

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

PAVITER CORPORATION, a general)
partnership of the Republic of)
Singapore,)

Plaintiff,)

v.)

Case No. 89-C-1017-C

C & S EQUIPMENT SALES, INC.,)
an Oklahoma corporation,)
MICHAEL T. RAWLINS, an Oklahoma)
resident, S & S ERECTION)
RENTALS, INC., a Missouri)
corporation, HAROLD STOUT,)
a Missouri resident, RAWLINS)
MANUFACTURING, INC., an)
Oklahoma corporation,)
RONALD B. STOCKWELL an Oklahoma)
resident, HAROLD CLARK, an)
Oklahoma resident, R. BLACK,)
INC., a Kansas company, and)
ALSOP-BLACK, an Oklahoma)
partnership,)

Defendants.)

FILED

FEB 20 1991

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

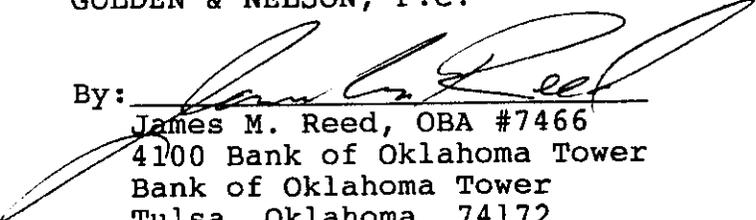
ORDER OF PARTIAL DISMISSAL

Upon the Application of the Plaintiff, Paviter Corporation,
all of the Plaintiff's claims against the Defendants, C & S
Equipment Sales, Inc. and Harold Clark, are hereby dismissed with
prejudice. AND IT IS SO ORDERED.


H. DALE COOK, UNITED STATES DISTRICT
JUDGE

APPROVED AS TO FORM:

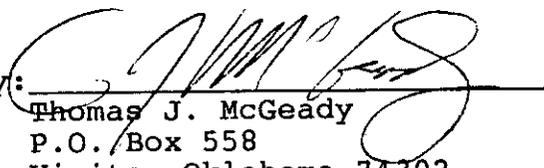
HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.

By: 

James M. Reed, OBA #7466
4100 Bank of Oklahoma Tower
Bank of Oklahoma Tower
Tulsa, Oklahoma 74172
(918) 588-4166

ATTORNEYS FOR PAVITER
CORPORATION

LOGAN, LOWRY, JOHNSTON, SWITZER,
WEST & MCGEADY

By: 

Thomas J. McGeady
P.O. Box 558
Vinita, Oklahoma 74302
(918) 256-7511

ATTORNEYS FOR C & S EQUIPMENT
SALES INC., and HAROLD CLARK

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 20 1991

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

UNITED STATES OF AMERICA,
Plaintiff,

vs.

ISAAC C. GIDDENS; WANDA J.
GIDDENS; JOHN DOE, Tenant;
COUNTY TREASURER, Tulsa County,
Oklahoma; and BOARD OF COUNTY
COMMISSIONERS, Tulsa County,
Oklahoma,

Defendants.

CIVIL ACTION NO. 89-C-1027-C

DEFICIENCY JUDGMENT

This matter comes on for consideration this 20th day
of Feb, 1991, upon the Motion of the Plaintiff, United
States of America, acting on behalf of the Secretary of Veterans
Affairs, for leave to enter a Deficiency Judgment. The Plaintiff
appears by Tony M. Graham, United States Attorney for the
Northern District of Oklahoma, through Phil Pinnell, Assistant
United States Attorney, and the Defendants, Isaac C. Giddens and
Wanda J. Giddens, appears neither in person nor by counsel.

The Court being fully advised and having examined the
court file finds that a copy of Plaintiff's Motion was mailed to
Isaac C. Giddens and Wanda J. Giddens, 7202 South 33rd West
Avenue, Tulsa, OK 74132, and all other counsel and parties of
record.

The Court further finds that the amount of the Judgment
rendered on March 26, 1990, in favor of the Plaintiff United
States of America, and against the Defendants, Isaac C. Giddens

and Wanda J. Giddens, with interest and costs to date of sale is \$58,300.75.

The Court further finds that the appraised value of the real property at the time of sale was \$12,000.00.

The Court further finds that the real property involved herein was sold at Marshal's sale, pursuant to the Judgment of this Court entered March 26, 1990, for the sum of \$10,626.00 which is less than the market value.

The Court further finds that the Marshal's sale was confirmed pursuant to the Order of this Court on the 11th day of February, 1991.

The Court further finds that the Plaintiff, United States of America on behalf of the Secretary of Veterans Affairs, is accordingly entitled to a deficiency judgment against the Defendants, Isaac C. Giddens and Wanda J. Giddens, as follows:

Principal Balance as of 3-26-90	\$43,158.39
Interest	12,774.32
Late Charges to Date of Judgment	632.04
Management Broker Fees to Date of Sale	663.10
Abstracting	196.00
Appraisal by Agency	500.00
Publication Fees of Notice of Sale	151.90
Court Appraisers' Fees	<u>225.00</u>
TOTAL	\$58,300.75
Less Credit of Appraised Value	- <u>12,000.00</u>
DEFICIENCY	\$46,300.75

plus interest on said deficiency judgment at the legal rate of 6.21 percent per annum from date of deficiency judgment until paid; said deficiency being the difference between the amount of Judgment rendered herein and the appraised value of the property herein.

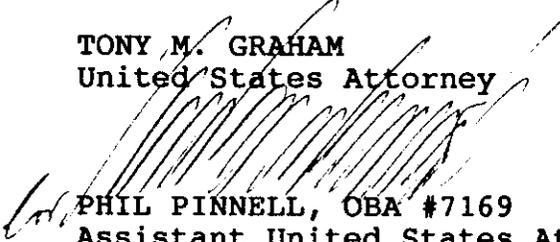
IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the United States of America on behalf of the Secretary of Veterans Affairs have and recover from Defendants, Isaac C. Giddens and Wanda J. Giddens, a deficiency judgment in the amount of \$46,300.75, plus interest at the legal rate of 6.21 percent per annum on said deficiency judgment from date of judgment until paid.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

TONY M. GRAHAM
United States Attorney


PHIL PINNELL, OBA #7169
Assistant United States Attorney
3600 U.S. Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463

PP/esr

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

FILED
FEB 20 1991

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

BARBARA M. BENNETT,
individually, and as
Executrix of the Estate of
Fred W. Bennett, deceased,

Plaintiff,

v.

JANE PHILLIPS EPISCOPAL
HOSPITAL, INC., A
corporation,

Defendant.

Case No. 90-C-0128C

Stipulation of
DISMISSAL WITH PREJUDICE

COMES NOW the Plaintiff in the captioned matter, Barbara M. Bennett, individually, and as Executrix of the Estate of Fred W. Bennett, deceased, and hereby dismisses with prejudice all claims against the Defendant, Jane Phillips Episcopal Hospital, Inc.

WILKINSON & MONAGHAN

By Bill V. Wilkinson
Bill V. Wilkinson
7625 E. 51st, Suite 400
Tulsa, Oklahoma 74145
(918) 663-2252
Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of February, 1991, a true and correct copy of the above and foregoing instrument was mailed to Barry L. Smith, Barkley, Rodolf & McCarthy, 2700 Mid-Continent Tower, 401 South Boston, Tulsa, OK 74103, postage prepaid.

Bill V. Wilkinson
Bill V. Wilkinson

RECEIVED

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No. 012929

FILED

FEB 20 1991

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

MICHAEL J. TORCHIA)
)
 Plaintiff,)
)
 v.)
)
 66 FEDERAL CREDIT UNION)
)
 Defendant.)

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

No. 89-C-483-C

JUDGMENT

On the 28th day of January, 1991, the above-entitled cause came on regularly for trial. The plaintiff appeared in person and by counsel, Robert L. Briggs and Jefferson L. Briggs, and the defendant appeared in person and by counsel, Hugh A. Baysinger and Peter L. Wheeler. The parties therefore announced ready for trial and a jury of six men and women was duly impelled and sworn to hear the evidence and try the issues. Thereafter the plaintiff and defendant each presented their evidence and rested.

Now, on this 4th day of February, 1991, the jury having been sworn to render a fair and impartial verdict according to the evidence presented and having heard the evidence presented, the arguments of counsel and instructions of the Court, and having retired to deliberate their verdict, returned into open Court with the following verdict.

"Question No. 1: Do you find from a preponderance of the evidence that, at the time plaintiff was discharged by defendant, plaintiff was between the ages of 40 and 70?"

al

Answer: Yes.

Question No. 2: Do you find from a preponderance of the evidence that plaintiff performed satisfactory work?

Answer: Yes.

Question No. 3: Do you find from a preponderance of the evidence that plaintiff was discharged despite the adequacy of his work?

Answer: Yes.

Question No. 4: Do you find from a preponderance of the evidence that plaintiff was replaced by a younger person?

Answer: Yes.

Question No. 5: Do you find from a preponderance of the evidence that plaintiff's age was "a determinative factor" in the defendant's decision to discharge the plaintiff?

Answer: No.

Patsy D. Hart
(Foreperson)

2-4-91"
(Date)

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that judgment be and is hereby entered in favor of the defendant and against the plaintiff.


UNITED STATES DISTRICT JUDGE

APPROVED:


Robert L. Briggs
Attorney for Plaintiff


Hugh A. Baysinger
Attorney for Defendant

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

SIT CATTLE COMPANY,

Plaintiff,

vs.

JOHN C. MORLEDGE, FRANCES D.
MORLEDGE, RANCH AID, INC.,
and SOWDER SEED CO.,

Defendants.

No. 89-C-857-B ✓

FILED

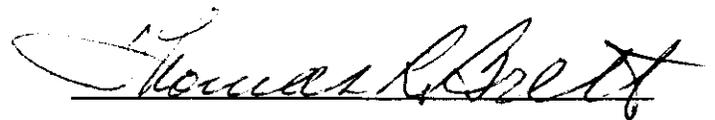
FEB 23 1991

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

ORDER

As the plaintiff, SIT Cattle Company, has not paid on or before February 15, 1991 into the registry of the Office of the Court Clerk the sum of \$7,777.40 for and on behalf of the defendant, Sowder Seed Company, and the sum of \$9,464.00 for and on behalf of the defendant, Ranch Aid, Inc., the Court dismisses this action without prejudice. This action is taken pursuant to this Court's Order of February 1, 1991.

DATED this 20th day of February, 1991.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

am

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

SIT CATTLE COMPANY,)
)
 Plaintiff,)
)
 vs.)
)
 JOHN C. MORLEDGE, FRANCES D.)
 MORLEDGE, RANCH AID, INC.,)
 and SOWDER SEED CO.,)
)
 Defendants.)

No. 89-C-857-B ✓

FILED

FEB 23 1991

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

J U D G M E N T

In keeping with the Court's Order of February 1991, judgment as and for attorney fees is hereby assessed against the plaintiff, SIT Cattle Company, and in favor of defendant, Sowder Seed Company in the sum of \$7,777.40 and in favor of defendant, Ranch Aid, Inc. in the sum of \$9,464.00. Interest runs on said judgments at the rate of 6.21% per annum from the date of this judgment.

DATED this 20th day of February, 1991.

Thomas R. Brett

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

F I L E D

FEB 20 1991

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

STATE FEDERAL SAVINGS)
ASSOCIATION, by and through)
its Conservator, Resolution)
Trust Corporation, as successor)
in interest to certain assets)
of State Federal Savings and)
Loan Association,)

Plaintiff,)

vs.)

Case No. 90-C-781-B

THE BROWN GROUP, a/k/a THE)
BROWN GROUP, LTD., an Oklahoma)
corporation; MARTIN E. BROWN;)
PATRICIA M. BROWN; JOHN F.)
CANTRELL, COUNTY TREASURER;)
TULSA COUNTY, STATE OF OKLAHOMA;)
BOARD OF COUNTY COMMISSIONERS,)
TULSA COUNTY, STATE OF OKLAHOMA;)
COUNTRY TILE DESIGN, INC., an)
Oklahoma corporation; RENAISSANCE,)
INC., an Oklahoma corporation;)
and HARKEY LANDSCAPE SPRINKLER,)
CO., INC., an Oklahoma)
corporation,)

Defendants.)

JOURNAL ENTRY OF JUDGMENT

Now before the Court for its consideration are the Motions of Plaintiff State Federal Savings Association, by and through its Conservator, Resolution Trust Corporation ("RTC"), as successor in interest to certain assets of State Federal Savings and Loan Association, for Default Judgment and for Summary Judgment as against all defendants. Upon consideration of the pleadings and arguments of counsel, the Court hereby finds as follows:

1. This is an action to collect indebtedness represented by a promissory note and to foreclose the real estate mortgage securing same. It was filed by RTC on September 10, 1990.

2. The issued summonses were properly and lawfully served, with a copy of the Complaint, on Defendants Country Tile Design, Inc., Renaissance, Inc., and Harkey Landscape Sprinkler, Co., Inc. on September 11, September 11, and September 19, 1990, respectively. No answer or other pleading has been filed by these Defendants. They are therefore in default.

3. Defendant Treasurer of Tulsa County, John Cantrell, and Defendant Board of County Commissioners of Tulsa County answered and claim no interest in and to the subject real property.

4. Defendants The Brown Group a/k/a The Brown Group, Ltd., Patricia M. Brown, and Martin E. Brown (the "Brown Defendants") have answered by and through their counsel, Benjamin P. Abney. They admit execution and delivery of the note and mortgage at issue, as well as lack of payment pursuant to the terms of the note.

5. State Federal was a federally-chartered savings and loan institution with its principal place of business in Tulsa County, Oklahoma.

6. On February 16, 1990, pursuant to Sec. 5(d)(2) of the Home Owners Loan Act of 1933 [as amended by Sec. 301 of The Financial Institutions Reform, Recovery and Enforcement Act of 1989 (the "Act"), as enacted on August 9, 1989] the Director of the Office of Thrift Supervision issued Order No. 90-357 and placed State Federal Savings and Loan Association ("State Federal") in Receivership and assumed exclusive custody and control of the property and affairs of it. The Director of the Office of Thrift Supervision, through Order No. 90-357, also appointed RTC as the Receiver of State Federal to have "all the powers of a conservator

or receiver, as appropriate, granted under the Federal Deposit Insurance Act, and (when not inconsistent therewith) any other rights, powers, and privileges possessed by conservators or receivers, as appropriate, of savings associations under this Act and any other provisions of law." The Director of the Office of Thrift Supervision subsequently issued Order No. 90-359, appointing RTC as the Conservator of State Federal Savings Association (the new, operating institution) to have "all the powers of a conservator or receiver, as appropriate, granted under Federal Deposit Insurance Act, and (when not inconsistent therewith) any other rights, powers, and privileges possessed by conservators or receivers, as appropriate, of savings associations under this Act and any other provisions of law."

7. Subsequently, certain assets of State Federal were sold and transferred from RTC as the Receiver for it to State Federal Savings Association, by and through its Conservator, RTC.

8. State Federal Savings Association, by and through its Conservator, RTC, purchased those certain assets that are involved in this action, and is the holder and owner of same.

9. State Federal Savings Association, by and through its Conservator, RTC, has automatically succeeded to all rights and interests in and to the assets and is accordingly the proper party as a matter of law.

10. Defendant The Brown Group, a/k/a The Brown Group, Ltd., an Oklahoma corporation, was suspended for failure to pay franchise taxes on or about February 13, 1984.

11. Defendants Martin E. Brown and Patricia M. Brown were at all times hereafter mentioned and are now husband and wife, and are

residents of Tulsa County, State of Oklahoma. Defendant Martin E. Brown served as president of Defendant The Brown Group, Ltd. before, during, and after the corporate charter was suspended on February 13, 1984. He was president of The Brown Group, Ltd. on February 16, 1989, and remains so to date.

12. Defendant Country Tile Design, Inc. is a corporation, organized and existing under the laws of the State of Oklahoma, with its principal offices in Tulsa, Oklahoma.

13. Defendant Renaissance, Inc. is a corporation, organized and existing under the laws of the State of Oklahoma, with its principal offices in Tulsa, Oklahoma.

14. Defendant Harkey Landscape Sprinkler Company, Inc. is a corporation, organized and existing under the laws of the State of Oklahoma, with its principal offices in Tulsa, Oklahoma.

15. All of the real property involved in this action is located in Tulsa County, State of Oklahoma.

16. This Court has proper jurisdiction over the subject matter of this action and the parties hereto.

17. On or about February 16, 1989, while its corporate charter was suspended, for good and valuable consideration, Defendant The Brown Group a/k/a The Brown Group, Ltd., by and through its president, Martin E. Brown, made, executed, and delivered unto State Federal a certain promissory note in the original principal sum of \$230,000.00, plus interest accruing thereunder at the annual rate of 13.00% per annum, with a default rate of 14.00% per annum, payable in monthly installments, and having a maturity date of February 16, 1990 (the "Note").

18. As security for the repayment of the indebtedness evidenced by the Note, Defendant The Brown Group, by and through its president, Martin E. Brown, made, executed, and delivered to State Federal a certain real estate construction mortgage and security agreement (the "Mortgage") dated February 16, 1989, which was filed on February 17, 1989, in Book 5167, Page 1441, in the Office of the County Clerk of Tulsa County, Oklahoma, with all mortgage tax paid thereon, covering certain real property and improvements, along with all appurtenances, hereditaments and all other rights thereto pertaining or belonging, and all fixtures then or thereafter attached or used in connection with the property, all as more particularly described in the copy of the Mortgage attached as Exhibit "B" to the Complaint and incorporated herein by reference.

19. Defendants The Brown Group and Martin E. Brown have failed and refused, and continue to fail and to refuse, to make payments according to the terms of the Note and, as a consequence, are in default thereunder.

20. Pursuant to the terms and conditions of the Note and the Mortgage, RTC is entitled to all costs incurred by it in preserving and insuring the subject property, all taxes on the real property paid by RTC, all rents, and all costs of collection, including without limitation a reasonable attorney's fee, and abstracting expenses, and the same shall be a further charge and lien on the subject property.

21. After allowing all just credits, as of July 31, 1990, there is due and owing to RTC under the terms of the Note the unpaid principal balance of \$230,000.00, plus note rate interest

accrued through September 30, 1989, in the sum of \$2,466.61, plus default rate interest accrued through July 31, 1990, in the sum of \$26,815.84, with interest accruing from and after July 31, 1990, until paid in full at the rate of \$88.22 per diem; plus abstract and title commitment expenses of \$265.00, and a reasonable attorney fee, with interest on the above sums until paid, for which amounts the Mortgage is a first, prior, and superior lien upon the subject property and premises.

CONCLUSIONS OF LAW

1. By their failure to respond to proper service and to Plaintiff's Motion for Summary Judgment, Defendants Harkley Landscape Sprinkler, Co., Renaissance, Inc. and Country Tile Design, Inc. have failed to set forth any affirmative defenses to Plaintiff's Complaint. Consequently, Plaintiff is entitled to foreclose their interest in and to the mortgaged property. Plaintiff is entitled to a judgment in rem as against these Defendants.

2. None of the Defendants addressed herein has asserted nor can prove a superior and prior interest in and to the real property. As such, when the record taken as a whole cannot lead a trier of fact to find for the defendants, there exists no genuine issue of material facts. Consequently, where, as here, there exists no material fact in controversy, summary judgment is not only proper but is required. Plaintiff is entitled to foreclose these interests in and to the mortgaged property.

3. Defendant Martin Brown is personally liable for the admitted debt incurred by The Brown Group, Ltd. during its period of suspension, pursuant to Title 68 O.S. §1212(c).

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Motions for Default and Summary Judgment of the Plaintiff be hereby granted.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff State Federal Savings Association, by and through its Conservator, Resolution Trust Corporation ("RTC"), as successor in interest to certain assets of State Federal Savings and Loan Association be hereby granted judgment in personam and in rem against Defendants The Brown Group, Ltd., and Martin E. Brown, for the principal sum of \$230,000.00, plus note rate interest accrued through September 30, 1989, in the sum of \$2,466.61, plus default rate interest accrued through July 31, 1990, in the sum of \$26,815.84, with interest accruing from and after July 31, 1990, until the date of judgment at the rate of \$88.22 per diem; plus abstract and title commitment expenses of \$265.00, and a reasonable attorney fee, the amount of which to be determined upon application to the Court, filed within fifteen (15) days of the filing date of this Judgment, all sums to bear interest at the statutory rate from the date of judgment until paid at 6.21%.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that Plaintiff State Federal Savings Association, by and through its Conservator, Resolution Trust Corporation ("RTC"), as successor in interest to certain assets of State Federal Savings and Loan Association be hereby granted judgment in rem against Defendants Patricia M. Brown, Country Tile Design, Inc., Renaissance, Inc., Harkey Landscape Sprinkler Company, Inc., Treasurer of Tulsa County, John Cantrell, and the Board of County Commissioners of Tulsa County, declaring that Plaintiff's interest, lien and judgment pursuant to

the Mortgage is a first, valid, prior and superior lien against the Property in favor of Plaintiff, and that the right, title and interest of the Defendants in and to the Property, except as to unpaid real estate ad valorem taxes that may have accrued since the Treasurer filed its answer, are junior, subordinate, and inferior to the interest of Plaintiff, and that Plaintiff is entitled to foreclose its interest therein.

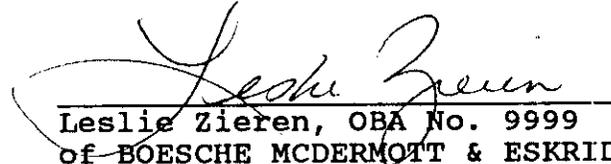
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Mortgage be foreclosed, the Property sold at Sheriff's Sale, and that all proceeds realized therefrom should be applied in reduction of the indebtedness due and owing to Plaintiff by Defendants Brown Group Ltd., and Martin E. Brown, under the terms of the Note, including its costs, and attorney's fees, and next to reduction of the indebtedness due and owing to Plaintiff by virtue of the judgment herein, with the balance, if any remaining, to be paid into Court subject to further order of the Court, the Court reserving any ruling at this time regarding the priority of the competing mechanic's lienholders; that the Defendants herein and all persons claiming under them from and after the filing of this action be thereupon barred, restrained, and enjoined from having or asserting any right, title, or interest or other right of redemption in and to the subject property; that a Writ of Assistance issue upon request; and, for such other and further relief as may in the premises be just and equitable.

ENTERED THIS 20th day of Feb, 1994.

~~S/ THOMAS R. BRETT~~
United States District Judge for
the Northern District of Oklahoma

RTC v. The Brown Group, Ltd.,
90-C-781-B, USDC-ND Okla.

APPROVED AS TO FORM:

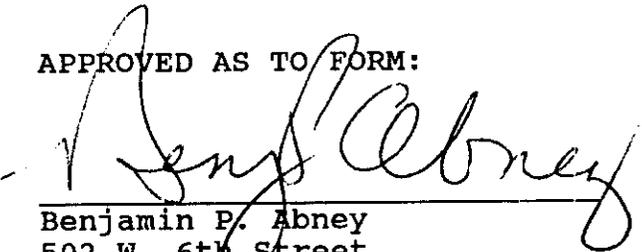


Leslie Zieren, OBA No. 9999
of BOESCHE MCDERMOTT & ESKRIDGE
800 Oneok Plaza
100 West 5th Street
Tulsa, Oklahoma 74103
(918) 583-1777

ATTORNEYS FOR PLAINTIFF

RTC v. The Brown Group, Ltd.,
90-C-781-B, USDC-ND Okla.

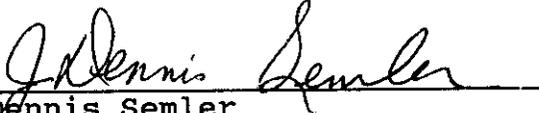
APPROVED AS TO FORM:


Benjamin P. Abney
502 W. 6th Street
Tulsa, OK 74119

ATTORNEY FOR THE BROWN GROUP, LTD.
MARTIN BROWN and PATRICIA BROWN

RTC v. The Brown Group, Ltd.,
90-C-781-B, USDC-ND Okla.

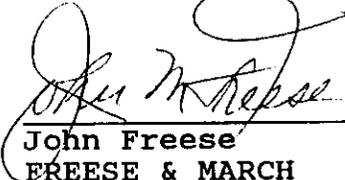
APPROVED AS TO FORM:


Dennis Semler
Assistant District Attorney
406 Tulsa County Courthouse
Tulsa, OK 74103

ATTORNEY FOR THE BOARD OF
COUNTY COMMISSIONERS and THE
COUNTY TREASURER

RTC v. The Brown Group, Ltd.,
90-C-781-B, USDC-ND Okla.

APPROVED AS TO FORM:



John Freese
FREESE & MARCH
4510 E. 31st Street
Tulsa, OK 74135

ATTORNEY FOR HARKEY LANDSCAPE
SPRINKLER COMPANY, INC.

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

F I L E D

FEB 20 1991 *hmc*

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

TRANSCONTINENTAL REALTY INVESTORS,)
)
 Appellant,)
)
 v.)
)
 AMERICAN PARTNERSHIP INVESTMENT,)
)
 Appellee.)

90-C-879-B ✓

ORDER

This is an appeal from an order dismissing the "single asset" bankruptcy of Appellee, American Partnership Investment #1 ("API"). Appellant Transcontinental Realty Investors ("TRI"), is a purchaser of property abandoned during the pendency of API's case. Prior to the dismissal of the case, the Bankruptcy Court had ordered cash generated from the property during the pendency of the bankruptcy case held as part of the bankruptcy estate. After the property was abandoned the Bankruptcy Court dismissed the case and vacated the cash collateral order. From this order, TRI appeals identifying three (3) issues for review. In substance, each issue is simply a different facet of the central question: Did the Bankruptcy Court err in dismissing the bankruptcy case and vacating its earlier cash collateral order?

FACTS

API, debtor/Appellee, owned and operated the Heritage Apartments subject to a mortgage and rent escrow agreement in favor of Fourth National Bank and Trust Company ("Fourth"). On May 2, 1989 API filed for bankruptcy under Chapter 11.

On May 18, 1989 the Bankruptcy Court entered an Order Authorizing Use of Cash Collateral which restricted API's use of the rents generated by the Heritage Apartments. (Rec. 22.) This order also mandated the continued payments of net rents, after reasonable operating expenses, to Fourth.

On March 22, 1990, the Bankruptcy Court ordered the apartment property abandoned.¹ In that order the Court expressly retained jurisdiction over the cash collateral and as a result Fourth proceeded with its foreclosure in state court.

The Tulsa County Sheriff held a foreclosure sale of the Heritage Apartments on May 15, 1990. Appellant TRI was the high bidder at this sale. Thereafter, API filed a motion to dismiss the bankruptcy proceedings on May 16, 1990. TRI proceeded with its rights and remedies in the state court and did not file an objection to API's motion to dismiss.

On July 31, 1990 at a hearing before the Bankruptcy Court, TRI requested that the bankruptcy case be kept open in order to allow TRI additional discovery regarding the use of rents. However, the Bankruptcy Court ruled that the Abandonment Order of March 22, 1990 had divested the Court of jurisdiction over the rents and denied TRI's request for a further accounting or discovery. The Bankruptcy Court then dismissed the bankruptcy case on August 2, 1990.

On September 10, 1990, TRI's motion to reconsider was denied, however, the Bankruptcy Court granted TRI's motion to stay pending appeal and allowed the bankruptcy case to remain open for the sole purpose of avoiding a mootness argument on TRI's appeal.

¹ According to 11 U.S.C. §554(b), "any property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the estate" may be abandoned after notice and a hearing. The Heritage Apartments were the sole asset of debtor API. With Fourth as a secured creditor holding the mortgage to the property, there was no other property to be administered by the Bankruptcy Court. By ordering the automatic stay lifted and the property abandoned, the Bankruptcy Court allowed Fourth to proceed with its foreclosure.

ISSUES

On appeal the District Court reviews questions of law de novo; questions of fact are reviewed under the "clearly erroneous" standard. *In re Ruti-Sweetwater, Inc.*, 836 F.2d 1263, 1255 (10th Cir. 1988). The issue presently before this Court is one of law, i.e., what is the extent of a Bankruptcy Court's jurisdiction over property (and rents generated therefrom) after abandonment by the Bankruptcy estate. This precise question was answered by the United States Court of Appeals for the 10th Circuit in *In Re Dewsnup*² on July 11, 1990, the case apparently relied on by the Bankruptcy Court in its dismissal order.³

Of course, it is a well-settled matter of law that each court has the jurisdiction to decide whether or not it has jurisdiction and the Bankruptcy Court was correct in reinvestigating its jurisdiction following *Dewsnup*. *Dewsnup* holds that property which has been abandoned is no longer a part of the bankruptcy estate and "reverts back to the debtor and stands as if no bankruptcy petition was filed". *Dewsnup* at 590.

Although the main issue of *Dewsnup* is whether a Chapter 7 debtor has the right to void the amount of an undersecured lien on abandoned property, the analysis by the Court on the nature of abandoned property and its relationship to the bankruptcy estate and therefore, the Bankruptcy Court, is applicable to the case before this Court.

² 908 F.2d 588 (1990).

³ See also, *In re Shrum*, 98 B.R. 995 (Bankr. W.D. Okla. 1989); *In re McLaughlin*, 92 B.R. 913 (Bankr. S.D. Cal. 1988); *In re Maitland*, 61 B.R. 130 (Bankr. E.D. Va. 1986). Contra, *Brouse*, 110 B.R. 539, 541 (Bankr. D. Colo. 1990); *In re Moses*, 110 B.R. 962, 963-64 (Bankr. N.D. Ill. 1989); *In re Tanner*, 14 B.R. 933, 939 (Bankr. W.D. Pa. 1981).

Following analysis of treatment accorded abandoned property as set out in *Dewsnup*, the Bankruptcy Court correctly concluded there was no basis for retained jurisdiction over the cash collateral. However, in utilizing the *Dewsnup* approach, the Bankruptcy Court does not prevent TRI from pursuing their rights and remedies in state court. TRI has, in fact, been pursuing although perhaps not as successfully, its remedies in state court.

Although the Bankruptcy Court expressly retained jurisdiction over the cash collateral in the March 22, 1990 Abandonment Order, it became clear after *Dewsnup* that it had no authority to do so. *Dewsnup* found "Abandoned property is not property administered by the estate The estate has no interest in, and does not administer, abandoned property Following abandonment, the estate no longer has an interest, even though it did at one time." *Dewsnup* 590-91. With the sole asset of the debtor sold at a foreclosure sale, the Bankruptcy Court had nothing left to administer. Its jurisdiction over the bankruptcy estate had terminated.

As a direct consequence of the termination of jurisdiction over the property, the Bankruptcy Court had no duty to protect TRI's claimed interest in the cash collateral and no jurisdiction to rule on TRI's Application for Order Disbursing Net Rentals. Consequently, TRI was correctly left to pursue its claims over the cash collateral in the state courts. The action that TRI now requests of the Bankruptcy Court comes at a time when the Court no longer has any jurisdiction over the bankruptcy estate.

Therefore, the Judgment of the Bankruptcy Court is, in all respects, hereby, **AFFIRMED.**

SO ORDERED THIS th 20 day of Feb, 1991.

A handwritten signature in cursive script that reads "Thomas R. Brett". The signature is written in dark ink and is positioned above the printed name and title.

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED

FEB 20 1991

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

FLOYD A. PRUDOM,

Plaintiff,

vs.

WELLS FARGO GUARD SERVICES,

Defendant.

Case No. 90-C-397-C

ORDER

BEFORE THIS COURT is Plaintiff's Motion To Dismiss this claim of action against the Defendant. As the Defendant does not object, the Motion shall be granted.

IT IS SO ORDERED this 20 day of February, 1991.


~~JEFFREY SCOTT WOLFE, MAGISTRATE~~
UNITED STATES DISTRICT COURT

*entered
already
closed*

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 20 1991

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 ROBERT P. HALLORAN a/k/a ROBERT)
 PAUL HALLORAN; LINDA S. HALLORAN)
 a/k/a LINDA SUE HALLORAN; COUNTY)
 TREASURER, Creek County,)
 Oklahoma; and BOARD OF COUNTY)
 COMMISSIONERS, Creek County,)
 Oklahoma,)
)
 Defendants.)

CIVIL ACTION NO. 89-C-630-C

DEFICIENCY JUDGMENT

This matter comes on for consideration this 20th day of Feb, 1991, upon the Motion of the Plaintiff, United States of America, acting on behalf of the Secretary of Veterans Affairs, for leave to enter a Deficiency Judgment. The Plaintiff appears by Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Kathleen Bliss Adams, Assistant United States Attorney, and the Defendants, Robert P. Halloran a/k/a Robert Paul Halloran and Linda S. Halloran a/k/a Linda Sue Halloran, appear neither in person nor by counsel.

The Court being fully advised and having examined the court file finds that a copy of Plaintiff's Motion was mailed to Robert P. Halloran a/k/a Robert Paul Halloran, 8101 E. 93rd, Tulsa, OK 74133, Linda S. Halloran a/k/a Linda Sue Halloran, 6327 South 107th East Ave. #3, Tulsa, OK 74133, and all other counsel and parties of record.

The Court further finds that the amount of the Judgment rendered on December 18, 1989, in favor of the Plaintiff, United

NOTE THIS COURT IS TO BE ADVISED
BY APPEARING COUNSEL AND
PRO SE PARTIES IMMEDIATELY
UPON RECEIPT.

States of America, and against the Defendants, Robert P. Halloran a/k/a Robert Paul Halloran and Linda S. Halloran a/k/a Linda Sue Halloran, with interest and costs to date of sale is \$56,715.05.

The Court further finds that the appraised value of the real property at the time of sale was \$28,000.00.

The Court further finds that the real property involved herein was sold at Marshal's sale, pursuant to the Judgment of this Court entered December 18, 1989, for the sum of \$24,794.00 which is less than the market value.

The Court further finds that the Marshal's sale was confirmed pursuant to the Order of this Court on the 11th day of February, 1991.

The Court further finds that the Plaintiff, United States of America on behalf of the Secretary of Veterans Affairs, is accordingly entitled to a deficiency judgment against the Defendants, Robert P. Halloran a/k/a Robert Paul Halloran and Linda S. Halloran a/k/a Linda Sue Halloran, as follows:

Principal Balance as of 12-18-89	\$43,916.20
Interest	10,342.98
Late Charges to Date of Judgment	325.80
Appraisal by Agency	500.00
Management Broker Fees to Date of Sale	417.10
Abstracting	108.00
Publication Fees of Notice of Sale	177.97
Court Appraisers' Fees	<u>225.00</u>
TOTAL	\$56,013.05
Less Credit of Appraised Value	- <u>28,000.00</u>
DEFICIENCY	\$28,013.05

plus interest on said deficiency judgment at the legal rate of 6.21 percent per annum from date of deficiency judgment until paid; said deficiency being the difference between the amount of Judgment rendered herein and the appraised value of the property herein.

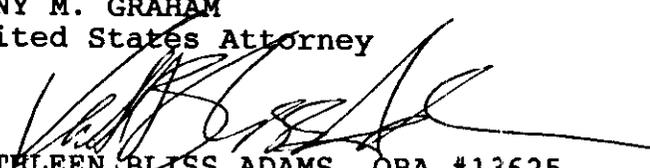
IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the United States of America on behalf of the Secretary of Veterans Affairs have and recover from Defendants, Robert P. Halloran a/k/a Robert Paul Halloran and Linda S. Halloran a/k/a Linda Sue Halloran, a deficiency judgment in the amount of \$28,013.05, plus interest at the legal rate of 6.21 percent per annum on said deficiency judgment from date of judgment until paid.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

TONY M. GRAHAM
United States Attorney



KATHLEEN BLISS ADAMS, OBA #13625
Assistant United States Attorney
3600 U.S. Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463

KBA/esr

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

FILED
FEB 19 1991
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

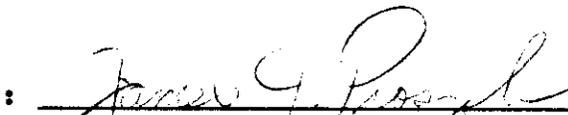
CARROL J. SHACKELFORD,)	
)	
Plaintiff,)	
)	
v.	)	Case No. 90-C-894 E
)	
NATIONAL HOME LIFE ASSURANCE)	
COMPANY,)	
)	
Defendant.)	

NOTICE OF DISMISSAL WITHOUT PREJUDICE PURSUANT TO RULE 41

COMES NOW Plaintiff Carrol J. Shackelford, pursuant to Fed. R. Civ. P. 41(a)(1), and serves notice that she is dismissing this action without prejudice. In support thereof, Plaintiff Carrol J. Shackelford states that Defendant National Home Life Assurance Company is the sole adverse party in this action; that Defendant National Home Life Assurance Company has not answered the Complaint; and that Defendant National Home Life Assurance Company has not filed a motion for summary judgment.

Respectfully submitted,

HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.

By: 
James J. Proszek, OBA #10443
John W. Anderson, Jr. OBA #13646
4100 Bank of Oklahoma Tower
One Williams Center
Tulsa, Oklahoma 74172
(918) 588-2700

ATTORNEYS FOR PLAINTIFF
CARROL J. SHACKELFORD

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

F I L E D

FEB 19 1991

RONALD L. FARRINGTON)
)
 Plaintiff,)
)
 v.)
)
 UNITED STATES OF AMERICA, et al,)
)
 Defendants.)

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

90-C-196-C
90-C-400-C

ORDER

Now before the Court are the consolidated appeals of Case Nos. 90-C-196-C and 90-C-400-B arising out of the bankruptcy case of *In re Farrington*, Case No. 86-3392-C (Adversary No. 89-178-C). This appeal arises out of the Bankruptcy Court's Order (R. 8) disallowing a Proof of Claim (R. 1) filed for taxes due for the year 1982.

Appellant Unites States of America ("USA") raises six (6) issues for review centered on the characterization of money transferred from debtor to a car dealership (Cameron Motors) resulting in debtor's claim of a business bad debt deduction of \$100,092 for the 1982 tax year. Upon review, none of the issues urged are sufficient to disturb the decision of the Bankruptcy Court, below.

Appellant's first and premier issue for review is whether the Bankruptcy Court correctly concluded that money transferred by debtor, and never repaid by Cameron Motors, is deductible as a business bad debt under 26 U.S.C. §166(a). That conclusion rests upon two critical findings of fact, both challenged by Appellant: (a) was the advance of money by debtor to Cameron a loan or a capital contribution; and (b) was debtor in the

13 / 6

CLBKV

business of promotion, organizing, and financing businesses for resale? The Bankruptcy Court found that (a) the advances were loans; and (b) debtor was in the business of promoting businesses. (R. 8 at 5, 10) Both findings must be upheld unless clearly erroneous. *In re Ruti-Sweetwater, Inc.*, 836 F.2d 1263, 1266 (10th Cir. 1988); Bankruptcy Rule 8013.

In deciding that the monies transferred were debts, the Bankruptcy Court looked at entries in corporate books of Cameron, interest bearing notes issued by Cameron, debtors reasonable subjective belief and the absence of shares received. The Court noted,

Here the evidence revealed that the advances were entered on the corporate books as debts, not as capital contributions. There was also evidence that interest bearing notes were issued representing the obligations to repay the debts. Additionally, Debtor testified that, at the time he advanced the money, he believed he would be repaid with interest. This belief was reasonable given Debtor's history with other business ventures as detailed below, Cameron's adequate initial capitalization, and future plans to increase sales and profits. Moreover, the fact that Debtor did not receive any additional shares as a result of the advances indicates the parties intended a loan rather than a capital contribution. The IRS failed to introduce any evidence to the contrary and thus the Court finds the advances made by Debtor to Cameron were, in fact, loans.

(R. 8 at 5) Although the cases cited by Appellant identify additional factors which may be used in making the determination,¹ it cannot be said that the Bankruptcy Court's finding is clearly erroneous in view of the evidence presented.

Having found the monies advanced were loans (rather than capital contributions), the Bankruptcy Court went on to find that debtor was in the business of promoting, organizing, and financing businesses for resale. (R. 8 at 10) The Bankruptcy Court,

¹ *Lane v. U.S.*, 742 F.2d 11311 (11th Cir. 1984); *Texas Farm Bureau v. U.S.*, 725 F.2d 307 (5th Cir. 1984); *Bauer v. Commissioners*, 748 F.2d 1365 (9th Cir. 1985); *Fin Hay Realty v. U.S.*, 398 F.2d 694 (3rd Cir. 1968).

(correctly) relying on *Whipple v. Commissioner of the I.R.S.*, 373 U.S. 193 (1963), looked at debtor's present lending against the backdrop of his promoting activities over the prior seventeen (17) years and concluded that his dominant purpose was not to earn money in the form of a normal shareholders' return, but to profit from the process of selling Cameron Motors. The Bankruptcy Court reviewed debtor's business accomplishments as follows,

1. A car wash which he and a partner built and developed for resale in 1966. It was sold for a profit in 1971.
2. Hill Park Mobile Home purchased in 1966 and sold in 1971 at a profit. He loaned money to help build the park and was repaid with interest.
3. New Ulm State Bank purchased in 1973 and sold in 1979 at a substantial profit.
4. Austin County Real Estate was started in 1972 and sold for a profit in 1983. He made loans at various times to the business, all of which were repaid with interest.
5. Acre Insurance Agency was an existing business purchased in 1979 and sold as a profit in 1981.
6. Shady Acres Day Care Center was built and developed by Debtor and other partners in 1976. He sold it at a profit in 1980.
7. His and Her Fashions was a clothing store that Debtor helped finance in 1976. It became successful and he sold it in 1977.
8. Three Bar Brangus was a cattle operation Debtor became involved with in 1977 and which he sold at a profit in 1983.
9. Pryor Bowling Alley was an existing business he purchased in 1981. He made various loans to the business and thereafter sold it at a profit in 1983.
10. Shiloh Ranch was purchased in 1980 and sold in 1982. This was the only business sold at a loss. However, at various times while in operation, Debtor loaned the business money which was repaid.

11. International Livestock Performance Center was a corporation in which Debtor became involved in 1981. It was a successful venture and was sold for a profit in 1983.

12. Cameron Motors.

(R. 8 at 9-10) The Bankruptcy Court further summarized debtor's approach to the business of promoting businesses.

In the instant case the Debtor has, since 1966, participated in numerous business ventures either as an owner or consultant. While his main business efforts and his principal income were derived from oil and cattle businesses all of his other business ventures were bought for the sole purpose of rehabilitating them and then reselling them for a profit. The Debtor never devoted his full time and energies to any one venture and often spent great amounts of time investigating numerous business opportunities. In addition, other than for the oil and cattle business, it was never his intention to keep any of the businesses permanently. In fact, he often had a prospective buyer available at the outset of his involvement. (R 8 at 8)

Appellant argues forcefully, that a closer review of Debtor's activities reveals each business was held for a much longer time period than the taxpayer's in *Giblin v. Commissioner*, 73 T.C. 1091 (1980). As a result, Appellant urges the Court to conclude that Debtor's activities consisted of no more than long-term investing activities, rather than the business of business promoting. Nevertheless, the evidence adduced can support the Bankruptcy Court's finding. The function of the reviewing court is not to re-weigh the evidence, but to determine whether from the record it can be said that the finding is in clear error. Based on the record here, ample evidence exists to support the Bankruptcy

Court's finding. Appellant's claim that the Bankruptcy Court erred in finding the loans to Cameron were part of Debtor's business of promoting is likewise without merit.

In addition to challenging the Bankruptcy Court's factual findings, Appellant asserts that it is error as a matter of law to permit a taxpayer both a §1244 ordinary loss deduction and a §166 business bad debt deduction. Appellant reasons that debtor cannot fancy himself as an investor for §1244 purposes and at the same time be in the business of promoting the loss-generating business for §166 purposes. Appellant cites *Smith v. Commissioner*, 62 T.C. 263 (1963), and *Frantz v. Commissioner*, 83 T.C. 162 (1984) in support. Both cases reason that the claiming of a §1244 deduction "suggests" or "strongly indicates" that the taxpayer views himself as an investor.

Whatever intuitive appeal this logic carries, no case has been found holding that the two deductions are mutually exclusive. While the claimed §1244 deduction may well "suggest" Debtor was a simple investor, the Court need not rely on such a presumption where, as here, the Bankruptcy Court received evidence and specifically found Debtor was not a simple investor, but in business as a promoter. This argument also must fail.

Finally, Appellant argues that the Bankruptcy Court abused its discretion in allowing copies of loan notes into evidence. Trial below began on November 3, 1989. After one day of testimony, during which Charles Mewis of Cameron Motors testified, the trial picked up again on January 16, 1990. During the first day of trial both Debtor and Mr. Mewis were questioned and cross-examined about the notes evidencing Debtor's loans to Cameron Motors. Both testified that notes were issued but the originals could not be found. Sometime thereafter, Debtor located and obtained photocopies of the notes from the

attorney/county judge who drafted the notes. Debtor laid a foundation for the admission of the copies on January 16, 1990 and they were admitted into evidence after Appellant's cross-examination and over Appellant's objection. Appellant compares its situation to that in *Eastridge Development Company v. Halpert Associates, Inc.*, 853 F.2d 772 (10th Cir. 1988), where the court upheld the trial court's decision to exclude a document not listed in the pretrial list of exhibits. Appellant argues that the Bankruptcy Court was compelled to exclude the notes as was done in *Eastridge*.

The argument fails. The *Eastridge* trial court excluded documents because "all through discovery and through the second day of trial defendants represented that there was no signed [document]". *Id.*, at 778. When later the document was offered the court concluded that "Plaintiff was surprised by the production of a document which Defendants had declared did not exist. It had proceeded to trial on that understanding." *Id.*, at 778-79.

In contrast, Debtor in this case had from the inception of the action declared that promissory notes do exist. See, Complaint for Determination of Tax Liability Under 11 U.S.C. §505 (R. 1), at ¶¶ 6-8. During the first day of trial both Debtor and Mewis testified about the existence of the notes. There is no surprise here occasioned by the position Debtor took prior to introducing copies of the promissory notes as there was in *Eastridge*. To the extent Appellant complains that the notes were not listed on the pretrial list of exhibits, the argument also fails. The trial court docket sheet does not indicate such a list was ever filed, and if there was one, Appellant did not include it in its designation of record for review.

This is not a case where Debtor withheld the documents for tactical reasons. *E.g.*, *Simon v. Shearson Lehman Bros., Inc.*, 895 F.2d 1304 (11th Cir. 1990). Neither is it a case where Debtor offered no excuse at all. *E.g.*, *Refrigeration Sales Co., Inc. v. Mitchell-Jackson, Inc.*, 770 F.2d 98 (7th Cir. 1985).

Appellant finally submits that it was prejudiced by the prior excusal of the Cameron Motors representative, Mr. Mewis. The Bankruptcy Court in excusing Mewis, plainly noted that either side could still recall him by subpoena, if necessary. (Tr. Vol I, at 133) Trial concluded the following day on January 17, 1990. Apparently, Appellant did not request a continuance to recall Mewis about the authenticity of the promissory notes, although it could have done so. Thus, little if any prejudice was suffered by the late location and submission of the notes. Certainly, the Bankruptcy Court did not abuse its discretion by allowing the notes into evidence. This argument is thus also without merit. The Bankruptcy Court did not err in its findings of fact or conclusions of law, nor did it abuse its discretion.

Therefore, it is hereby ordered that the decision of the Bankruptcy Court be AFFIRMED.

SO ORDERED THIS 19th day of February, 1991.


H. DALE COOK, CHIEF JUDGE
UNITED STATES DISTRICT COURT

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

BANCPLUS MORTGAGE CORP.,)
)
Plaintiff,)
)
vs.)
)
MELODIE A. CROCKETT; FIRST)
SECURITY MORTGAGE COMPANY and)
RESOLUTION TRUST CORPORATION,)
successor to the)
Federal Savings and Loan)
Insurance Corporation, as Receiver)
of Cross Roads Savings and Loan,)
a State Banking Association,)
)
Defendants,)
)
and)
)
RESOLUTION TRUST CORPORATION,)
successor to the Federal Savings)
and Loan Insurance Corporation as)
Conservator of Cross Roads)
Savings and Loan Association,)
F.A.,)
)
Cross-Claimant.)

Case No. 89-C-666-B

F I L E D

FEB 19 1991

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

ORDER

NOW ON THIS 19 day of Feb, 1991,
upon Joint-Request by the Plaintiff, Bancplus Mortgage Corp., and
the Cross-Claimant, Resolution Trust Corporation, as receiver for
Cross Roads Savings and Loan Association, F.A., and for good
cause shown, this Court hereby dismisses all claims asserted in
this action against the Defendant, First Security Mortgage
Company, without prejudice as to the refiling of same.

UNITED STATES DISTRICT COURT
JUDGE

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

BANCPLUS MORTGAGE CORP.,)
)
Plaintiff,)
)
vs.)
)
MELODIE A. CROCKETT; FIRST)
SECURITY MORTGAGE COMPANY and)
RESOLUTION TRUST CORPORATION,)
successor to the)
Federal Savings and Loan)
Insurance Corporation, as Receiver)
of Cross Roads Savings and Loan,)
a State Banking Association,)
)
Defendants,)
)
and)
)
RESOLUTION TRUST CORPORATION,)
successor to the Federal Savings)
and Loan Insurance Corporation as)
Conservator of Cross Roads)
Savings and Loan Association,)
F.A.,)
)
Cross-Claimant.)

Case No. 89-C-666-B

F I L E D

FEB 19 1991

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

ORDER

UPON CONSIDERATION OF Plaintiff's Request for an Order directing dismissal with prejudice, and for good cause shown, this Court hereby dismisses any and all of Plaintiff's claims asserted in this action as set forth in the Petition, or any amendments thereto, as to the Defendant Resolution Trust Corporation, as receiver for Cross Roads Savings and Loan Association.

IT IS FURTHER ORDERED that Plaintiff and the Resolution Trust Corporation are to pay their respective costs and attorney's fees associated with this action.

IT IS FURTHER ORDERED that this Order does not affect the right of the above-named parties from pursuing any and all claims arising from the subject of this action which they may have against First Security Mortgage Company, or any other personal entity.

S/ THOMAS R. BULL

UNITED STATES DISTRICT COURT
JUDGE

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

FILED

FEB 19 1991

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

RICHARD T. MISHKIN,)
)
 Plaintiff,)
)
 v.)
)
 COUNTRY LIFE INSURANCE COMPANY,)
)
)
 Defendant.)

No. 90-C-510-B ✓

O R D E R

Before the Court is the plaintiff's Motion to Amend Complaint and Add Additional Party Defendant. The plaintiff originally filed this action against Country Life Insurance Company (Country Life) for bad faith breach of insurance contract in the District Court of Tulsa County. Country Life then removed the action to this court pursuant to 28 U.S.C. §1441 claiming this Court's original jurisdiction due to the parties' diversity of citizenship. The plaintiff now wishes to amend his complaint to add as a defendant Shawnalee Spencer, an agent of Country Life, reasoning that if the Court should find that a binding insurance contract did not exist between the plaintiff and Country Life, the plaintiff would still have a claim for misrepresentation against Country Life and its agent, Shawnalee Spencer. Country Life objects, arguing that if the motion is granted, the Court would have to remand the case because Shawnalee Spencer is a nondiverse party, and her addition would require the parties to "start over" in state court.

Title 28 of the United States Code, section 1447(e) clearly states that it is within the Court's discretion to grant or deny

the plaintiff's motion to amend the complaint and join an additional party even if such joinder would result in remand:

If after removal the plaintiff seeks to join additional defendants whose joinder would destroy subject matter jurisdiction, the court may deny joinder, or permit joinder and remand the action to the State court.

Furthermore, an amendment which adds a party implicates Fed.R.Civ.P. 20(a) which requires the Court to determine whether the plaintiff asserts any right to relief against both Century Life and Shawnalee Spencer "in respect of or arising out of the same transaction, occurrence, or series of transactions or occurrences and if any operation of law or fact common to all defendants will arise in the action." *State Distributors, Inc. v. Glenmore Distilleries Co.*, 738 F.2d 405, 416 (10th Cir. 1984).

Although allowing the plaintiff to amend will obviously delay the litigation of the claim before this Court, the Court finds that judicial economy is better served by permitting the case to go forward as one suit in state court incorporating both claims of bad faith breach of contract and misrepresentation, than to proceed in federal court on one claim and state court on another when both claims arise from the same transaction. This is especially true in this case in which the discovery required for litigation of the bad faith breach of contract claim is virtually identical to that required for litigation of the misrepresentation claim.

The Court, therefore, grants the plaintiff's motion to amend the complaint and join Shawnalee Spencer as defendant. In so doing, the Court remands this action to the District Court of Tulsa County.

IT IS SO ORDERED, this 19th day of February, 1991.

Thomas R. Brett

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

That the United States Marshals Service personally served a copy of the Complaint for Forfeiture In Rem and the Warrant of Arrest In Rem on the defendant real property, its buildings, appurtenances, and improvements, on the 23rd day of October, 1990.

That the United States Marshals Service unsuccessfully attempted to serve a copy of the Complaint for Forfeiture In Rem and the Warrant of Arrest and Notice In Rem upon Carla T. Crowder, the only person believed by Plaintiff to have standing as a claimant in this matter.

That USMS Forms 285 reflecting the service and attempted service are on file herein.

That all persons and/or entities interested in the defendant property, its buildings, appurtenances, and improvements, hereinafter described were required to file their claim(s) herein within ten (10) days after service upon them of the Warrant of Arrest In Rem, publication of the Notice of Arrest and Seizure, or actual notice of this action, whichever occurred first, and were required to file their answer(s) to the Complaint within twenty (20) days after filing their respective claim(s).

That the defendant property and all persons and/or entities upon whom personal service was effectuated more than twenty (20) days ago have failed to file their respective claims

or answers, as directed in the Warrant of Arrest In Rem on file herein.

That the United States Marshals Service gave public notice of this action and arrest to all persons and entities by advertisement in the Tulsa Daily Commerce and Legal News on December 6, 13, and 20, 1990; and that Proof of Publication was filed of record on January 18, 1991.

That no other claims, papers, pleadings, or other defenses have been filed by the defendant property or any person and/or entity having an interest therein.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that Judgment be entered against the following-described defendant real property:

Lot Eleven (11), Block Forty-six (46), Valley View Acres Second Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof, also known as 250 East 51st Place North, Tulsa, Oklahoma 74126,

with buildings, appurtenances, and improvements, and against all persons and/or entities having an interest in such property, and that said defendant real property, its buildings, appurtenances, and improvements, be, and the same is, hereby forfeited to the United States of America for disposition by the United States

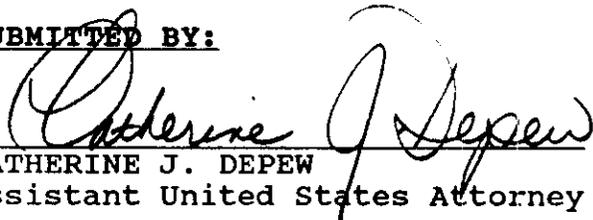
Marshal according to law, and that no right, title, or interest shall exist in any other party.

IT IS FURTHER ORDERED by the Court that the proceeds of the sale of the above-described real property, its buildings, appurtenances, and improvements, located at 250 East 51st Place North, Tulsa, Tulsa County, Oklahoma, shall be distributed in the following priority:

- a) First, for the payment to the United States of all expenses of forfeiture of the defendant real property, including, but not limited to, expenses of seizure, custody, advertising, and sale.
- b) Second, for payment of all real estate taxes owed on the property to date of sale, to the extent that the United States of America is responsible for said taxes.
- c) Third, for payment to the United States of America of all amounts remaining after the above disbursements.

S/ THOMAS R. BRETT
THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

SUBMITTED BY:


CATHERINE J. DEPEW
Assistant United States Attorney

E/S - DEA Seizure No. 87231
CJD/ch
01026

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

LAWRENCE A.G. JOHNSON, et al,)
)
 Plaintiff,)
)
 v.)
)
 VERN O. LAING,)
)
 Defendant.)

89-C-504-C

FILED

FEB 19 1991

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

ORDER

The appeal of a Bankruptcy Court decision reducing Appellant's Proof of Claim from \$65,550.42 to \$29,000 is once again before this Court. In reducing the value of the Proof of Claim, the Bankruptcy Court declined to give res judicata effect to a prior state court judgment on the issue.

Noting that it would be error to disregard the state court judgment unless fraud or collusion is found, the case was remanded to the Bankruptcy Court to specifically state whether the non-application of the res judicata doctrine was motivated by a finding of fraud or collusion. Upon remand, the Bankruptcy Court specified that Appellant had practiced fraud and collusion. The Bankruptcy Court states,

Based on the testimony heard and other evidence presented at the time of the trial before the bankruptcy court, I specifically find that Johnson's actions amount to fraud and collusion.

Supplemental Finding of Fact (filed August 3, 1990) (emphasis added).

The finding of Bankruptcy Court is not clearly erroneous, based upon a review of the underlying record. Where, as here, fraud or collusion is found, res judicata effect need

17

clerk

not be accorded a prior state court judgment. *Heiser v. Woodruff*, 327 U.S. 726, 736 (1946). The Bankruptcy Court properly invoked its equitable powers to ensure substantial justice was done. *Pepper v. Litton*, 308 U.S. 295, 304 (1939).

Therefore, it is hereby ordered that the Judgment of the Bankruptcy Court be AFFIRMED.

SO ORDERED THIS 17th day of February, 1991.


H. DALE COOK, CHIEF JUDGE
UNITED STATES DISTRICT COURT

FILED

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

FEB 19 1991

DR

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

THE PRUDENTIAL INSURANCE COMPANY)
 OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 CARRI A. OMSTEAD (formerly)
 Watters), CHARLES THOMAS)
 WATTERS, SR., and the)
 Estate of Charles Thomas)
 Watters, Jr.,)
)
 Defendants.)

Case No. 90-C-332-B ✓

AGREED JOURNAL ENTRY OF JUDGMENT DISCHARGING PLAINTIFF

The parties agree that Plaintiff, The Prudential Insurance Company of America ("Prudential"), should be discharged from this litigation pursuant to the following Agreed Journal Entry of Judgment. The Court hereby enters Judgment in favor of Prudential as follows:

1. The Court has jurisdiction of the subject matter of this lawsuit under 28 U.S.C. § 1332 and § 1335, in that this is an action in Interpleader involving at least two adverse claimants of diverse citizenship, whereby Prudential has tendered into registry of Court a sum of money in excess of \$500 belonging to one or more of such adverse claimants.

2. The Court has personal jurisdiction over all Defendants under 28 U.S.C. § 2361. Defendant Carri A. Omstead ("Omstead") is a citizen and resident of the State of Oklahoma and resides within this judicial district. Defendant Daniel ^{B.}~~W.~~ Jones is

DBJ

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clm

Administrator of the Estate of Charles T. Watters, Jr., deceased ("Administrator"), which estate is currently pending in the District Court of Denton County, Texas, in Case No. PR-90-89 in said court. Administrator is a citizen and resident of the State of Texas. Defendant Charles Thomas Watters, Sr., ("Watters, Sr."), is a citizen and resident of the State of Washington. Watters, Sr. has consented to the jurisdiction of this Court, and has authorized his attorney to accept service of process and enter an appearance on his behalf. See Exhibit 1 attached hereto.

3. Venue properly lies in this Court pursuant to 28 U.S.C. § 1391, as the claim arose at least in part within this judicial district, and pursuant to 28 U.S.C. § 1397, as one or more of the claimants/defendants resides within this judicial district.

4. On March 23, 1987, Charles T. Watters, Jr. made application to Prudential for two life insurance policies. Prudential thereafter issued two life insurance policies on the life of Charles T. Watters, Jr., Policy No. 61 098 772, in the face amount of \$100,000.00, with a contract date of March 23, 1987, and Policy No. 61 098 774, in the face amount of \$30,000.00, also with a contract date of March 23, 1987 (the "Prudential Policies").

5. Charles T. Watters, Jr. died on October 29, 1989. By reason of the death of Charles T. Watters, Jr., there came due and owing on the Prudential Policies the sum of \$130,000, plus interest. Omstead claims entitlement to the insurance proceeds as primary beneficiary of the Prudential Policies. At one time,

Administrator, on behalf of the heirs at law of Charles T. Watters, Jr., claimed entitlement to the insurance proceeds on the basis that a Decree of Divorce between Charles T. Watters, Jr., and Omstead revoked any right of Omstead to receive such proceeds. Watters, Sr., as contingent beneficiary of the Prudential Policies, claims entitlement to the insurance benefits.

6. An actual controversy exists by and between Omstead and Watters, Sr. over the proceeds of the Prudential Policies by reason of the death of Charles R. Watters, Jr. Because of the conflicting claims alleged by the claimants/defendants, Prudential commenced the present Interpleader action and tendered the insurance proceeds from the Prudential Policies into Court.

7. By Order dated May 15, 1990, this Court allowed Prudential to deposit the proceeds of the Prudential Policies into the Registry of Court. Thereafter, Prudential deposited with the Clerk of this Court the sum of \$135,387.55, representing the face amount of the Prudential Policies and accrued interest.

8. Prudential has brought before the Court all those who may claim entitlement to the insurance proceeds. Having deposited said proceeds into Court, and having brought all claimants before the Court, Prudential has fulfilled all obligations under the Prudential Policies and under the law, and should be discharged from any further liability. The Court hereby discharges Prudential from any other or further liability relating to the Prudential Policies. Pursuant to 28 U.S.C. § 2361, Defendants are enjoined from commencing or further

prosecuting any claim against Prudential relating to the Prudential Policies.

9. Prudential is entitled to attorneys fees of \$7,400.00, and costs of this action of \$300.00, which the Defendants agree to be just and reasonable. The total sum of attorneys fees and costs of \$7,700.00 shall be paid to Prudential out of the monies tendered into Court by Prudential.

10. Judgment is hereby entered in favor of Prudential, discharging Prudential from any other and further liability based upon the matters raised herein, and enjoining Defendants from commencing or further prosecuting any claim against Prudential relating to such matters.

11. Defendant Jones, Administrator of the Estate of Watters, Jr., on behalf of the heirs at law of Watters, Jr., specifically disclaims any interest in the insurance proceeds, and hereby consents to Judgment against him on that basis. Judgment is hereby entered against Jones, that neither the Estate of Watters, Jr., nor the heirs at law of Watters, Jr., have any interest in the insurance proceeds (aside from Watters, Sr., in so far as Watters, Sr. may have an interest in the insurance proceeds that would arise by virtue of his being named as contingent beneficiary of the policies).

DATED AND ENTERED THIS 19th DAY OF Feb., 1991.


UNITED STATES DISTRICT JUDGE

AGREED TO AND APPROVED:


Terry A. Simonson
3140 S. Winston
Suite 18
Tulsa, OK 74135

Attorneys for Carri A. Omstead


Daniel B. Jones
WILLIFORD & WOOD
1909 Woodall
Rogers Freeway
Suite 500 LB32
Dallas, TX 75201

Administrator of the Estate
of Charles T. Watters, Jr.


Pat Galvan
WILLIFORD & WOOD
1909 Woodall
Rogers Freeway
Suite 500 LB32
Dallas, TX 75201

Attorneys for the Estate of
Charles T. Watters, Jr.


Terry Thomas
NORMAN & WOHLGEMUTH
Suite 2900
401 South Boston
Tulsa, Oklahoma 74103

Attorney for
Charles T. Watters, Sr.

Timothy A. Carney

Sidney G. Dunagan
Timothy A. Carney
GABLE & GOTWALS, INC.
2000 Fourth National Bank Building
Tulsa, Oklahoma 74119

Attorneys for Plaintiff

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

FEB 19 1991

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 ONE PARCEL OF REAL PROPERTY,)
 WITH BUILDINGS, APPURTENANCES,)
 AND IMPROVEMENTS, KNOWN AS:)
 1206 EAST 50TH STREET NORTH,)
 TULSA, TULSA COUNTY, OKLAHOMA,)
)
 Defendant.)

CIVIL ACTION NO. 90-C-817-B

JUDGMENT OF FORFEITURE

This cause having come before this Court upon Plaintiff's Application filed herein, and being otherwise fully apprised in the premises, it is hereby

That the verified Complaint for Forfeiture In Rem was filed in this action on the 21st day of September, 1990; that the Complaint alleges that the defendant real property, with buildings, appurtenances, and improvements, is subject to forfeiture pursuant to 21 U.S.C. 881(a)(6) and (a)(7), because it was used, or was intended for use, to commit, or to facilitate the commission of, a violation of Title 21 United States Code.

That a Warrant of Arrest In Rem was issued by the Honorable Thomas R. Brett, United States Judge for the Northern District of Oklahoma, on the 26th day of September, 1990, as to the defendant real property, buildings, appurtenances, and improvements.

twenty (20) days ago have failed to file their respective claims or answers, as directed in the Warrant of Arrest In Rem on file herein.

That the United States Marshals Service gave public notice of this action and arrest to all persons and entities by advertisement in the Tulsa Daily Commerce and Legal News on December 13, 20, and 27, 1990; and that Proof of Publication was filed of record on January 18, 1991.

That no other claims, papers, pleadings, or other defenses have been filed by the defendant property or any person and/or entity having an interest therein.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED that Judgment be entered against the following-described defendant real property:

**Lot Five (5), Block Two (2),
Buenos Vista Subdivision, an
Addition to the City of Tulsa,
Tulsa County, State of Oklahoma,
according to the Recorded Plat
thereof, also known as 1206 East
50th Street North, Tulsa, Oklahoma
74126,**

with buildings, appurtenances, and improvements, and against all persons and/or entities having an interest in such property, and that said defendant real property, its buildings, appurtenances, and improvements, be, and the same is, hereby forfeited to the United States of America for disposition by the United States

Marshal according to law, and that no right, title, or interest shall exist in any other party.

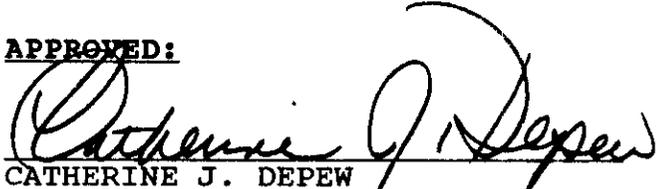
IT IS FURTHER ORDERED by the Court that the proceeds of the sale of the above-described real property, its buildings, appurtenances, and improvements, located at 1206 East 50th Street North, Tulsa, Tulsa County, Oklahoma, shall be distributed in the following priority:

- a) First, for the payment to the United States of all expenses of forfeiture of the defendant real property, including, but not limited to, expenses of seizure, custody, advertising, and sale.
- b) Second, for payment of all real estate taxes owed on the property to date of sale, to the extent that the United States of America is responsible for said taxes.
- c) Third, for payment to the United States of America of all amounts remaining after the above disbursements.

S/ THOMAS R. BRETT

THOMAS R. BRETT,
UNITED STATES DISTRICT JUDGE

APPROVED:


CATHERINE J. DEPEW
Assistant United States Attorney
for the Northern District of Oklahoma

DEA SEIZURE #87236

CJD/ch
01038

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

IN RE:)	
)	
STOCKTON OIL/GAS CO., INC., and	)	Bky. Case No. 85-01974-W
THE REMINGTON COMPANY,	)	Bky. Case No. 85-02114-W
)	
Debtors,	)	(Administratively Consolidated
	)	under Case No. 85-01974)
PHILCO OIL & GAS PROGRAM A, LTD.,)	
	)	Chapter 11
Appellant,)	
)	
v.	)	District Court No. 90-C-606-C ✓
)	
J. SCOTT McWILLIAMS, TRUSTEE,	)	FILED
	)	FEB 19 1991
Appellee.)	

ORDER

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

Now before the court is the Motion for Leave to Appeal (Docket #4)¹ of Philco Oil & Gas Program A, Ltd., by W.T. Sanders, Sr., from an order of sale of the Blout lease by the United States Bankruptcy Court for the Northern District of Oklahoma on June 29, 1990.

Appellant alleges that the Blout lease, Section 33-33S-43W, Morton County, Kansas, including the Blout #1 gas well which was drilled and operated by Philco Oil & Gas Program A, Ltd., is not a property of Stockton Oil/Gas Co., Inc. and thus not part of the bankruptcy estate.

¹ "Docket numbers" refer to numerical designations assigned sequentially to each pleading, motion, order, or other filing and are included for purposes of record keeping only. "Docket numbers" have no independent legal significance and are to be used in conjunction with the docket sheet prepared and maintained by the United States Court Clerk, Northern District of Oklahoma.

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C/BKY

The district court has jurisdiction to hear appeals from final decisions of the bankruptcy court under 28 U.S.C. § 158(a).² Under that section the district court has jurisdiction to hear appeals from interlocutory orders and decrees with leave of the court.

The court concludes that the corporate appellant, Philco Oil & Gas Program A, Ltd., may appear in a court of record only by attorney. DeVilliers v. Atlas Corp., 360 F.2d 292 (10th Cir. 1966). Its representation in the Motion for Leave to Appeal by W.T. Sanders, who is not an attorney, is thus improper.

The Motion for Leave to Appeal should be and is denied.

Dated this 19 day of Feb., 1991.


H. DALE COOK, CHIEF
UNITED STATES DISTRICT JUDGE

² 28 U.S.C. § 158(a) reads as follows:

"The district courts of the United States shall have jurisdiction to hear appeals from final judgments, orders, and decrees, and, with leave of the court, from interlocutory orders and decrees, of bankruptcy judges entered in cases and proceedings referred to the bankruptcy judges under section 157 of this title [28 USCS § 157]. An appeal under this subsection shall be taken only to the district court for the judicial district in which the bankruptcy judge is serving."

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

FLEETA M. NOBLE; COUNTY
TREASURER, Osage County,
Oklahoma; and BOARD OF COUNTY
COMMISSIONERS, Osage County,
Oklahoma,

Defendants.

F I L E D

FEB 19 1991

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

CIVIL ACTION NO. 90-C-905-B

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 18th day
of Feb., 1991. The Plaintiff appears by Tony M.
Graham, United States Attorney for the Northern District of
Oklahoma, through Kathleen Bliss Adams, Assistant United States
Attorney; the Defendants, County Treasurer, Osage County,
Oklahoma, and Board of County Commissioners, Osage County,
Oklahoma, appear by John S. Boggs, Jr., Assistant District
Attorney, Osage County, Oklahoma; and the Defendant, Fleeta M.
Noble, appears not, but makes default.

The Court being fully advised and having examined the
court file finds that the Defendant, Fleeta M. Noble, was served
with Summons and Complaint on January 11, 1991; that Defendant,
County Treasurer, Osage County, Oklahoma, acknowledged receipt of
Summons and Complaint on October 29, 1990; and that Defendant,
Board of County Commissioners, Osage County, Oklahoma,
acknowledged receipt of Summons and Complaint on October 29,
1990.

It appears that the Defendants, County Treasurer, Osage County, Oklahoma, and Board of County Commissioners, Osage County, Oklahoma, filed their Answer on October 31, 1990; that the Defendant, Fleeta M. Noble, has failed to answer and her default has therefore been entered by the Clerk of this Court.

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

Lot 16, Block 2, Skyview Addition to Fairfax, Oklahoma.

Subject, however, to all valid outstanding easements, rights-of-way, mineral leases, mineral reservations and mineral conveyances of record.

The Court further finds that on February 10, 1983, the Defendant, Fleeta M. Noble, executed and delivered to the United States of America, acting through the Farmers Home Administration, her promissory note in the amount of \$40,000.00, payable in monthly installments, with interest thereon at the rate of 10.75 percent per annum.

The Court further finds that as security for the payment of the above-described note, the Defendant, Fleeta M. Noble, executed and delivered to the United States of America, acting through the Farmers Home Administration, a mortgage dated February 10, 1983, covering the above-described property. Said mortgage was recorded on February 10, 1983, in Book 0630, Page 222, in the records of Osage County, Oklahoma.

The Court further finds that on February 10, 1983, the Defendant, Fleeta M. Noble, executed and delivered to the United States of America, acting through the Farmers Home Administration, an Interest Credit Agreement pursuant to which the interest rate on the above-described note and mortgage was reduced.

The Court further finds that on January 23, 1984, the Defendant, Fleeta M. Noble, executed and delivered to the United States of America, acting through the Farmers Home Administration, an Interest Credit Agreement pursuant to which the interest rate on the above-described note and mortgage was reduced.

The Court further finds that on January 21, 1985, the Defendant, Fleeta M. Noble, executed and delivered to the United States of America, acting through the Farmers Home Administration, an Interest Credit Agreement pursuant to which the interest rate on the above-described note and mortgage was reduced.

The Court further finds that on November 21, 1985, the Defendant, Fleeta M. Noble, executed and delivered to the United States of America, acting through the Farmers Home Administration, an Interest Credit Agreement pursuant to which the interest rate on the above-described note and mortgage was reduced.

The Court further finds that on October 22, 1986, the Defendant, Fleeta M. Noble, executed and delivered to the United States of America, acting through the Farmers Home

Administration, an Interest Credit Agreement pursuant to which the interest rate on the above-described note and mortgage was reduced.

The Court further finds that on July 29, 1987, the Defendant, Fleeta M. Noble, executed and delivered to the United States of America, acting through the Farmers Home Administration, an Interest Credit Agreement pursuant to which the interest rate on the above-described note and mortgage was reduced.

The Court further finds that on July 29, 1988, the Defendant, Fleeta M. Noble, executed and delivered to the United States of America, acting through the Farmers Home Administration, an Interest Credit Agreement pursuant to which the interest rate on the above-described note and mortgage was reduced.

The Court further finds that the Defendant, Fleeta M. Noble, made default under the terms of the aforesaid note, mortgage, and interest credit agreements by reason of her failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendant, Fleeta M. Noble, is indebted to the Plaintiff in the principal sum of \$35,312.08, plus accrued interest in the amount of \$4,180.40 as of September 21, 1990, plus interest accruing thereafter at the rate of 10.75 percent per annum or \$10.4002 per day until judgment, plus interest thereafter at the legal rate until fully paid, and the further sum due and owing under the interest credit agreements of \$22,767.89, plus interest on that sum at the legal

rate from judgment until paid, plus interest thereafter at the legal rate until fully paid, and the costs of this action in the amount of \$47.80 (\$20.00 docket fees, \$19.80 fees for service of Summons and Complaint, \$8.00 fee for recording Notice of Lis Pendens).

The Court further finds that the Defendants, County Treasurer and Board of County Commissioners, Osage County, Oklahoma, claim no right, title or interest in the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against Defendant, Fleeta M. Noble, in the principal sum of \$35,312.08, plus accrued interest in the amount of \$4,180.40 as of September 21, 1990, plus interest accruing thereafter at the rate of 10.75 percent per annum or \$10.4002 per day until judgment, plus interest thereafter at the current legal rate of 6.21 percent per annum until fully paid, and the further sum due and owing under the interest credit agreements of \$22,767.89, plus interest on that sum at the current legal rate of 6.21 percent per annum from judgment until paid, plus the costs of this action in the amount of \$47.80 (\$20.00 docket fees, \$19.80 fees for service of Summons and Complaint, \$8.00 fee for recording Notice of Lis Pendens), 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 Defendants, County Treasurer and Board of County Commissioners, Osage County, Oklahoma, have no right, title, or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendant, Fleeta M. Noble, to satisfy the money judgment of the Plaintiff 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 involved herein and apply the proceeds of the sale as follows:

First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

Second:

In payment of the judgment rendered herein in favor of the Plaintiff.

The surplus from said sale, 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 the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

6/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM
United States Attorney


KATHLEEN BLISS ADAMS, OBA #13625
Assistant United States Attorney
3600 U.S. Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463


JOHN S. BOGGS JR., OBA #0920
Assistant District Attorney
Attorney for Defendants,
County Treasurer and
Board of County Commissioners,
Osage County, Oklahoma

Judgment of Foreclosure
Civil Action No. 90-C-905-B

KBA/css

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

FILED
FEB 10 1997

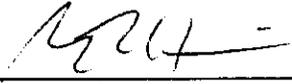
Jack C. Silver, Clerk
U.S. DISTRICT COURT

MICHAEL McCOY,	)	JOINT DISMISSAL
)	
Plaintiff,)	
)	
vs.	)	Case No. 90-C-565-E
)	
QUICKSILVER GRAPHIXS, INC.)	
et al.,)	
)	
Defendant.)	

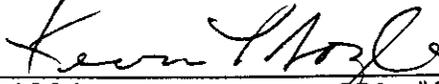
STIPULATION DISMISSAL

The Plaintiff MICHAEL McCOY and the Defendants QUICKSILVER GRAPHIXS and RALPH HENRY hereby stipulate that Plaintiff's claims and the Defendant's counterclaims shall be dismissed with prejudice to refiling. Each party share bear its own costs and attorneys' fees.

FRASIER & FRASIER

By: 
STEVE HICKMAN, Esq. OBA #4172
1700 Southwest Boulevard, Suite 100
Post Office Box 799
Tulsa, OK 74101
(918) 584-4724
Attorney for the Plaintiff,
MICHAEL W. McCOY

PRAY, WALKER, JACKMAN,
WILLIAMSON & MARLAR

By: 
William D. Toney, OBA #9060
Randall G. Vaughan, OBA #11554
Kevin P. Doyle, OBA #13269
900 ONEOK Plaza
Tulsa, OK 74103
918-584-4136
Attorneys for the Defendant,
QUICKSILVER GRAPHIXS, INC.
and RALPH HENRY

FILED

FEB 19 1991

RCH/sc
02/06/91

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

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

EDITH J. SELLERS,

Plaintiff,

vs.

KANSAS CITY FIRE AND MARINE
INSURANCE COMPANY,

Defendant.

Case No. 91 C 0052 C ✓

STIPULATED ORDER OF REMAND

The parties jointly submit to the Court their Stipulation for Motion to Remand the above-entitled cause to the District Court of Creek County, State of Oklahoma, Drumright Division.

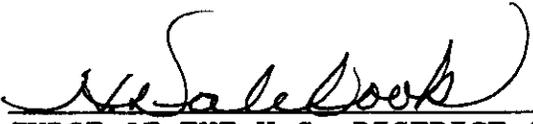
The parties further stipulate that plaintiff's request for an Order directing defendant to pay all of plaintiff's costs and disbursements incurred by reason of the removal of the above-entitled action to this Court be withdrawn.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the above-entitled cause is hereby remanded to the District Court of Creek County, State of Oklahoma, Drumright Division.

IT IS FURTHER ORDERED that plaintiff's Motion for an Order directing defendant to pay all of plaintiff's costs and disbursements incurred by reason of such removal of the above-

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entitled action to this Court is hereby allowed to be with-
drawn.



JUDGE OF THE U.S. DISTRICT COURT

APPROVED:



JEFFERSON D. SELLERS OBA # 8068
Attorney for Plaintiff



RICHARD C. HONN
Attorney for Defendant

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

GERALD R. MATULIS, an)
individual; et al.,)
)
Plaintiffs,)
)
v.)
)
A. B. CULBERTSON & COMPANY,)
a Texas corporation; et al.,)
)
Defendants.)

Case No. 90-C-566-C

F I L E D

FEB 19 1991

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

**ORDER DISMISSING WITH PREJUDICE ALL
CLAIMS BETWEEN PLAINTIFFS AND DEFENDANTS**

The Court has before it for consideration the Joint Motion of Plaintiffs and Defendants for an Order Dismissing With Prejudice all claims and causes of action asserted by and between those parties in this case.

Finding that good cause exists for the granting of this Joint Motion, IT IS HEREBY ORDERED that all claims and causes of action asserted by and between Plaintiffs and Defendants in this case are hereby dismissed with prejudice, with Plaintiffs and Defendants to each bear their own costs and attorney fees incurred herein.

IT IS SO ORDERED this 19 day of Feb, 1991.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

JRB:agc

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

FILED
FEB 19 1991 *QA*

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

REGENCY OLDSMOBILE, INC.,)
an Oklahoma corporation,)
)
Plaintiff,)
)
vs.)
)
GENERAL MOTORS CORPORATION,)
a Delaware corporation,)

No. 90-C-40-B ✓

O R D E R

For good cause shown, the complaint of the Plaintiff, Regency Oldsmobile against Defendant General Motors Corporation be and is hereby Dismissed With Prejudice to its refiling.

Thomas R. Smith

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

FILED

FEB 19 1991

[Handwritten mark]

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

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

KENNETH D. CAZZELL, an)
individual, and ZELCO)
MANUFACTURING, INC.,)
an Oklahoma Corporation,)
Plaintiffs,)

No. 90-C-0026-B

PIEDMONT AMERICAN LIFE,)
a foreign insurance)
corporation; AMERICAN)
INSTITUTE OF MANAGEMENT)
SERVICES, INC., a/k/a)
A.I.M.S., a foreign)
corporation; EMPLOYEE)
BENEFIT ANALYSTS, an)
Oklahoma corporation, and)
DON KENNEDY, an individual,)
Defendants.)

JUDGMENT

This matter comes on for consideration this 18th day
of Feb., 1991. The Plaintiffs appear by C. Jack
Maner. The Defendant, American Institute of Management Services,
Inc., a/k/a A.I.M.S., appears not and is wholly in default.

The Court being fully advised in the premises and
having examined the court file finds that the defendant, American
Institute of Management Services, Inc., a/k/a A.I.M.S., acknow-
ledged receipt of Summons and a copy of the Petition or Complaint
on January 2, 1990, by certified mail as established by a copy of
the return receipt herein included.

The Court further finds that no appearance was ever
made by this defendant or counsel for this defendant and that no
notice whatsoever to said defendant is required before entering
judgment.

sd

alm

The Court further finds that this is a suit based upon the negligence of American Institute of Management Services, Inc., a/k/a A.I.M.S., who was an independent contractor handling claims for Piedmont American Life. That as a result of said negligence the claim of Kenneth D. Cazzell was denied having a liquidated value in the sum of \$35,806.36 and the policy of Zelco Manufacturing, Inc., was cancelled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the plaintiffs have and recover judgment against the defendant American Institute of Management Services, Inc., a/k/a A.I.M.S., in the principle sum of \$35,806.36, plus interest at the rate of 6.21 percent per annum from January 12, 1990, until judgment plus interest thereafter at the current legal rate of 6.21 percent per annum until paid, together with the costs of this action.


UNITED STATES DISTRICT JUDGE

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

*entered
already
closed*

IN RE:

CHASE EXPLORATION CORPORATION,
Debtor.

VAIL ENERGY CORPORATION and
WILLIAM R. GRIMM,

Plaintiffs/Appellees,

vs.

WILLIAMS NATURAL GAS COMPANY,
Defendant/Appellant.

Bky Case No. 82-454-W

Adv. No. 89-123-W

No. 89-C-356-C ✓

FILED

FEB 19 1991

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

ORDER

The Court has before it the motion of plaintiffs, Vail Energy Corporation and William R. Grimm, for restoration of a preliminary injunction issued by the Bankruptcy Court on April 17, 1989. On September 7, 1990 this Court vacated the injunction on the basis that the Bankruptcy Court was without jurisdiction to issue it. The Court finds no basis for reinstating it during pendency of the appeal to the Tenth Circuit.

Accordingly plaintiffs' motion for restoration of the injunction is DENIED.

IT IS SO ORDERED this 19th day of February, 1991.


H. DALE COOK
Chief Judge, U. S. District Court

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED
FEB 14 1991
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

FEDERAL DEPOSIT INSURANCE)
CORPORATION, in its corporate)
capacity as holder of assets)
of the failed UTICA NATIONAL)
BANK & TRUST CO.,)

Plaintiff,)

vs.)

CHRISTOPHER DESIGN HOMES,)
INC., et al.,)

Defendant.)

Case No. 90-C-572-B

STIPULATION OF DISMISSAL

The plaintiff, Federal Deposit Insurance Corporation, and the defendants Christopher Design Homes, Inc., Mark En, Limited, G.E. Duplexes, Incorporated, and Mark C. Enterline (hereinafter referred to collectively as the "Defendants"), pursuant to Rule 41 of the Rules of Civil Procedure, hereby jointly stipulate to the dismissal of the Defendants' counterclaim as filed in the above-named cause with prejudice towards the refiling of same.

Respectfully submitted,

Susan J. Speaker

Susan J. Speaker
HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.
4100 Bank of Oklahoma Tower
Tulsa, Oklahoma 74172
(918) 588-4572

Attorneys for Plaintiff


Dale Joseph Gilsinger, OBA #10821
Gerald R. Shrader, OBA #13051
ALBRIGHT & ASSOCIATES
2601 Fourth Nat'l Bank Bldg.
15 West Sixth Street
Tulsa, Oklahoma 74119
(918) 583-5800

Attorneys for Defendants

CERTIFICATE OF MAILING

I, Dale Joseph Gilsinger, hereby certify that on the 14th day of February, 1991, I caused a true and correct copy of the above and foregoing instrument to be placed in the United States mails in Tulsa, Oklahoma, with proper postage fully prepaid thereon, addressed to:

J. Dennis Semler
Assistant District Attorney
406 Tulsa County Courthouse
Tulsa, Oklahoma 74103

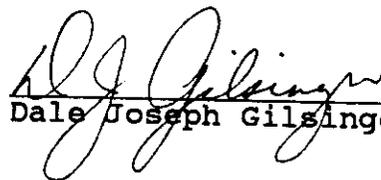
Noble Sokolosky
200 Cedar Center
P.O. Box 240
Owasso, Oklahoma 74055

Susan J. Speaker
HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.
4100 Bank of Oklahoma Tower
Tulsa, Oklahoma 74172

Mike Longley
P.O. Box 25848
Oklahoma City, OK 73125

Steven M. Harris
Douglas R. Haughey
DOYLE & HARRIS
2431 East 61st Street
Suite 260
Tulsa, Oklahoma 74136

Therese Buthod
JAMES R. GOTWALS & ASSOC.
525 South Main Mall
Suite 1130
Tulsa, Oklahoma 74103


Dale Joseph Gilsinger

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

FILED

FEB 14 1991

DIANE MARTIN, a/k/a DIANE WILSON,)
)
 Plaintiff,)
)
 vs.)
)
 CITADEL MANAGEMENT COMPANY, INC.)
 an Oklahoma corporation,)
)
 Defendant.)

JOINT DISMISSAL SILVER, CLERK
U.S. DISTRICT COURT

Case No. 90-C-615-C

STIPULATION DISMISSAL

The Plaintiff DIANE MARTIN and the Defendant CITADEL MANAGEMENT COMPANY hereby stipulate that Plaintiff's claims shall be dismissed with prejudice to refileing. Each party share bear its own costs and attorneys' fees.

CHAPEL, RIGGS, ABNEY, NEAL & TURPIN

By: Melvin C. Hall
MELVIN C. HALL, Esq.
CHAPEL, RIGGS, ABNEY, NEAL & TURPIN
Suite 101
5801 North Broadway Avenue
Oklahoma City, Oklahoma 73118
Attorney for the Plaintiff,
DIANE MARTIN a/k/a DIANE WILSON

PRAY, WALKER, JACKMAN,
WILLIAMSON & MARLAR

By: William D. Toney
William D. Toney, OBA #9060
Randall G. Vaughan, OBA #11554
Kevin P. Doyle, OBA #13269
900 ONEOK Plaza
Tulsa, OK 74103
918-584-4136
Attorneys for the Defendant,
CITADEL MANAGEMENT COMPANY, INC.

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

FILED
FEB 13 1991
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

EDWARD M. BRADLEY, and)
JOYE BRADLEY,)
)
Plaintiffs,)
)
v.)
)
SIMMONS INDUSTRIES, INC.,)
)
Defendant.)

Civil Action No. 90 C-971

STIPULATION ^{OF} FOR DISMISSAL

It is hereby stipulated that the above-entitled action may be dismissed with prejudice, each party to bear his own costs and attorneys fees.

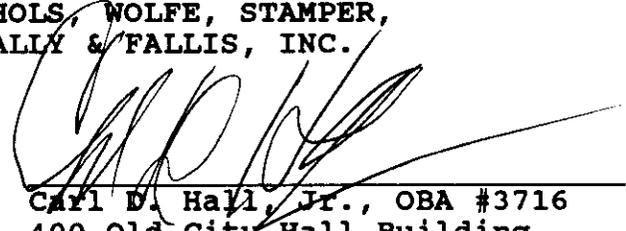
DATED: February 13, 1991.

CLARK AND WILLIAMS

BY: 
Darrell E. Williams, OBA #9640
5416 South Yale, Suite 600
Tulsa, Oklahoma 74135
(918) 496-9200

ATTORNEYS FOR PLAINTIFFS,
EDWARD M. & JOYE BRADLEY

NICHOLS, WOLFE, STAMPER,
NALLY & FALLIS, INC.

By: 
Carl D. Hall, Jr., OBA #3716
400 Old City Hall Building
124 East Fourth Street
Tulsa, Oklahoma 74103-4004
(918) 584-5182

ATTORNEYS FOR DEFENDANT,
SIMMONS INDUSTRIES, INC.

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

FILED

DEVITA BEALS,)
)
 Plaintiff,)
)
 v.)
)
 CITY OF FAITH MEDICAL AND RESEARCH)
 CENTER, INC., an Oklahoma non-profit)
 corporation,)
 Defendant.)

FEB 13 1991

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

89-C-991-E

CORRECTED JUDGMENT

Judgment is entered in favor of plaintiff in the amount of \$10,000 for actual damages, and \$10,000.00 in punitive damages, with prejudgment interest on the actual damage award only from the date the suit was commenced to the date of the verdict at the rate of 10.92%, as provided by 12 O.S. § 727. Postjudgment interest shall accrue at the rate of 7.02%, as provided by 28 U.S.C. § 1961. Pursuant to Rule 54(d) of the Federal Rules of Civil Procedure, defendant is to pay the costs of this litigation to plaintiff as the prevailing party.

Dated this 13th day of February, 1991.



JOHN LEO WAGNER
UNITED STATES MAGISTRATE JUDGE

FILED

FEB 13 1991

Jack C. Silver, Clerk
DISTRICT COURT

THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

ARTIE BURTON, III,
Plaintiff,

vs.

No. 90-C-172-E

SUTHERLAND LUMBER COMPANY,
now known as SUTHERLAND
BUILDING COMPANY LIMITED
PARTNERSHIP,

Defendant.

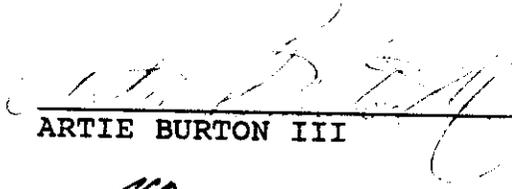
ORDER OF DISMISSAL WITH PREJUDICE

Pursuant to the Stipulation for Dismissal on file herein, it is ordered that the above-captioned cause is dismissed with prejudice to Plaintiff's right to refile same.

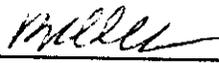
Sign this 12th day of ~~December~~ ^{Feb.}, 1990.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE


ARTIE BURTON III


JEFF NIX


WILLIAM S. LEACH

RCH/sc
2/06/91

FILED
FEB 13 1991

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

Jack C. Silver, Clerk
District Court

KAREN ELIZABETH FRITZ,)	
)	
Plaintiff,)	
)	
vs.	)	Case No. 91 C 0054 E
)	
KANSAS CITY FIRE AND MARINE)	
INSURANCE COMPANY,)	
)	
Defendant.)	

STIPULATED ORDER OF REMAND

The parties jointly submit to the Court their Stipulation for Motion to Remand the above-entitled cause to the District Court of Creek County, State of Oklahoma, Drumright Division.

The parties further stipulate that plaintiff's request for an Order directing defendant to pay all of plaintiff's costs and disbursements incurred by reason of the removal of the above-entitled action to this Court be withdrawn.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the above-entitled cause is hereby remanded to the District Court of Creek County, State of Oklahoma, Drumright Division.

IT IS FURTHER ORDERED that plaintiff's Motion for an Order directing defendant to pay all of plaintiff's costs and disbursements incurred by reason of such removal of the above-

entitled action to this Court is hereby allowed to be with-
drawn.

S/ JAMES O. ELLISON
JUDGE OF THE U.S. DISTRICT COURT

APPROVED:

Jefferson D. Sellers
JEFFERSON D. SELLERS OSA # 8068
Attorney for Plaintiff

Richard C. Honn
RICHARD C. HONN
Attorney for Defendant

FILED

FEB 17 1991

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Jack C. Sibley, Clerk

UNITED STATES OF AMERICA,

Plaintiff,

v.

SIDNEY GORE,

Defendant.

Civil Action No.

91 C 0076 E

CONSENT DECREE

WHEREAS Plaintiff, the United States of America, on behalf of the Administrator of the United States Environmental Protection Agency ("EPA"), has filed a complaint herein alleging that Defendant Sidney Gore violated Part C of the Safe Drinking Water Act ("the Act"), 42 U.S.C. §§ 300h - 300h-7, dealing with protection of underground sources of drinking water, and its implementing regulations at 40 CFR Part 147, Subpart GGG, which are applicable to owners and operators of certain injection wells on the Osage Mineral Reserve, Osage County, Oklahoma; and

WHEREAS, the parties agree and the Court, by entering this Consent Decree, finds that settlement of the aforesaid claims without further litigation is in the public interest and that this Decree is an appropriate means of resolving such matters;

WHEREAS, settlement and entry of this Decree does not

constitute admission of liability by the Defendant or adjudication by the Court of any issue of fact or law, but is intended solely to settle the asserted claims on the terms set forth herein;

NOW THEREFORE, upon consent and agreement of the parties, and the Court having considered the matter and being duly advised,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

I. JURISDICTION

1. This Court has jurisdiction over the subject matter of this action and over the parties pursuant to Section 1423(b) of the Act, 42 U.S.C. § 300h-2(b), and 28 U.S.C. §§ 1331, 1345 and 1355. The Complaint states claims upon which relief may be granted under Section 1423(b) of the Act.

II. BINDING EFFECT

2. The provisions of this Consent Decree apply to and are binding upon the parties and upon Defendant's employees, agents, trustees, successors and assigns.

III. PENALTIES

3. Defendant shall pay a civil penalty in the amount of TWELVE THOUSAND DOLLARS (\$12,000) in satisfaction of the United States' claims for civil penalties for the violations alleged in the Complaint. Payment shall be made within 30 days of the date of entry of this Decree, by cashier's check made payable to the "Treasurer of the United States", which shall be sent to:

Financial Litigation Unit
Office of the United States Attorney
for the Northern District of Oklahoma
U.S. Courthouse, Room 3600
333 West Fourth Street
Tulsa, Oklahoma 74103

Copies of the check and the transmittal letter, which shall refer to the caption and civil action number of this case, shall also be sent to:

Office of Regional Counsel (6C-W)
Attention: Debora Strickley-Browning
U.S. Environmental Protection Agency
Region VI
1445 Ross Avenue
Dallas, Texas 75202

and to:

Chief, Environmental Enforcement Section
Attention: DOJ # 90-5-1-1-3256
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611, Ben Franklin Station
Washington, D.C. 3256

4. The United States shall be deemed a judgment creditor for purposes of collection of penalties under this Decree. Interest shall accrue on any unpaid balance of the penalty provided for in in paragraph 3 hereof beginning 30 days after the date such penalty is due. Such interest shall accrue and be payable at the federal judgment interest rate, in accordance with 28 U.S.C. § 1961. In addition, stipulated penalties of one percent (1%) of the unpaid balance shall be payable at the end of each 30-day late period. If interest and stipulated penalties are due, Defendant shall submit a statement with their payment to the Financial Litigation Unit of the U.S. Attorney's

Office for the Northern District of Oklahoma, setting forth the calculation of interest and stipulated penalties.

5. Penalty payments made under this Decree are not tax deductible.

IV. NON-WAIVER PROVISIONS

6. This Decree in no way affects or relieves Defendant of responsibility to comply with all applicable federal, state or local laws and regulations, including the regulations at 40 C.F.R. Part 147, Subpart GGG. Nothing herein shall be construed to prevent or limit the United States' right to seek or obtain any other remedy, sanction or relief that may be available to it by reason of Defendant's failure to comply with this Decree.

V. COSTS OF SUIT

7. Each party shall bear its own costs and attorney's fees in this action. Should Defendant subsequently be determined to have violated the terms and conditions of this Decree, he shall be liable for any costs and attorney's fees incurred by the United States in any action for noncompliance with this Decree.

VI. MODIFICATION

8. There shall be no modification of this Decree without written approval of the parties and the Court.

VII. CONTINUING JURISDICTION

9. The Court shall retain jurisdiction to enforce this Decree, to resolve disputes arising hereunder and to issue such orders as may be necessary or appropriate to construe or implement its terms.

VIII. TERMINATION

10. This Decree shall be terminated when Defendant has paid the penalties, including interest thereon, provided for in Section III of the Decree.

IX. SIGNATORIES

11. The representatives of each party to this Decree certify that they are authorized to execute and legally bind such party to this document.

THE UNDERSIGNED PARTIES enter into this Consent Decree and, subject to the public notice requirements of 28 C.F.R. § 50.7, submit it to the Court for approval and entry.

Date: 1-24-91

FOR THE UNITED STATES OF AMERICA

Richard B. Stewart

RICHARD B. STEWART
Assistant Attorney General
Environment and Natural Resources
Division

U.S. Department of Justice

Miriam L. Chesslin

MIRIAM L. CHESSLIN
Trial Attorney
Environmental Enforcement Section
Environment and Natural Resources
Division

U.S. Department of Justice
P.O. Box 7611, Ben Franklin Station
Washington, D.C. 20044
(202) 514-1491

Date: 2-6-91

TONY M. GRAHAM
United States Attorney for the
Northern District of Oklahoma

By: Phil Pinnell

PHIL PINNELL
Assistant United States Attorney
U.S. Courthouse, Room 3600
333 West Fourth Street

Tulsa, Oklahoma 74103
(918) 581-7463

Date: Nov 16, 1990

James M. Strock

JAMES M. STROCK
Assistant Administrator for
Enforcement
U.S. Environmental Protection
Agency
Washington, D.C. 20460

FOR DEFENDANT

Date: 9-18-90

Sidney Gore

CAW/Whitebook

SIDNEY GORE
P.O. Box 1063
Tulsa, Oklahoma 74101

C. A. Whitebook, Attorney
for Sidney Gore,
Ste 200, 2431 East 51st St.

Tulsa, Oklahoma 74105

Dated and entered this 12th day of Feb., 1990

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

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

TIMMY L. HESS,
Plaintiff,

vs.

LOUIS W. SULLIVAN, M.D.,
Secretary of Health and Human
Services,

Defendant.

Case No. 84-C-1002-E

FILED

FEB 13 1991

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

ORDER

NOW on this 12th day of February, 1991, comes on for consideration the above styled matter and the Court, being fully advised in all premises, finds that the United States Court of Appeals for the Tenth Circuit has affirmed in part and reversed in part and remanded the action back to this Court to remand to the Secretary for a determination of the date claimant's disability ended and for immediate payment of benefits. Accordingly,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this action should be and is hereby remanded to the Secretary of Health and Human Services for a determination of the date claimant's disability ended and for immediate payment of benefits.


JUDGE JAMES O. ELLISON
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HOWARD A. BOYD a/k/a HOWARD BOYD;
PHYLLIS A. BOYD a/k/a PHYLLIS BOYD;
GILCREASE HILLS HOMEOWNERS
ASSOCIATION; COUNTY TREASURER,
Osage County, Oklahoma; BOARD OF
COUNTY COMMISSIONERS, Osage County,
Oklahoma,

Defendants.

FILED

FEB 12 1991

Jack C. Silver, Clerk
DISTRICT COURT

) CIVIL ACTION NO. 90-C-489-E

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 11 day
of Feb, 1991. The Plaintiff appears by Tony M.
Graham, United States Attorney for the Northern District of
Oklahoma, through Phil Pinnell, Assistant United States Attorney;
the Defendant, Phyllis A. Boyd a/k/a Phyllis Boyd, appears by
Everett R. Bennett, Jr.; the Defendants, County Treasurer, Osage
County, Oklahoma, and Board of County Commissioners, Osage
County, Oklahoma, appear by John S. Boggs, Jr., Assistant
District Attorney, Osage County, Oklahoma; and the Defendants,
Howard A. Boyd a/k/a Howard Boyd and Gilcrease Hills Homeowners
Association, appear not, but make default.

The Court being fully advised and having examined the
court file finds that the Defendant, Howard A. Boyd a/k/a Howard
Boyd, acknowledged receipt of Summons and Complaint on July 31,
1990; that the Defendant, Gilcrease Hills Homeowners Association,
acknowledged receipt of Summons and Complaint on June 9, 1990;

that Defendant, County Treasurer, Osage County, Oklahoma, acknowledged receipt of Summons and Complaint on June 12, 1990; and that Defendant, Board of County Commissioners, Osage County, Oklahoma, acknowledged receipt of Summons and Complaint on June 13, 1990.

It appears that the Defendants, County Treasurer, Osage County, Oklahoma, and Board of County Commissioners, Osage County, Oklahoma, filed their Answer on June 14, 1990; that the Defendant, Phyllis A. Boyd a/k/a Phyllis Boyd, filed her Answer and Cross-petition on July 5, 1990; and that the Defendants, Howard A. Boyd a/k/a Howard Boyd and Gilcrease Hills Homeowners Association, have failed to answer and their default has therefore been entered by the Clerk of this Court.

The Court further finds that on December 28, 1989, Howard Allen Boyd filed his voluntary petition in bankruptcy in Chapter 7 in the United States Bankruptcy Court, Northern District of Oklahoma, Case No. 89-04044-W and was discharged on April 25, 1990.

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

Lot Twenty (20), Block One (1), GILCREASE HILLS VILLAGE I, Blocks 1, 2, and 3, a subdivision of Osage County, State of Oklahoma, according to the recorded plat thereof.

The Court further finds that on May 26, 1982, the Defendants, Howard A. Boyd and Phyllis A. Boyd, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, their mortgage note in the amount of \$63,000.00, payable in monthly installments, with interest thereon at the rate of 15.5 percent (15.5%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Howard A. Boyd and Phyllis A. Boyd, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, a mortgage dated May 26, 1982, covering the above-described property. Said mortgage was recorded on May 28, 1982, in Book 617, Page 673, in the records of Osage County, Oklahoma.

The Court further finds that the Defendants, Howard A. Boyd and Phyllis A. Boyd, made default under the terms of the aforesaid note and mortgage by reason of their failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendants, Howard A. Boyd a/k/a Howard Boyd and Phyllis A. Boyd a/k/a Phyllis Boyd, are indebted to the Plaintiff in the principal sum of \$61,784.09, plus interest at the rate of 15.5 percent per annum from July 1, 1989 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action in the amount of

\$28.00 (\$20.00 docket fees, \$8.00 fee for recording Notice of Lis Pendens).

The Court further finds that the Defendants, County Treasurer, Osage County, Oklahoma, and Board of County Commissioners, Osage County, Oklahoma have a lien on the property which is the subject matter of this action by virtue of ad valorem taxes in the amount of \$581.72, plus penalties and interest, for the year of 1989, and also those taxes which will be due for the year 1990 in the amount of \$ — 0 —. Said liens are superior to the interest of the Plaintiff, United States of America.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover a judgment in rem against the Defendant Howard A. Boyd and a judgment in personam against Phyllis A. Boyd, in the principal sum of \$61,784.09, plus interest at the rate of 15.5 percent per annum from July 1, 1989 until judgment, plus interest thereafter at the current legal rate of 6.62 percent per annum until paid, plus the costs of this action in the amount of \$28.00 (\$20.00 docket fees, \$8.00 fee for recording Notice of Lis Pendens), plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for taxes, insurance, abstracting, or sums of the preservation of the subject property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, County Treasurer, Osage County, Oklahoma, and the Board of County Commissioners have and recover judgment in the

amount of \$581.72, plus penalties and interest, for ad valorem taxes for the year 1989, and the taxes due for 1990 in the amount of \$ - 0 - , plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that an Order of Sale shall be issued to the United States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell with appraisalment the real property involved herein and apply the proceeds of the sale as follows:

First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

Second:

In payment of Defendants, County Treasurer, Osage County, Oklahoma, and Board of County Commissioners, Osage County, Oklahoma, in the amount of \$581.72, plus penalties and interest, for ad valorem taxes which are presently due and owing on said real property, and also the taxes due for 1990 in the amount of \$ - 0 - ;

Third:

In payment of the judgment rendered herein in favor of the Plaintiff;

The surplus from said sale, 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 the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

S. JAMES C. HENRY

UNITED STATES DISTRICT JUDGE

F I L E D

FEB 12 1991

RCH/sc
02/06/91

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

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

JACK B. SELLERS,)	
)	
Plaintiff,)	
)	
vs.	)	Case No. 91 C 0053 B
)	
KANSAS CITY FIRE AND MARINE)	
INSURANCE COMPANY,)	
)	
Defendant.)	

STIPULATED ORDER OF REMAND

The parties jointly submit to the Court their Stipulation for Motion to Remand the above-entitled cause to the District Court of Creek County, State of Oklahoma, Drumright Division.

The parties further stipulate that plaintiff's request for an Order directing defendant to pay all of plaintiff's costs and disbursements incurred by reason of the removal of the above-entitled action to this Court be withdrawn.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the above-entitled cause is hereby remanded to the District Court of Creek County, State of Oklahoma, Drumright Division.

IT IS FURTHER ORDERED that plaintiff's Motion for an Order directing defendant to pay all of plaintiff's costs and disbursements incurred by reason of such removal of the above-

entitled action to this Court is hereby allowed to be withdrawn.

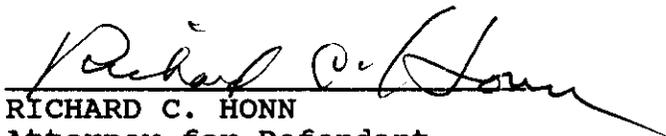
S/ THOMAS R. BRETT

JUDGE OF THE U.S. DISTRICT COURT

APPROVED:



JEFFERSON D. SELLERS *SA # 8068*
Attorney for Plaintiff



RICHARD C. HONN
Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

F I L E D

FEB 12 1991

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
DOUGLAS WAYNE SMITH; MONICA ANNE)
SMITH a/k/a MONICA A. SMITH;)
COUNTY TREASURER, Tulsa County,)
Oklahoma; and BOARD OF COUNTY)
COMMISSIONERS, Tulsa County,)
Oklahoma,)
)
Defendants.)

CIVIL ACTION NO. 90-C-924-B

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 12th day
of Feb., 1991. The Plaintiff appears by Tony M.
Graham, United States Attorney for the Northern District of
Oklahoma, through Peter Bernhardt, Assistant United States
Attorney; the Defendants, County Treasurer, Tulsa County,
Oklahoma, and Board of County Commissioners, Tulsa County,
Oklahoma, appear by J. Dennis Semler, Assistant District
Attorney, Tulsa County, Oklahoma; and the Defendants, Douglas
Wayne Smith and Monica Anne Smith a/k/a Monica A. Smith, appear
not, but make default.

The Court being fully advised and having examined the
court file finds that the Defendant, Douglas Wayne Smith,
acknowledged receipt of Summons and Complaint on November 25,
1990; that the Defendant, Monica Anne Smith a/k/a Monica A.
Smith, acknowledged receipt of Summons and Complaint on or about
November 27, 1990; that Defendant, County Treasurer, Tulsa
County, Oklahoma, acknowledged receipt of Summons and Complaint

on November 2, 1990; and that Defendant, Board of County Commissioners, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on November 2, 1990.

It appears that the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, filed their Answers on November 26, 1990; that the Defendants, Douglas Wayne Smith and Monica Anne Smith a/k/a Monica A. Smith, have failed to answer and their default has therefore been entered by the Clerk of this Court.

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

Lot 18, Block 8, PRAIRIE VIEW ADDITION to the City of Collinsville, Tulsa County, State of Oklahoma, according to the Recorded Plat thereof.

SUBJECT, HOWEVER, TO ALL VALID OUTSTANDING EASEMENTS, RIGHTS-OF-WAY, MINERAL LEASES, MINERAL RESERVATIONS, AND MINERAL CONVEYANCES OF RECORD.

The Court further finds that on January 29, 1986, Douglas Wayne Smith and Monica Anne Smith executed and delivered to the United States of America, acting through the Farmers Home Administration, their mortgage note in the amount of \$42,500.00, payable in monthly installments, with interest thereon at the rate of 10.625 percent per annum.

The Court further finds that as security for the payment of the above-described note, Douglas Wayne Smith and

Monica A. Smith executed and delivered to the United States of America, acting through the Farmers Home Administration, a mortgage dated January 29, 1986, covering the above-described property. Said mortgage was recorded on January 31, 1986, in Book 4922, Page 289, in the records of Tulsa County, Oklahoma.

The Court further finds that on April 9, 1986, Douglas Wayne Smith and Monica A. Smith executed and delivered to the United States of America, acting through the Farmers Home Administration, an Interest Credit Agreement pursuant to which the interest rate on the above-described note and mortgage was reduced.

The Court further finds that on March 29, 1988, Douglas Wayne Smith and Monica A. Smith executed and delivered to the United States of America, acting through the Farmers Home Administration, an Interest Credit Agreement pursuant to which the interest rate on the above-described note and mortgage was reduced.

The Court further finds that the Defendants, Douglas Wayne Smith and Monica Anne Smith a/k/a Monica A. Smith, made default under the terms of the aforesaid note and mortgage by reason of their failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendants, Douglas Wayne Smith and Monica Anne Smith a/k/a Monica A. Smith, are indebted to the Plaintiff in the principal sum of \$43,229.94, plus accrued interest in the amount of \$8,608.82 as of April 16, 1990, plus interest accruing thereafter at the rate of 10.625 percent per annum or \$12.5841 per day until

judgment, plus interest thereafter at the legal rate until fully paid, and the further sum due and owing under the interest credit agreements of \$5,928.00, plus interest on that sum at the legal rate from judgment until paid, and the costs of this action accrued and accruing.

The Court further finds that the Defendant, County Treasurer, Tulsa County, Oklahoma, has liens on the property which is the subject matter of this action by virtue of ad valorem taxes in the amount of \$296.00, plus penalties and interest, for the year 1989 and \$310.00, plus penalties and interest for the year 1990. Said liens are superior to the interest of the Plaintiff, United States of America.

The Court further finds that the Defendant, County Treasurer, Tulsa County, Oklahoma, has a lien on the property which is the subject matter of this action by virtue of personal property taxes in the amount of \$5.00 which became a lien on the property as of 1989. Said lien is inferior to the interest of the Plaintiff, United States of America.

The Court further finds that the Defendant, Board of County Commissioners, Tulsa County, Oklahoma, claims no right, title or interest in the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendants, Douglas Wayne Smith and Monica Anne Smith a/k/a Monica A. Smith, in the principal sum of \$43,229.94, plus accrued interest in the amount of \$8,608.82 as of April 16, 1990, plus interest accruing thereafter at the rate of 10.625 percent per annum or \$12.5841

per day until judgment, plus interest thereafter at the current legal rate of 6.62 percent per annum until fully paid, and the further sum due and owing under the interest credit agreements of \$5,928.00, plus interest on that sum at the current legal rate of 6.62 percent per annum from judgment until paid, plus the costs 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 Defendant, County Treasurer, Tulsa County, Oklahoma, have and recover judgment in the amount of \$606.00, plus penalties and interest, for ad valorem taxes for the years 1989 and 1990, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, County Treasurer, Tulsa County, Oklahoma, have and recover judgment in the amount of \$5.00 for personal property taxes for the year 1989, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, Board of County Commissioners, Tulsa County, Oklahoma, has no right, title, or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendants, Douglas Wayne Smith and Monica Anne Smith a/k/a Monica A. Smith, to satisfy the money judgment of the Plaintiff 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 involved herein and apply the proceeds of the sale as follows:

First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

Second:

In payment of Defendant, County Treasurer, Tulsa County, Oklahoma, in the amount of \$606.00, plus penalties and interest, for ad valorem taxes which are presently due and owing on said real property;

Third:

In payment of the judgment rendered herein in favor of the Plaintiff;

Fourth:

In payment of Defendant, County Treasurer, Tulsa County, Oklahoma, in the amount of \$5.00, personal property taxes which are currently due and owing.

The surplus from said sale, 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 the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the

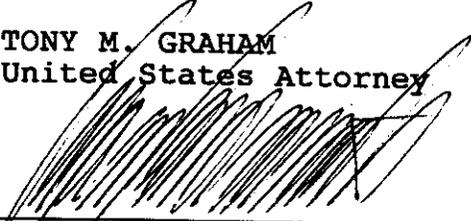
Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM
United States Attorney



PETER BERNHARDT, OBA #741
Assistant United States Attorney
3600 U.S. Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463



J. DENNIS SEMLER, OBA #8076
Assistant District Attorney
Attorney for Defendants,
County Treasurer and
Board of County Commissioners,
Tulsa County, Oklahoma

Judgment of Foreclosure
Civil Action No. 90-C-924-B

KBA/css

F I L E D

FEB 12 1991

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

RCH/sc
02/04/91

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

IVAN D. FRITZ,)	
)	
Plaintiff,)	
)	
vs.	)	Case No. 91 C 0055 B
)	
KANSAS CITY FIRE AND MARINE)	
INSURANCE COMPANY,)	
)	
Defendant.)	

STIPULATED ORDER OF REMAND

The parties jointly submit to the Court their Stipulation for Motion to Remand the above-entitled cause to the District Court of Creek County, State of Oklahoma, Drumright Division.

The parties further stipulate that plaintiff's request for an Order directing defendant to pay all of plaintiff's costs and disbursements incurred by reason of the removal of the above-entitled action to this Court be withdrawn.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the above-entitled cause is hereby remanded to the District Court of Creek County, State of Oklahoma, Drumright Division.

IT IS FURTHER ORDERED that plaintiff's Motion for an Order directing defendant to pay all of plaintiff's costs and disbursements incurred by reason of such removal of the above-

entitled action to this Court is hereby allowed to be withdrawn.

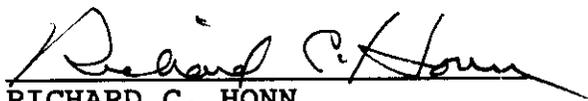
S/ THOMAS R. BRETT

JUDGE OF THE U.S. DISTRICT COURT

APPROVED:



JEFFERSON D. SELLERS 0610-8068
Attorney for Plaintiff



RICHARD C. HONN
Attorney for Defendant

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

FILED

FEB 12 1991

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

TINA BROWN and BARRY BROWN,)
husband and wife,)

Plaintiffs,)

vs.)

STANLEY GLANZ, TULSA COUNTY)
SHERIFF, JOHNNY EDGE,)
DAVID PERKINS, JACKIE LEWIS,)
JUNE DAVIS, BOARD OF TULSA)
COUNTY COMMISSIONERS,)
GREG TURLEY, BRIAN EDWARDS,)
WILLIAM REAVES, JOHN DOES' 1)
THROUGH 6,)

Defendants,)

and,)

T L. SHIEVER, JIM TILLMAN,)
and TIM THOMPSON,)

Additional Party Defendants.)

No: 89-C-738-E

ORDER OF DISMISSAL WITH PREJUDICE

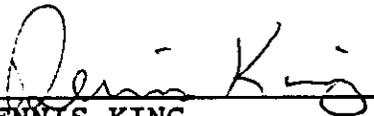
ON this 11th day of February, 1991,
the Joint Application for an Order of Dismissal With Prejudice came
on before the court. In support of said motion Tina Brown, Barry
Brown, and T. L. Shiever jointly requested that the court issue an
Order of Dismissal With Prejudice dismissing the claims of Tina
Brown and Barry Brown against T. L. Shiever and an Order of
Dismissal With Prejudice dismissing the Counterclaim of T. L.
Shiever against Tina Brown. The court finds that said motion
should be and is hereby sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiffs, Tina Brown and Barry Brown, causes of action against T. L. Shiever are hereby ordered dismissed with prejudice and it is further ordered that the Counterclaim of T. L. Shiever against Tina Brown is dismissed with prejudice.

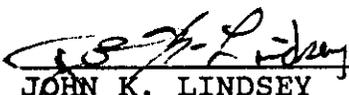
S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE
FOR THE NORTHERN DISTRICT OF OKLAHOMA

APPROVED AS TO FORM:



DENNIS KING
Attorney for Tina Brown and
Barry Brown

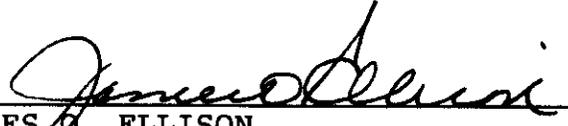


JOHN K. LINDSEY
Attorney for T. L. Shiever

appropriate and reasonable and this court finds that \$9,000.00 is an appropriate and reasonable amount for attorneys' fees.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment is entered against Address and in favor of Arkla as the prevailing party in the amount of \$9,000.00 for Arkla's reasonable attorneys' fees incurred in defending this action.

ORDERED this 12th day of February, 1991.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM
AND CONTENT:

HALL, ESTILL, HARDWICK, GABLE,
GOLDEN & NELSON, P.C.

By:



J. Kevin Hayes
Richard T. McGonigle
Mark Banner
4100 Bank of Oklahoma Tower
One Williams Center
Tulsa, Oklahoma 74172
(918) 588-2700

ATTORNEYS FOR DEFENDANT,
ARKLA, INC.

SNEED, LANG, ADAMS, HAMILTON
& BARNETT

By: Brian S. Gaskill
Brian S. Gaskill
Melinda J. Martin
2300 Williams Center Tower II
Two West Second Street
Tulsa, Oklahoma 74103
(918) 583-3145

ATTORNEYS FOR PLAINTIFF,
BILL O. ANDRESS

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

TINA BROWN and BARRY BROWN,)
husband and wife,)
)
) Plaintiffs,)
)
)
vs.)
)
)
STANLEY GLANZ, TULSA COUNTY)
SHERIFF, JOHNNY EDGE,)
DAVID PERKINS, JACKIE LEWIS,)
JUNE DAVIS, BOARD OF TULSA)
COUNTY COMMISSIONERS,)
GREG TURLEY, BRIAN EDWARDS,)
WILLIAM REAVES, JOHN DOES' 1)
THROUGH 6,)
)
) Defendants,)
)
) and,)
)
) T. L. SHIEVER, JIM TILLMAN,)
) and TIM THOMPSON,)
)
) Additional Party Defendants.)

No: 89-C-738-E

F I L E D

FEB 12 1991

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

ORDER OF DISMISSAL WITHOUT PREJUDICE

ON this 11th day of February, 1991,
the Plaintiff's Motion for an Order of Dismissal Without Prejudice
against Defendant, Johnny Edge, came on before the court for
hearing. The court finds that said Order should be sustained as
the plaintiffs have reached a settlement with all other parties and
this Order is necessary to completely conclude this litigation.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that plaintiffs'
claims against Johnny Edge are dismissed without prejudice.


UNITED STATES DISTRICT JUDGE
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION
FILED

JAN 22 1991

DOCKET NO. 865

PATRICIA D. HOWARD
CLERK OF THE PANEL

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

FILED

IN RE SHOWA DENKO K.K. L-TRYPTOPHAN PRODUCTS LIABILITY LITIGATION

Judy Bishop v. General Nutrition Corporation, et al.,
N.D. Oklahoma, C.A. No. 90-C-0875-E ✓

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

CONDITIONAL TRANSFER ORDER

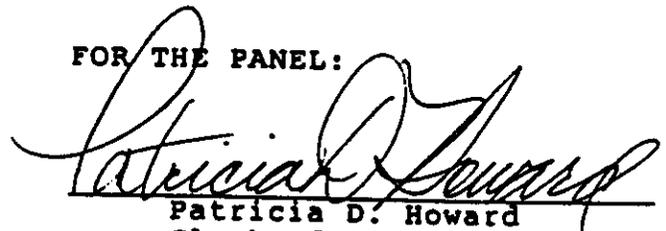
On December 7, 1990, the Panel transferred 16 civil actions to the United States District Court for the District of South Carolina for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. §1407. Since that time more than 60 additional actions have been transferred to the District of South Carolina. With the consent of that court, all such actions have been assigned to the Honorable Matthew J. Perry, Jr.

It appears from the pleadings filed in the above-captioned action that it involves questions of fact which are common to the actions previously transferred to the District of South Carolina and assigned to Judge Perry.

Pursuant to Rule 12 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 120 F.R.D. 251, 258, the above-captioned action is hereby transferred under 28 U.S.C. §1407 to the District of South Carolina for the reasons stated in the order of December 7, 1990, and, with the consent of that court, assigned to the Honorable Matthew J. Perry, Jr.

This order does not become effective until it is filed in the office of the Clerk of the United States District Court for the District of South Carolina. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Patricia D. Howard
Clerk of the Panel

Inasmuch as no objection is made
at this time, the stay is lifted and
this order becomes effective



Patricia D. Howard
Clerk of the Panel

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
LEE E. SMITH; COUNTY TREASURER,
Tulsa County, Oklahoma; and
BOARD OF COUNTY COMMISSIONERS,
Tulsa County, Oklahoma,
Defendants.

F I L E D

FEB 11 1991

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

CIVIL ACTION NO. 90-C-897-C

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 11th day
of Feb, 1991. The Plaintiff appears by Tony M.
Graham, United States Attorney for the Northern District of
Oklahoma, through Peter Bernhardt, Assistant United States
Attorney; the Defendants, County Treasurer, Tulsa County,
Oklahoma, and Board of County Commissioners, Tulsa County,
Oklahoma, appear by J. Dennis Semler, Assistant District
Attorney, Tulsa County, Oklahoma; and the Defendant, Lee E.
Smith, appears not, but makes default.

The Court being fully advised and having examined the
court file finds that the Defendant, Lee E. Smith, acknowledged
receipt of Summons and Complaint on November 13, 1990; that
Defendant, County Treasurer, Tulsa County, Oklahoma, acknowledged
receipt of Summons and Complaint on October 25, 1990; and that
Defendant, Board of County Commissioners, Tulsa County, Oklahoma,
acknowledged receipt of Summons and Complaint on October 26,
1990.

It appears that the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, filed their Answers November 13, 1990; that the Defendant, Lee E. Smith, has failed to answer and his default has therefore been entered by the Clerk of this Court.

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

Lot Five (5), Block Two (2), ORIGINAL TOWN, now City of Sand Springs, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

The Court further finds that on July 8, 1988, the Defendant, Lee E. Smith, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, his mortgage note in the amount of \$15,000.00, payable in monthly installments, with interest thereon at the rate of ten percent (10%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendant, Lee E. Smith, executed and delivered to the United States of America, acting on behalf of the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs, a mortgage dated July 8, 1988, covering the above-described property. Said mortgage was

recorded on July 11, 1988, in Book 5113, Page 1356, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendant, Lee E. Smith, made default under the terms of the aforesaid note and mortgage by reason of his failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendant, Lee E. Smith, is indebted to the Plaintiff in the principal sum of \$14,545.26, plus interest at the rate of 10 percent per annum from August 1, 1989 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action accrued and accruing.

The Court further finds that the Defendant, County Treasurer, Tulsa County, Oklahoma, has a lien on the property which is the subject matter of this action by virtue of ad valorem taxes in the amount of \$220.00, plus penalties and interest, for the year of 1990. Said lien is superior to the interest of the Plaintiff, United States of America.

The Court further finds that the Defendant, County Treasurer, Tulsa County, Oklahoma, has a lien on the property which is the subject matter of this action by virtue of personal property taxes in the amount of \$1.00 which became a lien on the property as of 1989. Said lien is inferior to the interest of the Plaintiff, United States of America.

The Court further finds that the Defendant, Board of County Commissioners, Tulsa County, Oklahoma, claims no right, title or interest in the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendant, Lee E. Smith, in the principal sum of \$14,545.26, plus interest at the rate of 10 percent per annum from August 1, 1989 until judgment, plus interest thereafter at the current legal rate of 10-1/2 percent per annum until paid, plus the costs 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 Defendant, County Treasurer, Tulsa County, Oklahoma, have and recover judgment in the amount of \$220.00, plus penalties and interest, for ad valorem taxes for the year 1990, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, County Treasurer, Tulsa County, Oklahoma, have and recover judgment in the amount of \$1.00 for personal property taxes for the year 1989, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendant, Board of County Commissioners, Tulsa County, Oklahoma, has no right, title, or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendant, Lee E. Smith, to satisfy the money judgment of the Plaintiff 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 involved herein and apply the proceeds of the sale as follows:

First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

Second:

In payment of Defendant, County Treasurer, Tulsa County, Oklahoma, in the amount of \$220.00, plus penalties and interest, for ad valorem taxes which are presently due and owing on said real property;

Third:

In payment of the judgment rendered herein in favor of the Plaintiff;

Fourth:

In payment of Defendant, County Treasurer, Tulsa County, Oklahoma, in the amount of \$1.00, personal property taxes which are currently due and owing.

The surplus from said sale, 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 the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the

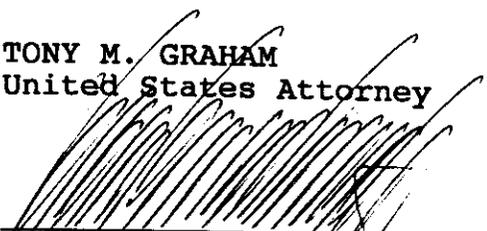
Complaint, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the subject real property or any part thereof.

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM
United States Attorney



PETER BERNHARDT, OBA #741
Assistant United States Attorney
3600 U.S. Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463



J. DENNIS SEMLER, OBA #8076
Assistant District Attorney
Attorney for Defendants,
County Treasurer and
Board of County Commissioners,
Tulsa County, Oklahoma

Judgment of Foreclosure
Civil Action No. 90-C-897-C

PB/css

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 SIXTY-ONE THOUSAND THIRTY)
 DOLLARS (\$61,030.00) IN)
 UNITED STATES CURRENCY,)
)
 Defendant.)

CIVIL ACTION NO. 90-C-979-C

FILED

FEB 11 1991

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

AGREED JUDGMENT OF FORFEITURE

IT NOW APPEARS that the forfeiture proceeding herein has been fully compromised and settled, as more fully appears in the written Stipulation For Compromise entered into by and between the Claimant, Danny Scott Martin, and plaintiff, United States of America.

And it further appearing that no other claims to said property have been filed since such property was seized, and that no other person(s) has any right, title, or interest in the following-described defendant property:

Sixty-one Thousand Thirty Dollars
(\$61,030.00) In United States
Currency.

Now, therefore, on motion of Catherine J. Depew, Assistant United States Attorney, and with the consent of Claimant, Danny Scott Martin, it is

NOTE: THIS ORDER IS TO BE MAILED
BY MOVANT TO ALL COUNSEL AND
PRO SE LITIGANTS IMMEDIATELY
UPON RECEIPT.

4

ORDERED that the claim of Danny Scott Martin to the defendant property be, and the same hereby is, dismissed with prejudice and without costs, and it is

FURTHER ORDERED, ADJUDGED, AND DECREED that the sum of Fifty-nine Thousand Thirty Dollars (\$59,030.00) of the defendant currency be, and it is hereby, condemned as forfeited to the United States of America and shall remain in the custody of the United States Marshal for disposition according to law, and it is

FURTHER ORDERED that the sum of Two Thousand Dollars (\$2,000.00) of the defendant currency be returned to the Claimant, Danny Scott Martin, by the United States Marshals Service, and it is

FURTHER ORDERED that the cost bond in the amount of Five Thousand Dollars (\$5,000.00) posted in the administrative action be returned to the Claimant, Danny Scott Martin, by the United States Marshals Service.

DATED this 9th day of Feb, 1991.

(Signed) H. Dale Cook

H. DALE COOK, Chief Judge
United States District
Court for the Northern District of
Oklahoma

CJD/ch
01251

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 EUGENE LONG; DOROTHY J. LONG;)
 STATE OF OKLAHOMA ex rel.)
 OKLAHOMA TAX COMMISSION; COUNTY)
 TREASURER, Rogers County,)
 Oklahoma; and BOARD OF COUNTY)
 COMMISSIONERS, Rogers County,)
 Oklahoma,)
)
 Defendants.)

FILED
FEB 11 1991

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

CIVIL ACTION NO. 90-C-954-C

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 11th day
of Feb, 1991. The Plaintiff appears by Tony M.
Graham, United States Attorney for the Northern District of
Oklahoma, through Peter Bernhardt, Assistant United States
Attorney; the Defendants, County Treasurer, Rogers County,
Oklahoma, and Board of County Commissioners, Rogers County,
Oklahoma, appear by Bill M. Shaw, Assistant District Attorney,
Rogers County, Oklahoma; the Defendant, State of Oklahoma ex rel.
Oklahoma Tax Commission, appears by its attorney Lisa Haws; and
the Defendants, Eugene Long and Dorothy J. Long, appear not, but
make default.

The Court being fully advised and having examined the
court file finds that the Defendants, Eugene Long and Dorothy J.
Long, acknowledged receipt of Summons and Complaint on or about
November 28, 1990; that the Defendant, State of Oklahoma ex rel.
Oklahoma Tax Commission, acknowledged receipt of Summons and

Complaint on November 7, 1990; that Defendant, County Treasurer, Rogers County, Oklahoma, acknowledged receipt of Summons and Complaint on November 8, 1990; and that Defendant, Board of County Commissioners, Rogers County, Oklahoma, acknowledged receipt of Summons and Complaint on November 13, 1990.

It appears that the Defendants, County Treasurer, Rogers County, Oklahoma, and Board of County Commissioners, Rogers County, Oklahoma, filed their Answer on November 13, 1990; that the Defendant, State of Oklahoma ex rel. Oklahoma Tax Commission, filed its Answer on November 23, 1990; and that the Defendants, Eugene Long and Dorothy J. Long, have failed to answer and their default has therefore been entered by the Clerk of this Court.

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

Lot 8, in Block 2, of Norfleet Addition to the City of Claremore, Rogers County, Oklahoma, according to the recorded plat thereof.

The Court further finds that on December 30, 1986, the Defendants, Eugene Long and Dorothy J. Long, executed and delivered to Midfirst Mortgage Co. their mortgage note in the amount of \$52,000.00, payable in monthly installments, with interest thereon at the rate of eight percent (8%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Eugene Long

and Dorothy J. Long, executed and delivered to Midfirst Mortgage Co. a mortgage dated December 30, 1986, covering the above-described property. Said mortgage was recorded on December 31, 1986, in Book 749, Page 109, in the records of Rogers County, Oklahoma.

The Court further finds that on January 20, 1987, Midfirst Mortgage Co. assigned the above-described mortgage to Midland Mortgage Co. This Assignment of Mortgage was recorded on March 9, 1987, in Book 753, Page 884, in the records of Rogers County, Oklahoma.

The Court further finds that on July 27, 1988, Midland Mortgage Co. assigned the above-described mortgage to the Administrator of Veterans Affairs, now known as Secretary of Veterans Affairs. This Assignment of Mortgage was recorded on August 17, 1988, in Book 790, Page 516, in the records of Rogers County, Oklahoma. On August 4, 1988, this loan was reamortized with an interest rate of 7.5 percent per annum.

The Court further finds that Defendants, Eugene Long and Dorothy J. Long, made default under the terms of the aforesaid note and mortgage by reason of their failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendants, Eugene Long and Dorothy J. Long, are indebted to the Plaintiff in the principal sum of \$50,301.69, plus interest at the rate of 7.5 percent per annum from March 1, 1990 until judgment, plus interest thereafter at the legal rate until fully paid, and the

costs of this action in the amount of \$28.00 (\$20.00 docket fees, \$8.00 fee for recording Notice of Lis Pendens).

The Court further finds that the Defendant, State of Oklahoma ex rel. Oklahoma Tax Commission, has liens on the property which is the subject matter of this action by virtue of Tax Warrant No. ITI8800192300 dated March 11, 1888 in the amount of \$304.71 plus interest and penalty according to law and by virtue of Tax Warrant No. ITI8900050300 dated January 16, 1989 in the amount of \$226.91 plus interest and penalty according to law. Said liens are inferior to the interest of the Plaintiff, United States of America.

The Court further finds that the Defendants, County Treasurer and Board of County Commissioners, Rogers County, Oklahoma, claim no right, title or interest in the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendants, Eugene Long and Dorothy J. Long, in the principal sum of \$50,301.69, plus interest at the rate of 7.5 percent per annum from March 1, 1990 until judgment, plus interest thereafter at the current legal rate of 6.62 percent per annum until paid, plus the costs of this action in the amount of \$28.00 (\$20.00 docket fees, \$8.00 fee for recording Notice of Lis Pendens), 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 Defendant, State of Oklahoma ex rel. Oklahoma Tax Commission, have and recover judgment in the total amount of \$531.62, plus penalties and interest, for Tax Warrant No. ITI8800192300 dated March 11, 1888 and Tax Warrant No. ITI8900050300 dated January 16, 1989, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, County Treasurer and Board of County Commissioners, Rogers County, Oklahoma, have no right, title, or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendants, Eugene Long and Dorothy J. Long, to satisfy the money judgment of the Plaintiff 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 involved herein and apply the proceeds of the sale as follows:

First:

In payment of the costs of this action accrued and accruing incurred by the Plaintiff, including the costs of sale of said real property;

Second:

In payment of the judgment rendered herein in favor of the Plaintiff;

Third:

In payment of Defendant, State of Oklahoma
ex rel. Oklahoma Tax Commission, in the total
amount of \$531.62, plus penalties and
interest.

The surplus from said sale, if any, shall be deposited with the
Clerk of the Court to await further Order of the Court.

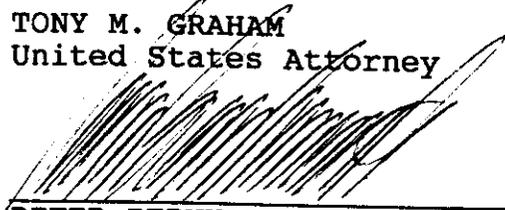
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from
and after the sale of the above-described real property, under
and by virtue of this judgment and decree, all of the Defendants
and all persons claiming under them since the filing of the
Complaint, be and they are forever barred and foreclosed of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

(Signed) H. Dale Cook

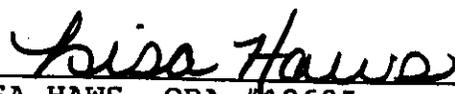
UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM
United States Attorney



PETER BERNHARDT, OBA #741
Assistant United States Attorney
3600 U.S. Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463



LISA HAWS, OBA #12695
Attorney for Defendant,
State of Oklahoma ex rel. Oklahoma Tax Commission



BILL M. SHAW, OBA #10127
Assistant District Attorney
Attorney for Defendants,
County Treasurer and
Board of County Commissioners,
Rogers County, Oklahoma

Judgment of Foreclosure
Civil Action No. 90-C-954-C

PB/css

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

F I L E D

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.)
ONE 1986 TOYOTA CRESSIDA)
VIN JT2MX73E8G0059006,)
Defendant.)

FEB 11 1991

Jack C. Silver, Clerk
CASE NO. 89-C-291-U.S. DISTRICT COURT

JUDGMENT OF FORFEITURE

In keeping with the Order entered February 1, 1991, vacating
the Judgment and Opinion of the Magistrate,

IT IS ORDERED, ADJUDGED AND DECREED:

1. That judgment be and hereby is entered in favor of
plaintiff, United States of America, and against the defendant
1986 Toyota Cressida VIN JT2MX73E8G0059006 (the defendant
vehicle).

2. That the defendant vehicle is hereby forfeited to the
United States of America for disposition according to law.

3. The costs of this action are to be borne by the
parties.

IT IS SO ORDERED this 11^m day of February, 1991.

(Signed) H. Dale Cook

H. DALE COOK
Chief Judge, U. S. District Court

Submitted By:

Catherine J. Depew
CATHERINE J. DEPEW
Assistant United States Attorney
3600 U. S. Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463

JAN 22 1991

DOCKET NO. 865

TRICIA D. HOWARD
CLERK OF THE PANEL

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE SHOWA DENKO K.K. L-TRYPTOPHAN PRODUCTS LIABILITY LITIGATION

Bonnie Baldrige v. Nutrition Headquarters, Inc., et
al., N.D. Oklahoma, C.A. No. 90-C-0595-E

FILED
Old

CONDITIONAL TRANSFER ORDER

On December 7, 1990, the Panel transferred 16 civil actions to the United States District Court for the District of South Carolina for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. §1407. Since that time more than 60 additional actions have been transferred to the District of South Carolina. With the consent of that court, all such actions have been assigned to the Honorable Matthew J. Perry, Jr.

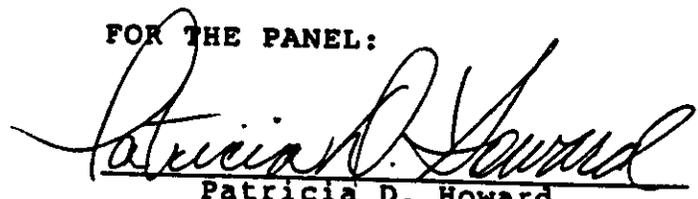
Jack C. Silver, Clerk
DISTRICT COURT

It appears from the pleadings filed in the above-captioned action that it involves questions of fact which are common to the actions previously transferred to the District of South Carolina and assigned to Judge Perry.

Pursuant to Rule 12 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 120 F.R.D. 251, 258, the above-captioned action is hereby transferred under 28 U.S.C. §1407 to the District of South Carolina for the reasons stated in the order of December 7, 1990, and, with the consent of that court, assigned to the Honorable Matthew J. Perry, Jr.

This order does not become effective until it is filed in the office of the Clerk of the United States District Court for the District of South Carolina. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Patricia D. Howard
Clerk of the Panel

As much as possible, this order is to be
effective at this time, the stay is lifted and
this order becomes effective

201

Patricia D. Howard
Clerk of the Panel

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

FILED
FEB 11 1991
JACK C. SILVER, CLERK
U.S. DISTRICT COURT

SONNY BUZZARD, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 OKLAHOMA TAX COMMISSION, et al.,)
)
 Defendants.)

Case No. 90 C-848 B

**ORDER OF DISMISSING DEFENDANT, JIM EARP,
WITHOUT PREJUDICE**

Upon the request of plaintiffs, and good cause appearing:
IT IS HEREBY ORDERED that the action is dismissed without
prejudice as to defendant, Jim Earp, Sheriff of Delaware County.

Date: Feb 11th, 1991.


UNITED STATES JUDGE

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o/m