under section 17 in bar of any such action. The defendant further agrees that in the event of such a suit limitations under section 6 of the Portal-to-Portal Act of 1947 (29 U.S.C. § 255) shall be tolled for a period of time equal to the period from September 27, 1973, the date this suit was commenced, until the date of this judgment.

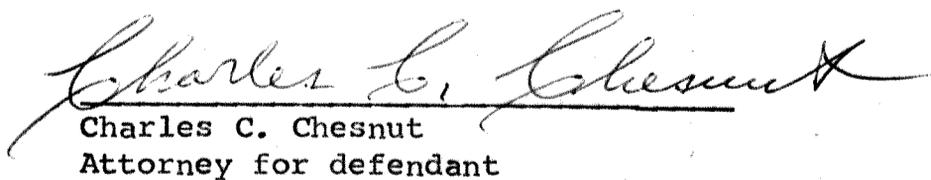
No costs in this action shall be taxed against either party.

Signed and entered on this 26th day of December, 1973.


United States District Judge

Entry of the above order is hereby consented to:


E. L. Cundiff


Charles C. Chesnut
Attorney for defendant

William J. Kilberg
William J. Kilberg
Solicitor of Labor

George T. Avery
George T. Avery
Regional Solicitor

Harvey M. Shapan
Harvey M. Shapan
Attorney

Attorneys for Peter J. Brennan,
Secretary of Labor, United
States Department of Labor

Plaintiff

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

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

VERNA M. HUBBS now APPELATE,
et al.,)

Defendants.)

CIVIL ACTION NO. 73-C-166

FILED

DEC 21 1973

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES ON for consideration this 21 day
of December, 1973, the plaintiff appearing by Robert P. Santee,
Assistant United States Attorney for the Northern District of
Oklahoma, defendants, Highland Park Veterinary Hospital and Albert
J. Blair, Jr., having filed their disclaimers herein and defendants,
Vera M. Hubbs now Applegate, Clyde Applegate, Lois Assery and the
Walter E. Heller and Company, appearing not.

The Court being fully advised and having examined the file
herein finds that Summons and Complaints were served on Verna M.
Hubbs now Applegate, Clyde Applegate, Lois Assery, and Highland Park
Veterinary Hospital on May 29, 1973; that Summons and Complaint was
served on Albert J. Blair, Jr., on May 30, 1973, and that Summons
and Complaint was served on the Walter E. Heller Company on August
17, 1973, all as appears from the Marshal's Returns of Service herein,
and

It appearing that the defendants, Verna M. Hubbs now
Applegate, Clyde Applegate, Lois Assery, and Walter E. Heller and
Company 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 Nineteen (19), Block Nine (9), LAKEVIEW HEIGHTS AMENDED ADDITION to the City of Tulsa, and all property and appurtenances located thereon, Tulsa County, Oklahoma, according to the recorded plat thereof.

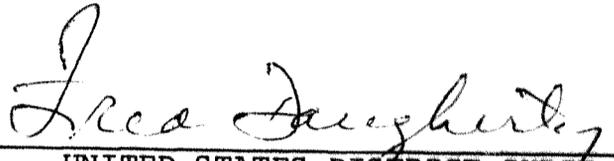
That the defendant, Verna M. Hubbs (now Applegate), did, on the 16th day of May, 1967, execute and deliver to the Administrator of Veterans Affairs, her mortgage note and mortgage in the sum of \$8,300.00 with 6 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that the defendant, Verna M. Hubbs now Applegate, made default under the terms of the aforesaid mortgage note by reason of her failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the above-named defendant is now indebted to the plaintiff in the sum of \$8,082.63 as unpaid principal, with interest thereon at the rate of 6 percent per annum from April 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 defendant, Verna M. Hubbs now Applegate, in personam, for the sum of \$8,082.63, with interest thereon at the rate of 6 percent interest per annum from April 1, 1972, plus the cost of this action accrued and accruing, plus any additional sums advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, or sums for the preservation of subject property.

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

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
vs.) CIVIL ACTION NO. 73-C-366
) ✓
)
JANICE MARIE CALDWELL, et al.,)
)
Defendants.)

FILED

DEC 21 1973

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 21
day of December, 1973, the plaintiff appearing by Robert P.
Santee, Assistant United States Attorney, the defendants,
County Treasurer, Tulsa County, and Board of County Commissioners,
Tulsa County, appearing by their attorney, Gary J. Summerfield,
Assistant District Attorney, and the defendants, Janice Marie
Caldwell and Acie Mae Richardson, appearing not.

The Court being fully advised and having examined
the file herein finds that Janice Marie Caldwell and Acie Mae
Richardson were served with Complaint and Summons on November 15,
1973; and that County Treasurer, Tulsa County, and Board of
County Commissioners, Tulsa County, were served with Complaint
and Summons on November 13, 1973, all as appears from the Marshal's
Return of Service herein.

It appearing that defendants, County Treasurer, Tulsa
County, and Board of County Commissioners, Tulsa County, have
duly filed their Answer herein on November 28, 1973, and defen-
dants, Janice Marie Caldwell and Acie Mae Richardson, 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 Twenty-eight (28), Block Seven (7),
SUBURBAN ACRES SECOND ADDITION to the
City of Tulsa, Tulsa County, State of
Oklahoma, according to the recorded
plat thereof.

THAT the defendant, Janice Marie Caldwell, did,
on the 9th day of December, 1969, execute and deliver to the
Glenn Justice Mortgage Company, Inc., her mortgage and mortgage
note in the sum of \$9,950.00 with 7 1/2 percent interest per
annum, and further providing for the payment of monthly install-
ments of principal and interest.

That by Assignment of Mortgage of Real Estate dated
December 16, 1969, the Glenn Justice Mortgage Company, Inc.,
assigned said note and mortgage to the Federal National Mortgage
Association and that by Assignment of Mortgage of Real Estate
dated November 3, 1972, the Federal National Mortgage Association
assigned said note and mortgage to the Secretary of Housing and
Urban Development, Washington, D.C.

The Court further finds that the defendant, Janice Marie
Caldwell, made default under the terms of the aforesaid mortgage
note by reason of her failure to make monthly installments
due thereon for more than 12 months last past, which default
has continued and that by reason thereof the above-named defendant
is now indebted to the plaintiff in the sum of \$9,696.62 as
unpaid principal, with interest thereon at the rate of 7 1/2
percent interest per annum from August 1, 1972, until paid,
plus the cost of this action accrued and accruing.

The Court further finds that there is due and owing
to the County of Tulsa, State of Oklahoma, from Acie Mae Richardson,
the sum of \$240.31 for ad valorem taxes for the year 1972 and
that Tulsa County should have judgment for said amount, but
that such judgment is subject to and inferior to the first
mortgage lien of the plaintiff herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that
the plaintiff have and recover judgment against defendant,
Janice Marie Caldwell, a single women, in personam, for the

sum of \$9,696.62 with interest thereon at the rate of 7 1/2 percent interest per annum from August 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 for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the County of Tulsa have and recover judgment against the defendant, Acie Mae Richardson, for the sum of \$240.31 as of the date of this judgment plus interest thereafter according to law, but that such judgment is subject to and inferior to the first mortgage lien of the plaintiff herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment, in rem, against the defendant, Acie Mae Richardson.

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.

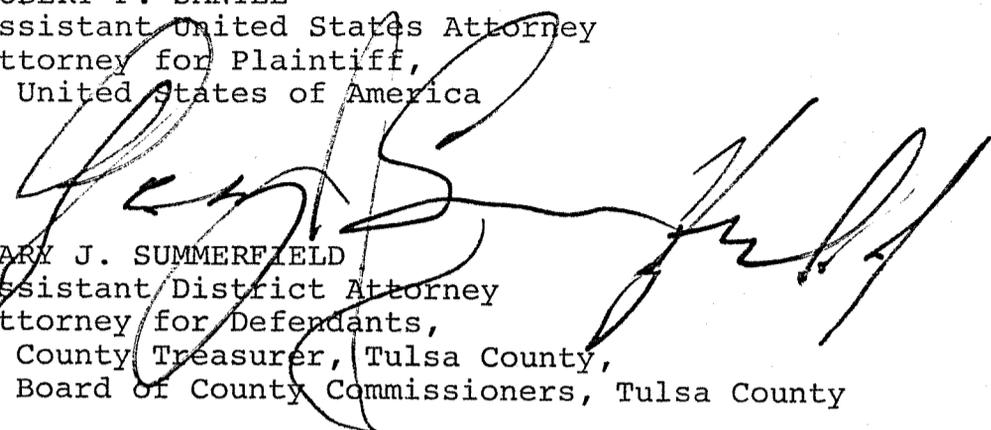
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed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

151 Fred Daugherty
United States District Judge

APPROVED.



ROBERT P. SANTEE
Assistant United States Attorney
Attorney for Plaintiff,
United States of America



GARY J. SUMMERFIELD
Assistant District Attorney
Attorney for Defendants,
County Treasurer, Tulsa County,
Board of County Commissioners, Tulsa County

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

CARL EUGENE CLARK, 87275-132,)

Petitioner,)

-vs-)

UNITED STATES OF AMERICA,)

Respondent.)

Case No. 73-C-363

FILED

DEC 20 1973

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

ORDER

Petitioner has filed herein his Motion pursuant to
28 U.S.C. §2255 in which it is stated:

"Petitioner hereby alleges (sic), that the constituted trial court, in cases 72-CR-63, and 72-CR-98, failed to comply with, and honor the law, as set forth in Rule 11, Federal Rules of Criminal Procedure (sic), by not fully allowing petitioner the right to understand completely the full extent of the charges against him."

The Court's colloquy in each case shows that he did comply with the requirements of Rule 11 and there can be no doubt that Petitioner fully understood the nature of the charge against him in each case. Petitioner was represented by competent counsel who had discussed with Petitioner his change of plea in Case No. 72-CR-63 and who represented Petitioner when he entered his plea of guilty in Case No. 72-CR-98. The Petitioner was no stranger to the criminal judicial process. In each case the Court carefully explained to the Petitioner the acts which he was accused of committing, including names, dates and places; the Petitioner specifically advised the Court that he understood the nature of the charges against him in each case. Then in ascertaining the factual basis for each plea of guilty entered by the Petitioner in each case the Court broke down each offense and item by item asked the Petitioner if he had done the particular acts charged in each of the two cases. In answer to specific questions by the Court, the Petitioner stated

that he committed the acts constituting each charge. Despite these unequivocal declarations to the Court, the Petitioner now asserts that he did not really understand the charge or more specifically as Petitioner states:

"Petitioner, had no knowing of the reality of the charge, as it is written in the criminal code until in prison, when read by him in the legal library (sic)."

The comment of our Court of Appeals in Semet v. United States, 369 F. 2d 90 (Tenth Cir. 1966) describing the conduct of the trial court at arraignment in that case is equally applicable here:

"The transcript of proceedings on the occasion of the entry of the plea of guilty discloses the trial judge's extended efforts to communicate to the petitioner-appellant the consequences of his plea of guilty. The contents of the indictment, the right to a jury trial and a twenty-five years' maximum sentence were fully and clearly explained by him. Petitioner-appellant unequivocally stated that he wished to change his plea to guilty..."

In the case at bar the trial judge was painstaking and thorough in satisfying himself that the accused before him understood the nature of the proceeding and that his act of changing his plea was voluntary." 369 F. 2d at pp. 91-92.

The Court then held it was unnecessary to hold a factual hearing.

To satisfy the requirements of Rule 11 the record must show that the Judge asked the proper questions and received answers from the Defendant indicating his awareness of the charges against him. United States v. Thomas, 468 F. 2d 422 (Tenth Cir. 1972). This the Court has done in each case. One of the purposes of Rule 11 is to produce a complete record at the time of the plea of necessary facts relative to the determination of the voluntariness of the plea. United States v. McCarthy, 394 U.S. 459 (1969); United States v. Sanders, 435 F. 2d 1282 (Tenth Cir. 1970). Therefore it was not intended that the careful efforts of the trial judge to make a record showing his conscientious compliance with the

rule to determine that the accused understood the charge should be ignored upon the accused's subsequent subjective complaint, that, contrary to his repeated statements to the Court, he really did not understand the charge.

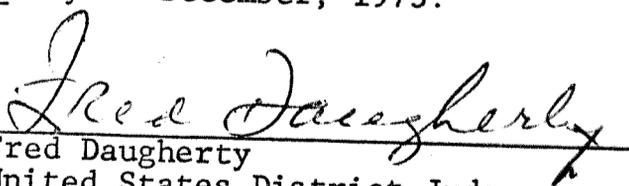
"Rule 11 proceedings are not an exercise in futility. The plea of guilty is a solemn act and not to be disregarded because of belated misgivings about the wisdom of the same."
United States v. Woosley, 440 F. 2d 1280 (Eighth Cir. 1971).

If, indeed, the Court cannot rely upon Petitioner's own declarations of understanding under the circumstances here presented as to each case, then the record is rendered a nullity and Rule 11 proceedings, do in fact, become an exercise in futility.

Attached hereto are excerpts from the proceedings in both cases in which the Petitioner advised the Court that he understood, upon explanation by the Court, the nature of each of the charges against him and then upon pleading guilty to each acknowledged his commission of each of the crimes on a factual basis.

Petitioner's Motion pursuant to 28 U.S.C. §2255 should be dismissed.

It is so ordered this 20 day of December, 1973.


Fred Daugherty
United States District Judge

EXCERPTS FROM TRANSCRIPT OF PROCEEDINGS ON PLEAS OF GUILTY
AND SENTENCINGS IN CRIMINAL CASES NO. 72-CR-63 and 72-CR-98
IN THE NORTHERN DISTRICT OF OKLAHOMA

RE: CASE NO. 72-CR-63

"Q Forty-one. I take it that you have previously entered pleas of not guilty to the two charges against you in this case?

A Yes, sir.

Q You have heard it stated here in open Court that you desire to change pleas of not guilty to guilty, is that right?

A That is right, Your Honor.

Q Do you fully understand the nature of the charges against you in this case, in both Counts One and Two?

A Yes, sir.

Q In this connection, for your information, in Count One it is charged that on or about April the 22nd, 1972, at Tulsa, Oklahoma, that you, for the purposes of obtaining or receiving from the United States a sum of money, did falsely forge a certain writing in the form of an endorsement of the name of the registered owner to a Series E United States Savings Bond which has been issued on April 7th, 1967 and registered to James P. Nash, Jr., POD Shirley M. Nash, Jr., with the face amount of \$25.00.

Now, do you fully understand the nature of the charge made against you in Count One?

A Yes, Your Honor." (Tr. 2-3)

* * * * *

"Q Are you guilty of this charge?

A Yes.

Q Speak up now.

A Yes, Your Honor.

Q On or about April the 22nd, 1972, at Tulsa, Oklahoma, did you endorse the name of the registered owner to a Series E United States Savings Bond issued April 7th registered to James P. Nash, POD Shirley M. Nash, Jr., with the face amount of \$25.00?

A Yes, Your Honor.

Q And did you do this for the purposes of obtaining or receiving from the United States the sum of money as indicated on the bond?

A Yes, Your Honor.

Q And was this endorsement falsely forged by you?

A Yes, Your Honor.

Q All right. The Court will accept the Defendant's plea of guilty to Count One.

(ii)

Now with reference to Count Two, it is alleged by the indictment that on or about April the 22nd at Tulsa, Oklahoma, that you did utter and publish as true a United States Savings Bond bearing a forged and counterfeited endorsement of the registered owner and that this was done with intent to defraud the United States and that you knew the same was false, forged and counterfeited. The bond being a genuine obligation of the United States and of the tenor and description as follows:

A Series E United States Savings Bond issued on April 7th, 1967 registered to James P. Nash, Jr., POD Shirley M. Nash, Jr., with a face amount of \$25.00.

Do you fully understand the nature of the charge made against you in Count Two?

A Yes, Your Honor.

Q Now, did you utter and publish as true this bond? Did you pass it?

A Yes, Your Honor.

Q At the time that you did that, did you know that it had a forged and counterfeited endorsement?

A Yes, Your Honor." (Tr. 5-7)

RE: CASE NO. 72-CR-98

"Q Have you read the proposed information now?

A I have, Your Honor.

Q By this proposed information which the United States Attorney has prepared against you, it provides that you have violated federal law in that on or about May 21st, 1972, here in Tulsa, Oklahoma, that you, at that time, being under indictment for forgery and uttering a certain writing in the form of a United States Savings Bond and for the purposes of receiving a sum of money from the United States and with the intent to defraud the United States in this manner, you then being under indictment for this charge, the case being Number 72-CR-63 in this district, which was returned on May the 3rd, 1972 and which charged you with the crime punishable by imprisonment for a term exceeding one year; that while you were so under indictment, that you knowingly did ship and transport a firearm in the form of a Savage Arms Model 12 gauge semi-automatic shotgun with serial number 571345 in interstate commerce from the State of Texas to the State of Oklahoma.

Now this is the charge, briefly, while under indictment in this Court for a crime punishable by imprisonment for more than a year, while being under this indictment, that you transported this firearm from Texas to Oklahoma on May 21st, 1972. Do you understand the charge?

A I do Your Honor." (Tr. 5)

* * * * *

"You have advised me that you understand the nature of the charge against you in this case and the maximum punishment that may be assessed against you if you should plead guilty or be convicted of the same. You have an attorney representing you by Court appointment. You have waived or given up your right to have a grand jury consider the matter and return an indictment. Are all of these things true and correct?

A Yes, Your Honor.

Q How do you now plead to the charge in this case, guilty or not guilty?

A Guilty, Your Honor." (Tr. 8)

* * * * *

"Q Are you guilty of this charge?

A Yes, Your Honor.

Q Were you under indictment as of May 3rd, 1972 in this Court for forgery and uttering a forged document in the form of a United States Savings Bond for the purposes of receiving a sum of money from the United States with the intent to defraud the United States, you being so indicted under Case No. 72-CR-63 and that the crimes charged were punishable by imprisonment for a term of, exceeding one year?

A Yes, Your Honor.

Q Were you so indicted?

A Yes, Your Honor.

Q Did you then, on May 21st, 1972, while being so indicted, ship and transport the firearm in the form of a Savage Arms Company 12 Gauge semi-automatic shotgun with serial number 571345 in interstate commerce from Texas to Oklahoma?

A Yes, sir. (Tr. 9-10)

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

AMERICAN BANK OF TULSA,

Plaintiff,

-vs-

JUSTIN T. WATSON, Acting
Comptroller of the Currency of
the United States,

Defendant,

FLOYD A. CALVERT, JR., et al.,

Intervenors.

Case No. 73-C-16

FILED

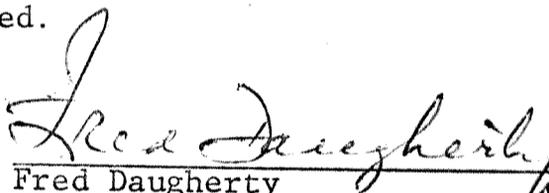
DEC 19 1973

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

JUDGMENT

On this 19th day of December, 1973, and in accordance with
the Memorandum Opinion of the Court filed this date,

IT IS ORDERED AND ADJUDGED that the action and decision of
the Defendant under date of December 1, 1972 approving the
application for a national bank charter to Union National Bank
in Tulsa, Oklahoma is affirmed and the Defendant and Intervenors'
Motions For Summary Judgment are granted. The pending Motions
For Protective Order are sustained.


Fred Daugherty
United States District Judge

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

AMERICAN BANK OF TULSA,

Plaintiff,

-vs-

JUSTIN T. WATSON, Acting
Comptroller of the Currency
of the United States,

Defendant,

FLOYD A. CALVERT, JR., et al.,

Intervenors.

Case No. 73-C-16

E I L E D

DEC 19 1973

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

MEMORANDUM OPINION

This is an action brought by Plaintiff, American Bank of Tulsa, a State bank, seeking judicial review of an administrative action and decision of the Defendant, Comptroller of the Currency of the United States, approving an application for a certificate authorizing the organization of a new national bank to be known as Union National Bank (Union) in Tulsa, Oklahoma. The applicants and organizers of Union have been allowed to intervene herein. Their position is the same as that of the Defendant.

Plaintiff asserts that the Defendant (1) is prohibited by law from approving said application and from issuing said certificate, (2) that in approving the application the Defendant acted arbitrarily, capriciously and abused his discretion and (3) that the Defendant acted unlawfully in failing to issue findings of fact and conclusions of law in connection with his decision. Plaintiff requests that by reason of the above, Defendant be enjoined from issuing a certificate or charter for Union. Defendant and Intervenors deny the validity of any of Plaintiff's assertions.

The action and decision of the Defendant regarding Union is subject to judicial review under the Administrative Procedure Act (APA). 5 U.S.C. §§701 et seq. Camp v. Pitts, _____ U.S. _____ 36 L. ed 2d 196, 93 S.Ct. _____ (1973). Defendant and Intervenors have filed Motions For Summary Judgment supported by briefs and a certified copy of the administrative file or record of Defendant involving Union. This is an appropriate procedure in connection with the judicial review of an administrative action. Bank of Commerce of Laredo v. City National Bank of Laredo, et al., _____ F. 2d _____ (Fifth Cir. 1973). Plaintiff opposes the Motions by a Response with supporting brief and certain documents.

Plaintiff's ground (3), supra, is without merit and should be denied. The recent decision of Camp v. Pitts, supra, settled this issue adversely to Plaintiff.^{1/}

Camp v. Pitts, supra, also holds that a reviewing court is not free to hold a de novo hearing unless there are inadequate fact-finding procedures in an adjudicatory proceeding or where judicial proceedings are brought to enforce certain administrative actions.

This proceeding is not brought to enforce an administrative action. Rather, it is brought to enjoin one. The factfinding procedures employed by the Defendant, as revealed by said administrative record on file herein, and as hereinafter outlined by the Court, are found by the Court to be adequate. Thus, there is no warrant for a de novo hearing.^{2/}

1/

This case held:

"But it is also clear that neither the National Bank Act nor the APA requires the Comptroller to hold a hearing or to make formal findings on the hearing record when passing on applications for new banking authorities."

2/

In these circumstances the pending motions for protective orders against the Plaintiff engaging in discovery should be granted.

Plaintiff's ground (1), supra, is based on the proposition that Union will be a branch bank, that a branch bank is not authorized by Oklahoma law (6 Oklahoma Statutes §501) and that the Defendant may not authorize or approve a branch bank when State law does not authorize the same. 12 U.S.C. §36. It appears that Plaintiff also includes under ground (1), supra, the Complaint that the certificate to Union would violate Oklahoma law regarding bank holding companies, (7 Oklahoma Statutes §502) and in citing 12 U.S.C. §§1841 et seq and Federal Reserve Board Regulations (12 C.F.R. 225.2(a) and (b)(1973)) presumably would violate Federal laws with reference to subsidiaries and bank holding companies. In Whitney National Bank v. Bank of New Orleans, 379 U.S. 411, 13 L. ed 2d 386, 85 S.Ct. 551 (1965) it was held that the Federal Reserve Board (FRB) has exclusive jurisdiction over such holding company matters, both State and Federal, by congressional mandate with appeal from such FRB decisions direct to an appropriate Court of Appeals. Therefore, this Court has no jurisdiction to entertain these holding company complaints.^{3/}

As to the Defendant's certificate violating Oklahoma law prohibiting branch banking, the administrative record does not reveal such a violation nor do Plaintiff's allegations show that Union would be a branch bank. 6 Oklahoma Statutes §501 provides:

"Branch banking is prohibited in this state. The term 'Branch' used in this section shall be held to include any branch bank, branch office, branch agency, additional office or any branch place of business located within this state at which deposits are received, or checks paid or money lent."

3/

If the Court had jurisdiction these complaints are without merit as shown by the administrative record, have not been the subject of FRB consideration and otherwise are premature and pure speculation.

6 Oklahoma Statutes §2061 is to the same effect and the Federal definition of a branch bank is the same. See 12 U.S.C. §36(f). Union would not be the branch bank of another bank within the proscription of said Statutes. It would be chartered as a separate and distinct national bank.^{4/}

The fact that some of the stockholders of Union are also stockholders of another bank will not make Union a branch bank in violation of Oklahoma law. Bank of Commerce of Laredo v. City National Bank of Laredo, et al., supra; Bank of North America v. State Banking Board, 468 S.W. 2d 529, (Tx. 1971). Union's "affiliation" with another bank through overlapping stock ownership is permitted by Federal law, such relationship will be subject to Federal supervision (12 U.S.C. §221a(b)(2), 371(c) and 161(c)) and such "affiliation" does not constitute branch banking. Camden Trust Co. v. Gidney, 301 F. 2d 521 (D.C. 1972) cert. denied 369 U.S. 886, 8 L.ed 2d 287, 82 S.Ct. 1158 (1962); Pineland State Bank v. Proposed First National Bank, Bricktown, 335 F. Supp. 1376 (D. N.J. 1971). Plaintiff's ground (1), supra, has no validity as Union will not be a branch bank in violation of law, this Court has no jurisdiction to consider the holding company complaints and Union's "affiliated" status with another bank is not in violation of law.

4/

Union's separate and distinct status as a national bank is shown by the administrative record in that it will have its own capital funds derived from the sale of its own stock, will have its own directors who will manage its affairs, will have its management responsible to its own Board of Directors, will have its own charter and corporate identity as a national bank, will obtain and be assessed for its own deposit insurance from the Federal Deposit Insurance Corporation, should it or any other bank become insolvent such insolvency would have no effect on the corporate structure of it or any other entity and should Union desire to terminate banking operations it would have to do so under the supervision of the Comptroller as a separate banking institution. If Union was a branch bank it would have none of the above characteristics -- they would all inhere in the bank of which it would be but a branch.

As to ground (2), supra, the Court finds and concludes from an examination of the administrative record that the action and decision of the Defendant is approving the said application and authorizing a charter for Union was not accomplished in an arbitrary or capricious matter and was not an abuse of discretion. To the contrary, the Court finds and concludes said action and decision of the Defendant has a rational and reasonable basis in all respects and was accomplished in accordance with all applicable provisions of the law.

The Defendant's office conducted an exhaustive field investigation under the supervision of a National Bank Examiner. This investigation included interviews of the applicants, notification of the application and solicitation of comments from numerous interested agencies and all banks located in Tulsa County, Oklahoma, some of which banks, including the Plaintiff, filed objections to the proposed charter and requested an administrative hearing. A public file was opened and established pursuant to 12 C.F.R. §5.3. The requested public hearing was held before a panel in the office of Defendant's Regional Administrator at Dallas, Texas. Extensive testimony and documentary evidence were received and made a part of the administrative record. The entire administrative record was reviewed by the Regional Administrator, the head of Defendant's Bank Organization Section, one of Defendant's senior staff economists and a Deputy Comptroller. Each of these officials recommended approval of the application and in some detail each gave his reasons in support of his recommendation. These reasons and the final approval of the Defendant, all a part of the administrative record, adequately explain the administrative action or decision of Defendant and are of such content as not to frustrate effective judicial review.

The administrative record revealed that economic and population conditions in Tulsa, Oklahoma and in the area to be served by Union were thoroughly developed and that they support approval of the application. Industrial and commercial developments and residential and apartment construction in the area indicate a need for the proposed bank. The closest bank is 2.4 miles away, there is no bank within the service area to be served by Union and the area needs a bank as a public service in the public interest. The phenomenal growth of nearby banks indicates the need for the proposed bank and also establish that competing banks would not be disturbed by the operations of the proposed bank in view of their tremendous growth far beyond anticipated expectations. The organizers presented highly acceptable plans for the establishment of a completely adequate banking facility and they were responsible men with good banking experience in the community. The complaints of the protesting banks, largely if not solely on the grounds of lack of need and slight chance of financial success, were not supported by the administrative record.

Based on the unanimous recommendations for approval and their supporting reasons made by the investigating National Bank Examiner, the Regional Administrator, the Director of Defendant's Bank Organization Section, the senior staff economist and a Deputy Comptroller and the revelations of the administrative record, the Defendant was completely justified and warranted in approving the said application, such action and decision had a rational and reasonable basis, was not arbitrarily or capriciously made and was not an abuse of Defendant's discretion.

Plaintiff complains that Defendant did not consider certain material it furnished the Regional Administrator at Dallas, Texas shortly before and on the date of the entry of Defendant's decision in Washington, D. C. and make further inquiry thereon (which

material had to do with the Oklahoma State Banking Board disallowing an application for a State bank filed after Intervenor's application was filed, said State bank to be located one mile farther out of town than Union) and that Defendant refused to grant an administrative stay requested by Plaintiff of his approval of Intervenor's application which stay would preclude Union from opening for an indefinite length of time pending judicial proceedings. The grant of such a stay is, of course, within the discretion of the Defendant which in the circumstances the Defendant did not abuse in the judgment of the Court. The new material which had to do with an action of the Oklahoma State Banking Board came after the public hearing, after the public file had been closed,^{5/} and apparently did not reach the Defendant before his decision as it did not form a part of the administrative record. The Plaintiff had and attended the public hearing and had an opportunity to present all the material it desired until the public file was officially closed for the submission of additional information. Belated material forwarded after the

5/

At the public hearing, the Regional Administrator announced near the close thereof:

"In response to Mr. Arrington's request, we will hold the public file open for a period of five days following receipt of the transcript in the Regional Office during which time additional information and data may be submitted.

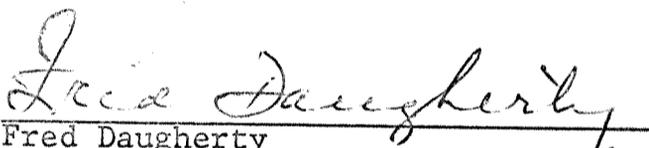
We would ask that information so submitted during that period, copies be provided to the other participants of the hearing today."

The administrative record does not show the exact date that the transcript of the August 16, 1972 hearing was received in the Regional Office at Dallas, Texas. However, as the transcript was forwarded to the Defendant's office in Washington, D. C. as part of the administrative record and as the Director, Bank Organization Division, made his favorable recommendation after a review of the administrative record including said transcript on November 13, 1972, it is definite and certain that the public file was officially closed prior to Defendant's submission of additional information to the Regional Administrator at Dallas, Texas by letters dated November 22, 1972 and December 1, 1972, the latter date being the date of the Defendant's decision herein.

public file had been officially closed does not invalidate Defendant's decision nor does this circumstance make Defendant's factfinding procedure inadequate. In all such proceedings a time must be fixed for closing the evidence. Plaintiff also complains that certain post-approval letters and a post-approval memorandum written in Defendant's office are not in the administrative record but it appears that all were generated by Plaintiff's post-approval requests for written findings and a stay. Being post-approval they were not before the Defendant when he made his decision. Moreover, they support the decision of Defendant. In these circumstances, this complaint affords Plaintiff no comfort.

In view of the foregoing findings and conclusions of the Court that the Defendant's action and decision under consideration was not arbitrary, capricious, an abuse of discretion or otherwise not in accordance with law, the said action and decision should be affirmed and Defendant's and Intervenors' Motions for Summary Judgment should be granted.

Dated this 19th day of December, 1973.


Fred Daugherty
United States District Judge

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

ANNIE LOU SANDERS, WILL SANDERS,
and INEZ SANDERS, Individually
and as the heirs at law of Donald
Lee Sanders, Deceased,

Plaintiffs,

vs.

RICK NOLAN

and

THE CITY OF TULSA, OKLAHOMA,
a municipal corporation,

Defendants.

No. 72-C-441 ✓

FILED.
DEC 19 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

This cause comes on for consideration by the Court upon defendant City of Tulsa's Motion to Dismiss.

The file in this case reflects that on February 20, 1973, the Court upon Motion of the City of Tulsa dismissed the plaintiffs' Complaint as to the defendant, City of Tulsa, Oklahoma, and thereafter and on April 18, 1973, with permission of the Court, the plaintiffs filed their Amended Complaint. Thereafter on May 1, 1973, the City of Tulsa filed its Motion to Dismiss the plaintiffs' Complaint and Amended Complaint as to it, and on September 24, 1973, the plaintiffs filed their Second Amended Complaint. On October 3, 1973, the City of Tulsa filed its Motion to Strike praying that the Complaint and subsequent amendments thereto filed against it be dismissed, to which Motion the plaintiffs responded on October 15, 1973.

Plaintiff and defendant counsel have filed exhaustive and excellent briefs, and the Court, having carefully reviewed the entire file including the Briefs, finds and concludes that it should dismiss plaintiffs' action against the City of Tulsa, Oklahoma, a municipal corporation, and

IT IS SO ORDERED.

IT IS FURTHER ORDERED that this action be dismissed in toto for the reason that the Court is without jurisdiction, having dismissed the action as against the City of Tulsa.

Dated this 18th day of December, 1973.

Yutton Bohannon
UNITED STATES DISTRICT JUDGE

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
vs.)
)
ALFRED C. BINGLEY, IF LIVING)
OR IF DEAD HIS UNKNOWN HEIRS,)
DEVISEES, EXECUTORS OR ASSIGNS,)
ET AL.,)
)
Defendants.)

CIVIL ACTION NO. 73-C-231 ✓

FILED

DEC 19 1973

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 19th
day of December, 1973, the plaintiff appearing by Robert P.
Santee, Assistant United States Attorney, and the defendants,
Alfred C. Bingley, if living or if dead his unknown heirs,
devisees, executors or assigns, and Alice Marie J. Bingley,
appearing not.

The Court being fully advised and having examined
the file herein finds that Alfred C. Bingley, if living or
if dead his unknown heirs, devisees, executors or assigns,
was served by publication, as appears from the Proof of Pub-
lication filed herein on December 17, 1973, and that Alice
Marie J. Bingley was served with Summons and Complaint on July 27,
1973, as appears from the Marshal's Return of Service herein.

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

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

Lot One (1), Block Seventy-seven (77), of
the City of Vinita, County of Craig, State
of Oklahoma, according to the United States
Government survey and approved plat thereof.

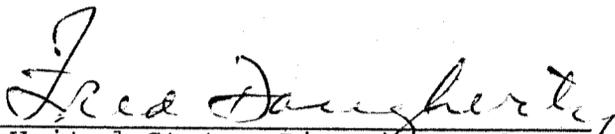
THAT the defendants, Alfred C. Bingley and Alice Marie J. Bingley, did, on the 14th day of October, 1970, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$17,750.00 with 8 1/2 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that the defendants, Alfred C. Bingley, if living, or if dead his unknown heirs, devisees, executors or assigns, and Alice Marie J. Bingley, 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 \$17,369.76 as unpaid principal, with interest thereon at the rate of 8 1/2 percent interest per annum from July 14, 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, Alfred C. Bingley, if living, or if dead his unknown heirs, devisees, executors or assigns, in rem, and Alice Marie J. Bingley, in personam, for the sum of \$17,369.76 with interest thereon at the rate of 8 1/2 percent interest per annum from July 14, 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 for taxes, insurance, abstracting, or sums for the preservation of the subject property.

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

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


United States District Judge *W*

APPROVED.



ROBERT P. SANTEE
Assistant United States Attorney

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEROY DALE HINES,

Defendant.

)
)
)
) NO. 72-C-213
)
)
)
)
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)

FILED

AUG 14 1973

Jack C. [unclear] Clerk
U. S. DISTRICT COURT

O R D E R

The Court has for consideration a Motion to Intervene filed August 20, 1973, by the assignee of the Defendant, Leroy Dale Hines, wherein the assignee asserts intervention as a matter of right by virtue of an assignment dated March 23, 1973, in his favor from the Defendant, Leroy Dale Hines. Therewith, the movant files his "Claim" asserting ownership by John L. King of the funds in the custody of the United States Marshal for the Northern District of Oklahoma seized from the Defendant, Leroy Dale Hines, in three criminal causes, Cases No. CR. 14406, No. 71-CR-47, and No. 71-CR-48. The Court having perused the file and being fully advised in the premises FINDS:

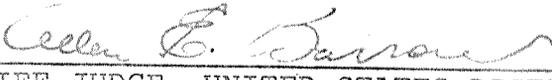
1. That Default Judgment was entered herein on November 28, 1972, in favor of the Government.
2. That Judgment was entered in the criminal causes here involved, CR. 14406, 71-CR-47, and 71-CR-48, and each case is closed, the last of which terminated on November 30, 1971.
3. That the assignment asserted is dated March 23, 1973, and inasmuch as an assignee acquires no greater right than that possessed by the assignor, any ownership of the assignee herein to property of the Defendant is subject to the same limitations as his assignor. The property seized from Leroy Dale Hines in the Criminal Case No. 14406 proceeding, though held in custody of the United States Marshal for the Northern District of Oklahoma, was under Internal Revenue Service Form No. 668-A notice of levy served June 21, 1966, on the said Marshal. Said notice of

levy was upon the assessment for tax liability in the sum of \$14,115.42 against Leroy Dale Hines covering unpaid taxes from November 30, 1964, to July 31, 1965. Said Form 668-A has been held effective levy and seizure tantamount to transfer of ownership. United States v. Manufacturers National Bank, 198 F.Supp. 157 (D.C.N.D.N.Y. 1961); First Nat. Bank of Norfolk v. Norfolk & West. Ry. Co., 327 F.Supp. 196 (D.C.E.D.Va. 1971). This civil proceeding, which included the 1964 and 1965 unpaid taxes under levy in the criminal proceedings, was filed within the six year statute of limitations for the levy. Therefore, the United States Marshal for the Northern District of Oklahoma was directed by Order dated December 18, 1973, to honor the Internal Revenue Service levy and turn over said levied property pursuant to the levy.

4. That the Motion to Intervene, which goes only to the property in the criminal causes in the custody of the United States Marshal, part of which was under Internal Revenue Service levy, does not go to the merits of the tax liability of the Defendant, and therefore, it is not properly asserted herein; and, there being no good cause shown to reopen this cause of action, the Motion to Intervene should be overruled. This will in no way foreclose the assignee from asserting his claim to any property remaining in the custody of the United States Marshal for the Northern District of Oklahoma pursuant to lawful disposal procedures for seized property by said Marshal.

IT IS, THEREFORE, ORDERED that the Motion to Intervene be and it is hereby overruled.

Dated this 18th day of December, 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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEROY DALE HINES,

Defendant.

NO. 72-C-213

FILED

DEC 18 1973

Jack C. ...
U. S. DISTRICT COURT

O R D E R

The Court has for consideration an application of the Plaintiff to apply levied funds in this cause of action to obtain Judgment for unpaid assessments of tax against the Defendant, Leroy Dale Hines. Default Judgment herein in favor of the Plaintiff was Ordered November 28, 1972. The Court having perused the file and being fully advised in the premises finds that said application is in regard to property seized from the Defendant in a criminal cause of action, Case No. CR. 14406, in which Judgment has been entered and the case closed. That the funds here in question, held in custody of the United States Marshal for the Northern District of Oklahoma, were under notice of levy served June 21, 1966, on the said Marshal, which funds have been directed by Order of this Court dated December 18, 1973, to be turned over pursuant to the levy. Therefore, the application of the Government herein is moot and should be overruled.

IT IS, THEREFORE, ORDERED that the application to apply levied funds be and it is hereby overruled as moot.

Dated this 18th day of December, 1973, at Tulsa, Oklahoma.



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

United States District Court for the

NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

vs.

J. R. WALKER, et al.,

CIVIL ACTION FILE NO. 73-C-219

Judgment having been entered in the above entitled action on the 17th day of December, 1973, against J. R. Walker, et al. the clerk is requested to tax the following as costs:

BILL OF COSTS

Table with 2 columns: Description of costs and Amount. Items include Fees of the clerk (\$15.00), Fees of the marshal (.72), Fees of the court reporter, Fees and disbursements for printing, Fees for witnesses, Fees for exemplification, Docket fees under 28 U.S.C. 1923 (20.00), Costs incident to taking of depositions, Cost as shown on Mandate of Court of Appeals, Publication Fee (92.95), and Total (\$128.67).

FILED DEC 18 1973 Jack C. Silver, Clerk U.S. DISTRICT COURT

State of Oklahoma : } ss:
County of Tulsa . }

I, Robert P. Santee, Assistant U.S. Attorney, do hereby swear that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy herof was this day mailed to addresses unknown - service by publication with postage fully prepaid thereon.

Please take notice that I will appear before the Clerk who will tax said costs on 19th at

Handwritten signature of Robert P. Santee

ROBERT P. SANTEE
Attorney for Plaintiff, United States of America

Subscribed and sworn to before me this 18th day of December A. D. 1973, at Tulsa, Oklahoma

Handwritten signature of Jane T. Davis

My commission expires: 5-26-75 Notary Public.

Costs are hereby taxed in the amount of \$ 128.67 this 18th day of December, 1973, and that amount included in the judgment.

JACK C. SILVER Clerk.
By Terry C. Laughlin Deputy Clerk.

NOTE: SEE REVERSE SIDE FOR AUTHORITIES ON TAXING COSTS.

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

BROADCAST MUSIC, INC., BUCKHORN
MUSIC PUBLISHERS, INC., PORTABLE
MUSIC COMPANY, INC., BLACKWOOD
MUSIC, INC., BAY MUSIC, JAY & CEE
MUSIC CORPORATION, ANTONIO CARLOS
JOBIM AND VINICIUS De MORAES AND
ACUFF PUBLICATIONS,

Plaintiffs,

vs.

JEAN WALTERS, d/b/a
HARVARD TOWER CLUB,

Defendant.

73-C-3 ✓

FILED

DEC 17 1973 *g*

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

JUDGMENT

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

IT IS ORDERED that judgment be entered in favor of plaintiffs
and against the defendant in the sum of \$1,500.00 (being the statutory
minimum for each infringement), plus interest at the rate of 10%
until paid, a reasonable attorney fee, which the Court deems to be
\$500.00, and the costs of this action.

ENTERED this 17 day of December, 1973.

Allen E. Barrow

CHIEF UNITED STATES DISTRICT JUDGE

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

Lot Thirteen (13), Block Three (3), HARTFORD HILLS ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

THAT the defendants, Johnny Bush a/k/a Johnny Clifford Bush and Alice Bush, did, on the 12th day of September, 1969, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$9,200.00 with 7 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 defendants, Johnny Bush a/k/a Johnny Clifford Bush and Alice Bush, 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 \$9,221.38 as unpaid principal, with interest thereon at the rate of 7 1/2 percent interest per annum from December 1, 1971, until paid, plus the cost of this action accrued and accruing.

The Court further finds that there is due and owing to the County of Tulsa, State of Oklahoma, from Johnny Bush a/k/a Johnny Clifford Bush and Alice Bush, the sum of \$18.11 for personal property taxes for the year 1971 and that Tulsa County should have judgment, in rem, for said amount, but that such judgment is subject to and inferior to the first mortgage lien of the plaintiff herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendants, Johnny Bush a/k/a Johnny Clifford Bush and Alice Bush, in rem, for the sum of \$9,221.38 with interest thereon at the rate of 7 1/2 percent interest per annum from December 1, 1971; plus the cost of this action accrued and accruing, plus any additional

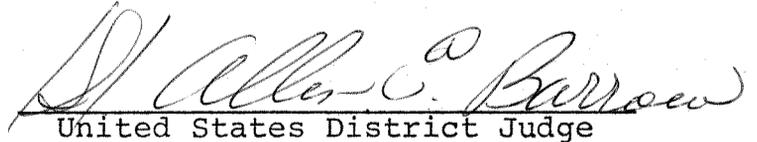
sums advanced or to be advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the County of Tulsa have and recover judgment, in rem, against the defendants, Johnny Bush a/k/a Johnny Clifford Bush and Alice Bush, for the sum of \$53.94 as of the date of this judgment plus interest thereafter according to law, but that such judgment is subject to and inferior to the first mortgage lien of the plaintiff herein.

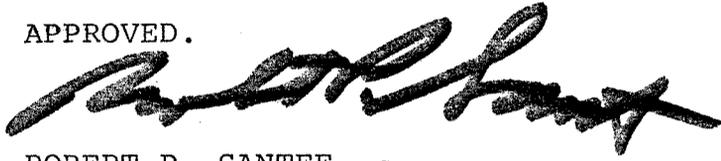
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment, in rem, against the defendant, Tulsa Task Force Federal Credit Union.

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.

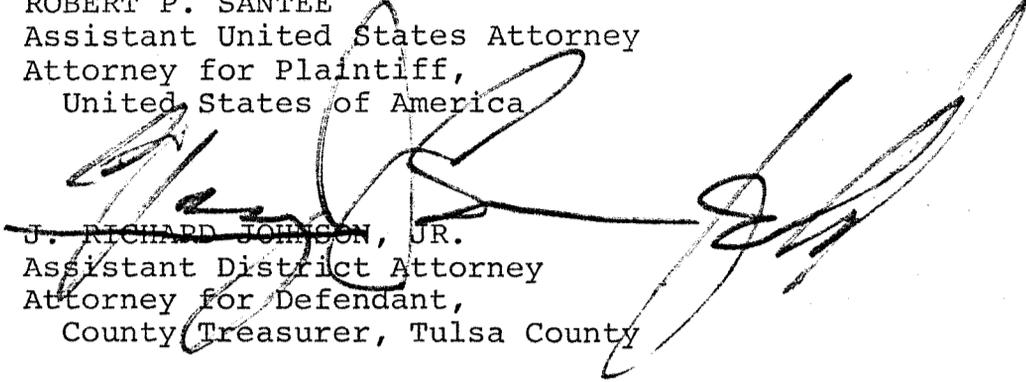
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed 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
Attorney for Plaintiff,
United States of America



~~J. RICHARD JOHNSON, JR.~~
Assistant District Attorney
Attorney for Defendant,
County Treasurer, Tulsa County

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

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
 vs.)
)
) J. R. WALKER, et al.,)
)
) Defendants.)

CIVIL ACTION NO. 73-C-219

FILED

DEC 17 1973

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 17th
day of December, 1973, the plaintiff appearing by Robert P.
Santee, Assistant United States Attorney, and the defendants,
J. R. Walker and Jo Ann Walker, appearing not.

The Court being fully advised and having examined
the file herein finds that defendants, J. R. Walker and Jo
Ann Walker were served by publication, as appears from the
Proof of Publication filed herein on December 14, 1973.

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 Two (2), in Block One (1), of ROSELAWN
SUBDIVISION, Washington County, Oklahoma,
now an addition to the City of Bartlesville.

THAT the defendants, J. R. Walker and Jo Ann Walker,
did, on the 21st day of July, 1967, execute and deliver to the
Administrator of Veterans Affairs, their mortgage and mortgage
note in the sum of \$14,125.00 with 6 percent interest per
annum, and further providing for the payment of monthly install-
ments of principal and interest.

The Court further finds that the defendants, J. R. Walker and Jo Ann Walker, 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 \$13,192.38 as unpaid principal, with interest thereon at the rate of 6 percent interest per annum from August 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, J. R. Walker and Jo Ann Walker, in rem, for the sum of \$13,192.38 with interest thereon at the rate of 6 percent interest per annum from August 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 for taxes, insurance, abstracting, or sums for the preservation of the subject property.

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

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

Allen E. Banour
United States District Judge

APPROVED.



ROBERT P. SANTEE
Assistant United States Attorney

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

BOARD OF TRUSTEES, PIPELINE
INDUSTRY BENEFIT FUND,

Plaintiff,

vs.

LINNEMAN CONSTRUCTION, INC.,

Defendant.

No. 73-C-167

FILED

DEC 14 1973

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

ORDER OF DISMISSAL

NOW on this 14 day of Dec, 19 73, Plaintiff's Motion for Dismissal without prejudice coming on for consideration and counsel for Plaintiff herein representing and stating that an involuntary petition in bankruptcy was filed on or about August 17, 1973, against the Defendant, LINNEMAN CONSTRUCTION, INC., in the United States District Court for the District of Colorado. That on or about the 6th day of September, 1973, the Referee in Bankruptcy, Robert P. Fullerton, for the United States District Court for the District of Colorado, issued an Order Staying Suits and Restraining Levy, Attachment, Execution or Foreclosure against the Defendant, LINNEMAN CONSTRUCTION, INC.

IT IS THE ORDER OF THIS COURT That said ^{Complaint - cause of action} ~~action~~ be, and the same is, hereby dismissed without prejudice to the bringing of another or future action by the Plaintiff herein.

Allen E. Barrow

Judge

C
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Y

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

VIRGINIA LOUISE BECK,

Plaintiff,

vs.

SKAGGS CO., INC.,
AND ALBERTSON'S, INC.,

Defendants and
Third-Party Plaintiffs,

vs.

JAMES MOORE, d/b/a CHEROKEE
GUARD SERVICE,

Third-Party Defendant.

NO. 73-C-108

FILED

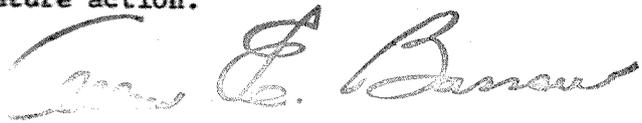
DEC 11 1973

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

ORDER OF DISMISSAL WITHOUT PREJUDICE

ON this 11th day of December, 1973, upon the written application of the third party plaintiffs, Skaggs Co., Inc., and Albertson's, Inc., for a Dismissal Without Prejudice of the Third Party Complaint and all causes of action against the third party defendant, James Moore, d/b/a Cherokee Guard Service, the Court having examined said application, finds that Virginia Louise Beck and Skaggs Co., Inc., and Albertson's, Inc. have settled all claims involved in the Complaint, and have requested the Court to dismiss said Complaint without prejudice to any future action. Thus the Court being fully advised in the premises, finds that the third party Complaint should be dismissed against James Moore, d/b/a Cherokee Guard Service, without prejudice pursuant to said application, and that said Virginia Louise Beck reserves her right to proceed against Lonnie R. Hutchins, James Moore, d/b/a Cherokee Guard Service, their agents, servants or representatives, and their insurance carriers.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the third party Complaint and all causes of action of Skaggs Co., Inc., and Albertson's, Inc., filed herein against the third party defendant, James Moore d/b/a Cherokee Guard Service, be and the same hereby are dismissed without prejudice to any future action.



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

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

VIRGINIA LOUISE BECK,

Plaintiff,

-vs-

SKAGGS CO., INC., and
ALBERTSON'S INC.,

Defendants and
Third Party Plaintiffs,

-vs-

JAMES MOORE, d/b/a CHEROKEE
GUARD SERVICE,

Third Party Defendant.

No. 73-C-108

FILED

DEC 11 1973

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

ORDER TO DISMISS WITHOUT PREJUDICE

On this 11th day of December, 1973, upon the written application of the plaintiff and the defendants, Skaggs Co., Inc. and Albertson's, Inc., for a dismissal without prejudice of the complaint and all causes of action against the defendants, Skaggs Co., Inc., and Albertson's, Inc.; and the Court having examined said application, finds that plaintiff has executed a covenant not to sue in favor of Skaggs Co., Inc. and Albertson's, Inc. only, and has requested the Court to dismiss said complaint without prejudice to any future action; and the Court, being fully advised in the premises, finds that said complaint should be dismissed against Skaggs Co., Inc. and Albertson's, Inc., without prejudice, pursuant to said application. The plaintiff specifically reserves her right to proceed against Lonnie R. Hutchins, James Moore, d/b/a Cherokee Guard Service, their agents, servants or representatives, and their insurance carriers.

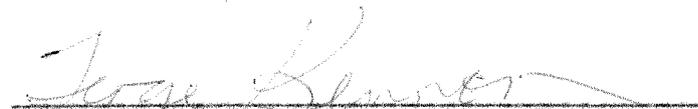
IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the complaint and all causes of action of the plaintiff

filed herein against the defendants, Skaggs Co., Inc. and Albertson's, Inc., be and the same are hereby dismissed, without prejudice to any future action, specifically reserving the right of plaintiff to proceed against Lonnie R. Hutchins, James Moore, d/b/a Cherokee Guard Service, their agents, servants or representatives, and their insurance carriers.



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

APPROVED AS TO FORM AND CONTENT:


TROYE KENNON
Attorney for Plaintiff

ALFRED B. KNIGHT
Attorney for Defendants,
SKAGGS CO., INC. and ALBERTSONS, Inc.

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

DUANE GILBERT,
Plaintiff,

vs.

THE GERVAIS FAVROT CONSTRUCTION COMPANY OF NEW ORLEANS,
LOUISIANA,
Defendant.

73-C-345

FILED

DEC 10 1973

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

ORDER OF DISMISSAL

This cause comes on for hearing this 10th day of December, 1973, upon the defendant's motion to dismiss, at which time the plaintiff was represented by his attorney, Gomer A. Evans, Jr., and the defendant was represented by its attorney, Richard Carpenter, and the Court, upon argument of counsel and the briefs and authorities submitted herein, and being further duly advised in the premises, finds that defendant's motion to dismiss should be and the same is hereby sustained and plaintiff's cause dismissed.

BE IT, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that defendant's motion to dismiss should be and the same is hereby sustained and plaintiff's cause hereby dismissed.


LUTHER BOHANON, JUDGE

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

ROBERT R. HICKS,)
)
 Plaintiff,)
)
 vs.)
)
 AXEL R. GRANBERG,)
)
 Defendant.)

NO. 73-C-361

F I L E D
DEC 11 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

ON this 10 day of December, 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.

Lisa Daugherty

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

APPROVAL:

JAMES E. FRASIER

James E. Frasier

Attorney for the Plaintiff

ALFRED B. KNIGHT

Alfred B. Knight

Attorney for the Defendant

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
 vs.)
)
 THOMAS H. ZACKERY, et al.,)
)
 Defendants.)

CIVIL ACTION NO. 73-C-271

FILED

DEC 10 1973

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 10th day
of December, 1973, the plaintiff appearing by Robert P. Santee,
Assistant United States Attorney; defendant, Credithrift of America,
Inc., appearing by its attorney, William B. Lee; defendant, Jerry L.
Smith, filing his Disclaimer herein, and the defendants, Thomas H.
Zackery, Wanda Zackery, and J. C. Penny Co., Inc., appearing not.

The Court being fully advised and having examined
the file herein finds that Thomas H. Zackery was personally served
with Summons and Complaint on August 23, 1973, and with Summons and
Amendment to Complaint on September 28, 1973; that Wanda A. Zackery
was personally served with Summons and Complaint on August 28, 1973,
and with Summons and Amendment to Complaint on September 28, 1973;
that Jerry L. Smith was personally served with Summons and Complaint
on August 23, 1973, and with Summons and Amendment to Complaint on
September 28, 1973; that Credithrift of America, Inc., was served
with Summons and Complaint and Amendment to Complaint on September
28, 1973; and that J. C. Penny Co., Inc., was served with Summons
and Complaint and Amendment to Complaint on September 28, 1973, and

It appearing that defendants, Thomas H. Zackery, Wanda A.
Zackery, and J. C. Penny Co., Inc., have failed to answer herein
and that default has been entered by the Clerk of this Court.

The Court further finds that this is a suit based
upon a mortgage note and foreclosure on a real property mortgage

securing said mortgage note and that the following described real property is located in Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot One (1), Block Twenty-One (21), VALLEY VIEW ACRES ADDITION to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded Plat thereof.

THAT the defendants, Thomas H. Zackery and Wanda A. Zackery, did, on the 9th day of March, 1972, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$11,250.00, with 7 1/2 percent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

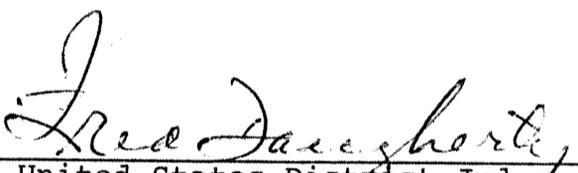
The Court further finds that the defendants, Thomas H. Zackery and Wanda A. Zackery, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the above-named defendants are now indebted to the plaintiff in the sum of \$11,271.80 as unpaid principal, with interest thereon at the rate of 7 1/2 percent interest per annum from August 1, 1972, until paid, plus any additional sums advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property, plus the cost of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendants, Thomas H. Zackery and Wanda A. Zackery, in personam, for the sum of \$11,271.80 with interest thereon at the rate of 7 1/2 percent interest per annum from August 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 the plaintiff have and recover judgment, in rem, against the defendants, Credithrift of America, Inc., and J. C. Penny Co., Inc.

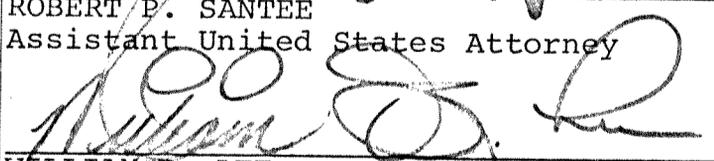
IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT upon the failure of said defendants, Thomas H. Zackery and Wanda A. Zackery, to satisfy plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise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


WILLIAM B. LEE
Attorney for Credithrift of America, Inc.

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

BOBBI ZOE SHORT,)

Plaintiff,)

vs.)

No. 73-C-85 ✓

ENGLUND EQUIPMENT COMPANY,)

WILLIAM ERNEST MORGAN and)

DALE L. GOLDSTANDT,)

Defendants.)

FILED
IN OPEN COURT

DEC 10 1973

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

JOEL B. SHORT,)

Plaintiff,)

vs.)

No. 73-C-86

ENGLUND EQUIPMENT COMPANY,)

WILLIAM ERNEST MORGAN and)

DALE L. GOLDSTANDT,)

Defendants.)

CONSOLIDATED

DALE LYNN GOLDSTANDT,)

Plaintiff,)

vs.)

No. 73-C-118

ENGLUND EQUIPMENT COMPANY,)

A Foreign Corporation,)

TRANSIT CASUALTY COMPANY,)

A Foreign Insurance Company)

and WILLIAM ERNEST MORGAN,)

Defendants.)

J U D G M E N T

THE above entitled actions having been consolidated for trial came on for trial before the Court and the Jury, Honorable Luther Bohanon, District Judge, presiding, and the issues having been duly tried and the Jury having duly rendered its verdict.

IT IS ORDERED AND ADJUDGED that Plaintiff, BOBBI ZOE SHORT recover of the Defendants, ENGLUND EQUIPMENT COMPANY, WILLIAM ERNEST MORGAN and DALE L. GOLDSTANDT, the sum of Two Hundred Twenty-Five Thousand Dollars (\$225,000.00), with interest thereon at the rate of ten per cent (10%) per annum as provided by law, and her costs of action.

IT IS FURTHER ORDERED AND ADJUDGED that the Plaintiff

JUDGE,
WINN,
AND SCOTT
ATTORNEYS AT LAW
Suite 1201
Fourth Nat. Bank Bldg.
TULSA, OKLAHOMA

JOEL B. SHORT recover of the Defendants, ENGLUND EQUIPMENT COMPANY, WILLIAM ERNEST MORGAN and DALE L. GOLDSTANDT, the sum of Sixty Thousand Dollars (\$60,000.00), with interest thereon at the rate of ten per cent (10%) as provided by law, and his costs of action.

IT IS FURTHER ORDERED AND ADJUDGED that in No. 73-C-118 that the Plaintiff, DALE LYNN GOLDSTANDT, take nothing against the Defendant, and that the Defendants take nothing on their Cross-Complaint against the Plaintiff.

DATED at Tulsa, Oklahoma, this ¹⁰~~31st~~ day of ^{December}~~October~~, 1973.

12-10-1973

Yvonne Bohannon
CLERK OF THE COURT

APPROVED:

GUDGEL, WINN & SCOTT

By John P. Scott
JOHN P. SCOTT
Attorneys for Plaintiffs,
BOBBI ZOE SHORT and JOEL B. SHORT

FOLIART, MILLS & NIEMEYER

By James D. Foliart
JAMES D. FOLIART
Attorneys for ENGLUND EQUIPMENT
COMPANY, WILLIAM ERNEST MORGAN
and TRANSIT CASUALTY COMPANY

COVINGTON, GIBBON & POE

By Richard D. Gibbon
RICHARD D. GIBBON
Attorneys for DALE L. GOLDSTANDT

RUCKER, TABOR, McBRIDE & HOPKINS

By Dale Warner
DALE WARNER
Attorneys for DALE L. GOLDSTANDT

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

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
vs.)
)
) JIMMY HAROLD WELLS, et al.,)
)
) Defendants.)

CIVIL ACTION NO. 73-C-234

FILED

DEC 10 1973

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 7th
day of December, 1973, the plaintiff appearing by Robert P.
Santee, Assistant United States Attorney, the defendant,
Tulsa Adjustment Bureau, Inc., appearing by its attorney,
D. Wm. Jacobus, Jr., and the defendants, Jimmy Harold Wells,
Sharon Lee Wells a/k/a Sharon Lee Temme, David Tenne, Donna Lee
Branch, Marie Baxter, Barry Baxter, Marie V. Ramsey a/k/a
Marie Ramsey Sininger, Marion R. Sininger, Richard M. Herriott,
Hazel C. Herriott, Dolores R. Sininger, Charles E. Mason, and
Robert B. Branch, appearing not.

The Court being fully advised and having examined
the file herein finds that Jimmy Harold Wells, Sharon Lee Wells
a/k/a Sharon Lee Temme, David Temme, Marie Baxter, Barry Baxter,
Marie V. Ramsey a/k/a Marie Ramsey Sininger, Richard M. Herriott,
Hazel C. Herriott, Dolores R. Sininger, and Robert B. Branch
were served by publication, as appears from the Proof of Publi-
cation filed herein on December 4, 1973; that Marion R. Sininger
and Charles E. Mason were served with Summons and Complaint on
August 9, 1973; that Donna Lee Branch was served with Summons
and Complaint on August 23, 1973; and that Tulsa Adjustment
Bureau, Inc., was served with Summons and Complaint on August 3,
1973, all as appears from the Marshal's Return of Service herein.

It appearing that the defendant, Tulsa Adjustment Bureau,
Inc., has duly filed its Disclaimer herein on August 14, 1973,
and the defendants, Jimmy Harold Wells, Sharon Lee Wells a/k/a

Sharon Lee Temme, David Temme, Donna Lee Branch, Marie Baxter, Barry Baxter, Marie V. Ramsey a/k/a Marie Ramsey Sininger, Marion R. Sininger, Richard M. Herriott, Hazel C. Herriott, Dolores R. Sininger, Charles E. Mason, and Robert B. Branch, 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 Five (5), Block Seven (7), LAKE-VIEW HEIGHTS Amended Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof.

THAT the defendants, Jimmy Harold Wells and Sharon Lee Wells a/k/a Sharon Lee Temme, did, on the 19th day of December, 1967, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$8,000.00 with 6 percent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Jimmy Harold Wells and Sharon Lee Wells a/k/a Sharon Lee Temme, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the above-named defendants are now indebted to the plaintiff in the sum of \$7,538.51 as unpaid principal, with interest thereon at the rate of 6 percent interest per annum from April 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, Jimmy Harold Wells and Sharon Lee Wells a/k/a Sharon Lee Temme, in rem, for the sum of \$7,538.51 with interest thereon at the rate of 6 percent interest per annum from April 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 for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment, in rem, against the defendants, David Temme, Donna Lee Branch, Marie Baxter, Barry Baxter, Marie V. Ramsey a/k/a Marie Ramsey Sininger, Marion R. Sininger, Richard M. Herriott, Hazel C. Herriott, Dolores R. Sininger, Charles E. Mason, and Robert B. Branch.

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

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


United States District Judge

APPROVED.



ROBERT P. SANTEE
Assistant United States Attorney

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
vs.)
)
JIMMY HAROLD WELLS, et al.,)
)
Defendants.)

CIVIL ACTION NO. 73-C-234

FILED

DEC 10 1973

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 7th
day of December, 1973, the plaintiff appearing by Robert P.
Santee, Assistant United States Attorney, the defendant,
Tulsa Adjustment Bureau, Inc., appearing by its attorney,
D. Wm. Jacobus, Jr., and the defendants, Jimmy Harold Wells,
Sharon Lee Wells a/k/a Sharon Lee Temme, David Tenne, Donna Lee
Branch, Marie Baxter, Barry Baxter, Marie V. Ramsey a/k/a
Marie Ramsey Sininger, Marion R. Sininger, Richard M. Herriott,
Hazel C. Herriott, Dolores R. Sininger, Charles E. Mason, and
Robert B. Branch, appearing not.

The Court being fully advised and having examined
the file herein finds that Jimmy Harold Wells, Sharon Lee Wells
a/k/a Sharon Lee Temme, David Temme, Marie Baxter, Barry Baxter,
Marie V. Ramsey a/k/a Marie Ramsey Sininger, Richard M. Herriott,
Hazel C. Herriott, Dolores R. Sininger, and Robert B. Branch
were served by publication, as appears from the Proof of Publi-
cation filed herein on December 4, 1973; that Marion R. Sininger
and Charles E. Mason were served with Summons and Complaint on
August 9, 1973; that Donna Lee Branch was served with Summons
and Complaint on August 23, 1973; and that Tulsa Adjustment
Bureau, Inc., was served with Summons and Complaint on August 3,
1973, all as appears from the Marshal's Return of Service herein.

It appearing that the defendant, Tulsa Adjustment Bureau,
Inc., has duly filed its Disclaimer herein on August 14, 1973,
and the defendants, Jimmy Harold Wells, Sharon Lee Wells a/k/a

Sharon Lee Temme, David Temme, Donna Lee Branch, Marie Baxter, Barry Baxter, Marie V. Ramsey a/k/a Marie Ramsey Sininger, Marion R. Sininger, Richard M. Herriott, Hazel C. Herriott, Dolores R. Sininger, Charles E. Mason, and Robert B. Branch, 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 Five (5), Block Seven (7), LAKE-VIEW HEIGHTS Amended Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof.

THAT the defendants, Jimmy Harold Wells and Sharon Lee Wells a/k/a Sharon Lee Temme, did, on the 19th day of December, 1967, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$8,000.00 with 6 percent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Jimmy Harold Wells and Sharon Lee Wells a/k/a Sharon Lee Temme, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the above-named defendants are now indebted to the plaintiff in the sum of \$7,538.51 as unpaid principal, with interest thereon at the rate of 6 percent interest per annum from April 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, Jimmy Harold Wells and Sharon Lee Wells a/k/a Sharon Lee Temme, in rem, for the sum of \$7,538.51 with interest thereon at the rate of 6 percent interest per annum from April 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 for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment, in rem, against the defendants, David Temme, Donna Lee Branch, Marie Baxter, Barry Baxter, Marie V. Ramsey a/k/a Marie Ramsey Siningler, Marion R. Siningler, Richard M. Herriott, Hazel C. Herriott, Dolores R. Siningler, Charles E. Mason, and Robert B. Branch.

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.

s/ Allen E. Barrow
United States District Judge

APPROVED.



ROBERT P. SANTEE
Assistant United States Attorney

The Court further finds that the defendants, Joel Pouncil and Christine Pouncil, 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 \$9,687.38 as unpaid principal, with interest thereon at the rate of 6 percent interest per annum from February 1, 1972, until paid, plus the cost of this action accrued and accruing.

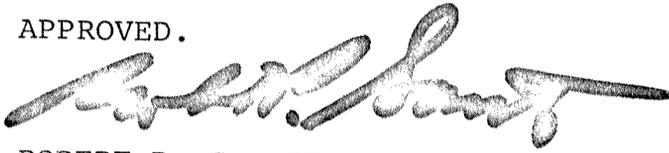
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendants, Joel Pouncil and Christine Pouncil, in rem, for the sum of \$9,687.38 with interest thereon at the rate of 6 percent interest per annum from February 1, 1972, plus the cost of this action accrued 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 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.

Lee Douglas
United States District Judge

APPROVED.



ROBERT P. SANTEE
Assistant United States Attorney

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

JANE C. HICKS,)
)
) Plaintiff,)
)
) vs.)
)
) AXEL R. GRANBERG,)
)
) Defendant.)

NO. 73-C-362

FILED
DEC 7 1973 *b*

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

ORDER OF DISMISSAL

ON this 7th day of December, 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 F. B...

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

APPROVAL:

JAMES E. FRASIER

James E. Frasier

Attorney for the Plaintiff

ALFRED B. KNIGHT

Alfred B. Knight

Attorney for the Defendant

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

UNITED STATES OF AMERICA,)
)
) CIVIL ACTION NO. 73-C-160
vs.)
)
PAUL E. WILSON, et al.,)
)
) Defendants.)

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 6th
day of December, 1973, the plaintiff appearing by Robert P.
Santee, Assistant United States Attorney, and the defendants,
Paul E. Wilson, Ramona Wilson, Felix Littlejohn, Bertha
Littlejohn, and Merle Yost Chrysler-Plymouth, Inc., appearing
not.

The Court being fully advised and having examined
the file herein finds that Felix Littlejohn and Bertha Littlejohn
were served with Summons and Complaint on May 23, 1973, as
appears from the Marshal's Return of Service herein, that
Paul E. Wilson, Ramona Wilson, and Merle Yost Chrysler-Plymouth,
Inc., were served by publication, as appears from the Proof of
Publication filed herein on November 29, 1973.

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

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

Lot Twelve (12), Block Ten (10), FAIRHILL 2ND
ADDITION, a Subdivision to the City of Tulsa,
Tulsa County, State of Oklahoma, according to
the recorded plat thereof.

THAT the defendants, Paul E. Wilson and Ramona Wilson,
did, on the 8th day of April, 1971, execute and deliver to the

Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$14,800.00 with 7 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 defendants, Felix Littlejohn and Bertha Littlejohn, were the grantees in a deed from Paul E. Wilson and Ramona Wilson, dated September 15, 1971, and filed September 24, 1971, in Book 3986, Page 1229, records of Tulsa County, wherein Felix Littlejohn and Bertha Littlejohn assumed and agreed to pay the mortgage indebtedness being sued upon herein.

The Court further finds that the defendants, Paul E. Wilson, Ramona Wilson, Felix Littlejohn, and Bertha Littlejohn, 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 \$14,766.82 as unpaid principal, with interest thereon at the rate of 7 1/2 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, Paul E. Wilson and Ramona Wilson, in rem, and Felix Littlejohn and Bertha Littlejohn, in personam, for the sum of \$14,766.82 with interest thereon at the rate of 7 1/2 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 the plaintiff have and recover judgment, in rem, against the defendant, Merle Yost Chrysler-Plymouth, Inc.

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.

/s/ Luther Bohanon
United States District Judge

APPROVED.



ROBERT P. SANTEE
Assistant United States Attorney

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
vs.)
)
WILLIAM ELVIS BURNS, et al.,)
)
 Defendants.)

CIVIL ACTION NO. 73-C-140

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 6th
day of December, 1973, the plaintiff appearing by Robert P.
Santee, Assistant United States Attorney, and the defendants,
William Elvis Burns and Violet Burns, appearing not.

The Court being fully advised and having examined
the file herein finds that William Elvis Burns and Violet Burns
were served by publication, as appears from the Proof of Pub-
lication filed herein on November 29, 1973.

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 Thirteen (13), Block Nine (9), ROLLING
HILLS THIRD ADDITION, an Addition in Tulsa
County, Oklahoma, according to the recorded
plat thereof.

THAT the defendants, William Elvis Burns and Violet
Burns, did, on the 23rd day of February, 1971, execute and
deliver to the Lomas & Nettleton Company, their mortgage and
mortgage note in the sum of \$15,500.00 with 8 1/2 percent
interest per annum, and further providing for the payment
of monthly installments of principal and interest; and

That by Assignment of Mortgage of Real Estate dated April 17, 1972, The Lomas & Nettleton Company assigned said note and mortgage to Secretary of Housing and Urban Development, Washington, D.C., his successors and assigns as such.

The Court further finds that the defendants, William Elvis Burns and Violet Burns, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the above-named defendants are now indebted to the plaintiff in the sum of \$15,392.76 as unpaid principal, with interest thereon at the rate of 8 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, William Elvis Burns and Violet Burns, in rem, for the sum of \$15,392.76 with interest thereon at the rate of 8 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 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.

/s/ Luther Bohanon
United States District Judge

APPROVED.



ROBERT P. SANTEE
Assistant United States Attorney

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
vs.)
)
)
EMILENE E. FULLER, et al.,)
)
 Defendants.)

CIVIL ACTION NO. 73-C-125

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 6th
day of December, 1973, the plaintiff appearing by Robert P.
Santee, Assistant United States Attorney, and the defendants,
Emilene E. Fuller, Leonard E. Wren, Roberta D. Wren, Harold C.
Carter, and Lucille B. Carter, appearing not.

The Court being fully advised and having examined
the file herein finds that Harold C. Carter and Lucille B.
Carter were served with Summons and Complaint on May 1, 1973,
as appears from the Marshal's Return of Service herein and that
Emilene E. Fuller, Leonard E. Wren, and Roberta D. Wren were
served by publication, as appears from the Proof of Publication
filed herein on November 29, 1973.

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

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

Lot Sixteen (16), Block Four (4), SUBURBAN
ACRES THIRD ADDITION to the City of Tulsa,
County of Tulsa, State of Oklahoma, according
to the recorded plat thereof.

THAT the defendant, Emilene E. Fuller, did, on the
19th day of March, 1963, execute and deliver to Administrator

of Veterans Affairs, their mortgage and mortgage note in the sum of \$9,050.00 with 5 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 defendants, Leonard E. Wren and Roberta D. Wren, were the grantees in a deed from Emilene E. Fuller, dated and filed June 15, 1965, in Book 3588, Page 372, records of Tulsa County, wherein Leonard E. Wren and Roberta D. Wren assumed and agreed to pay the mortgage indebtedness being sued upon herein.

The Court further finds that the defendants, Harold C. Carter and Lucille B. Carter, were the grantees in a deed from Leonard E. Wren and Roberta D. Wren, dated August 18, 1967, and filed August 21, 1967, in Book 3818, Page 106, records of Tulsa County, wherein Harold C. Carter and Lucille B. Carter assumed and agreed to pay the mortgage indebtedness being sued upon herein.

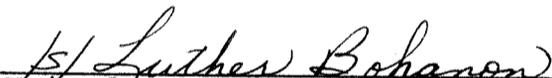
The Court further finds that the defendants, Emilene E. Fuller, Leonard E. Wren, Roberta D. Wren, Harold C. Carter, and Lucille B. Carter, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the above-named defendants are now indebted to the plaintiff in the sum of \$7,715.05 as unpaid principal, with interest thereon at the rate of 5 1/2 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, Emilene E. Fuller, Leonard E. Wren, and Roberta D. Wren, in rem, and Harold C. Carter and Lucille B. Carter, in personam, for the sum of \$7,715.05 with interest thereon at the rate of 5 1/2 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

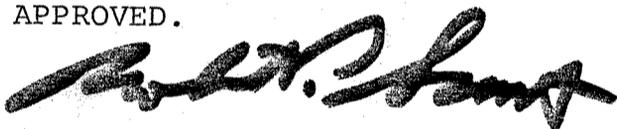
action by plaintiff by taxes, insurance, abstracting, or sums for the preservation of the subject property.

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

THOMAS J. ELLISON, Deputy Area Director,)
Bureau of Indian Affairs, for Agnes Q.)
Hoffman Estate, and the heirs of Agnes)
Q. Hoffman, deceased;)
ESTATE OF AGNES Q. HOFFMAN, deceased;)
GENEVA HOFFMAN RAMSEY, JEAN ANN QUAPAW)
BLUE, HENRY EDWARD HOFFMAN, JR., CHARLES)
FELIX HOFFMAN, and)
THE TRUST ESTATE OF HENRY E. HOFFMAN, SR.)
heirs of Agnes Q. Hoffman, deceased,)
)
Plaintiffs,)
)
vs.)
)
UNITED STATES OF AMERICA,)
)
Defendant.)

CIVIL ACTION NO. 69-C-30

FILED

DEC 6 - 1973

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

STIPULATION OF DISMISSAL

IT IS HEREBY STIPULATED AND AGREED THAT the above
entitled action be dismissed with prejudice, each party to bear
its own costs.

BOONE, ELLISON & SMITH

By: 
JAMES O. ELLISON

Attorneys for Plaintiffs listed above

UNITED STATES OF AMERICA

NATHAN G. GRAHAM
United States Attorney

By: 
ROBERT P. SANTEE
Assistant United States Attorney

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

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
 vs.)
)
 JOHN W. STRADER, et al.,)
)
)
)
) Defendants.)

CIVIL ACTION NO. 73-C-331

FILED
DEC 6 - 1973

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES ON for consideration this 6th
day of December, 1973, the plaintiff appearing by Robert P. Santee,
Assistant United States Attorney for the Northern District of
Oklahoma, and the defendants, John W. Strader and Sharyn Kay Strader,
appearing not, and

The Court being fully advised and having examined the
file herein finds that due and legal process of service was made
on defendant, John W. Strader, on October 10, 1973, and on defendant,
Sharyn Kay Strader, on November 13, 1973, as appears from the U. S.
Marshal's Returns of Service herein; that the time within which these
defendants may answer or otherwise move as to the Complaint has
expired; that the defendants have not answered or otherwise moved;
that the time for defendants to answer or otherwise move has not
been extended, and that default has been entered by the Clerk of
this Court.

The Court further finds that this is a suit based upon a
Promissory Note and foreclosure on a Real Estate Mortgage securing
said Promissory Note and that the following described real property
is located in Osage County, Oklahoma, within the Northern Judicial
District of Oklahoma, to-wit:

Lot Four (4), Block One (1), RUSTIC HILLS
ADDITION to Skiatook, Osage County, Oklahoma,
according to the recorded plat thereof.

That the defendants, John W. Strader and Sharyn Kay Strader, did, on the 25th day of February 1970, execute and deliver to the United States of America, acting through the Farmers Home Administration, their Promissory Note and Real Estate Mortgage in the sum of \$12,750.00 payable in thirty-three (33) annual installments, with interest thereon at the rate of 6 1/4 percent per annum, and

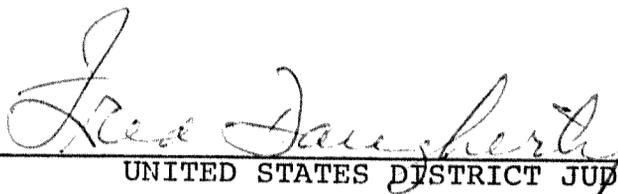
The Court further finds that the defendants, John W. Strader and Sharyn Kay Strader, made default under the terms of the aforesaid Promissory Note by reason of their failure to make the annual installments thereon, which default has continued and that by reason thereof the above named defendants are now indebted to the plaintiff the sum of \$13,769.92, plus \$362.05 interest as of June 8, 1973, plus daily interest accrual thereafter of \$2.3578 until paid.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT the plaintiff have and recover judgment against defendants, John W. Strader and Sharyn Kay Strader, in personam, for the sum of \$13,769.92, plus \$362.05 interest as of June 8, 1973, plus daily interest accruing thereafter of \$2.3578 until paid, plus any additional sums advanced or expended during this foreclosure action by the plaintiff, for taxes, insurance, abstracting, or sums for the preservation of subject property, plus the cost of this action.

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 appraisal, the above-described real property and to apply the proceeds thereof in satisfaction of plaintiff's judgment. The residue, if any, to be deposited with the Clerk of the Court to await further order of the Court.

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

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


UNITED STATES DISTRICT JUDGE

APPROVED:



ROBERT P. SANTEE
Assistant United States Attorney

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

THOMAS J. ELLISON, Deputy Area Director,)
Bureau of Indian Affairs, for Agnes)
Q Hoffman Estate, and the heirs of)
Agnes Q. Hoffman, deceased;)
ESTATE OF AGNES Q. HOFFMAN, deceased;)
GENEVA HOFFMAN RAMSEY, JEAN ANN QUAPAW)
BLUE, HENRY EDWARD HOFFMAN, JR.,)
CHARLES FELIX HOFFMAN, and)
THE TRUST ESTATE OF HENRY E. HOFFMAN,)
SR., heirs of Agnes Q. Hoffman,)
deceased,)

Plaintiffs,)

vs.)

UNITED STATES OF AMERICA,)

Defendant.)

CIVIL ACTION NO. 70-C-27

FILED

DEC 6 - 1973

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

STIPULATION OF DISMISSAL

IT IS HEREBY STIPULATED AND AGREED THAT the above
entitled action be dismissed with prejudice, each party to bear
its own costs.

BOONE, ELLISON & SMITH

By: 
JAMES O. ELLISON

Attorneys for Plaintiffs listed
above

NATHAN G. GRAHAM
United States Attorney

By: 
ROBERT P. SANTEE
Assistant United States Attorney

Attorneys for Defendant,
United States of America

FILED

DEC 6 1973

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

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
vs.)
)
O. D. EVANS, et al.,)
)
Defendants.)

CIVIL ACTION NO. 73-C-124 ✓

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 5th day of December, 1973, the plaintiff appearing by Robert P. Santee, Assistant United States Attorney, and the defendants, O. D. Evans, Lonie Evans, Jack Warren Evans, Doris Ann Evans, Mutt E. Rainbolt, and May Rainbolt, appearing not.

The Court being fully advised and having examined the file herein finds that O. D. Evans and Lonie Evans were served with Summons and Complaint on May 4, 1973; that Jack Warren Evans and Doris Ann Evans were served with Summons and Complaint on May 1, 1973, all as appears from the Marshal's Return of Service herein; and that Mutt E. Rainbolt and May Rainbolt were served by publication, as appears from the Proof of Publication filed herein on November 29, 1973.

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

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

Lot One (1), Block Nineteen (19), VALLEY VIEW ACRES ADDITION to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded plat thereof.

THAT the defendants, O. D. Evans and Lonie Evans, did, on the 22nd day of December, 1964, execute and deliver

to the Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$9,500.00 with 5 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 defendants, Jack Warren Evans and Doris Ann Evans, were the grantees in a deed from O. D. Evans and Lonie Evans, dated November 26, 1968, and filed April 9, 1970, in Book 3921, Page 1392, records of Tulsa County, wherein Jack Warren Evans and Doris Ann Evans assumed and agreed to pay the mortgage indebtedness being sued upon herein.

The Court further finds that the defendants, Mutt E. Rainbolt and May Rainbolt, were the grantees in a deed from Jack Warren Evans and Doris Ann Evans, dated June 1, 1971, and filed June 2, 1971, in Book 3970, Page 1540, records of Tulsa County, wherein Mutt E. Rainbolt and May Rainbolt assumed and agreed to pay the mortgage indebtedness being sued upon herein.

The Court further finds that the defendants, O. D. Evans, Lonie Evans, Jack Warren Evans, Doris Ann Evans, Mutt E. Rainbolt, and May Rainbolt, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the above-named defendants are now indebted to the plaintiff in the sum of \$8,485.31 as unpaid principal, with interest thereon at the rate of 5 1/2 percent interest per annum from November 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, O. D. Evans, Lonie Evans, Jack Warren Evans, and Doris Ann Evans, in personam, and Mutt E. Rainbolt and May Rainbolt, in rem, for the sum of \$8,485.31 with interest thereon at the rate of 5 1/2 percent interest per annum from November 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

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

NATIONAL COSMETIC LABORATORIES,
INCORPORATED,

Plaintiff,

-vs-

TOLLE DISTRIBUTORS, INC., formerly
Akin Distributors, Inc.,

Defendant.

No. 73-C-113

FILED

DEC 5 1973

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

ORDER OF DISMISSAL

NOW on this 5th day of December, 1973, the above-styled and numbered cause comes on for ^{consideration} hearing. The plaintiff, National Cosmetic Laboratories, Incorporated, appearing by and through its counsel of record, Wright & Lowrey by J. Douglas Williams, the defendant, Tolle Distributors, Inc., appearing by and through its counsel of record, Rizley, Prichard, Ford, Norman & Reed by Joel L. Wohlgemuth, the court having heard the statements of counsel and having examined the records and files herein and being well and fully advised in the premises,

FINDS that plaintiff's Complaint and cause of action should be dismissed with prejudice. It is, therefore,

ORDERED, ADJUDGED AND DECREED that plaintiff's Complaint and cause of action be and the same is hereby dismissed with prejudice.

Allen E. Benson
CHIEF UNITED STATES DISTRICT JUDGE

APPROVAL:

WRIGHT & LOWREY

By *J. Douglas Williams*
J. Douglas Williams
Attorneys for the Plaintiff

RIZLEY, PRICHARD, FORD, NORMAN & REED

By *Joel L. Wohlgemuth*
Joel L. Wohlgemuth
Attorneys for the Defendant

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

UNITED STATES OF AMERICA,
Plaintiff,
vs.
DENNIS DALE WALLACE, et al.,
Defendants.

CIVIL ACTION No. 73-C-245

FILED
DEC 3 - 1973
Jack C. Silver, Clerk
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 30th day
of ~~October~~ ^{November}, 1973, the plaintiff appearing by Robert P. Santee,
Assistant United States Attorney, and the defendant, Federal
National Mortgage Association, appearing by its attorney,
R. Vincent Towns, the defendant, Oklahoma Tax Commission,
appearing by its attorney, Albert D. Lynn, the defendant, Paul
Pitcock d/b/a Ajax Electric Company, appearing by his attorney,
William B. Lee, the defendant, C & C Tile Co., Inc., appearing
by its attorney, Bland Williamson, the defendants, County
Treasurer and Board of County Commissioners, Tulsa County,
appearing by their attorney, Gary J. Summerfield, Assistant
District Attorney, and the defendants, Dennis Dale Wallace,
Janett Delena Wallace, Charles G. Hensley, Angela D. Hensley,
and PPG Industries, Incorporated, appearing not, and

The Court being fully advised and having examined
the file herein finds that Dennis Dale Wallace and Janett Delena
Wallace were served with Summons, Complaint, and Amendment to
Complaint on August 3, 1973, and September 4, 1973, respectively;
that Charles G. Hensley and Angela D. Hensley were served with
Summons, Complaint, and Amendment to Complaint on August 8, 1973,
and September 10, 1973, respectively; that Federal National
Mortgage Association was served with Summons, Complaint, and
Amendment to Complaint on August 3, 1973, and September 5, 1973,
respectively; that Oklahoma Tax Commission was served with Summons,
Complaint, and Amendment to Complaint on August 2, 1973, and

September 4, 1973, respectively; that PPG Industries, Incorporated was served with Summons, Complaint, and Amendment to Complaint on August 2, 1973, and September 4, 1973, respectively; that C & C Tile Co., Inc., and Paul Pitcock d/b/a Ajax Electric Co. were served with Summons, Complaint, and Amendment to Complaint on September 10, 1973; and that County Treasurer and Board of County Commissioners, Tulsa County, were served with Summons, Complaint, and Amendment to Complaint on September 6, 1973, all as appears from the Marshal's Return of Service herein, and

It appearing that Federal National Mortgage Association has filed its Disclaimers herein on August 14, 1973, and September 7, 1973, respectively; that Oklahoma Tax Commission has filed its Answer and Cross-Petition herein on August 7, 1973; that Paul Pitcock d/b/a Ajax Electric Company has filed its Answer herein on September 14, 1973; that C & C Tile Co., Inc., has filed its Answer and Cross-Petition herein on September 13, 1973; and that County Treasurer and Board of County Commissioners, Tulsa County, have filed their Answer herein on September 12, 1973.

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

Lot One (1), Block Four (4), OAK RIDGE ADDITION
to the City of Tulsa, Tulsa County, Oklahoma,
according to the recorded plat thereof.

THAT the defendants, Dennis Dale Wallace and Janett Delena Wallace, did, on the 25th day of October, 1968, execute and deliver to Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$12,500.00 with 7 percent interest per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendants, Charles G. Hensley and Angela D. Hensley, were the grantees in a deed from Dennis Dale Wallace and Janett Delena Wallace dated September 16, 1970, and filed October 2, 1970, in Book 3941, Page 781, records of Tulsa County, wherein Charles G. Hensley and Angela D. Hensley

assumed and agreed to pay the mortgage indebtedness being sued upon herein.

The Court further finds that the defendants, Dennis Dale Wallace, Janett Delena Wallace, Charles G. Hensley, and Angela D. Hensley, 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 \$12,085.49 as unpaid principal, with interest thereon at the rate of 7 percent interest per annum from June 25, 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, Dennis Dale Wallace, Janett Delena Wallace, Charles G. Hensley, and Angela D. Hensley, in personam, for the sum of \$12,085.49 with interest thereon at the rate of 7 percent interest per annum from June 25, 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 the plaintiff have and recover judgment, in rem, against the defendants, Federal National Mortgage Association, Oklahoma Tax Commission, PPG Industries, Incorporated, C & C Tile Co., Inc., Paul Pitcock d/b/a Ajax Electric Co., County Treasurer, and Board of County Commissioners, and Tulsa County.

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.

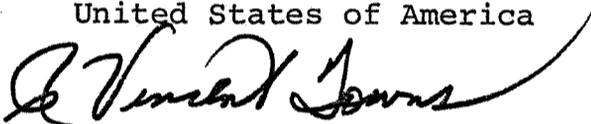
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed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

Luther Bohanon
United States District Judge

APPROVED.



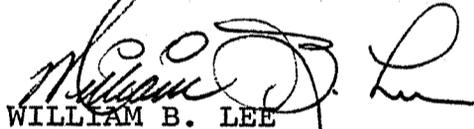
ROBERT P. SANTEE
Assistant United States Attorney
Attorney for Plaintiff,
United States of America



R. VINCENT TOWNS
Attorney for Defendant,
Federal National Mortgage Association



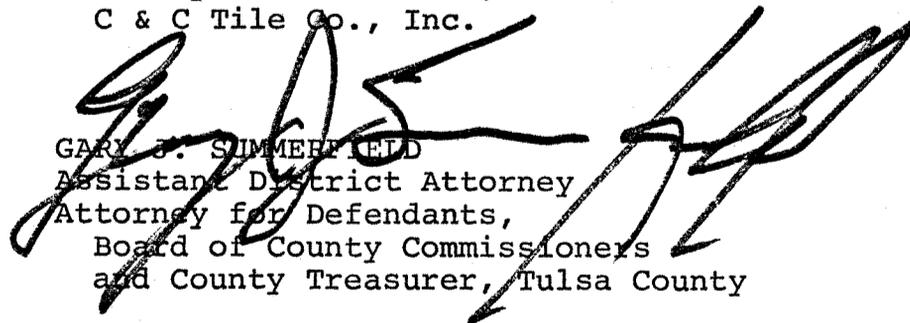
ALBERT D. LYNN
Attorney for Defendant,
Oklahoma Tax Commission



WILLIAM B. LEE
Attorney for Defendant,
Paul Pitcock d/b/a Ajax Electric Company



BLAND WILLIAMSON
Attorney for Defendant,
C & C Tile Co., Inc.



GARY J. SUMMERFIELD
Assistant District Attorney
Attorney for Defendants,
Board of County Commissioners
and County Treasurer, Tulsa County

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:)

(metal plate on back))

"DIAPULSE MODEL D101 SERIAL)
NO. 1518 *** DIAPULSE MANU-)
FACTURING CORPORATION OF)
AMERICA NEW YORK CITY)
MANUFACTURED BY REMINGTON)
RAND DIVISION SPERRY RAND)
CORPORATION ****")

AND ALSO INCLUDING THE FOL-)
LOWING ITEMS OF WRITTEN,)
PRINTED AND GRAPHIC MATTER)
RELATING TO THE ARTICLE:)

(leaflet))

"OPERATION PROCEDURE OF)
DIAPULSE MODEL D101 ****")

(leaflet))

"DIAPULSE MANUFACTURING)
CORPORATION OF AMERICA ***)
BASIC SALES APPROACH)
INFORMATION ****")

(treatment chart))

"RECOMMENDED TREATMENT CHART)
****")

Defendant.)

FILED

DEC 3 - 1973

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

CIVIL ACTION NO. 73-C-327

DECREE OF CONDEMNATION

This matter comes on for consideration on Plaintiff's Motion For Default Judgment, and the Court, having examined the facts herein, finds that the Complaint was filed herein on October 2, 1973, and a Warrant For Arrest Of Property was duly issued and served by the United States Marshal for the Northern District of Oklahoma on October 4, 1973, and that Notice was published for four (4) consecutive weeks in Tulsa Daily Legal News; that neither H. T. Wittenberg, D.O., nor any other claimant has appeared or otherwise moved herein.

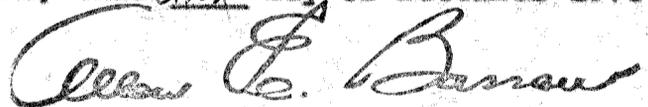
The Court finds that the allegations of the Complaint are true and correct; that the article and literature relating thereto described therein and seized by the United States Marshal were misbranded while held for sale after shipment in interstate commerce; that such items are within the jurisdiction of this Court; that such items are liable for seizure and disposition pursuant to the provisions of 21 U.S.C. §352(a) and (f)(1).

The Court further finds that the items mentioned herein were misbranded when introduced into and while in interstate commerce and that said items cannot be salvaged for any useful purpose.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COURT that the said article and the literature relating thereto 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 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 Warrant For Arrest Of Property heretofore issued and served herein 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 3rd day of December 1973.



UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Jack M. Short

JACK M. SHORT
Assistant United States Attorney

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

ESEX, INC., a corporation,)
)
Plaintiff,)
)
vs.)
)
ARDUN SUPPLY COMPANY, a)
corporation; LA BARGE, INC.,)
a corporation; SHARON STEEL)
COMPANY, a corporation; and)
JAMES TALCOTT, INC., a)
corporation,)
)
Defendants.)

73-C-369 /

E I L E D

DEC 3 - 1973

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

ORDER

In this proceeding filed as an action in the nature of interpleader pursuant to 18 U.S.C. §§ 1335 and 1332, the Court has for consideration a motion to dismiss, and brief, filed by the Defendant, LaBarge, Inc., wherein it is asserted that this Court lacks jurisdiction in that the fund, in the sum of \$19,025.03, deposited with this Court, was at the time of deposit in custodia legis of the District Court of Tulsa County, Oklahoma. It is asserted that LaBarge, Inc., on its judgment against Ardun Supply Company and H. W. Arduzen, filed a garnishment proceeding, C-73-1567, in said State Court in which cause garnishee summons had been issued and served upon and answered by the Plaintiff herein, Esex, Inc.

Esex, Inc., has filed a brief in opposition to the motion to dismiss and therein contends that the \$19,061.03 indebtedness owed to Ardun Supply Company is not in custodia legis of the Tulsa County District Court by reason of an assignment, including the particular account here in question, by Ardun Supply Company to James Talcott, Inc., in July, 1973. Esex, Inc., admits that this assignment controversy can be resolved in the State proceeding. However, Esex, Inc., contends this Court should still proceed in Federal interpleader because of a guaranty agreement given by Esex, Inc., to Sharon Steel Company, a Pennsylvania

corporation with its principal place of business in Sharon, Pennsylvania, because it is questionable that jurisdiction can be obtained over Sharon Steel Company in the State proceeding pursuant to the Oklahoma long-arm statute. Further, Essex, Inc., contends that the said guaranty agreement is based on the transaction upon which its indebtedness to Ardun Supply Company arises.

The Court having perused the motion and briefs in support and opposition thereto, the complaint in interpleader and the exhibits attached thereto, and being fully advised in the premises FINDS:

1. The State Court civil action C-73-1567 is a garnishment proceeding by LaBarge, Inc., to recover on its judgment against Ardun Supply Company, a Delaware corporation with its principal place of business in Tulsa, Oklahoma, and its president, H. W. Arduzen. A garnishee debtor in said proceeding is the Plaintiff in this Federal interpleader action, Essex, Inc., who admits that it received service of summons and answered in the State garnishment proceeding prior to filing its Federal complaint in interpleader.

2. That it has long been the law in the State of Oklahoma that service of the Garnishee Summons constitutes attachment of any amounts held by the garnishee belonging to the judgment debtor and said amount upon service of the Garnishee Summons is placed in custodia legis of the Court from which the Garnishee Summons originated, and the garnishee thereafter holds the money subject to the process of that Court. Berry-Beall Dry Goods vs. Adams, 211 P. 79 (Okla. 1922); First Nat. Bank of Cordell vs. City Guaranty Bank, 51 P.2d 573 (Okla. 1935).

3. That it is also long settled that attachment is wholly the creature of, and controlled by, the law of the State. Property and persons within the State can be subjected to the operation of the local law and power over the person who owes a debt confers jurisdiction on the Courts of the State where the writ of attachment issues; and by reason of the constitutional requirement that full faith and credit be given

the valid actions of a State, Courts of one State must recognize valid attachment judgments of Courts of other States, and under congressional enactment Federal Courts must also give full faith and credit to the acts of a State Court. Huron Corp. vs. Lincoln Co., 312 U. S. 183 (1941);

4. That valid jurisdiction over the fund deposited is a mandatory prerequisite to jurisdiction of the Court in Federal Interpleader; and, under the facts of this cause, the amount deposited with this Court was and is in custodia legis and is subject to the process of the State Court of Oklahoma pursuant to the garnishment proceeding pending in the said State Court as set forth above. Therefore, although this Court has physical control over the fund deposited by Essex, Inc., such fund is subject to prior State custody, and thus the jurisdiction of this Court must yield to that of the Oklahoma State Court. Princess Lida vs. Thompson, 305 U. S. 456 (1939); O'Hare International Bank vs. Lambert, 459 F. 2d 328 (10th Cir. 1972).

5. That in accordance with the findings herein the Motion to Dismiss should be sustained and the Court should Order the temporary restraining Order dissolved; the complaint in the nature of interpleader and this cause of action dismissed; and, the fund deposited with this Court, in the sum of \$19,025.03, returned to the plaintiff.

IT IS, THEREFORE, ORDERED that the temporary restraining Order entered herein on November 26, 1973, be and it is hereby dissolved.

IT IS FURTHER ORDERED that the Motion to Dismiss is sustained and the complaint in the nature of interpleader and this cause of action be and it is hereby dismissed.

IT IS FURTHER ORDERED that the fund deposited with this Court in the sum of \$19,025.03 be disbursed from the Registry of Court by the Court Clerk for the United States District Court for the Northern District of Oklahoma to Mr. Richard Sonberg, attorney for Plaintiff, Essex, Inc., a garnishee debtor in Civil Action C-73-1567 in the District Court of Tulsa County, Oklahoma.

Dated this 3rd day of December, 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

SOONER STATE NEWS AGENCY, INC.,
a body corporate of the State
of Oklahoma and DELTA P. WIX,

Plaintiffs,

v.

S.M. FALLIS, JR., District Attorney,
RONALD SHAFFER, Assistant District
Attorney, JACK PURDIE, Chief of
Police, DAVID FAULKNER, Sheriff
of Tulsa County, and THE HONORABLE
RAYMOND W. GRAHAM, Presiding District
Court Judge, Tulsa County, State of Oklahoma,

Defendants.

NO. 73-C-202 ✓

E I L E D

DEC 3 - 1973 *JS*

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

J U D G M E N T

For the reasons stated in the court's Memorandum
Opinion filed herewith it is hereby ordered, adjudged
and decreed that:

1. The claims for damages against the Honorable
Raymond Graham are, on plaintiffs' motion,
dismissed and all other relief against said de-
fendant is denied;
2. The claims for injunctive relief against
the remaining defendants to restrain or
enjoin prosecution of presently pending actions,
CRF 1309, entitled "State of Oklahoma v. Sooner
State News Agency, Inc.," and CRF 1310, entitled
"State of Oklahoma v. Delta P. Wix," in the
District Court of Tulsa County, and to enjoin
future prosecution of plaintiffs under the Oklahoma
obscenity statutes without a prior adversary
hearing are, for the reasons stated in the
Memorandum Opinion, denied;