

Joseph F. Pautler, Plaintiff,

versus

No. 455.

Merritt Eslick and Thomas Blair, defendants.

Journal Entry.

Now, on this 12th day of January, 1911, there coming on to be heard the above entitled cause and thereupon the Plaintiff appeared in Person and by his attorney Robert F. Blair, and the defendants appeared by their attorney, C. E. McLees, and a jury having been waived by agreement, the matters in controversy were submitted to the court; and the court having heard the Pleadings, the evidence and argument of counsel, and being well and sufficiently advised finds:

That all the material allegations contained in Plaintiff's Petition are true and that Plaintiff ought to recover in this action.

The court further finds that on October 8th, 1908, Viola Simmons executed a deed to the defendants whereby she conveyed to them the legal title to the northeast quarter of the northeast quarter of section 31, township 17 north, range 14 east, for a recited consideration of \$1000.00.

The court further finds that on the same day Viola Simmons executed a deed to defendants whereby she conveyed the legal title to her surplus land, described as lots 1 and 2 and the southeast quarter of the northwest quarter of section 31, township 17 north, range 14 east, for a recited consideration of \$3000.00.

The court further finds that said deeds were made and the title to said property taken by the defendants in trust for the said Viola Simmons and for her protection.

The court further finds that on October 10, 1908, the Plaintiff, Joseph F. Pautler, bought said land from the allottee, the said Viola Simmons, and took from her deeds with covenants of general warranty and that Plaintiff paid her a fair and adequate consideration for said property.

The court further finds that the purpose for which said property was conveyed to defendants in trust for the benefit of said Viola Simmons has ceased to exist and that said deeds ought to be cancelled.

It is therefore, ordered, adjudged and decreed by the court that the deed executed by Viola Simmons on October 8, 1908, whereby she conveyed the legal title to the northeast quarter of the northeast quarter of section 31, township 17 north, range 14 east, to said Merritt Eslick and Thomas Blair, be and the same is hereby cancelled, set aside and held for naught and the legal title in and to said property be and the same is hereby vested in Joseph F. Pautler.

It is further ordered, adjudged and decreed by the court that the deed executed by Viola Simmons on October 8, 1908, whereby she conveyed the legal title to the said lots 1 and 2 and southeast quarter of northwest quarter of section 31, township 17 north, range 14 east, to the said Merritt Eslick and Thomas Blair, be and the same is hereby cancelled, set aside and held for naught, and the legal title in and to said property be and the same is hereby vested in Joseph F. Pautler.

Attest: Harrie Blake, clerk  
(SEAL)

R. C. Allen, Judge.

State of Oklahoma, Wagoner county, SS. In the district court.

I, Harrie Blake, clerk of the district court in and for the county and state aforesaid do hereby certify that the instrument hereto attached is a full, true and complete copy of the original decree in the case of Pautler vs Eslick et al., No. 455, as the same appears file in my office. Witness my hand and the seal of said court, affixed at my office in the city of Wagoner, Oklahoma. this 16 day of Jan, 1911.

Harrie Blake, clerk of district court.