

BAJ

In the District Court of Tulsa County
State of Oklahoma



[Redacted]
vs.
[Redacted]

Case No. FD-2015-1856

MAR 21 2017

DISTRICT COURT
FILED
MAR 21 2017
DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

Affidavit of Judgment
(Money Judgments Only)

State of Oklahoma }
County of Tulsa } SS

Barbara Ann Bartlett, of lawful age, first being duly sworn, deposes and says:

- 1. That on the 15th day of February, 2017, a money judgment, Order on Petitioner's Application for Attorney's Fees and Costs, was rendered in the above-styled and number cause as follows:

Against	In Favor Of	Amount: Judgment & Costs
[Redacted]	[Redacted]	\$12,313.22

- 2. That a certified copy of the subject money judgment is attached hereto and incorporated herein by reference.
- 3. That the County Clerk shall enter on the judgment docket a statement based on this information, in compliance with 12 O.S. § 706.

Further, your affiant sayeth not.

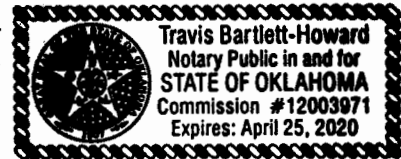
Name Barbara Ann Bartlett
Title Attorney for [Redacted] (if any)
Organization N/A (if any)
Address 2123 S. Atlanta Pl., Suite 100
Tulsa, OK 74114

Signature

Signed and sworn to before me on the 20th day of March, 2017.

Notary Public

4/25/2020
Commission Expires



5. In divorce cases, “[c]ounsel-fee allowances, which never depend on one’s status as a prevailing party in the case, must be granted only to that litigant who qualifies for the benefit through the process of a *judicial balancing of the equities*.” (Emphasis in original). *Thielenhaus v. Thielenhaus*, 1995 OK 5 at ¶ 19.

6. In *Finger v. Finger*, 1996 OK CIV APP 91, a post-decree motion to modify case, the Court of Appeals declined to give undue weight to either “the single factor of prevailing party status” or “the means and property of the respective parties.” Instead, the Court ruled that “it is essential for the court, in the exercise of its discretion, to take into account all relevant circumstances when adjudicating motions for fees and costs incurred by a party either prosecuting or defending post-decree enforcement or modification proceedings.” *Finger* at ¶ 15 citing *Thielenhaus*.

7. In a post-decree suit for support alimony, the Court of Appeals held that “Oklahoma law is clear that counsel-fee allowances in matrimonial disputes under 43 OK 2011 § 110 never depend on being a prevailing party. *Barnett v. Barnett*, 1996 OK 60, 917 P.2d 473; *Barnes v. Barnes*, 2005 OK 1, 107 P.3d 560.” *Jobe v. Jobe*, 2014 OK CIV APP 101. The *Jobe* court also concluded that a trial court’s fee decision “cannot depend solely on that [prevailing party] factor.” *Jobe* at ¶ 18.

8. The Court finds the balancing of the equities favors an attorney fee in favor of the Petitioner pursuant to 43 OS §110.

9. When an attorney asks a Court to award attorney fees, the attorney must submit detailed time records and supporting criteria in accordance with *State ex rel. Burk v. Oklahoma City*, 1979 OK 115, and *Smith v. Smith*, 2013 OK CIV APP 54. Detailed time records means records showing the date services were performed, a

description of the services performed, and the amount of time spent performing the services. Non-attorney time such as filing pleadings at the Courthouse, copying documents, and doing secretarial tasks are not compensable as attorney fees. *Taylor v. Chubb Group of Insurance Companies*, 1994 OK 47. 16. Block billing is not favored and supports a downward adjustment of the attorney fees. See, for example, *Isle v. Brady*, 2012 OK CIV APP 99, 288 P.3d 259.

10. Title 12 OS §942 describes those costs that a court may award:

A judge of any court of this state may award the following as costs:

1. Any fees assessed by the court clerk or the clerk of the appellate court;
2. Reasonable expenses for the giving of notice, including expenses for service of summons and other judicial process and expenses for publication;
3. Statutory witness fees and reasonable expenses for service of subpoenas;
4. Costs of copying papers necessarily used at trial, limited to the amount authorized by law. If no amount is specified, costs of copying papers shall be limited to ten cents (\$0.10) per page;
5. Transcripts of the trial or another proceeding that the court determines are necessary to resolve the case;
6. Reasonable expenses for taking and transcribing deposition testimony, for furnishing copies to the witness and opposing counsel, and for recording deposition testimony on videotape, but not to exceed One Hundred Dollars (\$100.00) per two-hour videotape, unless the court determines that a particular deposition was neither reasonable nor necessary; and
7. Any other expenses authorized by law to be collected as costs.

11. The Court awards a judgment in favor of the Petitioner and against the Respondent for \$11,400 for attorney fees for 40 hours of work reasonably performed directly in connection with the case at the stipulated reasonable hourly rate of \$285.00, and costs of \$913.22 for a total of \$12,313.22.

12. The Court orders the Respondent to pay the judgment at the rate of \$256.52 per month, commencing with the fifteenth day of March, 2017 and thereafter on the fifteenth day of each succeeding month, until paid in full.

Dated this 15th day of February, 2017.



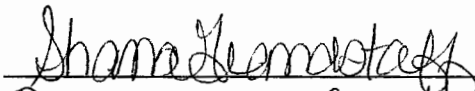
J. Anthony Miller
Special District Court Judge

Certificate of Mailing

I, the undersigned, hereby certify on this 15th day of February, 2017, I caused a true and correct copy of the above and foregoing instrument to be mailed, by first class mail, with sufficient postage thereon fully prepaid, and addressed to:

Barbara Ann Barlett
2123 S. Atlanta Place, Suite 100
Tulsa, OK 74114

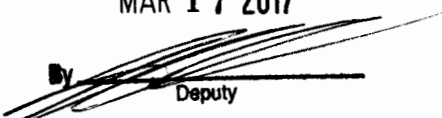
Matthew Ingham
1732 SW Boulevard, Suite 102
Tulsa, OK 74107



Deputy Court Clerk

I, Don Newberry, Court Clerk, for Tulsa County, Oklahoma, hereby certify that the foregoing is a true, correct and full copy of the instrument herewith set out as appears on record in the Court Clerk's Office of Tulsa County, Oklahoma, this

MAR 17 2017

By 
Deputy