

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE NORTHERN DISTRICT OF TEXAS
ABILENE DIVISION

UNITED STATES OF AMERICA,
Petitioner,

vs.

CERTAIN PARCELS OF LAND Situate
in Nolan and Taylor Counties,
State of Texas, and
M. B. HANKS, et al,
Defendants

NO. 207 CIVIL

JUDGMENT AS TO TRACT NO. B-232

Filed 1-31-45

On this day came on for consideration the matter of entering judgment as to the above numbered tract described in petitioner's Declaration of Taking No. 2 filed herein on November 2, 1943; and it appearing to the Court that the defendant, State of Texas, at the time of the filing of said Declaration of Taking No. 2 owned the fee simple title to said Tract No. B-232; and

It further appearing to the Court, and the Court so finds, that petitioner has filed its Declaration of Taking No. 2 in this cause, embracing said Tract No. B-232, and has deposited in the Registry of the Court the sum of \$500.00 as estimated value of said particular tract of land, and that upon the filing of said Declaration of Taking No. 2 a judgment was entered thereon vesting the fee simple title to said land in petitioner, United States of America.

The Court further finds that a hearing before commissioners appointed by the Court was had on the 10th day of October, 1944, at which hearing petitioner, United States of America, appeared by its attorney, and the defendants cited by publication appeared by their attorney ad litem, D. M. Oldham, appointed by the Court to represent them, and the defendant, State of Texas, appeared, having filed an

answer herein, and said commissioners, after hearing the evidence as to the value of said tract of land, found the value to be and assessed as damages the sum of \$300.00. No exceptions to said award were filed by either petitioner or any of the defendants herein.

Based upon the finding of the commissioners the Court is of the opinion and so concludes that the defendant, State of Texas, should recover of and from petitioner, United States of America, the sum of \$300.00 together with interest at the rate of six per cent (6%) per annum from July 1, 1943, the date when possession of said land was taken by petitioner, to November 8, 1943, the date of the filing of said Declaration of Taking No. 2.

The Court finds that the land embraced in said Tract No. B-232 which is a part and parcel of the entire tract involved in this action, is described in Declaration of Taking No. 2 filed herein, reference to which is here made for a full and complete description thereof.

It further appearing to the Court that the defendant, State of Texas, named herein, is duly and properly before the Court and that it owns all of the estate and interest in said land, and that no other party defendant in this action has any right, title, interest, claim or estate in and to said land, and that as to all other defendants except the State of Texas, in so far as Tract No. B-232 is concerned, this action should be and the same is hereby dismissed.

The Court further finds that the defendants cited by publication were represented at said hearing by D. M. Oldham, an attorney of the Taylor County Bar, appointed by the Court as attorney ad litem to represent said defendants so cited, having filed an answer herein on behalf of said defendants and also appeared at the commissioners' hearing and presented evidence touching the value of said tract of land.

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It further appearing to the Court that the defendant, C. C. (Pat) Patterson, Tax Collector of Taylor County, Texas, has filed an answer herein wherein he alleges that there are no taxes due on said land, it is, therefore, ordered that nothing be recovered of and from petitioner in this respect.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that the judgment heretofore entered herein by the Court vesting the fee simple title to said tract of land in petitioner, United States of America, subject, however, to existing easements for public roads and highways, for public utilities, for railroads and for pipe lines, be and the same is hereby confirmed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the defendants, J. H. Kegans and the unknown heirs and legal representatives of the said J. H. Kegans, H. L. Kegans, Mrs. L. D. Barnard, J. M. Kegans, John Kegans, Mrs. J. C. Bush and her husband, J. C. Bush, and her heirs Mrs. L. B. Strother, Mrs. Karl Hothan, and John R. Bush, Mrs. G. C. Bowen, Mrs. Sam McIntosh, E. W. Wilson and J. C. Tyler take nothing herein.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Court that the State of Texas do have and recover of and from petitioner as just compensation for the fee simple title to said Tract No. B-232 the sum of \$300.00 plus interest on said amount from July 1, 1943, to November 2, 1943, at the rate of six per cent (6%) per annum.

IT IS FURTHER ORDERED by the Court that petitioner deposit in the Registry of the Court interest as herein provided, which said additional sum of money when so deposited, together with the sum of \$300.00 now in the Registry of the Court, the Clerk is hereby ordered to forthwith pay to the State of Texas, Austin, Texas.

The Court further finds that D. M. Oldham, attorney ad litem, has heretofore been paid a fee of \$50.00 for his services, as provided for in judgment as to Tract No. B-211 entered herein on the 4th day of December, 1944.

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IT IS FURTHER ORDERED by the Court that the payment to be made to the State of Texas, pursuant to the foregoing order for payment, shall be in full settlement and satisfaction of all damages sustained by said defendant by reason of the condemnation and taking of the fee simple title to said Tract No. B-232 by petitioner, United States of America.

IT IS FURTHER ORDERED that no costs be taxed against any of the defendants herein and that this cause be held open for further orders, judgments and decrees affecting other tracts of land embraced in the main cause of action.

ENTERED this the 29 day of Jan., 1945.

/s/ T. Whitfield Davidson
UNITED STATES DISTRICT JUDGE

O. K. as to form
/s/ Frank B. Potter
Asst. U. S. Atty.

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H. B. Potter
State of Texas
County of
of the State of Texas
America as
Judgment: United States of

FILED IN CASE NO. 10

County 37819

APR 1945

TAYLOR COUNTY SKETCH FILE NO.19

Judgment: United States of America vs. Certain Parcels of Land Situate in Nolan and Taylor Counties.
State of Texas and M. B. Hanks Et al
January 29, 1945

1945. U. S. vs. Hanks, M. B.
O. K. as to title

UNITED STATES DISTRICT COURT
SOUTHERD DISTRICT OF TEXAS

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