

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

PEGGY FOWLER, as Administratrix of the
Estate of her husband, WINTON J. FOWLER,
Deceased, and Peggy Fowler, Individually,
on her own behalf and on behalf of the
minor children of WINTON J. FOWLER,
Deceased, CLAYTON J. FOWLER, II, GREGORY
WYNN FOWLER and KIM MARIE FOWLER,

Plaintiff,

vs.

AMOCO PRODUCTION COMPANY, Formerly Pan
American Petroleum Corporation, a foreign
corporation; and COMMERCIAL SOLVENTS
CORPORATION, a foreign corporation,

Defendants.

FILED

APR 30 1974

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

No. 72-C-300

ORDER OF DISMISSAL

ON this 30 day of April, 1974, upon the written
application of the parties for a Dismissal Without Prejudice of the
Complaint and all causes of action against Amoco Production Company,
Formerly Pan American Petroleum Corporation, a foreign corporation,
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
without prejudice to any future action against Amoco Production
Company, Formerly Pan American Petroleum Corporation, a foreign corpora-
tion, and the Court being fully advised in the premises, finds that
said Complaint should be dismissed pursuant to said application.
The Court further finds that said settlement effected is to the best
interest of all parties.

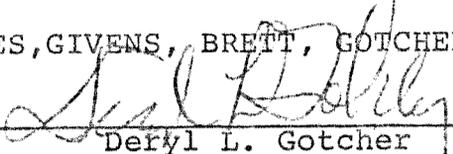
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court
that the Complaint and all causes of action of the plaintiff filed
herein against the defendant, Amoco Production Company, Formerly Pan
American Petroleum Corporation, a foreign corporation, be and the
same hereby is dismissed without prejudice to any future action.


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

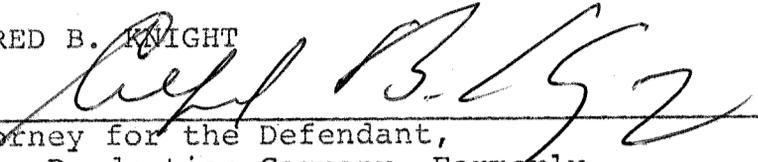
APPROVAL:

HANSEL, POST, BRANDON & DORSEY

JONES, GIVENS, BRETT, GOTCHER, DOYLE & ATKINS

BY 
Deryl L. Gotcher
Attorneys for the Plaintiff

ALFRED B. KNIGHT


Attorney for the Defendant,
Amoco Production Company, Formerly
Pan American Petroleum Corporation,
a foreign corporation

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

OKLAHOMA NATURAL EMPLOYEES ASSOCIATION,)
)
 Plaintiff,)
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Defendant.)

CIVIL NO. 73-C-177

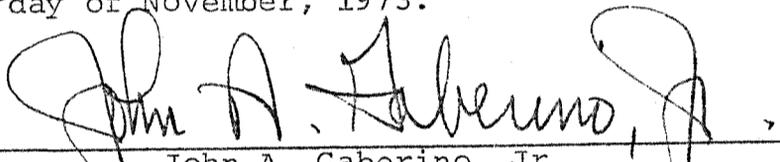
E I L E D
APR 29 1974

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

STIPULATION OF DISMISSAL WITH PREJUDICE

It is hereby stipulated and agreed by and among the under-
signed attorney for plaintiff and the undersigned attorney for
defendant that the above-entitled cause of action be and is
hereby dismissed with prejudice, each party to bear its own costs.

DATED this 27th day of November, 1973.



John A. Gaberino, Jr.
Attorney for Plaintiff,
Oklahoma Natural Employees Association

OF COUNSEL:

Huffman, Arrington, Scheurich & Kihle
Fifth Floor, Oklahoma Natural Building
Tulsa, Oklahoma 74119

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.

AARON LEWIS, et al.,

Defendants.

FILED

APR 29 1974

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

Civil Action No. 73-C-404

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 25 day
of April, 1974, the plaintiff appearing by Robert P.
Santee, Assistant United States Attorney, and the defendants,
Aaron Lewis and Julie Lewis, appearing not.

The Court being fully advised and having examined the
file herein finds that Aaron Lewis and Julie Lewis were served by
publication, as appears from the Proof of Publication filed herein
on April 22, 1974.

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 se-
curing 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 Five (5),
Hartford Hills, an Addition to the
City of Tulsa, Tulsa County, State
of Oklahoma, according to the re-
corded Plat thereof.

THAT the defendants, Aaron Lewis and Julie Lewis, did,
on the 1st day of December, 1972, execute and deliver to the

Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$10,250.00, with 4 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, Aaron Lewis and Julie Lewis, 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 \$10,249.37, as unpaid principal, with interest thereon at the rate of 4 1/2 percent interest per annum from March 1, 1973, 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, Aaron Lewis and Julie Lewis, in rem, for the sum of \$10,249.37, with interest thereon at the rate of 4 1/2 percent interest per annum from March 1, 1973, 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, shall 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
Northern District of Oklahoma

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
) CIVIL ACTION NO. 73-C-13
 vs.)
) Tract No. 1529M
)
 150.05 Acres of Land, More or) (All Interests)
 Less, Situate in Nowata County,)
 State of Oklahoma, and Irene)
 Sams, et al., and Unknown)
 Owners,)
)
 Defendants.)

E I L E D

APR 26 1974

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

J U D G M E N T

1.

NOW, on this 26 day of April, 1974, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment fixing just compensation in this matter. After having examined the files in this action and being advised by counsel, the Court finds:

2.

This judgment applies to the entire estate condemned in Tract No. 1529M, as such estate and tract are described in the Complaint filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on January 17, 1973, the United States of America filed its Declaration of Taking

of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 13.

7.

A pre-trial hearing in this case was set by the Court for March 28, 1974. Due notice of such hearing was given to all of the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma.

The defendant Commissioners of the Land Office of the State of Oklahoma, appeared at said pre-trial by its Attorney, Paul De Graffenreid. No other defendants appeared, either in person or by attorney.

8.

On April 12, 1974, the defendant Commissioners of the Land Office of the State of Oklahoma filed herein a Stipulation by which it agreed that although it held a mortgage on Joe Stewart's interest in the subject property, the entire award of just compensation for the taking of subject property should be paid to the owner Joe Stewart. Such Stipulation should be approved, insofar as it applies to the Joe Stewart interest.

9.

The Court has been advised by counsel for Plaintiff that in the event of a trial, Plaintiff's evidence would show that \$750.00 was the value of the estate taken in this case. This sum is based upon an appraisal made by Gordon L. Romine; and, the owners have not offered any evidence to the contrary. Therefore, such sum should be adopted as the award of just compensation in this case.

10.

The defendants named in paragraph 13 as owners of the estate taken in the subject tract are the only defendants asserting any interest in such property. All other defendants having either disclaimed or defaulted, the named defendants are the owners of such property, as of the date of taking and, as such, subject to the Stipulation described in paragraph 8, are entitled to receive the just compensation awarded by this judgment.

11.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tract, as such tract is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of January 17, 1973, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

12.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the subject property were the defendants whose names appear below in the schedule set forth in paragraph 13.

13.

It Is Further ORDERED, ADJUDGED and DECREED that the Stipulation described in paragraph 8 above hereby is approved insofar as it applies to the Joe Stewart interest herein, and the right to receive one-half of the just compensation awarded by this judgment is vested in the owner Joe Stewart. The sum of \$750.00 hereby is adopted as the total award of just compensation for the estate taken in subject tract, as set out in the schedule which follows, to-wit:

TRACT NO. 1529M

Owners:

Joe Stewart ----- owner of 1/2 interest

Irene Sams ----- owner of 1/2 interest

Commissioners of the Land Office of The State of Oklahoma, held a mortgage on the Joe Stewart interest but have stipulated that the entire award should be paid to Joe Stewart.

Award of just compensation		
pursuant to Court's findings -----	\$750.00	\$750.00
Deposited as estimated compensation ---	<u>\$750.00</u>	
Disbursed to owners -----		<u>None</u>
Balance due to owners -----		\$750.00

14.

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

To - Joe Stewart ----- \$375.00

Irene Sams ----- \$375.00.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

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

FILED

APR 25 1974

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

UNITED STATES OF AMERICA and)
ANNETTE BOWIE, Revenue Officer,)
Internal Revenue Service,)
)
) Petitioners,)
)
vs.) Civil No. 74-C-144)
)
LETA JO WILLIS,)
)
) Respondent.)

ORDER DISCHARGING RESPONDENT
AND DISMISSAL

On this 25 day of April, 1974, Petitioners' Motion To Discharge Respondent And For Dismissal came for hearing and the Court finds that Respondent has now complied with the Internal Revenue Service Summons served upon her December 6, 1973, that further proceedings herein are unnecessary and that the Respondent, Leta Jo Willis, should be discharged and this action dismissed forthwith because Respondent has paid the \$45.56 Court costs taxed against her.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COURT that the Respondent, Leta Jo Willis, be and she is hereby discharged from any further proceedings herein and this action is hereby dismissed.



UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Jack M. Short

JACK M. SHORT
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
) CIVIL ACTION NO. 73-C-12
 vs.)
) Tract No. 1440M
 30.00 Acres of Land, More or)
 Less, Situate in Nowata) (All Interests)
 County, State of Oklahoma,)
 and Joe Stewart, et al., and)
 Unknown Owners,)
)
 Defendants.)

FILED

APR 26 1974

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

J U D G M E N T

1.

NOW, on this 26 day of April, 1974, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment fixing just compensation in this matter. After having examined the files in this action and being advised by counsel the Court finds:

2.

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

3.

This judgment applies to the entire estate condemned in Tract No. 1440M, as such estate and tract are described in the Complaint filed in this action.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 3. Pursuant thereto, on January 17, 1973, the United States of America filed its Declaration of Taking

of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 13.

7.

A pre-trial hearing in this case was set by the Court for March 28, 1974. Due notice of such hearing was given to all of the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma.

The defendant Commissioners of the Land Office of the State of Oklahoma, appeared at said pre-trial by its Attorney, Paul De Graffenreid. No other defendants appeared, either in person or by attorney.

8.

On April 12, 1974, the defendant Commissioners of the Land Office of the State of Oklahoma filed herein a Stipulation by which it agreed that, although it held a mortgage on the subject property, the entire award of just compensation for the taking of subject property should be paid to the owner Joe Stewart. Such stipulation should be approved.

9.

The Court has been advised by counsel for Plaintiff that in the event of a trial, Plaintiff's evidence would show that \$146.00 was the value of the estate taken in this case. This sum is based upon an appraisal made by Gordon L. Romine; and, the owners have not offered any evidence to the contrary. Therefore, such sum should be adopted as the award of just compensation in this case.

10.

The defendants named in paragraph 13 as owners of the estate taken in the subject tract are the only defendants asserting

any interest in such property. All other defendants having either disclaimed or defaulted, the named defendants are the owners of such property, as of the date of taking and, as such, subject to the Stipulation described in paragraph 8, are entitled to receive the just compensation awarded by this judgment.

11.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tract, as such tract is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of January 17, 1973, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

12.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the subject property were the defendants whose names appear below in the schedule set forth in paragraph 13.

13.

It Is Further ORDERED, ADJUDGED and DECREED that the Stipulation described in paragraph 8 above hereby is approved and the right to receive the just compensation awarded by this judgment is vested in the owner Joe Stewart. The sum of \$146.00 hereby is adopted as the award of just compensation for the estate taken in subject tract, as set out in the schedule which follows, to-wit:

TRACT NO. 1440M

Owners: Joe Stewart -- Owner

Commissioners of the Land Office of The State of Oklahoma held a mortgage but have stipulated that the entire award should be paid to Joe Stewart.

Award of just compensation pursuant to Court's findings -----	\$146.00	\$146.00
Deposited as estimated compensation --	<u>\$146.00</u>	
Disbursed to owners -----		<u>None</u>
Balance due to Joe Stewart -----		\$146.00

14.

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

To - Joe Stewart ----- \$146.00.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

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

UNITED STATES OF AMERICA and
E. C. TALLEY, Special Agent
of the Internal Revenue Service,

Petitioners,

vs.

L. K. SMITH

Respondent.

Civil No. 73-C-209

FILED

APR 26 1974

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

ORDER DISCHARGING RESPONDENT
AND DISMISSAL

On this 25 day of April, 1974, Petitioners' Motion To Discharge Respondent And For Dismissal came for hearing and the Court finds that Respondent has now complied with the Internal Revenue Service Summons served upon him October 30, 1972, and with the Order of this Court filed April 3, 1974, that further proceedings herein are unnecessary and that the Respondent, L. K. Smith, should be discharged and this action dismissed forthwith because Respondent has paid the \$41.00 Court costs taxed against him.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COURT that the Respondent, L. K. Smith, be and he is hereby discharged from any further proceedings herein and this ^{Cause of} ^{and Complaint} action is hereby dismissed.



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

FILED

APR 25 1974

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

UNITED STATES OF AMERICA and)
ANNETTE BOWIE, Revenue Officer,)
Internal Revenue Service,)
)
) Petitioners,)
)
vs.)
)
SELWYN A. WILLIS,)
)
) Respondent.)

Civil No. 74-C-143

ORDER DISCHARGING RESPONDENT
AND DISMISSAL

On this 25 day of April, 1974, Petitioners' Motion To Discharge Respondent And For Dismissal came for hearing and the Court finds that Respondent has now complied with the Internal Revenue Service Summons served upon him December 6, 1973, that further proceedings herein are unnecessary and that the Respondent, Selwyn A. Willis, should be discharged and this action dismissed forthwith because Respondent has paid the \$45.56 Court costs taxed against him.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COURT that the Respondent, Selwyn A. Willis, be and he is hereby discharged from any further proceedings herein and this action is hereby dismissed.



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

VELLA DEE JOHNSON,

Plaintiff,

vs.

CENTRAL STATES, SOUTHEAST AND
SOUTHWEST AREAS PENSION FUND, AND
FRANK E. FITZSIMMONS, ROY L. WILLIAMS,
ODELL SMITH, WILLIAM PRESSER, ROBERT
HOLMES, DONALD PETERS, J. W. MORGAN,
FRANK H. RANNEY, C. J. MADIGAN, A. D.
MATHESON, JOHN A. MURPHY, THOMAS J.
DUFFEY, JOHN SPICKERMAN, HERMAN A.
LUEKING, JR., J. A. SHEETZ, and
WILLIAM J. KENNEDY, THE TRUSTEES
THEREOF,

Defendants.

No. 73-C-305

E I L E D

APR 26 1974

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

ORDER AND JUDGMENT

Based upon the Findings of Fact and Conclusions of Law entered herein on this day and date, the Court makes the following Order and Judgment:

IT IS, HEREBY, ORDERED, ADJUDGED AND DECREED that the plaintiff, Vella Dee Johnson, have and recover judgment of and from the defendant, Central States, Southeast and Southwest Areas Pension Fund and the current Trustees thereof in the amount of \$15,000.00, together with interest at the rate of six percent (6%) per annum thereon commencing with the first payment due 60 days after the death of Noble O. Johnson on August 29, 1968, until all of the monthly payments have accrued and are payable until this date; and interest at the rate of ten percent (10%) per annum thereafter on both principal and interest until paid.

Dated this 25th day of April, 1974.

Ruthie Bohannon
UNITED STATES DISTRICT JUDGE

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
 -vs-)
)
 ARBERY GALE ROBERTSON, et al,)
)
 Defendants.)

FILED

APR 26 1974

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

Civil Action No. 73-C-401

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 26 day of April, 1974, 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 Gary J. Summerfield, Assistant District Attorney; and the defendants, Arbery Gale Robertson and Linda Kay Robertson, appearing not.

The Court, being fully advised and having examined the file herein, finds that the County Treasurer, Tulsa County, and Board of County Commissioners, Tulsa County, were served with Summons and Complaint on December 19, 1973, as appears from the Marshal's Return of Service herein; and that Arbery Gale Robertson and Linda Kay Robertson were served by publication, as appears from the Proof of Publication filed herein on March 26, 1974.

It appearing that County Treasurer, Tulsa County, and Board of County Commissioners, Tulsa County, have duly filed their Answer herein on January 2, 1974; and that Arbery Gale Robertson and Linda Kay Robertson 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 Seventeen (17), Block Eight (8), Northgate Third Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

That the defendants, Arbery Gale Robertson and Linda Kay Robertson, did, on the 13th day of May, 1971, execute and deliver to the Diversified Mortgage and Investment Company their mortgage and mortgage note in the sum of \$14,400.00, with seven percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

That by Assignment of Mortgage of Real Estate dated May 20, 1971, the Diversified Mortgage and Investment Company assigned said note and mortgage to Federal National Mortgage Association; and that by Assignment of Mortgage of Real Estate dated November 2, 1972, 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 defendants, Arbery Gale Robertson and Linda Kay Robertson, 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 past, which default has continued, and that by reason thereof, the above-named defendants are now indebted to the plaintiff in the sum of \$14,214.03, with interest thereon at the rate of seven percent per annum from September 1, 1972, until paid, plus the cost of this action, accrued and accruing.

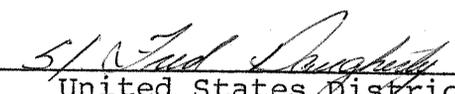
The Court further finds that there is due and owing to the County of Tulsa, State of Oklahoma, from Arbery Gale Robertson and Linda Kay Robertson, the sum of \$206.50 for ad valorem taxes for the year 1973 and that Tulsa County should have judgment, in rem, for said amount, and that such judgment is superior 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, Arbery Gale Robertson and Linda Kay Robertson, in rem, for the sum of \$14,214.03, with interest thereon at the rate of seven percent per annum from September 1, 1972, until paid, plus the cost of this action, accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

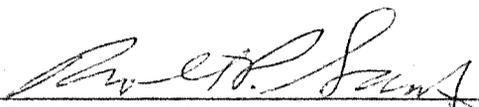
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the County of Tulsa have and recover judgment, in rem, against the defendants Arbery Gale Robertson and Linda Kay Robertson, for the sum of \$206.50 as of the date of this judgment plus interest thereafter according to law, and that such judgment is superior to the first mortgage lien of the plaintiff herein.

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 real property and apply the proceeds thereof in satisfaction of plaintiff's judgment, which sale shall be subject to the tax judgment of Tulsa County, supra. The residue, if any, shall be deposited with the Clerk of the Court to await further order of the Court.

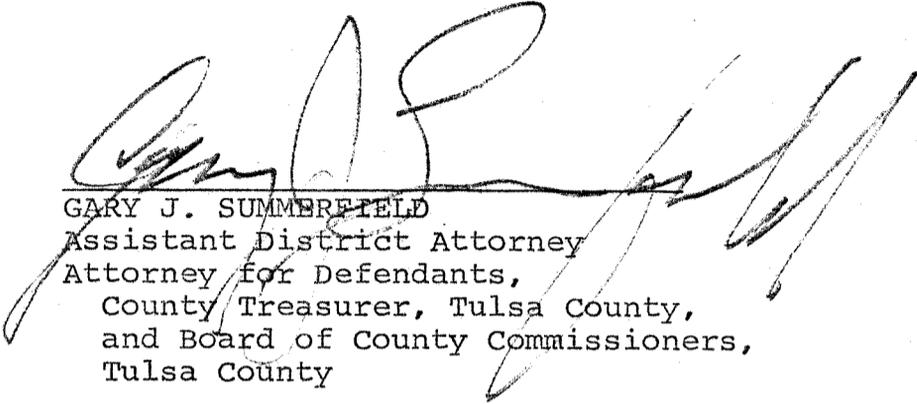
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the defendants and each of them, and all persons claiming under them since the filing of the complaint herein, be and they are forever barred and foreclosed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



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

FILED

APR 26 1974

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

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
vs.)	CIVIL ACTION NO. 74-C-57
)	
)	
LINDA GAY SMITH, et al.,)	
)	
Defendants.)	

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 25

day of April, 1974, 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 Gary J. Summerfield, Assistant District Attorney; the defendant, Housing Authority of the City of Tulsa, appearing by its attorney, Robert S. Rizley; and the defendant, Linda Gay Smith, appearing not.

The Court being fully advised and having examined the file herein finds that Linda Gay Smith was served with Summons, Complaint, and Amendment to Complaint on February 5, 1974, and March 6, 1974, respectively; that County Treasurer, Tulsa County, and Board of County Commissioners, Tulsa County, were served with Summons, Complaint, and Amendment to Complaint on January 29, 1974, and March 1, 1974, respectively; and that Housing Authority of the City of Tulsa was served with Summons, Complaint, and Amendment to Complaint on March 1, 1974.

It appearing that County Treasurer, Tulsa County, has duly filed its Answer herein on February 12, 1974; that Board of County Commissioners, Tulsa County, has duly filed its Answer herein on February 12, 1974; that Housing Authority of the City of Tulsa has duly filed its Disclaimer herein on March 19, 1974, and that Linda Gay Smith has failed to answer herein and that default has been entered by the Clerk of this Court.

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

Lot Twenty (20), Block One (1), BRIARGLEN ANNEX, an Addition in the City and County of Tulsa, State of Oklahoma, according to the recorded plat thereof.

THAT the defendant, Linda Gay Smith, did, on the 26th day of February, 1971, execute and deliver to the Mercury Mortgage Co., Inc., her mortgage and mortgage note in the sum of \$16,750.00 with 8 1/2 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

That by Assignment of Mortgage of Real Estate filed March 17, 1971, Mercury Mortgage Co., Inc., assigned said note and mortgage to Central Bergen Savings and Loan Association and that by Assignment of Mortgage of Real Estate filed May 29, 1973, Central Bergen Savings and Loan Association assigned said note and mortgage to the Secretary of Housing and Urban Development, Washington, D.C.

The Court further finds that the defendant, Linda Gay Smith, made default under the terms of the aforesaid mortgage note by reason of her failure to make monthly installments due thereon for more than 9 months last past, which default has continued and that by reason thereof the above-named defendant is now indebted to the plaintiff in the sum of \$16,520.74 as unpaid principal, with interest thereon at the rate of 8 1/2 percent interest per annum from July 1, 1973, 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 Linda Gay Smith, the sum of \$27.05 for personal property taxes for the year 1973 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.

The Court further finds that there is due and owing to the County of Tulsa, State of Oklahoma, from Linda Gay Smith, the sum of \$207.41 for ad valorem taxes for the year 1973 and that Tulsa County should have judgment for said amount.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendant, Linda Gay Smith, in personam, for the sum of \$16,520.74 with interest thereon at the rate of 8 1/2 percent per annum from July 1, 1973, 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, Linda Gay Smith, for the sum of \$27.05 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 County of Tulsa have and recover judgment against the defendant, Linda Gay Smith, for the sum of \$207.41 as of the date of this judgment plus interest thereafter according to law, and that such judgment is superior to the first mortgage lien of the plaintiff herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said defendant to satisfy plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property and apply the proceeds thereof in satisfaction of plaintiff's judgment, which sale shall be subject to the ad valorem tax judgment of Tulsa County, supra. 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.

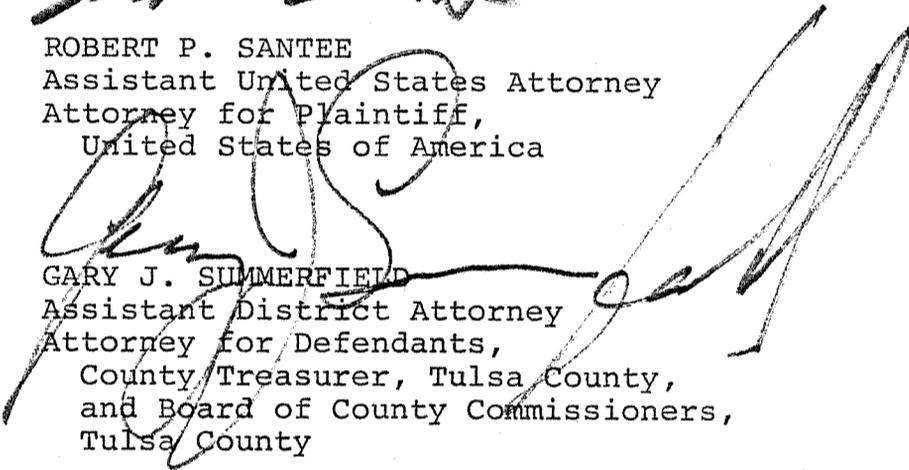


United States District Judge

APPROVED.



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



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

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

FILED

APR 26 1974

DAVID WAYNE POKE,)
)
) Petitioner,)
)
) -vs-)
)
) SAM C. JOHNSTON, Acting Warden,)
) Oklahoma State Penitentiary,)
)
) Respondent.)

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

Case No. 74-C-169 ✓

O R D E R

A Petition for a Writ of Habeas Corpus was filed in this Court April 16, 1974, in which David Wayne Poke is designated Petitioner. Said Petition was signed by an attorney for Petitioner and verified by Henritta Poke who stated, "I am verifying this Petition for my son, David Wayne Poke."

Title 28 U.S.C. §2242 provides:

"Application for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended or by someone acting in his behalf."

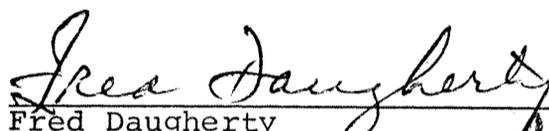
The purported Petitioner did not sign same.

In Johnson v. Avery, 382 F. 2d 353 (Sixth Cir. 1967), reversed on other grounds 393 U.S. 483, 89 S.Ct. 747, 21 L.Ed. 2d 718 (1969), the above cited statute was interpreted as follows:

"The provisions of the law authorizing someone to act on behalf of a prisoner whose release is sought relates only to the act of signing or verifying the petition, . . . It seems clear that the situation to which this provision was meant to apply is one where physical or mental handicaps prevent the prisoner from personally signing or verifying the petition, . . ."

In the instant case, no attempt has been made to show that the purported Petitioner is prevented from signing the Petition. In fact, this Court takes knowledge of the fact that David Wayne Poke is capable of signing such a petition as he has done so in Case number 74-C-6, filed in this Court January 16, 1974. The Petition in this case is dismissed.

It is so ordered this 26 day of April, 1974.


Fred Daugherty
United States District Judge

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

ACCOUNTABILITY BURNS,

Plaintiff,

vs.

TULSA COUNTY ELECTION BOARD,
GUY HALL, SECRETARY,

Defendant.

)
)
)
)
)
)
)
)
)
)

74-C-153 ✓

FILED

APR 26 1974

3:30 P.M. *Run*

Jack C. Silver, Clerk

U. S. DISTRICT COURT

ORDER SUSTAINING DEFENDANT'S MOTION TO
DISMISS AND DISMISSING THE COMPLAINT
AND CAUSE OF ACTION

The Court has for consideration the Motion to Dismiss filed by the defendant, the brief in support thereof, the response of the plaintiff, and, being fully advised in the premises, finds:

It is well settled that a county or other local governmental entities are not a "Person" within the purview of the Civil Rights Act. Further, plaintiff has not shown an exhaustion of any adequate administrative remedy that is available pursuant to the Statutes of the State of Oklahoma. Plaintiff admits that the application filled out by him as a candidate for public office was not complete.

IT IS, THEREFORE, ORDERED that defendant's Motion to Dismiss be and the same is hereby sustained.

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

ENTERED this 26th day of April, 1974.



CHIEF UNITED STATES DISTRICT JUDGE

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

UNITED STATES OF AMERICA,
Plaintiff,
vs.
KENNETH H. COOK, et al.,
Defendants.

FILED
APR 25 1974
Jack C. Silver, Clerk
U. S. DISTRICT COURT

Civil Action No. 73-C-405 ✓

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 22 day
of April, 1974, the Plaintiff appearing by Robert P. Santee,
Assistant United States Attorney, and that the defendants
Kenneth H. Cook and Eunice Cook, appearing by their attorney
Jim D. Shofner, and that the defendant Hermin F. Franklin a/k/a
Hermin Frankie Franklin, appearing not.

The Court being fully advised and having examined the
file herein finds that the defendants, Kenneth H. Cook and Eunice
Cook were served with Summons and Complaint on January 4, 1974,
and that the defendant Hermin F. Franklin a/k/a Hermin Frankie
Franklin was served with Summons and Complaint on January 31,
1974.

It appearing that the defendants Kenneth H. Cook and
Eunice Cook have filed their Answer herein on January 24, 1974,
and that the defendant Hermin F. Franklin a/k/a Hermin Frankie
Franklin has failed to answer herein and 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 se-
curing 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-four (24), Block Five (5),
LAKE-VIEW HEIGHTS AMENDED ADDITION to
the City of Tulsa, Tulsa County,
Oklahoma, according to the recorded
plat thereof.

THAT the defendants Kenneth H. Cook and Eunice Cook, did, on the 5th day of May, 1969, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$9,250.00, with 7 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 Kenneth H. Cook and Eunice Cook, 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 \$9,045.56, as unpaid principal, with interest thereon at the rate of 7 1/2 percent interest per annum from October 5, 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 Kenneth H. Cook and Eunice Cook, in personam, for the sum of \$9,045.56, with interest thereon at the rate of 7 1/2 percent interest per annum from October 5, 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 defendant Hermin F. Franklin a/k/a Hermin Frankie Franklin.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said defendants to satisfy plaintiff's money

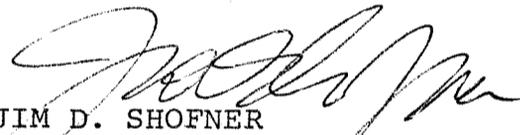
judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property and apply the proceeds thereof in satisfaction of plaintiff's judgment. The residue, if any, shall be deposited 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 defendant and any person claiming under her since the filing of the complaint herein be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.

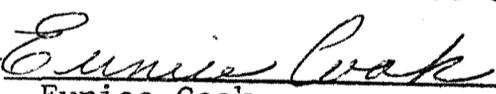

UNITED STATES DISTRICT JUDGE

APPROVED:


ROBERT P. SANTEE
Assistant United States Attorney


JIM D. SHOFNER
Attorney for defendants
Kenneth H. Cook and Eunice Cook

Kenneth H. Cook and Eunice Cook

By 
Eunice Cook

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

BOARD OF TRUSTEES, PIPELINE)
INDUSTRY BENEFIT FUND,)
)
Plaintiff,)
)
vs.)
)
NATURAL PIPELINE COMPANY,)
)
Defendant.)

No. 74 C 124

FILED

APR 25 1974

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

ORDER OF DISMISSAL

NOW on this 25 day of April, 1974, Plaintiff's Motion

For Dismissal coming on for consideration and counsel for Plaintiff herein representing and stating that all issues, controversies, debts and liabilities between the parties have been paid, settled and compromised,

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



District Judge

C
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Y

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

FILED

APR 25 1974

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

UNITED STATES OF AMERICA,)
)
 Plaintiff)
 -v-)
)
 JAMES WILLIAM HOLT, ET AL,)
)
 Defendants.)

Civil Action No. 73-C-389 ✓

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 25 day
of April, 1974, the plaintiff appearing by Robert P. Santee,
Assistant United States Attorney; the defendant Oklahoma Tire
& Supply Division of McCrory Corporation, appearing by its attor-
ney, Jerry L. Goodman; and the defendants James William Holt,
Saundra Darlene Holt, Carl H. Abel, Jr., W. E. Turnham, Ruth
Turnham, Elmer J. Green, Lula M. Green, and Morris Finance
appearing not.

The Court, being fully advised and having examined the
file herein, finds that James William Holt and Saundra Darlene
Holt were served with Summons and Complaint on January 4, 1974,
Carl H. Abel, Jr., W. E. Turnham and Ruth Turnham were served
with Summons and Complaint on December 4, 1973, and Oklahoma Tire
& Supply Division of McCrory Corporation, and Morris Finance were
served with Summons and Complaint on December 6, 1973, all as
appears from the Marshal's Return of Service herein; and that
Elmer J. Green and Lula M. Green were served by publication, as
appears from the Proof of Publication filed herein.

It appearing that Oklahoma Tire & Supply Division of
McCrory Corporation has filed its Disclaimer herein on January 4,
1974, and that James William Holt, Saundra Darlene Holt, Carl H.
Abel, Jr., W. E. Turnham, Ruth Turnham, Elmer J. Green, Lula M.
Green, and Morris Finance have failed to answer herein and that
default has been entered by the Clerk of this Court.

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

Lot Nine (9), Block Fifteen (15), Valley View Acres Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

That the defendants James William Holt and Sandra Darlene Holt did, on the 10th day of July, 1964, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$9,300.00, with 5-1/2 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that the defendants James William Holt and Sandra Darlene Holt 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 \$7,945.55, with interest thereon from December 1, 1972, at the rate of 5-1/2 percent per annum, until paid, plus the cost of this action, accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendants James William Holt and Sandra Darlene Holt, in personam, for the sum of \$7,945.55, with interest thereon from December 1, 1972, at the rate of 5-1/2 percent per annum, until paid, plus the cost of this action, accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment, in rem, against the defendants Carl H. Abel, Jr., W. E. Turnham, Ruth Turnham, Elmer J. Green, Lula M. Green, and Morris Finance.

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, shall 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 of 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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 71-C-54
)
 160.00 Acres of Land, More) Tract No. 1441M
 or Less, Situate in Nowata)
 County, State of Oklahoma,)
 and Glenn H. Chappell, et)
 al., and Unknown Owners,)
)
 Defendants.)

FILED

APR 25 1974

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

J U D G M E N T

1.

NOW, on this 25 day of April, 1974, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies to the entire estate condemned in Tract No. 1441M, as such estate and tract are described in the Complaint filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power, and authority to condemn for public use the estate described in paragraph 2 herein. Pursuant thereto, on March 8, 1971, the United States of America has filed its Declaration of Taking of

such described property, and title to the described estate in such property, but as limited by paragraphs 11 and 12 herein, should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of a certain estate in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out in paragraph 14 below.

7.

The defendant named in paragraph 14 as owner of the estate taken in subject tract is the only defendant asserting any claim to such estate. All other defendants having either disclaimed or defaulted, the named defendant, as of the date of taking, was the owner of the estate condemned herein and, as such, is entitled to receive the just compensation awarded by this judgment.

8.

A Stipulation for Exclusion of Property and Revestment of Title, executed by the owner of subject property, and the United States of America, was filed herein on April 11, 1974, whereby title to the estate taken in approximately 76.80 acres of said Tract No. 1441M, were excluded from this taking and revested in the former owner, and such stipulation should be approved.

9.

The Stipulation described in paragraph 8 also contained a stipulation whereby the parties agreed upon the amount of just compensation to be paid to the former owner for the property taken and retained by the Plaintiff in this case, and such Stipulation should be approved.

10.

This judgment will create a surplus in the deposit for the subject tract, as shown in paragraph 14 below, and such surplus should be refunded to the Plaintiff.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject property, and the estate which is particularly described in the Complaint filed herein is condemned in the following described property, to-wit:

INDIAN MERIDIAN
T 26 N, R 15 E

SECTION 1, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Northeast diagonal 1/2 of the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Southwest diagonal 1/2 of NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, Southeast 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The area described aggregates 83.20 acres, more or less, in Nowata County, Oklahoma.

Title to such estate therein is vested in the United States of America as of March 8, 1971, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim thereto.

It Is Further ORDERED, ADJUDGED and DECREED that the Stipulation for Exclusion of Property mentioned in paragraph 8 above is hereby confirmed, and approximately 76.80 acres of Tract No. 1441M, to-wit, all of said Tract No. 1441M (as said tract is described in the Complaint) except the area described above in paragraph 11, are excluded from the taking in this case and title to such excluded acres is re-vested in the

former owner to the full extent held by him before the filing of this action.

13.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking, the owner of the estate condemned herein in subject tract was the defendant whose name appears below in paragraph 14, and the right to receive just compensation for the taking of subject property is vested in the party so named.

14.

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

TRACT NO. 1441M

Owner:

Glenn H. Chappell

Deposited as estimated compensation --- \$800.00

Award of just compensation for estate taken in approximately 83.20 acres, pursuant to Stipulation -----	\$416.00	\$416.00
------------------------------------------------------------------------------------------------------------------	----------	----------

Disbursed to owner -----		<u>None</u>
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Balance due to owner -----		<u>\$416.00</u>
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Deposit surplus -----	\$384.00	
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15.

It Is Further ORDERED, ADJUDGED and DECREED that the Clerk of this Court now shall disburse the deposit for Tract No. 1441M in this civil action as follows:

To - Treasurer, United States of America -----	\$384.00
Glenn H. Chappell -----	\$416.00.

S. Allen Barrett

UNITED STATES DISTRICT JUDGE

APPROVED:

H. A. Marlow

 HUBERT A. MARLOW
 Assistant United States Attorney

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

TEXACO INC., a corporation,
Plaintiff,

vs.

ALAMO CHEMICAL COMPANY, a
corporation, and COLORADO
INTERSTATE GAS COMPANY, a
corporation,

Defendants.

No. 71-C-168

FILED
APR 25 1974
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER SUSTAINING MOTION OF DEFENDANTS
TO DISMISS FOR WANT OF JURISDICTION

The defendants, Colorado Interstate Corporation, formerly Colorado Interstate Gas Company, and Alamo Chemical Company have filed Motions to Dismiss the plaintiff's complaint upon the ground that this Court lacks jurisdiction over the subject matter. A similar case which originated in this Court, and which is styled Texaco Inc. vs. Phillips Petroleum Company, Cause No. 71-C-167, was considered by the U.S. Supreme Court recently. That case is reported as Phillips Petroleum Company vs. Texaco Inc., 39 L.Ed2d 209, 94 S.Ct. 1002. That Court determined in the similar case that this Court did not have jurisdiction of the subject matter under the provisions of Title 28, U.S.C., § 1331(a).

It is therefore ORDERED by the Court that the Motion of the defendants to dismiss be sustained and that the plaintiff's action ^{and} be dismissed for want of jurisdiction.

It is ORDERED that this dismissal is without prejudice.

It is so ORDERED this 25th day of April, 1974.


Allen E. Barrow
Chief Judge, U. S. District Court

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

ROY EDWARD WILSON,

Petitioner,

v.

THE STATE OF OKLAHOMA,
et al.,

Respondents.

NO. 74-C-141

FILED

APR 23 1974

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

O R D E R

This is a proceeding brought by a state prisoner confined in the Oklahoma State Penitentiary at McAlester, Oklahoma, pursuant to the provisions of Title 28 U.S.C. §2254. Petitioner attacks the validity of the judgment and sentence imposed on or about November 17, 1967, in Case No. 22,827 in the District Court in and for Tulsa County, Oklahoma. After trial by jury Petitioner was found guilty of armed robbery and his punishment was fixed at confinement in the State Penitentiary for a period of 15 to 45 years. The judgment and sentence was affirmed on direct appeal, Wilson v. The State of Oklahoma, 461 P.2d 980 (Okl. Cr. 1969).

Petitioner alleges, and the file reflects that he has exhausted the remedies available to him in the courts of the State of Oklahoma.

Petitioner contends that his judgment and sentence should be vacated for the following reasons:

1. The trial court erred when it failed to instruct the jury on the issue of alibi.
2. He was deprived of his right to effective assistance of counsel.

In United States v. Tramaglino, 197 F.2d 928 (Second Cir. 1952) Cert. Den. 344 U.S. 864, 73 S.Ct. 105, 97 L.Ed. 670,

the court states:

"Defendants say that the trial judge should have instructed jury on the alibi defense of Rosario and Tramaglino, and on the circumstantial nature of the evidence against them. They made no such request, and it has been held in Goldsby v. United States, 160 U.S. 70, 16 S.Ct. 216, 40 L.Ed. 343 and Kastel v. United States, 2 Cir. 23 F.2d 156, that these specific matters need not be mentioned in the charge without proper request."

It is not error to fail to give an alibi instruction in the absence of a request therefor. See U. S. v. Stirone, 311 F.2d 277 (Third Cir. 1962) Cert. Den. 83 S.Ct. 881, 372 U.S. 935, 9 L.Ed. 2d 766, rehearing denied 83 S.Ct. 1108, 372 U.S. 981, 10 L.Ed. 2d 146.

In U. S. v. Hagan, 470 F.2d 110 (Tenth Cir. 1972) the court in its opinion stated:

"As to defendant's contention that the trial court did not instruct the jury so as to allow it to consider the defendant's theory of the case, we also find no error. As stated above, the defendant requested no instruction on his theory of the case, and is therefore not entitled to consideration of the claimed error. See McMurray v. United States, 298 F.2d 619 (10th Cir)"

An examination of the state court trial transcript filed herein by the Respondents reveals no request by defendant that the court give an alibi instruction and that defendant had no requested instructions and made no objections to the instructions given by the court. This claimed constitutional error is therefore without merit.

Petitioner's claim that he was deprived of his right to effective assistance of counsel is without merit and is not sustained by the state court trial transcript.

The Constitution does not require error-free trials; it requires fair trials. The distinction is vital as long as human beings participate, and it is formally recognized by Rule

52(a), Federal Rules of Criminal Procedure. Leonard v. U. S., 386 F.2d 423 (Fifth Cir. 1967).

The Court has carefully reviewed the transcript of the state court trial proceedings with special reference to the legal representation afforded the Petitioner. In Ellis v. State of Oklahoma, 430 F.2d 1352 (Tenth Cir. 1970) our Circuit held:

"The burden on appellant to establish his claim of ineffective assistance of counsel is heavy. Neither hindsight nor success is the measure for determining adequacy of legal representation. 'It is the general rule that relief from a final conviction on the ground of incompetent or ineffective counsel will be granted only when the trial was a farce, or a mockery of justice, or was shocking to the conscience of the reviewing court, or the purported representation was only perfunctory, in bad faith, a sham, a pretense, or without adequate opportunity for conference and preparation. Goforth v. United States (10th Cir. 1963), 314 F.2d 868 * * *' Williams v. Beto, 354 F.2d 698, 704 (5th Cir. 1965)."

Also see Johnson v. United States, 485 F.2d 240 (Tenth Cir. 1973).

From such review of said transcript it cannot be said that Petitioner's trial was a farce or mockery of justice or in any way shocked the conscience of the court nor that Petitioner's representation by counsel was only perfunctory, or in bad faith, a sham, a pretense or without adequate opportunity for conference or preparation.

In these circumstances the Court may properly dismiss this Petition as to this point without an evidentiary hearing. United States v. Pate, 362 F.2d 89 (Seventh Cir. 1966).

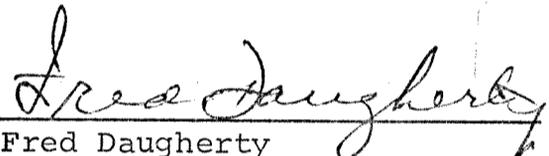
The transcript and record in Case No. 22,827 in the District Court in and for Tulsa County, Oklahoma, conclusively shows that the Petitioner is not entitled to relief. Therefore, there is no necessity for this Court to hold an evidentiary hearing. Semet v. United States, 369 F.2d 90 (Tenth Cir. 1966).

Petitioner's motion for appointment of counsel is denied. There is no constitutional right to counsel in habeas corpus proceedings in federal court. Flowers v. State of Oklahoma, 356 F.2d 916 (Tenth Cir. 1966); Pope v. Turner, 426 F.2d 783 (Tenth Cir. 1970). Moreover, as Petitioner is entitled to no relief as shown aforesaid it would not be appropriate to employ counsel at Government expense.

Petitioner's application to proceed in forma pauperis is supported by papers satisfying the requirements of 28 U.S.C. §1915(a). Leave to proceed in forma pauperis is granted and the Clerk is directed to file this case. The action will then be dismissed.

IT IS SO ORDERED.

Dated this 23^d day of April, 1974.


Fred Daugherty
United States District Judge

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

ROY EDWARD WILSON,

Petitioner,

v.

THE STATE OF OKLAHOMA,
et al.,

Respondents.

NO. 74-C-141

FILED

APR 23 1974

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

O R D E R

This is a proceeding brought by a state prisoner confined in the Oklahoma State Penitentiary at McAlester, Oklahoma, pursuant to the provisions of Title 28 U.S.C. §2254. Petitioner attacks the validity of the judgment and sentence imposed on or about November 17, 1967, in Case No. 22,827 in the District Court in and for Tulsa County, Oklahoma. After trial by jury Petitioner was found guilty of armed robbery and his punishment was fixed at confinement in the State Penitentiary for a period of 15 to 45 years. The judgment and sentence was affirmed on direct appeal, Wilson v. The State of Oklahoma, 461 P.2d 980 (Okla. Cr. 1969).

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"The burden on appellant to establish his claim of ineffective assistance of counsel is heavy. Neither hindsight nor success is the measure for determining adequacy of legal representation. 'It is the general rule that relief from a final conviction on the ground of incompetent or ineffective counsel will be granted only when the trial was a farce, or a mockery of justice, or was shocking to the conscience of the reviewing court, or the purported representation was only perfunctory, in bad faith, a sham, a pretense, or without adequate opportunity for conference and preparation. Goforth v. United States (10th Cir. 1963), 314 F.2d 868 * * *' Williams v. Beto, 354 F.2d 698, 704 (5th Cir. 1965)."

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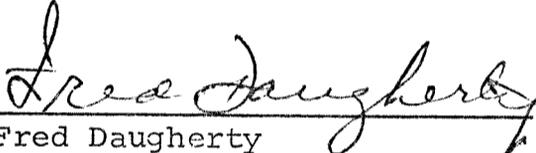
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Petitioner's motion for appointment of counsel is denied. There is no constitutional right to counsel in habeas corpus proceedings in federal court. Flowers v. State of Oklahoma, 356 F.2d 916 (Tenth Cir. 1966); Pope v. Turner, 426 F.2d 783 (Tenth Cir. 1970). Moreover, as Petitioner is entitled to no relief as shown aforesaid it would not be appropriate to employ counsel at Government expense.

Petitioner's application to proceed in forma pauperis is supported by papers satisfying the requirements of 28 U.S.C. §1915(a). Leave to proceed in forma pauperis is granted and the Clerk is directed to file this case. The action will then be dismissed.

IT IS SO ORDERED.

Dated this 23^d day of April, 1974.


Fred Daugherty
United States District Judge

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

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
vs.)
)
)
JERRY D. LOVINS, et al.,)
)
)
) Defendants.)

CIVIL ACTION NO. 73-C-276

FILED

APR 22 1974

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 22nd
day of April, 1974, the plaintiff appearing by Robert P.
Santee, Assistant United States Attorney; the defendant, First
National Bank and Trust Company, appearing by its attorney,
Paul B. Naylor; the defendant, Don Perkins d/b/a Selecto Personnel,
appearing by his attorney, Don E. Gasaway; the defendants, County
Treasurer, Tulsa County, and Board of County Commissioners, Tulsa
County, appearing by Gary J. Summerfield, Assistant District
Attorney; and the defendants, Jerry D. Lovins, Linda J. Lovings,
Payco of Illinois, Riverview Village, Inc., Wal-Mart, Inc.,
Reeves Television Company, and Wm. O. Evans, appearing not.

The Court being fully advised and having examined the
file herein finds that Wal-Mart, Inc., was served by publication,
as appears from the Proof of Publication filed herein; Jerry D.
Lovins and Linda J. Lovings were served with Summons, Complaint,
and Amendment to Complaint on August 28, 1973, and December 10,
1973, respectively; that First National Bank and Trust Company,
Riverview Village, Inc., and County Treasurer, Tulsa County,
were served with Summons, Complaint, and Amendment to Complaint
on August 28, 1973, and October 30, 1973, respectively; that
Payco of Illinois and Board of County Commissioners, Tulsa County,
were served with Summons, Complaint, and Amendment to Complaint
on August 27, 1973, and October 30, 1973, respectively; and that
Don Perkins d/b/a Selecto Personnel, Reeves Television Company,
and Wm. O. Evans were served with Summons, Complaint, and

Amendment to Complaint on October 30, 1973, all as appears from the Marshal's Return of Service herein.

It appearing that First National Bank and Trust Company has duly filed its Answer and Cross Petition herein on September 12, 1973; that Don Perkins d/b/a Selecto Personnel has duly filed his Disclaimer herein on November 9, 1973; that County Treasurer, Tulsa County, and Board of County Commissioners, Tulsa County, has duly filed their Answers herein on September 10, 1973; and that Jerry D. Lovins, Linda J. Lovings, Payco of Illinois, Wm. O. Evans, Riverview Village, Inc., Wal-Mart, Inc., and Reeves Television 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 Sixteen (16), Block Seven (7), BRIARGLEN EAST, an Addition in Tulsa County, State of Oklahoma, according to the recorded plat thereof.

THAT the defendants, Jerry D. Lovins and Linda J. Lovings, did, on the 5th day of October, 1970, execute and deliver to the Mercury Mortgage Co., Inc., their mortgage and mortgage note in the sum of \$18,000.00 with 8 1/2 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

That by Assignment of Mortgage of Real Estate dated October 8, 1970, the Mercury Mortgage Co., Inc., assigned said note and mortgage to the Federal National Mortgage Association and that by Assignment of Mortgage of Real Estate dated September 17, 1971, 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 defendants, Jerry D. Lovings and Linda J. Lovins, made default under the terms of the

aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the above-named defendants are now indebted to the plaintiff in the sum of \$19,887.34 as unpaid principal, with interest thereon at the rate of 8 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 Jerry D. Lovins and Linda J. Lovins, the sum of \$60.77 for personal property taxes for the years 1971 and 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.

The Court finds that First National Bank and Trust Company is entitled to judgment against Jerry D. Lovins and Linda J. Lovins in the amount of \$567.04, plus interest at the rate of 10 percent per annum from January 5, 1972, plus attorney's fees in the amount of \$85.06, plus accrued court costs, but that such judgment would be 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, Jerry D. Lovins and Linda J. Lovins, in personam, for the sum of \$19,887.34 with interest thereon at the rate of 8 1/2 percent 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 defendants, Jerry D. Lovins and Linda J. Lovins, for the sum of \$60.77 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 First National Bank and Trust Company have and recover judgment against the defendants, Jerry D. Lovins and Linda J. Lovins, in the amount of \$567.04, plus interest at the rate of 10 percent per annum from January 5, 1972, plus attorney's fees in the amount of \$85.06, plus accrued court costs, 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 defendants, Payco of Illinois, Riverview Village, Inc., Wal-Mart, Inc., Reeves Television Company, and Wm. O. Evans.

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

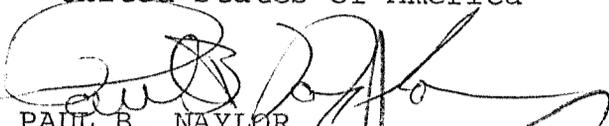
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the defendants and each of them and all persons claiming under them since the filing of the complaint herein be and they are forever barred and foreclosed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

5/ Fred Daugherty
United States District Judge

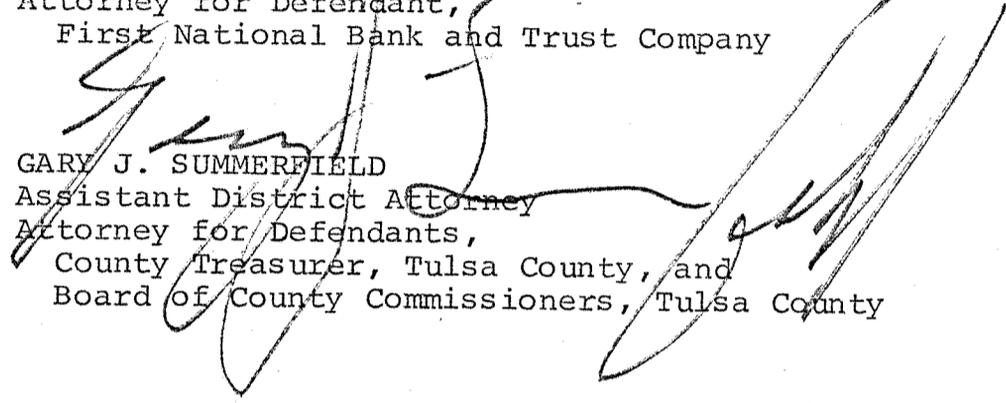
APPROVED.



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



PAUL B. NAYLOR
Attorney for Defendant,
First National Bank and Trust Company



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

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

GOMER A. EVANS, SR.,

Plaintiff,

vs.

OLD COLONY INSURANCE SERVICE,
INC., and LLOYD'S,

Defendants.

NO. 74-C-76 ✓

FILED

APR 22 1974 *e*

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

ORDER OF DISMISSAL

ON this 22^d day of April, 1974, upon the written application *72*

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 defendants be and the same hereby is dismissed with prejudice to any future action.

Lee Daugherty

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

APPROVALS:

OLIVER, EVANS & WALLIS

By: *Don B. Wallis*

Attorneys for the Plaintiff

ALFRED B. KNIGHT

Alfred B. Knight

Attorney for the Defendants

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

BOBBY JOE CRAIG,)
)
Plaintiff,)
vs.)
)
SUN OIL COMPANY OF PENNSYLVANIA)
and WILLIAM R. CLAIBORNE,)
)
Defendants.)

No. 73-C-145

FILED

APR 22 1974

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

SUMMARY JUDGMENT

This cause came on for consideration by the Court upon the defendants', Sun Oil Company of Pennsylvania and William R. Claiborne, Motions for Summary Judgment pursuant to Rule 56 Federal Rules of Civil Procedure.

The Court, having considered the depositions on file in this case and the written briefs of the respective parties in support of and in opposition to said Motions and upon due consideration and deliberation the Court is of the opinion that the issues have been reduced to material facts to which there can be no dispute and, therefore, summary judgment may be granted. Zenith Vinyl Fabrics Corp. v. Ford Motor Co., 357 F. Supp. 133 (E.D. Mich. 1973).

The plaintiff contends that Claiborne told him he was completely getting out of the tire business and that Sun Oil Company was aware of this and that he relied heavily upon this in making his decision to purchase Claiborne's tire business. He further claims Claiborne and Sun Oil Company conspired to establish Claiborne in the tire business in a new location from which Claiborne could compete with the plaintiff, and that this conspiracy was in violation of the Sherman Antitrust Act, 15 U.S.C.A. §§ 1 & 2. The plaintiff further claims that Sun Oil Company gave Claiborne more favorable prices and credit terms

than it gave to the plaintiff in violation of the Clayton Act as amended by the Robinson-Patman Act, 15 U.S.C.A. § 13.

The Amended Complaint makes no allegations which will support a claim under 15 U.S.C.A. § 2 for attempt to monopolize. Since no claim under 15 U.S.C.A. § 2 is stated, the references to that section in paragraphs 2 and 5 of the Amended Complaint are stricken.

The plaintiff fails to state a claim under 15 U.S.C.A. § 1. There is no evidence that Sun Oil Company conspired with Claiborne to withhold from Craig the fact that Claiborne would continue the wholesale tire business. The purchase agreement (Exhibit A, Amended Complaint), to which Claiborne and Craig, and not DX, were the only parties, limits Claiborne's obligation not to compete at the retail level only within a geographic area set forth therein. It is undisputed that Sun Oil Company personnel did not say anything to mislead the plaintiff into thinking Claiborne was getting entirely out of the tire business (Bobby Joe Craig Deposition, 1st day, p. 96). The plaintiff admitted no one from Sun Oil Company was present when Claiborne allegedly stated that he was getting entirely out of the tire business (Bobby Joe Craig Deposition, 2nd day, p. 20). Willis Craig corroborated the plaintiff's testimony that Sun Oil Company's personnel had no knowledge as to the plaintiff's oral agreement with Claiborne, that Claiborne would get entirely out of the tire business (Willis Craig Deposition, p. 75-77).

As a matter of law the conspiracy which the plaintiff alleges does not violate the Sherman Act. Where the alleged conspiracy does not decrease competition or the number of competitors, no violation of the antitrust laws exists. Parmelee Transp. Co. v. Keishin, 186 F. Supp. 533 (N.D. Ill. 1960), aff'd, 292 F.2d 794 (7th Cir. 1961), cert. denied, 368 U.S. 944 (1961). Where one distributor is replaced with another, even though done pursuant to a conspiracy, there is no violation of the antitrust

laws. Joseph E. Seagram and Sons v. Hawaiian Oke and Liquors Ltd., 416 F.2d 71 (9th Cir. 1969), cert. denied, 396 U.S. 1062 (1970); Feddersen Motors v. Ward, 180 F.2d 519 (10th Cir. 1950); Arthur v. Kraft-Phenix Cheese Corp., 26 F. Supp 824 (D. Md. 1938); Frederick Chusid & Co. v. Marshall Leeman & Co., 326 F. Supp. 1043 (S.D. M.Y. 1971).

The plaintiff has failed to state a claim for discrimination in prices, services or credit under 15 U.S.C.A. § 13. The pleadings, the briefs and the depositions reveal no facts to support allegations of price discrimination. The only factual situation that reveals any type of price discrimination was a mechanical error in a billing invoice which was subsequently corrected to the plaintiff's satisfaction (Bobby Joe Craig 2nd Deposition, p. 91-92). Sun Oil Company offered the same services to the plaintiff and Claiborne (Davis Deposition, p. 80-81). The plaintiff was not acquainted with the terms of his Sun Oil Company franchise (Bobby Joe Craig 1st Deposition, p. 97), but merely assumed that his services under the Sun Oil franchise would be similar to those services offered by OTASCO franchises with which he was familiar (Bobby Joe Craig 1st Deposition, p. 89). The plaintiff did not accept nor desire any assistance other than credit (Willis Craig Deposition, p. 117-118). Although there may be factual controversy as to whether credit terms extended to the plaintiff were discriminatory, discrimination in terms of credit extended does not form the basis for violation of the Robinson-Patman Act. Secatore's, Inc. v. Esso Standard Oil Co., 171 F. Supp 665 (D. Mass. 1959); Rea v. Ford Motor Co., 355 F. Supp. 842 (W.D. Pa. 1973).

IT IS, THEREFORE, THE JUDGMENT of this Court that the Motions of the defendants, Sun Oil Company of Pennsylvania and William R. Claiborne, for Summary Judgment be granted and judgment be entered herein in favor of the defendants, at the cost of the

plaintiff, and that the defendant, William R. Claiborne's Cross-
Complaint be dismissed without prejudice.

Dated this 18th day of April, 1974.

Luther Bohannon
UNITED STATES DISTRICT JUDGE

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

GRAND RIVER DAM AUTHORITY,)
a public corporation,)
)
Plaintiff,)
vs.)
)
EMPLOYERS COMMERCIAL UNION)
INSURANCE COMPANY OF AMERICA,)
)
Defendant)
and Third)
Party Plaintiff,)
vs.)
)
W. R. HOLWAY & ASSOCIATES,)
WESTINGHOUSE ELECTRIC CORPORATION,)
and INSURANCE COMPANY OF NORTH)
AMERICA,)
)
Third Party Defendants.)

No. 73-C-40

FILED

APR 22 1974

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

J U D G M E N T

Based upon, and in accordance with the Findings of Fact and Conclusions of Law this day filed,

IT IS THE JUDGMENT OF THE COURT that the plaintiff have and recover of and from the defendant, Employers Commercial Union Insurance Company of America, the sum of \$103,550.52, together with 6% interest from February 29, 1972, to the date of this Judgment, and at the rate of 10% per annum thereafter. Be it further provided that the plaintiff shall have and recover its costs of this action.

IT IS THE FURTHER JUDGMENT OF THIS COURT that Employers Commercial Union Insurance Company of America, as third party plaintiff, take nothing, and judgment is hereby rendered for the third party defendants, W. R. Holway & Associates, Westinghouse Electric Corporation, and Insurance Company of North America, together with their costs.

Dated this 18th day of April, 1974.

Ruth Bohannon
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 72-C-207
)
 40.00 Acres of Land, More or) Tract No. 558M
 Less, Situate in Rogers County,)
 State of Oklahoma, and Mildred) (Lessor Interest Only)
 E. Viles, et al., and Unknown)
 Owners,)
)
 Defendants.)

FILED

APR 19 1974

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

J U D G M E N T

1.

NOW, on this 18th day of April, 1974, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment fixing just compensation in this matter. After having examined the files in this action and being advised by counsel, the Court finds:

2.

This judgment applies only to the lessor interest in the estate condemned in Tract No. 558M, as such estate and tract are described in the Complaint filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the property described above in paragraph 2. Pursuant thereto, on June 9, 1972, the United States of America filed its Declar-

ation of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the lessor interest in the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 13.

7.

A pre-trial hearing in this case was set by the Court for February 9, 1973. Due notice of such hearing was given to all of the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. Mr. John R. Carle, Attorney, appeared at said pre-trial representing the owners of the subject property.

8.

At the said pre-trial conference the Plaintiff advised that in the event of a trial its evidence as to compensation would be presented by testimony of J. M. Wanenmacher, Jr., and would be in the amount of \$140.00. The attorney for the owners of subject property advised that in the event of trial his evidence as to compensation would be presented by testimony of H. S. Milam, and would be in the amount of \$1,000.00. Neither party requested a trial. Based upon the pre-trial statements of the parties the Court concludes that a trial is not necessary or advisable and that the sum of \$480.00 should be adopted as the award of just compensation for the subject interest.

9.

This judgment will create a deficiency between the amount deposited as estimated just compensation for the lessor interest in the estate taken in subject tract and the amount fixed by the Court as just compensation, and a sum of money

sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 13.

10.

The defendants named in paragraph 13 as owners of the lessor interest in the estate taken in the subject tract are the only defendants asserting any interest in such property. All other defendants having either disclaimed or defaulted, the named defendants are the owners of such property, as of the date of taking and, as such, are entitled to receive the just compensation awarded by this judgment.

11.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tract, as such tract is described in the Complaint filed herein, and such property, to the extent of the lessor interest in the estate described in such Complaint, is condemned, and title thereto is vested in the United States of America, as of June 9, 1972, and all defendants herein and all other persons are forever barred from asserting any claim to such interest.

12.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the lessor interest in the estate taken herein in subject tract were the defendants whose names appear below in paragraph 13, and the right to receive the just compensation awarded by this judgment is vested in the parties so named.

13.

It Is Further ORDERED, ADJUDGED and DECREED that the sum of \$480.00 hereby is adopted as the award of just compensation for the lessor interest in the estate taken in subject tract, as shown by the following schedule:

TRACT NO. 558M
(Lessor Interest Only)

Owners:

H. S. Milam ----- 2/15
P.I.C. Management Co., Inc. ----- 2/5
Mildred M. Viles ----- 2/15
Mary M. Stevenson Hackett ----- 2/15
Carlie Kranzthor ----- 1/5

Award of just compensation pursuant to Court's findings ---	\$480.00	\$480.00
Deposited as estimated compensation -	140.00	
Disbursed to owners -----		<u>None</u>
Balance due to owners -----		\$480.00 plus interest
Deposit deficiency -----	\$340.00	

14.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the deposit deficiency shown in paragraph 13 above, in the total amount of \$340.00, together with interest thereon, computed at the rate of 6% per annum from June 9, 1972, to the date of such payment, and such sum shall be placed in the deposit for the subject tract in this civil action.

Upon receipt of such deficiency deposit the Clerk of this Court shall disburse all of the deposit for the subject tract as follows:

To each owner his or her share of the total award, together with each owner's proportionate share of the accrued interest on the deposit deficiency, based upon such owner's fractional interest in the subject property, as indicated above in paragraph 13.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

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

UNITED STATES OF AMERICA,)
)
Plaintiff,) CIVIL ACTION NO. 74-C-2
)
vs.)
)
THE LANDSCAPERS, INC., CARL R.)
MILLER and MAE MARIE MILLER,)
husband and wife; HAROLD O. SCOTT)
and SUE ELLEN SCOTT, husband and)
wife; and HAROLD D. STEPHENS and)
SADIE A. STEPHENS, husband and)
wife,)
)
Defendants.)

FILED

APR 19 1974

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 16th day of April, 1974, the plaintiff appearing by Robert P. Santee, Assistant United States Attorney, and the defendants, The Landscapers, Inc., Carl R. Miller and Mae Marie Miller, husband and wife; Harold O. Scott and Sue Ellen Scott, husband and wife, appearing not, and Harold D. Stephens and Sadie A. Stephens, husband and wife, appearing by and through their attorney Roger Scott.

The Court being fully advised and having examined the file herein finds that personal service of Summons and Complaint was made on Carl R. Miller on January 17, 1974; on Mae Marie Miller on January 17, 1974; on Harold O. Scott on January 24, 1974; on Sue Ellen Scott on January 24, 1974; on Harold D. Stephens on January 29, 1974, and on Sadie A. Stephens on January 29, 1974, all as appears from the Marshal's Returns of Service herein, and

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

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

The South 330 feet of Lot One (1), (NW/4) of Section Thirty (3), Township Eighteen (18) North, Range Thirteen (13) East, LESS the East 660 feet thereof.

THAT the defendant, The Landscapers, Inc., did, on the 19th day of February, 1971, execute and deliver to the Bank of Commerce in Tulsa, Oklahoma, its mortgage and Promissory Note in the sum of \$60,000.00 with 9 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

THAT the defendants, Carl R. Miller, Mae Marie Miller, Harold O. Scott, Sue Ellen Scott, Harold D. Stephens and Sadie A. Stephens, guaranteed said Promissory Note aforesaid.

THAT said guaranteed Promissory Note and Mortgage was assigned to the Small Business Administration by the Bank of Commerce in Tulsa, Oklahoma, on January 31, 1973.

The Court further finds that the defendants, The Landscapers, Inc.; Carl R. Miller, Mae Marie Miller, Harold O. Scott, Sue Ellen Scott, Harold D. Stephens and Sadie A. Stephens, made default under the terms of the aforesaid Promissory 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 \$36,819.73 as unpaid principal, plus interest accrued thereon in the sum of \$352.86 through September 13, 1973, plus interest accruing thereafter at the rate of \$7.0571 per day until paid, and the cost of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT the plaintiff have and recover judgment against defendants, The Landscapers, Inc.; Carl R. Miller, Mae Marie Miller, Harold O. Scott, Sue Ellen Scott, Harold D. Stephens and Sadie A. Stephens, for the sum of \$36,819.73 as unpaid principal, plus interest accrued thereon in the sum of \$352.86 through September 13, 1973, interest accruing thereafter at the rate of \$7.0571 per day until paid, and the cost of this action accrued and accruing.

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

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT any liability for any deficiency as against any of the defendants herein shall be determined by this Court subject to an Order of Confirmation and in accordance with applicable state and federal laws and statutes; and this Court reserves jurisdiction with respect thereto, providing that in no event shall the deed to the property sold, as herein provided, be in any manner affected or prejudiced by this Court's retention of jurisdiction as herein set forth.

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. Benson
UNITED STATES DISTRICT JUDGE

APPROVED:

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

s/ Roger B. Scott
ROGER B. SCOTT, Attorney
for Harold D. Stephens
and Sadie A. Stephens

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 40.00 Acres of Land, More or)
 Less, Situate in Rogers County,)
 State of Oklahoma, and P.I.C.)
 Management Co., Inc., et al.,)
 and Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 72-C-206
Tract No. 557M
(Lessor Interest Only)

E I L E D

APR 19 1974

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

J U D G M E N T

1.

NOW, on this 18th day of April, 1974, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment fixing just compensation in this matter. After having examined the files in this action and being advised by counsel, the Court finds:

2.

This judgment applies only to the lessor interest in the estate condemned in Tract No. 557M, as such estate and tract are described in the Complaint filed in this action.

3.

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

4.

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

5.

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

June 9, 1972, the United States of America filed its Declaration of Taking of such property, and title thereto should be vested in the United States of America, as of the date of filing such instrument.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court as estimated compensation for the lessor interest in the estate taken in the subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 13.

7.

A pre-trial hearing in this case was set by the Court for February 9, 1973. Due notice of such hearing was given to all of the parties. The Plaintiff, United States of America, appeared at such hearing by Hubert A. Marlow, Assistant United States Attorney for the Northern District of Oklahoma. Mr. John R. Carle, Attorney, appeared at such hearing representing the owner of the subject property.

8.

At the said pre-trial conference the Plaintiff advised that in the event of a trial its evidence as to compensation would be presented by testimony of J. M. Wanenmacher, Jr., and would be in the amount of \$218.00. Counsel for the owner of subject property advised that in the event of trial his evidence as to compensation would be presented by testimony of H. S. Milam, and would be in the amount of \$1,351.00. Neither party requested a trial. Based upon the pre-trial statements of the parties the Court concludes that a trial is not necessary or advisable and that the sum of \$680.00 should be adopted as the award of just compensation for the subject interest.

9.

This judgment will create a deficiency between the amount deposited as estimated just compensation for the lessor interest in the estate taken in subject tract and the amount fixed by the Court as just compensation, and a sum of money

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

JOHN E. ROUGEOT,

Plaintiff,

v.

CRAVENS, DARGAN & COMPANY,
SPECIAL RISKS, et al.,

Defendants.

73-C-88

FILED

APR 19 1974

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

ORDER OF DISMISSAL WITH PREJUDICE

On this 19 day of April, 1974, this cause came on for hearing upon the joint application of the plaintiff and the defendant for an order dismissing this cause with prejudice as to any further action by the plaintiff.

IT IS ORDERED THAT plaintiff's cause be, and the same is hereby, dismissed with prejudice to any further action by the plaintiff.



Judge

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

THOMAS J. HANLON, M. D.,)
)
 Plaintiff,)
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Defendant.)

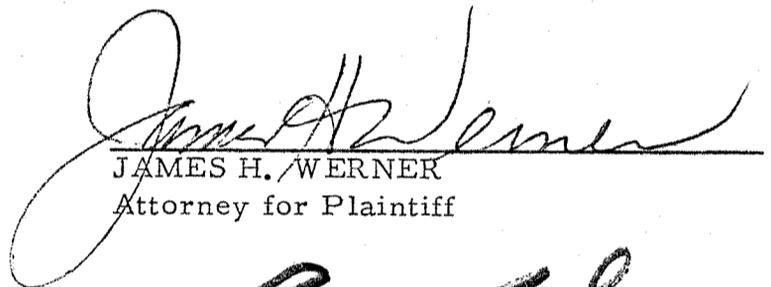
Civil No. 72-C-329

FILED
APR 18 1974
Jack C. Silver, Clerk
U. S. DISTRICT COURT

STIPULATION AND ORDER FOR DISMISSAL OF ACTION

It is hereby stipulated by the Plaintiff, Thomas J. Hanlon, M.D., and the Defendant, The United States of America that the above entitled action be dismissed with prejudice.

Dated this 16th day of April, 1974.

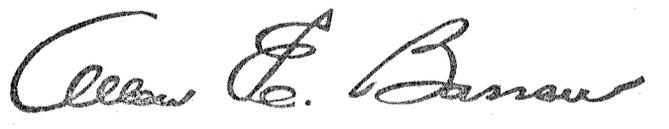

JAMES H. WERNER
Attorney for Plaintiff


NATHAN G. GRAHAM
United States Attorney
by
ROBERT P. Santee
ASS'T. U.S. ATTY

ORDER

On the above stipulation filed herein on April 17, 1974, it is so ordered *and the cause of action + complaint are ordered dismissed*

Dated this 18th day of April, 1974.


United States District Judge

FILED
APR 18 1974
Jack C. Silver, Clerk
U. S. DISTRICT COURT

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

COMBOTRONICS, INC., an)
Oklahoma Corporation, JOHN)
KERR, President,)
)
Plaintiffs,)
)
-vs-)
)
PAVEMENT SYSTEMS, INC., a)
Washington Corporation,)
Robert Speir, President,)
)
-and-)
)
BOEING CONSTRUCTION EQUIPMENT)
COMPANY, a Washington corporation,)
)
Defendants.)
)
)
)
)

74-C-120

ORDER

FILED
APR 17 1974
Jack C. Silver, Clerk
U. S. DISTRICT COURT

THIS MATTER having come on before the undersigned Judge of the above entitled Court upon the Stipulation of the parties as reflected by signatures of counsel attached hereto; and the Court finding that the claims alleged in the complaint are disputed by the defendants, and that the matter has been fully settled, now, therefore, it is hereby

ORDERED that the complaint as to Pavement Systems, Inc., and Boeing Construction Equipment Company be, and the same is

Order-1

1 hereby dismissed with prejudice and without costs.

2 DATED this 16th day of April, 1974.

3 16th

4 Luther Bohanon
5 JUDGE

6
7
8 Presented by:

9
10 Joe LeBonnie, Jr.
11 JOSEPH LeBONNE, JR.
12 Attorney for Plaintiff

13 APPROVED BY:

14 John O. Burgess
15 JOHN O. BURGESS, of
16 Attorneys for Defendants
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30 Order -2

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

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
) -vs-)
)
) GRAY ALLEN JOHNSON, et al,)
)
) Defendants.)

FILED

APR 17 1974

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

Civil Action No. 73-C-379

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 17th
day of April, 1974, the plaintiff appearing by Robert P. Santee,
Assistant United States Attorney, and the defendants, Gray
Allen Johnson and Jessie L. Johnson, appearing not.

The Court, being fully advised and having examined
the file herein, finds that Gray Allen Johnson and Jessie L.
Johnson were served by publication, as appears from the Proof
of Publication filed herein.

It appearing that Gray Allen Johnson and Jessie L.
Johnson 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 mort-
gage securing said mortgage note and that the following de-
scribed real property is located in Tulsa County, Oklahoma,
within the Northern Judicial District of Oklahoma:

Lot Four (4), Block Fifty-seven (57), Valley
View Acres Third Addition to the City of
Tulsa, Tulsa County, Oklahoma, according to
the recorded plat thereof.

That the defendants, Gray Allen Johnson and Jessie L.
Johnson, did, on the 29th day of August, 1972, execute and de-
liver to the Administrator of Veterans Affairs, their mortgage

and mortgage note in the sum of \$11,500.00, with 4-1/2 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that the defendants, Gray Allen Johnson and Jessie L. Johnson, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than 12 months past, which default has continued, and that by reason thereof, the above-named defendants are now indebted to the plaintiff in the sum of \$11,484.43, with interest thereon at the rate of 4-1/2 percent per annum from January 29, 1973, 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, Gray Allen Johnson and Jessie L. Johnson, in rem, for the sum of \$11,484.43, with interest thereon at the rate of 4-1/2 percent per annum from January 29, 1973, 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, shall 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, each of the defendants, 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

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

EMPIRE RESOURCES INTERNATIONAL,
INC., an Oklahoma corporation,

Plaintiff,

-vs-

WILLIAM H. PARISH, J. DANETTE
PARISH, JOSEPH A. PATRICK and
FIRST NATIONAL BANK AND TRUST
COMPANY OF TULSA, OKLAHOMA,

Defendants.

E I L E D

APR 16 1974

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

No. 73-C-244

ORDER DISMISSING CAUSE WITH PREJUDICE.

On this 16th day of April, 1974, the Stipulation and Notice to Dismiss with Prejudice filed by the parties comes on for ~~hearing~~ *consideration*. The plaintiff is present by his attorney, Richard T. Sonberg, and the defendants are present by their attorneys. After examining the pleadings and hearing statements from counsel, the Court finds that:

1. The parties have agreed to compromise and settle all differences and disputes which relate to, arise out of or are in any way connected with the subject matter of, and the claims made by plaintiff in this litigation.
2. The agreement to settle this litigation has been entered into between the parties only after the requisite disclosures, upon adequate and proper information and data and upon advice of counsel. The parties are fully competent to settle this litigation and none of them is acting under any duress, fraud or other legal impediment which could vitiate the settlement in whole or in part.
3. The Stipulation should be approved and this Order entered.

FILED

APR 16 1974

IN THE UNITED STATES DISTRICT COURT FOR THE Jack C. Silver, Clerk
NORTHERN DISTRICT OF OKLAHOMA U. S. DISTRICT COURT

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
vs.)	CIVIL ACTION NO. 73-C-226
)	
)	
JAMES ANDERSON a/k/a JAMES D.)	
ANDERSON, et al.,)	
)	
Defendants.)	

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 16 day of April, 1974, the plaintiff appearing by Robert P. Santee, Assistant United States Attorney; the defendant, Hillcrest Medical Center, appearing by its attorney, James O. Ellison; the defendant, J. G. Follens, Attorney at Law, appearing pro se; the defendant, Sandra J. Gangel, appearing by her attorney, James E. Pohl; and the defendants, James Anderson a/k/a James D. Anderson, Gertrude M. Anderson, Max D. McCormick, James Jackson d/b/a Jackson Jewelry, and Dillard's Department Stores, Inc., appearing not.

The Court being fully advised and having examined the file herein finds that James Jackson was served by publication, as appears from the Proof of Publication filed herein; that James Anderson and Gertrude M. Anderson were served with Summons and Complaint on July 31, 1973, as appears from the Marshal's Return of Service herein, and Amendment to Complaint by publication, as appears from the Proof of Publication filed herein; that Hillcrest Medical Center, J. G. Follens, and Max D. McCormick were served with Summons, Complaint, and Amendment to Complaint on July 26, 1973, and October 4, 1973, respectively; that Sandra J. Gangel was served with Summons, Complaint, and Amendment to Complaint on November 13, 1973; that Dillard's Department Stores, Inc., was served with Summons, Complaint, and Amendment to Complaint on October 4, 1973.

It appearing that Hillcrest Medical Center filed its Answer to the Complaint and to the Amendment to Complaint on

August 15, 1973, and October 19, 1973, respectively; that J. G. Follens filed his Disclaimer on July 30, 1973; that Sandra J. Gangel filed her Answer on November 19, 1973; and that James Anderson, Gertrude M. Anderson, Max D. McCornick, James Jackson, and Dillard's Department Stores, 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 Thirty-four (34), Block Three (3),
SUBURBAN ACRES ADDITION to the City of
Tulsa, County of Tulsa, State of Oklahoma,
according to the recorded amended plat
thereof.

THAT the defendants, James Anderson and Gertrude M. Anderson, did, on the 29th day of December, 1970, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$9,800.00 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, James Anderson and Gertrude M. Anderson, 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 \$9,747.34 as unpaid principal, with interest thereon at the rate of 8 1/2 percent interest per annum from June 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, James Anderson and Gertrude M. Anderson, in rem, for the sum of \$9,747.34 with interest thereon at the rate of 8 1/2 percent

per annum from June 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, Hillcrest Medical Center, Max D. McCormick, James Jackson, Sandra J. Gangel, and Dillard's Department Stores, Inc.

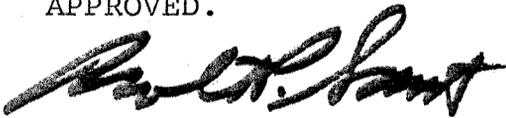
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said defendants to satisfy plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property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

FRED DAUGHERTY

United States District Judge

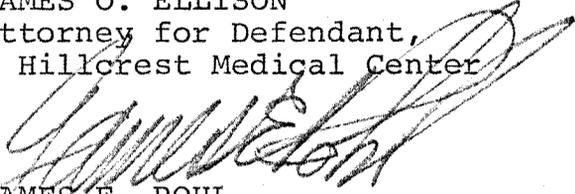
APPROVED.



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



JAMES O. ELLISON
Attorney for Defendant,
Hillcrest Medical Center



JAMES E. POHL
Attorney for Defendant,
Sandra J. Gangel

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION 70-C-110
)
 100.00 Acres of Land, More or) Tract No. 828M
 Less, Situate in Nowata)
 County, State of Oklahoma,) (All interests except
 and Myrtle B. Lawton, et al.,) working interest)
 and Unknown Owners,)
)
 Defendants.)

FILED

APR 16 1974

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

J U D G M E N T

1.

NOW, on this 15 day of April, 1974, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on a stipulation of the parties agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies to all interests except the working interest in the estate condemned in Tract No. 828M, as such estate and tract are described in the Complaint filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right power and authority to condemn for public use the property

described in such Complaint. Pursuant thereto, on April 13, 1970, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of a certain estate in subject property, a certain sum of money, and part of this deposit has been disbursed, as set out below in paragraph 12.

7.

The defendants named in paragraph 12 as the owners of the subject property are the only defendants asserting any interest in such property. All other defendants having either disclaimed or defaulted, the named defendants are the owners of such property, as of the date of taking, and, as such, are entitled to receive the just compensation awarded by this judgment.

8.

The owners of the subject property and the United States of America have executed and filed herein Stipulations As To Just Compensation wherein they have agreed that just compensation for the subject property is in the amounts shown as compensation in paragraph 12 below, and such Stipulations should be approved.

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority

to condemn for public use Tract No. 828M, as such tract is particularly described in the Complaint filed herein; and such tract, to the extent of all interests except the working interest in the estate described in such Complaint, is condemned and title thereto is vested in the United States of America, as of April 13, 1970, and all defendants herein and all other persons interested in such property are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking, the owners of the subject property were the defendants whose names appear below in paragraph 12, and the right to receive the just compensation awarded by this judgment is vested in the parties so named.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Stipulations As To Just Compensation, mentioned in paragraph 8 above, hereby are confirmed; and the sum thereby fixed is adopted as the award of just compensation for the subject property, and such award is allocated among the various owners as follows:

TRACT NO. 828M

(All interests except working interest)

1. Lessor interest: (1/8 of 8/8)

Owner:

Norma L. Johnson, guardian for
Myrtle B. Lawton, deceased

Award of just compensation pursuant to Stipulation -----	\$11,374.00	\$11,374.00
Deposited as estimated compensation -----	7,945.00	
Disbursed to owner -----		7,945.00
Balance due to owner -----		\$ 3,429.00
Deposit deficiency -----	\$ 3,429.00	

2. Overriding Royalty Interest: (7/64 of 8/8)

Owner:

Rigdon-Bruen Oil (a partnership owned as follows):

Betty Hauck Goolsbee
Barbara Hauck Roulier
Sharon Siegener
Peggy Bruen Siegener
Abner Hood Hauck, Trustee under the
Will of Betty Bruen Hauck
First Trust and Deposit Company of Syracuse,
New York, Trustee of Peggy Bruen Siegener Trust
Thomas L. O'Neill
Kathleen D. Richards
Peggy June Pollock
James M. O'Neill
Robert N. O'Neill

Award of just compensation pursuant to Stipulation -----	\$11,374.00	\$11,374.00
Deposited as estimated compensation -----	6,482.00	
Disbursed to owner -----		<u>None</u>
Balance due to owner -----		\$11,374.00
Deposit deficiency -----	\$ 4,892.00	

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall deposit in the Registry of this Court, in this civil action, to the credit of the subject tract, the total deficiency sum of \$8,321.00, and the Clerk of this Court then shall disburse the deposit in this case as follows:

To - Norma L. Johnson, Guardian for Myrtle
B. Lawton, deceased ----- \$ 3,429.00
Rigdon-Bruen Oil ----- \$11,374.00.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION 70-C-111
)
 60.00 Acres of Land, More or) Tract No. 834M
 Less, Situate in Nowata)
 County, State of Oklahoma,) (All interests except
 and Nettie B. Goodman, et al.,) working interest)
 and Unknown Owners,)
)
 Defendants.)

FILED

APR 16 1974

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

J U D G M E N T

1.

NOW, on this 15 day of April, 1974, this matter comes on for disposition on application of Plaintiff, United States of America, for entry of judgment on a stipulation of the parties agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies to all interests except the working interest in the estate condemned in Tract No. 834M, as such estate and tract are described in the Complaint filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right power and authority to condemn for public use the property

described in such Complaint. Pursuant thereto, on April 13, 1970, the United States of America filed its Declaration of Taking of such described property, and title to the described estate in such property should be vested in the United States of America as of the date of filing the Declaration of Taking.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of a certain estate in subject property, a certain sum of money, and part of this deposit has been disbursed, as set out below in paragraph 12.

7.

The defendants named in paragraph 12 as the owners of the subject property are the only defendants asserting any interest in such property. All other defendants having either disclaimed or defaulted, the named defendants are the owners of such property, as of the date of taking, and, as such, are entitled to receive the just compensation awarded by this judgment.

8.

The owners of the subject property and the United States of America have executed and filed herein Stipulations As To Just Compensation wherein they have agreed that just compensation for the subject property is in the amounts shown as compensation in paragraph 12 below, and such Stipulations should be approved.

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority

to condemn for public use Tract No. 834M, as such tract is particularly described in the Complaint filed herein; and such tract, to the extent of all interests except the working interest in the estate described in such Complaint, is condemned and title thereto is vested in the United States of America, as of April 13, 1970, and all defendants herein and all other persons interested in such property are forever barred from asserting any claim to such estate.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking, the owners of the subject property were the defendants whose names appear below in paragraph 12, and the right to receive the just compensation awarded by this judgment is vested in the parties so named.

12.

It Is Further ORDERED, ADJUDGED and DECREED that the Stipulations As To Just Compensation, mentioned in paragraph 8 above, hereby are confirmed; and the sum thereby fixed is adopted as the award of just compensation for the subject property, and such award is allocated among the various owners as follows:

TRACT NO. 834M

1. Lessor Interest: (1/8 of 8/8)

Owner:

Sally F. Rodenberg, Executrix of the Estate
of Nettie Dorothy Bratcher, deceased.
(Formerly Nettie B. Goodman)

Award of just compensation pursuant to Stipulation -----	\$6,577.00	\$6,577.00
Deposited as estimated compensation -----	4,561.00	
Disbursed to owner -----		<u>4,561.00</u>
Balance due to owner -----		<u>\$2,016.00</u>
Deposit deficiency -----	\$2,016.00	

2. Overriding Royalty Interest: (7/64 of 8/8)

Owner:

Rigdon-Bruen Oil (a partnership owned as follows)

- Betty Hauck Goolsbee
- Barbara Hauck Roulier
- Sharon Siegener
- Peggy Bruen Siegener
- Abner Hood Hauck, Trustee under the Will
of Betty Bruen Hauck
- First Trust and Deposit Company of Syracuse,
New York, Trustee of Peggy Bruen Siegener Trust
- Thomas L. O'Neill
- Kathleen D. Richards
- Peggy June Pollock
- James M. O'Neill and
- Robert N. O'Neill

Award of just compensation pursuant to Stipulation -----	\$6,577.00	\$6,577.00
Deposited as estimated compensation -----	3,709.00	
Disbursed to owner -----		<u>None</u>
Balance due to owner -----		<u>\$6,577.00</u>
Deposit deficiency -----	\$2,868.00	

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the total deposit deficiency shown in paragraph 12 above, in the amount of \$4,884.00, and such sum shall be placed in the deposit for the subject tract in this civil action.

Upon receipt of such deficiency deposit the Clerk of this Court shall disburse the deposit for the subject tract as follows:

To - Sally F. Rodenberg, Executrix of the Estate of Nettie Dorothy Bratcher, deceased -----	\$2,016.00
Rigdon-Bruen Oil -----	\$6,577.00.

/s/ Allen E. Barrow

APPROVED:

UNITED STATES DISTRICT JUDGE

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 180.00 Acres of Land, More)
 or Less, Situate in Rogers)
 County, State of Oklahoma,)
 and H. S. Milam, et al.,)
 and Unknown Owners,)
)
 Plaintiff.)

CIVIL ACTION NO. 69-C-91

Tract No. 521M

(All Interests)

FILED

APR 16 1974

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

J U D G M E N T

1.

NOW, on this 15 day of April, 1974, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Amended Report of Commissioners filed herein on March 11, 1974, and the Court, after having examined the files in this action and being advised by counsel for the Plaintiff, finds that:

2.

This judgment applies to the entire estate taken in Tract No. 521M as such estate and tract are described in the Complaint filed in this case.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on May 15, 1969, the United States

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

6.

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

7.

The Amended Report of Commissioners filed herein on March 11, 1974, hereby is accepted and adopted as a finding of fact as to subject tract. The amount of just compensation as to the estate taken in subject tract as fixed by the Commission is set out below in paragraph 14.

8.

This judgment will create a deficiency between the amount deposited as estimated just compensation for the estate taken in subject tract and the amount fixed by the Commission and the Court as just compensation, and a sum of money sufficient to cover such deficiency should be deposited by the Government. This deficiency is set out below in paragraph 14.

9.

On April 23, 1970, a hearing was held by the Court upon application by the owners of the leasehold interest for disbursal of the funds deposited in the Registry of the Court as estimated compensation for such interest. At that hearing the Plaintiff objected to disbursal of such funds. As a result the Court approved disbursal of one-half of the said funds. Therefore, the owners of the leasehold interest are entitled to receive interest on the difference between the amount of estimated compensation disbursed to them and the award of just compensation for their interest. Such interest should be computed at the rate of 6% per annum from April 23, 1970 to the date of payment of this judgment.

In addition, the owners of the leasehold interest are entitled to receive interest on the deficiency between the amount deposited for their interest and the amount of the award for their interest. Such interest should be computed at the rate of 6% per annum from May 15, 1969 until payment of this judgment.

10.

The owners of the lessor interest in the estate taken in the subject property have not made application for disbursal of the funds on deposit as estimated compensation for their interest, and the Plaintiff has made no objection to any disbursal to such owners. Therefore, the owners of the said lessor interest are entitled to receive interest on only the deficiency between the amount deposited for their interest and the amount awarded for their interest. Such interest should be computed at the rate of 6% per annum from May 15, 1969 until payment of this judgment.

11.

The defendants named in paragraph 14 as owners of the estate taken in subject tract are the only defendants asserting any interest in such estate; all other defendants having either disclaimed or defaulted, the named defendants were (as of the date of taking) the owners of the estate condemned herein and, as such, are entitled to receive the just compensation awarded by this judgment.

12.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tract, as it is described in the Complaint filed herein, and such property, to the extent of the estate described in such Complaint is condemned, and title thereto is vested in the United States of America, as of May 15, 1969, and all defendants herein and all other persons are forever barred from asserting any claim to such estate.

13.

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

14.

It Is Further ORDERED, ADJUDGED and DECREED that the Amended Report of Commissioners filed herein on March 11, 1974, hereby is confirmed and the sum therein fixed is adopted as the award of just compensation for the estate taken in subject tract, and such award is allocated among the various interests and owners, as shown by the following schedule:

TRACT NO. 521M

(All Interests)

1. Lessor interest

Owners:

Carlie Kranzthor ----- 1/5
P.I.C. Management Co., Inc. ----- 2/5
H. S. Milam ----- 2/15
Mildred M. Viles ----- 2/15
Mary M. Stevenson Hackett ----- 2/15

Award of just compensation pursuant to Commissioners' Report --	\$4,026.00	\$4,026.00
Deposited as estimated compensation -----	3,310.00	
Disbursed to owners -----		<u>None</u>
Balance due to owners -----		\$4,026.00 plus interest
Deposit deficiency as to lessor interest -----	\$ 716.00	

2. Leasehold Interest

Owners:

Leo E. Drew

Subject to mortgages held by
Security National Bank of Denver, Colorado

Award of just compensation pursuant to Commissioners' Report -----	\$11,080.00	\$11,080.00
Deposited as estimated compensation ---	\$7,989.00	7,989.00
Disbursed to owners jointly -----	3,994.50	<u>3,994.50</u>
Balance due to owners -----		\$ 7,085.50 plus interest
Disbursal deficiency ----	\$3,994.50	
Deposit deficiency as to leasehold interest -----	\$ 3,091.00	

15.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall pay into the Registry of this Court for the benefit of the owners the total deposit deficiency for the subject tract as shown in paragraph 14, in the total amount of \$3,807.00, together with interest computed as follows:

On \$716.00 (lessor deposit deficiency) at the rate of 6% per annum from May 15, 1969 to the date of payment of this judgment;

On \$3,091.00 (leasehold deposit deficiency) at the rate of 6% per annum from May 15, 1969 to the date of payment of this judgment; and

On \$3,994.50 (leasehold disbursal deficiency) at the rate of 6% per annum from April 23, 1970 to the date of payment of this judgment.

Upon receipt of such payment the Clerk of this Court shall credit it to the deposit for the subject tract and the Clerk then shall disburse the said deposit as follows:

To each owner, his or her share of the balance due to the owners, as shown in the schedule set forth above in paragraph 14, together with each owner's proportionate share of the accrued interest based upon such owner's interest in the subject property.

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

X - tra

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 90.00 Acres of Land, More or)
 Less, Situate in Rogers)
 County, State of Oklahoma,)
 and Andy Payne, et al., and)
 Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 69-C-88 ✓

Tract No. 456M

F I L E D

APR 16 1974

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

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 60.00 Acres of Land, More or)
 Less, Situate in Rogers)
 County, State of Oklahoma,)
 and Leo Drew, et al., and)
 Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 69-C-89

Tract No. 458M

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 60.00 Acres of Land, More)
 or Less, Situate in Rogers)
 County, State of Oklahoma,)
 and Sara Garis, et al., and)
 Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 69-C-90

Tract No. 462M

(All Interests in All Cases)

J U D G M E N T

1.

NOW, on this 12th day of April, 1974, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Amended Report of Commissioners filed herein on March 8, 1974, and the Court, after having examined the files in this action, and being advised by counsel, finds that:

2.

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

3.

This judgment applies to the entire estates taken in all of the tracts included in all of the cases listed in the caption above, as such tracts and estates are described in the Complaints filed in the captioned civil actions.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaints filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on May 15, 1969, the United States of America filed its Declarations of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such instruments.

6.

Simultaneously with filing of the Declarations of Taking, there were deposited in the Registry of this Court as estimated compensation for the estates taken in the subject tracts certain sums of money, and part of these deposits has been disbursed, as set out below in paragraph 13.

7.

The Amended Report of Commissioners filed herein on March 8, 1974, hereby is accepted and adopted as findings of fact in regard to the subject property. The amount of just compensation as to the subject property, as fixed by the Commissioners, is set out below in paragraph 13.

8.

This judgment will create a deficiency in the deposit of estimated compensation as to some of the interests in these cases but will create a surplus in the deposit as to other cases. The calculation of these deficiencies and surpluses is set forth in paragraph 13.

9.

On April 23, 1970 a hearing was held by the Court upon application by the owners of the leasehold interest for disbursal of the funds deposited in the Registry of the Court as estimated compensation for such interest. At that hearing the Plaintiff objected to disbursal of such funds. As a result, the Court approved disbursal of one-half of the said funds. Therefore, the owners of the leasehold interest are entitled to receive interest on the difference between the amount of estimated compensation disbursed to them and the award of just compensation for their interest. Such interest should be computed at the rate of 6% per annum from April 23, 1970 to April 23, 1974. Computation of such interest is set forth below in paragraph 13.

10.

The defendants named in paragraph 13 as owners of the estates taken in subject tracts are the only defendants asserting any claim to such estates. All other defendants having either disclaimed or defaulted, as of the date of taking, the named defendants were the owners of the estates condemned herein and, as such, are entitled to receive the just compensation awarded by this judgment.

11.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tracts, as they are described in the Complaints filed herein, and such property, to the extent of the estates described in such Complaints, is condemned, and title to such property is vested in the United States of America, as of May 15, 1969, and all defendants herein and all other

persons are forever barred from asserting any claim to such interest.

12.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the estates taken herein in subject tracts were the defendants whose names appear below in paragraph 13, and the right to receive the just compensation awarded by this judgment is vested in the parties so named.

13.

It Is Further ORDERED, ADJUDGED and DECREED that the Amended Report of Commissioners filed herein on March 8, 1974, hereby is confirmed and the sums therein fixed are adopted as the awards of just compensation for the various interests in the estates taken in subject tracts, and the awards are allocated among the owners, as set forth in the schedule which follows, to-wit:

PART A

Leasehold interest only in all tracts,
to-wit, 456M, 458M, and 462M, in all
three cases combined

Deposited as estimated compensation:

C.A. 69-C-88 (Tr. #456M) --- \$ 4,963.00
C.A. 69-C-89 (Tr. #458M) --- 7,900.00
C.A. 69-C-90 (Tr. #462M) --- 883.00

Total deposit for leasehold - \$13,746.00

Award of just compensation for

all leasehold, pursuant to

Commissioners' Report ---- \$10,294.00 \$10,294.00 \$10,294.00

Original overdeposit for

leasehold ----- \$ 3,452.00

Disbursed to all owners of

leasehold in all 3 cases ----- 6,872.93

Disbursal deficiency ----- \$ 3,421.07

Interest on disbursal deficiency, at

the rate of 6% per annum for 4 years ----- 821.06

Total award with interest ----- \$11,115.06

Total disbursed to all leasehold owners ----- 6,872.93

Balance due to all owners of leasehold ----- \$4,242.13

Ownership, Allocation of Award and
Disbursals to individual owners:

1. Leo E. Drew

Owned 9/16 of leasehold interest.

His share of award for leasehold -----	\$5,790.38	\$5,790.38
Disbursed to Drew as estimated compensation:		
C.A. 69-C-88 -----	\$1,395.81	
C.A. 69-C-89 -----	2,221.87	
C.A. 69-C-90 -----	<u>248.34</u>	
Total -----		<u>\$3,866.02</u>
Disbursal deficiency -----	\$1,924.36	
Interest on disbursal deficiency, at rate of 6% per annum for 4 years -----		<u>461.84</u>
Total Drew award with interest -----		\$6,252.22
Total disbursal to Drew -----		<u>3,866.02</u>
Balance due to Drew -----		\$2,386.20

2. Josita Castings, Inc.

Owned 1/16 of leasehold interest.

Its share of award for leasehold -----	\$643.38	\$643.38
Disbursed to this owner as estimated compensation:		
C.A. 69-C-88 -----	\$155.09	
C.A. 69-C-89 -----	246.87	
C.A. 69-C-90 -----	<u>27.59</u>	
Total -----		<u>429.55</u>
Disbursal deficiency -----	\$213.83	
Interest on disbursal deficiency, at rate of 6% per annum for 4 years -----		<u>51.32</u>
Total Josita award with interest -----		\$694.70
Total disbursed to this owner -----		<u>429.55</u>
Balance due to Josita Castings, Inc. -----		\$265.15

3. L. F. Dandurand

Owned 1/16 of leasehold interest.

His share of award for leasehold -----	\$643.37	\$643.37
Disbursed to this owner as estimated compensation:		
C.A. 69-C-88 -----	\$155.09	
C.A. 69-C-89 -----	246.87	
C.A. 69-C-90 -----	<u>27.59</u>	
Total -----		<u>429.55</u>
Disbursal deficiency -----	\$213.82	
Interest on disbursal deficiency, at rate of 6% per annum for 4 years -----		<u>51.32</u>
Total Dandurand award with interest -----		\$694.69
Total disbursed to this owner -----		<u>429.55</u>
Balance due to Dandurand -----		\$265.14

4. Welton A. Luecke

Owned 1/8 of leasehold interest.

His share of award for leasehold -----	\$1,286.75	\$1,286.75
Disbursed to this owner as estimated compensation:		
C.A. 69-C-88 -----	\$310.19	
C.A. 69-C-89 -----	493.75	
C.A. 69-C-90 -----	<u>55.19</u>	
Total -----		<u>859.13</u>
Disbursal deficiency -----	\$ 427.62	
Interest on disbursal deficiency, at rate of 6% per annum for 4 years -----		<u>102.63</u>
Total Luecke award with interest -----		\$1,389.38
Total disbursed to Luecke -----		<u>859.13</u>
Balance due to Luecke -----		\$530.25

5. Homer Storbeck

Owned 1/16 of leasehold interest.

His share of award for leasehold ----- \$643.37 \$643.37

Disbursed to this owner as
estimated compensation:

C.A. 69-C-88 ----- \$155.09
C.A. 69-C-89 ----- 246.87
C.A. 69-C-90 ----- 27.59

Total ----- \$429.55

Disbursal deficiency ----- \$213.82

Interest on disbursal deficiency,
at rate of 6% per annum
for 4 years ----- 51.32

Total Storbeck award with interest ----- \$694.69

Total disbursed to this owner ----- 429.55

Balance due to Storbeck ----- \$265.14

6. Otis P. Borchelt

Owned 1/8 of leasehold interest.

His share of award for leasehold ----- \$1,286.75 \$1,286.75

Disbursed to this owner as
estimated compensation:

C.A. 69-C-88 ----- \$310.19
C.A. 69-C-89 ----- 493.75
C.A. 69-C-90 ----- 55.19

Total ----- 859.13

Disbursal deficiency ----- \$427.62

Interest on disbursal deficiency
at rate of 6% per annum
for 4 years ----- 102.63

Total Borchelt award with interest ----- \$1,389.38

Total disbursed to this owner ----- 859.13

Balance due to Borchelt ----- \$530.25

PART B

Covers all interests other than leasehold interest, in all tracts in all three cases. Each civil action is separately covered.

1. Civil Action No. 69-C-88 (Tract No. 456M)

Lessor (mineral) interest only.

Owners:

Andy Payne ----- 1/2

M. D. Payne ----- 1/2

Award of just compensation pursuant to Commissioners' Report --	\$2,000.00	\$2,000.00
Deposited as estimated compensation -	<u>1,685.00</u>	
Deposit deficiency	315.00	
Interest on deficiency at rate of 6% per annum for 4 years and 11 months -----		<u>92.93</u>
Total lessor award with interest -----		\$2,092.93
Disbursed to owners -----		<u>None</u>
Balance due to owners -----		\$2,092.93

2. Civil Action No. 69-C-89 (Tract No. 458M)

Lessor (mineral) interest only.

<u>Deposited as estimated compensation -----</u>	\$3,700.00
<u>Award of just compensation pursuant to Commissioners' Report -----</u>	<u>1,750.00</u>
<u>Overdeposit -----</u>	\$1,950.00

Ownership, Allocation of Award and Disbursals:

Owners and Interest Owned	Dollar share of Award	Disbursed	Balance Due
George C. Vance 1/2	\$875.00	None	\$875.00
W. Ross Whitworth 2/48	72.92	"	72.92
Dorothy Straub, Executrix of the Will of Julia Scott, deceased 1/8	218.75	"	218.75
Jack A. Scott 1/8	218.75	"	218.75
James R. Cable, only heir of Eunice Cable, deceased 1/8	218.75	\$218.75	None
Doris Davis, Guardian of: Carolyn Scott, James Roy Scott, Curtis Edwin Scott & Susan Diane Scott 1/12	145.83	None	145.83

3. Civil Action No. 69-C-90 (Tract No. 462M)

Lessor (mineral) interest only.

Award of just compensation pursuant to Commissioners' Report ---	\$1,600.00	\$1,600.00
Deposited as estimated compensation ---	<u>396.00</u>	
Deposit deficiency -----	\$1,204.00	
Interest on deficiency at rate of 6% per annum for 4 years and 11 months -----		<u>355.18</u>
Total lessor award and interest -----		\$1,955.18

Ownership, Allocation of Award and Disbursals:

Owners and interest Owned	Dollar Share of Award	Disbursed	Balance Due
Sara Garis 1/2	\$977.59	\$198.00	\$779.59
Jane Hackney 1/2	977.59	None	977.59

14.

It Is Further ORDERED, ADJUDGED and DECREED that to facilitate disbursals to the owners in these cases the Clerk of this Court shall transfer the balance of funds on deposit in two of the subject cases as follows:

1. Transfer the balance on hand, to-wit, \$4,166.54, in the deposit in Civil Action 69-C-88 to the deposit in Civil Action 69-C-89.
2. Transfer the balance on hand, to-wit, \$639.51, in the deposit in Civil Action 69-C-90 to the deposit in Civil Action 69-C-89.

(These transfers will result in a new balance in the deposit in Civil Action 69-C-89 of \$12,237.32.)

15.

It Is Further ORDERED, ADJUDGED and DECREED that when the transfers ordered in paragraph 14 have been accomplished, the Clerk of this Court shall disburse the deposit in Civil Action 69-C-89 as follows:

To:

Leo E. Drew	\$2,386.20
Josita Castings, Inc.	265.15
L. F. Dandurand	265.14
Welton A. Luecke	530.25
Homer Storbeck	265.14
Otis P. Borchelt	530.25
Andy Payne	1,046.47
M. D. Payne	1,046.46
George C. Vance	875.00
W. Ross Whitworth	72.92
Dorothy Straub, Executrix of the Will of Julia Scott, deceased	218.75
Jack A. Scott	218.75
Doris Davis, Guardian of: Carolyn Scott James Roy Scott Curtis Edwin Scott Susan Diane Scott	145.83
Sara Garis	779.59
Jane Hackney	977.59
Treasurer, United States of America	2,613.83

3/ *Alvin E. Borden*
UNITED STATES DISTRICT JUDGE

APPROVED:

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 90.00 Acres of Land, More or)
 Less, Situate in Rogers)
 County, State of Oklahoma,)
 and Andy Payne, et al., and)
 Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 69-C-88

Tract No. 456M

FILED

APR 16 1974

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

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 60.00 Acres of Land, More or)
 Less, Situate in Rogers)
 County, State of Oklahoma,)
 and Leo Drew, et al., and)
 Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 69-C-89 ✓

Tract No. 458M

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 60.00 Acres of Land, More)
 or Less, Situate in Rogers)
 County, State of Oklahoma,)
 and Sara Garis, et al., and)
 Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 69-C-90

Tract No. 462M

(All Interests in All Cases)

J U D G M E N T

1.

NOW, on this 12th day of April, 1974, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Amended Report of Commissioners filed herein on March 8, 1974, and the Court, after having examined the files in this action, and being advised by counsel, finds that:

2.

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

3.

This judgment applies to the entire estates taken in all of the tracts included in all of the cases listed in the caption above, as such tracts and estates are described in the Complaints filed in the captioned civil actions.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaints filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on May 15, 1969, the United States of America filed its Declarations of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such instruments.

6.

Simultaneously with filing of the Declarations of Taking, there were deposited in the Registry of this Court as estimated compensation for the estates taken in the subject tracts certain sums of money, and part of these deposits has been disbursed, as set out below in paragraph 13.

7.

The Amended Report of Commissioners filed herein on March 8, 1974, hereby is accepted and adopted as findings of fact in regard to the subject property. The amount of just compensation as to the subject property, as fixed by the Commissioners, is set out below in paragraph 13.

8.

This judgment will create a deficiency in the deposit of estimated compensation as to some of the interests in these cases but will create a surplus in the deposit as to other cases. The calculation of these deficiencies and surpluses is set forth in paragraph 13.

9.

On April 23, 1970 a hearing was held by the Court upon application by the owners of the leasehold interest for disbursal of the funds deposited in the Registry of the Court as estimated compensation for such interest. At that hearing the Plaintiff objected to disbursal of such funds. As a result, the Court approved disbursal of one-half of the said funds. Therefore, the owners of the leasehold interest are entitled to receive interest on the difference between the amount of estimated compensation disbursed to them and the award of just compensation for their interest. Such interest should be computed at the rate of 6% per annum from April 23, 1970 to April 23, 1974. Computation of such interest is set forth below in paragraph 13.

10.

The defendants named in paragraph 13 as owners of the estates taken in subject tracts are the only defendants asserting any claim to such estates. All other defendants having either disclaimed or defaulted, as of the date of taking, the named defendants were the owners of the estates condemned herein and, as such, are entitled to receive the just compensation awarded by this judgment.

11.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tracts, as they are described in the Complaints filed herein, and such property, to the extent of the estates described in such Complaints, is condemned, and title to such property is vested in the United States of America, as of May 15, 1969, and all defendants herein and all other

persons are forever barred from asserting any claim to such interest.

12.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the estates taken herein in subject tracts were the defendants whose names appear below in paragraph 13, and the right to receive the just compensation awarded by this judgment is vested in the parties so named.

13.

It Is Further ORDERED, ADJUDGED and DECREED that the Amended Report of Commissioners filed herein on March 8, 1974, hereby is confirmed and the sums therein fixed are adopted as the awards of just compensation for the various interests in the estates taken in subject tracts, and the awards are allocated among the owners, as set forth in the schedule which follows, to-wit:

PART A

Leasehold interest only in all tracts,
to-wit, 456M, 458M, and 462M, in all
three cases combined

Deposited as estimated compensation:

C.A. 69-C-88 (Tr. #456M) --- \$ 4,963.00
C.A. 69-C-89 (Tr. #458M) --- 7,900.00
C.A. 69-C-90 (Tr. #462M) --- 883.00

Total deposit for leasehold - \$13,746.00

Award of just compensation for

all leasehold, pursuant to

Commissioners' Report ----- \$10,294.00 \$10,294.00 \$10,294.00

Original overdeposit for

leasehold ----- \$ 3,452.00

Disbursed to all owners of

leasehold in all 3 cases ----- 6,872.93

Disbursal deficiency ----- \$ 3,421.07

Interest on disbursal deficiency, at

the rate of 6% per annum for 4 years ----- 821.06

Total award with interest ----- \$11,115.06

Total disbursed to all leasehold owners ----- 6,872.93

Balance due to all owners of leasehold ----- \$4,242.13

Ownership, Allocation of Award and Disbursals to individual owners:

1. Leo E. Drew

Owned 9/16 of leasehold interest.

His share of award for leasehold ----- \$5,790.38 \$5,790.38

Disbursed to Drew as estimated compensation:

C.A. 69-C-88 ----- \$1,395.81
C.A. 69-C-89 ----- 2,221.87
C.A. 69-C-90 ----- 248.34

Total ----- \$3,866.02

Disbursal deficiency ----- \$1,924.36

Interest on disbursal deficiency,
at rate of 6% per annum
for 4 years -----

461.84

Total Drew award with interest ----- \$6,252.22

Total disbursal to Drew ----- 3,866.02

Balance due to Drew ----- \$2,386.20

2. Josita Castings, Inc.

Owned 1/16 of leasehold interest.

Its share of award for leasehold ----- \$643.38 \$643.38

Disbursed to this owner as estimated compensation:

C.A. 69-C-88 ----- \$155.09
C.A. 69-C-89 ----- 246.87
C.A. 69-C-90 ----- 27.59

Total ----- 429.55

Disbursal deficiency ----- \$213.83

Interest on disbursal deficiency,
at rate of 6% per annum
for 4 years -----

51.32

Total Josita award with interest ----- \$694.70

Total disbursed to this owner ----- 429.55

Balance due to Josita Castings, Inc. ----- \$265.15

3. L. F. Dandurand

Owned 1/16 of leasehold interest.

His share of award for leasehold -----	\$643.37	\$643.37
Disbursed to this owner as estimated compensation:		
C.A. 69-C-88 -----	\$155.09	
C.A. 69-C-89 -----	246.87	
C.A. 69-C-90 -----	<u>27.59</u>	
Total -----		<u>429.55</u>
Disbursal deficiency -----	\$213.82	
Interest on disbursal deficiency, at rate of 6% per annum for 4 years -----		
		<u>51.32</u>
Total Dandurand award with interest -----		\$694.69
Total disbursed to this owner -----		<u>429.55</u>
Balance due to Dandurand -----		\$265.14

4. Welton A. Luecke

Owned 1/8 of leasehold interest.

His share of award for leasehold -----	\$1,286.75	\$1,286.75
Disbursed to this owner as estimated compensation:		
C.A. 69-C-88 -----	\$310.19	
C.A. 69-C-89 -----	493.75	
C.A. 69-C-90 -----	<u>55.19</u>	
Total -----		<u>859.13</u>
Disbursal deficiency -----	\$ 427.62	
Interest on disbursal deficiency, at rate of 6% per annum for 4 years -----		
		<u>102.63</u>
Total Luecke award with interest -----		\$1,389.38
Total disbursed to Luecke -----		<u>859.13</u>
Balance due to Luecke -----		\$530.25

5. Homer Storbeck

Owned 1/16 of leasehold interest.

His share of award for leasehold ----- \$643.37 \$643.37

Disbursed to this owner as
estimated compensation:

C.A. 69-C-88 ----- \$155.09

C.A. 69-C-89 ----- 246.87

C.A. 69-C-90 ----- 27.59

Total ----- \$429.55

Disbursal deficiency ----- \$213.82

Interest on disbursal deficiency,
at rate of 6% per annum
for 4 years ----- 51.32

Total Storbeck award with interest ----- \$694.69

Total disbursed to this owner ----- 429.55

Balance due to Storbeck ----- \$265.14

6. Otis P. Borchelt

Owned 1/8 of leasehold interest.

His share of award for leasehold ----- \$1,286.75 \$1,286.75

Disbursed to this owner as
estimated compensation:

C.A. 69-C-88 ----- \$310.19

C.A. 69-C-89 ----- 493.75

C.A. 69-C-90 ----- 55.19

Total ----- 859.13

Disbursal deficiency ----- \$427.62

Interest on disbursal deficiency
at rate of 6% per annum
for 4 years ----- 102.63

Total Borchelt award with interest ----- \$1,389.38

Total disbursed to this owner ----- 859.13

Balance due to Borchelt ----- \$530.25

PART B

Covers all interests other than leasehold interest, in all tracts in all three cases. Each civil action is separately covered.

1. Civil Action No. 69-C-88 (Tract No. 456M)

Lessor (mineral) interest only.

Owners:

Andy Payne ----- 1/2

M. D. Payne ----- 1/2

Award of just compensation pursuant to Commissioners' Report --	\$2,000.00	\$2,000.00
Deposited as estimated compensation -	<u>1,685.00</u>	
Deposit deficiency	315.00	
Interest on deficiency at rate of 6% per annum for 4 years and 11 months -----		<u>92.93</u>
Total lessor award with interest -----		\$2,092.93
Disbursed to owners -----		<u>None</u>
Balance due to owners -----		\$2,092.93

2. Civil Action No. 69-C-89 (Tract No. 458M)

Lessor (mineral) interest only.

<u>Deposited</u> as estimated compensation -----	\$3,700.00
<u>Award</u> of just compensation pursuant to Commissioners' Report -----	<u>1,750.00</u>
<u>Overdeposit</u> -----	\$1,950.00

Ownership, Allocation of Award and Disbursals:

Owners and Interest Owned	Dollar share of Award	Disbursed	Balance Due
George C. Vance 1/2	\$875.00	None	\$875.00
W. Ross Whitworth 2/48	72.92	"	72.92
Dorothy Straub, Executrix of the Will of Julia Scott, deceased 1/8	218.75	"	218.75
Jack A. Scott 1/8	218.75	"	218.75
James R. Cable, only heir of Eunice Cable, deceased 1/8	218.75	\$218.75	None
Doris Davis, Guardian of: Carolyn Scott, James Roy Scott, Curtis Edwin Scott & Susan Diane Scott 1/12	145.83	None	145.83

3. Civil Action No. 69-C-90 (Tract No. 462M)

Lessor (mineral) interest only.

Award of just compensation pursuant to Commissioners' Report ---	\$1,600.00	\$1,600.00
Deposited as estimated compensation ---	<u>396.00</u>	
Deposit deficiency -----	\$1,204.00	
Interest on deficiency at rate of 6% per annum for 4 years and 11 months -----		<u>355.18</u>
Total lessor award and interest -----		\$1,955.18

Ownership, Allocation of Award and Disbursals:

Owners and interest Owned	Dollar Share of Award	Disbursed	Balance Due
Sara Garis 1/2	\$977.59	\$198.00	\$779.59
Jane Hackney 1/2	977.59	None	977.59

14.

It Is Further ORDERED, ADJUDGED and DECREED that to facilitate disbursals to the owners in these cases the Clerk of this Court shall transfer the balance of funds on deposit in two of the subject cases as follows:

1. Transfer the balance on hand, to-wit, \$4,166.54, in the deposit in Civil Action 69-C-88 to the deposit in Civil Action 69-C-89.
2. Transfer the balance on hand, to-wit, \$639.51, in the deposit in Civil Action 69-C-90 to the deposit in Civil Action 69-C-89.

(These transfers will result in a new balance in the deposit in Civil Action 69-C-89 of \$12,237.32.)

15.

It Is Further ORDERED, ADJUDGED and DECREED that when the transfers ordered in paragraph 14 have been accomplished, the Clerk of this Court shall disburse the deposit in Civil Action 69-C-89 as follows:

To:

Leo E. Drew	\$2,386.20
Josita Castings, Inc.	265.15
L. F. Dandurand	265.14
Welton A. Luecke	530.25
Hcrrr Storbeck	265.14
Otis P. Borchelt	530.25
Andy Payne	1,046.47
M. D. Payne	1,046.46
George C. Vance	875.00
W. Ross Whitworth	72.92
Dorothy Straub, Executrix of the Will of Julia Scott, deceased	218.75
Jack A. Scott	218.75
Doris Davis, Guardian of: Carolyn Scott James Roy Scott Curtis Edwin Scott Susan Diane Scott	145.83
Sara Garis	779.59
Jane Hackney	977.59
Treasurer, United States of America	2,613.83

St. Allen E. Bardon

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 90.00 Acres of Land, More or)
 Less, Situate in Rogers)
 County, State of Oklahoma,)
 and Andy Payne, et al., and)
 Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 69-C-88

Tract No. 456M

F I L E D

APR 16 1974

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

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 60.00 Acres of Land, More or)
 Less, Situate in Rogers)
 County, State of Oklahoma,)
 and Leo Drew, et al., and)
 Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 69-C-89

Tract No. 458M

United States of America,)
)
 Plaintiff,)
)
 vs.)
)
 60.00 Acres of Land, More)
 or Less, Situate in Rogers)
 County, State of Oklahoma,)
 and Sara Garis, et al., and)
 Unknown Owners,)
)
 Defendants.)

CIVIL ACTION NO. 69-C-90 ✓

Tract No. 462M

(All Interests in All Cases)

J U D G M E N T

1.

NOW, on this 12th day of April, 1974, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on the Amended Report of Commissioners filed herein on March 8, 1974, and the Court, after having examined the files in this action, and being advised by counsel, finds that:

2.

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

3.

This judgment applies to the entire estates taken in all of the tracts included in all of the cases listed in the caption above, as such tracts and estates are described in the Complaints filed in the captioned civil actions.

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaints filed herein give the United States of America the right, power and authority to condemn for public use the subject property. Pursuant thereto, on May 15, 1969, the United States of America filed its Declarations of Taking of certain estates in such tracts of land, and title to such property should be vested in the United States of America, as of the date of filing such instruments.

6.

Simultaneously with filing of the Declarations of Taking, there were deposited in the Registry of this Court as estimated compensation for the estates taken in the subject tracts certain sums of money, and part of these deposits has been disbursed, as set out below in paragraph 13.

7.

The Amended Report of Commissioners filed herein on March 8, 1974, hereby is accepted and adopted as findings of fact in regard to the subject property. The amount of just compensation as to the subject property, as fixed by the Commissioners, is set out below in paragraph 13.

8.

This judgment will create a deficiency in the deposit of estimated compensation as to some of the interests in these cases but will create a surplus in the deposit as to other cases. The calculation of these deficiencies and surpluses is set forth in paragraph 13.

9.

On April 23, 1970 a hearing was held by the Court upon application by the owners of the leasehold interest for disbursal of the funds deposited in the Registry of the Court as estimated compensation for such interest. At that hearing the Plaintiff objected to disbursal of such funds. As a result, the Court approved disbursal of one-half of the said funds. Therefore, the owners of the leasehold interest are entitled to receive interest on the difference between the amount of estimated compensation disbursed to them and the award of just compensation for their interest. Such interest should be computed at the rate of 6% per annum from April 23, 1970 to April 23, 1974. Computation of such interest is set forth below in paragraph 13.

10.

The defendants named in paragraph 13 as owners of the estates taken in subject tracts are the only defendants asserting any claim to such estates. All other defendants having either disclaimed or defaulted, as of the date of taking, the named defendants were the owners of the estates condemned herein and, as such, are entitled to receive the just compensation awarded by this judgment.

11.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power and authority to condemn for public use the subject tracts, as they are described in the Complaints filed herein, and such property, to the extent of the estates described in such Complaints, is condemned, and title to such property is vested in the United States of America, as of May 15, 1969, and all defendants herein and all other

persons are forever barred from asserting any claim to such interest.

12.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking in this case, the owners of the estates taken herein in subject tracts were the defendants whose names appear below in paragraph 13, and the right to receive the just compensation awarded by this judgment is vested in the parties so named.

13.

It Is Further ORDERED, ADJUDGED and DECREED that the Amended Report of Commissioners filed herein on March 8, 1974, hereby is confirmed and the sums therein fixed are adopted as the awards of just compensation for the various interests in the estates taken in subject tracts, and the awards are allocated among the owners, as set forth in the schedule which follows, to-wit:

PART A

Leasehold interest only in all tracts,
to-wit, 456M, 458M, and 462M, in all
three cases combined

Deposited as estimated compensation:

C.A. 69-C-88 (Tr. #456M) --- \$ 4,963.00
C.A. 69-C-89 (Tr. #458M) --- 7,900.00
C.A. 69-C-90 (Tr. #462M) --- 883.00

Total deposit for leasehold - \$13,746.00

Award of just compensation for

all leasehold, pursuant to

Commissioners' Report ---- \$10,294.00 \$10,294.00 \$10,294.00

Original overdeposit for

leasehold ----- \$ 3,452.00

Disbursed to all owners of

leasehold in all 3 cases ----- 6,872.93

Disbursal deficiency ----- \$ 3,421.07

Interest on disbursal deficiency, at

the rate of 6% per annum for 4 years ----- 821.06

Total award with interest ----- \$11,115.06

Total disbursed to all leasehold owners ----- 6,872.93

Balance due to all owners of leasehold ----- \$4,242.13

Ownership, Allocation of Award and
Disbursals to individual owners:

1. Leo E. Drew

Owned 9/16 of leasehold interest.

His share of award for leasehold -----	\$5,790.38	\$5,790.38
Disbursed to Drew as estimated compensation:		
C.A. 69-C-88 -----	\$1,395.81	
C.A. 69-C-89 -----	2,221.87	
C.A. 69-C-90 -----	<u>248.34</u>	
Total -----		<u>\$3,866.02</u>
Disbursal deficiency -----	\$1,924.36	
Interest on disbursal deficiency, at rate of 6% per annum for 4 years -----		<u>461.84</u>
Total Drew award with interest -----		\$6,252.22
Total disbursal to Drew -----		<u>3,866.02</u>
Balance due to Drew -----		\$2,386.20

2. Josita Castings, Inc.

Owned 1/16 of leasehold interest.

Its share of award for leasehold -----	\$643.38	\$643.38
Disbursed to this owner as estimated compensation:		
C.A. 69-C-88 -----	\$155.09	
C.A. 69-C-89 -----	246.87	
C.A. 69-C-90 -----	<u>27.59</u>	
Total -----		<u>429.55</u>
Disbursal deficiency -----	\$213.83	
Interest on disbursal deficiency, at rate of 6% per annum for 4 years -----		<u>51.32</u>
Total Josita award with interest -----		\$694.70
Total disbursed to this owner -----		<u>429.55</u>
Balance due to Josita Castings, Inc. -----		\$265.15

3. L. F. Dandurand

Owned 1/16 of leasehold interest.

His share of award for leasehold ----- \$643.37 \$643.37

Disbursed to this owner as
estimated compensation:

C.A. 69-C-88 ----- \$155.09
C.A. 69-C-89 ----- 246.87
C.A. 69-C-90 ----- 27.59

Total ----- 429.55

Disbursal deficiency ----- \$213.82

Interest on disbursal deficiency,
at rate of 6% per annum
for 4 years -----

51.32

Total Dandurand award with interest ----- \$694.69

Total disbursed to this owner ----- 429.55

Balance due to Dandurand ----- \$265.14

4. Welton A. Luecke

Owned 1/8 of leasehold interest.

His share of award for leasehold ----- \$1,286.75 \$1,286.75

Disbursed to this owner as
estimated compensation:

C.A. 69-C-88 ----- \$310.19
C.A. 69-C-89 ----- 493.75
C.A. 69-C-90 ----- 55.19

Total ----- 859.13

Disbursal deficiency ----- \$ 427.62

Interest on disbursal deficiency,
at rate of 6% per annum
for 4 years -----

102.63

Total Luecke award with interest ----- \$1,389.38

Total disbursed to Luecke ----- 859.13

Balance due to Luecke ----- \$530.25

5. Homer Storbeck

Owned 1/16 of leasehold interest.

His share of award for leasehold ----- \$643.37 \$643.37

Disbursed to this owner as
estimated compensation:

C.A. 69-C-88 ----- \$155.09
C.A. 69-C-89 ----- 246.87
C.A. 69-C-90 ----- 27.59

Total ----- \$429.55

Disbursal deficiency ----- \$213.82

Interest on disbursal deficiency,
at rate of 6% per annum
for 4 years ----- 51.32

Total Storbeck award with interest ----- \$694.69

Total disbursed to this owner ----- 429.55

Balance due to Storbeck ----- \$265.14

6. Otis P. Borchelt

Owned 1/8 of leasehold interest.

His share of award for leasehold ----- \$1,286.75 \$1,286.75

Disbursed to this owner as
estimated compensation:

C.A. 69-C-88 ----- \$310.19
C.A. 69-C-89 ----- 493.75
C.A. 69-C-90 ----- 55.19

Total ----- 859.13

Disbursal deficiency ----- \$427.62

Interest on disbursal deficiency
at rate of 6% per annum
for 4 years ----- 102.63

Total Borchelt award with interest ----- \$1,389.38

Total disbursed to this owner ----- 859.13

Balance due to Borchelt ----- \$530.25

PART B

Covers all interests other than leasehold interest, in all tracts in all three cases. Each civil action is separately covered.

1. Civil Action No. 69-C-88 (Tract No. 456M)

Lessor (mineral) interest only.

Owners:

Andy Payne ----- 1/2

M. D. Payne ----- 1/2

Award of just compensation pursuant to Commissioners' Report --	\$2,000.00	\$2,000.00
Deposited as estimated compensation -	<u>1,685.00</u>	
Deposit deficiency	315.00	
Interest on deficiency at rate of 6% per annum for 4 years and 11 months -----		<u>92.93</u>
Total lessor award with interest -----		\$2,092.93
Disbursed to owners -----		<u>None</u>
Balance due to owners -----		\$2,092.93

2. Civil Action No. 69-C-89 (Tract No. 458M)

Lessor (mineral) interest only.

Deposited as estimated compensation -----		\$3,700.00
Award of just compensation pursuant to Commissioners' Report -----		<u>1,750.00</u>
Overdeposit -----		\$1,950.00

Ownership, Allocation of Award and Disbursals:

Owners and Interest Owned	Dollar share of Award	Disbursed	Balance Due
George C. Vance 1/2	\$875.00	None	\$875.00
W. Ross Whitworth 2/48	72.92	"	72.92
Dorothy Straub, Executrix of the Will of Julia Scott, deceased 1/8	218.75	"	218.75
Jack A. Scott 1/8	218.75	"	218.75
James R. Cable, only heir of Eunice Cable, deceased 1/8	218.75	\$218.75	None
Doris Davis, Guardian of: Carolyn Scott, James Roy Scott, Curtis Edwin Scott & Susan Diane Scott 1/12	145.83	None	145.83

To:

Leo E. Drew	\$2,386.20
Josita Castings, Inc.	265.15
L. F. Dandurand	265.14
Welton A. Luecke	530.25
Homer Storbeck	265.14
Otis P. Borchelt	530.25
Andy Payne	1,046.47
M. D. Payne	1,046.46
George C. Vance	875.00
W. Ross Whitworth	72.92
Dorothy Straub, Executrix of the Will of Julia Scott, deceased	218.75
Jack A. Scott	218.75
Doris Davis, Guardian of: Carolyn Scott James Roy Scott Curtis Edwin Scott Susan Diane Scott	145.83
Sara Garis	779.59
Jane Hackney	977.59
Treasurer, United States of America	2,613.83

Allen E. Bourne

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

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

ARTHUR D. BOTVIN,)
)
 Plaintiff,)
)
 -vs-)
)
 OKIEBUG DISTRIBUTING CO.,)
 INC., DON T. BUTLER,)
 individually, RAY SCOTT,)
 individually d/b/a BASS)
 ANGLERS SPORTSMAN SOCIETY,)
)
 Defendants.)

Case No. 73-C-391

FILED

APR 16 1974

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

O R D E R

Plaintiff initiated this patent infringement action in the United States District Court for the Northern District of Texas. He alleges that he is the owner of a patent for a specialized boat anchor. Plaintiff alleges that two Defendants, Okiebug Distributing Co., Inc. and Don T. Butler were manufacturing, using, and selling a boat anchor in Tulsa, Oklahoma, which infringed upon his patent. He also alleged that Defendant Ray Scott, individually d/b/a Bass Anglers Sportsman Society has sold and used a boat anchor in Montgomery, Alabama which infringed upon his patent.

Motions to Dismiss for improper venue were filed by the Oklahoma Defendants and Plaintiff filed a Motion to Transfer to Cure Defect in Venue. On December 4, 1973, the action was transferred to this Court from the Northern District of Texas pursuant to 28 U.S.C. §1406(a).

Pending in the case when transferred to this Court was a Motion to Dismiss by Ray Scott, individually d/b/a Bass Anglers Sportsman Society. This Motion was supported by a brief and upon request of this Court, a further brief in support of this Motion has been filed and said Motion renewed

as to this District. Defendant Scott contends that venue and jurisdiction are improper for several reasons. He contends that in this patent infringement action the venue provisions of 28 U.S.C. §1400(b) are not met as to Defendant Scott in either Texas or Oklahoma. Further, Defendant Scott complains that he was improperly served with summons and that he is not subject to "long arm" jurisdiction from either Oklahoma or Texas. Finally he complains that a defect in parties exists because he serves as president of a corporation and does not operate as a proprietor as urged in the Complaint. In support of said Motion, Defendant Scott filed an affidavit that he does not reside in Texas and further that he does not do business in Texas. He has filed a similar affidavit as to Oklahoma adding a statement that he does not maintain an office in Oklahoma.

Plaintiff has responded to the Motion urging that venue is proper in the Northern District of Oklahoma as to the Defendants Butler and Okiebug and thus it is proper as to Defendant Scott. Plaintiff further contends that patent cases should not be separated when the basic issues are the same. Plaintiff urges that the business status of the Defendant Scott is a matter of proof. Plaintiff has not responded to the "long arm" jurisdiction issue nor the defective service issue. However, this latter issue was not raised until the further brief was filed by Defendant Scott and Plaintiff has not been requested to respond thereto. In the present posture of the case, further response from Plaintiff is not necessary.

The venue provisions applicable to patent infringement cases are set out in 28 U.S.C. §1400(b) which provides:

"Any civil action for patent infringement may be brought in the judicial district where the defendant resides, or where the defendant has committed acts of infringement and has a regular and established place of business."

This Court considered the provisions of this statute in Gould v. Cornelius Company, 258 F. Supp. 701 (ND Okla. 1966) wherein it is stated:

"The venue statute, 28 U.S.C. §1400(b) is exclusive. Fourco Glass Company v. Transmirra Products Corp., 353 U.S. 222, 77 S.Ct. 787, 1 L.Ed. 2d 786 (1957); Stonite Products Co. v. Melvin Lloyd Co., 315 U.S. 561, 62 S.Ct. 780, 86 L.Ed. 1026 (1942). The burden of proof is upon the plaintiff to show the proper venue. Fourco Glass Company v. Transmirra Products Corp., supra; Watsco, Inc. v. Henry Valve Co., 232 F. Supp. 38 (SD N.Y. 1964); McGah v. V-M Corporation, 166 F. Supp. 662 (ND Ill. 1958). Under such statute, venue is proper in a judicial district under either of two conditions, namely, (1) where the defendant resides, or (2) where the defendant has committed acts of infringement and has a regular and established place of business. The latter condition is in the conjunctive and both must be present."

As to Defendant Scott, Plaintiff has failed to allege any act of infringement by him which occurred in Oklahoma and has failed to allege that Defendant Scott resides in Oklahoma or that he maintains a place of business in Oklahoma. Defendant Scott's verified denials of these facts are uncontroverted. Thus, Plaintiff has wholly failed to establish that venue is proper as to Defendant Scott in this District.

The Court now must consider Plaintiff's contention that venue is proper here as to Defendant Scott because venue is proper here as to the other Defendants in the action. An examination of the Complaint does not reveal an allegation

that the alleged infringement by Defendant Scott is related to the alleged infringement by the Oklahoma Defendants. Even giving the Plaintiff the benefit of any doubt that the alleged infringement activities of all Defendants are related, the Complaint clearly alleges patent infringement by Defendant Scott occurring in Alabama and that the other Defendants allegedly committed patent infringement in Oklahoma. Thus, no joint patent infringement by the two Defendants is alleged to have occurred in this District.

In Gould v. Cornelius Company, supra, this Court held the joinder of a defendant not subject to the venue of this Court with a local defendant would not allow the Court to assume venue where it did not lay. This Court stated:

"The desired joinder of Pepsi-Cola, a local defendant, would not prevent the transfer of the cause against the original defendant as required by the special venue statute and 28 U.S.C. §1406(a). Otherwise, this joinder, if permitted, would amount to a thwarting of congressional intent and an unauthorized means of circumventing the special venue in patent cases. Fourco Glass Co. v. Transmirra Products Corp., 353 U.S. 222, 77 S.Ct. 787, 1 L.Ed. 2d 786 (1957)."

In Bradford Novelty Co. v. Manheim, 156 F. Supp. 489 (SD N.Y. 1957) the same conclusion was reached when the Court stated:

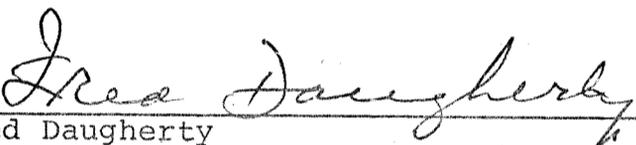
"The Supreme Court has in fact held that venue in infringement actions is to be exclusively determined by §1400 and that joint defendants residing in different judicial districts cannot be properly joined in one action. Fourco Glass Co. v. Transmirra Products Corp., 1957, 353 U.S. 222, 77 S.Ct. 787, 1 L.Ed. 2d 786; Stonite Products Co. v. Melvin Lloyd Co., 1944, 315 U.S. 561, 62 S.Ct. 780, 86 L.Ed. 1026."

In the instant case, venue is improper in this judicial district as to the Defendant Scott. 28 U.S.C. §1406(a) provides:

"The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought."

Transfer of this case to the Middle District of Alabama is not in order because venue in that district would not be proper as to the Oklahoma Defendants. The Motion to Dismiss of Defendant Ray Scott, individually d/b/a Bass Anglers Sportsman Society is sustained and said Defendant is dismissed from this action.

It is so ordered this 16th day of April, 1974.


Fred Daugherty
United States District Judge

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

ANNE M. KANE, Surviving Mother
and only next of Kin of
ROBERT J. KANE, Deceased,

Plaintiff,

vs.

AMOCO PRODUCTION COMPANY,
formerly Pan American Petroleum
Corporation, a foreign corporation;
and COMMERCIAL SOLVENTS CORPORATION,
a foreign corporation,

Defendants.

NO. 72-C-404

FILED

APR 16 1974

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

ORDER OF DISMISSAL

ON this 16 day of April, 1974, 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. The Court further finds that settlement is to the best interest of all parties.

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 be and the same hereby is dismissed with prejudice to any future action.

Ellen E. Barrow

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

APPROVALS:

JONES, GIVENS, BRETT, GOTCHER, DOYLE & ATKINS

By: *Daryl D. Doyle*
Attorney for the Plaintiff

ALFRED B. KNIGHT

Alfred B. Knight
Attorney for the Defendant,
Amoco Production Company, formerly
Pan American Petroleum Corporation,
a foreign corporation

FILED

APR 16 1974

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

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
vs.)	CIVIL ACTION NO. 73-C-371
)	
)	
SHIRLEY LOVE a/k/a SHIRLEY)	
JEAN LOVE, et al.,)	
)	
Defendants.)	

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 16 day of April, 1974, the plaintiff appearing by Robert P. Santee, Assistant United States Attorney; the defendant, Ramsey Chevrolet Company, appearing by its attorney, Jay C. Baker, the defendant, Frougs, appearing by its attorney, David L. Fist; the defendant, City Utilities Service, appearing by its attorney, R. James Unruh; the defendants, County Treasurer, Tulsa County, and Board of County Commissioners, Tulsa County, appearing by Gary J. Summerfield, Assistant District Attorney; and the defendants, Shirley Love a/k/a Shirley Jean Love and Dillard Brown Dunkin, appearing not.

The Court being fully advised and having examined the file herein finds that Shirley Love was served by publication, as appears from the Proof of Publication filed herein; that Dillard Brown Dunkin, Ramsey Chevrolet Company, and Frougs were served with Summons and Complaint on November 27, 1973; and that City Utilities Service, County Treasurer, Tulsa County, and Board of County Commissioners, Tulsa County, were served with Summons and Complaint on November 21, 1973, all as appears from the Marshal's Return of Sale herein.

It appearing that Ramsey Chevrolet Company has duly filed its Answer herein on December 5, 1973; that Frougs has duly filed its Disclaimer herein on December 3, 1973; that City Utilities Service has duly filed its Answer herein on December 10, 1973; that County Treasurer, Tulsa County, and Board of County Commissioners, Tulsa County, have duly filed their Answers herein on November 30,

1973; and that Shirley Love and Dillard Brown Dunkin 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 One (1), SKYLINE HEIGHTS ADDITION, an Addition to Tulsa County, State of Oklahoma, according to the recorded plat thereof.

THAT the defendant, Shirley Love a/k/a Shirley Jean Love, did, on the 24th day of March, 1971, execute and deliver to the Mercury Mortgage Co., Inc., her mortgage and mortgage note in the sum of \$16,300.00 with 8 1/2 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

That by Assignment of Mortgage of Real Estate dated March 26, 1971, the Mercury Mortgage Co., Inc., assigned said note and mortgage to the Central Bergen Savings and Loan Association; and that by Assignment of Mortgage of Real Estate dated June 9, 1972, the Central Bergen Savings and Loan Association assigned said note and mortgage to the Secretary of Housing and Urban Development, Washington, D.C.

The Court further finds that the defendant, Shirley Love a/k/a Shirley Jean Love, 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 \$16,218.89 as unpaid principal, with interest thereon at the rate of 8 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 Shirley Love,

the sum of \$38.62 for personal property taxes for the year 1972 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.

The Court further finds that there is due and owing to the County of Tulsa, State of Oklahoma, from Shirley Love, the sum of \$645.01 for ad valorem taxes for the years 1970, 1972, and 1973 and that Tulsa County should have judgment, in rem, for said amount.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendant, Shirley Love a/k/a Shirley Jean Love, in rem, for the sum of \$16,218.89 with interest thereon at the rate of 8 1/2 percent 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 defendant, Shirley Love, for the sum of \$38.62 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 County of Tulsa have and recover judgment, in rem, against the defendant, Shirley Love, for the sum of \$645.01 as of the date of this judgment plus interest thereafter according to law, and that such judgment is superior 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 defendants, Dillard's Brown Dunkin, Ramsey Chevrolet Company, and City Utilities Service.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon

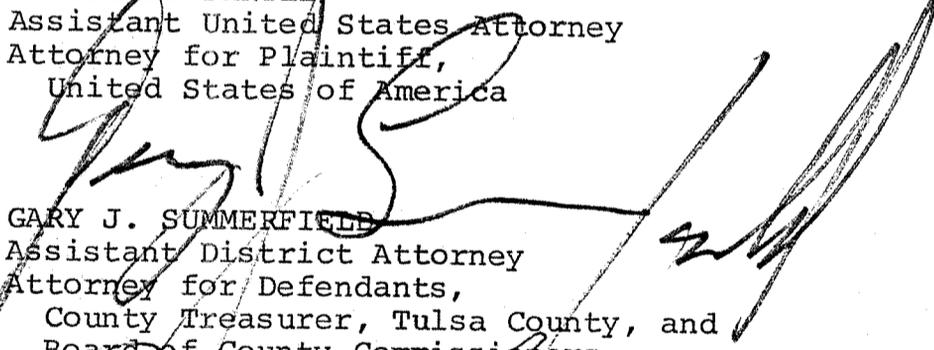
the failure of said defendant to satisfy plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisal the real property and apply the proceeds thereof in satisfaction of plaintiff's judgment, which sale shall be subject to the ad valorem tax judgment of Tulsa County, supra. 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.

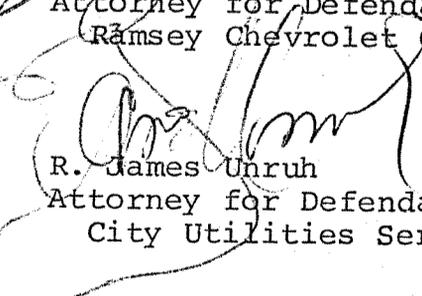
FRED DAUGHERTY
United States District Judge

APPROVED.


ROBERT R. 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, and
Board of County Commissioners


JAY C. BAKER
Attorney for Defendant,
Ramsey Chevrolet Company


R. James Unruh
Attorney for Defendant,
City Utilities Service

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JEROME M. KERN, et al.,)
)
 Defendants.)

CIVIL ACTION NO. 74-C-24 ✓

FILED

APR 15 1974 e

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 10th day of April, 1974, the plaintiff appearing by Robert P. Santee, Assistant United States Attorney; the defendants, Jerome M. Kern and Pamela D. Kern, appearing by their attorney, Edward A. Hollingsworth; and the defendants, County Treasurer and Board of County Commissioners, Tulsa County, appearing by their attorney, Gary J. Summerfield, Assistant District Attorney, District No. 14, Tulsa County, Oklahoma.

The Court being fully advised and having examined the file herein finds that the defendants, Jerome M. Kern and Pamela D. Kern, were each served with summons and complaint on January 17, 1974, and that the defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, were each served with summons and Complaint on January 16, 1974, as appears from the Marshal's Returns of Service herein, and

The Court further finds that the defendants, Jerome M. Kern and Pamela D. Kern, by and through their attorney, Edward A. Hollingsworth, filed their Disclaimer herein on February 6, 1974, and that the defendants, County Treasurer and Board of County Commissioners, by and through their attorney, Gary J. Summerfield, Assistant District Attorney, District 14, Tulsa County, Oklahoma, filed their Answers herein on February 4, 1974.

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 Four (4) in Block Two (2), NORTHGATE THIRD ADDITION to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

THAT the defendants, Jerome M. Kern and Pameal D. Kern, did, on the 7th day of November, 1969, execute and deliver to Diversified Mortgage & Investment Company their mortgage and mortgage note in the sum of \$13,100.00 with 7 1/2 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

THAT by Assignment of Mortgage of Real Estate dated November 18, 1969, Diversified Mortgage & Investment Company assigned said Note and Mortgage to Federal National Mortgage Association, and by Assignment dated January 8, 1973, 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 defendants, Jerome M. Kern and Pameala D. Kern, 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 \$12,729.10 as unpaid principal, with interest thereon at the rate of 7 1/2 percent interest per annum from March 1, 1973, until paid, 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.

The Court further finds that there is due and owing to the County of Tulsa, State of Oklahoma, from the defendants, Jerome M. Kern and Pamela D. Kern, the sum of \$187.11 for 1973 real estate

taxes, and that Tulsa County, Oklahoma, should have judgment for said amount, plus interest according to law, and that such judgment is superior to the first mortgage lien of this plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendants, Jerome M. Kern and Pamela D. Kern, in personam, for the sum of \$12,729.10 with interest thereon at the rate of 7 1/2 percent per annum from March 1, 1973, until paid, plus the cost of this action accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT the County of Tulsa, Oklahoma, have and recover judgment, in personam, against the defendants, Jerome M. Kern and Pamela D. Kern, for the sum of \$187.11 as of the date of this judgment, plus interest thereafter according to law, and that such judgment is superior to the first mortgage lien of the plaintiff herein.

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, which sale shall be subject to the 1973 real estate taxes in the amount of \$187.11, plus interest according to law. The residue, if any, is 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

Allen E. Barrow
UNITED STATES DISTRICT JUDGE

APPROVED:

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

Gary J. Summerfield
GARY J. SUMMERFIELD
Assistant District Attorney
District No. 4
Tulsa County, Oklahoma

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

LUVEDA BRANHAM,)
Plaintiff,)
vs.)
LONE STAR LIQUOR COMPANY,)
A Texas Corporation, and)
EDWARD LEROY LEACH,)
Defendants.)

No. 73-C-223

FILED

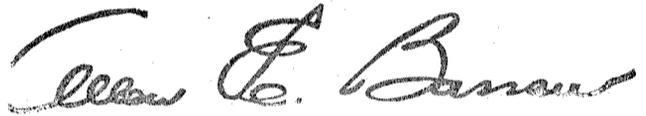
APR 15 1974

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

ORDER OF DISMISSAL

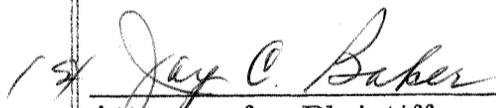
The court has for consideration on this 15 day of April, 1974 the Stipulation for Dismissal by counsel for the plaintiff and defendants in the above styled action and having considered the Stipulation of counsel the court finds that the above styled action should be dismissed without prejudice.

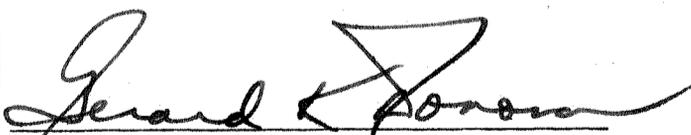
IT IS THEREFORE ORDERED that the above styled ^{cause of and complaint} action/be, and the same is hereby dismissed without prejudice and without the imposition of any conditions of dismissal upon the plaintiff.



Chief United States District Judge

APPROVED:

15 
Attorney for Plaintiff


Attorney for Defendants

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

KENNETH E. GARRETT,

Plaintiff,

-vs-

REPUBLIC HOUSING CORPORATION,
formerly Republic Gypsum Company,
et. al.,

Defendants.

Case No. 73-C-192

FILED

APR 15 1974

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

STONE TRUCKING COMPANY, a
corporation,

Plaintiff,

-vs-

REPUBLIC HOUSING CORPORATION,
formerly Republic Gypsum Company
et. al.,

Defendants.

Case No. 73-C-228

STIPULATION

It is hereby stipulated by the parties that the motion
filed herein by the defendant to dismiss Employers Mutual Lia-
bility Insurance Company of Wisconsin should be sustained and
dismissed as a party defendant.

DATED this 15th day of April, 1974.

SMITH, BROWN, MARTIN & ADKISSON

By *Robert E. Smith*
Attorneys for Plaintiffs

SANDERS, MCELROY & CARPENTER

By *Richard Carpenter*
Attorneys for Defendants

FILED
APR 16 1974
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER

This matter comes on before me, the undersigned Judge of
the United States District Court for the Northern District of
Oklahoma and upon stipulation of the parties entered herein does
hereby dismiss Employers Mutual Liability Insurance Company of
Wisconsin as a party defendant.

DATED this 16th day of April, 1974.

Alan E. Barnes

JUDGE

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

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
) -v-)
)
) HAZEL DEAN HARRIS, ET AL,)
)
) Defendants.)

FILED

APR 11 1974

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

Civil Action No. 73-C-385

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 10th day of April, 1974, the plaintiff appearing by Robert P. Santee, Assistant United States Attorney; the defendant, Housing Authority of the City of Tulsa, appearing by its attorney, Robert S. Rizley; the defendant, Surety Finance Service, appearing by its attorney, Ollie W. Gresham; the defendants, Tulsa County Treasurer, and Board of County Commissioners, Tulsa County, appearing by Gary J. Summerfield, Assistant District Attorney; and the defendants, Hazel Dean Harris, Tulsa Task Force Credit Union, and Gene Pierce d/b/a Gene's Optical Shoppe, appearing not.

The Court, being fully advised and having examined the file herein, finds that Hazel Dean Harris was served with Summons and Complaint on January 9, 1974; that the Housing Authority of the City of Tulsa, and the Tulsa Task Force Credit Union were served with Summons and Complaint on December 13, 1973; and that Surety Finance Service, Gene Pierce d/b/a Gene's Optical Shoppe; County Treasurer, Tulsa County; and Board of County Commissioners, Tulsa County, were served with Summons and Complaint on November 30, 1973; as appears from the Marshal's Return of Service herein;

It appearing that Surety Finance Service has filed its Disclaimer herein on December 4, 1973; that Housing Authority of the City of Tulsa has filed its Answer and Cross Complaint herein on January 9, 1974; and that County Treasurer, Tulsa County, and Board of County Commissioners, Tulsa County, have filed their Answers herein on December 5, 1973; and that Hazel Dean Harris, Tulsa Task Force Credit Union, and Gene Pierce d/b/a Gene's Optical Shoppe, have failed to answer herein, and that default has been entered by the Clerk of this Court.

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

Lot Nine (9), Block One (1), Skyline Heights Addition, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

That the defendant, Hazel Dean Harris, did, on the 13th day of July, 1971, execute and deliver to the Mercury Mortgage Co., Inc., her mortgage and mortgage note in the sum of \$18,550.00, with seven percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

That by Assignment of Mortgage of Real Estate dated July 16, 1971, the Mercury Mortgage Co., Inc. assigned said note and mortgage to the Federal National Mortgage Association; that by Assignment of Mortgage of Real Estate dated January 20, 1972, the Federal National Mortgage Association re-assigned said note and mortgage to Mercury Mortgage Co., Inc.; that by Assignment of Mortgage of Real Estate dated February 8, 1972, Mercury Mortgage Co., Inc. assigned said note and mortgage to the North New York Savings Bank; that by Assignment of Mortgage of Real Estate dated June 13, 1972, North New York Savings Bank re-assigned said note and mortgage to Mercury Mortgage Co., Inc.; and that by Assignment of Mortgage of Real Estate dated June 19, 1972, Mercury Mortgage Co., Inc. assigned said note and mortgage to the Secretary of Housing and Urban Development, Washington, D.C.

The Court further finds that the defendant, Hazel Dean Harris, 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 \$18,519.25 as unpaid principal, with interest thereon at the rate of seven percent per annum from October 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 Hazel Dean Harris, the sum of \$323.11 for ad valorem taxes for the year 1973, and that Tulsa County should have judgment for said amount.

The Court further finds that there is due and owing to the County of Tulsa, State of Oklahoma, from Hazel Dean Harris, the sum of \$32.06, plus interest and penalties, for personal property 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.

The Court further finds that there is due and owing to Housing Authority of the City of Tulsa, Oklahoma, from Hazel Dean Harris, the sum of \$105.95, plus costs and interest, and that the Housing Authority of the City of Tulsa 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, Hazel Dean Harris, in personam, for the sum of \$18,519.25, with interest thereon at the rate of seven percent per annum from October 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 against the defendant, Hazel Dean Harris, for the sum of \$323.11 as of the date of this

judgment plus interest thereafter according to law, and that such judgment is superior to the first mortgage lien of the plaintiff herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the County of Tulsa have and recover judgment against the defendant, Hazel Dean Harris, for the sum of \$32.06, plus interest and penalties, and that such judgment is subject to and inferior to the first mortgage lien of the plaintiff herein.

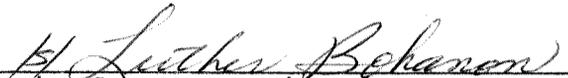
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Housing Authority of the City of Tulsa have and recover judgment against the defendant, Hazel Dean Harris, for the sum of \$105.95, plus costs and interest, and that such judgment is subject to and inferior to the first mortgage lien of the plaintiff herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment, in rem, against the defendants, Tulsa Task Force Credit Union, and Gene Pierce d/b/a Gene's Optical Shoppe.

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 appraisal, the real property and apply the proceeds thereof in satisfaction of plaintiff's judgment, which sale shall be subject to the ad valorem tax judgment of Tulsa County, supra; the residue, if any, to be deposited with the Clerk of the Court to await further order of the Court.

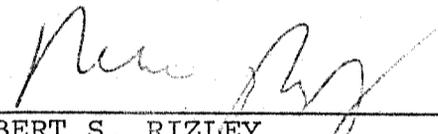
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that from and after the sale of said property, under and by virtue of this judgment and decree, all of the defendants, and each of them, and all persons claiming under them since the filing of the complaint herein,

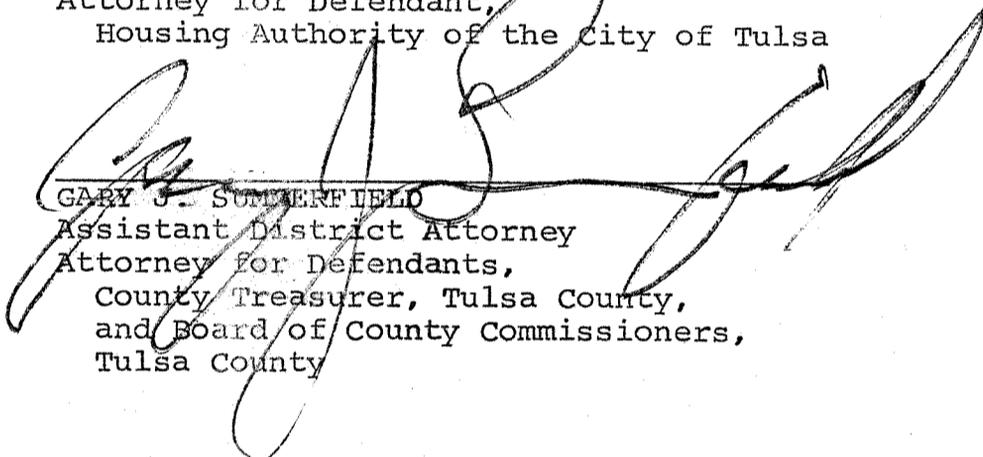
be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.


United States District Judge

APPROVED:


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


ROBERT S. RIZLEY
Attorney for Defendant,
Housing Authority of the City of Tulsa


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

RECEIVED
APR 8 1974
U. S. ATTORNEY

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

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
vs.)
)
)
GEORGE HUBERT MINIELLY, et al.,)
)
) Defendants.)

CIVIL ACTION NO. 73-C-353

FILED
APR 11 1974

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 10th
day of April, 1974, the plaintiff appearing by Robert P.
Santee, Assistant United States Attorney; the defendant,
Oklahoma Osteopathic Founders Association d/b/a Oklahoma
Osteopathic Hospital, appearing by its attorney, William B.
Lee; the defendants, County Treasurer, Tulsa County, and
Board of County Commissioners, Tulsa County, appearing by
Gary J. Summerfield, Assistant District Attorney; and the
defendants, George Hubert Minielly, Wilma R. Minielly, and
Manhattan Furniture Company, appearing not.

The Court being fully advised and having examined the
file herein finds that George Hubert Minielly and Wilma R.
Minielly were served by publication, as appears from the Proof
of Publicaion filed herein; and Manhattan Furniture Company,
Oklahoma Osteopathic Hospital, County Treasurer, Tulsa County,
and Board of County Commissioners, Tulsa County, were served
with Summons and Complaint on November 6, 1973, all as appears
from the Marshal's Return of Service herein.

It appearing that Oklahoma Osteopathic Hospital has
duly filed its Answer on November 13, 1973; that County Treasurer,
Tulsa County, and Board of County Commissioners, Tulsa County,
have duly filed their Answers on November 9, 1973; that George
Hubert Minielly, Wilma R. Minielly, and Manhattan Furniture
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 Thirty (30), Block Three (3), BRIARDALE ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

THAT the defendants, George Hubert Minielly and Wilma R. Minielly, did, on the 30th day of April, 1971, execute and deliver to the Mercury Mortgage Co., Inc., their mortgage and mortgage note in the sum of \$21,000.00 with 7 1/2 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

That by Assignment of Mortgage of Real Estate dated May 6, 1971, the Mercury Mortgage Co., Inc., assigned said note and mortgage to the North New York Savings and Loan Association; that by Assignment of Mortgage of Real Estate dated August 30, 1972, the North New York Savings Bank formerly the North New York Savings and Loan Association assigned said note and mortgage to the Secretary of Housing and Urban Development, Washington, D.C.

The Court further finds that the defendants, George Hubert Minielly and Wilma R. Minielly, 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 \$20,821.23 as unpaid principal, with interest thereon at the rate of 7 1/2 percent interest per annum from April 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 George Hubert Minielly and Wilma R. Minielly, the sum of \$871.35 for ad valorem taxes for the years 1972 and 1973 and that Tulsa County should have judgment ^{in rem} for said amount.

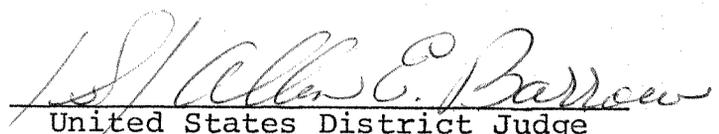
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendants, George Hubert Minielly and Wilma R. Minielly, in rem, for the sum of \$20,821.23 with interest thereon at the rate of 7 1/2 percent per annum from April 1, 1972, plus the cost of this action 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, Manhattan Furniture Company and Oklahoma Osteopathic Hospital.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the County of Tulsa have and recover judgment, in rem, against the defendants, George Hubert Minielly and Wilma R. Minielly, for the sum of \$871.35 as of the date of this judgment plus interest thereafter according to law, and that such judgment is superior to the first mortgage lien of the plaintiff herein.

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 real property and apply the proceeds thereof in satisfaction of plaintiff's judgment, which sale shall be subject to the tax judgment of Tulsa County, supra. 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

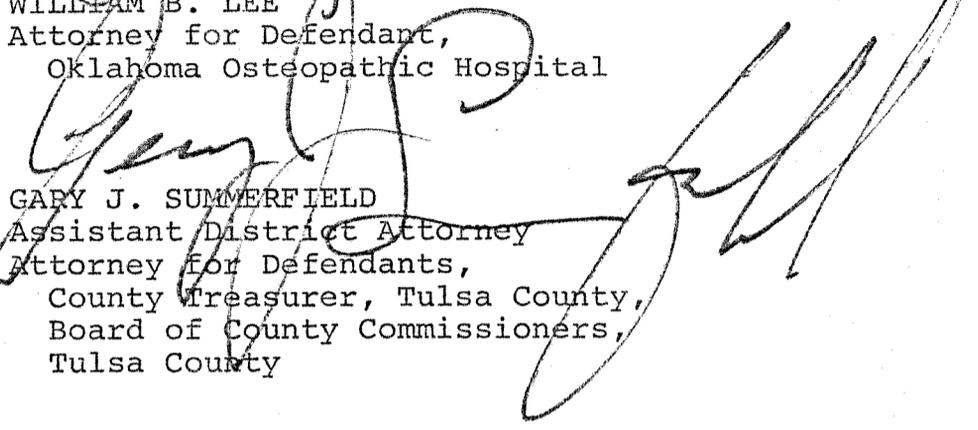
APPROVED.



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



WILLIAM B. LEE
Attorney for Defendant,
Oklahoma Osteopathic Hospital



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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
vs.)
)
KENNETH O. TAYLOR, ET AL,)
)
Defendants.)

FILED
APR 11 1974
Jack C. Silver, Clerk
U. S. DISTRICT COURT

Civil Action No. 73-C-375

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 10th day of April, 1974, the plaintiff appearing by Robert P. Santee, Assistant United States Attorney; the defendant Paul E. Simmons, Attorney-at-law, appearing pro se, and the defendant, Federal National Mortgage Association appearing by its attorney, Martin C. Cude, Jr.; and the defendants Kenneth O. Taylor, Susan M. Taylor, Harland G. Andrew, Ruby Mae Andrew, Walter H. Andrew, and Jerrie Andrew appearing not.

The Court being fully advised and having examined the file herein, finds that Kenneth O. Taylor, Susan M. Taylor, Harland G. Andrew, and Ruby Mae Andrew were served by publication, as appears from the Proof of Publication filed herein; that the Federal National Mortgage Association, and Paul E. Simmons, Attorney-at-law, were served with Summons and Complaint on November 19 and November 27, 1973, respectively; and Walter H. Andrew and Jerrie Andrew were each served with Summons and Complaint on November 29, 1973; all as appears from the Marshal Return of Service herein.

It appearing that Paul E. Simmons, Attorney-at-law, has duly filed his Answer herein on December 14, 1973; that Federal National Mortgage Association has filed its Disclaimer on November 23, 1973; and that Kenneth O. Taylor, Susan M. Taylor, Harland G. Andrew, Ruby Mae Andrew, Walter H. Andrew, and Jerrie Andrew have failed to answer herein and that default has been entered by the Clerk of this Court.

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

Lot Ten (10), Block Thirty-four (34), Valley View Acres Second Addition to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

That the defendants Kenneth O. Taylor and Susan M. Taylor did, on the 22nd day of December, 1967, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$9,950.00, with six percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that the defendants Harland G. Andrew and Ruby Mae Andrew were the grantees in a deed from Kenneth O. Taylor and Susan M. Taylor, dated January 2, 1970, filed January 16, 1970, in Book 3914, Page 753, records of Tulsa County, wherein Harland G. Andrew and Ruby Mae Andrew assumed and agreed to pay the mortgage indebtedness being sued upon herein.

The Court further finds that the defendants Kenneth O. Taylor, Susan M. Taylor, Harland G. Andrew, and Ruby Mae Andrew made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than twelve months last past, which default has continued, and that by reason thereof, the above-named defendants are now indebted to the plaintiff in the sum of \$9,430.63 as unpaid principal, with interest thereon at the rate of six percent per annum from December 1, 1972, until paid, plus the cost of this action, accrued and accruing.

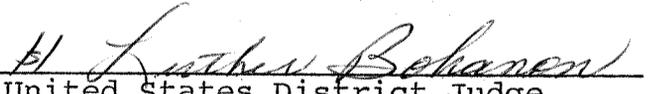
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendants, Kenneth O. Taylor and Susan M. Taylor, and Harland G. Andrew and Ruby Mae Andrew, in rem, for the sum of \$9,430.63, with interest thereon at the rate of six percent per annum from December 1, 1972, until paid, plus the cost of this action, accrued and accruing, plus any additional sums advanced or to be advanced or expended during this foreclosure action by plaintiff for taxes, insurance, abstracting, or sums for the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment, in rem, against the defendants, Paul E. Simmons, Attorney-at-law, Walter H. Andrew, and Jerrie Andrew.

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 real property and apply the proceeds thereof in satisfaction of plaintiff's judgment. The residue, if any, shall 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.

APPROVED:


United States District Judge


ROBERT P. SANTEE
Assistant United States Attorney


PAUL E. SIMMONS
Attorney-at-Law

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

LUTHER HILL, JR.,)
)
 Petitioner,)
)
-vs-) Case No. 74-C-129
)
UNITED STATES OF AMERICA,)
)
 Respondent.)

FILED

APR 11 1974

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

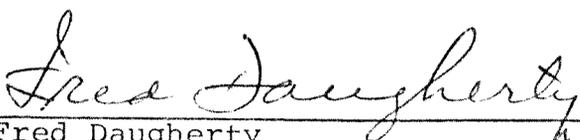
O R D E R

The above Petitioner has filed herein a Notice of Appeal from the Order of the Court entered in this case on March 22, 1974 in which Petitioner's action brought under 28 U.S.C.A. §2255, was dismissed. Petitioner proceeded herein in forma pauperis and desires to appeal in forma pauperis.

The Court is of the opinion and certifies that the desired appeal is not taken in good faith. 28 U.S.C.A. §1915(a). Petitioner's collateral attack in this proceeding on his previous conviction and sentence on the grounds that the Indictment is fatally defective and there is a variance between the Indictment and the evidence is frivolous and Petitioner can make no rational argument on the law or facts in support of either claim as shown by the Order of the Court entered herein on March 22, 1974 and which by reference is made a part hereof. Ellis v. United States, 356 U.S. 674 (1958); Ragan v. Cox, 305 F. 2d 58 (Tenth Cir. 1962); Tidmore v. Taylor, 323 F. 2d 88 (Tenth Cir. 1963).

It is therefore ordered that the Petitioner is denied leave to proceed further herein by way of appeal in forma pauperis.

It is so ordered this 11th day of April, 1974.


Fred Daugherty
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 73-C-351
)
 70.00 Acres of Land, More or) Tract No. 212
 Less, Situate in Washington)
 County, State of Oklahoma, and) (All Interests)
 James L. Gordon, et al., and)
 Unknown Owners,)
)
 Defendants.)

E I L E D

APR 11 1974

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

J U D G M E N T

1.

NOW, on this 9th day of April, 1974, this matter comes on for disposition on application of the Plaintiff, United States of America, for entry of judgment on a stipulation agreeing upon just compensation, and the Court, after having examined the files in this action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies to the entire estate condemned in Tract No. 212, as such estate and tract are described in the Complaint filed in this action.

3.

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

4.

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

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein give the United States of America the right, power and authority to condemn for public use the property described in such Complaint. Pursuant thereto, on October 31, 1973,

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

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of a certain estate in subject tract a certain sum of money, and none of this deposit has been disbursed, as set out below in paragraph 14.

7.

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

8.

Mr. Charley Miller, Office of the Regional Solicitor, U. S. Department of Interior, has received from the Indian owners of the property involved in this case written authorization to represent such Indian owners in this action, and has personally appeared in this matter representing such owners.

9.

The Plaintiff has advised the Court that prior to the filing of this case three of the four owners of the land involved had executed an Offer to Sell Real Property in which instrument they had agreed with Plaintiff upon the amount of compensation to be paid for their property.

Mr. Miller, for the owners, has urged the Court that the property involved is restricted Indian land and that the Indian owners had no authority to execute a binding agreement in regard to such land.

The Court finds that the facts are as stated by Mr. Miller and concludes that the aforesaid Offer to Sell Real Property is invalid and has no effect in this case.

10.

Mr. Charley Miller, acting for the owners of the subject property, and the United States of America have executed and filed herein a Stipulation As To Just Compensation wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in paragraph 14 below, and such Stipulation should be approved.

11.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use Tract No. 212, as such tract is particularly described in the Complaint filed herein; and such tract, to the extent of the estate described in such Complaint, is condemned, and title to such described estate is vested in the United States of America as of October 31, 1973, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such property.

12.

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

13.

It Is Further ORDERED, ADJUDGED and DECREED that the Offer to Sell Real Property described in paragraph 9 above, is void and is given no effect in this case.

14.

It Is Further ORDERED, ADJUDGED and DECREED that the Stipulation As To Just Compensation, described in paragraph 10 above, hereby is confirmed; and the sum therein fixed is adopted

as the award of just compensation for the estate concerned in subject tract as follows:

TRACT NO. 212

Owners:

James L. Gordon ----- 1/4
William L. (Bill) Gordon ----- 1/4
Jack Gordon ----- 1/4
Lucille M. Pointer ----- 1/4
(nee Lucille Gordon)

Award of just compensation		
pursuant to Stipulation -----	\$17,500.00	\$17,500.00
Deposited as estimated compensation ----	\$17,500.00	
	<u> </u>	
Disbursed to owners -----		<u>None</u>
Balance due to owners -----		\$17,500.00

15.

It Is Further ORDERED, ADJUDGED and DECREED that the Clerk of this Court now shall disburse the deposit for the subject tract as follows:

To: James L. Gordon -----	\$4,375.00
Bureau of Indian Affairs, Muskogee Area Office, for the Account of William L. Gordon -----	\$4,375.00
Jack Gordon -----	\$4,375.00
Lucille M. Pointer -----	\$4,375.00.

/s/ Fred Daugherty

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

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

DOROTHY FRAZIER and RUTH BATTLER,
on their own behalf and on behalf of
all others similarly situated,

Plaintiffs,

-vs-

ROGERS B. MORTON, individually and
in his capacity as Secretary of the
Interior of the United States of
America,

Defendant,

THE DELAWARE TRIBE OF INDIANS,

Intervenor.

CIVIL ACTION
NO. 73-C-311

FILED

APR 10 1974

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

ORDER OF TRANSFER

Now, on this 10 day of ^{April} ~~March~~, 1974, the undersigned,
Judge of the United States District Court for the Northern
District of Oklahoma, finds:

That a suit was filed in the United States District Court
of the Western District of Oklahoma, styled:

WANDA JUNE WEEKS, Plaintiff

-vs-

UNITED STATES OF AMERICA; ROGERS C. B. MORTON,
SECRETARY OF THE INTERIOR OF THE UNITED STATES
OF AMERICA AND TRUSTEE FOR THE DELAWARE INDIAN
PEOPLE; THE DELAWARE TRIBAL BUSINESS COMMITTEE;
THE ABSENTEE DELAWARE TRIBE OF OKLAHOMA BUSINESS
COMMITTEE; BRUCE MILLER TOWNSEND; NATHAN H. YOUNG;
MARY TOWNSEND CROW; HENRY A. SECONDINE; Y. A. SCOTT;
ARTHUR L. THOMAS; ALENE MARTINEZ; MYRTLE HOLDER;
TOMMY HOLDER; LAWRENCE SNAKE; CHARLES TAYLOR; CLIO
CHURCH; MABEL MURRAY, and GRACE SPENCER ROSS, Defendants.

Civil No. 73-586-E, on or about the 28th day of August, 1973,
which involves substantially the same parties and subject
matter as the instant suit;

That the instant suit was filed subsequent to said suit filed in the Western District of Oklahoma, the instant suit being filed on or about the 20th day of September, 1973; and That said suit filed in the Western District of Oklahoma is now at issue.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court, that the instant suit of DOROTHY FRAZIER and RUTH BATTLE, et al vs. ROYERS B. MERTON, et al, Civil Action No. 73-C-311, be and the same is hereby transferred to the Western District of Oklahoma for all future proceedings.

FRED DAUGHERTY
UNITED STATES DISTRICT JUDGE

TRANSFER APPROVED:

Jack M. Short
Attorney for Defendant

31 Bruce Miller Townsend
Attorney for Intervenor

John G. Greston
Attorney for Plaintiffs

THAT the defendant, Dorothy Lewis, did, on the 27th day of June, 1973, execute and deliver to the Administrator of Veterans Affairs, her mortgage and mortgage note in the sum of \$10,250.00, with 4 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 defendant, Dorothy Lewis, made default under the terms of the aforesaid mortgage note by reason of her failure to make monthly installments due thereon for more than eight 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 \$10,250.00 as unpaid principal, with interest thereon at the rate of 4 1/2 percent interest per annum from July 1, 1973, 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 Dorothy Lewis, in personam, for the sum of \$10,250.00 with interest thereon at the rate of 4 1/2 percent interest per annum from July 1, 1973, 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, Irvin L. McCarty and Sharon R. McCarty.

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

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

Barlow
FILED
APR 4 - 1974 *E*

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
ROBERT F. ANDERSON and)
IDA MAE ANDERSON,)
)
Defendants.)

Jack C. Silver, Clerk
U. S. DISTRICT COURT
CIVIL ACTION NO. 74-C-52 ✓

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 3rd day
of April, 1974, the plaintiff appearing by Robert
P. Santee, Assistant United States Attorney, and the defendants,
Robert F. Anderson and Ida Mae Anderson, appearing not.

The Court being fully advised and having examined
the file herein finds that defendants, Robert F. Anderson and
Ida Mae Anderson, were served with summons and Complaint on
March 4, 1974, as appears from the United States Marshal's Returns
of Service herein, and

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

The Court further finds that this is a suit based
upon and for foreclosure of a certain Promissory Note made and
executed by said defendants who are residents of the Northern
Judicial District of Oklahoma.

THAT the defendants, Robert F. Anderson and Ida Mae
Anderson, did, on the 18th day of April, 1966, execute and
deliver to the United States of America, through the Farmers Home
Administration, United States Department of Agriculture, their
certain Promissory Note in the sum of \$2,250.00 with 4 1/8 per-
cent interest per annum, from date until paid, and further
providing for the payment of annual installments of principal
and interest.

The Court further finds that the defendants, Robert F. Anderson and Ida Mae Anderson, made default under the terms of the aforesaid Promissory note by reason of their failure to make annual installments due thereon for more than one year 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 \$1,349.93 as unpaid principal, with interest thereon at the rate of 4 1/8 percent interest per annum from October 31, 1973, until paid, or a daily accrual of \$0.1526, plus interest accrued in the amount of \$74.80 as of October 31, 1973, plus the cost of this action accrued and accruing.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against defendants, Robert F. Anderson and Ida Mae Anderson, in personam, for the sum of \$1,349.93 as unpaid principal with interest thereon at the rate of 4 1/8 percent per annum from October 31, 1973, until paid, or a daily accrual of \$0.1526, plus interest accrued as of October 31, 1973, in the amount of \$74.80, plus the cost of this action accrued and accruing.


United States District Judge

APPROVED.


ROBERT P. SANTEE
Assistant United States Attorney

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

O. R. De FRATUS,)
)
 Plaintiff,)
)
 vs.) No. 73-C-308 ✓
)
 UNITED TRANSPORTS, INC. and)
 DALE LYNN BULLOCK,)
)
 Defendants.)

FILED

APR 4 1974

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

ORDER OF DISMISSAL

This matter came on for consideration on this 4th day of April, 1974, upon the Joint Application For Dismissal With Prejudice filed herein. The Court being duly advised in the premises, finds that said application for dismissal is in the best interests of justice and should be approved and the above styled and numbered cause of action dismissed with prejudice to a refiling.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the Joint Application For Dismissal With Prejudice by the parties be and the same is hereby approved and the above styled and numbered cause of action and Complaint is dismissed with prejudice to a refiling.

Allen E. Jensen
UNITED STATES DISTRICT JUDGE

APPROVED:

Frank R. Hickman
Frank R. Hickman, Attorney
for Plaintiff

Donald Church
Donald Church, Attorney
for Defendants

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JOHN DAVIS, JR., and)
 BARBARA JEAN DAVIS,)
)
 Defendants.)

CIVIL ACTION NO. 74-C-38 ✓

FILED

APR 4 - 1974 E.

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 3 day
of April, 1974, the plaintiff appearing by Robert P. Santee,
Assistant United States Attorney, and the defendants, John Davis, Jr.
and Barbara Jean Davis, appearing not.

The Court being fully advised and having examined
the file herein finds that the defendants, John Davis, Jr., and
Barbara Jean Davis, were personally served with copies of Summons
and Complaint on March 6, 1974, as appears from the Marshal's
Returns of Service herein, and

It appearing that 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 Promissory note and foreclosure on a real property
mortgage securing said Promissory note and that the following
described real property is located in Mayes County, Oklahoma,
within the Northern Judicial District of Oklahoma:

Lots Numbered Six (6) and Seven (7) in Block
Numbered Two (2), in the WILLIAMS ADDITION to
the Town of Spavinaw, Mayes County, State of
Oklahoma, according to the official survey
and plat thereof, filed for record in the
office of the County Clerk of said County
and State.

THAT the defendants, John Davis, Jr., and Barbara Jean
Davis, did, on the 1st day of December, 1969, execute and
deliver to the United States of America, acting through the Farmers
Home Administration, United States Department of Agriculture, their
mortgage and Promissory note in the sum of \$4,600.00 with 6 1/4

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

The Court further finds that the defendants, John Davis, Jr. and Barbara Jean Davis, made default under the terms of the aforesaid Promissory note by reason of their failure to make monthly installments due thereon for more than one year, which default has continued and that by reason thereof the above-named defendants are now indebted to the plaintiff in the sum of \$4,443.21 as unpaid principal, plus accrued interest of \$272.64 as of December 31, 1973, and interest at the rate of 6 1/4 percent per annum thereafter until paid, or daily accrual interest of \$0.7608, plus advances made by the plaintiff of \$760.52 default charges, \$122.00 insurance and \$35.00 legal fees, 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, John Davis, Jr., and Barbara Jean Davis, in personam, for the sum of \$4,443.21 as unpaid principal, plus accrued interest of \$272.64 as of December 31, 1973, and interest at the rate of 6 1/4 percent per annum thereafter until paid, or a daily accrual interest of \$0.7608, plus advances made by the plaintiff of \$760.52 default charges, \$122.00 insurance and \$35.00 legal fees, and the cost of this action accrued and accruing.

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

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

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


United States District Judge

APPROVED.



ROBERT P. SANTEE
Assistant United States Attorney

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

UNITED STATES OF AMERICA and)
E. C. TALLEY, Special Agent of)
the Internal Revenue Service,)
)
Petitioners,)
)
vs.)
)
PAUL GARRISON,)
)
Respondent.)

FILED

APR 4 - 1974 *e.*

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

CIVIL ACTION NO. 73-C-208 ✓

O R D E R

This matter having come on for hearing on April 2, 1974 pursuant to the Court's show-cause order of March 27, 1974, the parties having been heard, evidence having been received, the respondent having asserted the attorney-client privilege, and due consideration having been had; it is

ORDERED, ADJUDGED, and DECREED that respondent's claim of attorney-client privilege is overruled; and it is further

ORDERED, ADJUDGED, and DECREED that the Internal Revenue Service summons served upon the respondent on October 24, 1972 is deemed complied with; and it is further

ORDERED, ADJUDGED, and DECREED that the petitioner, Special Agent E. C. Talley, is authorized to issue new summonses to the respondent, Paul Garrison, for the years 1972 to the present in like form and substance as the prior summonses issued to the respondent; and it appearing to the Court from the affidavit and exhibits of the petitioner, Special Agent E. C. Talley, that on April 2, 1974 such summonses were issued to and served upon the respondent, Paul Garrison, returnable on April 15, 1974 and requiring the same testimony and the production of the same books and records with respect to later years, and the respondent having again asserted the attorney-client privilege; it is

ORDERED, ADJUDGED, and DECREED that the respondent's claim of attorney-client privilege is overruled and the respondent is ordered to comply with the summonses by appearing before the petitioner, Special Agent E. C. Talley, or any other proper officer of the Internal Revenue Service, at Room 305, L.V.O. Enterprise Building, 522 South Boston Avenue, Tulsa, Oklahoma, at 10:00 a.m., on April 16, 1974, then and there to testify and to produce for inspection and copying the books, records and papers required by the summonses served upon him, the examination to continue from day to day until completed; and it is further

ORDERED, ADJUDGED, and DECREED that costs be assessed against the respondent.

Dated this 4th day of April 1974.



ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

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

E I L E D

UNITED STATES OF AMERICA and)
E. C. TALLEY, Special Agent of)
the Internal Revenue Service,)
)
Petitioners,)
)
vs.)
)
L. K. SMITH,)
)
Respondent.)

APR 3 - 1974

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

CIVIL ACTION NO. 73-C-209

O R D E R

This matter having come on for hearing on April 2, 1974 pursuant to the Court's show-cause order of March 27, 1974, the parties having been heard, petitioners' offer of proof having been accepted, the respondent having asserted the attorney-client privilege, and due consideration having been had: it is

ORDERED, ADJUDGED, and DECREED that respondent's claim of attorney-client privilege is overruled; and it is further

ORDERED, ADJUDGED, and DECREED that the respondent, L. K. Smith, comply with the Internal Revenue Service summons served upon him on October 30, 1972 by appearing before the petitioner, Special Agent E. C. Talley, or any other proper officer of the Internal Revenue Service at Room 305, L.V.O. Enterprise Building, 522 South Boston Avenue, Tulsa, Oklahoma, at 10:00 a.m. on April 10, 1974 then and there to testify and produce for inspection and copying the books records and documents required by the summons issued to him, the examination to continue from day to day until completed; and it is further

ORDERED, ADJUDGED, and DECREED that costs be assessed against the respondent.

Dated this 3rd day of April, 1974.

ALLEN E. BARROW

ALLEN E. BARROW
UNITED STATES DISTRICT JUDGE

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

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
vs.)
)
) RAYMOND A. PHILLIPS,)
)
) Defendant.)

CIVIL ACTION NO. 73-C-215 ✓

FILED

APR 3 1974 *3.*

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

JUDGMENT

THIS MATTER COMES on for disposition this 1st day of April, 1974, the plaintiff appearing by Jack Short, Assistant United States Attorney, and the defendant, Raymond A. Phillips, appearing by his attorney, Don Williams.

The Court being fully advised and having examined the file herein and having heard statements of counsel finds that the defendant, Raymond A. Phillips, has failed to comply with this Court's Order of September 26, 1973, which directed the defendant to produce and file in this case his Affidavit which relates the facts respecting his military service.

The Court finds that judgment should be entered for the plaintiff in the amount of \$878.32, plus interest according to law and for the costs of this action. The Court further finds that the Counterclaim of the defendant should be denied.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiff have and recover judgment against the defendant, Raymond A. Phillips, for the sum of \$878.32, plus interest according to law and for the costs of this action and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Counterclaim of the defendant be and the same is hereby denied.

Luther Bohannon
UNITED STATES DISTRICT JUDGE

FILED

APR 3 - 1974

js

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

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

THOMAS E. LAMBERT, Individually, and)	
as Father and Natural Guardian of)	
TERRY LYNN LAMBERT, a Minor,)	CIVIL ACTION NO. 73-C-325
)	
Plaintiff,)	
)	
vs.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ORDER APPROVING COMPROMISE SETTLEMENT
AND DISMISSAL

The Stipulation of the parties to the above action dated the 2nd day of April, 1974, wherein it is agreed by the Defendant, United States of America, to pay to the Plaintiff, Thomas E. Lambert, Individually, and as Father and Natural Guardian of Terry Lynn Lambert, a Minor, the sum of \$2,000.00 without admission of liability or fault on the part of said Defendant and wherein the Plaintiff agrees to accept said sum for himself and for his ward, Terry Lynn Lambert, a minor, in full and complete satisfaction of all claims and demands arising out of the incident giving rise to this litigation, is hereby approved pursuant to the provisions of 28 U.S.C. §2677, and,

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COURT that this action be dismissed with prejudice and without costs to Plaintiff upon payment to the Plaintiff by the Defendant of the amount stated and,

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that attorney's fees charged by Plaintiff's counsel are not to be in excess of those allowed by 28 U.S.C. §2678, and such fees are to be paid out of and not in addition to the settlement amount to be paid to Plaintiff.

Luther Bohannon
UNITED STATES DISTRICT JUDGE

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

HALLIBURTON COMPANY,
a corporation,

Plaintiff,

vs.

THE DOW CHEMICAL COMPANY,
a corporation,

Defendant.

No. 71-C-346

FILED

APR 2 1974

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

J U D G M E N T

Based upon the Findings of Fact and Conclusions of Law filed herein this day, the Court enters the following Judgment:

IT IS ORDERED, ADJUDGED AND DECREED by the Court that the plaintiff Halliburton Company, a corporation, have judgment against the defendant The Dow Chemical Company, a corporation, to the end that the patent heretofore issued to The Dow Chemical Company by the United States Patent Office No. 2,959,555, be, and the same is hereby vacated, set aside and held for naught.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiff has not heretofore in the past infringed any right, claim or privilege against The Dow Chemical Company by its claimed ownership of a valid, legal patent No. 2,959,555, and is not liable to the defendant on its cross-claim.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon request of plaintiff to be allowed a reasonable attorney fee and expenses incurred in the prosecution of this action, a hearing on such request shall be deferred until the within Findings of Fact, Conclusions of Law and Judgment become final, and the Court reserves jurisdiction for this purpose.

Dated this 2nd day of April, 1974.

Yvonne B. Johnson
UNITED STATES DISTRICT JUDGE

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

CHRISTIAN ECHOES NATIONAL MINISTRY,)
INC., a religious corporation,)
)
) Plaintiff,)

vs.)

UNITED STATES OF AMERICA,)
)
) Defendant.)

CIVIL NO. 71-C-341

FILED
IN OPEN COURT

APR 1 1974

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

O R D E R

This matter came on for hearing before the undersigned Judge of the United States District Court for the Northern District of Oklahoma upon the motion by plaintiff for this court to enter an order dismissing this action with prejudice. The court, having heard statements of counsel, and being fully advised, finds that it should enter its order dismissing this action with prejudice.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that this action is dismissed with prejudice.

Luther Bohannon
JUDGE

JN:kmm
4/1/74

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

FILED

APR 1 - 1974

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

No. 73-C-322

TULSA GENERAL DRIVERS, WAREHOUSEMEN
& HELPERS, LOCAL UNION NO. 523,

Plaintiff,

vs.

ANCHOR CONCRETE COMPANY,

Defendant.

ORDER

NOW, on this 1st day of April, 1974, upon application
of the Plaintiff, the Plaintiff's Dismissal With Prejudice is
hereby granted by order of the Court with costs to the parties.
*& the cause of action & complaint is hereby dismissed
with prejudice*

J. Allen E. Borda
UNITED STATES DISTRICT JUDGE

LAW OFFICES
UNGERMAN,
GRABEL &
UNGERMAN

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA