



AUG 30 2017

ORIGINAL

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

IN RE THE MARRIAGE OF:

[Redacted]

Petitioner/Appellee,

and

[Redacted]

Respondent/Appellant.

Case No. [Redacted]

Washington County District Court

Case No. [Redacted]

Received:	8/30/17
Deputed:	
Marshal:	
COA/OKC:	
COA/TUL:	

RESPONSE TO PETITION IN ERROR

Is appellee willing to participate in an attempted settlement of the appeal by pre-decisional conference under Rule 1.250?

____ YES X NO

Attach as Exhibit "A" appellee's statement of the case *not to exceed one 8 1/2" x 11" double spaced page* if not clearly set out by appellant in Petition in Error.

In accelerated appeals from orders granting motion for summary judgment or motion to dismiss **only** appellee shall either file the Counter-Designation of Record, if any, with the Response to the Petition in Error, or shall also file concurrently with Response any supplement to record on accelerated appeal. See Rule 1.36(e)(1) and (2).

DATED this 30 day of August, 2017.

N. Scott Johnson, OBA #15268
Patrick H. McCord, OBA #21747
N. SCOTT JOHNSON & ASSOCIATES, P.L.L.C.
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Attorneys for Petitioner/Appellee


CERTIFICATE OF MAILING TO PARTIES AND COURT CLERK

I certify that a true and correct copy of the Petitioner/Appellee's *Response to Petition in Error* was mailed this 30 day of August, 2017, to:

Bryan J. Nowlin, Esq.
Richard A. Wagner, II, Esq.
Hall, Estill, Hardwick, Gable,
Golden & Nelson, P.C.
320 South Boston Ave., Suite 200
Tulsa, Oklahoma 74103
Attorneys for Respondent/Appellant

by depositing same in the U.S. Mail, postage prepaid.

I further certify that a copy of the Petitioner/Appellee's *Response to Petition in Error* was mailed to or filed in the Office of the Court Clerk of Washington County on the 30 day of August, 2017.



N. Scott Johnson
Patrick H. McCord

EXHIBIT A – STATEMENT OF THE CASE

The parties hereto were married on February 2, 2007, and have one (1) child born of their marriage, namely, [REDACTED] born December 2007. Petitioner/Appellant (hereinafter: “Husband”) filed his *Petition for Dissolution of Marriage* on March 10, 2014. Prior to their marriage, the parties entered into and executed a *Prenuptial Agreement* which Respondent/Appellant (hereinafter: “Wife”) challenged and sought to vitiate during the proceedings.

The trial court addressed the validity of the *Prenuptial Agreement* in a separate hearing held January 19, 2016, finding that said *Agreement* was valid and enforceable.

Trial on the merits was held over two days on March 28th and 29th, 2017. Post-trial, the parties submitted written closing arguments and the trial court rendered its *Findings of Fact and Conclusions of Law* on April 27, 2017. Final written journal entries were filed July 18, 2017, wherein the trial court, among other things, equitably divided the parties’ *joint* property, restored each party to their separate property, and awarded Wife support alimony. Wife appeals the trial court’s decision regarding: the validity and enforceability of the *Prenuptial Agreement*; the trial court’s division of the marital estate; the trial court’s award of separate property to Husband; the amount of support alimony awarded; and the trial court’s award of attorney fees to Husband for Wife’s failed attempt to challenge the *Prenuptial Agreement*.

Since entry of the trial court’s decision, Wife has accepted the benefits of the judgments awarded to her and has, therefore, waived her right to appeal. Subject to and without waiving this argument, Husband asserts that the trial court’s decision as to all issues was supported by the evidence and was not an abuse of discretion. The trial court should be affirmed.