

THE DISTRICT COURT, 2ND JUDICIAL DISTRICT
CUSTER COUNTY, OKLAHOMA
COURTHOUSE, ARAPAHO, OKLAHOMA

FILED
DISTRICT COURT
Custer County, Okla.

JUN 17 2019

George A. Meacham IV,

Plaintiff,

v.

John Paxton; Cherryl Paxton; Phillip Wayne
Parker and Jacqueline Parker, husband and wife;
Jerry Dry and Nancy Lynn Dry, husband and wife;

and

A. D. Arney; Arlyn Kirkpatrick; Morris L. Taylor;
Eugene Taylor; and Roberta L. Roberts, if any of
them are living and if any of them are deceased,
their unknown successors,

Defendants,

and

Todd Arney; Angela Hatcher; and George R.
Kirkpatrick,

Additional Party Defendants,

No. CV-2018-123

STACI HUNTER
COURT CLERK

ORDER OF SALE IN PARTITION

This matter comes on for hearing on this June 17, 2019, upon plaintiff's Motion for Order of Sale. The plaintiff appears by his attorney, Denver Meacham II, and no one appears in opposition to plaintiff's Motion. The court having examined the files and being fully advised in the premises finds that the court has jurisdiction of the parties and the subject matter and jurisdiction to make this order and that notice of this hearing has been mailed to the attorney for John Paxton and Cherryl Paxton, who has approved the entry of this Order, as well as to the owners not represented by counsel.

The court further finds that Chris Jones, Brad Stucker and John Boyles were heretofore, on April 8, 2019, appointed by this court as Commissioners to make partition of the surface of the hereinafter described Property and that such Commissioners, after first taking and subscribing the oath prescribed by law, which is filed herein, and having thereafter gone upon and personally inspected and examined the hereinafter described Property, filed their Report of Commissioners on May 8, 2019; that in their Report, the Commissioners found that partition of the hereinafter described Property could not be made among the owners as determined in the Judgment and Order for Partition, entered herein on April 8, 2019, without great and manifest injury to such owners; that said Commissioners valued and appraised the surface of all of the hereinafter described Property at \$5,630.00; and that Notice of the Time Limit for Filing Exceptions or Elections to Take Property at its Appraisal was timely given to all owners of interests in the Property or their attorneys of record in every way required by 12 O.S. §1509.

The court further finds that, due to the fact that two of the owners have elected to take the Property at its appraised value, the surface of the Property must be sold, pursuant to 12 O.S. §1513, by the Sheriff of Custer County, Oklahoma, in the same manner as in the sale of real estate on execution.

IT IS THEREFORE HEREBY ORDERED that the Report of Commissioners filed herein be and the same is hereby approved and confirmed.

IT IS FURTHER ORDERED that the Sheriff of Custer County, Oklahoma, sell the surface and surface rights only of the following described real estate located in Custer County, Oklahoma, to-wit:

A tract of land in the Northwest Quarter of the Southeast Quarter (NW¼SE¼) of Section 23, Township 12 North, Range 17 W.I.M., Custer County, Oklahoma, according to the U.S. Government Survey thereof; said tract described as follows: Commencing at the Northwest corner of the aforementioned Southeast Quarter; thence South 00°05'27" East along the Westerly line of the Southeast Quarter, a distance of 577.34 feet to the point of beginning of said tract, same being on that certain right of way line described in Report of Commissioners, dated January 18, 1960,

recorded in Book 166, Page 564 of the Deed Records of Custer County, Oklahoma; thence along said right of way line as follows: North 00°00'00" East a distance of 0.00 feet to the beginning of a curve to the right having a radius of 1012.92 feet and a chord bearing and distance of South 68°12'32" East 90.64 feet; Southeasterly, with said curve, an arc distance of 90.67 feet; South 64°04'43" East a distance of 350.83 feet to the beginning of a curve to the right having a radius of 225.10 feet and a chord bearing and distance of South 47°37'13" East, 127.55 feet; Southeasterly, with said curve, an arc distance of 129.32 feet to the beginning of a curve to the right having a radius of 583.20 feet and a chord bearing and distance of South 18°32'22" East, 316.31 feet; Southeasterly, with said curve, an arc distance of 320.32 feet; South 00°00'00" West a distance of 0.73 feet to the Southerly line of the North Half of the South Half of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter; thence North 89°52'24" West, along said Southerly line, a distance of 593.59 feet to the Southwest corner thereof; thence North 00°05'27" West, along the Westerly line of said Southeast Quarter, a distance of 572.30 feet to the point of beginning, containing 5.63 acres, more or less, ("the Property"),

at public auction, to the highest bidder, for cash, for not less than two-thirds of \$5,630.00, which is the valuation and appraisal placed upon the Property by the aforesaid Commissioners, after giving notice according to law of the time and place of such sale.

IT IS FURTHER ORDERED that the Sheriff make return of his proceeding to this court and that said sale shall be subject to confirmation by this court.

ORIGINAL SIGNED BY:
JUDGE JILL C. WEEDON

JUDGE OF THE DISTRICT COURT

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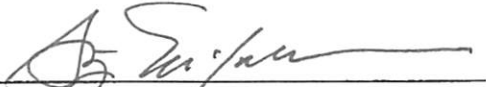
APPROVED FOR ENTRY

A handwritten signature in black ink, appearing to read "Denver Meacham II", written over a horizontal line.

DENVER MEACHAM II
Attorney for Plaintiff

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APPROVED FOR ENTRY


STEPHEN R. McCALLA
Attorney for Defendants, John
Paxton and Cherryl Paxton

I, Staci Hunter, Court Clerk for Custer
County, Okla., hereby certify that the
Foregoing is a true and correct and
Complete copy of the instrument
Herewith set forth and is on file of record
in the Court Clerk's Office of Custer
County, Okla. This 17th day of
July, 2018.
Staci Hunter
Court Clerk for Custer County
By  Deputy