

practised upon said Carrie Smith and said Sonny Smith in the matter of the sale of the aforesaid lands to John L. Smiley and P. E. Coyne on or about the 31st day of May, 1910, pursuant to the orders and judgments of the County Court of Tulsa County, Oklahoma, wherein guardianship proceedings involving the estate of said Carrie Smith were then pending and that the plaintiffs, William Chandler and Mittie Chandler were purchasers of the above described lands in good faith and for valuable consideration and without notice of any kind of the alleged claim of fraud in the matter of the guardianship's sale had and conducted in said County Court of Tulsa County, Oklahoma, and resulting in the execution of the aforesaid guardian's deed to said John L. Smiley and P. E. Coyne.

COMPARED

The Court further finds that the plaintiffs, and each of them, have been in actual, open, lawful and notorious possession of the above described lands since April 20th, 1917. That on or about the 7th day of June, 1920, at 11 o'clock A. M. the defendant Sonny Smith wrongfully and unlawfully caused to be filed and recorded in the office of the County Clerk within and for Tulsa County, Oklahoma, a certain affidavit, which said affidavit is in words and figures as follows, to-wit:

"Sonny Smith, of lawful age, being first duly sworn, upon his oath deposes and says: I am a resident of Wichita of Sedgwick County, Kansas, and am the father of Carrie Smith and am the legally appointed guardian of the said Carrie Smith by allotment deed number 32722, dated March 29th, 1909, became the owner of the following described property to-wit:

The northeast quarter of the northeast quarter of section 32, township 20 north of range 13 east, Tulsa County, Oklahoma;

That on or about the 26th day of December, 1909, W. O. Dickenson, S. R. Lewis, Henry Walkley, James H. McBirney, P. E. Coyne, O. S. Booth and others whose names deponeth is not now able to give, entered into a conspiracy to fraudulently appropriate the same land and did so appropriate the same.

That a guardian's deed was executed by Alex S. Lewis, on May 31st, 1910, to John L. Smiley and P. E. Coyne, purporting to be for the consideration of seventeen hundred dollars (\$1700). That said guardian's deed is wholly without consideration and is void in law; that the said Alex S. Lewis had no authority to execute the same; that N. J. Gubser who was at that time County Judge of Tulsa County, Oklahoma, and O. S. Booth who was attorney for the alleged guardian were parties to the conspiracy to appropriate this land of the said minor, Carrie Smith; that all of the purported proceedings of the county court of Tulsa County, Oklahoma, are wholly void and without any foundation in law, This affidavit is made for the purpose of putting all purchasers or prospective purchasers of said land on notice of these facts and to further advise them the said Carrie Smith will upon reaching her majority bring suit against the above parties and others who may be found interested in the transaction for the purpose of reclaiming said land. Further deponeth sayeth not.

His X

Sonny Smith.

Witness to Mark  
Georgie Sieflin  
L. A. Hasty

Subscribed and sworn to before me this 2nd day of June, 1920.

My commission expires Jan. 28th, 1924

Marianna Hills, Notary Public

That the aforesaid affidavit and the claims therein and thereby set up by the defendants herein constitute a wrongful cloud upon the title of plaintiffs in and to the aforesaid lands and that the plaintiffs' said title should be quieted against the said affidavit and the claims and pretenses set up and made therein.