

260620 C.J.

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY,
STATE OF OKLAHOMA.

Ray B. Whitaker,)
 Plaintiff,)
 vs)
Sophia M. Whitaker,)
 Defendant.)

No. 27,112.

JOURNAL ENTRY.

Now, on this 14th day of June, 1924, the same being a regular day of the June, 1924 term of this Court, this cause came on regularly for hearing before the undersigned Judge of said Court upon the petition of the plaintiff herein, the plaintiff appearing in person and by his attorney, Arden E. Ross, and the court having examined the pleadings and filings in said cause, finds that said defendant was personally served with summons in said cause by the Sheriff of said Tulsa County on the 28th day of May, 1924, and that on the 29th day of May, 1924, and subsequent to the filing of plaintiff's petition herein and subsequent to the service of summons, said defendant duly signed an appearance and waiver of the issuance and service of summons in said cause, and that by said waiver said defendant consented and agreed that this cause be set down for trial and heard by this Court at any time without notice, which said waiver is now on file and of record in this Court in this cause; and, the defendant having failed to plead, demur or answer, and having been three times called in Open Court, comes not, nor any one for her, but wholly makes default. And the Court having heard the testimony of witnesses sworn and examined in Open Court, and being fully advised in the premises, finds:

That all the material allegations set forth in plaintiff's petition are true; that plaintiff at the time of the filing of his petition herein was, and had been continuously for more than one year prior thereto, an actual resident in good faith of the County of Tulsa, State of Oklahoma, as in said petition set forth, that the parties to this action had been marriage one child, a boy named Ray B. Whitaker, Jr., now six years of age.

The court further finds that the defendant has been guilty of gross neglect of duty towards the plaintiff, and that the plaintiff is without fault in the premises, and that by reason of the acts and fault of the defendant, plaintiff is entitled to a decree of divorce as prayed for.

The Court further finds that the plaintiff is a qualified and proper person to have the care and custody of said minor child, and that the best interests of said minor child require that his care and custody should be given to the plaintiff.

The Court further finds that plaintiff and defendant have heretofore consummated a property settlement and division of property whereby the defendant conveyed to plaintiff all of her right, title and interest in and to the following described real estate, situate in Tulsa County, State of Oklahoma, to-wit:

The North Twenty-Five (25) Feet of Lot Ten (10) and the South Twelve and One-Half (12½) feet of Lot Eleven (11) in Block Three (3) in College

Addition to the City of Tulsa, according to the recorded plat thereof, and that by said property settlement plaintiff further became the owner of and was given as his sole and separate property, in his own right, and forever free from any claim of the defendant, all furniture and household goods theretofore owned by said parties hereto, and that in pursuance of said property settlement and division of property plaintiff paid to the defendant one-half of the value of all of said property, and that said property settlement and division of property is just, fair and equitable and should be in all respects ratified, confirmed and approved by this Court.