

No. 392-52

(Filed November 1, 1954)

MAGNOLIA RANCH, INC., A CORPORATION V. THE UNITED STATES

MEMORANDUM REPORT

To the honorable the CHIEF JUDGE AND ASSOCIATE JUDGES
OF THE UNITED STATES COURT OF CLAIMS.

Plaintiff's petition was filed July 24, 1952, to recover the sum of \$305,705.30, with interest and costs, in connection with its lease with the Government for the use of 11,833 acres, more or less, of plaintiff's land for turret gun and rifle range and other requirements of the War Department.

On October 29, 1954, a written stipulation of settlement, signed by plaintiff's attorney of record, and by Perry W. Morton, Assistant Attorney General, was filed herein. The stipulation provides, in part, as follows:

* * * * *

4. The attorney for the plaintiff, being first duly authorized, submitted an offer of settlement to the Attorney General, whereby the plaintiff would accept a total amount equal to the sum of \$15,630.00, plus interest at the rate of five percent per annum from August 6, 1948, to the date of the entry of judgment. This offer of settlement was in satisfaction of all claims set forth in the petition.

5. On behalf of the defendant, the offer of plaintiff's attorney was duly accepted on October 8, 1954.

6. It is stipulated and agreed that an amount equal to \$15,630.00, plus interest at the rate of five percent per annum from August 6, 1948, to the date of judgment, is intended to and does cover all damages and all claims of any kind and character to which the plaintiff may be entitled as a result of any and all things mentioned and set out in its petition.

7. Judgment may be entered in favor of the plaintiff in an amount equal to the sum of \$15,630.00, plus interest at the rate of five percent per annum from August 6, 1948, to the date of the entry of judgment.

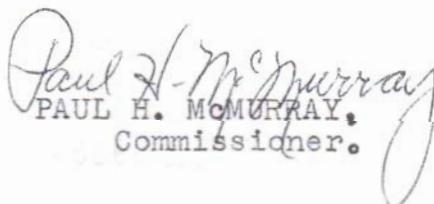
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Based on the foregoing, it is recommended that an order be entered as follows:

This case comes before the court on a stipulation of settlement filed October 29, 1954, signed on behalf of the plaintiff by the attorney of record and on behalf of the defendant by Assistant Attorney General Perry W. Morton, in which it is stated that a written offer of settlement was submitted by the plaintiff to the Attorney General and duly accepted on behalf of the defendant, whereby plaintiff agreed to accept the sum of \$15,630.00, plus interest at the rate of five percent per annum from August 6, 1948, to the date of the entry of judgment, in full settlement of all claims set forth in the petition, and the defendant consented to the entry of judgment in that amount,

NOW, THEREFORE, IT IS ORDERED this _____ day of _____, 1954, that judgment be and the same is entered in favor of the plaintiff in the sum of FIFTEEN THOUSAND SIX HUNDRED THIRTY DOLLARS (\$15,630.00) with interest at the rate of five percent per annum from August 6, 1948, to the date of the entry of judgment.

Respectfully submitted,


PAUL H. McMURRAY,
Commissioner.