STATE OF OKLAHOMA)
) SS:
COUNTY OF TULSA)

IN THE DISTRICT COURT

ANNIE TALLY

PLAINTIFF

VS

NO. 23,374

CITY OF TULSA ET AL

DEFENDANTS

DEMURRER OF NATIONAL SURETY COMPANY

Comes now the National Surety Company, one of the defendants in the above entitled cause and demurs to the Petition of Plaintiff filed herein upon the following grounds and for the following reasons, to-wit:

1. Because said Petition fails to state a cause of action in favor of said Plaintiff and against this defendant.

2. Because there is a misjoinder of causes of action.

3. Because the action is premature as to this defendant

4. Because the bond written by the defendant herein does not [illegible] the things and actions complained of and set out as a cause of action.

Brickwright & [illegible]
Attorneys for the National [illegible]

PRAECIPE FOR SUMMONS

In the District Court of Tulsa County, State of Oklahoma

Annie Talley

Plaintiff

vs.

City of Tulsa, et al

Defendant

NO.

TO THE CLERK OF SAID COURT:

ISSUE SUMMONS in the above entitled cause, and direct the same to the Sheriff of

County, State of Oklahoma, for the defendants H. T. Newblock, Mayor of City Hall
T. D. Evans 703 South Frisco
J. Atkinson 201 So. Wheeling
O. A. Sterner 1519 So. Rockford
C. J. Brunkman 122 No. Lawton
Geo. H. Blaine, The State Insurance Commissioner
for the Bonding Companies National Surety Co.
U. S. Fidelity & Guaranty Co.
The Lion Bonding and Surety Co. The St. Claire Co.
a corporation

Amount claimed, $6600.00 and interest from the day of , 19

at per cent per annum

Action brought for Damages & destruction of property

Defendants required to answer on or before the 20 day of July, 1923

Make summons returnable 8 day of June A. D., 1923

Dated this 21 day of May A. D., 1923.

Scott & Carey

Attorney for plaintiff.

CITY OF TULSA
LEGAL DEPARTMENT

IN THE DISTRICT COURT OF TULSA COUNTY

STATE OF OKLAHOMA

[illegible]
PLAINTIFF

No. [illegible]

CITY OF TULSA et al

DEFENDANT

No. 25[illegible]

[illegible]

Comes now the above [illegible] defendant, [illegible] and for its demurrer to the petition of plaintiff filed herein alleges and states that the same does not state sufficient facts to constitute a [illegible] action in favor of the plaintiff and against this defendant.

[illegible]

[illegible]

[illegible]

CITY OF TULSA
LEGAL DEPARTMENT

IN THE [illegible] DISTRICT COURT, TULSA COUNTY, OKLAHOMA.

ARNIE TALLEY	)	
Plaintiff	)	
vs.	)	No. 23374
CITY OF TULSA et al	)	
Defendants	)	

MOTION TO QUASH SERVICE OF SUMMONS

Comes now the City of Tulsa, one of the above named defendants, appearing specially by and for the purpose of this motion only, moves the Court to quash, set aside, and hold for naught the purported service of summons had in this case for the reason that the same was not issued served nor returned as provided by law.

D. J. Underwood & Harry L. Hailey

Attorneys for the City of Tulsa
for the purpose of this motion only.

STATE OF OKLAHOMA)
) SS
TULSA COUNTY)

IN THE DISTRICT COURT IN AND FOR SAID COUNTY AND STATE

Annie Talley,

vs

23374

The City of Tulsa;

T. D. Evans, Mayor,
O. A. Steiner,
J. M. Adkinson,
Charles S. Younkman,
Herman F. Newblock, Commissioners
of the City of Tulsa,
W. M. McCullough, Sheriff of Tulsa County,
And Tulsa County,
Leo R. Blaine Ex Chief of Police Tulsa Okla,
County Commissioners of said Tulsa County,
and John A. Gustafson, Chief of Police of
the City of Tulsa, and the National Surety Company,
a corporation, United States Fidelity & Guaranty
Company, a corporation, and the Lion Bonding &
Surety Company, a corporation, ...Defendants.

PETITION

Comes now the plaintiff and for cause of action against the defendants and each of them, alleges and states:

That the plaintiff is now ans was at all times hereinafter mentioned, a citizen and resident of the City of Tulsa Tulsa County, State of Oklahoma. Thatshe was at all times hereinafter mentioned a property owner and tax payer in said City of Tulsa, Tulsa County, Oklahoma.

That the City of Tulsa is a duly incorporated City, and is and was at all times hereinafter mentioned operating under the commission form of Government and that the said defednants, T. D. Evans, O. A. Steiner, J. M. Adkinson, Charles S. Younkman, and Herman F. Newblock were at all times hereinafter mentioned the duly elected and acting commissioners of said City of Tulsa and that the defendant John A. Gustafson was the du ly appointed and acting Chief of Police.

That this plaintiff was the owner in fee of said above described property and paid taxes thereon and the same was carried upon the tax rolls in the name of this plaintiff as the owner thereof.

That on or about May 30th, 1921, the defendants above named and each of them and the City of Tulsa acting through its legally elected and qualified commissioners and officers and through its agents and employees and through its lawfully orgainzed police forces, did wrongfully conspire, acquiesce in and assist certain person and persons to th s plaintiff unknow, in the wrongful and felonious endeavors to burn pillage and destroy certain property in the vicinity of the property heretofore described belonging to this plaintiff and that said persons acting under thegeneral plan of destruction did carry out said attacks and unlawfully destroy said properties and improvements on the real estate hereinbefore described, said property belonging to this plaintiff.

That the defendant the Lion Bonding & Surety Company executed a certain bond in the sum of $3,000 as bondsman of the said Chief of Police and codefendantherein, John A. Gustafson, a copy of which bond is hereto attached and marked Exhibit A, and that by reason of said bond the said Lion Bonding & Surety Company are liable for the wrongful acts of the said John A. Gustafson and his malefeasance in office as Chief of Police.

That the said National Surety Company made and executed the bond for $5,000.00 for the said W. M. McCullough, who was then sheriff of Tulsa County. A full, true and complete copy of the bond so made, executed and delivered is hereto attached and marked Exhibit B. and that by reason of the said bond the said National Surety Company is liable for the wrongful acts of the said Wm M. McCullough, then sheriff of Tulsa Connty.

That the United States Fidelity & Guaranty Company made, executed and delivered a certain bond on behalf of Charles S. Younkman in the sum of $10,000.00, a copy of which is hereto attached and marked Exhibit "C" and made a part hereof, and by reason of the said bond are liable for the wrongful acts of the said Charles S. Younkman, defendant herein and then one of the Commissioners of the City of Tulsa.

And the defendant the United States Fidelity & Guaranty Company made, executed and delivered a certain bond in behalf of T. D. Evans, one of the co-defendants hereini in the sumof $10,000 a copy of which bond is hereto attached and marked and marked Exhibit "D", and that by reason of said bond are liable for the wrongful acts of said T. D. Evans, defendant herein, and the Mayor of the City of Tulsa.

That the defendant the United States Fidelity & Guaranty Company made, executed and delivered a certain bond in the sum of $10,000, in befalf of J. M. Adkinson, one of the Commissioners of the City of Tulsa, and one of the co-defendants herein, a copy of which bond is hereto attached and marked Exhibit "E", and by reason of said bond are liable for the wrongful acts of J. M. Adkinson, Commissioner of the City of Tulsa.

That the defendant the National Surety Company made, executed and delivered a certain bond in the sum of $10,000 on behalf of Herman F. Newblock, one of the co-defendants, a copy of which bond is hereto attached and marked Exhibit "F", and by reason of said bond are liable for the wrongful acts of said Herman F. Newblock, defendant herein and then Commissioner of the City of Tulsa.

That the defendant the National Surety Company made, executed and delivered a certain bond on behalf of O. A. Steiner, one of the defendants herein in the sum of $10,000, a copy of which bond is hereto attache, marked Exhibit "G" and made a part hereof and by reason of said bond are liable for the wrongful acts of said O. A. Steiner, defendant herein, and then one of the Commissioners of the City of Tulsa.

That the defendant the Lion Bonding & Surety Compamy made, executed and delivered a certain bond in the sum of $10,000 on behalf of O. A. Steiner one of the co-defendants herein, a copy of which bond is hereto attached and marked Exhibit "H" and made a part hereof, and that by reason of said bond are liable for the wrongful acts of said O. A. Steiner, then Commissioner of the City of Tulsa.

Plaintiff further alleges that said wrongful acts were committed by the person or persons with the full knowledge, connivance, consent and conspiracy of these defendants with their full knowledge, cognizance and acquiescence of each of said defendants, and to further carry out said purpose and plans the said defendants so conspired that the said fire departments of the City of Tulsa were not allowed to combat said fires until after the complete destruction of all of the property within the confines of certain quarters of the City of Tulsa had been affected, resulting in the damage to this plaintiff as alleged in the sum of $5400.00.

Plaintiff further alleges that the value of said property so destroyed consisting of the improvements upon said lots and the personal property therein contained was $5400.00, a full, true and complete itemized list of said improvements and personal property is hereto attached and made a part hereof and marked Exhibit "I"

That the pplaintiff did file with the Board of City Commissioners, its auditor and other agents authorized to receive the same a full, true and correct itemized and completeaccount of the value of the property so destroyed and of the expenditures so made by him to replace the same, with the request that the same be allowed and paid out of the general fund of the City of Tulsa, but that the said defendants, the City of Tulsa and the City Commissioners and its duly authorized agents failed, refused and neglected to pay the same and still fails, refuses and neglects to pay said obligation.

Wherefore, plaintiff prays judgment against the defendants and eachof them in the sum of $5400.00 for actual damages sustained by this plaintiff for the destruction of the property hereinbefore described and in addition thereto the sum of $1200.00, the amount of revenue from said property which revenue would have been received by said plaintiff from the date of destruction up to the time the

said improvements were constructed, and in addition thereto the sum of $10,000 as punitive damages for the wrongful and malicious acts in the destruction of plaintiff's property as herein set out and for such other judgment as to the court shall seem meet and just

Elisha Scott
Geo. H. Carry
Attorney for Plaintiff

Tulsa, Oklahoma, July 14, 1921

To the Mayor and to the Board of Commissioners of Tulsa, Tulsa County, Oklahoma:

You are hereby notified that I, the undersigned, hold a claim against the City of Tulsa, Oklahoma, for the sum of Eight Thousand dollars ($8,000.00) for the destruction of my personal effects, household goods and improvements upon real property as per the attached verified claim, on June 1, 1921, for which the City is liable, and the same is correct, reasonable and just, for which payment is demanded and that unless said claim is paid on or before the 28 day of Sept, 1921, suit will be brought thereon.

A verified statement of said claim is hereto attached, marked Exhibit "A," and made a part of this notice.

Given under my hand, this the 14 day of July, 1921.

Annie Talley
Per. E. S. Saddler, Atty
Claimant

I, _____, hereby accept service of the above and foregoing notice and verified statement of claim, this _____ day of July, 1921.

Mrs. Frank Seaman

Received the within notice and verified statement on the _____ day of _____ 1921 at _____ o'clock ____ M., and served same by delivering a true copy thereof to _____, on the _____ day of _____, 1921

_____
Sheriff, Tulsa County, Oklahoma.

This is a true and correct list of my property lost in Tulsa, Oklahoma June, 1921.

Lot - 12 + 11 -	1 - Turley Add -			6 Rooms -	$ 3000.00
13	1 -	"	"	5 Rooms -	2500.00
" + 14	1	"	"	5 Rooms	2500.00

[illegible] Valley
305 Frankfort St

Subscribed and sworn to before me this 8th day of July, 1921
P. A. Chappelle
Notary Public
Com Ex Nov 8-24

IN THE DISTRICT COURT OF TULSA COUNTY, OKLAHOMA.

Annie Talley, Plaintiff,	)	
	)	
vs.	)	No. 23,374
	)	
The City of Tulsa, Oklahoma, et al., Defendamts.	)	

DISMISSAL

Comes now the plaintiff and dismisses the above styled and numbered cause, without prejudice to future action, this 31 day of May, 1937.

Elisha Scott
Attorney for Plaintiff.

No. 23,374

IN THE DISTRICT COURT OF TULSA COUNTY,
OKLAHOMA.

Annie Talley, Plaintiff,

vs.

City of Tulsa et al., Defendants.

DISMISSAL

DISTRICT COURT

GIBSON & HOLLEMAN
ATTORNEYS & COUNSELORS
NATIONAL BANK OF TULSA BLDG.
TULSA, OKLAHOMA

IN THE DISTRICT COURT OF TULSA COUNTY, OKLAHOMA.

Annie Talley,	Plaintiff,	)	
		)	
vs.		)	No. 23,374
		)	
City of Tulsa et al.,	Defendants.	)	

ORDER OF DISMISSAL

Now on this 3rd day of July, 1937, the above entitled matter came on for hearing upon the dismissal of this cause by the plaintiff, and the court being advised in the premises, this cause is hereby dismissed.

Bradford L. Wallace
Judge

No. 23,374

IN THE DISTRICT COURT OF TULSA COUNTY,
OKLAHOMA.

Annie Talley, Plaintiff,

vs.

City of Tulsa et al., Defendants.

151-625

ORDER OF DISMISSAL

COMPARED

DISTRICT COURT
STATE OF OKLAHOMA, TULSA COUNTY
FILED
JUL 6 - 1957
CAL GRUM, COURT CLERK

GIBSON & HOLLEMAN
ATTORNEYS & COUNSELORS
NATIONAL BANK OF TULSA BLDG.
TULSA, OKLAHOMA

That said County of Tulsa is a duly incorporated County within which the said City of Tulsa is located and commissioned to act through its duly and regularly elected and qualified Board of County Commissioners and that at all times hereinafter mentioned the said _____ and _____ were the duly elected, qualified and acting Board of County Commissioners, and that the County Seat of the said Tulsa County is Tulsa, Oklahoma.

That the National Surety Company is a corporation duly organized and existing under and by virtue of the laws of the State of New York and authorized to become sole surety on bonds in the State of Oklahoma as surety.

That the Lion Bonding and Surety Company is a corporation duly incorporated under the laws of the State of Nebraska and authorized to become sole surety on the bonds in the State of Oklahoma as surety.

That the United States Fidelity & Guaranty Company is a corporation duly incorporated under the laws of the State of Maryland with its principal place of business at Baltimore, Maryland, and are authorized to become sole surety on bonds in the State of Oklahoma as surety.

There heretofore to wit: on or about May 30th, 1921, said plaintiff was the owner in fee of certain real estate with improvements thereon, located in the City of Tulsa, described as follows:

1 six room house lot 1, block 3
1 three room house lot 2, block 3

said property being located in that portion and part of the city of Tulsa north of the Frisco Railway Station