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IN THE DISTRICT COURT OF McCLAIN COUNTY  
STATE OF OKLAHOMA

FILED IN DISTRICT COURT  
McClain County, Oklahoma

FEB 13 2009

by Lynda Baker, Court Clerk  
Deputy

Town of Goldsby, )  
Plaintiff, )  
vs. )  
City of Purcell, )  
Defendant. )

Case No. CV-07-318  
Plaintiff attorney: William Hill  
Defendant attorney: Raymond Vincent

SUMMARY ORDER

Plaintiff's Motion for Summary Judgment comes on for hearing on June 18, 2008. The Court heard argument of Counsel and thereupon took the matter under advisement.

The Court finds that:

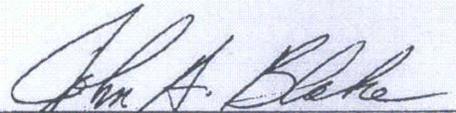
1. City of Purcell's Friday, May 25, 2007, publication of notice of annexation in *THE OKLAHOMAN* was without force or effect because *THE OKLAHOMAN* was not a legal newspaper of the county for McClain County.
2. City of Purcell's Friday, May 25, 2007, publication of notice of annexation in *THE OKLAHOMAN* was not a publication as that term is defined in the Oklahoma Municipal Code.
3. City of Purcell's Friday, May 25, 2007, publication of notice of annexation in *THE OKLAHOMAN* has no force and effect.
4. City of Purcell's attempted annexation of territory, and in particular the Disputed Territory, by enactment of Ordinance 07-09 and Ordinance 07-10, fails because publication of notice in the manner required by law is a jurisdictional prerequisite to Purcell's authority to enact annexation ordinances; no notice at all was published before

enactment of Ordinance 07-09; and notice of public hearing was not published as required by law at least fourteen (14) days before the public hearing and enactment of Ordinance 07-10.

5. The City of Purcell acted outside the scope of legislative authority and contrary to the laws of the State of Oklahoma, when it adopted two ordinances annexing the same territory that was being annexed to the Town of Goldsby.
6. Both City of Purcell ordinances are invalid, void and of no force and effect.
7. There is no substantial controversy as to the material facts concerning the Town of Goldsby's claims.
8. The Town of Goldsby is entitled to judgment as a matter of law.

The Court grants Plaintiffs Motion for Summary Judgment. All as per Journal Entry.

Dated this February 12, 2009.

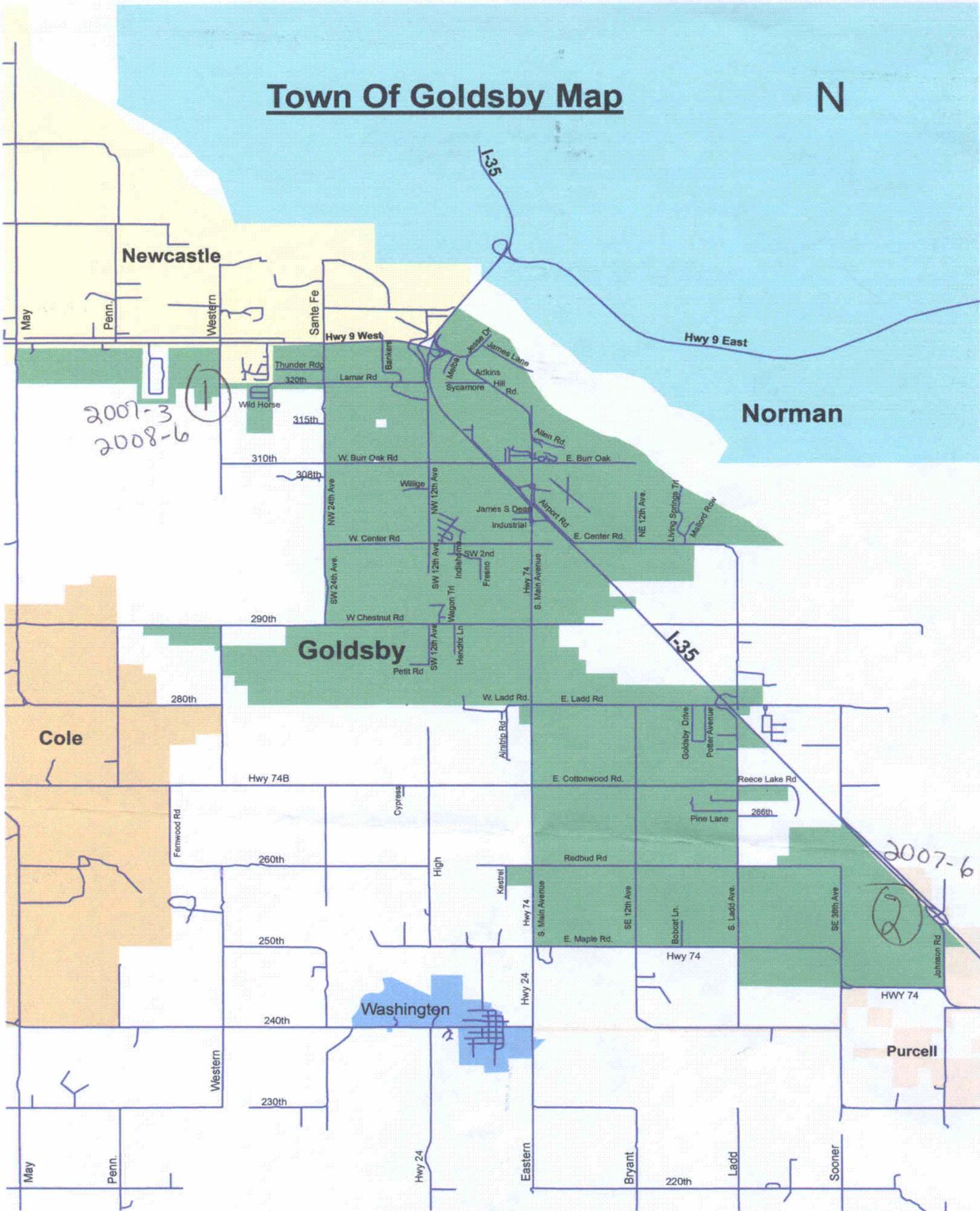


**John A. Blake**  
**Associate District Judge**  
**Garvin County Courthouse**  
**201 W. Grant, 3<sup>rd</sup> Floor -Room B**  
**Pauls Valley, OK 73075**  
**Telephone: 405-238-2542**  
**Fax: 405-238-1135**

**cc: attorneys**

# Town Of Goldsby Map

N



2007-3  
2008-6

2007-6

Newcastle

Norman

Goldsby

Cole

Washington

Purcell

May

Penn.

Western

Sante Fe

Hwy 9 West

Thunder Rd

320th

315th

310th

308th

290th

280th

Hwy 74B

260th

250th

240th

230th

May

Penn.

Western

Hwy 24

Eastern

Bryant

220th

Ladd

Sooner

I-35

Hwy 9 East

I-35

High

Kestrel

Hwy 74

S. Main Avenue

E. Maple Rd.

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