

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

RAY TAYLOR, JR., STANFORD DANIEL,
and CHARLES D. HOLLOWAY, et al.,

Plaintiffs,

v.

TULSA CITY-COUNTY HEALTH DEPARTMENT, a
division of the Municipal corporation
of the City of Tulsa and of Tulsa
County, a political subdivision of the
State of Oklahoma; DR. GEORGE W. PROTHRO,
Director of the Tulsa City-County Health
Department and individually, et al.,

Defendants.

No. 75-C-98 ✓

FILED

JAN 30 1976

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

ORDER

After reviewing the file and record in this cause,
the recommendation of the Magistrate is hereby approved, and

IT IS, THEREFORE, ORDERED that (1) the Motion to
Dismiss the Complaint and Amended Complaint of the remaining
Defendant, Dr. George W. Prothro, in his individual capacity
and as Director of the Tulsa City-County Health Department, be
and the same is hereby sustained; and (2) the Motion to Dismiss
of Dr. George W. Prothro be and the same is hereby declared moot.

DATED this 30th day of January, 1976.


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

Certificate of Mailing

I, Imogene Harris, Assistant City Attorney for the
City of Tulsa, Oklahoma, do hereby certify that I did on the
16th day of January, 1976, deposit in the U.S. Mails a copy of
the foregoing Order to Henry W. Floyd, Attorney at Law, 1916 North
Eastern Avenue, Oklahoma City, Oklahoma 73111.


Imogene Harris

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

LOCAL UNION NO. 318, of the United
Rubber, Cork, Linoleum, and Plastic
Workers of America, AFL-CIO-CLC,

PLAINTIFF,

vs.

CANTEEN FOOD AND VENDING SERVICE,
DIVISION OF ITT CANTEEN CORPORATION,
a Corporation, now CANTEEN CORPORATION,
a Corporation,

DEFENDANT.

No. 74-C-487

FILED

JAN 29 1976

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

O R D E R

Upon consideration of the settlement and dismissal with prejudice by and between Plaintiff and Defendant, it is hereby ORDERED that the above captioned action insofar as it is brought by Plaintiff against Defendant is dismissed, with prejudice, each party to bear its own costs and attorney fees, and the Clerk shall not tax either the Plaintiff or the Defendant for the other's costs or attorney's fees, and that the dismissal, with prejudice, and settlement are hereby approved.

DATED this 29 day of January, 1976.

Allen E. Bonner

Chief Judge, United States
District Court for the
Northern District of Oklahoma

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

OKLAHOMA BEVERAGE COMPANY,)
)
) Plaintiff,)
 vs.)
)
 DR. PEPPER LOVE BOTTLING)
 COMPANY (of Muskogee),)
 et al.,)
)
) Defendants.)

No. CIV-74-C-170

FILED

JAN 28 1976

Jack O. ...
U. S. DISTRICT ...

ORDER

Defendants' Motion for new trial and for correction of Judgment came on for hearing on the 19th day of January, 1976, and by agreement of the parties the Judgment as heretofore entered by the Court was corrected by interlineation. The Court heard argument of the parties with reference to the Motion for New Trial and concluded that the Motion for New Trial should be, and the same is hereby denied, and

IT IS SO ORDERED.

Dated this 27th day of January, 1976.

Luther Bohannon
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

E I L E D

JAN 27 1976

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

United States of America,)
)
Plaintiff,)
)
vs.)
)
24.25 Acres of Land, More or)
Less, Situate in Osage County,)
State of Oklahoma, and Osage)
Tribe of Indians,)
)
Defendants.)

CIVIL ACTION NO. 74-C-539

Tract No. 2112ME (Gas
Leasehold Interest Only)

(Included in D.T. in Master
File 317-496)

United States of America,)
)
Plaintiff,)
)
vs.)
)
74.00 Acres of Land, More or)
Less, Situate in Osage County,)
State of Oklahoma, and Osage)
Tribe of Indians,)
)
Defendants.)

CIVIL ACTION NO. 74-C-540

Tract No. 2113ME (Gas
Leasehold Interest Only)

(Included in D.T. in Master
File 317-496)

United States of America,)
)
Plaintiff,)
)
vs.)
)
66.90 Acres of Land, More or)
Less, Situate in Osage County,)
State of Oklahoma, and Osage)
Tribe of Indians,)
)
Defendants.)

CIVIL ACTION NO. 74-C-543

Tracts Nos. 2117ME-1 and
2117ME-2

(Gas Leasehold Interest Only)

(Included in D.T. filed in
Master File 317-496)

United States of America,)
)
Plaintiff,)
)
vs.)
)
25.50 Acres of Land, More or)
Less, Situate in Osage County,)
State of Oklahoma, and Osage)
Tribe of Indians,)
)
Defendants.)

CIVIL ACTION NO. 74-C-544

Tract No. 2118ME

(Gas Leasehold Interest Only)

(Included in D.T. filed in
Master File 317-496)

J U D G M E N T

(Styles continued on page 2)

United States of America,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO. 74-C-546
)	
99.00 Acres of Land, More or	)	Tract No. 2121ME (Oil and
Less, Situate in Osage County,	)	Gas Leasehold Interest
State of Oklahoma, and Osage	)	Only)
Tribe of Indians,)	
	)	(Included in D.T. filed in
Defendants.	)	Master File 317-496)

United States of America,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO. 74-C-547
)	
156.04 Acres of Land, More or	)	Tract No. 2122ME (Oil and
Less, Situate in Osage County,	)	Gas Leasehold Interest
State of Oklahoma, and Osage	)	Only)
Tribe of Indians,)	
	)	(Included in D.T. filed in
Defendants.	)	Master File 317-496)

United States of America,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO. 74-C-548
)	
116.00 Acres of Land, More or	)	Tract No. 2123ME (Oil and
Less, Situate in Osage County,	)	Gas Leasehold Interest
State of Oklahoma, and Osage	)	Only)
Tribe of Indians,)	
	)	(Included in D.T. filed in
Defendants.	)	Master File 317-496)

United States of America,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO. 74-C-549
)	
0.50 Acre of Land, More or	)	Tract No. 2124ME (Oil and
Less, Situate in Osage County,	)	Gas Leasehold Interest
State of Oklahoma, and Osage	)	Only)
Tribe of Indians,)	
	)	(Included in D.T. filed in
Defendants.	)	Master File 317-496)

J U D G M E N T

1.

Now, on this _____ day of January, 1976, 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 the Plaintiff, finds:

2.

This judgment applies only to the estate condemned in certain interests in each of eight tracts, which tracts and interests are listed below in this paragraph. The estate condemned by each of the actions shown in the styles set forth above, and the description of each tract listed in said styles are as set forth in the respective Complaints filed in said actions. The specific interests, referred to in the first sentence of this paragraph, as covered by this judgment, are as follows:

<u>Civil Action</u>	<u>Tract</u>	<u>Interest Covered</u>
74-C-539	2112ME	Gas leasehold interest only
74-C-540	2113ME	Gas leasehold interest only
74-C-543	2117ME-1 & 2117ME-2	Gas leasehold interest only
74-C-544	2118ME	Gas leasehold interest only
74-C-546	2121ME	Oil and gas leasehold interest only
74-C-547	2122ME	Oil and gas leasehold interest only
74-C-548	2123ME	Oil and gas leasehold interest only
74-C-549	2124ME	Oil and gas leasehold interest only

3.

The Court has jurisdiction of the parties and subject matter of these 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 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 estate described in said Complaints. Pursuant thereto, on December 13, 1974, the United States of America filed its Declarations 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 said Declarations of Taking.

6.

Simultaneously with filing the Declarations of Taking, there was deposited in the Registry of the Court as estimated compensation for the taking of a certain estate in subject tracts a certain sum of money but none of such deposit was allocated to the interests which are covered by this judgment because the existence of the subject leasehold interests was not known at the time of filing these cases. Therefore, none of the deposit has been disbursed to the owner of the subject interests, as set out below in paragraph 12.

7.

On the date of taking in this action, the owner of the estate taken in the property described above in paragraph 2 was the defendant whose name is shown below in paragraph 12. Such named defendant is the only person asserting any claim to the estate taken in such property. All other persons having either disclaimed or defaulted, such named defendant is entitled to receive the just compensation awarded by this judgment.

8.

The owner of the property described above in paragraph 2 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 property is in the amount shown as compensation in paragraph 12 below, and such Stipulation should be approved.

9.

Since no money was deposited for the benefit of the subject leasehold interests there is no money in the Registry of this Court with which to pay the award made by this judgment. The full amount of this deficiency, as set out below in paragraph 12, should be paid by the Plaintiff into the Registry of this Court.

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the property particularly described in

the Complaints filed herein; and the property described above in paragraph 2 hereby is condemned, and title thereto is vested in the United States of America as of December 13, 1974, and all defendants herein and all other persons interested in such described property are forever barred from asserting any claim to such property.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking the owner of the property described above in paragraph 2 was the defendant whose name appears below in paragraph 12 and the right to receive the just compensation awarded by this judgment is vested in the party so named.

12.

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

PROPERTY DESCRIBED IN PARAGRAPH 2

OWNER: Ceja Corporation

Award of just compensation pursuant to Stipulation -----	\$12,202.00	\$12,202.00
Deposited as estimated compensation for Ceja Corporation's interest -----	None	
Disbursed to owner -----		<u>None</u>
Balance due to owner -----		\$12,202.00
Deposit deficiency -----	\$12,202.00	

13.

It Is Further ORDERED, ADJUDGED and DECREED that the United States of America shall deposit in the Registry of this Court, for the benefit of the owner of subject property, the deficiency sum of \$12,202.00. To facilitate accounting and disbursement of the subject award the Clerk of this Court shall

credit all of this deposit to Civil Action No. 74-C-539.

When such deposit has been made the Clerk of this Court then shall disburse from the deposit for Civil Action 74-C-539, to Ceja Corporation, the sum of \$12,202.00.

Allen L. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow
HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)

vs.)

24.25 Acres of Land, More or)
Less, Situate in Osage County,)
State of Oklahoma, and Osage)
Tribe of Indians,)

Defendants.)

CIVIL ACTION NO. 74-C-539

Tract No. 2112ME (All)
interests in estate taken)
except the gas leasehold)
interest))

(Included in D.T. in Master)
File 317496))

FILED

JAN 27 1976

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

J U D G M E N T

1.

Now, on this 21 day of January, 1976, 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 the Plaintiff, finds:

2.

This judgment applies to all interests, except the gas leasehold interest, in the estate condemned by this action in Tract No. 2112ME. The estate condemned by this action and the description of Tract No. 2112ME are as set forth 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 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 estate described in said Complaint. Pursuant thereto, on December 13, 1974, 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 said Declaration of Taking.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of the Court as estimated compensation for the taking of a certain estate in subject property a certain sum of money and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

On the date of taking in this action, the owner of the property described above in paragraph 2, was the defendant whose name is shown below in paragraph 12. Such named defendant is the only person asserting any interest in the subject property. All other persons having either disclaimed or defaulted, such named defendant is entitled to receive the just compensation awarded by this judgment.

8.

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

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the property particularly described in the Complaint filed herein; and such property, 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 December 13, 1974, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such property.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking the owner of the property described above in paragraph 2 was the defendant whose name appears below in paragraph 12 and the right to receive the just compensation for the estate taken herein in this property is vested in the party so named.

12.

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

TRACT NO. 2112ME

(All interests in the estate taken except
the gas leasehold interest)

OWNER: Osage Tribe of Indians

Award of just compensation pursuant to Stipulation -----	\$1,091.25	\$1,091.25
Deposited as estimated compen- sation for Tribe's interest ---	582.00	
Disbursed to owner -----		<u>None</u>
Balance due to owner -----		\$1,091.25
Deposit deficiency -----	\$ 509.25	

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 subject property, the deficiency sum of \$509.25, and the Clerk of this Court then shall disburse from the deposit for subject tract, to the Osage Tribe of indians the sum of \$1,091.25.

Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW

Assistant U. S. Attorney

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

UNITED STATES OF AMERICA,)
 for the use and benefit of)
 L. B. SMITH, INC. SOUTHWEST,)
 A Corporation)
 Plaintiff,)
 vs.)
 A. G. PROCTOR CO., INC.,)
 A Corporation and THE)
 TRAVELERS INSURANCE COMPANY,)
 A Corporation)
 Defendants.)

FILED

JAN 27 1976

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

NO. 75-C-232 ✓

ORDER OF DISMISSAL

NOW, on this 27th day of January, 1976, comes on
 for hearing the Stipulation For Dismissal of Plaintiff and
 Defendant in the above-entitled cause. The Court finds that
 said cause has been compromised and disposed of between said
 parties, and after due consideration of such Stipulation,
 finds that said Dismissal should be entered.

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

W. Dale Cook
 Judge of the District Court
 Northern District of Oklahoma

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

FILED

JAN 27 1976

ph

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

N. J. and K. L. DIEFFENBACH,)
)
 Plaintiffs,)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Defendant.)

No. 73-C-250 ✓

JUDGMENT

This cause having come for jury trial before this Court on January 19, 1976, and at the close of all evidence the Court having determined that the defendant was entitled to a directed verdict in its favor, and the Court having entered findings of fact and conclusions of law granting defendant a directed verdict, it is hereby

ORDERED, ADJUDGED AND DECREED that plaintiffs' Complaint and prayer for money judgment be, and the same is hereby denied and that judgment is rendered in favor of the defendant United States of America.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the plaintiffs shall pay the costs of this action.

Dated this 26th day of January, 1976.

Yester Bohanon
UNITED STATES DISTRICT JUDGE

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

FILED

JAN 27 1978 *ph*

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

N. J. and K. L. DIEFFENBACH,)
)
Plaintiffs,)
vs.)
)
UNITED STATES OF AMERICA,)
)
Defendant.)

No. 73-C-250 ✓

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This cause came on for trial before a jury, having been qualified, selected and sworn to try the issues between the parties. The plaintiffs appeared by N. J. Dieffenbach who appeared pro se, and the defendant appeared by Lynn Ross, Jr., attorney for the Tax Division, Department of Justice.

Findings of Fact

1. The Court finds that sometime after plaintiffs reported and paid their income taxes for the years 1962-63, defendant made an independent audit of the plaintiffs' income and deductions and made an assessment for additional taxes. The additional taxes so assessed by the defendant were paid by plaintiffs. In due time the plaintiffs made application for refund of a portion of the additional taxes paid for the years 1962-63.

2. The Court finds that at the beginning of the case the plaintiffs employed the legal assistance of John E. Eagleton. That in the course of many conferences between plaintiffs' counsel and the government counsel a proposed settlement was tentatively agreed upon; however the plaintiffs and their attorney had some disagreement, and as a result Mr. Eagleton withdrew as attorney for plaintiffs, and from that date forward N. J. Dieffenbach represented the plaintiffs pro se. Subsequently the settlement offer made by the defendant was rejected by the plaintiffs.

3. The Court conducted many pretrial conferences and spent much time and effort preparing the case for trial and in due time the case came on for trial to a jury, plaintiff acting as his own attorney and as attorney for his wife.

4. The Court and the jury heard all of the testimony of the plaintiffs supporting their claim for refund and considered the documents offered in connection therewith, some of which were competent and some of which were not competent evidence. Thereafter, the plaintiffs rested their case. The defendant at that time filed with the Court its written and oral Motion for Directed Verdict. The Court took the Motion under advisement, and the defendant thereafter presented its evidence in the case. After resting its case, the defendant renewed its Motion for Directed Verdict.

5. The Court heard argument of the parties on the Motion and finds and concludes as follows:

- a. that the plaintiffs had no credible evidence to support a claim for refund of taxes from the defendant;
- b. that the proof presented by the plaintiffs fell far short of being a preponderance of the evidence such as would warrant the Court or the jury to enter a judgment in favor of the plaintiffs and against the defendant.

6. The Court specifically finds that plaintiffs' claim for refund for the two years in question in the sum of \$6,513.36 plus interest is not supported by the evidence and should be denied.

7. The Court further finds that prior to the withdrawal of John E. Eagleton as attorney for the plaintiffs a tentative settlement had been reached between the plaintiffs and defendant wherein the defendant proposed to pay a refund to the plaintiffs, which proposed settlement offer was refused by the plaintiffs.

Conclusions of Law

1. This Court has jurisdiction over the subject matter of this action and venue is proper.

2. The plaintiffs have the burden of proving by a preponderance of the evidence that the defendant's determination was not correct. Helvering v. Taylor, 293 U.S. 507 (1935); Welch v. Helvering, 290 U.S. 111 (1933).

3. The assessment of tax and interest against plaintiffs in this case was and is in all respects lawful and proper.

4. Viewing the evidence in this case in a light that is most favorable to the plaintiffs and their cause of action, it appears to the Court that plaintiffs have failed to carry their burden to make out a prima facie case on their behalf; that reasonable men and women could not differ as to the ultimate conclusion to be drawn in arriving at a verdict in favor of the defendant in this case; and that the defendant is entitled to a judgment as a matter of law.

5. The plaintiffs have presented no credible evidence in support of their position in this action.

6. The defendant is entitled to judgment inasmuch as the evidence is insufficient to support a verdict for the plaintiffs.

7. A directed verdict is granted defendant on all issues. An appropriate Judgment will accordingly be entered herein.

Dated this 26th day of January, 1976.

Arthur Bohanan
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 74-C-547
)
 156.04 Acres of Land, More or) Tract No. 2122ME
 Less, Situate in Osage County,)
 State of Oklahoma, and Osage) (All interests in estate taken
 Tribe of Indians,) except oil and gas leasehold
) interest)
)
 Defendants.) (Included in D.T. filed in
 Master File 317-496)

FILED

JAN 27 1976

Jack G. Silver

U.S. DISTRICT

J U D G M E N T

1.

Now, on this 27 day of January, 1976, 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 the Plaintiff, finds:

2.

This judgment applies to all interests, except the oil and gas leasehold interest, in the estate condemned by this action in Tract No. 2122ME. The estate condemned by this action and the description of Tract No. 2122ME are as set forth 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 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 estate described in said Complaint. Pursuant thereto, on December 13, 1974, 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 said Declaration of Taking.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of the Court as estimated compensation for the taking of a certain estate in subject property a certain sum of money and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

On the date of taking in this action, the owner of the property described above in paragraph 2, was the defendant whose name is shown below in paragraph 12. Such named defendant is the only person asserting any interest in the subject property. All other persons having either disclaimed or defaulted, such named defendant is entitled to receive the just compensation awarded by this judgment.

8.

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

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the property particularly described in the Complaint filed herein; and such property, 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 December 13, 1974, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such property.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking the owner of the property described above in paragraph 2 was the defendant whose name appears below in paragraph 12 and the right to receive the just compensation for the estate taken herein in this property is vested in the party so named.

12.

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

TRACT NO. 2122ME

(All interests in the estate taken except
the oil and gas leasehold interest)

OWNER: Osage Tribe of Indians

Award of just compensation		
pursuant to Stipulation -----	\$7,021.80	\$7,021.80
Deposited as estimated compen-		
sation for Tribe's interest ---	3,197.00	
Disbursed to owner -----		<u>None</u>
Balance due to owner -----		\$7,021.80
Deposit deficiency -----	\$3,824.80	

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 subject property, the deficiency sum of \$3,824.80, and the Clerk of this Court then shall disburse from the deposit for subject tract, to the Osage Tribe of indians the sum of \$7,021.80.

Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow
HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 74-C-548
)
 116.00 Acres of Land, More or) Tract No. 2123ME
 Less, Situate in Osage County,)
 State of Oklahoma, and Osage) (All interests in estate taken
 Tribe of Indians,) except oil and gas leasehold
) interest)
)
 Defendants.) (Included in D.T. filed in
 Master File 317-496)

FILED

JAN 27 1976

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

J U D G M E N T

1.

Now, on this 27 day of January, 1976, 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 the Plaintiff, finds:

2.

This judgment applies to all interests, except the oil and gas leasehold interest, in the estate condemned by this action in Tract No. 2123ME. The estate condemned by this action and the description of Tract No. 2123ME are as set forth 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 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 estate described in said Complaint. Pursuant thereto, on December 13, 1974, 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 said Declaration of Taking.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of the Court as estimated compensation for the taking of a certain estate in subject property a certain sum of money and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

On the date of taking in this action, the owner of the property described above in paragraph 2, was the defendant whose name is shown below in paragraph 12. Such named defendant is the only person asserting any interest in the subject property. All other persons having either disclaimed or defaulted, such named defendant is entitled to receive the just compensation awarded by this judgment.

8.

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

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the property particularly described in the Complaint filed herein; and such property, 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 December 13, 1974, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such property.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking the owner of the property described above in paragraph 2 was the defendant whose name appears below in paragraph 12 and the right to receive the just compensation for the estate taken herein in this property is vested in the party so named.

12.

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

TRACT NO. 2123ME

(All interests in the estate taken except
the oil and gas leasehold interest)

OWNER: Osage Tribe of Indians

Award of just compensation pursuant to Stipulation -----	\$5,220.00	\$5,220.00
Deposited as estimated compen- sation for Tribe's interest ---	1,899.00	
Disbursed to owner -----		<u>None</u>
Balance due to owner -----		\$5,220.00
Deposit deficiency -----	\$3,321.00	

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 subject property, the deficiency sum of \$3,321.00, and the Clerk of this Court then shall disburse from the deposit for subject tract, to the Osage Tribe of indians the sum of \$5,220.00.

Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow
HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 74-C-540
)
 74.00 Acres of Land, More or) Tract No. 2113ME (All
 Less, Situate in Osage County,) interests in estate taken
 State of Oklahoma, and Osage) except the gas leasehold
 Tribe of Indians,) interest)
)
) (Included in D.T. in Master
 Defendants.) File 317-496)

FILED

JAN 27 1976

J U D G M E N T

1.

Jack C. Silver, Clerk

U. S. DISTRICT COURT

Now, on this 27 day of January, 1976, 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 the Plaintiff, finds:

2.

This judgment applies to all interests, except the gas leasehold interest, in the estate condemned by this action in Tract No. 2113ME. The estate condemned by this action and the description of Tract No. 2113ME are as set forth 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 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 estate described in said Complaint. Pursuant thereto, on December 13, 1974, 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 said Declaration of Taking.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of the Court as estimated compensation for the taking of a certain estate in subject property a certain sum of money and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

On the date of taking in this action, the owner of the property described above in paragraph 2, was the defendant whose name is shown below in paragraph 12. Such named defendant is the only person asserting any interest in the subject property. All other persons having either disclaimed or defaulted, such named defendant is entitled to receive the just compensation awarded by this judgment.

8.

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

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the property particularly described in the Complaint filed herein; and such property, 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 December 13, 1974, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such property.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking the owner of the property described above in paragraph 2 was the defendant whose name appears below in paragraph 12 and the right to receive the just compensation for the estate taken herein in this property is vested in the party so named.

12.

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

TRACT NO. 2113ME

(All interests in the estate taken except
the gas leasehold interest)

OWNER: Osage Tribe of Indians		
Award of just compensation pursuant to Stipulation -----	\$3,330.00	\$3,330.00
Deposited as estimated compen- sation for Tribe's interest ---	1,776.00	
Disbursed to owner -----		<u>None</u>
Balance due to owner -----		\$3,330.00
Deposit deficiency -----	\$1,554.00	

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 subject property, the deficiency sum of \$1,554.00, and the Clerk of this Court then shall disburse from the deposit for subject tract, to the Osage Tribe of indians the sum of \$3,330.00.

Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow
HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 74-C-546
)
 99.00 Acres of Land, More or) Tract No. 2121ME
 Less, Situate in Osage County,)
 State of Oklahoma, and Osage) (All interests in estate taken
 Tribe of Indians,) except oil and gas leasehold
) interest)
)
) (Included in D.T. filed in
 Defendants.) Master File 317-496)

FILED

JAN 27 1976

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

J U D G M E N T

1.

Now, on this 27 day of January, 1976, 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 the Plaintiff, finds:

2.

This judgment applies to all interests, except the oil and gas leasehold interest, in the estate condemned by this action in Tract No. 2121ME. The estate condemned by this action and the description of Tract No. 2121ME are as set forth 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 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 estate described in said Complaint. Pursuant thereto, on December 13, 1974, 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 said Declaration of Taking.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of the Court as estimated compensation for the taking of a certain estate in subject property a certain sum of money and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

On the date of taking in this action, the owner of the property described above in paragraph 2, was the defendant whose name is shown below in paragraph 12. Such named defendant is the only person asserting any interest in the subject property. All other persons having either disclaimed or defaulted, such named defendant is entitled to receive the just compensation awarded by this judgment.

8.

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

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the property particularly described in the Complaint filed herein; and such property, 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 December 13, 1974, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such property.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking the owner of the property described above in paragraph 2 was the defendant whose name appears below in paragraph 12 and the right to receive the just compensation for the estate taken herein in this property is vested in the party so named.

12.

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

TRACT NO. 2121ME

(All interests in the estate taken except
the oil and gas leasehold interest)

OWNER: Osage Tribe of Indians		
Award of just compensation pursuant to Stipulation -----	\$4,455.00	\$4,455.00
Deposited as estimated compen- sation for Tribe's interest ---	1,903.00	
Disbursed to owner -----		<u>None</u>
Balance due to owner -----		\$4,455.00
Deposit deficiency -----	\$2,552.00	

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 subject property, the deficiency sum of \$2,552.00, and the Clerk of this Court then shall disburse from the deposit for subject tract, to the Osage Tribe of indians the sum of \$4,455.00.

Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow
HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 74-C-544
)
 25.50 Acres of Land, More or) Tract No. 2118ME
 Less, Situate in Osage County,)
 State of Oklahoma, and Osage) (All interests in estate taken
 Tribe of Indians,) except gas leasehold interest)
)
 Defendants.) (Included in D.T. filed in
 Master File 317-496)

FILED

JAN 27 1976

Jack C. Sledge
U.S. District Court

J U D G M E N T

1.

Now, on this 27 day of January, 1976, 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 the Plaintiff, finds:

2.

This judgment applies to all interests, except the gas leasehold interest, in the estate condemned by this action in Tract No. 2118ME. The estate condemned by this action and the description of Tract No. 2118ME are as set forth 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 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 estate described in said Complaint. Pursuant thereto, on December 13, 1974, 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 said Declaration of Taking.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of the Court as estimated compensation for the taking of a certain estate in subject property a certain sum of money and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

On the date of taking in this action, the owner of the property described above in paragraph 2, was the defendant whose name is shown below in paragraph 12. Such named defendant is the only person asserting any interest in the subject property. All other persons having either disclaimed or defaulted, such named defendant is entitled to receive the just compensation awarded by this judgment.

8.

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

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the property particularly described in the Complaint filed herein; and such property, 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 December 13, 1974, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such property.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking the owner of the property described above in paragraph 2 was the defendant whose name appears below in paragraph 12 and the right to receive the just compensation for the estate taken herein in this property is vested in the party so named.

12.

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

TRACT NO. 2118ME

(All interests in the estate taken except
the gas leasehold interest)

OWNER: Osage Tribe of Indians		
Award of just compensation pursuant to Stipulation -----	\$1,147.50	\$1,147.50
Deposited as estimated compensation for Tribe's interest ---	478.00	
Disbursed to owner -----		<u>None</u>
Balance due to owner -----		\$1,147.50
Deposit deficiency -----	\$ 669.50	

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 subject property, the deficiency sum of \$669.50, and the Clerk of this Court then shall disburse from the deposit for subject tract, to the Osage Tribe of indians the sum of \$1,147.50.

Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow
HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 74-C-543
)
 66.90 Acres of Land, More or) Tracts Nos. 2117ME-1 and
 Less, Situate in Osage County,) 2117ME-2
 State of Oklahoma, and Osage) (All interests in estate taken
 Tribe of Indians,) except gas leasehold interest)
)
) (Included in D.T. filed in
 Defendants.) Master File 317-496)

FILED

JAN 27 1976

Jack G. Silver, Clerk
DISTRICT COURT

J U D G M E N T

1.

Now, on this 27 day of January, 1976, 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 the Plaintiff, finds:

2.

This judgment applies to all interests, except the gas leasehold interest, in the estate condemned by this action in Tracts Nos. 2117ME-1 and 2117ME-2. The estate condemned by this action and the description of Tracts Nos. 2117ME-1 and 2117ME-2 are as set forth 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 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 estate described in said Complaint. Pursuant thereto, on December 13, 1974, 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 said Declaration of Taking.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of the Court as estimated compensation for the taking of a certain estate in subject property a certain sum of money and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

On the date of taking in this action, the owner of the property described above in paragraph 2, was the defendant whose name is shown below in paragraph 12. Such named defendant is the only person asserting any interest in the subject property. All other persons having either disclaimed or defaulted, such named defendant is entitled to receive the just compensation awarded by this judgment.

8.

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

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the property particularly described in the Complaint filed herein; and such property, 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 December 13, 1974, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such property.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking the owner of the property described above in paragraph 2 was the defendant whose name appears below in paragraph 12 and the right to receive the just compensation for the estate taken herein in this property is vested in the party so named.

12.

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

TRACTS NOS. 2117ME-1 and 2117ME-2

(All interests in the estate taken except the gas leasehold interest)

OWNER: Osage Tribe of Indians

Award of just compensation pursuant to Stipulation -----	\$3,010.50	\$3,010.50
Deposited as estimated compensation for Tribe's interest ---	1,605.00	
Disbursed to owner -----		<u>None</u>
Balance due to owner -----		\$3,010.50
Deposit deficiency -----	\$1,405.50	

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 subject property, the deficiency sum of \$1,405.50, and the Clerk of this Court then shall disburse from the deposit for subject tract, to the Osage Tribe of indians the sum of \$3,010.50.

Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow
HUBERT A. MARLOW
Assistant U. S. Attorney

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,)
)
 Plaintiff,)
)
 vs.) CIVIL ACTION NO. 74-C-549
)
 0.50 Acre of Land, More or) Tract No. 2124ME
 Less, Situate in Osage County,)
 State of Oklahoma, and Osage) (All interests in estate taken
 Tribe of Indians,) except oil and gas leasehold
) interest)
)
) (Included in D.T. filed in
 Defendants.) Master File 317-496)

FILED

JAN 29 1976

Jack C. Smith

U.S. DISTRICT

J U D G M E N T

1.

Now, on this 27th day of January, 1976, 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 the Plaintiff, finds:

2.

This judgment applies to all interests, except the oil and gas leasehold interest, in the estate condemned by this action in Tract No. 2124ME. The estate condemned by this action and the description of Tract No. 2124ME are as set forth 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 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 estate described in said Complaint. Pursuant thereto, on December 13, 1974, 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 said Declaration of Taking.

6.

Simultaneously with filing the Declaration of Taking, there was deposited in the Registry of the Court as estimated compensation for the taking of a certain estate in subject property a certain sum of money and none of this deposit has been disbursed, as set out below in paragraph 12.

7.

On the date of taking in this action, the owner of the property described above in paragraph 2, was the defendant whose name is shown below in paragraph 12. Such named defendant is the only person asserting any interest in the subject property. All other persons having either disclaimed or defaulted, such named defendant is entitled to receive the just compensation awarded by this judgment.

8.

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

9.

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

10.

It Is, Therefore, ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the property particularly described in the Complaint filed herein; and such property, 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 December 13, 1974, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim to such property.

11.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking the owner of the property described above in paragraph 2 was the defendant whose name appears below in paragraph 12 and the right to receive the just compensation for the estate taken herein in this property is vested in the party so named.

12.

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

TRACT NO. 2124ME

(All interests in the estate taken except the oil and gas leasehold interest)

OWNER: Osage Tribe of Indians

Award of just compensation pursuant to Stipulation -----	\$22.50	\$22.50
Deposited as estimated compensation for Tribe's interest ---	9.00	
Disbursed to owner -----		<u>None</u>
Balance due to owner -----		\$ 22.50
Deposit deficiency -----	\$13.50	

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 subject property, the deficiency sum of \$13.50, and the Clerk of this Court then shall disburse from the deposit for subject tract, to the Osage Tribe of indians the sum of \$22.50.

Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

Hubert A. Marlow

HUBERT A. MARLOW

Assistant U. S. Attorney

United States District Court

FILED

JAN 26 1976

Jan

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

Jack C. Silver, Clerk

U. S. DISTRICT COURT

CIVIL ACTION FILE NO. 75-C-140 ✓

JOHN F. IRELAND,

Plaintiff,

vs.

GEORGE K. MILLER and BLYTH
EASTMAN DILLON & CO., INCORPORATED,

Defendants.

JUDGMENT

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

It is Ordered and Adjudged that the plaintiff, John F. Ireland, recover
judgment from the defendants, George K. Miller and Blyth Eastman Dillon
& Co., Incorporated, in the amount of \$31,200.00, and that the plaintiff
be awarded his costs of action.

Dated at Tulsa, Oklahoma , this 26th day
of January , 1976 .

Jack C. Silver
Clerk of Court

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

FILED

JAN 26 1976 *J.*

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

JOHN HANCOCK MUTUAL LIFE)
INSURANCE COMPANY,)
)
Plaintiff,)
)
-vs-)
)
LESTER A. REYNOLDS, et al,)
)
Defendants.)

NO. M - 705^v

ORDER ON ASSETS HEARING

Now on this 26 day of Jan, 1976, the Application of Lester A. Reynolds, judgment Creditor, to discover the assets of Charles and Ione Dennis, judgment debtors, having been referred for hearing and the taking of evidence before Magistrate Morris Bradford, and said hearing having been had and report and recommendation of said Magistrate with reference thereto received by the Court, and the Court being fully advised, upon due consideration finds, concludes, and decrees as follows.

The Court finds that although record title to the real estate involved herein upon which levy was made for satisfaction of the judgment against the judgment debtors stood, at said time, in the names of Charles and Ione Dennis, judgment debtors, that in fact there existed at the time of levy, off record, a Contract for Deed executed by said judgment debtors with David E. Fields, Jr. and Richard D. Teubner, for the purchase thereof, dated July 15, 1970.

The Court further finds that subsequent to the execution of said Contract for Deed by said parties, David E. Fields, Jr. acquired all of the right, title and interest of Richard D. Teubner and that the said Richard D. Teubner, in fact, has no right, title or interest in or to said property under said contract, or otherwise

The Court further finds that of the sums payable under said Contract for Deed there presently remains unpaid by the said David E. Fields, Jr., the ^{principal} sum of \$ 11,049.⁰⁰ to the judgment debtors

SAM F. WHITLOCK
ATTORNEY-AT-LAW
225 NORTH PETERS AVENUE
NORMAN, OKLAHOMA

SPK

for their ownership interest and equity, payable at the rate of \$126.58 per month, inclusive of interest at 6% per annum, until the full sum for said judgment debtor's equity is paid in full; that the balance of all sums payable under said Contract for Deed represent a mortgage indebtedness against said property due to the First National Bank & Trust Company of Tulsa, and should be paid by the said David E. Fields, Jr., direct to said mortgagee in protection of said property from foreclosure.

The Court further finds that Lester A. Reynolds, at said proceedings had herein, withdrew his Application for Appointment of Receiver of said property, and the same should be dismissed.

The Court further finds that Lester A. Reynolds agrees that the levy heretofore made upon the real estate involved herein may be recalled and set aside, and that such should be ordered.

The Court further finds that all sums remaining due under said Contract for Deed to the judgment debtors Dennis by David E. Fields Jr. should be ordered hereafter paid to Lester A. Reynolds toward partial payment and satisfaction of his judgment against said judgment debtors, at the rate of \$126.58 per month, until paid in full.

IT IS THEREFORE ORDERED AND DECREED that the Application for Appointment of Receiver herein be, and the same hereby is, dismissed.

IT IS FURTHER ORDERED AND DECREED that the Levy heretofore made by the U.S. Marshal herein upon Lot 1, Block 2, Industrial Equipment Center 3rd Addition to Tulsa, Tulsa County, Okla., is hereby recalled and set aside.

IT IS FURTHER ORDERED that David E. Fields, Jr. hereafter pay to Lester A. Reynolds the monthly sum of \$126.58, commencing on the 1st day of February, 1976, and a like sum on the 1st day of each successive month thereafter until the full sum of \$ 11,049.⁰⁰ is paid, with 6% per ANNUA INTEREST thereon.

SAM F. WHITLOCK
ATTORNEY-AT-LAW
225 NORTH PETERS AVENUE
NORMAN, OKLAHOMA

SPW
SPW

IT IS FURTHER ORDERED that Lester A. Reynolds is hereby sub-rogated to all of the rights and remedies of Charles E. Dennis and Ione Dennis under said Contract for Deed in the event of default by the said David E. Fields, Jr. in the payment of said sums or the performance of any of the other terms or conditions of said Contract for Deed.

Dated this 26 day of January, 1976.

Allen J. Benson
U.S. DISTRICT JUDGE

APPROVED IN FORM AND SUBSTANCE:

Sam F. Whitlock

ATTORNEY FOR LESTER A. REYNOLDS

Joe DeLoach

ATTORNEY FOR DAVID E. FIELDS, JR.
AND RICHARD D. TUCKER

SAM F. WHITLOCK
ATTORNEY-AT-LAW
225 NORTH PETERS AVENUE
NORMAN, OKLAHOMA

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

FILED

JAN 23 1976

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

LOWRANCE ELECTRONICS, INC.,)
a corporation,)
)
Plaintiff,)
)
-vs-)
)
MENNINGER SPORTING GOODS, INC.,)
a corporation, and YULETIDE)
ENTERPRISES, INC., a corporation,)
)
Defendants.)

Case No. 75-C-514

NOTICE OF
DISMISSAL WITH PREJUDICE

COMES NOW the plaintiff, Lowrance Electronics, Inc., and dis-
misses its cause of action against the defendants herein with
prejudice.

GABLE, GOTWALS, RUBIN, FOX, JOHNSON
& BAKER

By Paul H. Petersen
PAUL H. PETERSEN
2010 Fourth National Bank Building
Tulsa, Oklahoma 74119
(918) 582-9201
Attorneys for Plaintiff

CERTIFICATE OF MAILING

I, PAUL H. PETERSEN, do hereby certify that a true and correct
copy of the above and foregoing Dismissal With Prejudice was mailed
to Arnold Chekow of Eisenberg & Solomon, 3000 Marcus Avenue, Lake
Success, New York 11040, on this 23rd day of January, 1976, with
proper postage thereon.

Paul H. Petersen
PAUL H. PETERSEN

United States District Court

JAN 23 1976

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

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION FILE NO. 73-C-312

Lynn Clyma,
Plaintiff,

vs.

Missouri-Kansas-Texas Railroad
Company, A Corporation,
Defendant,

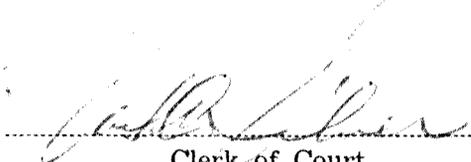
The City of Tulsa, Oklahoma,
Third Party Defendant.

JUDGMENT

This action came on for trial before the Court and a jury, Honorable Allen E. Barrow,
, United States District Judge, presiding, and the issues having been duly tried and
the jury having duly rendered its verdict, for the Plaintiff.

It is Ordered and Adjudged that having found in favor of the Plaintiff
and against the Defendant, Missouri-Kansas-Texas Railroad Company,
find in favor of the Third-Party Defendant, City of Tulsa, and against
the Defendant and Third-Party Plaintiff, Missouri-Kansas-Texas
Railroad Company, and assess his damages in the sum of \$146,129.00.

Dated at Tulsa, Oklahoma, this 22nd day
of January, 19 76.


Clerk of Court

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

MICHAEL A. REIDY,)
)
 Plaintiff,)
)
 vs.)
)
 JACK PURDIE, CHIEF OF)
 POLICE, TULSA POLICE)
 DEPARTMENT, et al.,)
)
 Defendants.)

No. 75-C-153 ✓

FILED

JAN 23 1976 J.

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

ORDER SUSTAINING MOTION FOR SUMMARY JUDGMENT

The Court has before it for consideration the Motion of the plaintiff, Michael A. Reidy, for Summary Judgment. In considering plaintiff's Motion, the Court has perused the entire file and is fully advised in the premises. The circumstances which have led to the Motion for Summary Judgment are as follows.

On April 18, 1975, plaintiff filed his Complaint in this Court stating that on the 31st day of August, 1964, he was arrested by officers of the Tulsa Police Department, Tulsa County, Oklahoma, on suspicion of burglary. Plaintiff further states that he was 15 years of age at the time of this arrest and therefore referred to the Juvenile Division of Tulsa County, Oklahoma. No action was taken by the Juvenile Division.

Plaintiff seeks an Order from this Court expunging the records of his arrest on August 31, 1964, which may or may not be maintained by the Tulsa Police Department, Federal Bureau of Investigation, Oklahoma State Crime Bureau and the District Court, Juvenile Division, Tulsa County, Oklahoma.

In response to the Complaint the defendant, Jack Purdie, Chief of Police of the City of Tulsa Police Department, appearing by and through Mr. Waldo F. Bales, City Attorney, City of Tulsa, Oklahoma, consented to a judgment being entered in favor of the

plaintiff and against him for

"the reason that he has accomplished the relief requested by (a) sealing and purging from the records of the City of Tulsa Police Department all references of Plaintiff's arrest; (b) notifying the Federal Bureau of Investigation as requested in paragraph IV (2) and (3) of Plaintiff's Petition, as shown by Exhibit "A" attached; and (c) sending a similar notice to the Oklahoma State Bureau of Investigation, as shown by Exhibit "B" attached."

Attached to the Consent to Judgment are letters of Jack Purdie, Chief of Police to the Federal Bureau of Investigation and to the Oklahoma State Bureau of Investigation requesting these agencies to return any records they might have which were submitted to them by the Tulsa Police Department and which concern the August 31, 1964, arrest of the plaintiff.

Defendant, G. A. Evans, Court Administrator of the District Court, Juvenile Division, Tulsa County, Oklahoma, by and through the District Attorney for Tulsa County, Oklahoma, S. M. Fallis, Jr., and defendant Joe Jennings, Judge of the District Court, Juvenile Division, Tulsa County, Oklahoma, by and through the Assistant District Attorney for Tulsa County, Oklahoma, Marvin E. Spears, have responded to the Complaint by denying each and every material allegation of the Complaint and specifically denies that these defendants have the authority in the State of Oklahoma to expunge the records in the Juvenile Division of the District Court of Tulsa County, Oklahoma.

On December 18, 1975, plaintiff filed his Motion for Summary Judgment accompanied by a Stipulation entered into by defendants, Mr. E. A. Evans and the Honorable Joe Jennings and the plaintiff by and through their attorneys, Marvin E. Spears and E. Carleton James, respectively. The parties stipulated to all the material allegations of the Complaint except that these defendants have authority in the State of Oklahoma to expunge the records of the plaintiff and except that the records were taken in flagrant violation of the fourth amendment or that

these defendants invaded the plaintiff's equal protection rights under the United States Constitution. The parties agree that no material issue of fact remains to be determined and that the case is ripe for summary disposition. The Court finds that no genuine issue of material fact exists and that summary judgment is proper in this case.

Because this request for an order is uncontested except for the statements of Judge Jennings and G. A. Evans that they do not have the specific authority to expunge juvenile records, this Court will exercise jurisdiction on constitutional grounds and grant the relief requested.^{1/}

In another uncontested request for expungement filed in the Northern District of Oklahoma, the Honorable Allen E. Barrow granted the relief sought. See. Frenier v. Purdie, 75-C-21, Decided October 24, 1975. However, serious question exists in mind of this Court as to whether the matter is best resolved here or whether the courts of the States of Oklahoma should decide the issue. Certainly the statutes of Oklahoma have provided for expungement of juvenile criminal records where a juvenile has been adjudged to be a delinquent child. Title 10 Okla. Stat. § 1506. The State of Oklahoma should decide whether the authority to order the destruction of juvenile criminal records extends to an arrestee who has never been prosecuted.

In reviewing the cases which have previously dealt with the question of expungement it is obvious that different courts apply different reasoning in granting or denying relief.^{2/}

In Crow v. Kelly, 512 F.2d 752 (8th Cir. 1975) the Eighth Judicial Circuit affirmed the District Court's dismissal of a request for expungement for reasons of comity. The Kelly Court

^{1/} A discussion of the constitutional basis for granting relief is contained in Utz v. Cullinane, 520 F.2d 467 (D.C. Cir. 1975) and Tarlton v. Saxbe, 507 F.2d 1116 (D.C. Cir. 1974).

^{2/} An extensive list of expungement cases and categories is contained in United States v. Linn, 513 F.2d 925 (10th Cir. 1975).

recognized the desirable procedure of allowing the state court to rule on the matter where the charge was lodged in state courts. The case of Davidson v. Dill, 503 P.2d 157 (Colo. 1972) is an example of the state exercising authority over its records. Where the federal court has decided the question the record existed under federal authority. See. e.g. Menard v. Mitchell, 430 F.2d 486 (D.C. Cir. 1970); United States v. Seasholtz, 376 F.Supp. 1288 (N.D.Okla. 1974); United States v. Dooley, 364 F.Supp. 75 (E.D.Pa. 1973); But see. United States v. McLeod, 385 F.2d 734 (5th Cir. 1967).

The plaintiff is apparently satisfied that the records held by the Tulsa Police Department and those provided to the Federal Bureau of Investigation and the Oklahoma State Bureau of Investigation by the Tulsa Police Department have been destroyed as he states in the final sentence of the Memorandum and Brief in Support of the Plaintiff filed December 18, 1975, that, "[t]he only records remaining to be expunged are those at the Juvenile Bureau."

IT IS THEREFORE ORDERED ADJUDGED AND DECREED that the Honorable Joe Jennings, Judge of the District Court, Juvenile Division, Tulsa County, Oklahoma, and G. A. Evans, Court Administrator of the District Court, Juvenile Division, Tulsa County, Oklahoma, direct and supervise, if necessary, the complete destruction of all docket sheets, arrest reports, counselor assignments, counselor files, correspondence which in any way indicates that plaintiff was ever processed by the Juvenile Shelter, Juvenile Division, or any sub-department thereof.

It is so Ordered this 23rd day of January, 1976.


H. DALE COOK

United States District Judge

Petitioner's allegation is without merit and should be denied.

Petitioner bases his request for relief principally on the opinion of the Supreme Court of the United States of America in Dorszynski vs. United States, 418 U. S. 424, 94 S.Ct. 3042, 41 L.Ed.2d 855 (1974). Dorszynski held that a District Court is now required by 18 U.S.C. § 5010(d) to make an express finding that a youth offender will not benefit from treatment under the Youth Corrections Act, 18 U.S.C. § 5005, et seq., before sentencing him as an adult.

In Jackson vs. United States, 510 F.2d 1335 (10th Cir. 1975), the Court in holding that Dorszynski should not be applied retroactively stated:

"In Dorszynski, the Supreme Court created no new right, but established procedural safeguards to protect the rights of a defendant under the Act, already in existence prior to the Court's decision. We believe that this case is closely parallel to the situation which confronted the Supreme Court in Halliday v. United States, 394 U. S. 831, 89 S.Ct. 1498, 23 L.Ed.2d 16 (1969). There, the Court held that its decision in McCarthy v. United States, 394 U. S. 459 (1969), requiring strict adherence to Rule 11 of the Federal Rules of Criminal Procedure, was not retroactive. Therefore, the reasoning in Halliday, especially with respect to the reliance factor and the adverse effect on the administration of justice, is highly persuasive and compels the conclusion that the rule announced in Dorszynski should not be applied retroactively."

The record in this case conclusively shows that petitioner is not entitled to relief. Therefore, there is no necessity for this Court to hold an evidentiary hearing. Semet vs. United States, 369 F.2d 90 (10th Cir. 1969); Maxwell v. Turner, 411 F.2d 805 (10th Cir. 1969); Ramirez v. Rodriguez, 467 F.2d 822 (10th Cir. 1972) Cert. den. 410 U. S. 987.

IT IS, THEREFORE, ORDERED that the motion herein be denied and the case dismissed.

IT IS FURTHER ORDERED that petitioner's motion for trial transcript is denied. Absent "special circumstances" requiring departure from the prevailing rule, which are totally absent in the petitioner's

motion, an indigent prisoner is not entitled to a free transcript for the sole purpose of framing motions to vacate sentence. Lucas vs. United States, 423 F.2d 683 (6th Cir. 1970); Frison v. United States, 322 F.2d 476 (10th Cir. 1963).

Dated this 22nd day of January, 1976, at Tulsa, Oklahoma.

Walter E. Barrow

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

GM/ja
1/16/76

K

FILED

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

JAN 22 1976

AMERICAN FURNITURE COMPANY, INC.,)
 a corporation,)
)
 Plaintiff,)
)
 -vs-)
)
 FURNISHINGS, INC., a corporation,)
 JACK R. BUTZ and CHARLES BURRIS,)
)
 Defendants.)

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

No. 75-C-558

JUDGMENT BY DEFAULT
UPON APPLICATION TO COURT

In this action, the Defendants, FURNISHINGS, INC., a corporation, JACK R. BUTZ and CHARLES BURRIS, having been regularly served with the summons and Complaint, and having failed to plead or otherwise defend, the legal time for pleading or otherwise defending having expired and the default of the said Defendants, FURNISHINGS, INC., a corporation, JACK R. BUTZ, and CHARLES BURRIS, in the premises having been duly entered according to law; upon the application of the Plaintiff, judgment is hereby entered against the aforesaid Defendants and each of them in pursuance of the prayer of said Complaint.

WHEREFORE, by virtue of the law and by reason of the premises aforesaid:

IT IS ORDERED, ADJUDGED AND DECREED that the said Plaintiff, AMERICAN FURNITURE COMPANY, INC., a corporation, do have and recover from the said Defendants, FURNISHINGS, INC., a corporation, JACK R. BUTZ and CHARLES BURRIS, the sum of \$22,543.00 together with interest at the rate of ten (10) percent per annum from date of judgment herein, together with the further sum of \$5,000.00 attorneys' fee, to be taxed as costs, together with all other costs of this matter, and that Plaintiff have execution therefor.

JUDGMENT rendered this 22nd day of January, 1976.

Allen F. Bennett

CHIEF JUDGE

LAW OFFICES
UNGERMAN,
GRABEL &
UNGERMAN

SIXTH FLOOR
WRIGHT BUILDING
TULSA, OKLAHOMA

FILED

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

JAN 22 1976
Jack C. Silver, Clerk
U. S. DISTRICT COURT

MARK LEE BERGERON,)
)
) Petitioner,)
vs.)
)
) UNITED STATES OF AMERICA,)
)
) Respondent.)

NO. 75-C-530 ✓

O R D E R

This is a proceeding brought pursuant to the provisions of 28 U.S.C. § 2255, pro se, in forma pauperis, by a Federal prisoner confined in the Federal Reformatory at El Reno, Oklahoma. Petitioner attacks the sentence imposed in Case No. 73-CR-147 in this United States District Court for the Northern District of Oklahoma. In the criminal cause, the Court found petitioner guilty of violating 18 U.S.C. § 1201(a), after a plea of guilty, and sentenced him to the custody of the Attorney General of the United States of America for a period of 12 years. The sentence was imposed on December 18, 1973.

The record discloses that at the time of sentencing the petitioner was 21 years of age. Petitioner alleges that he is being held under an improper sentence resulting from the Court's failure to find that he, as a youth offender, would not benefit from treatment under the Youth Corrections Act, 18 U.S.C. §§ 5005, et seq., before sentencing him as an adult.

Petitioner's allegation is without merit and should be denied. This Court was fully aware of the age of petitioner. It was placed in the file of record at his initial appearance upon a complaint, and confirmed in the pre-sentence report. Further, the Court well remembers the plea and sentencing of the defendant, Mark Lee Gergeron, as well as one of the co-defendants, his 20-year-old brother. The Court after careful consideration of the charge, plea, and pre-sentence report, imposed only a 12-year sentence on the petitioner herein, and an 11-year sentence on his younger brother, because they did not physically harm their kidnapped victim. It

was further recommended that their sentences run concurrently with that part of their sentences still to be served in the Kansas State Industrial Reformatory, at Hutchison, Kansas, the institution from which the petitioner was attempting to escape when he committed the kidnapping offense with which he was charged before this Court. This Court did not and does not deem that he is a proper candidate for the provisions of the Youth Corrections Act.

Petitioner bases his request for relief in the main on the opinion of the Supreme Court of the United States of America in Dorszynski v. United States, 418 U. S. 424, 94 S.Ct. 3042, 41 L.Ed.2d 855 (1974). Dorszynski held that a District Court is now required by 18 U.S.C. § 5010(d) to make an express finding that a youth offender will not benefit from treatment under the Youth Corrections Act, 18 U.S.C. § 5005, et seq., before sentencing him as an adult.

In Jackson v. United States, 510 F.2d 1335 (10th Cir. 1975), the Court in holding that Dorszynski should not be applied retroactively stated:

"In Dorszynski, the Supreme Court created no new right, but established procedural safeguards to protect the rights of a defendant under the Act already in existence prior to the Court's decision. We believe that this case is closely parallel to the situation which confronted the Supreme Court in Halliday v. United States, 394 U. S. 831, 89 S.Ct. 1498, 23 L.Ed.2d 16 (1969). There, the court held that its decision in McCarthy v. United States, 394 U. S. 459 (1969), requiring strict adherence to Rule 11 of the Federal Rules of Criminal Procedure, was not retroactive. Therefore, the reasoning in Halliday, especially with respect to the reliance factor and the adverse effect on the administration of justice is highly persuasive and compels the conclusion that the rule announced in Dorszynski should not be applied retroactively."

The petitioner is not entitled to relief, and there is no necessity for this Court to hold an evidentiary hearing. Semet v. United States, 369 F.2d 90 (10th Cir. 1969); Maxwell v. Turner, 411 F.2d 805 (10th Cir. 1969); Ramirez v. Rodriguez, 467 F.2d 822 (10th Cir. 1972) Cert. den. 410 U. S. 987.

IT IS, THEREFORE, ORDERED that the § 2255 motion of Mark Lee Bergeron be and it is hereby overruled and denied and the case is dismissed.

Dated this 22nd day of January, 1976, at Tulsa, Oklahoma.



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

FILED

JAN 22 1976

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

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
vs.	)	CIVIL ACTION NO. 75-C-379
)	
DAVID LEON WILLIAMS a/k/a)	
D. L. WILLIAMS, TREVOR YVETTE)	
WILLIAMS a/k/a TREVOR WILLIAMS,)	
AMERICAN FINANCE SYSTEM,)	
JOE P. SAFFA, NATIONWIDE FINANCE)	
CORPORATION OF OKLAHOMA, POSTAL)	
FINANCE COMPANY, INC., GENERAL)	
CREDIT OF SHERIDAN COMPANY,)	
COUNTY TREASURER, Tulsa County,)	
and BOARD OF COUNTY COMMISSIONERS,)	
Tulsa County,)	
)	
Defendants.)	

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 22nd day of January, 1976, 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, American Finance System, appearing by its attorney, J. G. Follens; and the Defendants, David Leon Williams a/k/a D. L. Williams, Trevor Yvette Williams a/k/a Trevor Williams, Joe P. Saffa, Nationwide Finance Corporation of Oklahoma, Postal Finance Company, Inc., and General Credit of Sheridan Company, appearing not.

The Court being fully advised and having examined the file herein finds that Defendants, David Leon Williams and Trevor Yvette Williams, were served by publication, both as appears from the Proof of Publication filed herein; that Defendants, Postal Finance Company, Inc., General Credit of Sheridan Company, County Treasurer, Tulsa County, and Board of County Commissioners, Tulsa County, were served with Summons, Complaint, and Amendment to Complaint on September 5, 1975; that Defendant, American Finance System, was served with Summons, Complaint, and Amendment to

Complaint on August 26, 1975, and September 5, 1975, respectively; that Defendant, Joe P. Saffa, was served with Summons, Complaint, and Amendment to Complaint on August 20, 1975, and September 19, 1975, respectively; and that Defendant, Nationwide Finance Corporation of Oklahoma, was served with Summons, Complaint, and Amendment to Complaint on August 22, 1975, and September 5, 1975, respectively, all as appears from the U.S. Marshals Service herein.

It appearing that Defendants, County Treasurer, Tulsa County, and Board of County Commissioners, Tulsa County, have duly filed their Answers herein on September 18, 1975; that Defendant, American Finance System, has duly filed its Disclaimer herein on September 16, 1975; and that Defendants, David Leon Williams, Trevor Yvette Williams, Joe P. Saffa, Nationwide Finance Corporation of Oklahoma, Postal Finance Company, Inc., and General Credit of Sheridan 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-one (31), Block Forty-three (43), VALLEY VIEW ACRES, SECOND ADDITION, to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

THAT the Defendants, David Leon Williams and Trevor Yvette Williams, did, on the 28th day of January, 1972, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note in the sum of \$10,000.00 with 4 1/2 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that Defendants, David Leon Williams and Trevor Yvette Williams, 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 \$9,670.77 as unpaid principal with interest thereon at the rate of 4 1/2 percent per annum from November 28, 1974, 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 Defendants, David Leon Williams and Trevor Yvette Williams, the sum of \$ 3.50 plus interest according to law for personal property taxes for the year(s) 1974 and that Tulsa County should have judgment, in rem, for said amount, but that such judgment is subject to and inferior to the first mortgage lien of the Plaintiff herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff have and recover judgment against Defendants, David Leon Williams and Trevor Yvette Williams, in rem, for the sum of \$9,670.77 with interest thereon at the rate of 4 1/2 percent per annum from November 28, 1974, 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 Defendants, David Leon Williams and Trevor Yvette Williams, for the sum of \$ 3.50 as of the date of this judgment plus interest thereafter according to law for personal property taxes, 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 Defendants, Joe P. Saffa, Nationwide Finance Corporation of Oklahoma, Postal Finance Company, Inc., and General Credit of Sheridan Company.

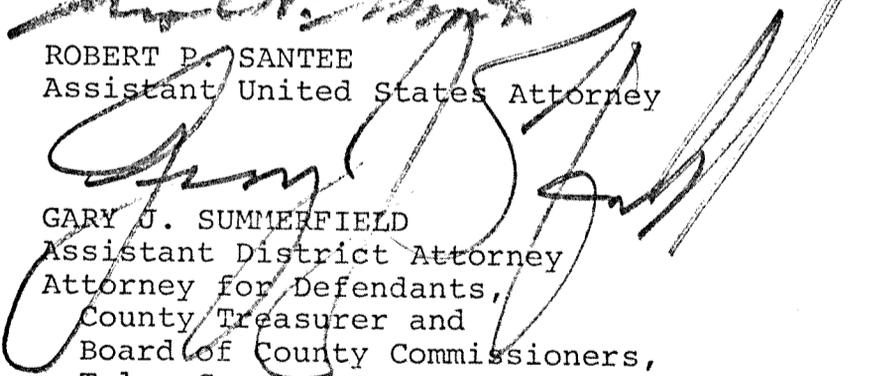
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said Defendants to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisal the real property 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, specifically including any lien for personal property taxes which may have been filed during the pendency of this action.


United States District Judge

APPROVED


ROBERT P. SANTEE
Assistant United States Attorney


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

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

GAYLORD W. MARTIN, a/k/a G.W. MARTIN,

Plaintiff,

--v--

CODDING EMBRYOLOGICAL
SCIENCES, INC., et. al.

Defendant.

O R D E R

U. S. DISTRICT COURT

Jack G. Smith

MAY 21 1976

FILED

Civil No. 75-C-409

Motion of Plaintiff for dismissal of the above en-

titled action without prejudice came on regularly for hearing on

the day of January, 1976, and it appearing the defen-

dant, Coddling Embryological Sciences, Inc., makes no counter

claim against plaintiff and will not be substantially prejudiced

by a dismissal,

IT IS HEREBY ORDERED that the above entitled action

be, and it hereby is, dismissed without prejudice as to defendant,

Coddling Embryological Sciences, Inc.

IT IS FURTHER ORDERED that each party shall bear his

own costs involved herein.

Judge of the District Court

1/14/76

APPROVED AS TO FORM AND CONTENT:

James L. Edgar
James L. Edgar
Attorney for Plaintiff
Suite 423, Skyline East
6111 E. Skelly Drive
Tulsa, Oklahoma 74135

R. Doble Langenkamp
R. Doble Langenkamp
Attorney for Trustees
1200 Atlas Life Building
Tulsa, Oklahoma 74103

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

RONNIE GENE CHUMLEY,)
)
Plaintiff,)
)
VS)
)
VAN'S CRANE SERVICE,)
)
Defendant.)

74-C-274 ✓

FILED

JAN 21 1976

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

O R D E R

On January 7, 1976, the Motion for New Trial and Motion for Judgment Notwithstanding Jury Verdict filed by the plaintiff herein came on for hearing. The plaintiff appeared by his attorneys, Chapel, Wilkinson, Riggs & Abney, and the defendant appeared by its attorneys, Best, Sharp, Thomas & Glass. After hearing argument from both attorneys and after due consideration, the Court overruled the Motion for New Trial and the Motion for Judgment Notwithstanding Jury Verdict.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Motion for New Trial and the Motion for Judgment Notwithstanding Jury Verdict be overruled and the plaintiff allowed an exception herein.


UNITED STATES DISTRICT JUDGE

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

J. MURRAY COLBURN,

Plaintiff,

vs.

ROBERT D. STUBBS and GLENDA M. STUBBS,

Defendants,

ROBERT D. STUBBS and GLENDA M. STUBBS,

Third Party Plaintiffs,

vs.

J. MURRAY COLBURN and JACKYE COLLEEN
COLBURN,

Third Party Defendants.

No. 73-C-415

FILED

JAN 19 1976

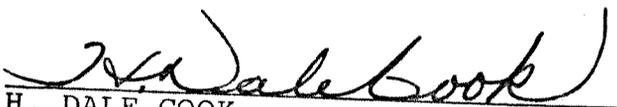
Jack C. Silver, Clerk
U. S. DISTRICT COURT

JUDGMENT

This action came on for non-jury trial before the Court, the Honorable H. Dale Cook, District Judge, presiding. The issues having been duly tried and decision having been duly rendered, the following Order is entered:

IT IS ORDERED AND ADJUDGED that title to the property in issue be quieted in the plaintiff and defendants are hereby ordered to reconvey the property to plaintiff. Defendants are hereby granted a lien on the property for taxes they paid in the amount of \$1,014.80.

Dated at Tulsa, Oklahoma, this 19th day of January, 1976.


H. DALE COOK
United States District Judge

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

J. MURRAY COLBURN,

Plaintiff

vs.

ROBERT D. STUBBS and GLENDA M. STUBBS,

Defendants,

ROBERT D. STUBBS and GLENDA M. STUBBS,

Third Party Plaintiffs,

vs.

J. MURRAY COLBURN and JACKYE COLLEEN
COLBURN,

Third Party Defendants.

No. 73-C-415

FILED

JAN 19 1976

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

MEMORANDUM OPINION

This is an action in equity to quiet the title to certain properties in Delaware County, Oklahoma. The action was originally filed in the District Court of Delaware County, Oklahoma; but for reasons of diversity of citizenship and amount, the matter was removed to this Court for adjudication. The action came on for non-jury trial on November 6, 1975.

Based upon the evidence submitted therein, arguments presented by counsel in their Trial Memorandums and the law applicable to the issues presented, the Court makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. On or about November 25, 1968, November 26, 1968, and April 16, 1969, plaintiff and his wife, Jackye Colleen Colburn, transferred to the defendants Robert D. Stubbs and Glenda M. Stubbs the following described premises by warranty deeds duly executed and recorded in the office of the Register of Deeds of

Delaware County, Oklahoma:

"All of that part of the W 1/2 SW 1/4, Section 29, Township 20 North, Range 24 East, lying West of State Highway 10, East of the I.B.&M, according to the U.S. Government survey thereof.

and

"W 1/2 NE 1/4 and SE 1/4 NE 1/4 and W 1/2 NE 1/4 NE 1/4 and SE 1/4 NE 1/4 NE 1/4 and N 1/2 NE 1/4 SE 1/4 and NE 1/4 NW 1/4 SE 1/4 of Section 30 (30), Township 20 North, Range 24 East, containing 180 acres, more or less, according to the government survey thereof.

and

"NE 1/4 NE 1/4 NE 1/4, Section 30, Township 20 North, Range 24 East, containing 10 acres, more or less, according to the government survey thereof."

2. Said deeds were duly executed, acknowledged and delivered to the defendants.

3. If any monetary consideration was given in exchange for the deeding of the property, the amount paid did not exceed \$10.00 as to each transfer.

4. On or about February 28, 1971, plaintiff and his wife signed and submitted a personal financial statement to the Delaware County Bank for the purpose of securing a loan, and the property at issue herein was represented to be the property of J. Murry Colburn and Jackye Colburn.

5. Plaintiff filed a lis pendens notice on October 16, 1972, in the office of the Register of Deeds of Delaware County, Oklahoma, claiming ownership on behalf of himself and his wife to the premises in question.

6. The plaintiff and Jackye Colleen Colburn were divorced on July 30, 1973, in the case of Jackye Colleen Colburn vs. John Murry Colburn, Case No. JFD-72-270, Osage County, Oklahoma, and therein the divorce decree awards to the plaintiff, J. Murry Colburn, the premises in question herein.

7. Plaintiff resided at the property at issue herein at the time of the purported conveyances and has continued to live

on the property to the present time.

8. Subsequent to 1969, plaintiff has made substantial improvements on the subject property, including the construction of a barn, building of fences, clearing of property and construction of ponds.

9. Defendants have never requested plaintiff to vacate the premises or pay rent for use of the property.

10. According to the Tax Roll of the Delaware County Treasurer, J. Murry Colburn paid the taxes due on the property for the years 1968 and 1974. Robert D. Stubbs paid said taxes for the years 1969, 1972 and 1973.

11. On October 3, 1972, Robert D. Stubbs paid an individual tax sale redemption on the property in the amount of \$392.81.

12. At the time of the execution of the deeds in question by the Colburns, they reasonably anticipated the filing of a lawsuit against J. Murry Colburn. He was in fact sued and a judgment of \$8,000 was secured against him which remains unpaid.

13. Prior to the execution of the deeds in question, Murray J. Colburn and Jackye Colleen Colburn contacted an attorney, Dennis E. Beauchamp, and expressed to him their intent to transfer properties to third parties who would in turn reconvey the property to them as a means of thwarting potential claims of creditors.

14. In addition to the property which is at issue in this case, the Colburns transferred interest in substantially all their properties and assets to the Stubbs at approximately the same time as the purported transfers at issue herein.

15. As to at least one of the properties in question, Robert Stubbs signed a deed, deeding the property back to the Colburns.

16. In order to give the appearance to creditors of a valid purchase and delivery of the property at issue, plaintiff furnished Robert Stubbs money to enable Stubbs to execute checks

back to Colburn representing good and adequate consideration for the property transferred. On the check dated May 21, 1969, for \$12,000.00, Stubbs wrote on the face of the check, "Part Pay't - 180 acres Delaware Co. Balance - \$15,000.00", in accordance with Colburn's instructions. On the check dated August 27, 1969, for \$5,000.00, Stubbs wrote "Paid on Farm" at the request of Colburn.

17. The deeds to the property in question were executed by the Colburns in an attempt to defraud potential creditors. The defendants were aware of the true purpose of the transfers at the time they were made.

CONCLUSIONS OF LAW

Defendants contend that at the time the executed deeds were transferred to them by the Colburns they were not aware that the purpose of the transfer was to defraud potential creditors but rather were told and believed that the Colburns were transferring the properties to them to be held in trust for the Colburns' minor children. However, the facts surrounding the transfer are inconsistent with this proposition. For example, while a party might wish to create a trust for his children in regard to certain of his property, a transfer by a party of substantially all his properties and assets into a trust for his children for no apparent reason would certainly be suspect. In addition, in deposition Robert Stubbs acknowledged that he had signed a deed as to at least one of the properties, transferring it back to the Colburns. This indicates probable knowledge on his part that the Colburns did not intend to permanently relinquish title to the property by creating a trust for the children. Furthermore, the intent of Colburn to give the appearance of a valid transfer to third parties when in fact none had taken place should have been apparent when Colburn gave Stubbs money so that Stubbs could in turn make checks payable to Colburn.

Stubbs even followed Colburn's instructions in regard to notations made on the face of the checks in regard to payment for the land. The Court therefore makes the determination that defendants knew the actual purpose of plaintiff's conveyances of the property and willingly participated in the scheme devised by plaintiff.

Defendants acknowledge that no written trust agreement between the Colburns and the Stubbs was ever executed. Title 60 O.S.1971 § 136 provides:

"No trust in relation to real property is valid unless created or declared:

(1) By a written instrument, subscribed by the Grantor or by his agent thereto authorized by writing.

(2) By the instrument under which the trustee claims the estate affected; or,

(3) By operation of law.

While defendants acknowledge that an express trust must be in writing in order to be valid, they contend that in the case at bar a resulting trust was created. Title 60 O.S.1971 § 137 provides:

"When a transfer of real property is made to one person, and the consideration therefor is paid by or for another, a trust is presumed to result in favor of the person by or for whom such payment is made."

A resulting trust may be established by parol evidence, but the proof necessary to establish it must be clear, unequivocal and decisive. Ward v. Ward, 197 Okl. 551, 172 P.2d 978 (1946). As stated by defendants, the five elements of a resulting trust are (1) conveyance, (2) consideration, (3) intent, (4) separation of legal and equitable titles and (5) a beneficiary. The evidence presented in regard to the consideration given and the intent of the parties is certainly not unequivocal and decisive. In regard to the consideration, plaintiff testified that no consideration was received; defendant testified that a maximum of \$10.00 was given in regard to each deed. Adequate consideration

is therefore certainly questionable. Determinative of the contentions of a resulting trust in this case, however, is the evidence in regard to the intent of the settlor. Both Murry Colburn and Jackye Colburn testified that the primary intent of the parties in transferring the properties to the Stubbs was to defraud potential creditors. The intent of the parties is substantiated by the testimony of Dennis Beauchamp, an attorney, who testified the Colburns consulted him in regard to the proposed scheme to transfer the property to third parties who would in turn reconvey the property to the Colburns in an attempt to place the property out of the reach of potential creditors. While Beauchamp advised against the proposal, the queries by the Colburns clearly indicate their intent. The Court therefore finds that the Colburns' intent in transferring the property was to defraud potential creditors and not to create a trust for the benefit of the children. Therefore, no resulting trust was created.

Defendants cite the general principle of equity that "he who comes into equity must come with clean hands." King v. Antrim Lbr. Co., 70 Okl. 52, 172 P. 958 (1917); Rust v. Gillespie, 90 Okl. 59, 216 P. 480 (1922). To this general rule certain exceptions are recognized by the courts of Oklahoma. The rule does not apply where the property conveyed is the homestead, and hence cannot be reached by the creditors. Bobier v. Horn, 95 Okl. 8, 222 P. 238 (1923); Evans v. Evans, 180 Okl. 46, 67 P.2d 779 (1937); Hickey v. Ross, 197 Okl. 543, 172 P.2d 771 (1946). Evidence was presented that at the time of the conveyances to defraud potential creditors, plaintiff was residing on the property in question and defendant contends in his Trial Brief it was, in fact, his homestead. The question of homestead is not, however, determinative of the application of the doctrine of "clean hands" in the case at bar. In Kunze v. Wilkerson, Okl., 426 P.2d 340 (1967), the Court held "the clean hands maxim is

confined to misconduct in regard to, or at all events in connection with, the matter in litigation, so that it in some way affects the equitable relations subsisting between the two parties and arising out of the same transaction; that this maxim means a clean record with respect to the transaction with defendant, and not with respect to any third party." The plaintiff's unclean hands in regard to his attempt to defraud potential creditors is not the transaction at issue in this case and does not directly affect the equitable relations subsisting between the parties herein. In Kunze, the plaintiff was under the impression a feed company might try to take his property because of a bill for turkey feed. He therefore deeded the property to defendants therein with the understanding they would deed it back to him when he desired. Defendants paid plaintiff nothing for the deed and plaintiff continued to live on the property. The appellate court upheld the trial court's finding that the deeds from plaintiff to defendants were in fact made in trust for the use and benefit of plaintiff.

In Ritter v. Quinn, Okl. App., 521 P.2d 1403 (1974), the evidence was conflicting concerning an agreement to reconvey the property in issue. There was, however, no controversy over the fact that the property which defendants held record title to was conveyed to them by warranty deed by the plaintiff in order to attempt to place the property out of the reach of those who might sue him in the future as a result of an automobile accident. Defendants therein contended the action could not be maintained by plaintiff because he did not come into court with clean hands for the reason that the conveyance was made by plaintiff to defraud his creditors. In Ritter, unlike the case at bar, the Court noted that the record failed to show whether a claim was ever made against the plaintiff from the accident or that there were any creditors defrauded by the transfer. The Court held that the intention of the plaintiff to conceal his

property from the grasp of a possible claimant is not sufficient to bar him from receiving relief from a court of equity. This reasoning may also be applied to the case at bar since at the time of the conveyances in question, no suit had been filed against plaintiff and there existed only the possibility of future claimants. As stated by the Court, quoting from Smith v. Williamson, 208 Okl. 323, 256 P.2d 174 (1953):

"The doctrine of 'clean hands' is not rigid, and it does not operate so as to repel all sinners from a court of equity; as the doctrine is aimed at securing justice and equity, not to aid any one to acquire property in which she has no right."

While this Court looks with disdain upon the intent of plaintiff to defraud possible creditors by the scheme devised and utilized, and certainly does not condone plaintiff's conduct in threatening defendants with bodily harm, the evidence clearly indicates that plaintiff never intended to permanently divest himself of title to the property and merely executed conveyances of the property upon the condition that they would thereafter be reconveyed to plaintiff by defendants, and further that defendants knowingly participated in the scheme.

Defendants have filed a Third Party Complaint naming Jackye Colleen Colburn and J. Murray Colburn as Third Party Defendants, seeking to recover attorneys' fees relating to the protection of the properties in question, expenses and costs relating to the defense of this action. The Court, having determined that no trust for the benefit of the children was ever created or intended and that third-party plaintiffs possessed this knowledge, finds they are not entitled to attorneys' fees or costs. They are, however, entitled to a lien on the property in the amount of the taxes paid by them on the property. Although testimony was conflicting as to whether the Stubbs' actually paid the taxes or whether taxes were paid with money belonging to the Colburns and furnished to the Stubbs', and also is unclear as to the exact years in which Robert Stubbs paid the taxes, the Court will rely

on the records of the Delaware County Treasurer which were submitted into evidence. These records indicate Robert D. Stubbs paid taxes in the amount of \$182.15 for the year 1969, \$226.27 for the year 1972, and \$213.57 for the year 1973. In addition, Individual Tax Sales Redemption Receipts submitted into evidence indicate Robert Stubbs paid the amount of \$392.81 in regard to the property.

It is therefore the determination of the Court that judgment be entered on behalf of plaintiff quieting plaintiff's title to the property and defendants are hereby ordered to reconvey the property to plaintiff. Defendants are hereby granted a lien on the property for taxes paid on the property in the amount of \$1,014.80.

It is so Ordered this 19th day of January, 1976.


H. DALE COOK
United States District Judge

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

FILED

JAN 19 1976

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

KENNETH B. WILLIAMS,
Plaintiff,
vs.
HARDY G. LEWIS,
Defendant.

No. 75-C-125

Order of DISMISSAL

By agreement of the parties, and the Court being advised,
action & complaint are
this cause ~~is~~ hereby dismissed as settled, with prejudice,
each party to bear any costs already incurred without right
to recover said costs from another party.

Ann E. Danow

UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF OKLAHOMA

THIS ORDER TO BE ENTERED:

HALL, ESTILL, HARDWICK, GABLE,
COLLINGSWORTH & NELSON

By *Steph R Clark*
Stephen R. Clark
805 National Bank of Tulsa Bldg.
Tulsa, Oklahoma 74103

ATTORNEY FOR PLAINTIFF

RAY H. WILBURN, ATTORNEY AT LAW

Ray H. Wilburn
603 Beacon Building
Tulsa, Oklahoma 74103

ATTORNEY FOR DEFENDANT

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

NEW DIMENSION LEASING CO.,
INC., a corporation,
Plaintiff,

vs.

CAPITAL MARKETING CORPORATION,
a corporation, FORD MOTOR CREDIT
COMPANY, a corporation, and
ANTHONY FASANELLA, an individual,
Defendants.

No. 75-C-197

FILED

JAN 16 1976

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

ORDER DISMISSING

Now, on this 16th day of January, 1976, there comes on
the Dismissal filed by plaintiff as to the defendant Ford Motor
Credit Company, a corporation, and the Court finds that the
cause of action against the defendant should be dismissed
without prejudice.

IT IS THEREFORE ORDERED that the cause of action against
Ford Motor Credit Company be dismissed without prejudice.

Allen E. Bonaw

Judge

JAN 15 1976

Jack C. Silver, Clerk

U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF OKLAHOMA

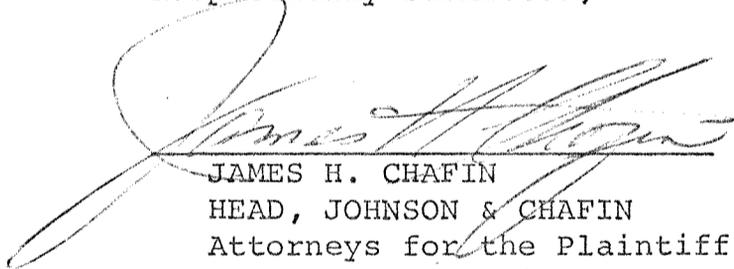
MALONEY-CRAWFORD TANK CORPORATION,)	
)	
Plaintiff,)	
)	
v.	)	No. 75-C-566
)	
BLACK, SIVALLS & BRYSON, INC.,)	
a subsidiary of INTERNATIONAL)	
SYSTEMS AND CONTROLS CORPORATION,)	
)	
Defendant.)	

NOTICE OF DISMISSAL

COMES NOW the plaintiff, pursuant to Rule 41 (a) (1), does voluntarily dismiss without prejudice the above entitled action against the defendant.

Plaintiff further states that it has never, in any Court of the United States or of any state, dismissed an action based on or including the same claim.

Respectfully submitted,



JAMES H. CHAFIN
HEAD, JOHNSON & CHAFIN
Attorneys for the Plaintiff
212 Beacon Building
Tulsa, Oklahoma 74103
(918) 584-4187

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Dismissal was mailed, first class mail, postage prepaid, to C. Clark Dougherty, Jr., Laney, Dougherty, Hessin & Fish, 1401 Midland Center, 134 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102, attorney for the defendant, on this 15th day of January, 1976.



JAMES H. CHAFIN

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

UNITED STATES OF AMERICA and)
HOMER C. WALKER, Revenue Officer)
Internal Revenue Service,)
)
) Petitioners,)
)
vs.) Civil No. 75-C-564)
)
RUTHE O. JONES)
)
) Respondent.)

Civil No. 75-C-564

FILED

JAN 15 1976 *hm*

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

ORDER DISCHARGING RESPONDENT
AND DISMISSAL

On this 15th day of January, 1976, 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 September 25, 1975, that further proceedings herein are unnecessary and that the Respondent, Ruthe O. Jones, should be discharged and this action dismissed upon payment of \$49.76 costs by Respondent.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COURT that the Respondent, Ruthe O. Jones, be and she is hereby discharged from any further proceedings herein and this action is hereby dismissed upon payment of \$49.76 costs by said Respondent.

W. Dale Book
UNITED STATES DISTRICT JUDGE

APPROVED:

Kenneth P. Snoke
KENNETH P. SNOKE
Assistant United States Attorney

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

ELAIN BURDGE, Administratrix)
of the Estate of William Leo)
Burdge, Deceased, and ELAIN)
BURDGE, next friend of YVONNE)
LYNN BURDGE, a Minor,)
)
Plaintiffs,)
)
-vs-)
)
SAND SPRINGS RAILWAY COMPANY,)
)
Defendant.)

FILED
IN OPEN COURT

JAN 15 1976

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

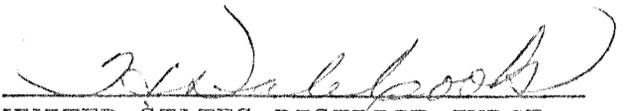
CIVIL ACTION NO. 75-C-50 ✓

JOURNAL ENTRY OF JUDGMENT

On this 15th day of January, 1976, the above cause comes on for hearing. Elain Burdge appears in person, as Administratrix of the Estate of William Leo Burdge, Deceased, and as next friend of Yvonne Lynn Burdge, a minor, daughter of said Elain Burdge and William Leo Burdge, deceased, and by her attorneys Ratner, Mattox, Ratner, Ratner & Barnes and Baker, Baker & Martin by Patrick L. Dougherty and Jay C. Baker. Defendant, Sand Springs Railway Company, appears by its attorneys, Doerner, Stuart, Saunders, Daniel & Langenkamp by William C. Anderson. All parties waived trial by jury and setting or trial assignment, and the Court proceeded to hear the evidence. The Court, being fully advised in the premises, finds that Plaintiffs should have and recover of and from the Defendant the sum of \$40,000.00 and Court costs. The Court further finds that no conflict of interest appears between the adult Plaintiff and the minor Plaintiff.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that Plaintiff, Elain Burdge, Administratrix of the Estate of William Leo Burdge, Deceased, and Elain Burdge, next friend of Yvonne

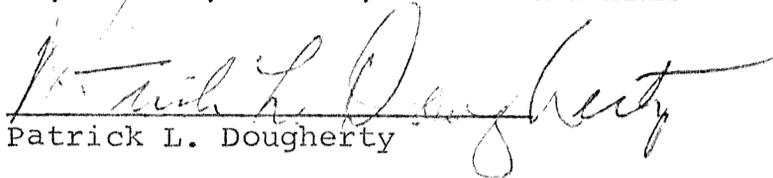
Lynn Burdge, a minor, have and recover of and from the Defendant judgment in the sum of \$40,000.00 and Court costs.


UNITED STATES DISTRICT JUDGE

APPROVED:

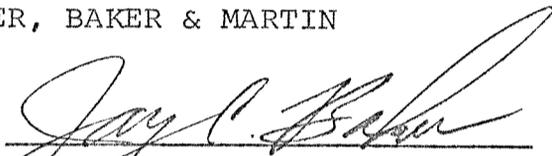
RATNER, MATTOX, RATNER, RATNER & BARNES

BY:


Patrick L. Dougherty

BAKER, BAKER & MARTIN

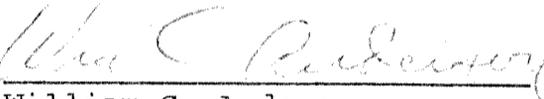
BY:



Attorneys for Plaintiffs

DOERNER, STUART, SAUNDERS, DANIEL & LANGENKAMP

BY:


William C. Anderson

Attorneys for Defendant

IT IS, THEREFORE, ORDERED that that the Defendant's Motion
For Summary Judgment be and the same is hereby sustained.

ENTERED this 15th day of January, 1976.



CHIEF UNITED STATES DISTRICT JUDGE

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

IN RE)
)
ROSE HOMES, INC.,)
)
Bankrupt,)
)
WARREN L. McCONNICO, Trustee,)
)
Plaintiff,)
)
vs.)
)
ALLIANCE BUSINESS INVESTMENT)
COMPANY,)
)
Defendant.)

FILED

JAN 15 1976

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

Bankruptcy Number
71-B-1107

JOURNAL ENTRY OF JUDGMENT

On this 15th day of January, 1976, this matter was presented to the undersigned United States District Court Judge pursuant to the mandate issued by the United States Court of Appeals for the Tenth Circuit, Case Number 75-1178, on December 11, 1975, reversing the previous Order of this Court Sustaining Findings of Fact, Conclusion of Law and Judgment of Bankruptcy Judge entered on January 10, 1975. The mandate remanded the action to this Court for further proceedings in accordance with the decision and judgment entered by the United States Court of Appeals on November 19, 1975.

Therefore, in accordance with the mandate and decision of the United States Court of Appeals for the Tenth Circuit, this Court ORDERS, ADJUDGES AND DECREES as follows:

1. The mandate and decision of the United States Court of Appeals for the Tenth Circuit, Case Number 75-1178, reversing and remanding the Order and Judgment entered by this Court on January 10, 1975, is hereby adopted in full.

2. The Order of this Court Sustaining Findings of Fact, Conclusions of Law and Judgment of Bankruptcy Judge is vacated, and the action filed by the plaintiff against the defendant on March 25, 1974, is dismissed.

3. The appeal bond filed by the defendant in the amount of \$250 is exonerated, and the Clerk of this Court is directed to refund such amount to the defendant.

4. The plaintiff is assessed the costs of \$65.00 as set forth in the mandate issued by the United States Court of Appeals for the Tenth Circuit.

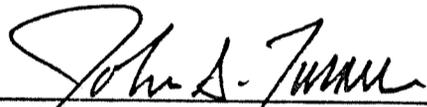


UNITED STATES DISTRICT COURT JUDGE

APPROVED AS TO FORM:



Mitchell D. O'Donnell
Attorney for Plaintiff



John S. Turner
Attorney for Defendant.

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

UNITED STATES OF AMERICA and)
HOMER C. WALKER, Revenue Officer)
Internal Revenue Service,)

Petitioners,)

vs.)

Civil No. 75-C-564

RUTHE O. JONES)

Respondent.)

FILED

JAN 15 1976

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

ORDER DISCHARGING RESPONDENT
AND DISMISSAL

On this 15th day of January, 1976, 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 September 25, 1975, that further proceedings herein are unnecessary and that the Respondent, Ruthe O. Jones, should be discharged and this action dismissed upon payment of \$49.76 costs by Respondent.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED BY THE COURT that the Respondent, Ruthe O. Jones, be and she is hereby discharged from any further proceedings herein and this action is hereby dismissed upon payment of \$49.76 costs by said Respondent.

W. Dale Book
UNITED STATES DISTRICT JUDGE

APPROVED:

Kenneth P. Snoke
KENNETH P. SNOKE

Assistant United States Attorney

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

THE UNITED STATES OF AMERICA)
 FOR AND ON BEHALF OF)
 ROBERT W. HORRALL, doing business)
 as HORRAL CONSTRUCTION COMPANY,)
)
 Plaintiff,)
)
 vs.)
)
 KANDY, INC., a corporation, and)
 INDUSTRIAL INDEMNITY COMPANY,)
 a corporation,)
)
 Defendants.)

Civil No. 75-C-253

E I L E D

JAN 14 1976

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

ORDER OF DISMISSAL WITH PREJUDICE

On this 14th day of January, 1976, came on to be considered the motion of the parties in the above entitled and numbered cause for dismissal of said cause, and it appearing to the Court that all rights of both Plaintiff and Defendants, and all matters in controversy have been settled; That such cause, including the cross-action of Defendant, should be dismissed with prejudice.

IT IS ACCORDINGLY ORDERED, ADJUDGED AND DECREED BY THE COURT That said cause, including the cross-action of Defendant, be, and the same is hereby, dismissed with prejudice.

Costs herein are adjudged against the parties incurring the same.



H. DALE COOK
United States District Judge

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

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
 vs.)
)
 JAMES STOKES, JR., a/k/a)
 JAMES HAROLD STOKES, KATHLEEN)
 C. STOKES, BOARD OF COUNTY)
 COMMISSIONERS, Tulsa County,)
 Oklahoma, and COUNTY TREASURER,)
 Tulsa County, Oklahoma,)
)
 Defendants.)

CIVIL ACTION NO. 75-C-417 ✓

FILED 4
JAN 13 1976

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

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 13th
day of January, 1976, the Plaintiff appearing by Robert P.
Santee, Assistant United States Attorney; and the Defendants,
County Treasurer, Tulsa County, Oklahoma, and Board of County
Commissioners, Tulsa County, Oklahoma, appearing by its attorney,
Gary J. Summerfield, Assistant District Attorney; and, the
Defendants, James Stokes, Jr., a/k/a James Harold Stokes, and
Kathleen C. Stokes, appearing not.

The Court being fully advised and having examined
the file herein finds that Defendants, County Treasurer, Tulsa
County, Oklahoma, and Board of County Commissioners, were served
with Summons and Complaint on September 11, 1975; that Defendant,
James Stokes, Jr., a/k/a James Harold Stokes, was served with
Summons and Complaint on September 22, 1975; as appears from the
United States Marshal's Service herein; and that Defendant,
Kathleen C. Stokes, was served by publication as shown on the
Proof of Publication filed herein.

It appearing that the Defendants, County Treasurer,
Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa
County, Oklahoma, have duly filed its answers herein on September 23,
1975; and that Defendants, James Stokes, Jr., a/k/a James Harold
Stokes, and Kathleen C. Stokes, 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 Fifty-five (55), Block Two (2), in SUBURBAN ACRES THIRD ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

THAT the Defendant, James Stokes, Jr., did, on the 3rd day of April, 1974, execute and deliver to the Administrator of Veterans Affairs, his mortgage and mortgage note in the sum of \$9,500.00 with 8 1/4 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that Defendant, James Stokes, Jr., made default under the terms of the aforesaid mortgage note by reason of his failure to make monthly installments due thereon for more than 12 months last past, which default has continued and that by reason thereof the above-named Defendant is now indebted to the Plaintiff in the sum of \$9,647.69 as unpaid principal with interest thereon at the rate of 8 1/4 percent per annum from July 1, 1974, 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 Defendant, James Stokes, Jr., a/k/a James Harold Stokes, the sum of \$ -0- plus interest according to law for real estate taxes for the year(s) _____ 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 Defendant, James Stokes, Jr., in personam, for the sum of \$9,647.69 with interest

thereon at the rate of 8 1/4 percent per annum from July 1, 1974, 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 Defendant, James Stokes, Jr., a/k/a James Harold Stokes, for the sum of \$ -0- as of the date of this judgment plus interest thereafter according to law for real estate taxes, 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 Defendant, Kathleen C. Stokes.

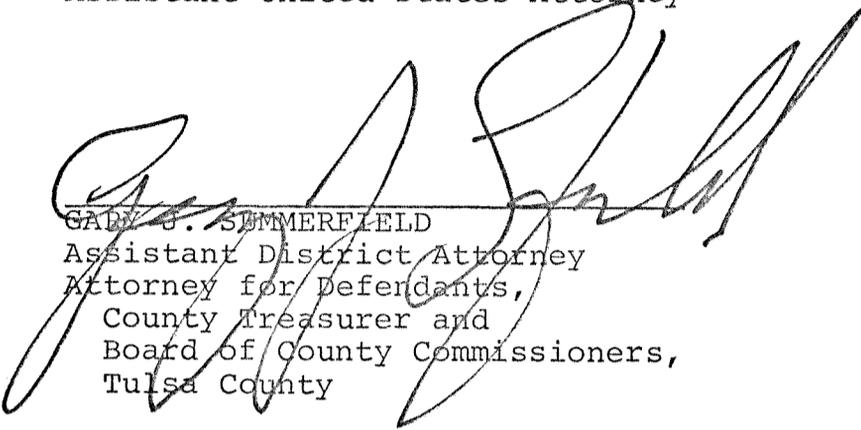
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that upon the failure of said Defendant to satisfy Plaintiff's money judgment herein, an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisement the real property and apply the proceeds thereof in satisfaction of Plaintiff's judgment, which sale shall be subject to the 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. Specifically, including any lien for personal property taxes which may have been filed during the pendency of this action.


UNITED STATES DISTRICT JUDGE

APPROVED


ROBERT P. SANTEE
Assistant United States Attorney


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

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

STILLINGS TRANSPORTATION)
CORPORATION, An Oklahoma)
Corporation,)
)
Plaintiff,)
)
vs.)
)
SOUTHERN CAR SERVICE, INC.,)
)
Defendant.)

No. 75-C-441

FILED

JAN 13 1976

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

O R D E R

Defendant herein, Southern Car Service, Inc., has filed a Motion to Dismiss the above-styled action based upon its contention that this Court has no jurisdiction over defendant.

After a thorough examination of the briefs filed in support and in opposition to the motion and the law relating thereto, it is the determination of the Court that defendant's Motion to Dismiss should be sustained based upon the following.

In the Federal Courts, as in Courts of limited jurisdiction, the presumption is that the Court is without jurisdiction unless the contrary appears. Grace v. American Central Ins. Co., 109 U.S. 278, 3 S.Ct. 207, 27 L.Ed. 932 (1883). The burden of proving that jurisdiction and venue are proper is on the plaintiff once jurisdiction and venue are challenged. Aro Manufacturing Co. v. Automobile Body Research Corp., 352 F.2d 400 (1st Cir. 1965).

According to the affidavit filed on behalf of defendant, Southern Car Service, Inc. is incorporated under and by virtue of the laws of the State of Alabama with its principal place of business in Montgomery, Alabama. Defendant owns no property in the State of Oklahoma and is not licensed to do business in Oklahoma. According to the uncontroverted affidavit of plaintiff's Vice President, at the time the rental agreements which form the

basis of this lawsuit were entered into plaintiff's rental agent, Fred Rollwagen, operated out of a Kansas City, Kansas, business office.

Plaintiff apparently bases its contention that defendant has had sufficient contact with the State of Oklahoma to be amenable to Oklahoma service of process solely upon the fact that defendant made payments pursuant to the terms of their agreement to plaintiff's Tulsa, Oklahoma, office.

Plaintiff contends this Court may exercise in personam jurisdiction over the defendant pursuant to the provisions of Rules 4(e) and 4(d)(3) and (7) of the Federal Rules of Civil Procedure, 28 U.S.C. and Title 12 O.S.(1971) § 187 and § 1701.03. Title 12 O.S. 1971 § 1701.03 makes a party amenable to in personam jurisdiction if he involves himself in the transacting of any business within the State of Oklahoma. The only limitation placed upon a court in exercising in personam jurisdiction over non-residents transacting any business in Oklahoma is that of due process. Vacu-Maid, Inc. v. Covington, Okl., 530 P.2d 137 (1974). This limitation is known as the "minimum contacts" rule pronounced by the United States Supreme Court in International Shoe Co. v. State of Washington, 326 U.S. 310, 66 S.Ct. 154, 90 L.Ed. 95 (1945).

The Supreme Court extended the minimum contacts rule in McGee v. International Life Ins. Co. 355 U.S. 220, 788 S.Ct. 199, 2 L.Ed. 2d 223 (1957). From McGee and International Shoe, we find the rule to be that a nonresident of the forum is subject to in personam jurisdiction in the forum with which he had minimum contacts, providing maintenance of the suit does not offend traditional notions of fair play and substantial justice. Just what amounts to minimum contacts must be decided by the facts of each individual case. Vacu-Maid, supra.

The courts of Oklahoma have made it clear that the Oklahoma long-arm statutes were intended to extend the jurisdiction of Oklahoma courts over nonresidents to the outer limits permitted by the due process requirements of the Fourteenth Amendment of the United States Constitution. Vacu-Maid, Inc., v. Covington, supra; Carmack v. Chemical Bank New York Trust Co., Okl., 536 P.2d 897 (1975); Yankee Metal Products Co. v. District Court of Oklahoma, Okl., 528 P.2d 311 (1974); Vemco Plating, Inc., v. Denver Fire Clay Co. 496 P.2d 117 (1972); Crescent Corp. v. Martin, Okl., 443 P.2d 111 (1968); Simms v. Hobbs, Okl., 411 P.2d 503 (1966); Marathon Battery Co. v. Kilpatrick, Okl., 418 P.2d 900 (1965). There is no question but that in personam jurisdiction will be upheld in Oklahoma where the nonresident defendant is a seller who has shipped goods into Oklahoma, even if such shipment was an isolated or infrequent occurrence. See. Vemco Plating, Inc., v. Denver Fire Clay Co., supra. However, the Oklahoma courts are more reticent to uphold in personam jurisdiction when the defendant is a nonresident buyer. Vacu-Maid, supra. As stated in Vacu-Maid, "The reason most often given for this buyer-seller distinction is that the seller is the aggressor or initiator in the forum and by selling his product in the state he receives the benefit and protection of the forum state's laws, and hopefully profits from its business therein. Further, allowing jurisdiction over 'passive' buyers would tend to extinguish state lines and also to discourage out-of-state purchasers from dealing with resident sellers." This same distinction logically may be applied to a rental transaction, wherein the rentor initiates the transaction. In Vacu-Maid, the plaintiff seller sought defendant out in North Carolina and solicited his business. Defendant thereafter made a single visit to Oklahoma to get better acquainted with the products he was to sell for plaintiff. All the orders taken from defendant were by telephone and they were shipped freight collect directly to North Carolina.

The Court held that, "With these facts in mind, we think [defendant] falls more nearly within the passive purchaser category, and the additional factor of the goods being shipped f.o.b. Ponca City [Oklahoma] is not sufficient to increase defendant's contacts above the "minimum" level. . . . [Defendant's] chief contact in this state was that [plaintiff] manufactured the goods here." The court, quoting from Hanson v. Denckla, 357 U.S. 235, 78 S.Ct. 1228, 2 L.Ed. 2d 1283 (1958) reiterated:

"The unilateral activity of those who claim relationships with a nonresident defendant cannot satisfy the requirement of contact with a forum State [I]t is essential in each case that there be some act by which the defendant purposefully avails itself of the privilege of conducting activities within the forum State, thus invoking the benefits and protections of its laws."

In the case at bar, plaintiff having rented tank cars to defendant, plaintiff falls within the category of the initiator of the transaction or "seller." Defendant falls more nearly within the passive "purchaser" category and therefore, in keeping with Vacu-Maid, it is the determination of the Court that defendant's contacts with the State of Oklahoma, consisting of the payment of invoices to plaintiff's office in Tulsa, Oklahoma, does not meet the "minimum contacts" requirements of due process. Therefore, the maintenance of the suit does not comport with traditional notions of fair play and substantial justice and defendant's Motion to Dismiss is hereby sustained.

It is so Ordered this 13th day of January, 1976.


H. DALE COOK
United States District Judge

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

JOHN D. TIMMONS,)
)
 Plaintiff,)
)
 vs.)
)
 ROYAL-GLOBE INSURANCE COMPANY,)
)
 Defendant.)

No. 74-C-309

E I L E D

JAN 13 1976

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

JUDGMENT

On October 28, 1975, this action was submitted for determination by the Court, the Honorable H. Dale Cook, District Judge presiding, based upon the stipulations, exhibits, depositions and proposed pre-trial orders of the parties. The issues having been duly presented and decision having been duly rendered, the following Order is entered:

IT IS ORDERED AND ADJUDGED that as to the first cause of action, plaintiff be awarded the sum of \$20,000.00, plus costs and interest; that as to the second cause of action, plaintiff be awarded the specific performance requested; and that the third cause of action be dismissed without prejudice.

Dated at Tulsa, Oklahoma, this 13th day of January, 1976.



H. DALE COOK
United States District Judge

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

CAROLINE M. HOLCOMB,
Plaintiff,
vs.
DR. J. E. HOLCOMB,
Defendant.

)
)
)
)
)
)
)
)
)
)

No. 75-C-84 ✓

FILED
JAN 13 1976

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

O R D E R

On December 19, 1975, the Court entered judgment on behalf of plaintiff in the above-styled action. Thereafter, on December 29, 1975, defendant filed a Motion for New Trial.

Defendant first contends that the Court overlooked the cases of Mitchim v. Mitchim, Tex., 509 S.W.2d 720 (1974) and May v. Anderson, 345 U.S. 528, 73 S.Ct. 840, 97 L.Ed. 1221 (1953) in its determination of the issues involved herein. Defendant relies on said cases to support his contention "that the purported personal service upon the defendant in Oklahoma was not sufficient to confer personal jurisdiction over the defendant by the Texas court." In both Mitchim and May, the original divorce proceeding was ex parte. The courts recognized that an order to pay alimony, as well as an order in regard to child custody is an in personam judgment, and personal jurisdiction over the parties is a pre-requisite. As stated in the Memorandum Opinion of December 19, 1975, this Court does not take issue with defendant's contention that the reduction of alleged support payment arrearages to a money judgment is an in personam judgment and to be valid a court rendering such judgment must have personal jurisdiction over the defendant. Unlike the factual situation in Mitchim and May, however, in the case at bar the parties stipulated that the husband personally appeared in the divorce proceedings

in Texas and the jurisdiction of the divorce court to award child support is not questioned. It was the holding of this Court that pursuant to the law of Texas, the Texas court maintained continuing in personam jurisdiction and, in accordance with Section 14.09 of the newly enacted Family Code of Texas the court entered "judgment against the defaulting party . . . after ten (10) days' notice to the defaulting party of his failure or refusal to carry out the terms of the order."

Defendant further submits that the Court overlooked the specific language of the Oklahoma statute involving the Uniform Reciprocal Enforcement of Support Act which defendant submits permits modification of the Texas support order by the Oklahoma court. While this Court seriously questions defendant's contention that the modification of the support order by the Oklahoma court was proper or binding, this Court does not reach that issue. This Court considered defendant's collateral attack in regard to the personal jurisdiction of the Texas court. However, once the determination was made that the court rendering judgment had both subject matter jurisdiction and the required jurisdiction over the parties, that judgment was conclusive of the matter it decided and cannot be collaterally attacked as to the merits. Bass v. Hoagland, 172 F.2d 205 (5th Cir. 1949). If the Texas court erred in not recognizing the Oklahoma modification or in its determination of the amount in default, those matters are not now subject to collateral attack in this Court. Defendant had the opportunity to apprise the Texas court of the purported modification and present arguments in support thereof. Defendant also had the opportunity to pursue a direct appeal of the determination in the courts of the State of Texas. Defendant does not, however, have the opportunity to collaterally attack the merits of the judgment in this Court.

It is therefore the determination of the Court that defendant's Motion for New Trial should be and hereby is overruled.

It is so Ordered this 13th day of January, 1976

A handwritten signature in cursive script, appearing to read "H. Dale Cook", written over a horizontal line.

H. DALE COOK
United States District Judge

FILED

JAN 12 1976

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. 75-C-420
)	
)	
NORMAN L. HARDRICK and)	
MAYOLA HARDRICK,)	
)	
Defendants.)	

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 12th day of January, 1976, the Plaintiff appearing by Robert P. Santee, Assistant United States Attorney, and the Defendants, Norman L. Hardrick and Mayola Hardrick, appearing not.

The Court being fully advised and having examined the file herein finds that Defendants, Norman L. Hardrick and Mayola Hardrick, were served with Summons and Complaint on September 22, 1975, both as appears from the U.S. Marshals Service herein.

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

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

The northerly 52 feet of Lot 13, and the southerly 4 feet of Lot 14, in Block 105, in the City of Vinita, Oklahoma, approved plat thereof.

THAT the Defendants, Norman L. Hardrick and Mayola Hardrick, did, on the 29th day of December, 1972, execute and deliver to the United States of America, acting through the Farmers Home Administration, their mortgage and mortgage note

in the sum of \$14,100.00 with 7 1/4 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that Defendants, Norman L. Hardrick and Mayola Hardrick, made default under the terms of the aforesaid mortgage note by reason of their failure to make monthly installments due thereon for more than five months last past, which default has continued and that by reason thereof the above-named Defendants are now indebted to the Plaintiff in the sum of \$13,957.96 as unpaid principal with interest thereon at the rate of 7 1/4 percent per annum from July 31, 1975, 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, Norman L. Hardrick and Mayola Hardrick, in personam, for the sum of \$13,957.96 with interest thereon at the rate of 7 1/4 percent per annum from July 31, 1975, 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.

W. Allen E. Barrow
United States District Judge

APPROVED



ROBERT P. SANTEE
Assistant United States Attorney

bcs

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

ROBERT EARL HALL,)
)
) Petitioner,)
vs.)
)
)
STATE OF OKLAHOMA, et al.,)
)
) Respondents.)

NO. 75-C-565 ✓

E I L E D

JAN 12 1976 J.

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

O R D E R

The Court has for consideration the pro se, in forma pauperis petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 filed by the Petitioner, Robert Earl Hall.

Upon review thereof, the Court finds that Petitioner is a prisoner at the Vocational Training Center, Stringtown, Oklahoma, pursuant to conviction by jury of burglary, second degree, after former conviction of a felony and sentence to 25 years in the District Court of McCurtain County, Oklahoma, Case No. CRF-74-199. The Court finds that both, the State Court wherein the Petitioner was convicted and sentenced, and the institution wherein the Petitioner is in custody, are within the territorial jurisdiction of the United States District Court for the Eastern District of Oklahoma; and should an evidentiary hearing be required herein that in the furtherance of justice this cause should be transferred to the Eastern District of Oklahoma pursuant to 28 U.S.C. § 2241(d) for determination.

IT IS, THEREFORE, ORDERED that this cause be and it is hereby transferred to the United States District Court for the Eastern District of Oklahoma for any necessary hearings and for determination of the petition for writ of habeas corpus of Robert Earl Hall.

Dated this 12th day of January, 1976, at Tulsa, Oklahoma.



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

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

CHARLES F. HOFFMAN, et al.,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,
et al.,

Defendants.

)
)
)
) 74-C-484
)
)
)
)
)
)
)

FILED

JAN 12 1976

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

ORDER DISMISSING FOR FAILURE TO
PROSECUTE

On December 11, 1975, this Court, by Order entered that date, ordered the following:

"The Court notes that this case remains open as to the Complaint of plaintiffs as to the defendant, Henry Hoffman Trust, whose Trustees are First National Bank of Miami, Oklahoma and Paul S. Wilson.

"The plaintiffs are directed to contact the defendant, Henry Hoffman Trust, and conduct a pre-trial without the presence of the Court within 15 days from this date, and to file and submit an agreed pre-trial order for signature of the Court within 5 days thereafter.

"ENTERED this 11th day of December, 1975."

No pre-trial order has been submitted and no extension granted by this Court.

SUA SPONTE, IT IS, THEREFORE, ORDERED that this complaint and cause of action be and the same are hereby dismissed for failure to prosecute.

ENTERED this 12 day of January, 1976.



CHIEF UNITED STATES DISTRICT JUDGE

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

JOHN G. BOOKOUT, RECEIVER OF
MODERN HOME LIFE INSURANCE COMPANY,
an Alabama corporation,

Plaintiff,

vs.

OUACHITA INVESTMENT AND LOAN
CORPORATION, a Louisiana
corporation; MACYN, INC., a
Louisiana corporation; LARRY ZUMWALT;
and L. A. EDWARDS, JR.,

Defendants.

No. 75-C-83 ✓

FILED

JAN 9 1976 *de*

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

ORDER

NOW, on this 9th day of January, 1976, it appearing to the
Court that the plaintiff and the defendant, L. A. Edwards, Jr.,
have dismissed this action with prejudice; and it further appearing
that the plaintiff has dismissed its action without prejudice against
the other defendants herein. It is therefore

ORDERED, ADJUDGED AND DECREED that this ^{action and complaint} action be and the same
is hereby dismissed with prejudice as to the defendant L. A. Edwards,
Jr., and without prejudice as to the remaining defendants.

Allen E. Benson
District Judge

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

DAVID C. HESTER,)
)
Plaintiff,)
)
-vs-)
)
R. H. BEARD a/k/a BOB BEARD)
)
Defendant.)

No. 75-C-536

FILED
JAN 9 1976

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

JOURNAL ENTRY

This matter coming on before the undersigned Judge of the District Court upon the written motion of the plaintiff to grant default judgment against the defendant, to determine and assess attorney's fees and to tax cost, the Court having reviewed the file, heard counsel and being fully advised finds that the following order should issue;

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment be entered against the defendant for six thousand dollars (\$6,000.00) as prayed for in plaintiff's petition, attorney's fees in the amount of four hundred fifty dollars (\$450.00) plus costs of this action for all of which let execution issue.



Dale Cook
Judge of the District Court

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

FRED RIZK,
Plaintiff,
vs.
F. W. WOOLWORTH COMPANY,
Defendant,
and
THE HANSON DEVELOPMENT COMPANY,
THORNTON ASSOCIATES, and
CROSSTOWN ASSOCIATES,
Defendants
and Third Party Plaintiffs,
vs.
MAURICE FERRIS,
Third Party Defendant.

No. 74-C-142

FILED
IN OPEN COURT

JAN 9 - 1976

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

ORDER DISMISSING COUNTERCLAIM
AND CROSS CLAIM OF F. W. WOOL-
WORTH COMPANY WITHOUT PREJUDICE

It appearing that the claims of the plaintiff against the defendant F. W. Woolworth Company have been dismissed pursuant to order entered herein on January 5, 1976, and upon motion of the said defendant, F. W. Woolworth Company, tendered at a pre-trial hearing held in the above cause on January 9, 1976;

IT IS ORDERED that the counterclaim of the defendant F. W. Woolworth Company against the plaintiff, and the cross claim of said defendant against its co-defendants be and the same are hereby dismissed without prejudice to a further and future refiling.

Dated this 9th day of January, 1976.

W. Dale Cook
UNITED STATES DISTRICT JUDGE

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

ALFRED C. WALLACE,)
JOHNNY C. WALLACE, and)
JERRY D. WALLACE,)
)
Plaintiffs,)
vs.)
)
BILLY FRANK CANNON,)
)
Defendant.)

FILED
JAN 5 1976 *sc*
Jack C. Silver, Clerk
U. S. DISTRICT COURT

No. 75-C-282 ✓

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

Come now the parties and, pursuant to Rul3 41 and pursuant to a compromise settlement agreement between the parties, jointly stipulate and agree that plaintiffs' causes be, and the same are dismissed with prejudice.

DONE AND DATED this 5 day of JANUARY, 1976.

ALFRED C. WALLACE
JOHNNY C. WALLACE
JERRY D. WALLACE
By James E. Driscoll
James E. Driscoll, Attorney

BILLY FRANK CANNON
By John R. Woodard III
John R. Woodard III, Attorney

JAMES E. DRISCOLL
P. O. Box 1254
Seminole, Oklahoma 74868

GREEN, FELDMAN & HALL
816 Enterprise Building
Tulsa, Oklahoma 74103

BUCK CARTWRIGHT
Suite 214, Aldridge Building
Wewoka, Oklahoma 74884

Attorneys for Defendant

Attorneys for Plaintiffs . . .

FILED
JAN 8 1976 *sc*
ORDER OF DISMISSAL WITH PREJUDICE

being fully advised in the premises and on consideration of the above and foregoing Joint Stipulation of Dismissal with Prejudice, finds that such order should issue.

BE IT, THEREFORE, ORDERED, ADJUDGED AND DECREED that plaintiffs' causes ^{of action / complaint} be and the same are dismissed with prejudice.

DONE AND DATED this 8th day of January, 1976.

Allen E. Barrow
Allen E. Barrow
United States District Judge

FILED

JAN 7 1976

Jack C. Shea
U. S. DISTRICT

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.	)	CIVIL ACTION NO. 75-C-517
)	
STEVE HART and ONIE B. HART,)	
)	
Defendants.)	

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 7th day of January, 1976, the Plaintiff appearing by Robert P. Santee, Assistant United States Attorney; and the Defendants, Steve Hart and Onie B. Hart, appearing not.

The Court being fully advised and having examined the file herein finds that Defendant, Onie B. Hart, was served with Summons and Complaint on November 20, 1975, and that Defendant, Steve Hart, was served with Summons and Complaint on December 2, 1975, as appears from the United States Marshal's Service herein.

It appearing that the said Defendants, Steve Hart and Onie B. Hart, have failed to answer herein and that default has been entered by the Clerk of this Court.

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

Lot Thirteen (13), Block Forty-Three (43), VALLEY VIEW ACRES SECOND ADDITION to the City of Tulsa, Tulsa County, Oklahoma, according to the recorded plat thereof.

THAT the Defendants, Steve Hart and Onie B. Hart, did, on the 20th day of December, 1973, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note

in the sum of \$10,000.00 with 6 percent interest per annum, and further providing for the payment of monthly installments of principal and interest.

The Court further finds that Defendants, Steve Hart and Onie B. Hart, made default under the terms of the aforesaid mortgage note by reason of their 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 Defendants are now indebted to the Plaintiff in the sum of \$9,906.88 as unpaid principal with interest thereon at the rate of 6 percent per annum from April 1, 1975, 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, Steve Hart and Onie B. Hart, for the sum of \$9,906.88 with interest thereon at the rate of 6 percent per annum from April 1, 1975, 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. Specifically including any lien for personal property taxes which may have been filed during the pendency of this action.

s/Allen G. Barrow
UNITED STATES DISTRICT JUDGE

APPROVED:


ROBERT P. SANTEE
Assistant United States Attorney

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

FILED

JAN 7 1976

PETTETT MANUFACTURING COMPANY, INC.,)
)
 Plaintiff,)
)
 vs.)
)
 JONES MANUFACTURING COMPANY, INC.,)
)
 Defendant.)

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

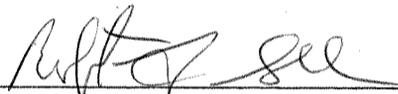
No. 74-C-202

STIPULATION OF
DISMISSAL WITH PREJUDICE

It is hereby stipulated that the above-entitled action by plaintiff against the defendant, including, without limitation, all the claims contained therein or claims that may be, hereby are dismissed with prejudice and without costs.

Dated this 7th day of January, 1976.

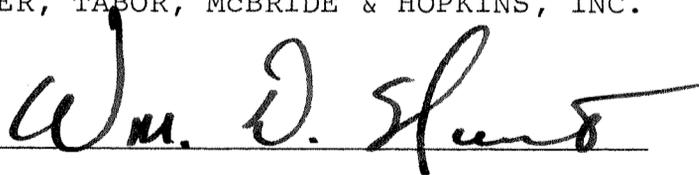
WALLACE & OWENS

BY: 

Attorney for Plaintiff

P. O. Box 1168
Miami, Oklahoma 74354

RUCKER, TABOR, McBRIDE & HOPKINS, INC.

BY: 

Attorney for Defendant

P. O. Box 1439
Tulsa, Oklahoma 74101

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

FILED

JAN 7 - 1976

GAYLORD W. MARTIN, a/k/a G.W.)
MARTIN,)

Plaintiff,)

-v-)

JULIAN K. CODDING et. al.,)

Defendant.)

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

Civil No. 75-C-400

O R D E R

The motion of plaintiff for dismissal of the above-entitled action without prejudice came on regularly for hearing on 7 day of January, 1976 and it appearing that the defendant, Julian R. Coddling, makes no counterclaim against plaintiff and will not be substantially prejudiced by a dismissal,

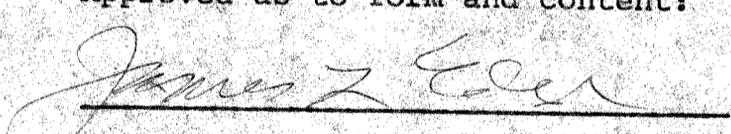
IT IS HEREBY ORDERED that the above-entitled action be, and it hereby is, dismissed without prejudice as to defendant, Julian R. Coddling.

IT IS FURTHER ORDERED that each party shall bear his own costs involved herein.

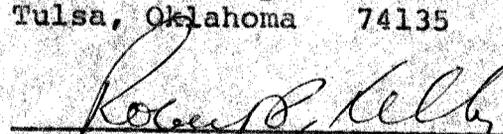


Judge of the District Court

Approved as to form and content:



James L. Edgar
Attorney for Plaintiff
Suite 423 Skyline East
6111 E. Skelly Drive
Tulsa, Oklahoma 74135



Mr. Robert Kelly
Kelly & Gambill, Attorneys
6th at Kihekah Street
Pawhuska, Oklahoma 74056

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

FILED

JAN 6 1976

John C. Sizer, Clerk
U. S. DISTRICT COURT

ARB (American Research Bureau, Inc.),)
A Corporation,)
)
Plaintiff,)
)
vs.)
)
SAN ANTONIO BROADCASTING COMPANY,)
INC., d/b/a KXXO and KMOD,)
)
Defendants.)

No. 75-C-440 ✓

O R D E R

NOW, on this 6th day of January, 1976, upon application
of the Plaintiff before Answer filed by the Defendant, this ~~case~~ *Cause of action*
and
complaint
is hereby dismissed with prejudice to the refiling thereof.

Allen E. Banner
United States District Judge

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

NEW DIMENSION LEASING CO.,
INC., a corporation,

Plaintiff,

vs.

CAPITAL MARKETING CORPORATION,
a corporation, FORD MOTOR CREDIT
COMPANY, a corporation, and
ANTHONY FASANELLA, an individual,

Defendants.

No. 75-C-197

FILED

JAN 6 1976

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

ORDER

After reviewing the file and record in this cause, the
recommendation of the Magistrate is hereby approved, and

IT IS, THEREFORE, ORDERED, that the Motion to Dismiss Complaint
for Lack of Jurisdiction Over the Person and Insufficiency of
Service of Process filed herein on behalf of defendants Capital
Marketing Corporation and Anthony Fasanella, be and the same is
hereby granted, and said defendants be granted recovery of their
costs herein.

The Clerk of the Court shall forward by mail a copy of this
Order to each of the attorneys for the above named plaintiff and
defendants.

DATED this 6 day of ^{January, 1976}~~December, 1975~~.

Allen E. Bonar

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

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

JOHN L. CASH,)
)
Plaintiff,)

-vs-)

No. 75-C-134

LANCHART INDUSTRIES, INC.,)
a Texas corporation, and its)
predecessors in interest,)
LANCER HOMES, INC., a Texas)
corporation, C.W.H. MANUFACTUR-)
ING CORPORATION, a Texas)
corporation, and BEN W. WOODY,)
an individual,)
Defendants.)

FILED
JAN 6 1976
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

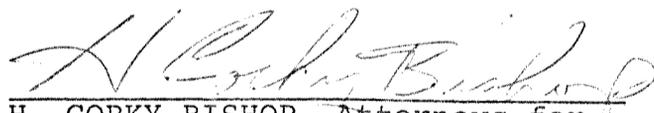
This matter coming on before me the undersigned
Judge this 6th day of JANUARY, 1976, upon the joint application
of the parties for dismissal, and the Court having considered
said application and found that all issues herein have compromised
and settled and that said application should be granted:

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED
that the above styled and numbered cause of action be and it
hereby is dismissed as to all defendants with prejudice to the
bringing of any further causes of action.


UNITED STATES DISTRICT JUDGE

APPROVED:

WILLIAM B. LEE & H. CORKY BISHOP


H. CORKY BISHOP, Attorneys for
Plaintiff.

BROWN, BRECKINRIDGE & MESSLER


PHILLIPS BRECKINRIDGE, Attorneys
for Defendants.

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

OKLAHOMA GAS AND ELECTRIC COMPANY,
an Oklahoma corporation

Plaintiff

v.

The United States of America, Trustee and
Owner of the legal title to certain land for
the use and benefit of certain Restricted
Indians,

The known and unknown heirs, executors, admin-
istratores, devisees, trustees and assigns of
Laura Rulo, a Restricted Otoe Indian, No. 275,
Deceased,

Albert Randles

Defendants

Civ No. 75-C-245 ✓

FILED
JAN 6 1976
Jack C. Silver, Clerk
U. S. DISTRICT COURT

JOURNAL ENTRY OF JUDGMENT

This matter coming on to be heard on this 6th day of January, 1976, upon the joint motion of Plaintiff and Defendant, United States of America, Trustee and Owner of the legal title to certain land for the use and benefit of certain Restricted Indians, at which time the Plaintiff appeared by its attorney Paul Walters, and the Defendant, United States of America, Trustee, appeared by HUBERT A. MARLOW, Assistant United States Attorney, Northern District of Oklahoma, and said parties in open court having agreed that this matter might be heard without further notice, and the Court being fully advised in the premises finds:

1.

Plaintiff is a corporation organized and existing under the laws of the State of Oklahoma and vested with the power of eminent domain for the acquisition of property needed in its business of generating, transmitting, distributing and furnishing electricity to the public for light, heat and power purposes.

2.

It is necessary for the Plaintiff to appropriate and take, under the powers vested in it by the statutes of the State of Oklahoma and the statutes of the United States of America, the property more particularly described in Plaintiff's Complaint and Order Appointing Commissioners on file herein, for the development, construction, operation and maintenance of an electric power generating plant, including a dam and reservoir for the retention and storage of water used in connection therewith; that the United States of America, Trustee and Owner of the Legal Title to certain land for the use and benefit of certain Restricted Indians, has filed herein an entry of appearance on behalf of said Restricted Indian Defendants.

3.

That Plaintiff and Defendants have agreed that the just compensation for the taking and appropriation of Defendants' interest in the property herein is the amount of \$5,293.00.

4.

That the Demand for Jury Trial heretofore filed in this case on the 9th day of September, 1975, by the Plaintiff herein, be and the same is hereby withdrawn.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Plaintiff, Oklahoma Gas and Electric Company, have and recover judgment against the Defendant, the United States of America, Trustee and Owner of the legal title to certain land for the use and benefit of certain Restricted Indians; The known and unknown heirs, executors, administrators, devisees, trustees and assigns of Laura Rulo, a Restricted Otoe Indian, No. 275, Deceased, and Albert Randles, condemning and vesting in Plaintiff fee simple title to the following described property situated in Pawnee County, Oklahoma, to-wit:

An undivided 11,055/166,320 restricted interest, and
An undivided 41,580/166,320 restricted interest, MINERALS ONLY, and
An undivided 120/166,320 unrestricted interest in and to
the East Half of Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$) of Section 21,
Township 23 North, Range 3 East, Pawnee County, Oklahoma,

for the development, construction, operation and maintenance of an electrical power generating plant, including a dam and reservoir for the retention and storage of water used in connection therewith.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendant, The United States of America, Trustee and Owner of the legal title to certain land for the use and benefit of certain Restricted Indians; The known and unknown heirs, executors, administrators, devisees, trustees and assigns of Laura Rulo, a Restricted Otoe Indian, No. 275, Deceased, and Albert Randles, have and recover judgment against the Plaintiff as compensation and damage for the taking and appropriation of said property in the amount of \$5,293.00 and the Clerk of this Court is hereby directed to disburse to the Defendants herein the said amount of \$5,293.00, heretofore deposited with the Clerk by the Plaintiff herein, as follows:

United States of America, Trustee, Undivided 11,055/166,320 restricted interest	\$5,038.27
United States of America, Trustee, Undivided 41,580/166,320 restricted interest, Minerals Only	200.00
Albert Randles Undivided 120/166,320 unrestricted interest	54.73.

APPROVED AS TO FORM:

Paul Walker
Attorney for Plaintiff

Allen E. Berman
U.S. District Judge

Hubert A. Marlowe
Assistant U.S. Attorney
Attorney for Defendants

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

FRED RIZK,)
)
) Plaintiff,)
)
 vs.)
)
 F. W. WOOLWORTH COMPANY,)
) NO. 74-C-142
) Defendant,)
)
 and)
)
 THE HANSON DEVELOPMENT COMPANY,)
)
 THORNTON ASSOCIATES, and)
)
 CROSSTOWN ASSOCIATES,)
)
) Defendants)
) and Third Party Plaintiffs,)
)
 vs.)
)
 MAURICE FERRIS,)
)
) Third Party Defendant.)

FILED
JAN 6 1976
Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER DISMISSING
F. W. WOOLWORTH COMPANY
WITHOUT PREJUDICE

The Court has before it the motion of the defendant, F. W. WOOLWORTH COMPANY, for judgment of dismissal upon the pleadings filed herein the 18th day of December, 1975, and in response thereto, the Dismissal Without Prejudice of the plaintiff, FRED RIZK, dismissing the F. W. WOOLWORTH COMPANY from the above-entitled and numbered cause without prejudice to a further refileing.

Upon consideration of the pleadings, IT IS, THEREFORE, ORDERED that the defendant, F. W. WOOLWORTH COMPANY, be dismissed as a party defendant without prejudice to a further refileing.

DATED this 5 day of January, 1976


H. DALE COOK
United States District Judge

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

MARIAN SUE CASSIDY,

Plaintiff,

vs.

PROVIDENCE HOSPITAL and
DR. D. KIM,

Defendants.

No. 75-C-316

FILED

JAN 6 1976

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

ORDER

After reviewing the file and record in this cause, the
recommendation of the Magistrate is hereby approved, and

IT IS THEREFORE, ORDERED that the Motion to Dismiss of
Providence Hospital and Motion to Dismiss of Dr. D. Kim, are each hereby
sustained.

The Clerk of the Court shall forward by mail a copy of
this Order to each of the attorneys for the above named plaintiff and
defendants.

Dated this 6 day of January, ¹⁹⁷⁶~~1975~~


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

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

FILED

JAN 5 1976 *zc*

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

FLOYD WESLEY FORSTER,)
)
Plaintiff,)
vs.)
)
BILLY FRANK CANNON and)
WILLIAM R. CANNON,)
)
Defendants.)

No. 75-C-120 ✓

JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

Come now the parties and, pursuant to Rule 41 and pursuant to a compromise settlement agreement between the parties, jointly stipulate and agree that plaintiff's causes be, and the same are dismissed with prejudice.

DONE and DATED this 5 day of JANUARY, 1976.

FLOYD WESLEY FORSTER

WILLIAM R. CANNON
BILLY FRANK CANNON

By *James E. Driscoll*
James E. Driscoll
Attorney for Plaintiff
P. O. Box 1254
Seminole, Oklahoma 74868

By *John R. Woodard III*
John R. Woodard III, Attorney

GREEN, FELDMAN & HALL
816 Enterprise Building
Tulsa, Oklahoma 74103
Attorneys for Defendant

FILED

JAN 8 1976 *zc*

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

ORDER OF DISMISSAL WITH PREJUDICE

The court, being fully advised in the premises and on consideration of the above and foregoing Joint Stipulation of Dismissal with Prejudice, finds that such order should issue.

BE IT, THEREFORE, ORDERED, ADJUDGED AND DECREED that plaintiff's *of action & Complaint* cause be and the same is dismissed with prejudice.

DONE AND DATED this 8th day of January, 1976.

Allen E. Barrow

Allen E. Barrow
United States District Judge