IN THE DISTRICT COURT OF TULSA COUNT TO STATE OF OKLAHOMA

D. BARTLETT,		MBY 1 6 2000
	Plaintiff,	STATE OF COLL THE SCHOOL
) Case No. FD-2002-522
S. BARTLETT,) Judge Haskins
	Defendant.	;

MOTION FOR PARTIAL SUMMARY JUDGMENT AND BRIEF IN SUPPORT

The Plaintiff, Dewey F. Bartlett, Jr. (Dewey), moves for summary judgment regarding the determination of his separate property. There is no substantial conceversy as to any material fact or as to the law governing characterization of separate property.

Plaintiff offers the following points and authorities for the Court's consideration.

Background

Dewey inherited a substantial interest in Keener Oil Company (KOC) and/or other Bartlett family assets in 1975, following the death of his paternal uncle, David A. Bartlett. The interest in the oil company was held in trust for Dewey and his two siblings. Dewey was co-trustee and a non-family member was the other co-trustee. From 1975 until 1987, KOC was run by a non-family hired manager. Dewey married Susan Bartlett (Susan) in 1982. In 1987, Dewey received distribution of the bulk of trust assets and took control of the management of KOC. Dewey earned a salary for his management duties, distinct from his interest distribution from KOC. During most of his 20-year trustriage to Susan. Dewey personally managed his assets, which consisted of KOC.

estate holdings, and an investment portfolio. During the marriage, Dewey's sources of funds were assets inherited, earnings derivative of assets inherited, in one form or another from his uncle, gifts from his mother, and the earned salary from KOC. The only funds which were marital property were Dewey's earned salary during the marriage. Additionally, Dewey had substantial separate personal property accumulated prior to his marriage, as detailed in Ex. A. The parties lived a lifestyle which exceeded Dewey's salary and thus consumed a large portion of Dewey's separate estate.

At issue in this case are tracing the proceeds from the partnership interest, real estate interest, and accounts maintained at the Bank of Oklahoma. BOK Account No. 1) was held in the name of Dewey F. Bartlett, Jr. He was the sole signatory over the account. The account lists his office address. Each month, Dewey deposited in BOK Account No. I salary from KOC and, periodically, he deposited some carnings from his investment holdings. BOK Investor Fund (Acct. No. 39) was

household expenses such as utilities, taxes, insurance, repairs, entertainment, childcare and school tuition. As excess funds accumulated in BOK Account No. 1 because of earnings from separate property holdings, Dewey periodically transferred the excess funds to the BOK Investment Account for reinvestment and management. Most earnings from separate property were deposited directly into the BOK Investor Fund.

At no time was Susan employed by KOC or its successor or any other industry, nor was she involved in the management of KOC or any of Dewey's investments. Prior to marriage, Susan received her undergraduate degree. Susan brought no assets into the marriage. Three years ago, at the time of the parties' initial separation, Susan elected to return to school to earn a post-graduate degree. During the pendency of the divorce, Susan has remained unemployed, living in the marital home. Susan's household and living expenses have been paid monthly through Dewey's payment of separate maintenance temporary alimony. Dewey has paid educational expenses and other expenses in addition to alimony.

One child was born of the marriage, Dewey F. Bartlett, III. Susan has temporary custody of Dewey F. Bartlett, III, who will be 16 years old July 12, 2003.

It is undisputed that the source of all the property acquired during the marriage, except Dewey's salary, was from Dewey's inherited assets: KOC, real and personal property, cash, stocks, and earnings generated from assets inherited by Dewey (from his uncle) and through *intervivos* gifts from Dewey's mother. There was no other source of income except income generated from Dewey's inheritance and his salary.

It is also undisputed that, despite Dewey's best managerial efforts, there was no enhancement in the value of Dewey's inherited estate during the course of the marriage. In fact, the value of Dewey's inherited estate declined during coverture through depletion or depreciation. Dewey managed his inheritance by transferring assets among and between the various components of his total inheritance.

On February 6, 2002, Dewey filed a Petition for Divorce. As of October 2002, Dewey's separately-owned property consisted of the following:

INO.			Asset
			- Balling Co.

- 1. Marketable Securities
- Oil and Gas Interests-Distributed in Liquidation of KOC
- Lumen Energy
- 4. Keener Oil & Gas Company (100%)
- Pecan Farm, Osage County
- 6. Farm Equipment
- Condominium, 50 E. Woodward
- 8. Notes Receivables, Sage Properties Ltd.

In addition to these assets, Dewey's separately-owned personal property also included property listed in Ex. A.

Undisputed Facts

1. The Bartlett family began an oil business in Oklahoma in the early 1910's, and continued operations via various entities which eventually became known as Keener Oil Company ("KOC"), a partnership. Over the years and beginning before the parties were married. Dewey began receiving interests in KOC through inheritance and family gifts. Dewey eventually restructured his portion of KOC into a corporation, Keener Oil

San attached Ex El Spreadsheet