

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP 10 1991

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 GUY M. REEKS,)
)
 Defendant.)

CIVIL ACTION NO. 91-C-534-E

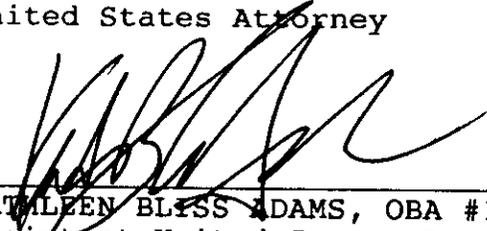
NOTICE OF DISMISSAL

COMES NOW the United States of America by Tony M. Graham, United States Attorney for the Northern District of Oklahoma, Plaintiff herein, through Kathleen Bliss Adams, Assistant United States Attorney, and hereby gives notice of its dismissal, pursuant to Rule 41, Federal Rules of Civil Procedure, of this action without prejudice.

Dated this 10th day of September, 1991.

UNITED STATES OF AMERICA

TONY M. GRAHAM
United States Attorney

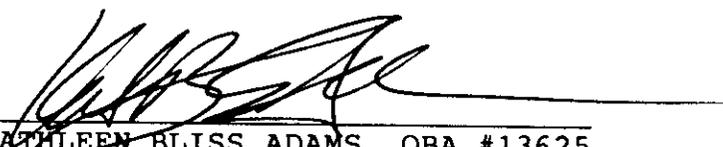


KATHLEEN BLISS ADAMS, OBA #13625
Assistant United States Attorney
3900 United States Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463

CERTIFICATE OF SERVICE

This is to certify that on the 10th day of September, 1991, a true and correct copy of the foregoing was mailed, postage prepaid thereon to:

Guy M. Reeks
8629 S. Fawnwood Court
Broken Arrow, OK 74011


KATHLEEN BLISS ADAMS, OBA #13625
Assistant United States Attorney

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

FILED

SEP 10 1991

**Richard M. Lawrence, Clerk
U.S. DISTRICT COURT**

RESOLUTION TRUST CORPORATION)
As Conservator for Cimarron)
Federal Savings Association,)

Plaintiff,)

vs.)

91-C-628-E

MEGHAN COVES INVESTMENT)
COMPANY,)

Defendant.)

ORDER DIRECTING
TRANSFER OF CASE

NOW on this 10th day of September, 1991, there comes on for consideration the Joint Motion to Transfer of the plaintiff and defendant hereto. The Court being fully advised in the premises and by agreement of the parties finds and ORDERS as follows:

1. In the interest of the administration of justice, this case is transferred to the United States District Court for the Eastern District of Oklahoma, where it might have been brought, pursuant to 28 U.S.C. §1404(a).

2. The Clerk of this Court shall send a certified copy of this Order together with the record in this case to the Clerk of the United States District Court for the Eastern District of Oklahoma.

S/ JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

F I L E D

SEP 10 1991

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

STATE FEDERAL SAVINGS ASSOCIATION)
BY AND THROUGH ITS CONSERVATOR,)
THE RESOLUTION TRUST CORPORATION,)
AS SUCCESSOR IN INTEREST TO)
CERTAIN ASSETS OF STATE FEDERAL)
SAVINGS AND LOAN ASSOCIATION,)

Plaintiff,)

vs.)

Case No. 90-C-805-C

AMOS A. BAKER, II; LINDA C. BAKER;)
GALAXY ENTERPRISES INC., an)
Oklahoma corporation; FIRST)
NATIONAL BANK AND TRUST COMPANY OF)
TULSA; AMERICAN BANK & TRUST CO.;)
and JOHN F. CANTRELL, COUNTY)
TREASURER OF TULSA COUNTY,)
OKLAHOMA,)

Defendants,)

and)

UNITED STATES OF AMERICA, EX REL)
THE INTERNAL REVENUE SERVICE,)

Additional Defendant.)

JUDGMENT

This matter comes on for consideration this 9 day of Sept, 1991, before the undersigned Judge of the United States District Court. State Federal Savings Association by and through its conservator, the Resolution Trust Corporation, as successor in interest to certain assets of State Federal Savings and Loan Association (the "RTC"), appears by and through its attorneys of record, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C. by R. Mark Petrich. The Defendants Amos A. Baker, II ("A. Baker"), Linda C. Baker ("L. Baker") and Galaxy Enterprises, Inc.

("Galaxy"), appear by and through their attorneys of record, Barrow, Gaddis, Griffith & Grimm by William R. Grimm. The Defendant First National Bank and Trust Company of Tulsa appears by and through its attorney of record James E. Carrington. The Defendant United States of America, ex rel the Internal Revenue Service ("IRS") appears by and through its attorney of record Kathleen Bliss Adams. The Defendant John F. Cantrell, County Treasurer of Tulsa County, Oklahoma, appears by and through his attorney of record J. Dennis Semler. The Defendant American Bank and Trust Co. appears not. This Court being fully advised in the premises finds as follows:

1. On or about June 1, 1988, A. Baker and L. Baker executed and delivered a promissory note to State Federal Savings and Loan Association ("State Federal") in the principal sum of \$450,000 (the "Note").

2. The Note is secured by a certain real estate mortgage (the "Mortgage") in and to the following described real property located in Tulsa County, Oklahoma, to-wit:

Lot One (1), Block One (1), MADISON SQUARE
ADDITION to Tulsa County, State of Oklahoma,
according to the recorded Plat thereof.

3. A. Baker and L. Baker are in default under the terms and conditions of the Note and Mortgage and there remains a principal amount outstanding of \$443,326.61, plus accrued interest through August 1, 1990, in the sum of \$30,294.08, plus continuing interest from August 1, 1990, until paid, at the rate of \$126.23 per day.

4. The RTC should be granted judgment in personam and in rem against A. Baker and L. Baker for the amounts set forth above,

together with all costs of this action, accrued and accruing, including a reasonable attorneys' fee in a sum of \$10,000.00.

5. That the RTC has a valid first lien on the real property described above, superior to all liens of all Defendants herein, and the RTC should be granted judgment in rem against all Defendants and parties named herein, foreclosing its superior mortgage in and to the real property described above.

6. The Defendant IRS has a federal tax lien on the real property described above which is subordinate to the mortgage of the RTC. The Defendant IRS has a right of redemption in the real property described above pursuant to 28 U.S.C. § 2410(c).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the RTC have and recover judgment, in personam and in rem, against Defendants A. Baker and L. Baker, for the principal sum of \$443,326.61, plus accrued interest through August 1, 1990, in the sum of \$30,294.08, plus continuing interest from August 1, 1990, until paid, at the rate of \$126.23 per day, together with all costs of this action including a reasonable attorneys' fee in the amount of \$10,000.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the RTC has a valid first lien on the real property described above, securing the judgment entered herein in the principal sum of \$443,326.61, plus interest, costs and attorneys' fee as set forth above, which is prior to all rights, titles, interests and liens of all Defendants herein and, therefore, the RTC is entitled to a judgment in rem against all Defendants herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the Defendant IRS has a federal tax lien on the real property described above which is subordinate to the mortgage of the RTC. The Defendant IRS has a right of redemption in the real property described above pursuant to 28 U.S.C. § 2410(c).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the rights, titles, interests and liens of all parties herein be foreclosed upon the real property described above and that a Special Execution and Order of Sale be issued, directing the sale of the above described real property after proper notice as provided by law. This Court hereby authorizes the Sheriff of Tulsa County, State of Oklahoma to conduct the sale of the above-described real property and hereby approves the use of said Sheriff for the sale of said real property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the order of priority of liens of the parties and the order of distribution of the proceeds from the sale are as follows:

1. First, to the payment of delinquent ad valorem taxes, penalties and interest due the County Treasurer of Tulsa County, Oklahoma;
2. Second, to the payment of all costs incurred herein by the RTC;
3. Third, to the payment of the judgment lien of the RTC in the sum of \$443,326.61, plus accrued and accruing interest; and
4. Fourth, the balance, if any, to be paid to the Clerk of this Court to await further order of this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that, upon confirmation of the sale of the above described real property, each and every party herein shall be forever barred,

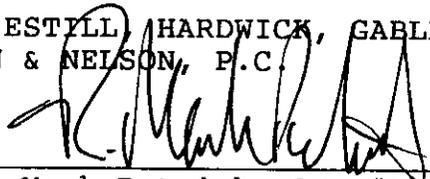
foreclosed and enjoined from asserting or claiming any right, title, interest, estate or equity of redemption in and to said premises or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that, upon confirmation of said sale, the United States Marshal of the Northern District of Oklahoma or the Sheriff of Tulsa County, State of Oklahoma, whichever is called upon to conduct said sale, shall execute and deliver a good and sufficient deed to the premises to the purchaser thereof, conveying all right, title, interest estate and equity of redemption of each of the parties herein and each and all parties claiming under them since the filing of the Complaint in this suit, and to the real estate described above, and that upon application of the purchaser, a writ of assistance shall be issued and directed to the United States Marshal or Sheriff of Tulsa County who shall thereupon and forthwith, place said premises in full and complete possession and enjoyment of said purchaser.


United States District Court Judge

APPROVED AS TO CONTENT AND FORM:

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

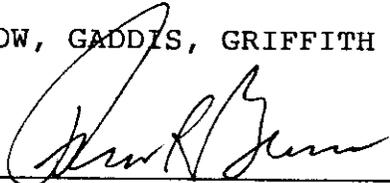
By: 

R. Mark Petrich, OBA #11956
4100 Bank of Oklahoma Tower
One Williams Center
Tulsa, Oklahoma 74172
(918) 588-4161

ATTORNEYS FOR THE PLAINTIFF

Signature Page for
Judgment
Case No. 90-C-805-~~4~~

BARROW, GADDIS, GRIFFITH & GRIMM

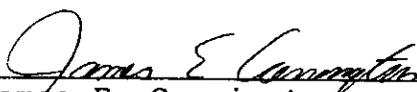
By: 

William R. Grimm
610 South Main, Suite 300
Tulsa, Oklahoma 74119

ATTORNEYS FOR AMOS A. BAKER, II,
LINDA C. BAKER AND GALAXY
ENTERPRISES, INC.

Signature Page for
Judgment
Case No. 90-C-805-~~B~~-C

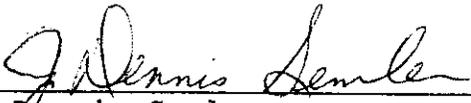
BAKER, HOSTER, MCSPADDEN, CLARK,
RASURE & SLICKER

By: 
James E. Carrington
800 Kennedy Building
Tulsa, Oklahoma 74103

ATTORNEYS FOR FIRST NATIONAL BANK
AND TRUST COMPANY OF TULSA

Signature Page for
Judgment
Case No. 90-C-805-B

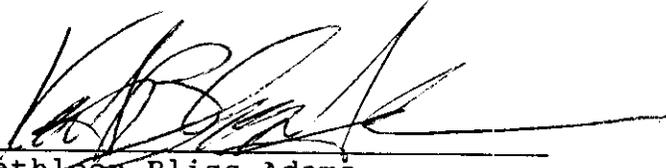
By:



J. Dennis Semler
406 Tulsa County Courthouse
Tulsa, Oklahoma 74103

ATTORNEYS FOR DEFENDANT JOHN F.
CANTRELL, COUNTY TREASURER OF
TULSA COUNTY, OKLAHOMA

Signature Page for
Judgment
Case No. 90-C-805-C

By: 

Kathleen Bliss Adams
Assistant United States Attorney
3600 U.S. Courthouse
Tulsa, Oklahoma 74103

ATTORNEYS FOR DEFENDANT UNITED
STATES OF AMERICA

FILED

SEP 10 1991

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

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

FEDERAL DEPOSIT INSURANCE
CORPORATION, in its corporate
capacity,

Plaintiff,

-vs-

WILLIAM C. LYON, et ux.,

Defendants.

Case No. 90-C-912-E

ORDER

The plaintiff has submitted a motion for administrative closure. It appears that the parties hereto have reached terms of settlement pursuant to a written settlement agreement. As a part of that settlement, the parties contemplate that this case will be administratively closed pending successful completion of the terms of the settlement agreement.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Clerk of this Court place this case in an administrative closure status until further order of the Court.

United States District Judge

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

FILED

SEP 9 1991

ABATEMENT SYSTEMS, INC.,)
)
Plaintiff,)
)
vs.)
)
FIGGIE ACCEPTANCE CORPORATION,)
)
Defendant.)

Richard M. Lawrence, Clerk
Case No. 90-C-~~600~~ U.S. DISTRICT COURT

STIPULATED DISMISSAL OF PLAINTIFF'S COUNT II

Pursuant to Rule 41(a)(1) Fed.R.Civ.P., Plaintiff, Abatement Systems, Inc., dismisses its Second Cause of Action in its Complaint against Figgie Acceptance Corporation filed on September 22, 1990. Counsel for Figgie Acceptance Corporation joins in this dismissal.

DOERNER, STUART, SAUNDERS,
DANIEL & ANDERSON

By Michael C. Redman
Lewis N. Carter (OBA #1524)
Michael C. Redman (OBA #13340)
320 South Boston, Suite 500
Tulsa, Oklahoma 74103
(918) 582-1211
Attorneys for Plaintiff,
Abatement Systems, Inc.

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

By Gerald G. Stamper
Gerald G. Stamper
S.M. Fallis, Jr.
400 Old City Hall Building
124 East Fourth Street
Tulsa, Oklahoma 74103-4004
Attorneys for Defendant,
Figgie Acceptance Corp.

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

SEP 9 1991

REUBEN DAVIS, Trustee for
Home-Stake Production
Company,

Plaintiff,

v.

TALON PETROLEUM, C.A., et al.,

Defendants.

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

Case No. 86-C-1129-B

JUDGMENT

In accordance with the Court's Order filed August 26, 1991, dismissing this case without prejudice on the ground that service of process was insufficient under Federal Rule 4(d)(1), Judgment is hereby entered in favor of the Defendant Rafael Tudela and against the Plaintiff and, accordingly, this case is hereby dismissed without prejudice as to the Defendant Rafael Tudela.

DATED this 9th day of September, 1991.

Thomas R. Butt
UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM:

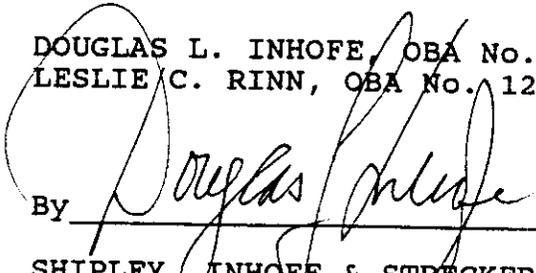
MARK S. RAINS, ESQ.

BY Mark S Rains

ROSENSTEIN, FIST & RINGOLD
Suite 300
525 S. Main Street
Tulsa, Oklahoma 74103
(918) 585-9211

Attorneys for Plaintiff
REUBEN DAVIS, Trustee for
Home-Stake Production Company

DOUGLAS L. INHOFE, OBA No. 4550
LESLIE C. RINN, OBA No. 12160

By 

SHIPLEY, INHOFE & STRECKER
3600 First National Tower
Tulsa, Oklahoma 74103
(918) 582-1720

Attorneys for Defendant
RAFAEL TUDELA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

* * * * *

GERALD L. HEADLEY, ROBERT A. FRANDEN
and JOHN O. DEAN, Trustees of the
Otasco Employees Retirement Trust,
Plaintiffs

Case No. ✓
90-891-C

Versus

McCRORY CORPORATION; RAPID AMERICAN
CORPORATION; JERRY L. GOODMAN; HENRY
G. WILL; EDGAR R. SANDITEN; ABE BRAND;
ARTHUR McNATT; CONNER & WINTERS;
ALTHEIMER & GRAY; HOULIHAN, LOKEY,
HOWARD & ZUKIN, INC; PRUDENTIAL-
BACHE SECURITIES, INC., and
GOLDMAN SACHS & CO., a
partnership,

FILED
SEP - 6 1991
Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

Defendants

* * * * *

ORDER

IT IS ORDERED that Henry G. Will be and he is hereby dismissed,
without prejudice, as a Defendant in the above entitled cause.

Tulsa, Oklahoma this 4 day of Sept., 1991.

[Signature]
U.S. DISTRICT COURT JUDGE

25

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

FILED

SEP - 6 1991

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

B. F. KELLEY, JR. and MILDRED)
KELLEY, husband and wife, and)
B. F. KELLEY, JR., Trustee)
Under the Will of Ben F.)
Kelley,)

Plaintiffs,)

vs.)

Case No. 91-C-688-E

WILLIAM B. MICHAELS, JR.,)

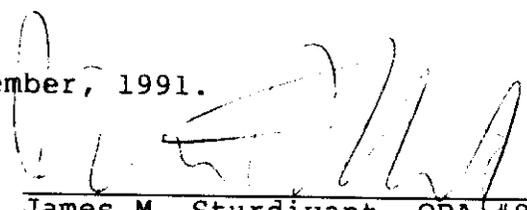
Defendant.)

NOTICE OF DISMISSAL WITHOUT PREJUDICE

The Plaintiffs, pursuant to Rule 41(a)(1)(i), hereby dismiss this action without prejudice.

The Defendant has not served an answer or motion for summary judgment upon Plaintiffs.

Dated this 6th day of September, 1991.



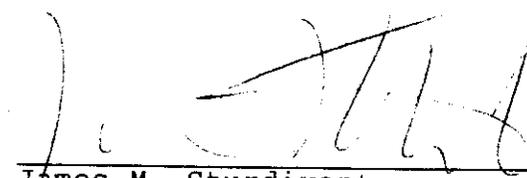
James M. Sturdivant, OBA #8723
GABLE & GOTWALS, INC.
2000 Fourth National Bank Bldg.
15 West Sixth Street
Tulsa, Oklahoma 74119-5447
(918) 582-9201

ATTORNEY FOR PLAINTIFFS

CERTIFICATE OF MAILING

I hereby certify that on the 6th day of September, 1991, a true and correct copy of the above and foregoing Notice of Dismissal was placed in the United States Mail with proper postage thereon, to:

Joel L. Wohlgemuth, Esq.
NORMAN & WOHLGEMUTH
2900 Mid-Continent Tower
Tulsa, OK 74103



James M. Sturdivant

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

FILED

K & K SERVICES, INC., an Oklahoma)
corporation, and KELLY KNOWLTON,)
an individual,)

Plaintiffs,)

vs.)

MISSOURI PACIFIC RAILROAD COMPANY,)
d/b/a UNION PACIFIC RAILROAD)
COMPANY, A foreign corporation,)

Defendant.)

SEP - 6 1991

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

No. 90-C-911-C

ORDER

NOW ON this 4th day of Sept, 1991, there comes before this Court the parties' Joint Application to Dismiss with Prejudice Plaintiffs' Complaint and and Defendant's Counter-claim and the Court being fully advised in the premises finds that said Application should be GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's Complaint and Defendant's Counter-claim is hereby dismissed with prejudice as to the refiling thereof, said action having been settled and compromised by the parties thereto.

(Signed) H. Dale Cook

United States District Judge

Tom L. Armstrong, OBA #329
TOM L. ARMSTRONG & ASSOCIATES
601 South Boulder, Suite 706
Tulsa, Oklahoma 74119
(918) 587-3939
ATTORNEYS FOR DEFENDANT

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP - 6 1991

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

MELVIN HOLT; AUDREY MARIE HOLT)

a/k/a AUDREY M. HOLT a/k/a)

AUDREY HOLT; COUNTY TREASURER,)

Rogers County, Oklahoma;)

BOARD OF COUNTY COMMISSIONERS,)

Rogers County, Oklahoma;)

and Monogram Bank, U.S.A.,)

Defendants.)

CIVIL ACTION NO. 91-C-404-E

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 5th day of September, 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, Rogers County, Oklahoma, and Board of County Commissioners, Rogers County, Oklahoma, appear by Bill M. Shaw, Assistant District Attorney, Rogers County, Oklahoma; the Defendant, Monogram Bank, U.S.A., appears not, having previously filed its Disclaimer; and the Defendants, Melvin Holt and Audrey Marie Holt a/k/a Audrey M. Holt a/k/a Audrey Holt, appear not, but make default.

The Court, being fully advised and having examined the court file, finds that the Defendant, Melvin Holt, acknowledged receipt of Summons and Complaint on June 21, 1991; that the Defendant, Audrey Marie Holt a/k/a Audrey M. Holt a/k/a Audrey Holt, acknowledged receipt of Summons and Complaint on June 21, 1991; that the Defendant, Monogram Bank, U.S.A., acknowledged

receipt of Summons and Complaint on June 13, 1991; that Defendant, County Treasurer, Rogers County, Oklahoma, acknowledged receipt of Summons and Complaint on June 13, 1991; and that Defendant, Board of County Commissioners, Rogers County, Oklahoma, acknowledged receipt of Summons and Complaint on June 13, 1991.

It appears that the Defendants, County Treasurer, Rogers County, Oklahoma, and Board of County Commissioners, Rogers County, Oklahoma, filed their Answer and Cross-Petition on June 19, 1991; that the Defendant, Monogram Bank, U.S.A., filed its Disclaimer on June 17, 1991; and that the Defendants, Melvin Holt and Audrey Marie Holt a/k/a Audrey M. Holt a/k/a Audrey Holt, have failed to answer and their default has therefore been entered by the Clerk of this Court.

The Court further finds that on January 11, 1991, Melvin Holt and Audrey Marie Holt a/k/a Audrey M. Holt a/k/a Audrey Holt filed their voluntary petition in bankruptcy in Chapter 7 in the United States Bankruptcy Court, Northern District of Oklahoma, Case No. 91-C-00048-C, were discharged on May 13, 1991, and the case was closed on July 12, 1991.

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:

The Northerly 90 feet of Lot 2 in Block 43 of the City of Claremore, Rogers County, Oklahoma, according to the U.S. Government plat thereof.

The Court further finds that on December 14, 1987, the Defendants, Melvin Holt and Audrey M. Holt, 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 \$34,000.00, payable in monthly installments, with interest thereon at the rate of 10.5 percent (10.5%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Melvin Holt and Audrey M. Holt, 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 December 14, 1987, covering the above-described property. Said mortgage was recorded on December 15, 1987, in Book 775, Page 198, in the records of Rogers County, Oklahoma.

The Court further finds that the Defendants, Melvin Holt and Audrey Marie Holt a/k/a Audrey M. Holt a/k/a Audrey Holt, 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, Melvin Holt and Audrey Marie Holt a/k/a Audrey M. Holt a/k/a Audrey Holt, are indebted to the Plaintiff in the principal sum of \$33,403.65, plus interest at the rate of 10.5 percent per annum from November 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 Defendant, County Treasurer, Rogers County, Oklahoma, has liens on the property which is the subject matter of this action by virtue of personal property taxes for 1989 in the amount of \$14.39 which became a lien on the property as of June 15, 1990, and personal property taxes for 1990 in the amount of \$8.13 which became a lien on the property as of June 14, 1991. Said liens are inferior to the interest of the Plaintiff, United States of America.

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

The Court further finds that the Defendant, Monogram Bank, U.S.A., disclaims any right, title or interest in the subject real property.

The Court further finds that the Defendants, Melvin Holt and Audrey Marie Holt a/k/a Audrey M. Holt a/k/a Audrey Holt, are in default and have no right, title or interest in the subject real property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment in rem against the Defendants, Melvin Holt and Audrey Marie Holt a/k/a Audrey M. Holt a/k/a Audrey Holt, in the principal sum of \$33,403.65, plus interest at the rate of 10.5 percent per annum from

November 1, 1989 until judgment, plus interest thereafter at the current legal rate of 5.68 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, County Treasurer, Rogers County, Oklahoma, have and recover judgment in the amount of \$14.39 for personal property taxes for the year 1989 and the amount of \$8.13 for personal property taxes for the year 1990, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, Melvin Holt, Audrey Marie Holt a/k/a Audrey M. Holt a/k/a Audrey Holt 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 the Defendant, Monogram Bank, U.S.A., disclaims any right, title, or interest in the subject real property.

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, according to Plaintiff's election with or without 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, County Treasurer, Rogers County, Oklahoma, in the amount of \$22.52, 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/ JAMES O. ELLISON

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



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. 91-C-404-E

KBA/esr

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

RESOLUTION TRUST CORPORATION,
as Conservator for PEOPLES
FEDERAL SAVINGS ASSOCIATION,

Plaintiff,

vs.

TOUCHE ROSS & CO.,
a general partnership, and
ROBERT S. MORGAN, an individual,

Defendants.

FILED

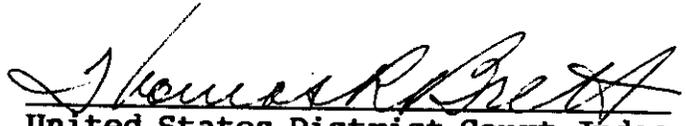
SEP - 6 1991

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

Case No. 90-C-221-B ✓

ORDER

Upon the Stipulation for Dismissal without Prejudice filed by
the parties herein, the Court, being fully advised in the premises,
ORDERS that this action is hereby dismissed without prejudice.


United States District Court Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

F I L E D

SEP - 5 1991

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
LEONARD L. WHEELER; MICHELE F.)
WHEELER; THE MITSUI BANK LIMITED;)
COUNTY TREASURER, Craig County,)
Oklahoma; BOARD OF COUNTY)
COMMISSIONERS, Craig County,)
Oklahoma; and TULSA ADJUSTMENT)
BUREAU, INC.,)
)
Defendants.)

CIVIL ACTION NO. 90-C-725-B

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 5th day
of Sept, 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, Craig County,
Oklahoma, and Board of County Commissioners, Craig County,
Oklahoma, appear by William Castor., Assistant District Attorney,
Craig County, Oklahoma; the Defendants, Leonard L. Wheeler and
Michele F. Wheeler, appear by their attorney Randolph P. Stainer;
the Defendant, Tulsa Adjustment Bureau, Inc., appears not, having
previously filed its Disclaimer; and the Defendant, The Mitsui
Bank Limited, appears not, but makes default.

The Court being fully advised and having examined the
court file finds that the Defendants, Leonard L. Wheeler and
Michele F. Wheeler, acknowledged receipt of Summons and Amended
Complaint on October 31, 1990; that the Defendant, The Mitsui

Bank Limited, was served with Summons and Amended Complaint on May 10, 1991; that the Defendant, Tulsa Adjustment Bureau, Inc., acknowledged receipt of Summons and Amended Complaint on October 24, 1990; that Defendant, County Treasurer, Craig County, Oklahoma, acknowledged receipt of Summons and Complaint on August 24, 1990; and that Defendant, Board of County Commissioners, Craig County, Oklahoma, acknowledged receipt of Summons and Complaint on August 24, 1990.

It appears that the Defendants, County Treasurer, Craig County, Oklahoma, and Board of County Commissioners, Craig County, Oklahoma, filed their Answer on September 12, 1990; that the Defendants, Leonard L. Wheeler and Michele F. Wheeler, filed their Answer on November 28, 1990; that the Defendant, Tulsa Adjustment Bureau, Inc., filed its Disclaimer on October 26, 1990; and that the Defendant, The Mitsui Bank Limited, has failed to answer and its default has therefore been entered by the Clerk of this Court.

The Court further finds that on August 30, 1990, Leonard Leo Wheeler and Michele Fae Wheeler filed their voluntary petition in bankruptcy in Chapter 7 in the United States Bankruptcy Court, Northern District of Oklahoma, Case No. 90-02522-C. On October 10, 1990, the United States Bankruptcy Court for the Northern District of Oklahoma entered its order modifying the automatic stay afforded the debtors by 11 U.S.C. § 362 and directing abandonment of the real property subject to this foreclosure action and which is described below.

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

THE SOUTH 9.49 ACRES OF THE WEST 21.00 ACRES OF LOT ONE (1), IN SECTION THIRTY-ONE (31), TOWNSHIP TWENTY-FOUR (24) NORTH, RANGE NINETEEN (19) EAST OF THE INDIAN MERIDIAN, COUNTY OF CRAIG, STATE OF OKLAHOMA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY THEREOF.

The Court further finds that on October 13, 1987, the Defendants, Leonard L. Wheeler and Michele F. Wheeler, 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 \$40,000.00, 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 Defendants, Leonard L. Wheeler and Michele F. Wheeler, 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 October 13, 1987, covering the above-described property. Said mortgage was recorded on October 13, 1987, in Book 361, Page 318, in the records of Craig County, Oklahoma.

The Court further finds that the Defendants, Leonard L. Wheeler and Michele F. Wheeler, 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, Leonard L. Wheeler and Michele F. Wheeler, are indebted to the Plaintiff in the principal sum of \$39,637.31, plus interest at the rate of 10 percent per annum from June 1, 1989 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action in the amount of \$113.64 (\$20.00 docket fees, \$85.64 fee for service of Summons and Amended Complaint, \$8.00 fee for recording Notice of Lis Pendens).

The Court further finds that the Defendant, The Mitsui Bank Limited, is in default and has no right, title, or interest in the subject real property.

The Court further finds that the Defendant, Tulsa Adjustment Bureau, Inc., disclaims any right, title, or interest in the subject real property.

The Court further finds that the Defendants, County Treasurer and Board of County Commissioners, Craig 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 in rem against Defendants, Leonard L. Wheeler and Michele F. Wheeler, in the principal sum of \$39,637.31, plus interest at the rate of 10 percent per annum from June 1, 1989 until judgment, plus interest thereafter at the current legal rate of 5.68 percent per annum until paid, plus the costs of this action in the amount of \$113.64 (\$20.00 docket fees, \$85.64 fee for service of Summons and Amended 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, The Mitsui Bank Limited, Tulsa Adjustment Bureau, Inc., and County Treasurer and Board of County Commissioners, Craig County, Oklahoma, have no right, title, or interest in the subject real property.

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 according to Plaintiff's election with or without appraisal 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.

Thomas R. Brett
UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM
United States Attorney

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

Randolph P. Stainer
RANDOLPH P. STAINER, OBA #8537
Attorney for Defendants,
Leonard L. Wheeler and Michele F. Wheeler

William H. Castor
William H. Castor, OBA # 1560
Assistant District Attorney
Attorney for Defendants,
County Treasurer and
Board of County Commissioners,
Craig County, Oklahoma

Judgment of Foreclosure
Civil Action No. 90-C-725-B

FILED

SEP - 4 1991

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

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

CONNIE FAULK,)
)
 Plaintiff,)
)
 v.)
)
 SHERITONE INTERNATIONAL, INC.,)
 an Illinois corporation;)
 SHERITECH CORP., a New York)
 corporation; ACME AGRICULTURAL)
 SUPPLY, INC., an Arkansas)
 corporation; and TAI FONG ELECTRIC)
 COMPANY, a Taiwanese corporation,)
)
 Defendants.)

No. 90-C-395-B

J U D G M E N T

In accord with the Order filed this date sustaining the Defendant's Motion for Summary Judgment, the Court hereby enters judgment in favor of the Defendant Acme Agricultural Supply, Inc. and against the Plaintiff, Connie Faulk. Plaintiff shall take nothing of her claim. Costs are assessed against the Plaintiff and both parties are to pay their respective attorney's fees.

Dated, this 4th day of September, 1991.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

FILED

SEP -4 1991

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

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

CONNIE FAULK,)
)
 Plaintiff,)
)
 v.) No. 90-C-395-B
)
 SHERITONE INTERNATIONAL, INC.,)
 an Illinois corporation;)
 SHERITECH CORP., a New York)
 corporation; ACME AGRICULTURAL)
 SUPPLY, INC., an Arkansas)
 corporation; and TAI FONG ELECTRIC)
 COMPANY, a Taiwanese corporation,)
)
 Defendants.)

O R D E R

Before the Court is the Motion for Summary Judgment filed by the defendant, Acme Agricultural Supply, Inc. ("Acme").

On May 7, 1990, the plaintiff, Connie Faulk, filed a complaint against Sheritone International, Inc., alleging negligence, manufacturers' products liability, and breach of express and implied warranties due to injuries she sustained from the use of a portable telephone on October 3, 1988. The plaintiff withdrew her claims of breach of express and implied warranties on July 22, 1991. As discovery continued, the plaintiff filed a motion to amend the complaint on September 28, 1990 to join Sheritech Corporation, Tai Fong Electric Company and Acme, and attached the amended complaint. The Court granted the motion to amend on October 4, 1990, and the amended complaint was filed on October 5, 1990. Subsequently, an entry of default was entered against Sheritone International, Inc., and Sheritech Corporation and Tai Fong

Electric were dismissed without prejudice. Acme is the only remaining defendant.

Acme is an agricultural and veterinarian wholesale supply corporation in Little Rock, Arkansas. In August 1983, Acme received the cordless telephone which is the subject of this lawsuit as a promotional premium from one of its wholesalers. In October 1983, Acme gave the telephone as a promotional premium to an Acme customer, John W. Bowzer, d/b/a Double Feed Store, in Southwest City, Missouri. When Mr. Bowzer gave the telephone to the plaintiff in December 1987, it had never been used. The plaintiff used the phone without incident from December 1987 until on or about October 3, 1988 when "the telephone rang loudly in her right ear resulting in alleged injuries and damages." (First Amended Complaint, p.2)

Summary judgment pursuant to Fed.R.Civ.P. 56 is appropriate when "there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." See Celotex Corp. v. Catrett, 477 U.S. 317, 106 S.Ct. 2548, 91 L.Ed.2d 265, 274 (1986); Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 106 S.Ct. 2505, 91 L.E.2d 202 (1986); Widon Third Oil and Gas v. Federal Deposit Insurance Corporation, 805 F.2d 342 (10th Cir. 1986). As there are no material facts in dispute, the Court addresses the merits of Acme's arguments for summary judgment.

Acme first argues that it should be granted summary judgment because the plaintiff's tort claims are barred by the applicable statute of limitations. Pursuant to 12 O.S. §95 "Third," the statute of limitations for negligence and manufacturers' product

liability claims is two years from the date of injury. Because the amended complaint naming Acme was filed more than two years after the date of the plaintiff's injury, Acme contends that the plaintiff's claims against it are barred.

However, according to this Court in Pearson v. Niagara Machine & Tool Works, 701 F.Supp. 195 (N.D. Okla. 1988), the statute of limitations is tolled when a plaintiff files a motion to amend within the applicable statutory period and attaches the proposed amended complaint. Although the plaintiff's amended complaint was not filed within two years from the alleged incident, the plaintiff did file the motion to amend the complaint within the statutory period. As the statute was tolled during the pendency of the motion and the attached complaint filed immediately upon the Court's ruling, the Court finds that the plaintiff's claims are not barred.

Acme alternatively argues that it is entitled to summary judgment because the undisputed facts fail to state a claim in manufacturers' product liability or negligence. Acme does not address the alleged defective condition of the subject telephone, but instead argues that it is not in the business of selling telephones and has not breached any duty to the plaintiff.

In Kirkland v. General Motors Corp., 521 P.2d 1353 (Okla. 1974), the Supreme Court of Oklahoma recognized the claim of manufacturers' product liability, adopting §402A of the Restatement of Torts (Second) which states:

(1) One who sells any product in a defective condition unreasonably dangerous to the user or consumer or to his property is subject to liability for physical harm thereby caused to the ultimate user or consumer, or to his property, if (a) the seller is engaged in the

business of selling such a product, and (b) it is expected to and does reach the user or consumer without substantial change in the condition in which it is sold.

The Court in Kirkland reasoned that the purpose of imposing strict liability upon manufacturers of a defective product is to place the "burden of losses consequent upon use of defective articles" on those "who are in a position to either control the danger or make an equitable distribution of the losses when they do occur." Kirkland, 521 P.2d at 1360 (quoting Henningsen v. Bloomfield Motors, 32 N.J. 358, 161 A.2d 69 (1960)). To effect this purpose, the Court included in the definition of manufacturer, "processors, assemblers, and all other persons who are similarly situated in processing and distribution." Id. at 1361. Strict liability was further extended to commercial lessors of defective products in Dewberry v. LaFollette, 598 P.2d 241 (Okla. 1979). In so doing, the Supreme Court of Oklahoma reasoned that liability should be imposed upon persons who put products into the stream of commerce. The Court, however, cautioned that "the property must have been placed in the stream of commerce; a casual or isolated transaction does not bring the doctrine into play." Id. at 242.

The Court concludes that the instant transaction is a "casual or isolated transaction," which excepts Acme from the imposition of strict liability. Acme is not in the business of manufacturing, processing or retailing cordless telephones; it wholesales agricultural and veterinary supplies. The promotion which ultimately resulted in the plaintiff's possession of the alleged defective telephone was an isolated transaction, only tangentially

related to Acme's ordinary business. Acme received the telephone as a promotional premium for purchases of supplies from one of its wholesalers, and two months later presented the unused telephone to its commercial customer as a promotional premium for purchases of agricultural supplies from Acme. Although Acme's isolated action arguably forwarded the telephone's journey in the stream of commerce, Acme's temporary possession of the telephone and use of it "for the purpose of furthering other commercial purposes" do not cast Acme in the role of insurer. Potter v. Paccar Co., 519 F.Supp. 487, 489 (W.D. Okla. 1981). To hold Acme strictly liable for the alleged defective condition of a product which it does not manufacture, process or sell in the ordinary course of business would not impose liability on one who could control the danger or equitably distribute any resulting loss. The Court, therefore, finds that Acme is not strictly liable for any injury allegedly caused by the defective telephone.

The Court also finds that the plaintiff has failed to present evidence from which the trier of fact could infer that Acme breached any duty which proximately caused the plaintiff's injury. The plaintiff has presented no evidence which indicates Acme's failure to exercise ordinary care through any alleged action in altering the telephone, or alleged inaction in failing to inspect the telephone. See Barnhart v. Freeman Equipment Co., 441 P.2d 993 (Okla. 1968). The Court, therefore, concludes that Acme is entitled to summary judgment on the negligence claim as a matter of law.

Consistent with the above analysis, the Court sustains Acme's

motion for summary judgment.

IT IS SO ORDERED, this 4th day of September, 1991.

A handwritten signature in cursive script, reading "Thomas R. Brett", written over a horizontal line.

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED

SEP - 4 1991

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

STATE FEDERAL SAVINGS ASSOCIATION)
BY AND THROUGH ITS CONSERVATOR,)
THE RESOLUTION TRUST CORPORATION,)
AS SUCCESSOR IN INTEREST TO)
CERTAIN ASSETS OF STATE FEDERAL)
SAVINGS AND LOAN ASSOCIATION,)

Plaintiff,)

vs.)

Case No. 90-C-806-B

AMOS A. BAKER, II; LINDA C. BAKER;)
BARBARA LEA BAKER WILLIAMS;)
ROBERT O. WILLIAMS, JR.; PAUL E.)
BAKER, JR., INDIVIDUALLY AND AS)
TRUSTEE OF THE PAUL E. BAKER, JR.)
TRUST CREATED PURSUANT TO)
INDENTURE DATED OCTOBER 6, 1982;)
EVELYN L. BAKER; HARVARD TOWER)
MORTGAGE CO., INC., AN OKLAHOMA)
CORPORATION; AND JOHN F. CANTRELL,)
COUNTY TREASURER OF TULSA COUNTY,)
OKLAHOMA,)

Defendants,)

And)

FIRST NATIONAL BANK AND TRUST)
COMPANY OF TULSA,)

Additional Party Defendant.)

JUDGMENT

This matter comes on for consideration this 4th day of Sept, 1991, before the undersigned Judge of the United States District Court. State Federal Savings Association by and through its conservator, the Resolution Trust Corporation, as successor in interest to certain assets of State Federal Savings and Loan Association (the "RTC"), appears by and through its attorneys of record, Hall, Estill, Hardwick, Gable, Golden & Nelson, P.C. by

R. Mark Petrich. The Defendants Amos A. Baker, II ("A. Baker"), Linda C. Baker ("L. Baker"), Barbara Lea Baker Williams ("B. Williams"), Robert O. Williams, Jr. ("R. Williams"), Paul E. Baker, Jr., Individually and as Trustee of the Paul E. Baker, Jr. Trust ("P. Baker"), Evelyn L. Baker ("E. Baker") and Harvard Tower Mortgage Co., Inc. ("Harvard"), appear by and through their attorneys of record, Barrow, Gaddis, Griffith & Grimm by William R. Grimm. The Defendant John F. Cantrell, County Treasurer of Tulsa County, Oklahoma, appears by and through his attorney of record J. Dennis Semler. The Defendant First National Bank and Trust Company of Tulsa appears by and through its attorney of record James E. Carrington. This Court being fully advised in the premises finds as follows:

1. On or about November 16, 1987, A. Baker, L. Baker, B. Williams, R. Williams and P. Baker ("Defendants") executed and delivered a promissory note to State Federal Savings and Loan Association ("State Federal") in the principal sum of \$2,250,000 (the "Note").

2. The Note is secured by a certain real estate mortgage (the "Mortgage") in and to the following described real property located in Tulsa County, Oklahoma, to-wit:

All that part of Lot Seven (7) of Section Six (6), Township Eighteen (18) North, Range Thirteen (13) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof, more particularly described as follows:

BEGINNING at a point 180 feet South and 50 feet East of the Northwest corner of said Lot 7; thence due South and parallel to the West

line of said Lot 7 a distance of 348.00 feet to a point; thence North 89°27'00" East a distance of 350.00 feet to the Southwest corner of Block 5 of Riverglenn Amended, an Addition to the City of Tulsa, County of Tulsa, State of Oklahoma, according to the recorded Plat thereof; thence due North along the West line of said Block 5, Riverglenn Amended, a distance of 498.00 feet to a point on the South line of East 68th Street South; thence South 89°27'00" West along said South line of said East 68th Street South a distance of 180.00 feet to a point; thence due South a distance of 150.00 feet to a point; thence South 89°27'00" West a distance of 170.00 feet to the Point of Beginning ("Subject Property").

3. The Defendants have defaulted under the terms and conditions of the Note and Mortgage and there remains a principal amount outstanding of \$2,418,993.52, plus accrued interest through August 31, 1990, in the sum of \$185,960.88, plus continuing interest from August 31, 1990, until paid, at the rate of \$688.74 per day.

4. R. Williams has been discharged from his liability under the Note through bankruptcy.

5. The RTC should be granted judgment in personam and in rem against A. Baker, L. Baker, B. Williams and P. Baker, and in rem against R. Williams, E. Baker and Harvard for the amounts set forth above, together with all costs of this action, accrued and accruing, including a reasonable attorneys' fee in a sum of \$10,000.00.

6. That the RTC has a valid first lien on the real property described above, superior to all liens of all Defendants herein, and the RTC should be granted judgment in rem against all

Defendants and parties named herein, foreclosing its superior mortgage in and to the real property described above.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the RTC have and recover judgment, in personam and in rem, against Defendants A. Baker, L. Baker, B. Williams and P. Baker, and judgment in rem against R. Williams, E. Baker and Harvard, for the principal sum of \$2,418,993.52, plus accrued interest through August 31, 1990, in the sum of \$185,960.88, plus continuing interest from August 31, 1990, until paid, at the rate of \$688.74 per day, plus late charges, overdrawn escrow balance and abstracting costs of \$39,541.47, together with all costs of this action including a reasonable attorneys' fee in the amount of \$10,000.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the RTC has a valid first lien on the real property described above, securing the judgment entered herein in the principal sum of \$2,418,993.52, plus interest, costs and attorneys' fee as set forth above, which is prior to all rights, titles, interests and liens of all Defendants herein and, therefore, the RTC is entitled to a judgment in rem against all Defendants herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the rights, titles, interests and liens of all parties herein be foreclosed upon the real property described above and that a Special Execution and Order of Sale be issued, directing the sale of the above described real property after proper notice as provided by law. This Court hereby authorizes the Sheriff of Tulsa County, State of Oklahoma to conduct the sale of the above-

described real property and hereby approves the use of said Sheriff for the sale of said real property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that the order of priority of liens of the parties and the order of distribution of the proceeds from the sale are as follows:

1. First, to the payment of delinquent ad valorem taxes, penalties and interest due the County Treasurer of Tulsa County, Oklahoma;
2. Second, to the payment of all costs incurred herein by the RTC;
3. Third, to the payment of the judgment lien of the RTC in the sum of \$2,418,993.52, plus accrued and accruing interest; and
4. Fourth, the balance, if any, to be paid to the Clerk of this Court to await further order of this Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that, upon confirmation of the sale of the above described real property, each and every party herein shall be forever barred, foreclosed and enjoined from asserting or claiming any right, title, interest, estate or equity of redemption in and to said premises or any part thereof.

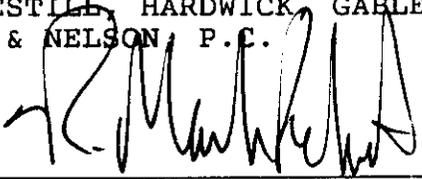
IT IS FURTHER ORDERED, ADJUDGED AND DECREED by this Court that, upon confirmation of said sale, the United States Marshal of the Northern District of Oklahoma or the Sheriff of Tulsa County, State of Oklahoma, whichever is called upon to conduct said sale, shall execute and deliver a good and sufficient deed to the premises to the purchaser thereof, conveying all right, title, interest estate and equity of redemption of each of the parties herein and each and all parties claiming under them since the filing of the Complaint in this suit, and to the real estate

described above, and that upon application of the purchaser, a writ of assistance shall be issued and directed to the United States Marshal or Sheriff of Tulsa County who shall thereupon and forthwith, place said premises in full and complete possession and enjoyment of said purchaser.

sl Thomas R. Brett
United States District Court Judge

APPROVED AS TO CONTENT AND FORM:

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

By: 

R. Mark Petrich, OBA #11956
4100 Bank of Oklahoma Tower
One Williams Center
Tulsa, Oklahoma 74172
(918) 588-4161

ATTORNEYS FOR THE PLAINTIFF STATE
FEDERAL SAVINGS ASSOCIATION BY AND
THROUGH ITS CONSERVATOR, THE
RESOLUTION TRUST CORPORATION, AS
SUCCESSOR IN INTEREST TO CERTAIN
ASSETS OF STATE FEDERAL SAVINGS
AND LOAN ASSOCIATION

Signature Page for
Judgment
Case No. 90-C-806-B

BARROW, GADDIS, GRIFFITH & GRIMM

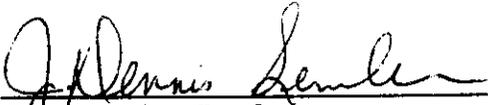
By:



William R. Grimm
610 South Main, Suite 300
Tulsa, Oklahoma 74119

ATTORNEYS FOR AMOS A. BAKER, II,
LINDA C. BAKER, BARBARA LEA BAKER
WILLIAMS, PAUL E. BAKER, JR.,
INDIVIDUALLY AND AS TRUSTEE OF THE
PAUL E. BAKER, JR. TRUST,
EVELYN L. BAKER; HARVARD TOWER
MORTGAGE CO., INC.

Signature Page for
Judgment
Case No. 90-C-806-B

By: 
J. Dennis Semler
406 Tulsa County Courthouse
Tulsa, Oklahoma 74103

ATTORNEYS FOR DEFENDANT JOHN F.
CANTRELL, COUNTY TREASURER OF
TULSA COUNTY, OKLAHOMA

Signature Page for
Judgment
Case No. 90-C-806-B

BAKER, HOSTER, MCSPADDEN, CLARK,
RASURE & SLICKER

By: 
James E. Carrington
800 Kennedy Building
Tulsa, Oklahoma 74103

ATTORNEYS FOR FIRST NATIONAL BANK
AND TRUST COMPANY OF TULSA

RECEIVED

SEP 4 1991

U. S. ATTORNEY
N. D. OKLAHOMA

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 EDWIN R. NEWTON,)
)
 Defendant.)

CIVIL ACTION NO. 90-C-536-E

FILED

SEP 4 1991

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

STIPULATION OF DISMISSAL

The United States of America, by Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Kathleen Bliss Adams, Assistant United States Attorney, and the defendant, Edwin R. Newton, stipulate to the dismissal of this action pursuant to Rule 41 (1)(ii) of the Federal Rules of Civil Procedure.

Dated this 4th day of September, 1991.

UNITED STATES OF AMERICA

TONY M. GRAHAM
United States Attorney


KATHLEEN BLISS ADAMS
Assistant United States Attorney
3900 United States Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463


EDWIN R. NEWTON, Defendant

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

PIPELINERS LOCAL UNION NO. 798)
of the UNITED ASSOCIATION OF)
JOURNEYMEN AND APPRENTICES OF)
THE PLUMBING AND PIPE FITTING)
INDUSTRY OF THE UNITED STATES)
AND CANADA,)

Plaintiff,)

vs.)

CASPER COLOSIMO & SON, INC.,)
a Pennsylvania corporation,)

Defendant.)

FILED

SEP - 3 1991

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

No. 91-C-589-C

ORDER OF DISMISSAL

NOW on this 30 day of Aug, 1991,
Plaintiff's Motion to Dismiss coming on for consideration and
counsel for Plaintiff herein representing and stating that all
issues, controversies, debts and liabilities between the parties
have been paid, settled and compromised;

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

(Signed) H. Dale Cook

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the _____ day of August, 1991, a true and correct copy of the above and foregoing Order of Dismissal was mailed, proper postage thereon fully prepaid, to:

Casper Colosimo & Son, Inc.
5170 Campbells Run Road
Pittsburg, Pennsylvania 15205

SONDRA FOGLEY HOUSTON, OBA NO. 4392
1640 South Boston Avenue
Tulsa, Oklahoma 74119
(918) 583-2624

Attorney for Plaintiff

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

FILED

SEP -3 1991

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

CONSOLIDATED PETROLEUM)
EQUITIES, LTD., a California)
Limited Partnership,)
)
Plaintiff,)
)
v.)
)
McCOLLOM, MILLER & LOVELACE)
INSURANCE AGENCY,)
)
Defendants.)

Case No. 91-C-290-B

O R D E R

This matter comes on for consideration upon the Motion To Dismiss filed by Defendants (sic), McCollom, Miller & Lovelace Insurance Agency.

In the style of Plaintiff's Complaint, McCollom, Miller & Lovelace Insurance Agency is denominated "Defendants", yet spoken of thereafter in the singular, "McCollom", as if a person or a corporation. The Complaint alleges McCollom is a Texas insurance agency with its principal place of business in the State of Texas. There is no allegation whether McCollom is or is not a corporation, simply that "it" is an agency.

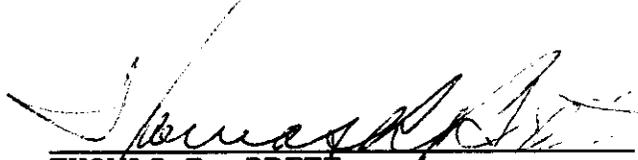
Black's Law Dictionary contains many definitions of "Agency", the closest to the instant use being: "a place at which business of company or individual is transacted by an agent."

The parties' pleading oversight goes to the very essence of the Motion To Dismiss. If the Agency is an association of

individual agents¹ the citizenship and residence of each would impact the issues of diversity jurisdiction and venue. 28 U.S.C. §§ 1332 and 1391. If the Agency is a corporation, its place of incorporation would be germane to these same issues.

The Court concludes the Defendant's Motion To Dismiss, although based upon other grounds, should be and the same is hereby GRANTED. This action is DISMISSED, without prejudice, for the reasons stated herein.

IT IS SO ORDERED this 3rd day of September, 1991.


THOMAS R. BRET
UNITED STATES DISTRICT JUDGE

¹ From some of the exhibits it appears the McCollom, Miller & Lovelace is a corporation.

FILED

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

SEP 3 1991

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

Federal Deposit Insurance Corp.)

Plaintiff(s),)

vs.)

Laser Advertising, Inc.)

Defendant(s).)

No. 88-C-277-E

O R D E R

Rule 35(a) of the Rules of the United States District Court for the Northern District of Oklahoma provides as follows:

(a) In any case in which no action has been taken by the parties for six (6) months, it shall be the duty of the Clerk to mail notice thereof to counsel of record or to the parties, if their post office addresses are known. If such notice has been given and no action has been taken in the case within thirty (30) days of the date of the notice, an order of dismissal may in the Court's discretion be entered.

In the action herein, notice pursuant to Rule 36(a) was mailed to counsel of record or to the parties, at their last address of record with the Court, on July 26, 1991. No action has been taken in the case within thirty (30) days of the date of the notice.

Therefore, it is the Order of the Court that this action is in all respects dismissed.

Dated this 30th day of August, 1991.

UNITED STATES DISTRICT JUDGE

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

FILED

SEP -3 1991

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

PHILLIP JUSTIN SCHWARTZ,)
)
Plaintiff,)
)
vs.)
)
JANE PHILLIPS EPISCOPAL)
HOSPITAL, INC.; DR. B.R.)
WESTBROOK; DR. WILLIAM H.)
DOUGHERTY, JR.; and DR. CLAIR)
LIEBRAND,)
)
Defendants.)

No. 89-C-943 C

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

All parties having appeared in this action hereby stipulate by signature to the dismissal of this action without prejudice in accordance with Rule 41(a)(1)(ii), Federal Rules of Civil Procedure.



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211 North Robinson
Oklahoma City, Oklahoma 73102
(405) 239-7046

ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

This is to certify that on this 28th day of August, 1991, a true and correct copy of the above and foregoing instrument was mailed, with postage prepaid thereon, to:

Stephen J. Rodolf
James W. Connor, Jr.
Barkeley, Rodolf, Silva, McCarthy & Rodolf
401 S. Boston Avenue, Suite 2700
Tulsa, Oklahoma 74103

Joseph F. Glass and Ann E. Allison
Thomas, Glass, Atkinson, Haskons, Nellis & Bordreaux
525 S. Main, Suite 1500
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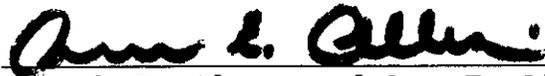
William S. Hall
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Attorney for Defendant Dr. William
H. Dougherty, Jr.

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

VIRGIE FAY HOLMES, the duly
appointed Personal
Representative of the Estate
of Ronald Leon Holmes, Sr.,
deceased,

Plaintiffs,

vs.

RUSSELL LEE BROWN; YOUNG'S
TRUCKING, INC., a corp., and
NORTHLAND INSURANCE COMPANIES,

Defendants,

and

RUSSELL LEE BROWN,
Third-Party Plaintiff,

vs.

FRONTIER EXPRESS, INC., d/b/a
D&M TRANSPORTATION COMPANY,
and TRUCK INSURANCE EXCHANGE,

Third-Party Defendants.

No. 90-C-605-C ✓

FILED

SEP - 3 1991 *pw*

Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

O R D E R

NOW on this 30 day of August, 1991,
plaintiff's Application to Dismiss with Prejudice came on for
hearing. The Court being fully advised in the premises finds
that said Application should be sustained and the defendants,
should be dismissed from the above entitled action with
prejudice.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that plaintiff's Application to Dismiss With Prejudice be sustained and the above captioned action be dismissed with prejudice as to defendants.


UNITED STATES DISTRICT JUDGE
FOR THE NORTHERN DISTRICT