

STATE OF OKLAHOMA, |  
|  
POTTAWATOMIE COUNTY, |  
SS.

COPY FOR JUDGE CUTLIP.

IN THE DISTRICT COURT IN AND FOR SAID COUNTY AND STATE.

T.G.Cutlip, (Substituted)

Plaintiff,

-vs-

Ida R.Horn, et als.,

No. 6980-S.

Defendants,

NOTICE OF MOTION FOR REVIVOR OF  
ACTION.

To W.M.Cutlip, Roy L.Cutlip, and C.Guy Cutlip, as heirs at law of T.G.Cutlip,  
Substituted Plaintiff, Deceased;

You and each of you are hereby notified that the defendant and cross  
petitioner, Ida R.Horn, did on the 19th day of August, 1937, file her Motion in  
the District Court of Pottawatomie County, Oklahoma, and in this cause, alleging  
that T.G.Cutlip, substituted plaintiff herein, died intestate at Tecumseh, Okla-  
homa, on or about the 27th day of October, 1936, a resident of Pottawatomie County,  
Oklahoma, leaving surviving him, as his sole and only heirs at law, the said W.M.  
Cutlip, Roy L.Cutlip and C.Guy Cutlip, each and all of whom are more than 21 years  
of age:

That this suit abated as to the said T.G.Cutlip, substituted plaintiff  
herein, on account of the death of the said T.G.Cutlip. That all the rights, title  
and interest of the said T.G.Cutlip in and to the property involved in this cause  
descended to, and was inherited by, and vested in his said heirs at law; that no  
one other than the said heirs at law has any right, title and interest in and to  
the said property; that the liability of the said substituted plaintiff to this  
movant as set forth in the Answer and cross petition of this movant, survived  
against his said heirs at law.

That no Administrator of the Estate of the said T.G.Cutlip has been  
appointed by any court, and that no administration upon said estate has been  
commenced, or had, and that said surviving heirs at law have failed, neglected  
and refused to commence an administration upon said estate:

That the period of one year has not elapsed since the death of the  
said T.G.Cutlip;

Said Motion prays that the said action be revived in all respects  
against the said heirs at law of the said T.G.Cutlip, Deceased, and that the  
rights of the said Ida R.Horn arising out of the transaction set forth and de-  
scribed in the petition of the said substituted plaintiff, against the said T.G.  
Cutlip, substituted plaintiff, be revived against the said heirs at law.

#2.

You are hereby further notified that on the 5th day of October, 1937, at 9 o'clock A.M., or as soon thereafter as counsel may be heard, the said Motion will be presented to the Honorable Judge of the District Court, at the District Court of Pottawatomie County, Oklahoma, in the District Court Room in the Court House in the City of Shawnee, and if sufficient cause be not shown against the revivor, an order will be entered decreeing that this action be revived in the names of the said heirs at law of the said T.G.Cutlip, Deceased, in all respects as if the said action had not abated on account of the death of the said T.G.Cutlip; and such other and further and additional orders will be sought and entered as shall be right and proper in the premises, and as justice may require.

You are hereby further notified that oral and documentary evidence will be had at said hearing.

Aernathy Howell & Aernathy

Attorneys for Defendant and Cross-Petitioner,  
Ida R.Horn.