

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
PATRICK W. DOWLING; JEANNETTE)
J. DOWLING; TULSA TREASURER,)
Tulsa County, Oklahoma; and)
BOARD OF COUNTY COMMISSIONERS,)
Tulsa County, Oklahoma,)
)
Defendants.)

FILED

OCT 10 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION NO. 90-C-573-E

DEFICIENCY JUDGMENT

This matter comes on for consideration this 9th day
of Oct., 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, Patrick W.
Dowling and Jeannette J. Dowling, 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
Patrick W. Dowling and Jeannette J. Dowling, 5357 S. 33rd W.
Ave., Tulsa, Oklahoma 74107, and all other counsel and parties of
record.

The Court further finds that the amount of the Judgment
rendered on November 13, 1990, in favor of the Plaintiff United
States of America, and against the Defendants, Patrick W. Dowling

and Jeannette J. Dowling, with interest and costs to date of sale is \$35,999.31.

The Court further finds that the appraised value of the real property at the time of sale was \$22,500.00.

The Court further finds that the real property involved herein was sold at Marshal's sale, pursuant to the Judgment of this Court entered November 13, 1990, for the sum of \$20,207.00 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 October 1, 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, Patrick W. Dowling and Jeannette J. Dowling, as follows:

Principal Balance as of 11-13-90	\$30,687.78
Interest	3,068.10
Late Charges to Date of Judgment	225.08
Appraisal by Agency	750.00
Management Broker Fees to Date of Sale	200.00
Abstracting	284.00
Publication Fees of Notice of Sale	145.35
Taxes for 1990	414.00
Court Appraisers' Fees	<u>225.00</u>
TOTAL	\$35,999.31
Less Credit of Appraised Value	- <u>22,500.00</u>
DEFICIENCY	\$13,499.31

plus interest on said deficiency judgment at the legal rate of 5.57 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, Patrick W. Dowling and Jeannette J. Dowling, a deficiency judgment in the amount of \$13,499.31, plus interest at the legal rate of 5.57 percent per annum on said deficiency judgment from date of judgment until paid.

BY JAMES R. ...

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 TED S. MURPHY a/k/a TED SPIKE)
 MURPHY; KATHERINE L. TROGLIN)
 f/k/a KATHERINE L. MURPHY;)
 JOHNNY TROGLIN; TED DEWAYNE)
 MURPHY a/k/a TED DEWAYNE MURPHY;)
 SHEILA DIANN MURPHY a/k/a)
 SHEILE DIANE MURPHY; SHELLY)
 DAWN MURPHY a/k/a SHELLA DAWN)
 MURPHY; KEVIN SPIKE MURPHY;)
 COUNTY TREASURER, Washington)
 County, Oklahoma; BOARD OF)
 COUNTY COMMISSIONERS,)
 Washington County, Oklahoma, and)
 THEODORE P. MURPHY,)
)
 Defendants.)

FILED

OCT 10 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION NO. 90-C-245-E

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 9th day
of October, 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 Defendant, Katherine L. Troglin f/k/a Katherine L.
Murphy, appears not, having previously filed her Disclaimer; the
Defendant, Kevin Spike Murphy, appears not since Katherine L.
Troglin f/k/a Katherine L. Murphy as his guardian ad litem filed
a Disclaimer on his behalf; the Defendants, Ted S. Murphy a/k/a
Ted Spike Murphy; Johnny Troglin; Ted Dewayne Murphy a/k/a Ted
Dwayne Murphy; Sheila Diann Murphy a/k/a Sheile Diane Murphy;
Shelly Dawn Murphy a/k/a Shella Dawn Murphy; County Treasurer,
Washington County, Oklahoma; Board of County Commissioners,

Washington County, Oklahoma; and Theodore P. Murphy, appear not, but make default.

The Court being fully advised and having examined the court file finds that the Defendant, Ted S. Murphy a/k/a Ted Spike Murphy, acknowledged receipt of Summons and Complaint on or about April 11, 1990; that the Defendants, Katherine L. Troglin f/k/a Katherine L. Murphy and Johnny Troglin, acknowledged receipt of Summons and Complaint on April 9, 1990; that the Defendant, Ted Dewayne Murphy a/k/a Ted Dwayne Murphy, acknowledged receipt of Summons and Complaint on April 8, 1990; that Defendant, Sheila Diann Murphy a/k/a Sheile Diane Murphy, acknowledged receipt of Summons and Complaint on July 6, 1990; that Defendant, Shelly Dawn Murphy a/k/a Shella Dawn Murphy, acknowledged receipt of Summons and Complaint on or about April 16, 1990; that Defendant, Kevin Spike Murphy, acknowledged receipt of Summons and Complaint on April 9, 1990; that Defendant, County Treasurer, Washington County, Oklahoma, acknowledged receipt of Summons and Complaint on March 29, 1990; that Defendant, Board of County Commissioners, Washington County, Oklahoma, acknowledged receipt of Summons and Complaint on March 29, 1990; and that Defendant, Theodore P. Murphy, was served with Summons and Amended Complaint on May 6, 1991.

It appears that the Defendant, Katherine L. Troglin f/k/a Katherine L. Murphy, filed her Disclaimer on her own behalf and as mother and next friend of Shelly Dawn Murphy a/k/a Shella Dawn Murphy and Kevin Spike Murphy on October 10, 1990; that the Defendant, Katherine L. Troglin f/k/a Katherine L. Murphy, as

guardian ad litem of Kevin Spike Murphy, filed a Disclaimer on October 4, 1991; the Defendants, Ted S. Murphy a/k/a Ted Spike Murphy, Johnny Troglin, Ted Dewayne Murphy a/k/a Ted Dwayne Murphy, Sheila Diann Murphy a/k/a Sheile Diane Murphy, Shelly Dawn Murphy a/k/a Shella Dawn Murphy, Theodore P. Murphy, County Treasurer, Washington County, Oklahoma, and Board of County Commissioners, Washington County, Oklahoma, have failed to answer and their default has therefore been entered by the Clerk of this Court.

The Court further finds that on April 22, 1982, Ted Spike Murphy filed his voluntary petition in bankruptcy in Chapter 7 in the United States Bankruptcy Court, Northern District of Oklahoma, Case No. 82-00406. On June 23, 1982, Discharge of Debtor was entered and subject bankruptcy case was closed November 16, 1984.

The Court further finds that Defendant, Katherine L. Troglin f/k/a Katherine L. Murphy, was appointed guardian ad litem of Kevin Spike Murphy by Order filed September 10, 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 Washington County, Oklahoma, within the Northern Judicial District of Oklahoma:

Beginning at the SE corner of the SW/4 SE/4 SW/4 of Section 32, Township 24 N, Range 14 E; Thence North 660.0 feet; Thence West 225.0 feet; Thence South 628.0 feet; Thence West 110.0 feet; Thence South 32.0 feet; Thence East 335.0 feet to the point of beginning, containing 3.49 acres more or less.

The Court further finds that on January 23, 1973, Ted S. Murphy and Katherine L. Murphy executed and delivered to the United States of America, acting through the Farmers Home Administration, their promissory note in the amount of \$17,260.00, payable in annual installments, with interest thereon at the rate of 7.25 percent per annum.

The Court further finds that as security for the payment of the above-described note, Ted S. Murphy and Katherine L. Murphy executed and delivered to the United States of America, acting through the Farmers Home Administration, a mortgage dated January 23, 1973, covering the above-described property. Said mortgage was recorded on January 23, 1973, in Book 602, Page 328, in the records of Washington County, Oklahoma.

The Court further finds that the Defendants, Ted S. Murphy a/k/a Ted Spike Murphy and Katherine L. Troglin f/k/a Katherine L. Murphy, made default under the terms of the aforesaid note and mortgage by reason of their failure to make the annual installments due thereon, which default has continued, and that by reason thereof the Defendants, Ted S. Murphy a/k/a Ted Spike Murphy and Katherine L. Troglin f/k/a Katherine L. Murphy, are indebted to the Plaintiff in the principal sum of \$16,730.23, plus interest at the rate of \$5,763.38 as of May 19, 1989, plus interest accruing thereafter at the rate of 7.25 percent per annum or \$3.3232 per day 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 Internal Revenue Service has a lien upon the property by virtue of a Federal Tax Lien No. 63254 in the sum of \$3,620.87, filed of record on February 29, 1988. Inasmuch as government policy prohibits the joining of another federal agency as party defendant, the Internal Revenue Service is not made a party hereto; however, by agreement of the agencies the lien will be released at the time of sale should the property fail to yield an amount in excess of the debt to the Farmers Home Administration.

The Court further finds that the Defendants, Johnny Troglin, Ted Dewayne Murphy a/k/a Ted Dwayne Murphy, Sheila Diann Murphy a/k/a Sheile Diane Murphy, Shelly Dawn Murphy a/k/a Shella Dawn Murphy, Theodore P. Murphy, and County Treasurer and Board of County Commissioners, Washington County, Oklahoma, are in default and therefore 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 Defendants, Ted S. Murphy a/k/a Ted Spike Murphy and Katherine L. Troglin f/k/a Katherine L. Murphy, in the principal sum of \$16,730.23, plus interest at the rate of \$5,763.38 as of May 19, 1989, plus interest accruing thereafter at the rate of 7.25 percent per annum or \$3.3232 per day until judgment, plus interest thereafter at the current legal rate of 5.57 percent per annum until fully 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 Defendants, Johnny Troglin, Ted Dewayne Murphy a/k/a Ted Dwayne Murphy, Sheila Diann Murphy a/k/a Sheile Diane Murphy, Shelly Dawn Murphy a/k/a Shella Dawn Murphy, Kevin Spike Murphy, Theodore P. Murphy, and County Treasurer and Board of County Commissioners, Washington County, Oklahoma, have no right, title, or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that to satisfy the judgment in rem 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 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.

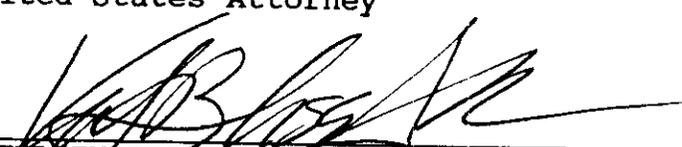
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of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

BY 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

Judgment of Foreclosure
Civil Action No. 90-C-245-E

KBA/css

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

F I L E D

OCT 10 1991

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

TERRY L. WHITEN and)
DERWIN F. MAXWELL,)

Plaintiffs,)

vs.)

Case No. 90-C-1025-E

MATERIAL HANDLERS, INC.,)
an Oklahoma corporation;)
MATERIAL AND HANDLING)
INSTALLERS, INC., an Oklahoma)
corporation; GARY GRAY; and)
BILL MOORE,)

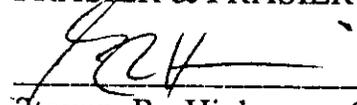
Defendants.)

STIPULATION OF DISMISSAL WITH PREJUDICE

COME NOW Plaintiffs and Defendants, all as above named, and stipulate to the dismissal of the above styled and numbered cause, with prejudice to re-filing, the claims of each Plaintiff against each Defendant.

FRASIER & FRASIER

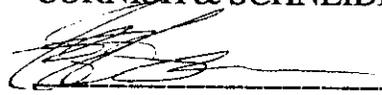
BY:



Steven R. Hickman, OBA #4172
1700 Southwest Blvd., Suite 100
P. O. Box 799
Tulsa, OK 74101
918/584-4724
Attorney for Plaintiffs

CORNISH & SCHNEIDER, INC.

BY:



Fred C. Cornish, OBA #1924
Stephen E. Schneider, OBA #7970
321 South Boston, Suite 917
Tulsa, OK 74103
918/583-2284
Attorneys for Defendants

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

LEWIS E. HALL,)
)
 Plaintiff,)
)
 vs.)
)
 LOUIS W. SULLIVAN, M.D.,)
 Secretary of Health)
 and Human Services,)
)
 Defendant.)

No. 90-C-479-B ✓

FILED

OCT 9 1991 *es*

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

ORDER

This matter comes on for consideration upon the objection of the Plaintiff, Lewis E. Hall ("Hall"), to the Findings and Recommendations of the United States Magistrate Judge affirming the Administrative Law Judge's denial of disability insurance benefits.

Plaintiff filed his application for disability insurance benefits on September 28, 1987. A hearing was held on October 19, 1988 before an Administrative Law Judge ("ALJ"). On June 28, 1989, the ALJ issued a decision that Plaintiff was not disabled within the meaning of the Social Security Act. Plaintiff requested a review of the ALJ decision and on May 14, 1990 the Appeals Council denied Plaintiff's request. The decision of the ALJ, therefore, became the final decision of the Secretary.

Plaintiff brought this judicial review action pursuant to 42 U.S.C. §405(g) on June 8, 1990, challenging the final decision of the Secretary of Health and Human Services ("Secretary") denying Plaintiff's application for disability insurance benefits under §§ 216(i) and 223 of Title II of the Social Security Act, 42 U.S.C. §§ 416(i) and 423, and for supplemental security income benefits based

on disability under § 1602 of Title XVI of the Act, 42 U.S.C. § 1381a. On June 13, 1991, the United States Magistrate Judge ("Magistrate") issued his Report and Recommendation.

In his Findings the Magistrate correctly stated the issues as follows: (1) whether the ALJ failed to perform his duty to fully develop the record; (2) whether the ALJ failed to perform his duty to address Plaintiff's lifting capacity; (3) whether the ALJ failed to perform his duty to elicit expert vocational testimony; and (4) whether the ALJ failed to perform his duty to order a psychiatric evaluation.

The Social Security Act entitles every individual who "is under a disability" to a disability insurance benefit. 42 U.S.C.A. § 423(a)(1)(D) (1983). "Disability" is defined as the "inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment." *Id.* § 423(d)(1)(A). An individual

"shall be determined to be under a disability only if his physical or mental impairment or impairments are of such severity that he is not only unable to do his previous work but cannot, considering his age, education, and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which he lives, or whether a specific job vacancy exists for him, or whether he would be hired if he applied for work."

Id. § 423(d)(2)(A).

Under the Social Security Act the claimant bears the burden of proving a disability, as defined by the Act, which prevents him

from engaging in his prior work activity. Reyes v. Bowen, 845 F.2d 242, 243 (10th Cir. 1988); 42 U.S.C. § 423(d)(5) (1983). Once the claimant has established such a disability, the burden shifts to the Secretary to show that the claimant retains the ability to do other work activity and that jobs the claimant could perform exist in the national economy. Reyes, 845 F.2d at 243; Williams v. Bowen, 844 F.2d 748, 751 (10th Cir. 1988); Harris v. Secretary of Health and Human Services, 821 F.2d 541, 544-45 (10th Cir. 1987). The Secretary meets this burden if the decision is supported by substantial evidence. See, Campbell v. Bowen, 822 F.2d 1518, 1521 (10th Cir. 1987); Brown v. Bowen, 801 F.2d 361, 362 (10th Cir. 1986). "Substantial evidence" requires "more than a scintilla, but less than a preponderance," and is satisfied by such relevant "evidence that a reasonable mind might accept to support the conclusion." Campbell v. Bowen, 822 F.2d at 1521; Brown, 801 F.2d at 362. The determination of whether substantial evidence supports the Secretary's decision, however,

"is not merely a quantitative exercise. Evidence is not substantial 'if it is overwhelmed by other evidence--particularly certain types of evidence (e.g., that offered by treating physicians)--or if it really constitutes not evidence but mere conclusion.'"

Fulton v. Heckler, 760 F.2d 1052, 1055 (10th Cir. 1985) (quoting Knipe v. Heckler, 755 F.2d 141, 145 (10th Cir. 1985)). Thus, if the claimant establishes a disability, the Secretary's denial of disability benefits, based on the claimant's ability to do other

work activity for which jobs exist in the national economy, must be supported by substantial evidence.

The Secretary has established a five-step process for evaluating a disability claim. See, Bowen v. Yuckert, 482 U.S. 137, 107 S.Ct. 2287, 96 L.Ed.2d 119 (1987). The five steps, as set forth in Reyes v. Bowen, 845 F.2d at 243, proceed as follows:

- (1) A person who is working is not disabled. 20 C.F.R. § 416.920(b).
- (2) A person who does not have an impairment or combination of impairments severe enough to limit his ability to do basic work activities is not disabled. 20 C.F.R. § 416.920(c).
- (3) A person whose impairment meets or equals one of the impairments listed in the "Listing of Impairments," 20 C.F.R. § 404, subpt. P, app. 1, is conclusively presumed to be disabled. 20 C.F.R. § 416.920(d).
- (4) A person who is able to perform work he has done in the past is not disabled. 20 C.F.R. § 416.920(e).
- (5) A person whose impairment precludes performance of past work is disabled unless the Secretary demonstrates that the person can perform other work available in the national economy. Factors to be considered are age, education, past work experience, and residual functional capacity. 20 C.F.R. § 416.920(f).

If at any point in the process the Secretary finds that a person is disabled or not disabled, the review ends. Reyes, 845 F.2d at 243; Talbot v. Heckler, 814 F.2d 1456, 1460 (10th Cir. 1987); 20 C.F.R. § 416.920.

In the present case, the ALJ entered this decision at the fourth level of the sequence. The ALJ determined that Hall's prior relevant work activity as a security officer was "light" work, and

that Hall could perform his past relevant work because his residual functional capacity was sufficient for the performance of that job.

Plaintiff objects to the Magistrate's Findings for three reasons. First, Plaintiff contends that the Magistrate's Findings and the ALJ's Decision are not based on substantial evidence. The Secretary's Findings stand if they are supported by "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." Richardson v. Perales, 402 U.S. 389, 401 (1971) (citing Consolidated Edison Co. v. N.L.R.B., 305 U.S. 197, 229 (1938)). In deciding whether the Secretary's findings are supported by substantial evidence, the court must consider the record as a whole. Hephner v. Mathews, 574 F.2d 359 (6th Cir. 1978). In the present case the ALJ found that Plaintiff was not disabled because he could perform "light" work, which included his past work activity as a security officer. The Magistrate agreed with the Secretary's conclusion that Plaintiff suffered some degree of pain and discomfort, but that mild to moderate pain is not, in itself, incompatible with the performance of sustained work activity. The ALJ carefully considered both the objective medical evidence and the testimony of the claimant and determined that the claimant was not so severely impaired by pain as to preclude light work. Upon a complete review of the record, the Court makes the same conclusion.

Second, Plaintiff argues that the ALJ failed to develop Plaintiff's case particularly with regard to the Plaintiff's credibility, due in part to the fact that the ALJ did not ask any

questions at the 12-minute hearing. The record indicates that Plaintiff was represented by counsel at the hearing held on October 19, 1988. The Court agrees with the Magistrate's finding that the ALJ did not fail to carry out his duty of inquiry, since, where Plaintiff's counsel asked more than fifty questions, any questioning by the ALJ may have been repetitive.

Third, Plaintiff maintains that the ALJ should have called a vocational expert witness. Again, the Court agrees with the Magistrate that a vocational expert is not necessary prior to the fifth step in the five-step sequence for evaluating disability. 20 CFR §404.1520(b)-(f). The ALJ stopped the evaluation at the fourth step after determining that the claimant was able to perform light work, such as he had previously performed as a security officer. Therefore, the calling of a vocational expert witness to specifically address Hall's lifting ability was unnecessary.

The Court affirms the Magistrate's Findings and Recommendations and concludes that Plaintiff's Objections to same should be and the same are hereby OVERRULED.

IT IS SO ORDERED this 8 day of October, 1991.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED

OCT 9 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

GAS ENERGY DEVELOPMENT)
COMPANY,)
)
Plaintiff,)
)
v.)
)
PACIFIC WESTERN ENERGY)
CORP.,)
)
Defendant.)

No. 90-C0082 B

STIPULATION ~~FOR~~ DISMISSAL WITH PREJUDICE

Plaintiff, Gas Energy Development Company, and Defendant, Pacific Western Energy Corp., by and through their respective attorneys of record, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, hereby stipulate ~~for~~^{to} the dismissal with prejudice of this case.

PRAY, WALKER, JACKMAN,
WILLIAMSON & MARLAR

By Randall G. Vaughan
Randall G. Vaughan, OBA #11554
900 Oneok Plaza
Tulsa, Oklahoma 74103
(918)584-4136

Attorneys for Defendant

CONNER & WINTERS
A Professional Corporation

By Sean H. McKee
Sean H. McKee, OBA #14277
2400 First National Tower
Tulsa, Oklahoma 74103
(918)586-5711

Attorneys for Plaintiff

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

FILED

OCT 08 1991

Richard M. Lawrence, Clerk
U. S. District Court
Northern District of Oklahoma

AMIN KHAN,

Plaintiff,

vs.

AMERICAN AIRLINES, INC.,

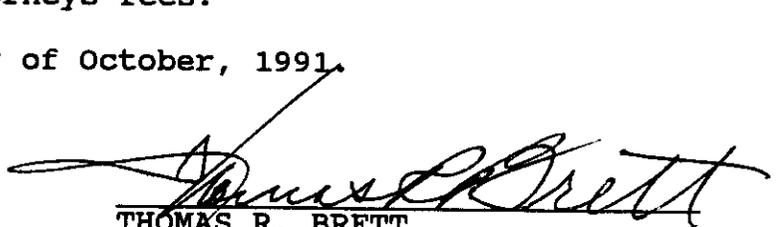
Defendant.

No. 90-C-465-B

J U D G M E N T

Pursuant to the Findings of Fact and Conclusions of Law filed this date, Judgment is hereby entered in favor of American Airlines, Inc. and against the Plaintiff, Amin Khan, and the action is hereby dismissed. Costs are assessed against the Plaintiff, if timely applied for pursuant to Local Rule 6. The parties are to pay their own respective attorneys fees.

DATED this 8th day of October, 1991.



THOMAS R. BRETT
UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

GARY B. JENKINS; BETTY A.
JENKINS; LEE SPURGEON, JR.;
CLARA SPURGEON; COUNTY
TREASURER, Ottawa County,
Oklahoma; and BOARD OF COUNTY
COMMISSIONERS, Ottawa County,
Oklahoma,

Defendants.

FILED

OCT 8 1991

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

CIVIL ACTION NO. 91-C-317-E

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 8th day
of October, 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 Defendants, County Treasurer, Ottawa County, Oklahoma, and
Board of County Commissioners, Ottawa County, Oklahoma, appear by
Barry V. Denney, Assistant District Attorney, Ottawa County,
Oklahoma; the Defendants, Lee Spurgeon, Jr. and Clara Spurgeon,
appear pro se; and the Defendants, Gary B. Jenkins and Betty A.
Jenkins, appear not, but make default.

The Court being fully advised and having examined the
court file finds that Defendants, Gary B. Jenkins and Betty A.
Jenkins, acknowledged receipt of Summons and Complaint on May 29,
1991; that Defendants, Lee Spurgeon, Jr. and Clara Spurgeon,
acknowledged receipt of Summons and Complaint on May 16, 1991.

It appears that the Defendants, County Treasurer, Ottawa County, Oklahoma, and Board of County Commissioners, Ottawa County, Oklahoma, filed their Answer on May 17, 1991; that the Defendants, Lee Spurgeon, Jr. and Clara Spurgeon, filed their Answers on May 17, 1991; and that the Defendants, Gary B. Jenkins and Betty A. Jenkins, 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 Ottawa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot 31, Block 8 in PHASE III KEY WEST ADDITION to the City of Miami, Ottawa County, Oklahoma, according to the recorded plat thereof.

The Court further finds that on June 13, 1985, the Defendants, Gary B. Jenkins and Betty A. Jenkins, executed and delivered to the United States of America, acting through the Farmers Home Administration, their promissory note in the amount of \$42,500.00, payable in monthly installments, with interest thereon at the rate of 11.375 percent per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Gary B. Jenkins and Betty A. Jenkins, executed and delivered to the United States of America, acting through the Farmers Home Administration, a mortgage dated June 13, 1985, covering the above-described property. Said mortgage was recorded on June 13,

1985, in Book 442, Page 477, in the records of Ottawa County, Oklahoma.

The Court further finds that on June 13, 1985, the Defendants, Gary B. Jenkins and Betty A. Jenkins, 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 April 2, 1986, the Defendants, Gary B. Jenkins and Betty A. Jenkins, 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 April 28, 1987, the Defendants, Gary B. Jenkins and Betty A. Jenkins, 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 April 27, 1988, the Defendants, Gary B. Jenkins and Betty A. Jenkins, 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 13, 1989, the Defendants, Gary B. Jenkins and Betty A. Jenkins, executed and delivered to the United States of America, acting through the Farmers Home Administration, a Reamortization and/or Deferral Agreement pursuant to which the entire debt due on that date was made principal.

The Court further finds that on October 13, 1989, the Defendants, Gary B. Jenkins and Betty A. Jenkins, 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, Gary B. Jenkins and Betty A. Jenkins, made default under the terms of the aforesaid note, mortgage, reamortization and/or deferral agreement, and interest credit agreements by reason of their failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendants, Gary B. Jenkins and Betty A. Jenkins, are indebted to the Plaintiff in the principal sum of \$41,831.85, plus accrued interest in the amount of \$1,550.80 as of July 6, 1990, plus interest accruing thereafter at the rate of 11.375 percent per annum or \$5.8737 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 \$12,984.00, plus interest on that sum at the legal rate from judgment until 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 and Board of County Commissioners, Ottawa 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 \$330.57, plus penalties and interest, for the year 1990. Said lien is superior to the interest of the Plaintiff, United States of America.

The Court further finds that the Defendants, Lee Spurgeon, Jr. and Clara Spurgeon, have a lien on the property which is the subject matter of this action in the amount of \$2,610.50 plus costs, by virtue of a Journal Entry of Judgment, Case No. C-85-260, District Court, Ottawa County, Oklahoma, dated May 27, 1986, and recorded on June 26, 1986, in Book 451, Page 904 in the records of Ottawa County, Oklahoma. Said lien is inferior to the interest of the Plaintiff, United States of America.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against Defendants, Gary B. Jenkins and Betty A. Jenkins, in the principal sum of \$41,831.85, plus accrued interest in the amount of \$1,550.80 as of July 6, 1990, plus interest accruing thereafter at the rate of 11.375 percent per annum or \$5.8737 per day until judgment, plus interest thereafter at the current legal rate of 5.57 percent per annum until fully paid, and the further sum due and owing under the interest credit agreements of \$12,984.00, plus interest

on that sum at the current legal rate of 5.57 percent per annum from judgment 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 Defendants, County Treasurer and Board of County Commissioners, Ottawa County, Oklahoma, have and recover judgment in the amount of \$330.57, 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 Defendants, Lee Spurgeon, Jr. and Clara Spurgeon, have and recover judgment in the amount of \$2,610.50 plus costs, by virtue of a Journal Entry of Judgment, Case No. C-85-260, District Court, Ottawa County, Oklahoma, dated May 27, 1986, and recorded on June 26, 1986, in Book 451, Page 904 in the records of Ottawa County, Oklahoma.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendants, Gary B. Jenkins and Betty A. Jenkins, 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 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 Defendants, County Treasurer and Board of County Commissioners, Ottawa County, Oklahoma, in the amount of \$330.57, 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 of the judgment rendered herein in favor of the Defendants, Lee Spurgeon, Jr. and Clara Spurgeon.

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.

BY JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE

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.

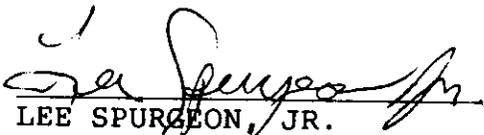
BY JAMES G. RILEY

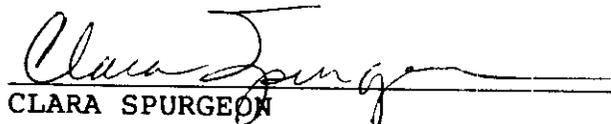
UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM
United States Attorney


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


LEE SPURGEON, JR.


CLARA SPURGEON


BARRY V. DENNEY, OBA #11284
Assistant District Attorney
Attorney for Defendants,
County Treasurer and
Board of County Commissioners,
Ottawa County, Oklahoma

Judgment of Foreclosure
Civil Action No. 91-C-317-E

PP/css

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 HAROLD M. GARRISON; DEBBIE A.)
 GARRISON; COUNTY TREASURER, Osage)
 County, Oklahoma; and BOARD OF)
 COUNTY COMMISSIONERS, Osage)
 County, Oklahoma,)
)
 Defendants.)

FILED

OCT 8 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION NO. 91-C-389-E

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 7th day
of October, 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 Larry D. Stuart, District Attorney, Osage
County, Oklahoma; and the Defendants, Harold M. Garrison and
Debbie A. Garrison, appear not, but make default.

The Court, being fully advised and having examined the
court file, finds that the Defendant, Harold M. Garrison, was
served with Summons and Complaint on August 20, 1991; that the
Defendant, Debbie A. Garrison, was served with Summons and
Complaint on August 20, 1991; that Defendant, County Treasurer,
Osage County, Oklahoma, acknowledged receipt of Summons and
Complaint on June 11, 1991; and that Defendant, Board of County
Commissioners, Osage County, Oklahoma, acknowledged receipt of
Summons and Complaint on June 11, 1991.

It appears that the Defendants, County Treasurer, Osage County, Oklahoma, and Board of County Commissioners, Osage County, Oklahoma, filed their Answer on June 13, 1991; and that the Defendants, Harold M. Garrison and Debbie A. Garrison, 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 Osage County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot 18, Block 2, Kehler Addition, an Addition to the Town of Skiatook, Osage 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 March 3, 1988, the Defendants, Harold M. Garrison and Debbie A. Garrison, executed and delivered to the United States of America, acting through the Farmers Home Administration, their mortgage note in the amount of \$42,900.00, payable in monthly installments, with interest thereon at the rate of 9.5 percent (9.5%) per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Harold M. Garrison and Debbie A. Garrison, executed and delivered to the United States of America, acting through Farmers Home Administration, a mortgage dated March 3, 1988, covering the

above-described property. Said mortgage was recorded on March 3, 1988, in Book 730, Page 900, in the records of Osage County, Oklahoma.

The Court further finds that the Defendants, Harold M. Garrison and Debbie A. Garrison, 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, Harold M. Garrison and Debbie A. Garrison, are indebted to the Plaintiff in the principal sum of \$43,752.56, plus accrued interest in the amount of \$5,568.40 as of August 3, 1990, plus interest accruing thereafter at the rate of 9.5 percent per annum or \$11.3876 per day until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action in the amount of \$44.80 (\$20.00 docket fees, \$16.80 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, have a lien on the property which is the subject matter of this action by virtue of ad valorem taxes in the amount of \$511.22, plus penalties and interest, for the year of 1989 and the amount of \$487.24, plus penalties and interest, for the year of 1990. Said liens are superior to the interest of the Plaintiff, United States of America.

The Court further finds that the Defendants, Harold M. Garrison and Debbie A. Garrison, 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 against the Defendants, Harold M. Garrison and Debbie A. Garrison, in the principal sum of \$43,752.56, plus accrued interest in the amount of \$5,568.40 as of August 3, 1990, plus interest accruing thereafter at the rate of 9.5 percent per annum or \$11.3876 per day until judgment, plus interest thereafter at the current legal rate of 5.57 percent per annum until paid, plus the costs of this action in the amount of \$44.80 (\$20.00 docket fees, \$16.80 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, Harold M. Garrison and Debbie A. Garrison, have no right, title or interest in the subject real property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, County Treasurer and Board of County Commissioners, Osage County, Oklahoma, have and recover judgment in the amount of \$511.22, plus penalties and interest, for ad valorem taxes for the year 1989, and the amount of \$487.24, 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 upon the failure of said Defendants, Harold M. Garrison and Debbie A. Garrison, 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, 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 Defendants, County Treasurer and Board of County Commissioners, Osage County, Oklahoma, in the amount of \$998.46, 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;

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

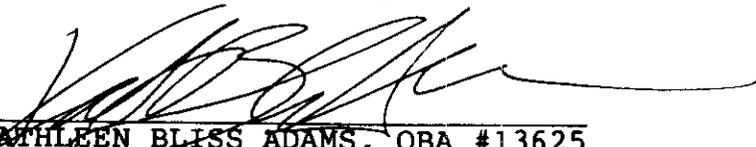
right, title, interest or claim in or to the subject real property or any part thereof.

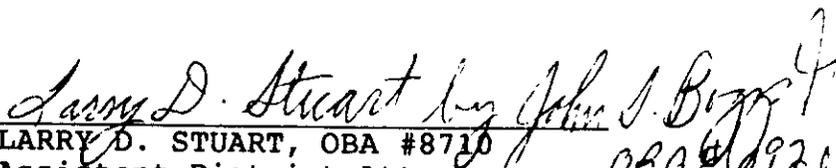
S/ JAMES O. ELLISON

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


LARRY D. STUART, OBA #8710
Assistant District Attorney
Attorney for Defendants,
County Treasurer and
Board of County Commissioners,
Osage County, Oklahoma

John S. Bogy, Assist. DA - OBA #920

Judgment of Foreclosure
Civil Action No. 91-C-389-E

KBA/esr

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

FILED

OCT 8 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

TULSTAR PRODUCTS, INC., an)
Oklahoma Corporation,)
)
Plaintiff,)
)
vs.)
)
TECH SPRAY, INC., a Texas)
Corporation,)
)
Defendant.)

Case No. 91 C 573 E

ORDER FOR DISMISSAL

Came on to be heard Plaintiff's Request for Dismissal Without Prejudice. After considering the request and the Stipulation of Dismissal filed by Defendant, the Court is of the opinion that the following order should be entered.

The above captioned cause is dismissed with prejudice to Plaintiff's right to refile same in the state or federal courts in the state of Oklahoma. This dismissal is without prejudice to Plaintiff's right to refile same in a court of proper jurisdiction and venue in the state or federal courts in the state of Texas.

RICHARD M. LAWRENCE, CLERK

UNITED STATES DISTRICT JUDGE

PABLO MUNOZ and SONIA MUNOZ,

Plaintiffs,

vs.

BILL SOWELL, Plan Administrator,
PROPERTY COMPANY OF AMERICA, EQUICOR-
EQUITABLE HCA CORPORATION and
MASSACHUSETTS MUTUAL LIFE INSURANCE
COMPANY,

Defendants.

FILED
OCT - 7 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

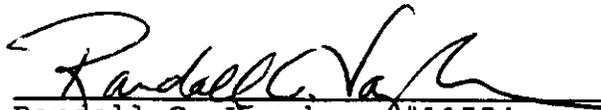
No. 90-C-1049-B

JOINT STIPULATION OF
DISMISSAL WITH PREJUDICE

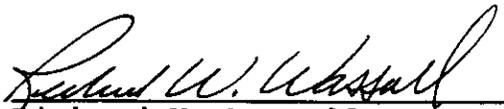
Come now the Plaintiffs and Defendants, by and through their respective attorneys, pursuant to Federal Rule of Civil Procedure 41(a)(1) and (c), and stipulate to the Dismissal with Prejudice of the above captioned case and claims, either asserted or unasserted, arising out of the transactions forming the subject matter of the action. This voluntary dismissal is in consideration of and made by reason of an agreement entered into among and between these respective parties. Each party shall bear his, her, or its own attorney fees and costs incurred in connection with this action.



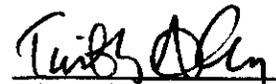
Ken Ray Underwood
Attorney for Plaintiffs



Randall G. Vaughan, #11554
Attorneys for Defendant
Equicor, Inc., incorrectly named as
Equicor-Equitable HCA Corporation



Richard W. Wassall
Attorneys for Property
Company of America



Timothy A. Carney
Attorneys for Massachusetts Mutual
Life Insurance Company

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

Lynn Martin, Secretary of Labor, §
United States Department of §
Labor, §
Plaintiff, §
v. §
MAYES COUNTY, OKLAHOMA §
Defendant. §

Civil Action
No. 90-C 361 B

FILED

OCT - 7 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

JUDGMENT

In accordance with the findings of fact and conclusions of law signed and entered in this action on the 24th day of September, 1991, it is,

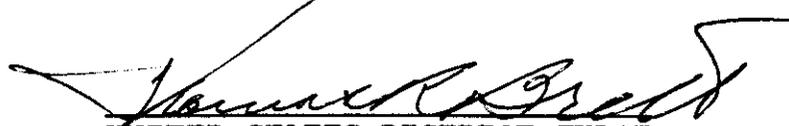
ORDERED, ADJUDGED and DECREED that defendant be, and it hereby is, enjoined and restrained from withholding payment of overtime compensation in the total amount of \$15,629.21, together with pre-judgment interest thereon at the rate provided by 26 U.S.C. §6621, as calculated in Exhibit A attached hereto and fully incorporated herein, totalling \$7,487.98, and post-judgment interest/as provided by 28 U.S.C. §1961 which the Court finds is due under the Act to defendant's employees named in Exhibit A attached hereto in the amounts indicated for the period April 25, 1987 through December 31, 1988. To comply with this provision of this judgment, defendant, within thirty (30) days from entry of this judgment, shall deliver to the plaintiff a cashier's or certified check payable to "Employment Standards Administration - Labor" in the total amount of \$23,117.19, less social security

and income tax deductions, the proceeds of which check the plaintiff shall distribute to defendant's employees named herein. Any net sums which within one year after the payment pursuant to this judgment have not been distributed to such employees, or to their estate if necessary, because of plaintiff's inability to locate the proper persons, or because of their refusal to accept such sums, shall be deposited with the Clerk of this Court who shall forthwith deposit such money with the Treasurer of the United States pursuant to 28 U.S.C. § 2041.

It is further ORDERED, ADJUDGED and DECREED that any relief not expressly granted herein is denied.

It is further ORDERED, that each of the parties shall bear his or her own costs.

Dated this 7th day of October, 1991.


UNITED STATES DISTRICT JUDGE

SECRETARY OF LABOR V. MAYES COUNTY, OKLAHOMA
 USDC, Northern District of Oklahoma
 Case No. 90-C-361-B

Total Compensation Due as of October 7, 1991
 (Ordered By Employee Name)

<u>Employee Name</u>	<u>Total Back Wages Due</u>	<u>Prejudgement Interest to 10/07/91</u>	<u>Total Compensation Due</u>
Estes, Sandra	\$3,937.01	\$1,889.17	\$5,826.18
Martin, Gregory A.	\$1,918.80	\$856.66	\$2,775.46
Murphy, A. June	\$1,283.70	\$571.10	\$1,854.80
Owens, Debra L.	\$3,395.51	\$1,629.34	\$5,024.85
Smith, Carolyn Sue	\$890.34	\$511.38	\$1,401.72
Stanley, David L.	\$34.08	\$20.62	\$54.70
Thompson, R. Brian	\$4,084.57	\$1,959.99	\$6,044.56
Ward, Tama J.	\$85.20	\$49.72	\$134.92
Grand Totals:	\$15,629.21	\$7,487.98	\$23,117.19

EXHIBIT A

MAYES COUNTY, OKLAHOMA

Prejudgement Interest to October 7, 1991
(Ordered by Mid-Date)

Employee Name	Back Wage Period		Mid-Date	Total Back Wages Due	No. of Days		Prin + Int		No. of Days		Prin + Int					
	Begin	End			at 9.0%	to	at 10.0%	to	at 11.0%	to	at 10.0%	to				
Stanley, David L.	04/25/87	04/25/87	04/25/87	\$34.08	158		\$35.43	92		\$36.33	91		\$37.34	183		\$39.26
Ward, Tama J.	06/13/87	06/27/87	06/20/87	\$85.20	102		\$87.37	92		\$89.60	91		\$92.09	183		\$96.82
Smith, Carolyn Sue	05/02/87	09/26/87	07/14/87	\$890.34	78		\$907.63	92		\$930.79	91		\$956.67	183		\$1,005.85
Estee, Sandra	04/25/87	12/31/88	02/27/88	\$3,937.01	0		\$3,937.01			\$3,937.01	33		\$3,976.35	183		\$4,180.77
Owens, Debra L.	04/25/87	12/31/88	02/27/88	\$3,395.51	0		\$3,395.51			\$3,395.51	33		\$3,429.44	183		\$3,605.74
Thompson, R. Brian	04/25/87	12/31/88	02/27/88	\$4,084.57	0		\$4,084.57			\$4,084.57	33		\$4,125.39	183		\$4,337.47
Martin, Gregory A.	02/06/88	08/27/88	05/17/88	\$1,918.80	0		\$1,918.80			\$1,918.80			\$1,918.80	136		\$1,991.63
Murphy, A. June	10/10/87	12/31/88	05/21/88	\$1,283.70	0		\$1,283.70			\$1,283.70			\$1,283.70	132		\$1,330.97

MAYES COUNTY, OKLAHOMA

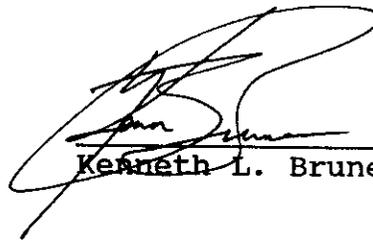
Prejudgement Interest to October 7, 1991
(Ordered by Mid-Date)

Employee Name	Back Wage Period			Total Back Wages Due	No. of Days		Prin + Int at 11.0%		No. of Days		Prin + Int at 12.0%		No. of Days		Prin + Int at 11.0%		No. of Days		Prin + Int at 10.0%		Pre-Judge Interest to 10/07/91	
	Begin	End	Mid-Date		03/31/89	to	03/31/89	to	09/30/89	to	09/30/89	to	03/31/91	to	03/31/91	to	10/07/91	to	10/07/91	to		
Stanley, David L.	04/25/87	04/25/87	04/25/87	\$34.08	182		\$41.47		183		\$44.04		547		\$51.93		190		547		\$54.70	\$20.62
Ward, Tama J.	06/13/87	06/27/87	06/20/87	\$85.20	182		\$102.26		183		\$108.62		547		\$128.08		190		547		\$134.92	\$49.72
Smith, Carolyn Sue	05/02/87	09/26/87	07/14/87	\$890.34	182		\$1,062.55		183		\$1,128.43		547		\$1,330.63		190		547		\$1,401.72	\$511.38
Estes, Sandra	04/25/87	12/31/88	02/27/88	\$3,937.01	182		\$4,416.45		183		\$4,690.27		547		\$5,530.70		190		547		\$5,826.18	\$1,889.17
Owens, Debra L.	04/25/87	12/31/88	02/27/88	\$3,395.51	182		\$3,809.01		183		\$4,045.17		547		\$4,770.01		190		547		\$5,024.85	\$1,629.34
Thompson, R. Brian	04/25/87	12/31/88	02/27/88	\$4,084.57	182		\$4,581.98		183		\$4,866.07		547		\$5,738.00		190		547		\$6,044.56	\$1,959.99
Martin, Gregory A.	02/06/86	06/27/88	05/17/88	\$1,918.80	182		\$2,103.90		183		\$2,234.34		547		\$2,634.70		190		547		\$2,775.46	\$856.66
Murphy, A. Jure	10/10/87	12/31/88	05/21/88	\$1,283.70	182		\$1,406.00		183		\$1,493.17		547		\$1,760.73		190		547		\$1,854.80	\$571.10
Grand Totals:				\$15,629.21																	\$23,117.19	\$7,487.98

CERTIFICATE OF MAILING

I, Kenneth L. Brune, hereby certify that on this 4th day of October, 1991, I placed in the U.S. mails at Tulsa, Oklahoma, a true and correct copy of the foregoing document with correct postage fully prepaid thereon addressed to the following:

J. Warren Jackman
Rita J. Gould
PRAY, WALKER, JACKMAN,
WILLIAMSON & MARLAR
900 Oneok Plaza
Tulsa, OK 74103



Kenneth L. Brune

10-4-02.klr

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

FILED

OCT - 7 1991

JESSIE H. McCLURE,
548-56-2157

Plaintiff,

v.

LOUIS W. SULLIVAN,
Secretary, Department of
Health and Human Services,

Defendant.

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

Case No. 90-C-899-B

ORDER

This matter comes on for consideration upon Objection to the Report and Recommendation of the United States Magistrate Judge entered herein on July 1, 1991, recommending that this case be remanded to the Louis W. Sullivan, Secretary of Health and Human Services (Secretary).

Plaintiff asks the Court to admit new evidence and to remand the case to the Secretary for consideration. The evidence consists of a letter and assessment of the Plaintiff by David McElwain, M.D., dated April 12, 1991, a psychological evaluation by George Patterson, Ph.D., dated April 4, 1991, and a Social-Cultural Assessment by Wes Robbins, M.S., dated March 22, 1991. It is Plaintiff's contention the new evidence is material and of such importance it would alter the decision of the Secretary.

Section 405(g) of Title 42, United States Code, empowers the Court "to enter, upon the pleadings and transcript of the record,

a judgment affirming, modifying, or reversing the decision of the Secretary, with or without remanding the cause for a rehearing." Further, the Court ". . . may at any time order additional evidence to be taken before the Secretary, but only upon a showing that there is new evidence which is material and that there is good cause for the failure to incorporate such evidence into the record in a prior proceeding; . . .".

Under Section 405(g) a social security claimant may submit new evidence regarding a disability, but requirements must be met prior to the Court granting remand: 1) The evidence must be new and not merely cumulative of what is already in the record to avoid relitigating the same issues. Bradley v. Califano, 573 F.2d 28 (10th Cir. 1978); 2) The evidence must also be material and substantial. 3) There must be a reasonable possibility that the new evidence would have changed the Secretary's decision had it been before him. Cagle v. Califano, 638 F.2d 219 (10th Cir. 1981) *cert. den.* 451 U.S. 993 (1982). 4) Good cause must exist to excuse the claimant for not having, previously thereto, incorporated the new evidence into the administrative record. Haywood v. Sullivan, 888 F.2d 1463 (5th Cir. 1989).

Materiality and relevance dictate the new evidence should relate to the time period for which benefits were denied. For example, evidence of a later-acquired disability or the subsequent deterioration of a previous non-disabling condition would, normally, not be considered. Haywood v. Sullivan, *supra*.

Consideration of new evidence is limited to determining

whether the case should be remanded. Selman v. Califano, 619 F.2d 881 (10th Cir. 1980).

It appears the new evidence now under consideration by the Court was only recently obtained because the Claimant has been homeless and without resources since his social security benefits were discontinued in June, 1988. The new evidence resulted from the efforts of a caseworker at an outreach center for the homeless and mentally ill.

It appears to this Court the new reports of Drs. Patterson and McElwain, and Wes Robbins, M.S., impact an earlier report by Dr. Richard Bost presently in the record and previously considered by the Secretary. The Court concludes the new evidence is material to a decision regarding Claimant's disability because it confirms some of the previous evidence and is not merely cumulative of it. The Court concludes there is a reasonable possibility that the new evidence, if previously considered by the Secretary, would have changed the Secretary's decision. Cagle v. Califano, *supra*.

The Court agrees with the Magistrate Judge's Report and Recommendation and the same is hereby adopted and affirmed. The Court concludes this matter should be and the same is hereby REMANDED to the Secretary for consideration of the new evidence in conjunction with the present administrative record.

IT IS SO ORDERED this 7 day of October, 1991.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED

OCT 4 1991

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

LARRY DON LONG and BARBARA)
KAY LONG,)
)
Plaintiffs,)
)
vs.)
)
J & B MANAGEMENT COMPANY, a)
corporation, and CONNECTICUT)
GENERAL LIFE INSURANCE)
COMPANY, a corporation,)
)
Defendants.)

Case No. 91-C-613-B

J U D G M E N T

The Defendant, Connecticut General Life Insurance Company, having been regularly served with Summons and Complaint served on the Oklahoma Insurance Commissioner by certified mail, return receipt requested, on August 16, 1991, and having failed to file an Answer or Entry of Appearance or to otherwise appear or plead within the time prescribed by law, the default of the Defendant was entered according to law, upon application of Plaintiffs to the Clerk and after proof of service of summons. Now, upon application of the Plaintiffs to the Clerk for judgment,

IT IS ORDERED AND ADJUDGED that Plaintiffs have and recover from the Defendant, Connecticut General Life Insurance Company, judgment in the sum of \$13,288.47, with interest thereon at the

rate of 5.57 percent per annum from the date hereof, until
paid, together with their costs.

Dated this 4 day of October, 1991.

RICHARD M. LAWRENCE, Clerk
United States District Court
for the Northern District of
Oklahoma

~~Richard M. Lawrence, Clerk~~
By _____
Clerk

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

DONNIE L. DECKER,)
)
Petitioner,)
)
v.)
)
WARDEN RON CHAMPION and THE)
ATTORNEY GENERAL OF THE)
STATE OF OKLAHOMA,)
)
Respondents.)

91-C-254-B

FILED

OCT 04 1991

Rhonda Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ORDER

This order pertains to petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Docket #1)¹, petitioner's Brief in Support of that petition (#2), respondents' Response and Exhibits (#4), and petitioner's Traverse (#5).

Petitioner was convicted in Oklahoma County District Court, Case No. CRF-89-4976, of larceny of an automobile after former conviction ("AFC") of two or more felonies and two counts of second degree burglary AFC of two or more felonies. Pursuant to a plea bargain, petitioner was sentenced to three terms of twenty-five (25) years, to be served concurrently. The former felony convictions used to augment the charges were, according to petitioner, eleven felony convictions in the State of Texas.

Petitioner filed an application for relief under the Oklahoma Post-Conviction Procedure Act, 22 O.S. § 1080 et seq. This was denied on June 18, 1990. That denial was affirmed by the Oklahoma Court of Criminal Appeals in Case No. PC-90-777 on September

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.

7, 1990. Petitioner then filed this action seeking relief from the sentences imposed. He does not seek relief from the underlying convictions.

Petitioner states that there are two grounds for his petition: 1) that the state has not provided the petitioner with a public forum within which to challenge the constitutionality of the prior convictions and 2) that he was denied reasonably effective assistance of trial counsel because counsel was prohibited from challenging the constitutionality of the prior convictions.

Upon a careful review of the pleadings and applicable law, the court finds that petitioner's claims are without merit and, as a result, that the writ of habeas corpus should be denied.

Petitioner's claims are more suited to the situation where a person is convicted based on a jury verdict and the sentence is then enhanced based on previous convictions. Here, petitioner pled guilty to these crimes, including the recidivist portion. The plea was made pursuant to an agreement with prosecutors. There is no indication that petitioner disputed the use of the former convictions. He claims now that the former convictions are unconstitutional, but presents no evidence to that effect, nor does he claim he gave his counsel any reason to believe that they were constitutionally invalid.

A copy of the Summary of Facts with petitioner's guilty plea is contained in the exhibits to the State's Response (Docket #4). The form, signed by petitioner, the judge, and both attorneys, shows that petitioner was questioned about his mental state, that he was informed of the charges (including the AFC portions), the minimum and maximum penalties, and the rights he was giving up, and that he was pleading guilty because he did the acts charged and was pleading pursuant to a plea agreement, but without coercion or

compulsion.

It should be noted that, although petitioner is challenging only the sentences he received, he received almost the minimum possible sentences. The statutory sentence for each count ranged from twenty years to life. (Summary of Facts, Exhibit to Response, Docket #4). Petitioner received three twenty-five year sentences to be served concurrently, when he could have received three life sentences to be served consecutively. Petitioner's argument seems to assume that the recidivist portion of the crimes is separate from the crimes he pled guilty to and should be treated as part of the sentence, but that is incorrect. He pled guilty to three crimes which included the recidivist element. As an example, petitioner did not plea guilty to "Larceny of an Automobile," instead he pled guilty to "Larceny of an Automobile AFC of 2 or More Felonies."

The Tenth Circuit dealt with this question in Bailey v. Cowley, 914 F.2d 1438 (10th Cir. 1990). In Bailey, a petitioner for habeas corpus claimed that his current sentence was improperly enhanced by a 1973 conviction. The 1973 conviction was based on a guilty plea made to avoid the prosecution's use of a 1971 conviction. The 1971 conviction was, for the sake of argument, assumed to be invalid. The court said:

Finally, if petitioner had not pleaded guilty but had gone to trial on the 1973 charges and been convicted, and the prosecution had used his 1971 conviction to impeach his credibility or enhance his sentence, this court would have set aside the 1973 conviction as unconstitutional....

However, a conviction based on a guilty plea differs from a conviction based on a guilty verdict in two important respects. First, '[c]entral to the plea and the foundation for entering judgment against the defendant is the defendant's admission in open court that he committed the acts charged in the indictment.' ...

Second, when a defendant pleads guilty, he makes a decision based on a calculated risk that the consequences that will flow from entering the guilty plea will be more favorable than those that would flow from going to trial. This inherent uncertainty does not make the plea involuntary....

In addition, when petitioner chose to plead guilty while believing himself to be innocent, he took a calculated risk that he would fare better by pleading guilty than by going to trial. The fact that his assessment of the risk was based on a faulty premise, that his 1971 conviction would continue to be valid, did not render his plea either involuntary or unintelligent.

Id. at 1441-42 (quoting Brady v. United States, 397 U.S. 742, 748 (1970)).

Petitioner makes no attempt to support his bald assertion that his previous convictions are invalid. He does not claim that he ever told his counsel that they were invalid. He received very minimal sentences in light of the potential. He pled guilty with full knowledge of the charges and their effects. He does not claim that his plea was not voluntary and knowing. In short, petitioner has given no grounds upon which to predicate relief.

Two matters remain to be clarified. First, petitioner has claimed that Maleng v. Cook, 490 U.S. 488 (1989), requires the State of Oklahoma to provide a public forum in which to challenge the constitutionality of prior convictions. His reading of the law is incorrect. Maleng deals not with requirements for state court procedure, but with federal subject matter jurisdiction of habeas corpus proceedings. In Maleng, the Supreme Court held that, when a sentence is fully expired, the collateral consequences of the conviction upon which the expired sentence was based are not sufficient to render a person "in custody" for purposes of a habeas petition attacking that conviction, even though that conviction was used to enhance punishment for a later conviction which the petitioner is presently serving. The Tenth Circuit has since ruled that expired convictions can be

challenged through current convictions enhanced by those earlier convictions. Gamble v. Parsons, 898 F.2d 117 (10th Cir. 1990). These cases are not relevant to petitioner's situation where he had a state forum in which to challenge his prior convictions, that being a trial, and waived that opportunity by pleading guilty to crimes enhanced by the prior convictions.

Second, petitioner claims he was denied effective assistance of counsel because his counsel was unable to challenge the prior convictions. Again, petitioner never asserts he told counsel the convictions were invalid, and he has yet to assert reasons why they are not valid. In accordance with Strickland v. Washington, 466 U.S. 668, 687 (1984), "[t]o prove ineffective assistance of counsel, the defendant must show that counsel's performance was deficient and that this deficient performance prejudiced his defense." Laycock v. New Mexico, 880 F.2d 1184, 1187 (10th Cir. 1989).

In the context of a guilty plea, the defendant can satisfy the first prong of the Strickland test if he:

proves that counsel's 'advice was not within the wide range of competence demanded of attorneys in criminal cases.' The proper standard for measuring attorney performance is reasonably effective assistance. The second prong is met if [the defendant] shows that there is a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial. The defendant must overcome the 'strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance.'

Id. (citations omitted).

The court in Bailey, 914 F.2d at 1440, concluded that counsel could not reasonably be expected to investigate or challenge an earlier conviction when not informed of the facts that might suggest it was invalid. The court concluded that counsel's conduct did not fall

below an objective standard of reasonableness considering all the circumstances when he advised that a plea of guilty be entered. The same is true here.

When petitioner pled guilty, he waived many rights, among which was the right to force prosecutors to prove prior convictions. He cannot now successfully claim he was denied that which he voluntarily abandoned.

For the foregoing reasons, petitioner's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is denied.

Dated this 4th day of October, 1991.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED

OCT 4 1991

JAMES JACKSON,)
)
 Plaintiff,)
)
 v.)
)
 RANDY READAN HOUR, et al.,)
)
 Defendants.)

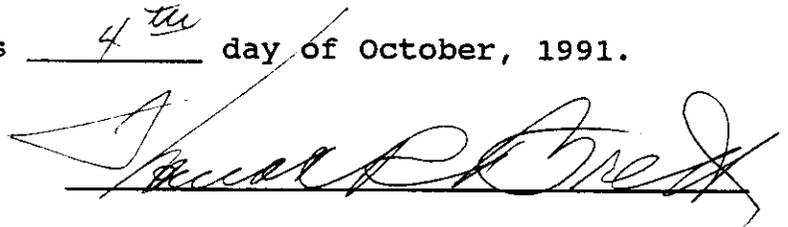
Richard M. Lawrence, Clerk
U.S. DISTRICT COURT

No. 91-C-411-B

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed on September 19, 1991. In the report, Magistrate Judge Jeffrey S. Wolfe recommended that the plaintiff's action be dismissed without prejudice for failure to respond to the defendants' motion to dismiss and to appear at the status and scheduling conference. As the plaintiff has filed no objection within the ten-day time period provided under Local Rule 32(D), the Court affirms the Magistrate Judge's report and dismisses the case without prejudice.

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



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

DALE R. BLACKWELL,

Plaintiff,

vs.

LOUIS W. SULLIVAN, M.D., SECRETARY
OF HEALTH AND HUMAN SERVICES.

Defendant.

~~FILED~~
FILED OCT 1 1991

OCT 4 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

CASE NO. 91-C-250-E

ORDER

Upon the Motion of Louis W. Sullivan, Secretary of the Department of Health and Human Services, by Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Kathleen Bliss Adams, Assistant United States Attorney, and for good cause shown it is hereby ORDERED that the above-styled case be remanded to the Defendant for further administrative action.

Dated this 3rd day of October, 1991.

UNITED STATES DISTRICT JUDGE

SUBMITTED BY:

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

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

ORVILLE W. CAVINS,
Plaintiff,

v.

UNITED STATES OF AMERICA
Defendant and
Counterclaim
Plaintiff,

v.

OAK SENVAR, a/k/a OAKTAY
SENVARDARLI

Additional Defendant
on the Counterclaim.

Case No. 90-C-294-B

FILED

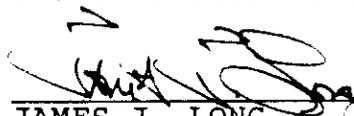
OCT 4 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

STIPULATION FOR DISMISSAL

It is hereby stipulated and agreed that this action shall be dismissed with prejudice, the parties to bear their own costs, including attorneys' fees.

TONY M. GRAHAM
United States Attorney



JAMES J. LONG
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 7238
Washington, D.C. 20044
Tel. (202) 514-6563

Counsel for the United States



CLIFFORD N. RIBNER
Roberts, Marrs & Carson
110 South Hartford, Suite 111
Tulsa, Oklahoma 74120
Tel. (918) 582-6567

Counsel for the Plaintiff

90615720.SET

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 3, 1991, a true and accurate copy of the above and foregoing STIPULATION FOR DISMISSAL was served by mail, postage prepaid, addressed to:

Clifford N. Ribner, Esquire
110 S. Hartford, Suite 111
Tulsa, Oklahoma 74120



JAMES J. LONG
Trial Attorney, Tax Division
Central Trial Section
U. S. Department of Justice
P.O. Box 7238
Washington, D.C. 20044
Tel. (202) 514-6563
(FTS) 368-6563

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

SAINT FRANCIS HOSPITAL, INC.,
an Oklahoma not-for-profit
corporation,

Plaintiff,

v.

LIBERTYVILLE SAVINGS BANK,
an Iowa Banking Association,

Defendant.

LIBERTYVILLE SAVINGS BANK,
an Iowa Banking Association,

Third-Party Plaintiff,

v.

KEMPER SECURITIES GROUP, INC.,
a Delaware corporation,
successor by merger to
Blunt, Ellis & Loewi,
Incorporated, a Delaware
corporation,

Third-Party Defendant.

Case No. 91-C-131-C

FILED

OCT 4 1991

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

Stipulation of
DISMISSAL WITH PREJUDICE

COME NOW the Libertyville Savings Bank, Saint Francis
Hospital, and Kemper Securities Group, being all of the
parties to the above-captioned case, and pursuant to Federal
Rule of Civil Procedure 41(a)(1) hereby stipulate to the
dismissal with prejudice of the above-captioned matter.

74

Respectfully submitted,

Bernard L. Spaeth, Jr.

Bernard L. (Jerry) Spaeth, Jr.
August B. Landis

WHITFIELD, MUSGRAVE & EDDY
1300 First Interstate Bank Building
Des Moines, Iowa 50309
Telephone: (515) 288-6041

Lead Counsel

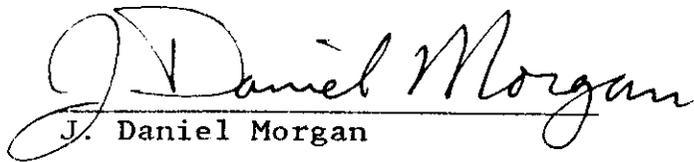
and

Robert A. Franden, O.B.A. #3086
Gray M. Strickland, O.B.A. #12505

FELDMAN, HALL, FRANDEN, WOODARD
& FERRIS
525 South Main, Suite 1400
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Telephone: (918) 783-7129

Local Counsel

ATTORNEYS FOR DEFENDANT,
LIBERTYVILLE SAVINGS BANK


J. Daniel Morgan

GABLE & GOTWALS
20th Floor, Fourth National Bldg.
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ATTORNEY FOR PLAINTIFF,
SAINT FRANCIS HOSPITAL

Phillip M. Goldberg

COFFIELD, UNGARETTI, HARRIS &
SLAVIN
3500 Three First National Plaza
Chicago, IL 60602

ATTORNEY FOR THIRD-PARTY DEFENDANT,
KEMPER SECURITIES GROUP

Approved as to form:

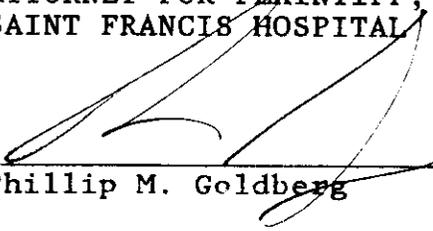
Libertyville Savings Bank

By: _____
Its: _____

J. Daniel Morgan

GABLE & GOTWALS
20th Floor, Fourth National Bldg.
Tulsa, OK 74119

ATTORNEY FOR PLAINTIFF,
SAINT FRANCIS HOSPITAL



Phillip M. Goldberg

COFFIELD, UNGARETTI, HARRIS &
SLAVIN
3500 Three First National Plaza
Chicago, IL 60602

ATTORNEY FOR THIRD-PARTY DEFENDANT,
KEMPER SECURITIES GROUP

Approved as to form:

Libertyville Savings Bank

By: _____
Its: _____

J. Daniel Morgan

GABLE & GOTWALS
20th Floor, Fourth National Bldg.
Tulsa, OK 74119

ATTORNEY FOR PLAINTIFF,
SAINT FRANCIS HOSPITAL

Phillip M. Goldberg

COFFIELD, UNGARETTI, HARRIS &
SLAVIN
3500 Three First National Plaza
Chicago, IL 60602

ATTORNEY FOR THIRD-PARTY DEFENDANT,
KEMPER SECURITIES GROUP

Approved as to form:

Libertyville Savings Bank

By: 
Its: President

Saint Francis Hospital

By: Donald B. Burgess
Its: Director, M.S.

Kemper Securities Group, Inc.

By: _____
Its: _____

Saint Francis Hospital

By: _____
Its: _____

Kemper Securities Group, Inc.

By: Janet L. Redei
Its: Senior Vice President

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

F I L E D

OCT 4 1991

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

Case No. 89-C-1017-C

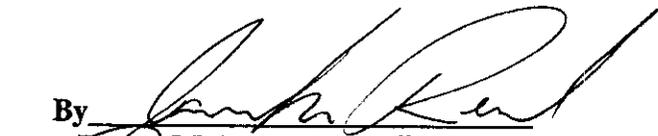
PAVITER CORPORATION, a general)
partnership of the Republic)
of Singapore,)
)
Plaintiff,)
)
vs.)
)
C & S EQUIPMENT SALES, INC.,)
an Oklahoma corporation, et al.)
)
Defendants.)
_____)

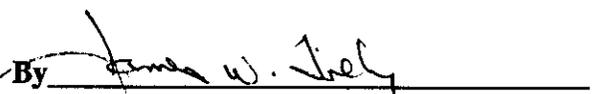
JOINT STIPULATION OF DISMISSAL WITH PREJUDICE

The plaintiff, Paviter Corporation, Inc. ("Paviter"), and the defendants R. Black, Inc. ("Black") and Alsop-Black, a partnership ("Alsop-Black"), pursuant to FED. R. CIV. P. 41(a)(1)(ii), jointly stipulate that Paviter's claims against Black and Alsop-Black in the above captioned action be dismissed with prejudice to refiling, with Paviter, Black, and Alsop-Black to bear their own respective cost and attorneys' fees.

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

TILLY & WARD

By 
James M. Reed OBA #7455
4100 Bank of Oklahoma Tower
One Williams Center
Tulsa, OK 74172
(918) 587-0000

By 
James W. Tilly OBA #9019
Two West Second Street, Suite 2220
P.O. Box 3645
Tulsa, OK 74101-3645
(918) 583-8868

Attorneys for Paviter Corporation

Attorneys for R. Black, Inc. and Alsop-

175

CERTIFICATE OF MAILING

I hereby certify that on the 4th day of October, 1991, I mailed a true and correct copy of the foregoing document with sufficient postage prepaid to the following:

Stephen E. Schneider
Cornish & Schneider, Inc.
917 Kennedy Bldg.
321 South Boston Ave.
Tulsa, OK 74103

**ATTORNEYS FOR S & S
ERECTION RENTALS, INC. AND
HAROLD STOUT**

Thomas J. McGeady
Logan, Lowry, Johnston, Switzer
West & McGeady
P.O. Box 558
Vinita, OK 74301

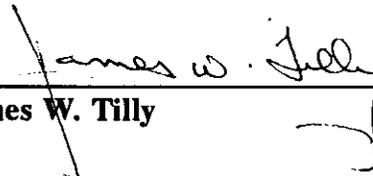
**ATTORNEYS FOR C & S
EQUIPMENT SALES, INC., AND
HAROLD CLARK**

James W. Keeley
1412 S. Boston
Suite 680
Tulsa, OK 74119

**ATTORNEY FOR RONALD B. STOCKWELL,
RAWLINS MANUFACTURING, AND
MICHAEL T. RAWLINS**

James M. Reed
Mary J. Rounds
Hall, Estill, Hardwick, Gable,
Golden & Nelson, P.C.
4100 Bank of Oklahoma Tower
One Williams Center
Tulsa, OK 74172

ATTORNEYS FOR PAVITER CORPORATION


James W. Tilly

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

F I L E D

OCT 3 1991

HUBERT J. TAYLOR, JR.,)
)
 Plaintiff,)
)
 vs.)
)
 IRON-OAK SUPPLY CORPORATION,)
)
 Defendant and)
 Counterclaimant,)
)
 vs.)
)
 HUBERT J. TAYLOR, JR.; DAVID E.)
 PEASE; HENRIK NAHKALA; and)
 PROGRESSIVE SUPPLY, INC.,)
)
 Counterclaim)
 Defendants.)

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

Case No. 89-C-771-B

STIPULATION OF DISMISSAL WITH PREJUDICE

The only remaining parties in this lawsuit, Hubert J. Taylor, Jr. and Iron-Oak Supply Corporation, hereby file this Stipulation of Dismissal with Prejudice pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure.



Tom R. Gann
GANN, CARSON & ALEXANDER
2121 South Columbia
Suite 600
Parkland Plaza Building
Tulsa, OK 74114-1723
(918) 743-4717

ATTORNEYS FOR PLAINTIFF AND
COUNTERCLAIM DEFENDANT,
HUBERT J. TAYLOR, JR.

Richard D. Koljack, Jr.
J. Ronald Petrikin
Richard D. Koljack, Jr.
GABLE & GOTWALS
2000 Fourth National Bank Bldg.
Tulsa, OK 74119-5447
(918) 582-9201

ATTORNEYS FOR DEFENDANT AND
COUNTERCLAIMANT, IRON-OAK
SUPPLY CORPORATION

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

FILED

OCT 3 1991

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

EARL EUGENE HOLMES,)
)
 Plaintiff,)
)
 v.)
)
 UNITED STATES OF AMERICA, et al,)
)
 Defendants.)

91-C-335-C

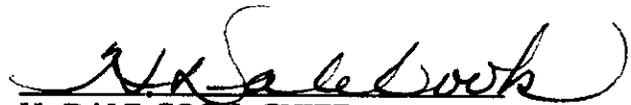
ORDER

The court has for consideration the Report and Recommendation of the Magistrate Judge filed September 5, 1991, in which the Magistrate Judge recommended that plaintiff's Civil Rights Complaint pursuant to 42 U.S.C. § 1983 be dismissed for failure to prosecute. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the record and the issues, the court has concluded that the Report and Recommendation of the Magistrate Judge should be and hereby is affirmed.

It is therefore Ordered that plaintiff's Civil Rights Complaint pursuant to 42 U.S.C. § 1983 is dismissed for failure to prosecute.

Dated this 30th day of October, 1991.


H. DALE COOK, CHIEF
UNITED STATES DISTRICT JUDGE

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

FILED

OCT 03 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

SUE GOUDEAU-DAVID MORRIS,)
)
 Plaintiff,)
)
 v.)
)
 MR. JEFF GEUDER, et al,)
)
 Defendants.)

91-C-143-B

ORDER

The court has for consideration the Report and Recommendation of the Magistrate Judge filed September 5, 1991, in which the Magistrate Judge recommended that plaintiff's Complaint be dismissed for failure to prosecute. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the record and the issues, the court has concluded that the Report and Recommendation of the Magistrate Judge should be and hereby is affirmed.

It is therefore Ordered that plaintiff's Complaint is dismissed for failure to prosecute.

Dated this 3rd day of October, 1991.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED

OCT 03 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

WILLIAMS GAS MARKETING COMPANY,)
)
Plaintiff,)
)
vs.)
)
AMAX GAS MARKETING INC.,)
)
Defendant.)

Case No. 91-C-520-B

STIPULATION OF DISMISSAL

COME NOW the Parties to the above-styled action, Williams Gas Marketing Company ("WGM") and Amax Gas Marketing Inc. ("Amax") (f/k/a Ladd Gas Marketing, Inc.), and pursuant to Fed. R. Civ. P. 41(a)(1), stipulate to the following:

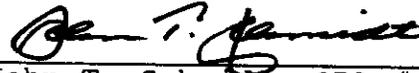
1. WGM and Amax are parties to that certain Natural Gas Sales Agreement dated October 1, 1989, as amended May 30, 1990, July 30, 1990 and February 28, 1991 (the "Sales Agreement"), which Sales Agreement is the subject of this action. Amax sought to terminate the Sales Agreement by letter to WGM dated July 12, 1991.

2. WGM and Amax have reached a compromise and settlement of this action pursuant to which:

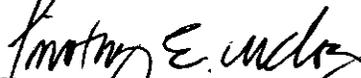
a. Amax withdraws its July 12, 1991 Notice of Termination under Section 3.02.03(a) of the Sales Agreement and is assured of WGM's ability to perform its obligations under the Sales Agreement and of the ability of the suppliers to perform their obligations under the Long Term Supply Contracts;

- b. Amax acknowledges and agrees that the Sales Agreement, as amended, is in full force and effect and that WGM has obtained and properly notified Amax of the existence of a minimum of 18,375 MMBtu's of gas per day under Long Term Supply Contracts, as that term is defined in Section 1.22 of the Sales Agreement, and has therefore met the requirements of Section 3.02.04(a) of the Sales Agreement for exercising its right to extend the Sales Agreement beyond the Interim Period;
 - c. WGM and Amax each will perform all their obligations under the Sales Agreement, as amended;
 - d. Amax acknowledges and agrees that the following described contracts qualify as "Long Term Supply Contracts" as that term is defined by Section 1.22 of the Sales Agreement:
 - (a) Long Term Gas Supply Contract between WGM and Snyder Oil Corporation dated June 28, 1991;
 - (b) Long Term Gas Supply Contract between WGM and Cross Timbers Oil Company, L.P. dated June 28, 1991;
 - and (c) Gas Purchase Agreement between WGM and Midstates Pipeline Company (now known as Finlay Energy, Inc.) dated December 1, 1989.
 - e. Amax and WGM have executed a mutual Release.
3. WGM and Amax stipulate to the dismissal of this action with prejudice pursuant to Fed. R. Civ. P. 41(a)(1), each party to bear its own attorney fees and costs as between themselves.

WILLIAMS GAS MARKETING COMPANY
BY AND THROUGH ITS ATTORNEYS



John T. Schmidt, OBA #11028
Mary J. Rounds, OBA #7779
Wade R. Wright, OBA #13380
Hall, Estill, Hardwick, Gable,
Golden, & Nelson, P.C.
4100 Bank of Oklahoma Tower
One Williams Center
Tulsa, Oklahoma 74172-0154
(918) 588-2700

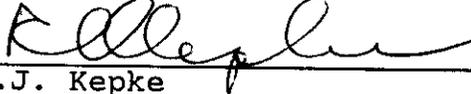


J.D. Steelman, OBA #8581
Timothy E. McCoy, OBA #013221
Williams Gas Marketing Company
2600 Bank of Oklahoma Tower
Tulsa, Oklahoma 74172
(918) 588-4203

AMAX GAS MARKETING INC.
BY AND THROUGH ITS ATTORNEYS



Richard J. Gore
Arthur W. Schmidt
J. Jayne Jarnigan
Mahaffey & Gore, P.C.
Two Leadership Square
211 North Robinson, Suite 1100
Oklahoma City, Oklahoma 73102
(405) 236-0478



R.J. Kepke
Arthur Moore
Amax Gas Marketing Inc.
1300 West Sam Houston Parkway South
Houston, Texas 77042
(713) 260-1246

AND NOW, this 3rd day of October, 1991, this action is
dismissed with prejudice pursuant to the Parties' Stipulation.

S/ THOMAS R. BRETT

Thomas R. Brett
United States District Court Judge

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

FILED

OCT 3 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

BRENDA L. PAPER,)
)
Plaintiff,)
)
vs.)
)
WAL-MART STORES, INC.,)
)
Defendant.)

No. 89-C-346-E

TIME STUDY CASE
Record Time Spent by Judge or Magistrate

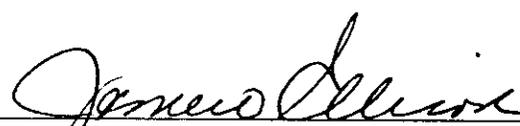
O R D E R

The Court has for consideration the Application of Plaintiff for a Finding by the Court of a Willful Violation of the Fair Labor Standards Act and Plaintiff's Motion for Partial New Trial. The Court has reviewed the record and the applicable law and finds that both motions should be denied.

The Court further finds that the parties should submit an Agreed Form of Judgment to the Court on or before the 18th day of October, 1991.

The Court further finds that the issue of attorney fees and costs should be and hereby is set for hearing the 7th day of November, 1991 at 9:00 o'clock A.m.

So ORDERED this 2^d day of October, 1991.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

IN RE: BENJAMIN FRANKLIN STEGALL,)

Debtor.)

JOSEPH Q. ADAMS,)

Plaintiff/Appellee,)

v.)

MARY L. STEGALL, BENJAMIN F.)
STEGALL, JR., ROBERTA LYLE STEGALL,)

Defendants/Appellants.)

Bky. No. 90-00830-W

Adversary No. 90-0300-W

Case No. 91-C-282-C ✓

F I L E D

OCT 2 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ORDER

This order pertains to the appeal of the Defendants from the final order of the United States Bankruptcy Court for the Northern District of Oklahoma denying the Defendants' Motion to Vacate Previous Order of the Court Granting Summary Judgment in Part entered on April 23, 1991. A hearing was held on September 16, 1991, and oral arguments were heard.

The chronology of the case is significant. On April 3, 1990, the Debtor filed this Chapter 7 Case. A deposition of the Debtor was held and on October 23, 1990, the Trustee filed a Complaint to avoid the transfers of certain real properties. On January 15, 1991, the Trustee filed a Motion for Summary Judgment, alleging that the property transfers were fraudulent and should be avoided and returned to the bankruptcy estate.

Defendants did not respond to the Motion for Summary Judgment, believing on-going discussions exploring dismissal of the case made it irrelevant. The Trustee agreed

clerk

not to submit a proposed order of summary judgment pending the discussions. The bankruptcy judge entered his own Order of Summary Judgment on February 19, 1991. The Debtor then filed a Motion to Dismiss his entire case, stating that the Trustee consented to the dismissal if Debtor would pay his fees in the case.

Defendants did not immediately file a motion to vacate the order of summary judgment, due to the agreement between the parties that the entire proceedings were to be dismissed. Debtor tendered \$6400 to the Trustee for payment of fees in the case. On April 12, 1991, the Debtor's motion to dismiss the entire case came on for a hearing, and the motion was denied. On April 17, 1991, the Defendants filed a verified motion to vacate order of summary judgment, which was denied on April 23, 1991.

Defendants claim to have been "surprised" by the court's refusal to dismiss this case on April 12, 1991, since all parties had consented to dismissal and the court ordinarily dismisses such actions. (Pg. 3 of Defendants' Brief - Docket #4). While Defendants admit they are not appealing this failure to dismiss, they claim "the reason the summary judgment was granted was because the dismissal request was pending and no response was deemed necessary." This argument has no merit, however, because the bankruptcy judgment granted summary judgment upon a review of the merits of the motion, rather than on the basis of Defendants' failure to respond.

The bankruptcy judge concluded that Debtor had transferred five parcels of real estate to his children without consideration, when he was insolvent. The bankruptcy court found the transfers were thus fraudulent as to creditors whose claims arose before the

transfer pursuant to 24 O.S. § 117¹ and could be avoided by the bankruptcy court under Section 544(b) of the Bankruptcy Code. The court granted the Trustee's Motion for Summary Judgment in part with respect to the property transferred to Debtor's children.

The Defendants claim that the Affidavit of the Debtor, attached to the verified motion to vacate the order of summary judgment, states a defense to the motion for summary judgment. However, that affidavit merely shows that the Debtor was employed at Kerr McGee Corporation earning \$50,000 a year and received an \$11,000 IRS tax refund the year the properties were transferred. The approximately \$300,000 in judgments against him at the time were significantly greater.

Bankruptcy Rule 8013 sets forth a "clearly erroneous" standard for appellate review of bankruptcy rulings with respect to findings of fact. In re: Morrissey, 717 F.2d 100, 104 (3rd Cir. 1983). The court's determination that the transfers were fraudulent is not clearly erroneous.

Bankruptcy Rule 924 makes Rule 60 of the Federal Rules of Civil Procedure applicable to bankruptcy proceedings. Federal Rule of Civil Procedure 60(b) provides that upon motion and upon such terms as are just, the court may relieve a party from a final judgment, order, or proceeding for mistake, inadvertence, surprise, or excusable neglect. The Tenth Circuit has declared that Rule 60(b) is an extraordinary procedure which "needs to strike a delicate balance between two countervailing impulses: The desire to preserve

¹ Title 24 O.S. § 117 reads in part as follows:

A transfer made or obligation incurred by a debtor is fraudulent as to a creditor whose claim arose before the transfer was made or the obligation was incurred if the debtor made the transfer or incurred the obligation without receiving a reasonably equivalent value in exchange for the transfer or obligation and the debtor was insolvent at the time or the debtor became insolvent as a result of the transfer or obligation.

the finality of judgments and the 'incessant command of the court's conscience that justice be done in light of all the facts.'" Cessna Finance Corp. v. Bielenberg Masonry Contracting, Inc., 715 F.2d 1442, 1444 (10th Cir. 1983), quoting from Seven Elves, Inc. v. Eskenazi, 635 F.2d 396, 401 (5th Cir. 1981), which quoted Banker's Mortgage Co. v. United States, 423 F.2d 73, 77 (5th Cir. 1970) (emphasis in original). The court in Cessna Finance Corp. went on to say that they "must hold parties and their attorneys to a reasonably high standard of diligence in observing the courts' rules. . . ." 715 F.2d at 1444.

The court held in Federal's, Inc. v. Edmonton Investment Co., 404 F.Supp. 68, 73 (E.D. Mich. 1975), affirmed, 555 F.2d 577 (6th Cir.), 556 F.2d 580 (6th Cir. 1977), that Rule 60(b) is not grounds to vacate a judgment when counsel has made a conscious decision not to raise a defense in bankruptcy proceedings. The Michigan court cited United States v. Erdoss, 440 F.2d 1221, 1223 (2nd Cir.), cert. denied, 404 U.S. 849 (1971), affirming the refusal to set aside a default judgment because an attorney handling the defendant's case believed that the action had been stayed by pending bankruptcy proceedings, a conscious decision made by counsel not considered excusable.

The ruling of the bankruptcy court denying Defendants' motion to vacate its previous order was not clearly erroneous. Defendants' "surprise" when the bankruptcy court ruled on the motion for summary judgment promptly and sufficiently, because they had depended on the court's "custom" of deferring such rulings until a proposed order was submitted, does not constitute the type of mistake, surprise, or excusable neglect which would justify vacation of the judgment under Rule 60(b). A conscious decision was made not to respond to the motion for summary judgment.

More importantly, the bankruptcy court did not rule as it did because Defendants had not responded, but rather on the merits. Defendants cannot make a sufficient good faith argument on the merits in opposition to the granting of summary judgment. There has been no credible showing that the Debtor was solvent when the parcels of land were transferred to his children. The goals of preserving the finality of the bankruptcy court judgment and assuring that justice is done will be met by upholding the Bankruptcy Court's decision.

It is ordered that the Bankruptcy Court's decision of April 23, 1991, be and hereby is affirmed.

Dated this 30th day of September, 1991.


H. DALE COOK, CHIEF
UNITED STATES DISTRICT JUDGE

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

FILED

OCT - 2 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

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.)

JUDGMENT

The Motion for Deficiency Judgment of the Plaintiff came on for hearing before the Court, the Honorable Thomas R. Brett, District Judge, presiding, and the issues having been duly heard and a decision having been duly rendered, all as set forth in the Findings of Fact and Conclusions of Law filed herein, and incorporated herein by reference,

IT IS ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion for Deficiency Judgment is granted.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiff State Federal Savings Association, by and through its Receiver, Resolution Trust Corporation, recover of the Defendants Martin E. Brown and The Brown Group, a/k/a The Brown Group, Ltd., an Oklahoma Corporation, and each of them, jointly and severally, the sum of \$8,022.48, with interest thereon at the rate of 5.57 percent per annum as provided by law, plus costs in the amount of \$381.60, and a reasonable attorney's fee, in a specific amount to be determined upon application to the Court.

DATED this 2nd day of October, 1991.

S/ THOMAS R. BRETT

The Honorable Thomas R. Brett
United States District Judge

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

FILED

OCT 02 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

CAPMAC, INC., an Oklahoma
corporation, formerly McKenzie
Management, Inc.,

Plaintiff,

vs.

BURBANK HYDROCARBONS LIMITED,
a Nassau corporation, and
BEACH PETROLEUM NL,

Defendants.

NO. 91-C-345-B

JUDGMENT BY DEFAULT

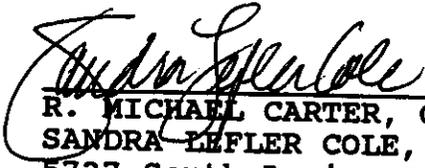
NOW, on this 2nd day of October, 1991, comes on for consideration the Motion and Brief for Default Judgment and Affidavit and Request for Entry of Default by Clerk filed herein by Plaintiff CAPMAC, Inc.

The Court having duly considered the issues presented by CAPMAC, Inc. finds that such Motion should be granted and further finds as follows:

1. Plaintiff, CAPMAC, Inc. ("CAPMAC"), formerly McKenzie Management, Inc., is an Oklahoma corporation having its principal place of business in Tulsa, Oklahoma.

2. Defendant Burbank Hydrocarbons Limited ("Burbank") is a Nassau corporation having its last known place of business at 1400 Glenarm Place, Suite 300, Denver, Colorado, 80202.

APPROVED:



R. MICHAEL CARTER, OBA #1530
SANDRA LEFLER COLE, OBA #13309
5727 South Lewis, Suite 640
Tulsa, Oklahoma 74105
(918) 747-7100

ATTORNEYS FOR PLAINTIFF
CAPMAC, INC.

3. This Court has diversity jurisdiction over this action pursuant to 28 U.S.C. §1332. Further, venue is proper in this district pursuant to 28 U.S.C. §1391.

4. It appears that Defendant Burbank Hydrocarbons Limited, a Nassau corporation, is in default and that the Clerk of the United States District Court has previously searched the records and entered the default of Defendant Burbank.

5. It further appears upon Plaintiff's Affidavit that Defendant Burbank is indebted to Plaintiff in the sum of \$33,202.53 for contractual obligations, that default has been entered against Defendant Burbank for failure to appear or otherwise answer herein, and that Defendant Burbank is not an infant or incompetent person and is not in the military service of the United States.

6. The Court having reviewed all documents on file herein and being fully advised in the premises finds that judgment should be entered for the Plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff CAPMAC, Inc. have judgment against Defendant Burbank Hydrocarbons Limited in the sum of \$33,202.53, plus the costs of this action, including a reasonable attorney's fee, for all of which let execution issue.

JUDGMENT RENDERED this 2nd day of October, 1991.


UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

RUBY PERRY,

Plaintiff,

vs.

YOUNG WOMEN'S CHRISTIAN
ASSOCIATION, a Non-Profit
Organization, MARY ESPEY,
an Individual and ARGIE
WALLACE, an Individual,

Defendants.

Case No. 91-C-128-B

FILED

OCT 02 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

DISMISSAL

The Court, having before it the Joint Stipulation for Dismissal with Prejudice submitted by the parties hereto, hereby dismisses this case, with prejudice as to all claims, with each party hereto to bear its own attorneys fees and costs.

IT IS SO ORDERED this 2nd day of October, 1991.

S/ THOMAS R. BRETT

THOMAS R. BRETT
UNITED STATES DISTRICT COURT
JUDGE

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

J.L. DIAMOND and GRETNA DIAMOND,)
)
Plaintiffs,)
v.)
)
UNION BANK AND TRUST OF)
BARTLESVILLE, and FEDERAL DEPOSIT)
INSURANCE CORPORATION, in its)
corporate capacity and as)
Liquidator of the assets of Union)
Bank and Trust of Bartlesville,)
)
Defendants,)
)
v.)
)
TOM BERRY,)
)
)
Third-Party Defendant.)

Case No. 90-C-921-C

F I L E D

OCT 2 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

**ENTRY OF FINAL JUDGMENT IN FAVOR OF DEFENDANT,
FEDERAL DEPOSIT INSURANCE CORPORATION IN ITS CORPORATE CAPACITY,
AGAINST PLAINTIFFS, J.L. AND GRETNA DIAMOND**

Pursuant to the Court's Order of August 30, 1991, and upon finding that there is no just reason for delay, final judgment is hereby entered in favor of Defendant and Third-Party Plaintiff, the Federal Deposit Insurance Corporation in its corporate capacity ("FDIC-Corporate"), and against Plaintiffs, J.L. Diamond and Gretna Diamond (collectively, the "Diamonds"), and Third-Party Defendant, Tom Berry.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment is granted in favor of FDIC-Corporate on its First Claim for Relief against J.L. Diamond and Gretna

49

Diamond, jointly and severally, in the principal amount of One Million Five Hundred Ninety-Eight Thousand Fifty-Nine and 87/100ths Dollars (\$1,598,059.87), together with accrued interest thereon through April 4, 1991, in the amount of Eight Hundred Fifty-Two Thousand Seven and 57/100ths Dollars (\$852,007.57), with further interest thereon through judgment at the rate of Four Hundred Seventy and 66/100ths Dollars (\$470.66) per diem, together with further interest on the entire amount owing from the date of this judgment at the rate provided by 28 U.S.C. §1961, being 5.57% per annum, and together with costs and reasonable attorney's fees and expenses.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment is granted in favor of FDIC-Corporate on its Second Claim for Relief against J.L. Diamond in the principal amount of Nine Hundred Sixteen Thousand Fifty-Three and 86/100ths Dollars (\$916,053.86), together with accrued interest thereon through April 4, 1991, in the amount of Three Hundred Two Thousand Five Hundred Ninety-Three and 61/100ths Dollars (\$302,593.61), with further interest thereon through judgment at the rate of Two Hundred Sixty- Nine and 80/100ths Dollars (\$269.80) per diem, together with further interest on the entire amount owing from the date of this judgment at the rate provided by 28 U.S.C. §1961, being 5.57% per annum, and together with costs and reasonable attorney's fees and expenses.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment is granted in favor of FDIC-Corporate on its Third Claim for Relief against J.L. Diamond that the amounts specified in its First and Second Claims for Relief are adjudged first and prior liens upon all shares of Universal Energy Corporation and ORS Corporation in FDIC-Corporate's possession (the "Stock"), and that FDIC-Corporate's security interest in the Stock is hereby foreclosed and

said Stock is ordered to be sold pursuant to the provisions of Oklahoma's Uniform Commercial Code, with the proceeds arising from such sale, net of all lawful costs, to be applied first toward satisfaction of the amount awarded FDIC-Corporate on its First Claim for Relief, and second toward satisfaction of the amount awarded FDIC-Corporate on its Second Claim for Relief, with the remainder, if any, to abide further disposition by the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment in rem is granted in favor of FDIC-Corporate and against J.L. Diamond and Gretna Diamond adjudging a certain Mortgage filed in Book 828 at Page 244 of the records of the Washington County Clerk, State of Oklahoma, on January 21, 1985 ("Mortgage No. 1"), and a certain Mortgage filed in Book 828 at Page 640 of the records of the Washington County Clerk on February 1, 1985 ("Mortgage No. 2"), to be valid, prior and superior liens upon Parcel One described as follows:

A tract of land in the Northwest Quarter of the Northwest Quarter (NW/4 NW/4) of Section Fifteen (15), Township Twenty-six (26) North, Range Thirteen (13) East, Washington County, Oklahoma, more particularly described as follows: Beginning at a point that is 60 feet East and 600 feet South of the Northwest corner of said section, said point being on the East right-of-way line of Madison Boulevard, Bartlesville, Washington County, Oklahoma; thence South 0°01'15" West along the East right-of-way line of Madison Boulevard for a distance of 720.83 feet to a point 60 feet East of the Southwest corner of said NW/4 NW/4 of Section 15; thence North 89°58'31" East along the South line of said NW/4 NW/4 for a distance of 745 feet; thence North 0°01'15" East for a distance of 1,020 feet to a point that is 300 feet South of the North line of said Section 15; thence South 89°58'46" West for a distance of 445 feet; thence North 0°01'15" East for a distance of 50 feet; thence South 89°58'46" West for a distance of 160 feet; thence South 0°01'15" West for a distance of 100 feet; thence North 89°58'46" West for a distance of 100 feet; thence South 0°01'15" West for a distance of 250 feet; thence South 89°58'46" West for a distance of 250 feet to the point of beginning containing 35 acres more or less,

in the amounts awarded FDIC-Corporate on its First and Second Claims for Relief; Mortgage No. 1 and Mortgage No. 2 are hereby foreclosed and Parcel One is ordered to be sold with appraisement according to law, subject to assessments and general taxes not herein foreclosed, with the proceeds of such sale to be applied first toward satisfaction of costs and attorney's fees and expenses herein, and second toward satisfaction of the amount awarded FDIC-Corporate on its First Claim for Relief, and third toward satisfaction of the amount awarded FDIC-Corporate on its Second Claim for Relief, with the surplus, if any, being paid into Court to abide its further Order; and from and after such sale, J.L. Diamond and Gretna Diamond, and any claiming by, under, or through them, are forever barred and foreclosed from claiming any right, title, interest or equity in and to said property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment in rem is granted in favor of FDIC-Corporate and against J.L. Diamond and Gretna Diamond adjudging a certain Mortgage filed in Book 829 at Page 808 of the records of the Washington County Clerk, State of Oklahoma, on March 18, 1985 ("Mortgage No. 3"), to be a valid, prior and superior lien upon Parcel Two described as follows:

Part of the Northeast Quarter (NE/4) of the Northwest Quarter (NW/4) of the Northwest Quarter (NW/4) of Section 15, Township 26 North, Range 13 East, bounded and described as follows: Beginning at the Northwest corner of the NE/4 NW/4 NW/4; thence East along the North line of said section for a distance of 145 feet; thence South parallel with the West line of said section for a distance of 300 feet; thence West parallel with the North line of said section for a distance of 145 feet; thence North 300 feet to the point of beginning, less the North 60 feet of NE/4 NW/4 NW/4 deeded to the City of Bartlesville for Adams Boulevard,

in the amounts specified in FDIC-Corporate's First and Second Claims for Relief; Mortgage No. 3 is hereby foreclosed and Parcel Two is ordered to be sold with appraisement according to law, subject to assessments and general taxes not herein foreclosed, with the proceeds of such sale to

be applied first toward satisfaction of costs and attorney's fees and expenses herein, and second toward satisfaction of the amount awarded FDIC-Corporate on its First Claim for Relief, and third toward satisfaction of the amount awarded FDIC-Corporate on its Second Claim for Relief, with the surplus, if any, being paid into Court to abide its further Order; and from and after such sale, J.L. Diamond and Gretna Diamond, and any claiming by, under, or through them, are forever barred and foreclosed from claiming any right, title, interest or equity in and to said property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment in rem is granted in favor of FDIC-Corporate and against J.L. Diamond and Gretna Diamond adjudging a certain Mortgage filed in Book 840 at Page 2669 of the records of the Washington County Clerk, State of Oklahoma, on October 17, 1986 ("Mortgage No. 4"), to be a valid, prior and superior lien upon Parcel Three described as follows:

Lot Two (2) of Willowhill Section I, an Addition to Bartlesville, Washington County, Oklahoma, and a tract of land adjacent thereto on the East bounded and described as follows: Beginning at the Southeast corner of said Lot 2, said point also being 805 feet North 89°59'31" East of the Southwest corner of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4) of Section 15, Township 26 North, Range 13 East, Washington County, Oklahoma; thence North 89°59'31" East along the South line of said NW/4 NW/4 for a distance of 199.12 feet; thence North 0°03' East 22.62 feet; thence North 89°59'31" East for a distance of 280.84 feet to the Southwest corner of Lot 19, Block 8, East Park Addition to the City of Bartlesville, Washington County, Oklahoma; thence North 0°01'22" East along the West line of said Block 8 for a distance of 465.00 feet; thence North 89°59'31" East for a distance of 35.30 feet; thence North 0°01'22" East for a distance of 173.20 feet to the Northwest corner of Lot 1, Block 9 of said East Park Addition, said point also being the Southeast corner of the NE/4 NW/4 NW/4 of said Section 15; thence continuing North along the East line of said NE/4 NW/4 NW/4 for a distance of 600.35 feet to a point on the South line of Adams Boulevard; thence South 89°58'46" West for a distance of 315 feet; thence South 0°01'15" West for a distance of 240 feet; thence South 89°59'31" West for a distance of 240 feet; thence South 89°59'31" West for a distance of 200 feet to the Northeast corner of said Lot 2, Willowhill Section I Addition;

thence North 0°01'15" East for a distance of 240 feet to a point on the South line of Adams Boulevard; thence South 89°59'31" West along the South line of said Adams Boulevard for a distance of 145 feet; thence South 0°01'22" West for a distance of 240 feet; thence North 89°59'31" East for a distance of 145 feet to the Northeast corner of said Lot 2, Willowhill Section I Addition; thence South 0°01'15" West along the East line of said Lot 2 for a distance of 1021.01 feet to the point of beginning, subject to Deed of Dedication to the City of Bartlesville, Oklahoma, for the purpose of right-of-way and public utilities, covering a tract of land described as follows:

A part of the Northwest Quarter of the Northwest Quarter (NW/4 NW/4) of Section Fifteen (15), Township Twenty-six (26) North, Range Thirteen (13) East, Bartlesville, Washington County, Oklahoma, bounded and described as follows: Beginning at the Southwest corner of Lot 1, Block 9, East Park Addition to the City of Bartlesville, Washington County, Oklahoma; thence South 0°01'22" West for a distance of 50 feet; thence South 89°59'31" West for a distance of 250 feet; thence North 0°01'22" East for a distance of 773.55 feet to a point on the South line of Adams Boulevard; thence North 89°58'46" East along the South line of Adams Boulevard for a distance of 50 feet; thence South 0°01'22" West for a distance of 723.55 feet; thence North 89°59'31" East for a distance of 200 feet to the point of beginning;

in the amounts specified in FDIC-Corporate's First and Second Claims for Relief; Mortgage No. 4 is hereby foreclosed and Parcel Three is ordered to be sold with appraisal according to law, subject to assessments and general taxes not herein foreclosed, with the proceeds of such sale to be applied first toward satisfaction of costs and attorney's fees and expenses herein, and second toward satisfaction of the amount awarded FDIC-Corporate on its First Claim for Relief, and third toward satisfaction of the amount awarded FDIC-Corporate on its Second Claim for Relief, with the surplus, if any, being paid into Court to abide its further Order; and from and after such sale, J.L. Diamond and Gretna Diamond, and any claiming by, under, or through them, are forever barred and foreclosed from claiming any right, title, interest or equity in and to said property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment in rem is granted in favor of FDIC-Corporate and against J.L. Diamond, Gretna Diamond and Tom Berry adjudging Mortgage No. 4 and a certain Mortgage filed in Book 820 at Page 312 of the records of the Washington County Clerk, State of Oklahoma, on July 11, 1984 ("Mortgage No. 5"), to be valid, prior and superior liens upon Parcel Four described as follows:

The following described lands located in Washington County, Oklahoma:

All of the Southwest Quarter (SW/4) LESS AND EXCEPT two tracts of land heretofore conveyed by deeds recorded in Book 133 at Page 421 and in Book 187 at Page 543, respectively, more particularly described as follows:

- Tract 1. One square acre in the extreme Southwest corner of the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Section Four (4), Township Twenty-five (25) North, Range Thirteen (13) East;
- Tract 2. Beginning at a point 208 feet East of the Southwest corner of the Southwest Quarter of the Southwest Quarter (SW/4 SW/4) of Section Four (4), Township Twenty-five (25) North, Range Thirteen (13) East; thence North 208 feet; thence East 188 feet; thence South 208 feet; thence West 188 feet to the point of beginning;

The South Half of the Northwest Quarter (S/2 NW/4);
The South Half of the Northeast Quarter (S/2 NE/4);
The North Half of the Northwest Quarter of the Southeast Quarter (N/2 NW/4 SE/4);
The South Twenty (20) Acres of Lot One (1) (S/2 NE/4 NE/4);
The Northwest Ten and 03/100th (NW 10.03) Acres of Lot One (1) (NW/4 NE/4 NE/4);
Lot Two (2) (NW/4 NE/4);
All of Lot Three (3) (NE/4 NW/4) LESS AND EXCEPT a tract of land heretofore conveyed by deed recorded in Book 323 at Page 540, more particularly described as follows:

- Tract 1. Starting at a point on the south edge of the County road right of way 120 feet East of the Northeast corner of the Northwest Quarter of the Northwest Quarter (N/W/4 NW/4) of Section Four (4), Township Twenty-five (25) North, Range Thirteen (13) East; thence South 150 feet; thence East 100 feet; thence North 150 feet to the County road right of way; thence West along the South line

of said County road right of way a distance of 100 feet to the point of beginning,

All in Section Four (4), Township Twenty-five (25) North, Range Thirteen (13) East,

in the amounts specified in FDIC-Corporate's First and Second Claims for Relief; Mortgage No. 4 and Mortgage No. 5 are hereby foreclosed and Parcel Four is ordered to be sold with appraisal according to law, subject to assessments and general taxes not herein foreclosed, with the proceeds of such sale to be applied first toward satisfaction of costs and attorney's fees and expenses herein, and second toward satisfaction of the amount awarded FDIC-Corporate on its First Claim for Relief, and third toward satisfaction of the amount awarded FDIC-Corporate on its Second Claim for Relief, with the surplus, if any, being paid into Court to abide its further Order; and from and after such sale, J.L. Diamond, Gretna Diamond and Tom Berry, and any claiming by, under, or through them, are forever barred and foreclosed from claiming any right, title, interest or equity in and to said property.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment in rem is granted in favor of FDIC-Corporate and against J.L. Diamond, Gretna Diamond and Tom Berry declaring Mortgage No. 4 to be a valid, prior and superior lien upon the Minerals described as follows:

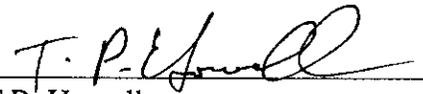
The oil, gas and minerals in and under the Southwest Quarter of the Northwest Quarter of the Southeast Quarter (SW/4 NW/4 SE/4) of Section Four (4), Township Twenty-five (25) North, Range Thirteen (13) East, together with all the improvements thereon and the appurtenances thereunto belonging,

in the amounts specified in FDIC-Corporate's First and Second Claims for Relief; the lien on the Minerals created by Mortgage No. 4 is hereby foreclosed and the Minerals are ordered to be sold

with appraisal according to law, subject to assessments and general taxes not herein foreclosed, with the proceeds of such sale to be applied first toward satisfaction of costs and attorney's fees and expenses herein, and second toward satisfaction of the amount awarded FDIC-Corporate on its First Claim for Relief, and third toward satisfaction of the amount awarded FDIC-Corporate on its Second Claim for Relief, with the surplus, if any, being paid into Court to abide its further Order; and from and after such sale, J.L. Diamond, Gretna Diamond and Tom Berry, and any claiming by, under, or through them, are forever barred and foreclosed from claiming any right, title, interest or equity in and to said property.


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

APPROVED:


T.P. Howell
Cherrilyn J. McLane
Of the Firm:
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Oklahoma City, OK 73102-5605
Telephone: (405) 239-2121

ATTORNEYS FOR DEFENDANT AND THIRD-PARTY
PLAINTIFF, FEDERAL DEPOSIT INSURANCE
CORPORATION IN ITS CORPORATE CAPACITY

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Stephen B. Riley

Of the Firm:

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David B. King

David B. King

Of the Firm

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P. O. Box 1066

Bartlesville, Oklahoma 74005

Telephone: (918) 336-4132

ATTORNEYS FOR THIRD-PARTY DEFENDANT,
TOM BERRY

FILED

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

OCT 2 1991

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

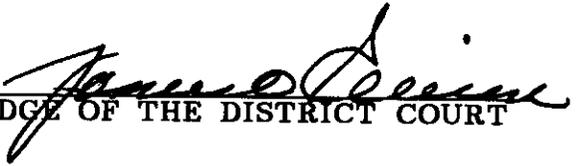
KELLEE JO BEARD,)
by her parents and next friends,)
PATTY and BILL BEARD, et al.,)
)
Plaintiffs,)
)
vs.)
)
THE HISSOM MEMORIAL CENTER, et al.,)
)
Defendants.)

Case No. 87-C-704-E

ORDER

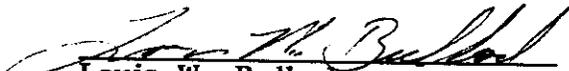
After reviewing the record and hearing the arguments of counsel, the Court finds that it lacks subject matter jurisdiction over the following defendants: Independent School District No. 1 of Tulsa County, Oklahoma, a/k/a Tulsa Public Schools, and its superintendent, D. Bruce Howell, Independent School District No. 3 of Tulsa County, Oklahoma, a/k/a Broken Arrow Public Schools, and its superintendent, Clarence G. Oliver, Jr., Independent School District No. 5 of Tulsa County, Oklahoma, a/k/a Jenks Public Schools, and its superintendent, Kirby Lehman, Independent School District No. 7 of Tulsa County, Oklahoma, a/k/a Skiatook Public Schools, and its superintendent, Jim Newman, Independent School District No. 9 of Tulsa County, Oklahoma, a/k/a Union Public Schools, and its superintendent, Timothy R. Jenney, Independent School District No. 33 of Creek County, Oklahoma, a/k/a Sapulpa Public Schools, and its superintendent, Charles B. Dodson, Independent School District No. 50 of Osage County, Oklahoma, a/k/a Prue Public Schools, and its superintendent, Ronald E. Meadows, Independent School District No. 2 of Rogers County, Oklahoma, a/k/a Catoosa Public Schools, and its superintendent, Jerry Pippin, and Independent School District No. 17 of Wagoner County, Oklahoma, a/k/a Coweta Public Schools, and its

superintendent, Sam D. Farmer, and, therefore, sustains the School District Defendants' Motion to Dismiss.


JUDGE OF THE DISTRICT COURT

APPROVED:

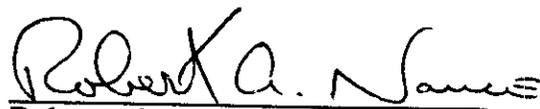
Bullock & Bullock


Louis W. Bullock
Patricia W. Bullock

Attorneys for the Plaintiffs


Kay Harley
General Counsel
Oklahoma State Department of Education

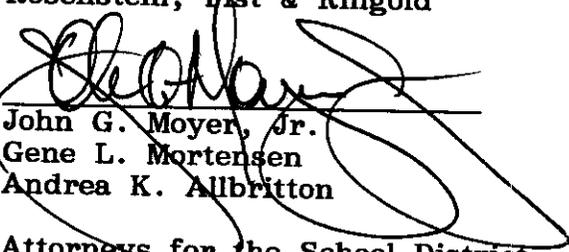
Attorney for Oklahoma State
Department of Education

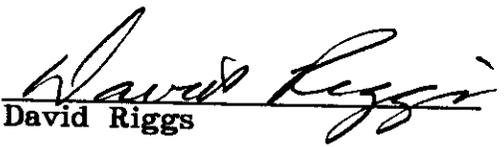

Robert A. Nance
Assistant Attorney General
State of Oklahoma

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Cynthia J. Shepard, Ray H. Potts,
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and Benjamin Demps

Rosenstein, Fist & Ringold

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Gene L. Mortensen
Andrea K. Allbritton
Attorneys for the School District
Defendants

Chapel, Riggs

David Riggs
Attorneys for the Sand Springs
School District and Wendell
Sharpton

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 CLARENCE C. KING, JR. a/k/a)
 CLARENCE KING, JR.; HAZEL A.)
 KING a/k/a HAZEL KING; MARY)
 KING n/k/a MARY PIEPMAYER;)
 STATE OF OKLAHOMA ex rel.)
 OKLAHOMA TAX COMMISSION;)
 COUNTY TREASURER, Rogers County,)
 Oklahoma; and BOARD OF COUNTY)
 COMMISSIONERS, Rogers County,)
 Oklahoma,)
)
 Defendants.)

FILED

OCT 1 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION NO. 90-C-955-B

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 30th day of September, 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 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, Hazel A. King a/k/a Hazel King, appears not, having previously filed her Disclaimer; the Defendant, State of Oklahoma ex rel. Oklahoma Tax Commission, appears not, having previously filed its Disclaimer; and the Defendants, Clarence C. King, Jr. a/k/a Clarence King, Jr. and Mary King n/k/a Mary Piepmeyer, appear not, but make default.

The Court being fully advised and having examined the court file finds that the Defendant, Clarence C. King, Jr. a/k/a

Clarence King, Jr., acknowledged receipt of Summons and Complaint on November 9, 1990; that the Defendant, Mary King n/k/a Mary Piepmeyer, acknowledged receipt of Summons and Complaint on August 2, 1991; 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 9, 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 14, 1990; that the Defendant, Hazel A. King a/k/a Hazel King, filed her Disclaimer on April 16, 1991; that the Defendant, State of Oklahoma ex rel. Oklahoma Tax Commission, filed its Disclaimer on November 23, 1990; and that the Defendants, Clarence C. King, Jr. a/k/a Clarence King, Jr. and Mary King n/k/a Mary Piepmeyer, have failed to answer and their default has therefore been entered by the Clerk of this Court.

The Court further finds that Defendant, Mary King, is now known as Mary Piepmeyer.

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 12, Block 53 of the Town of Chelsea, Oklahoma, according to the Government Plat thereof, Rogers County, Oklahoma.

The Court further finds that on May 24, 1978, Clarence C. King, Jr. and Hazel A. King executed and delivered to the United States of America, acting through the Farmers Home Administration, their mortgage note in the amount of \$17,900.00, payable in monthly installments, with interest thereon at the rate of 8.25 percent per annum.

The Court further finds that as security for the payment of the above-described note, Clarence C. King, Jr. and Hazel A. King executed and delivered to the United States of America, acting through the Farmers Home Administration, a mortgage dated May 24, 1978, covering the above-described property. Said mortgage was recorded on May 24, 1978, in Book 537, Page 350, in the records of Rogers County, Oklahoma.

The Court further finds that on May 17, 1990, Farmers Home Administration released Hazel A. King from personal liability to the government for the indebtedness and obligation of said note. However, Quit-Claim Deed dated May 8, 1984 and recorded on May 29, 1984 in Book 677, Page 417 in the records of Rogers County, Oklahoma, does not specify marital status of Hazel A. King and is signed by Hazel King.

The Court further finds that the Defendant, Clarence C. King, Jr. a/k/a Clarence King, Jr., 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, Clarence C.

King, Jr. a/k/a Clarence King, Jr., is indebted to the Plaintiff in the principal sum of \$16,506.65, plus accrued interest in the amount of \$744.76 as of June 28, 1990, plus interest accruing thereafter at the rate of 8.25 percent per annum or \$3.7310 per day until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action in the amount of \$40.00 (\$20.00 docket fees, \$12.00 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, Rogers County, Oklahoma, have a lien on the property which is the subject matter of this action by virtue of personal property taxes in the amount of \$14.82 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 Defendants, Hazel A. King a/k/a Hazel King and State of Oklahoma ex rel. Oklahoma Tax Commission, disclaim any right, title or interest in the subject real property.

The Court further finds that the Defendant, Mary King n/k/a Mary Piepmeyer, is in default and therefore has 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, Clarence C. King, Jr. a/k/a Clarence King, Jr., in the principal sum of \$16,506.65, plus accrued interest in the amount of \$744.76 as of June 28, 1990, plus interest accruing thereafter at the

rate of 8.25 percent per annum or \$3.7310 per day until judgment, plus interest thereafter at the current legal rate of 5.57 percent per annum until paid, plus the costs of this action in the amount of \$40.00 (\$20.00 docket fees, \$12.00 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, Rogers County, Oklahoma, have and recover judgment in the amount of \$14.82, plus penalties and interest, for personal property taxes for the year 1989, plus the costs of this action.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, Hazel A. King a/k/a Hazel King, Mary King n/k/a Mary Piepmeyer, and State of Oklahoma ex rel. Oklahoma Tax Commission, 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, Clarence C. King, Jr. a/k/a Clarence King, Jr., 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 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;

Third:

In payment of Defendants, County Treasurer and Board of County Commissioners, Rogers County, Oklahoma, in the amount of \$14.82, 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.

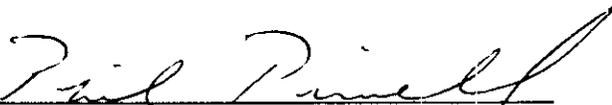
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of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

S/ THOMAS R. BRETT

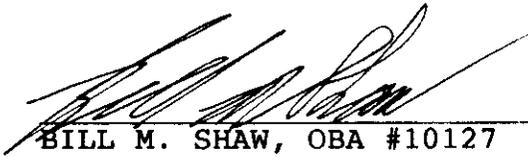
UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM
United States Attorney



PHIL PINNELL, OBA #7169
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. 90-C-955-B

PP/css

IN THE UNITED STATES DISTRICT COURT FOR THE **FILED**
 NORTHERN DISTRICT OF OKLAHOMA OCT 1 1991

FEDERAL DEPOSIT INSURANCE)
 CORPORATION,)
)
 Plaintiff,)
)
 v.) NO. 91 C 330 E
)
 OLIVER G. HIBDON d/b/a)
 MICHAEL'S MINI MART; OLIVER G.)
 HIBDON and LUCILLE A HIBDON,)
 husband and wife; GILMAR,)
 INC., an Oklahoma corporation;)
 CREEK COUNTY TREASURER; THE)
 BOARD OF COUNTY COMMISSIONERS)
 OF CREEK COUNTY, OKLAHOMA;)
 and BANK OF OKLAHOMA a/k/a)
 BANK OF OKLAHOMA, SOUTHWEST)
 TULSA,)
)
 Defendants.)

Richard M. Lawrence, Clerk
 U. S. DISTRICT COURT
 NORTHERN DISTRICT OF OKLAHOMA

JOURNAL ENTRY OF JUDGMENT

NOW on this 30th day of Sept, 1991, the above captioned case comes on before me the undersigned Judge upon stipulation and agreement of the parties appearing herein for entry of final Journal Entry of Judgment as follows:

<u>AGAINST</u>	<u>IN FAVOR OF</u>	<u>JUDGMENT AMOUNT¹</u>	<u>NATURE</u>
Oliver Hibdon d/b/a Michael's Mini Mart	FDIC as receiver for First National Bank and Trust Company, Cushing, OK	\$107,884.21, plus interest, costs, and attorney fees	<u>In rem</u> foreclosure judgment
Lucille Hibdon	FDIC as receiver for First National Bank and Trust Company, Cushing, OK	\$107,884.21, plus interest, costs, and attorney fees	<u>In personam</u> foreclosure judgment

¹Interest on amounts hereinafter specifically set forth.

Plaintiff, Federal Deposit Insurance Corporation, as Receiver for the failed First National Bank and Trust Company, Cushing, Oklahoma ("FDIC"), appearing by and through its attorney of record, R. Pope Van Cleef, Jr.; Defendants, Creek County Treasurer and The Board of County Commissioners of Creek County, appearing by and through their attorney of record, Wesley R. Thompson; Defendant, Gilmar, Inc., appearing by and through its attorney of record, J. Lyon Morehead; Defendants, Oliver G. Hibdon d/b/a Michael's Mini Mart, Oliver G. Hibdon, and Lucille A. Hibdon, appearing not although duly served with Summons herein; and Defendant, Bank of Oklahoma a/k/a Bank of Oklahoma, Southwest Tulsa, appearing not having previously disclaimed all its right, title or interest in or to property which is the subject of this action.

The Court being thereupon fully advised of the premises and after examining the stipulations of the parties and hearing representations of counsel, trial by jury having been waived and no necessity existing for additional pretrial conferences, and having examined the Court files, Complaint and the original Note, Mortgage, Security Agreement, Guaranty Agreement and other instruments offered by Plaintiff, specifically finds as follows:

1. FDIC is a corporation organized and existing under the authority of the Federal Deposit Insurance Corporation Act, as amended, 12 U.S.C. § 1811 et seq.

2. On the 10th day of March, 1988, the Comptroller of the Currency of the United States of America declared First National Bank and Trust Company, Cushing, Oklahoma ("Bank"), insolvent.

Pursuant to 12 U.S.C. §1819 and 1821(c), FDIC was appointed Receiver of the failed Bank for the purpose of taking custody of and liquidating the insolvent Bank's assets, including assets sued upon herein.

3. This Court has jurisdiction over the parties and subject matter pursuant to 12 U.S.C. § 1819 and 28 U.S.C. § 1345. Property which is the subject of this action is located in the Northern District of Oklahoma.

4. Defendant, Oliver G. Hibdon, has filed Chapter 7 Bankruptcy in the United States Bankruptcy Court for the Northern District of Oklahoma which case is identified as Case Number 90-03804-C. Listed in the bankruptcy schedules of the debtors is property hereinafter described. Subsequent to filing the bankruptcy proceeding, on or about April 2, 1991, FDIC obtained an Order Abandoning Property and Lifting Stay with respect to Oliver G. Hibdon's claimed interest in or to the property which is the subject of this action. With respect to the claimed interest of Oliver G. Hibdon, FDIC is authorized to proceed against Oliver G. Hibdon in rem although FDIC's in personam claims against Oliver G. Hibdon remain stayed pending the conclusion of the bankruptcy proceeding.

5. Regular service of Summons with a copy of Plaintiff's Complaint attached, has been made upon all Defendants, and each of them, as provided by law. Said Summons and said service thereof is legal and regular in all respects. With the exception of Oliver G. Hibdon d/b/a Michael's Mini Mart, Oliver G. Hibdon and Lucille A. Hibdon, all of said parties heretofore have filed

their Answers, Counterclaims, Crossclaims and/or Disclaimers to the Complaint of Plaintiff on file herein. Oliver G. Hibdon d/b/a Michael's Mini Mart, Oliver G. Hibdon, and Lucille A. Hibdon were personally served with Summons herein and have failed to answer or otherwise plead and are in default and can claim no interest in or to the property which is the subject of this action.

6. Gilmar, Inc., filed its Answer on or about June 7, 1991. The substance of the Answer reflects that Gilmar, Inc., disclaims any right, title or interest in or to the property which is the subject of this action.

7. On or about the 16th day of January, 1986, the Defendant, Oliver G. Hibdon, d/b/a Michael's Mini Mart, made, executed and delivered to the Bank his certain Promissory Note in the principal amount of \$130,000.00 with interest thereon at the rate of 15% per annum, which Note was to mature January 15, 2001. The Note further provides for recovery of reasonable costs of collection including attorney's fees. The Note further provides that if default be made in any payments due thereunder, that the entire princippal sum and accrued interest shall at once become due and payable, att the option of the holdere thereof.

8. The Defendant, Oliver G. Hibdon d/b/a Michael's Mini Martin, is in default under the terms of the Note by failing to make the payments when due.

9. There is now due and owing from Oliver G. Hibdon d/b/a Michael's Mini Mart on the Note described in Paragraph 7 above the principal sum of \$107,884.21. Interest has accured on the

outstanding principal obligation through the 14th day of September, 1990, in the amount of \$11,499.25, and interest is accruing at the per diem rate of \$29.56, until paid.

10. As part and parcel of the foregoing and for the purpose of securing the indebtedness referred to in Paragraph 7 above, the Defendants, Oliver G. Hibdon and Lucille A. Hibdon, made, executed and delivered to the Bank a certain Mortgage of Real Estate dated January 16, 1986, covering the following described real property situated in Creek County, Oklahoma, to-wit:

A tract of land located in the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) in Section Nine (§9), Township Eighteen North (18N), Range Twelve East (12E) of the Indian Base and Meridian, in Creek County, State of Oklahoma, according to the U.S. Government survey thereof, and more particularly described as follows, to-wit: Beginning at the Southeast Corner of Section Nine (§9); thence North 132 feet parallel to the Section line to a point; thence West 330 feet parallel to the South Section line of the Section; thence South 132 feet parallel to the East Section line of the Section; thence East 330 feet along the South Section line to the point of beginning.

Mortgage tax was paid on the referenced mortgage as receipted by endorsement on the face of the mortgage which mortgage was recorded January 17, 1986, in Book 149 at Page 1402 in the Office of the County Clerk of Creek County, Oklahoma.

11. The mortgage provides that in the event of a default, the Bank is entitled to foreclose same, with or without appraisal, the election of which may be exercised by the

holder thereof, to have said premises sold and proceeds applied to the outstanding principal balance and accrued interest then due and owing, together with all legal and necessary expenses and costs. FDIC hereby elects to have said property sold with appraisement.

12. Said amounts described in Paragraph 9 above are secured by said Mortgage and constitute a first lien upon the real estate and premises hereinabove described, and any right, title or interest which the other Defendants herein, or any of them, have or claim to have in or to said real estate and premises is subsequent, junior and inferior to the mortgage and lien of FDIC save and except any interest claimed in the property by the Creek County Treasurer for unpaid ad valorem taxes.

13. The ^o Defendants, Creek County Treasurer and Board of County Commissioners of Creek County, Oklahoma, have a valid lien against the subject property by virtue of unpaid ad valorem taxes if any such taxes have not been paid. FDIC alleges that any interest in or to the property claimed by said Defendants for unpaid ad valorem taxes is superior to the mortgage and lien of FDIC. Any other interest in or to the property claimed by said Defendants is subordinate and inferior to the mortgage and lien of FDIC.

14. As part and parcel of the foregoing transaction and for the purpose of securing the indebtedness described in Paragraph 6 above, the Defendant, Oliver G. Hibdon, made, executed and delivered to the Bank two separate Security Agreements dated January 16, 1986, and January 16, 1986, and FDIC is the owner and

holder thereof. The Security Agreements grant unto FDIC a security interest and right of immediate possession to certain collateral described as follows:

All machinery and equipment now owned or hereafter acquired.

15. FDIC is entitled to the immediate possession of any of the property described above which one or more of the named Defendanta wrongfully detain. FDIC is entitled to sell such property at public or private sale and is entitled to an Order of this Court foreclosing any and all right, title or interest in or to such property which the Defendant might claim in or to same; provided, FDIC is be required to apply proceeds derived from such sale against the sums claimed due by FDIC.

16. This property was not taken in execution on any order or judgment against the Bank or FDIC, or for the payment of any tax, fine amercement assessed against it or by virtue of any order of delivery under the laws of the State of Oklahoma, or any mesne or final process issued against FDIC.

17. On or about January 16, 1986, the Defendant, Lucille A. Hibdon (together with her spouse Oliver Hibdon), made, executed and delivered to the Bank her separate, unlimited "Guaranty Agreement", whereby Lucille A. Hibdon unconditionally guaranteed to the Bank that Oliver G. Hibdon d/b/a Michael's Mini Mart would fully and promptly pay and discharge all indebtedness upon which Oliver G. Hibdon d/b/a Michael's Mini Mart was, or thereafter became obligated to pay to the Bank.

18. Oliver G. Hibdon d/b/a Michael's Mini Mart is obligated to pay FDIC pursuant to the Promissory Note referenced in

Paragraph 7 above which obligation is guaranteed by Lucille A. Hibdon.

19. By reason of the default of Oliver G. Hibdon d/b/a Michael's Mini Mart under the Note described in Paragraph 7 above, Defendant, Lucille A. Hibdon, is obligated to pay FDIC all the amounts due and owing on the Note, together with costs and attorney's fees.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED by the Court that FDIC have and recover judgment in rem against Defendant, Oliver G. Hibdon d/b/a Michael's Mini Mart, in the principal sum of \$107,884.21, together with interest thereon in the amount of \$11,499.25 through the 14th day of September, 1990, and interest accruing thereafter at the per diem rate of \$29.56, until paid, together with all costs of this action and any attorney's fees that may hereafter be awarded by the Court.

IT IS FURTHER ORDERED ADJUDGED AND DECREED by the Court that FDIC have and recover judgment in personam against Defendant, Lucille A. Hibdon, in the principal sum of \$107,884.21, together with interest thereon in the amount of \$11,499.25 through the 14th day of September, 1990, and interest accruing thereafter at the per diem rate of \$29.56, until paid, together with all costs of this action and any attorney's fees that may hereafter be awarded by the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that said above described amounts are secured by said Mortgage and constitutes a first, prior and superior lien upon the real estate and premises located in Creek County, State of Oklahoma, and described as follows:

A tract of land located in the Southeast Quarter (SE/4) of the Southeast Quarter (SE/4) in Section Nine (§9), Township Eighteen North (18N), Range Twelve East (12E) of the Indian Base and Meridian, in Creek County, State of Oklahoma, according to the U.S. Government survey thereof, and more particularly described as follows, to-wit: Beginning at the Southeast Corner of Section Nine (§9); thence North 132 feet parallel to the Section line to a point; thence West 330 feet parallel to the South Section line of the Section; thence South 132 feet parallel to the East Section line of the Section; thence East 330 feet along the South Section line to the point of beginning,

and that any and all right, title and interest which any other persons have or claim to have, in or to said real estate and premises is subsequent, junior and inferior to the mortgage and lien of FDIC except as to the Creek County Treasurer for any unpaid ad valorem real estate taxes, if any.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the Defendants, Creek County Treasurer and The Board of County Commissioners of Creek County, have a valid lien against the property hereinabove described as for unpaid ad valorem and personal property taxes, if any. The lien of said Defendants as and for unpaid ad valorem taxes, if any, is a valid first lien against the property hereinabove described and is superior to the interest of all parties hereto. Any lien for unpaid personal property taxes is subordinate and inferior to the Mortgage and lien of FDIC.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the mortgage and lien of FDIC in the amounts hereinabove found and adjudged should be foreclosed and Special Execution and Order of Sale issue out of the Office of the United States District Court or such other office as may be provided by law, issued to the United States Marshal or such other officer as is provided by law to levy upon, advertise and sell, after due and legal appraisal, the real estate and premises hereinabove described, subject to unpaid taxes, advancements by FDIC for taxes, insurance premiums, or expenses necessary for the preservation of the subject property, if any, and to pay the proceeds of said sale to the Clerk of this Court, as provided by law, for application as follows:

- FIRST: To the payment of the costs herein accrued and accruing.
- SECOND: To the payment of the Creek County Treasurer for unpaid ad valorem taxes, if any.
- THIRD: To the payment of the judgment and lien of the Plaintiff, Federal Deposit Insurance Corporation, together with interest, in the amounts hereinabove set out.
- FOURTH: To the payment of the lien of the Creek County Treasurer for unpaid personal property taxes, if any.
- FIFTH: The balance to be paid into the Court pending further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that upon confirmation of the said sale, the Defendants herein, and each of them, and all persons claiming by, through or under them since the commencement of this action, be forever barred, foreclosed and enjoined from asserting or claiming any right,

title, interest, estate or equity of a redemption in or to said real estate and premises or any part thereof.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that FDIC have judgment against the Defendant, Oliver G. Hibdon d/b/a Michael's Mini Mart, on the Security Agreements sued upon herein in the amounts hereinabove found due and owing; and that FIDC's interest in the proeprty described as:

All machinery and equipment now owned or hereafter acquired,

be foreclosed; further, FDIC is entitled to and is hereby granted, the right of immediate possession of the collateral and the right to sell the above described collateral at public or private sale and that the proceeds derived from such sale shall be applied towards the payment of all costs incurred by FDIC with respect to the sale and that the balance of the proceeds be applied towards satisfaction of the judgment rendered herein in favor of FDIC consistent with the findings outlined in this Journal Entry of Judgment.

For all of which let execution issue.

S/ JAMES O. ELLISON

UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF OKLAHOMA

This Judgment has been approved by all parties, and the party submitting it to the Court shall mail a file stamped copy of the Judgment to all parties.

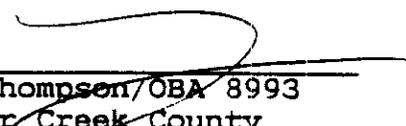
SEPARATE SIGNATURE PAGES ATTACHED HERETO

APPROVED:

~~R. Pope Van Cleer, Jr./OBA 9176
Attorney for Federal Deposit
Insurance Corporation~~

BUSH & UNDERWOOD
Jamestown Office Park, Suite 200-W
3037 N. W. 63rd Street
Oklahoma City, OK 73116
Telephone: (405) 848-2600

APPROVED:



Wesley R. Thompson/OBA 8993
Attorney for Creek County
Treasurer and Board of County
Commissioners of Creek
County

ASSISTANT DISTRICT ATTORNEY
P. O. Box 1006
Sapulpa, OK 74067
Telephone: (918) 224-3921

APPROVED:



J. Lyon Morehead/OBA 6373
Attorney for Gilmar, Inc.

502 West Sixth Street
Tulsa, OK 74119-1010
Telephone: (918) 587-3161



UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 CARL GAIL SHRYOCK; GLORIA L.)
 SHRYOCK; WILMA SHRYOCK n/k/a)
 WILMA PETTIJOHN; FIRST NATIONAL)
 BANK, Bartlesville, Oklahoma)
 n/k/a WESTSTAR BANK, a national)
 banking association;)
 COUNTY TREASURER, Washington)
 County, Oklahoma; and BOARD OF)
 COUNTY COMMISSIONERS,)
 Washington County, Oklahoma,)
)
 Defendants.)

FILED

OCT 1 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION NO. 91-C-113-B

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 30th 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, Carl Gail Shryock and Gloria L. Shryock, appear by their attorney Les R. Reynolds; the Defendant, First National Bank, Bartlesville, Oklahoma, n/k/a Weststar Bank, a national banking association, appears not, having previously filed its Disclaimer; the Defendants, Wilma Shryock n/k/a Wilma Pettijohn; County Treasurer, Washington County, Oklahoma, and Board of County Commissioners, Washington County, Oklahoma, appear not, but make default.

The Court being fully advised and having examined the court file finds that the Defendants, Carl Gail Shryock and Gloria L. Shryock, acknowledged receipt of Summons and Complaint

on February 27, 1991; that the Defendant, Wilma Shryock n/k/a Wilma Pettijohn, acknowledged receipt of Summons and Complaint on June 4, 1991; that the Defendant, First National Bank, Bartlesville, Oklahoma, n/k/a Weststar Bank, a national banking association, acknowledged receipt of Summons and Complaint on February 22, 1991; that Defendant, County Treasurer, Washington County, Oklahoma, acknowledged receipt of Summons and Complaint on April 24, 1991; and that Defendant, Board of County Commissioners, Washington County, Oklahoma, acknowledged receipt of Summons and Complaint on February 25, 1991.

It appears that the Defendant, First National Bank, Bartlesville, Oklahoma, n/k/a Weststar Bank, a national banking association, filed its Disclaimer on March 7, 1991; that the Defendants, Wilma Shryock n/k/a Wilma Pettijohn, County Treasurer, Washington County, Oklahoma, and Board of County Commissioners, Washington County, Oklahoma, have failed to answer and their default has therefore been entered by the Clerk of this Court.

The Court further finds that the Defendant, First National Bank, Bartlesville, Oklahoma, is now known as Weststar Bank, a national banking association.

The Court further finds that the Defendant, Wilma Shryock, is now known as Wilma Pettijohn.

The Court further finds that on September 5, 1989, Carl Gail Shryock and Gloria Lee Shryock a/k/a Gloria Dubar filed their voluntary petition in bankruptcy in Chapter 7 in the United States Bankruptcy Court, Northern District of Oklahoma, Case No.

89-02651-C. On December 28, 1989, a Discharge of Debtor was entered releasing debtors from all dischargeable debts. On January 30, 1990, the subject bankruptcy case was closed.

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

Lot Four (4) in Block Ten (10) of OAK PARK VILLAGE, Section I, an Addition to Bartlesville, Washington County, Oklahoma.

The Court further finds that on April 12, 1985, the Defendants, Carl Gail Shryock and Gloria L. Shryock, 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 \$26,500.00, payable in monthly installments, with interest thereon at the rate of 12.5 percent per annum.

The Court further finds that as security for the payment of the above-described note, the Defendants, Carl Gail Shryock and Gloria L. Shryock, 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 April 12, 1985, covering the above-described property. Said mortgage was recorded on April 15, 1985, in Book 830, Page 677, in the records of Washington County, Oklahoma.

The Court further finds that the Defendants, Carl Gail Shryock and Gloria L. Shryock, 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, Carl Gail Shryock and Gloria L. Shryock, are indebted to the Plaintiff in the principal sum of \$25,586.72, plus interest at the rate of 12.5 percent per annum from September 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, First National Bank, Bartlesville, Oklahoma, n/k/a Weststar Bank, a national banking association, disclaims any right, title or interest in the subject real property.

The Court further finds that the Defendants, Wilma Shryock n/k/a Wilma Pettijohn and County Treasurer and Board of County Commissioners, Washington County, Oklahoma, are in default and therefore 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, Carl Gail Shryock and Gloria L. Shryock, in the principal sum of \$25,586.72, plus interest at the rate of 12.5 percent per annum from September 1, 1989 until judgment, plus interest thereafter at the current legal rate of 5.57 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 Defendants, Wilma Shryock n/k/a Wilma Pettijohn and County Treasurer and Board of County Commissioners, Washington 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, Carl Gail Shryock and Gloria L. Shryock, to satisfy the in rem 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 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.

S/ 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



LES R. REYNOLDS, OBA #10172
Attorney for Defendants,
Carl Gail Shryock and Gloria L. Shryock

Judgment of Foreclosure
Civil Action No. 91-C-113-B

KBA/css

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

JUDY E. POTEET a/k/a JUDY ELAINE
WOODARD; JIMMY DEAN WOODARD;
COUNTY TREASURER, Tulsa County,
Oklahoma; and BOARD OF COUNTY
COMMISSIONERS, Tulsa County,
Oklahoma,

Defendants.

FILED

OCT 1 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION NO. 91-C-0080-B

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 30th 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, Tulsa County,
Oklahoma, and Board of County Commissioners, Tulsa County,
Oklahoma, appear by J. Dennis Semler, Assistant District
Attorney, Tulsa County, Oklahoma; the Defendant, Judy E. Poteet
a/k/a Judy Elaine Woodard, appears by her attorney Everett R.
Bennett, Jr.; and the Defendant, Jimmy Dean Woodard, appears not,
but makes default.

The Court being fully advised and having examined the
court file finds that the Defendant, Jimmy Dean Woodard,
acknowledged receipt of Summons and Complaint on February 15,
1991; that Defendant, County Treasurer, Tulsa County, Oklahoma,
acknowledged receipt of Summons and Complaint on February 20,
1991; and that Defendant, Board of County Commissioners, Tulsa

County, Oklahoma, acknowledged receipt of Summons and Complaint on February 13, 1991.

It appears that the Defendants, County Treasurer, Tulsa County, Oklahoma, and Board of County Commissioners, Tulsa County, Oklahoma, filed their Answers on March 4, 1991; that the Defendant, Judy E. Poteet a/k/a Judy Elaine Woodard, filed her Answer on March 18, 1991; and that the Defendant, Jimmy Dean Woodard, 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 Six (6), Block Three (3), MIDDLETON & TAYLOR'S to Collinsville, an Addition in Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

The Court further finds that on June 6, 1983, Judy E. Poteet executed and delivered to the United States of America, acting through the Farmers Home Administration, her promissory note in the amount of \$38,000.00, 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, Judy E. Poteet executed and delivered to the United States of America, acting through the Farmers Home Administration, a mortgage dated June 6, 1983,

covering the above-described property. Said mortgage was recorded on June 6, 1983, in Book 4696, Page 909, in the records of Tulsa County, Oklahoma.

The Court further finds that on September 7, 1983, Judy E. Poteet 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 December 9, 1987, Jimmy Dean Woodard and Judy Elaine Woodard a/k/a Judy Elaine Poteet filed their voluntary petition in bankruptcy in Chapter 7 in the United States Bankruptcy Court, Northern District of Oklahoma, Case No. 87-03426-C. On April 5, 1988, a Discharge of Debtor was entered releasing the debtors from all dischargeable debts. On January 17, 1990, this bankruptcy case was closed.

The Court further finds that the Defendant, Judy E. Poteet a/k/a Judy Elaine Woodard, made default under the terms of the aforesaid note, mortgage, and interest credit agreement by reason of her failure to make the monthly installments due thereon, which default has continued, and that by reason thereof the Defendant, Judy E. Poteet a/k/a Judy Elaine Woodard, is indebted to the Plaintiff in the principal sum of \$39,596.99, plus accrued interest in the amount of \$13,383.27 as of September 6, 1990, plus interest accruing thereafter at the rate of 10.75 percent per annum or \$11.6622 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 agreement

of \$2,480.00, 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 Defendants, County Treasurer and Board of County Commissioners, Tulsa County, Oklahoma, claim no right, title or interest in the subject real property.

The Court further finds that the Defendant, Jimmy Dean Woodard, is in default and therefore has 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 Defendant, Judy E. Poteet a/k/a Judy Elaine Woodard, in the principal sum of \$39,596.99, plus accrued interest in the amount of \$13,383.27 as of September 6, 1990, plus interest accruing thereafter at the rate of 10.75 percent per annum or \$11.6622 per day until judgment, plus interest thereafter at the current legal rate of 5.57 percent per annum until fully paid, and the further sum due and owing under the interest credit agreement of \$2,480.00, plus interest on that sum at the current legal rate of 5.57 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 Defendants, Jimmy Dean Woodard and County Treasurer and Board of

County Commissioners, Tulsa 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 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.

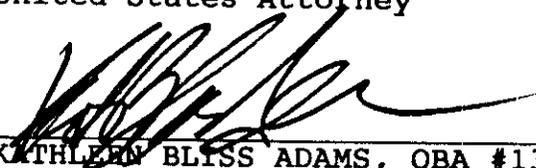
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of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

S/ THOMAS R. BRETT,

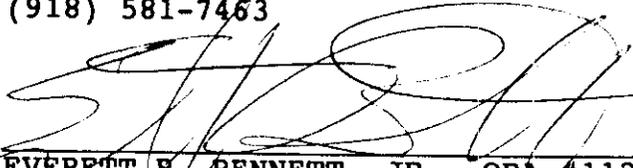
UNITED STATES DISTRICT JUDGE

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



EVERETT R. BENNETT, JR., OBA #11224
Attorney for Defendant,
Judy E. Poteet a/k/a Judy Elaine Woodard



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. 91-C-0080-B

KBA/css

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

OCT 1 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
JAMES L. OFFICER a/k/a JAMES LEE)
OFFICER; SANDRA K. OFFICER)
a/k/a SANDRA KAY OFFICER;)
COUNTY TREASURER, Tulsa County,)
Oklahoma; and BOARD OF COUNTY)
COMMISSIONERS, Tulsa County,)
Oklahoma,)
)
Defendants.)

CIVIL ACTION NO. 91-C-421-B

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 30th 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, 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, James L. Officer a/k/a James Lee Officer and Sandra K. Officer a/k/a Sandra Kay Officer, appear not, but make default.

The Court being fully advised and having examined the court file finds that the Defendant, James L. Officer a/k/a James Lee Officer, was served with Summons and Complaint on August 16, 1991; that the Defendant, Sandra K. Officer a/k/a Sandra Kay Officer, was served with Summons and Complaint on July 30, 1991; that Defendant, County Treasurer, Tulsa County, Oklahoma,

acknowledged receipt of Summons and Complaint on June 20, 1991; and that Defendant, Board of County Commissioners, Tulsa County, Oklahoma, acknowledged receipt of Summons and Complaint on June 20, 1991.

It appears that the Defendant, County Treasurer, Tulsa County, Oklahoma, filed its Answer on July 1, 1991; that the Defendant, Board of County Commissioners, Tulsa County, Oklahoma, filed its Answer on July 9, 1991; and that the Defendants, James L. Officer a/k/a James Lee Officer and Sandra K. Officer a/k/a Sandra Kay Officer, have failed to answer and their default has therefore been entered by the Clerk of this Court.

The Court further finds that on August 23, 1989, James Lee Officer and Sandra Kay Officer filed their voluntary petition in bankruptcy in Chapter 7 in the United States Bankruptcy Court, Northern District of Oklahoma, Case No. 89-02523-W. On December 15, 1989, a Discharge of Debtor was entered releasing the debtors of all dischargeable debts. On January 22, 1990, Bankruptcy Case No. 89-02523-W was closed.

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 Six (6), Block Twenty (20), WHISPERING MEADOWS, an Addition to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded Plat thereof.

The Court further finds that on January 15, 1987, James L. Officer and Sandra K. Officer 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 \$59,000.00, payable in monthly installments, with interest thereon at the rate of 9.5 percent per annum.

The Court further finds that as security for the payment of the above-described note, James L. Officer and Sandra K. Officer 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 January 15, 1987, covering the above-described property. Said mortgage was recorded on January 20, 1987, in Book 4996, Page 5, in the records of Tulsa County, Oklahoma.

The Court further finds that the Defendants, James L. Officer a/k/a James Lee Officer and Sandra K. Officer a/k/a Sandra Kay Officer, 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, James L. Officer a/k/a James Lee Officer and Sandra K. Officer a/k/a Sandra Kay Officer, are indebted to the Plaintiff in the principal sum of \$57,719.40, plus interest at the rate of 9.5 percent per annum from May 1, 1990 until judgment, plus interest thereafter at the legal rate until fully paid, and the costs of this action in the amount of

\$32.72 (\$20.00 docket fees, \$12.72 fees for service of Summons and Complaint).

The Court further finds that the Defendants, County Treasurer and Board of County Commissioners, Tulsa 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, James L. Officer a/k/a James Lee Officer and Sandra K. Officer a/k/a Sandra Kay Officer, in the principal sum of \$57,719.40, plus interest at the rate of 9.5 percent per annum from May 1, 1990 until judgment, plus interest thereafter at the current legal rate of 5.57 percent per annum until paid, plus the costs of this action in the amount of \$32.72 (\$20.00 docket fees, \$12.72 fees for service of Summons and Complaint), 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, Tulsa 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, James L. Officer a/k/a James Lee Officer and Sandra K. Officer a/k/a Sandra Kay Officer, 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 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.

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

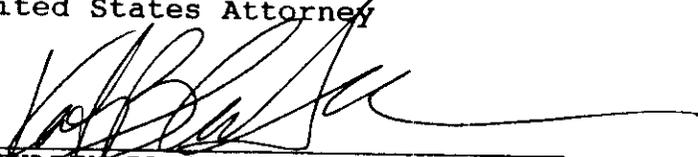
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from and after the sale of the above-described real property, under and by virtue of this judgment and decree, all of the Defendants and all persons claiming under them since the filing of the Complaint, be and they are forever barred and foreclosed of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

S/ THOMAS R. BRETT

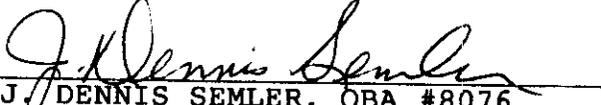
UNITED STATES DISTRICT JUDGE

APPROVED:

TONY M. GRAHAM
United States Attorney



KATHLEEN BLISS ADAMS, OBA #13625
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. 91-C-421-B

KBA/css

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

FILED
OCT 1 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ROBERT STANLEY JERNIGAN,)
)
)
 Plaintiff,)
)
)
 v.)
)
)
 MICHAEL ADDISON, et al,)
)
)
)
 Defendants.)

91-C-26-B

ORDER

The Court has for consideration the Report and Recommendation of the United States Magistrate Judge filed September 4, 1991 in which the Magistrate Judge recommended that the Petition be dismissed without prejudice.

No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the record and the issues, the Court has concluded that the Report and Recommendation of the United States Magistrate Judge should be and hereby is adopted and affirmed.

It is, therefore, Ordered that the Petition is dismissed without prejudice.

Dated this 30th day of Sept., 1991.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED

OCT 1 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

MARGUERITE BUFFINGTON and)
LUM BUFFINGTON,)
)
Plaintiffs,)
)
vs.)
)
WAL-MART STORES, INC.,)
)
Defendant.)

Case No. 90 C 1032B

ORDER OF DISMISSAL WITH PREJUDICE

Now on this 30th day of September, 1991, comes on for consideration the application of Plaintiffs for dismissal with prejudice. This court, being advised in the premises, and finding that no issues remain to be litigated between the parties, does hereby order that said application be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above-captioned action be dismissed with prejudice.

Dated this 30th day of September, 1991.

S/ THOMAS R. BRETT

The Honorable Thomas Brett
United States District Judge

FILED

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

OCT 1 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

IN RE:

AMERICAN PARTNERSHIP
INVESTMENT #1,

Debtor.

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Case No. 90-C-994-~~B~~ E

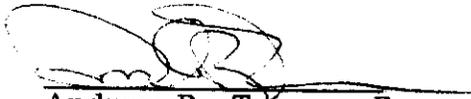
ORDER

There comes before the Court of this 30 day of September, 1991, the Notice of Dismissal of TransContinental Realty Investors ("TransContinental"), dismissing its appeal, pursuant to F.R.C.P. 41(a)(1). Pursuant to TransContinental's Notice of Dismissal, the Court hereby orders TransContinental's appeal be dismissed.

57 JAMES O. ELISON

Judge of the District Court

APPROVED AS TO FORM:



Andrew R. Turner, Esq.

of

CONNER & WINTERS
2400 First National Tower
Tulsa, Oklahoma 74103
(918) 586-5711

Attorney for TRANSCONTINENTAL
REALTY INVESTORS

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,
Plaintiff,

vs.

DAVID D. COLE and ONEETA COLE,
husband and wife, individually,
and d/b/a Quarter Circle Ranch,
Inc.; OKLAHOMA STATE BANK; and
FIRST NATIONAL BANK,

Defendants.

FILED

OCT 1 1991

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

CIVIL ACTION NO. 90-C-825-E

JUDGMENT OF FORECLOSURE

This matter comes on for consideration this 30 day
of September, 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, Oklahoma State Bank and First National
Bank of Tulia, Texas, appear not, having previously filed their
Disclaimers; and the Defendants, David D. Cole, individually, and
d/b/a Quarter Circle Ranch, Inc. and Oneeta Cole, individually,
and d/b/a Quarter Circle Ranch, Inc., appear not, but make
default.

The Court, being fully advised and having examined the
court file, finds that the Defendant, David D. Cole,
individually, and d/b/a Quarter Circle Ranch, Inc., was served
with Summons and Complaint on January 7, 1991; that the
Defendant, Oneeta Cole, individually, and d/b/a Quarter Circle
Ranch, Inc., was served by publication as evidenced by the Proof
of Publication filed on August 27, 1991; that the Defendant,
Oklahoma State Bank, acknowledged receipt of Summons and

Complaint on October 3, 1990; that the Defendant, First National Bank of Tulsa, Texas, acknowledged receipt of Summons and Complaint on September 26, 1990.

The Court further finds that the Defendant, Oneeta Cole, individually, and d/b/a Quarter Circle Ranch, Inc., was served by publishing notice of this action in the Tulsa Daily Commerce & Legal News, a newspaper of general circulation in Tulsa County, Oklahoma, once a week for six (6) consecutive weeks beginning July 18, 1991, and continuing to August 22, 1991, as more fully appears from the verified proof of publication duly filed herein; and that this action is one in which service by publication is authorized by 12 O.S. Section 2004(c)(3)(c). Counsel for the Plaintiff does not know and with due diligence cannot ascertain the whereabouts of the Defendant, Oneeta Cole, individually, and d/b/a Quarter Circle Ranch, Inc., and service cannot be made upon said Defendant within the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, or upon said Defendant without the Northern Judicial District of Oklahoma or the State of Oklahoma by any other method, as more fully appears from the evidentiary affidavit of a bonded abstracter filed herein with respect to the last known address of the Defendant, Oneeta Cole, individually, and d/b/a Quarter Circle Ranch, Inc. The Court conducted an inquiry into the sufficiency of the service by publication to comply with due process of law and based upon the evidence presented together with affidavit and documentary evidence finds that the Plaintiff,

United States of America, acting on behalf of the Farmers Home Administration, and its attorneys, Tony M. Graham, United States Attorney for the Northern District of Oklahoma, through Peter Bernhardt, Assistant United States Attorney, fully exercised due diligence in ascertaining the true name and identity of the party served by publication with respect to her present or last known place of residence and/or mailing address. The Court accordingly approves and confirms that the service by publication is sufficient to confer jurisdiction upon this Court to enter the relief sought by the Plaintiff, both as to subject matter and the Defendant served by publication.

It appears that the Defendant, Oklahoma State Bank, filed its Answer disclaiming all its rights to the subject property on October 17, 1990; that the Defendant, First National Bank of Tulia, Texas, filed its Disclaimer on October 3, 1990; and that the Defendants, David D. Cole, individually, and d/b/a Quarter Circle Ranch, Inc. and Oneeta Cole, individually, and d/b/a Quarter Circle Ranch, Inc., 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 promissory note and for foreclosure of personal property securing said promissory note.

The Court further finds that on August 24, 1984, the Defendants, David D. Cole and Oneeta Cole, individually, and d/b/a Quarter Circle Ranch, Inc., executed and delivered to the United States of America, acting through the Farmers Home

Administration, their promissory note in the amount of \$60,740.00, payable in yearly installments, with interest thereon at the rate of 5 percent (5%) per annum.

The Court further finds that as collateral security for the payment of the above-described note, the Defendants, David D. Cole and Oneeta Cole, individually, and d/b/a Quarter Circle Ranch, Inc., executed and delivered to the United States of America, acting through the Farmers Home Administration, the following financing statements and security agreements:

<u>Instrument</u>	<u>Dated</u>	<u>Filed</u>	<u>County</u>	<u>File Number</u>
Security Agreement	8-24-84			
Financing Stmt.	8-24-84	8-24-84	Mayes	264337
Continuation Stmt.	3-15-89	3-15-89	Mayes	277858
Financing Stmt.	8-15-89	8-15-89	Oklahoma	074325
Continuation Stmt.	5-18-89	5-18-89	Oklahoma	028755

The Court further finds that the Defendants, David D. Cole, individually, and d/b/a Quarter Circle Ranch, Inc. and Oneeta Cole, individually, and d/b/a Quarter Circle Ranch, Inc., made default under the terms of the aforesaid note and security agreements by reason of their failure to make the yearly installments due thereon, which default has continued, and that by reason thereof the Defendants, David D. Cole, individually, and d/b/a Quarter Circle Ranch, Inc. and Oneeta Cole, individually, and d/b/a Quarter Circle Ranch, Inc., are indebted to the Plaintiff in the principal sum of \$60,740.00, plus accrued interest in the amount of \$15,060.19 as of August 9, 1989, plus interest accruing thereafter at the rate of 5 percent per annum or \$8.3205 per day until judgment, plus interest thereafter at

the legal rate until fully paid, and the costs of this action in the amount of \$258.88 (\$20.00 docket fees, \$10.68 fees for service of Summons and Complaint, \$228.20 publication fees).

The Court further finds that the Defendants, First National Bank of Tulia, Texas and Oklahoma State Bank disclaim any right, title or interest in the subject personal property.

The Court further finds that the Defendants, David D. Cole, individually, and d/b/a Quarter Circle Ranch, Inc. and Oneeta Cole, individually, and d/b/a Quarter Circle Ranch, Inc., are in default and have no right, title or interest in the subject personal property.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff have and recover judgment against the Defendants, David D. Cole, individually, and d/b/a Quarter Circle Ranch, Inc. and Oneeta Cole, individually, and d/b/a Quarter Circle Ranch, Inc., in the principal sum of \$60,740.00, plus accrued interest in the amount of \$15,060.19 as of August 9, 1989, plus interest accruing thereafter at the rate of 5 percent per annum or \$8.3205 per day until judgment, plus interest thereafter at the current legal rate of 5.57 percent per annum until paid, plus the costs of this action in the amount of \$258.88 (\$20.00 docket fees, \$10.68 fees for service of Summons and Complaint, \$228.20 publication fees) plus any additional sums advanced or to be advanced or expended during this foreclosure action by Plaintiff for preservation of the subject personal property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, First National Bank of Tulsa, Texas and Oklahoma State Bank, disclaim any right, title, or interest in the subject personal property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants, David D. Cole, individually, and d/b/a Quarter Circle Ranch, Inc. and Oneeta Cole, individually, and d/b/a Quarter Circle Ranch, Inc., have no right, title, or interest in the subject personal property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon the failure of said Defendants, David D. Cole, individually, and d/b/a Quarter Circle Ranch, Inc. and Oneeta Cole, individually, and d/b/a Quarter Circle Ranch, Inc., 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 the personal 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 personal 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.

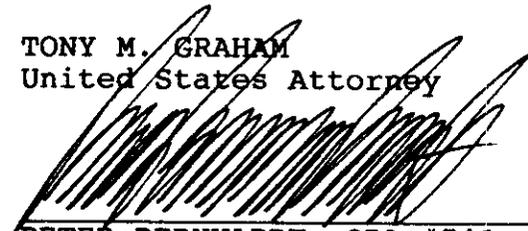
IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that from
and after the sale of the personal property, under and by virtue
of this judgment and decree, all of the Defendants and all
persons claiming under them since the filing of the Complaint, be
and they are forever barred and foreclosed of any right,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

15/ JAMES O. ELLISON

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

Judgment of Foreclosure
Civil Action No. 90-C-825-E

PB/esr