

FILED

JUN - 1 2011

WILLIAM B. GUTHRIE
Clerk, U.S. District Court

By: _____
Deputy Clerk

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

State of Oklahoma, ex rel.)	
Department of Transportation)	
)	
Plaintiff,)	
)	Case No. CIV-10-296-JHP
vs.)	
)	
US Department of Interior, Bureau of Indian Affairs, on)	
behalf of the Heirs of David Coleman, deceased; Heirs of)	
Eli Williams, Jr., deceased; Rebekah Coleman now Conley;)	
Billie Jewell Coleman formerly Sealy; Ruth Coleman now)	
Wilson; Mary Coleman now Logan; Leah Coleman now)	
Scrivener; and the Atoka County Treasurer;)	
)	
Defendants.)	

JUDGMENT & ORDER
APPROVING AND CONFIRMING REPORT OF COMMISSIONERS

This action came on for hearing before the Honorable James H. Payne Judge of The United States District Court For The Eastern District of Oklahoma , and the issues having been considered, the Court finds:

1. That commissioners were duly appointed on 09/02/2010.
2. That said commissioners, Charles Bonner, Robert Cousins and Joe Daniel, filed their report on 12/21/2010 in the amount of \$24,575.00 as just compensation.
3. That the statutory notice to all parties was made by the Court Clerk, and that the statutory limitation period within which the parties to said proceedings might have filed a demand for jury trial, or otherwise excepted, has expired; and, none of the parties hereto have filed written demands for jury trial, or exceptions to the Report of Commissioners; or if filed, said demands and/or exceptions have been withdrawn, abandoned or filed out-of-time.
4. That these proceedings have therefore become final and complete and that the Defendants are entitled to the money deposited by Plaintiff.
5. That Plaintiff is entitled to an order of this Court confirming the appropriation by Plaintiff.
6. Further, the Court finds and orders that disbursement of the money on deposit be made to defendants herein pursuant to this final order without further order.

7. No taxes are due to the Atoka County Treasurer as evidenced by the approval of the Atoka County Treasurer by the Atoka County District Attorney.

8. Service of process has been perfected as provided by law on all defendants having compensable interests in the property, and on defendants having lien and/or mortgage claims or claims of title against the property. Defendant, having not pleaded or answered herein, or filed exceptions to the Report of Commissioners, or Demand for Jury Trial, have, therefore, defaulted and waived their right to contest the taking herein or to object to the ultimate award of compensation to be paid to the defendants for the acquisition of the property.

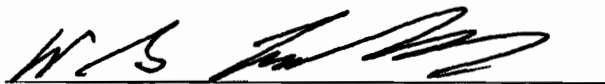
9. IT IS FURTHER ADJUDGED that Plaintiff's acquisition of the property described on the attachments hereto (Exhibit A), in fee simple unless stated otherwise on the attachments, excluding minerals other than the right to remove and use any and all road building materials, together with all other relief prayed for by Plaintiff in its petition, is hereby granted, approved and confirmed.

10. This Judgment was taken under advisement and was not signed in the presence of the parties, or their attorneys, and the party submitting this Judgment to the Court shall mail a file-stamped copy of the Judgment to all parties, or their attorneys.

Dated this 1st day of June, 2011.


U.S. DISTRICT COURT JUDGE

APPROVED AS TO FORM AND CONTENT:


Wm. Bailey Cook III
Oklahoma Department of Transportation


Atoka County District Attorney

Attorney for US Department of Interior

7. No taxes are due to the Atoka County Treasurer as evidenced by the approval of the Atoka County Treasurer by the Atoka County District Attorney.

8. Service of process has been perfected as provided by law on all defendants having compensable interests in the property, and on defendants having lien and/or mortgage claims or claims of title against the property. Defendant, having not pleaded or answered herein, or filed exceptions to the Report of Commissioners, or Demand for Jury Trial, have, therefore, defaulted and waived their right to contest the taking herein or to object to the ultimate award of compensation to be paid to the defendants for the acquisition of the property.

9. IT IS FURTHER ADJUDGED that Plaintiff's acquisition of the property described on the attachments hereto (Exhibit A), in fee simple unless stated otherwise on the attachments, excluding minerals other than the right to remove and use any and all road building materials, together with all other relief prayed for by Plaintiff in its petition, is hereby granted, approved and confirmed.

10. This Judgment was taken under advisement and was not signed in the presence of the parties, or their attorneys, and the party submitting this Judgment to the Court shall mail a file-stamped copy of the Judgment to all parties, or their attorneys.

Dated this ___ day of _____, 2011.

U.S. DISTRICT COURT JUDGE

APPROVED AS TO FORM AND CONTENT:

Wm. Bailey Cook III
Oklahoma Department of Transportation

Atoka County District Attorney

Susan Stidham Branch

Attorney for US Department of Interior