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No. 23A 885

IN THE
SUPREME COURT OF THE UNITED STATES

ALBERTA ROSE JOSEPHINE JONES, PETITIONER

V.

DONALD DAVID JONES, RESPONDENT

FROM THE SUPREME COURT, STATE OF OKLAHOMA

EMERGENCY RULE 23 APPLICATION FOR STAY OF ENFORCEMENT OF MONEY JUDGMENT RULE 13.5

PROOF OF SERVICE

I, Alberta Rose Josephine Jones, do swear or declare that on March 28, 2024 as required by Supreme Court Rule 29 I have served the enclosed Emergency Rule 23 Application for Stay of Judgment RULE 13.5 on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days. The names and addresses of those served are as follows:

Shanda Adams
1211 N. Shartel Ave., Ste. 200
Oklahoma City, OK 73103

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 2, 2024

Alberta Rose Josephine Jones, Pro Se
PO Box 188
Tryon, Oklahoma 74875
Pro Se, Applicant

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To: Justice Neil M. Gorsuch, Associate Justice and Justice for the Tenth Circuit

Petitioner and non-prevailing party below, Alberta Rose Josephine Jones, asks that enforcement of the underlying judgment be stayed pending the disposition of this case in this court. This is a divisible divorce case and said subject does not require posting of a supersedeas bond per Sup. Ct. Rule 62(b) and (e):

(b) Stay of Execution on Default Judgment. Execution in a personal action shall not issue upon a judgment by default against an absent defendant who has no actual notice thereof until one year after entry of the judgment except as provided by law.

(e) Stay Upon Appeal. Except as provided in subdivisions (c) and (d) of this rule, the taking of an appeal from a judgment shall operate as a stay of execution upon the judgment during the pendency of the appeal, and no supersedeas bond or other security shall be required as a condition of such stay.

The questions presented: If a contest over title to real property/marital assets turns solely on an important issue of the U.S. Constitution Article IV, 1 Full Faith and Credit Clause, whether the court that render the final judgment had in rem jurisdiction or quasi en rem jurisdiction over title to the real property/marital assets in a divisible divorce and whether said respondent had minimal contacts with the forum state. In this particular case it appears the states are unfairly treating marital assets when one party is not permanently domiciled in one state and the other permanently domiciled in another state and the real property/marital assets are physically contained in the state in which the district court which rendered the judgment had absolutely no jurisdiction over the real property/marital assets in the other state. The case before this court must 5

resolve how divisible marital assets should be treated when not physically within the jurisdiction of the state that rendered the judgment and no minimal contacts existed with the Respondent. It appears to said Petitioner there is a split among many of the U.S. States and must be resolved by this court before these marital and non-marital assets of Petitioner Jones are unlawfully taken by the court that rendered the judgment.

Petitioner further claims Okla. Const. Art. VII, § 7(a) "The District Court shall have unlimited original jurisdiction of all justiciable matters" is blatantly "unconstitutional" as no state district court in the United States of American shall have unlimited jurisdiction of "all" justiciable matters such as in this case regarding state laws and personal property and assets outside their territorial boundaries.

In contrast to the limited jurisdiction of the federal courts, the states operate courts of general jurisdiction, which are not bound by federal constitutional limits on the types of cases they can hear. As part of such general jurisdiction, state courts have the authority to hear most cases that raise issues under the Constitution or federal law, except in areas where the federal courts possess exclusive jurisdiction. Just as federal courts are the ultimate interpreters of federal law, state courts are the ultimate authority on the meaning of state law. (https://www.law.cornell.edu/constitution-conan/)

State courts are courts of "general jurisdiction". They hear all the cases not specifically selected for federal courts. Just as the federal courts interpret federal laws, state courts interpret state laws. **Each state gets to make and interpret its own laws.** (https://judiciallearningcenter.org/state-courts-vs-federal-courts) The State of Oklahoma has absolutely no jurisdiction to interpret the laws of the State of California or

violate such laws which this petitioner states Oklahoma unconstitutionally violated petitioner's "rights."

A. Petitioner Jones has satisfied the procedural prerequisites of Supreme Court Rule 23.

Petitioner Jones requests to stay relief in this court concerning said final judgment and order dated April 25, 2018 (Appendix (A)) after being denied such relief in the highest court in the State of Oklahoma four times- March 26, 2024, Appendix (B), Sept 10, 2018, Appendix (C), March 28, 2023, Appendix (D) , and April 13, 2023, Appendix (E). Petitioner Jones' Motions for Stay are attached as Appendix (F) dated June 4, 2018 and Appendix (G) dated August 8, 2018. Petitioner did the following in both the District and the Appellate Courts in the forum state, repeatedly filed motions to dismiss regarding the Respondent having no minimal contacts with the forum state and the fact that the forum state was a non convenient forum. Petitioner repeatedly filed motions stating the forum state had no jurisdiction of the assets which were ultimately made a part of the default judgment. Absolutely all of the marital assets in the default divorce decree are assets located in the State of California i.e. $20,000 in California property taxes, a Subaru vehicle in California belonging to the Petitioner, and "alleged" damages to property located in California now in excess of $127,423. Petitioner would not be strapped with $105,000 in Sanctions and the Respondent would be totally responsible for his attorney fees in excess of $60,000. None of the above monies would have been possible if litigation had taken place in the correct forum and the Petitioner would have not only been entitled to alimony and thousand of dollars in damages caused to said properties by the

Respondent would be repaired. Currently the "roof" at Petitioner's previous home would be repaired and her daughter would have a place to live. Both properties jointly owned by said parties in California are virtually unlivable because of said respondent and the failure of the legal system to have a divorce settled in the correct "forum." The State of Oklahoma has caused the Petitioner to suffer both emotionally, mentally and physically. The Respondent, his various attorneys both in Oklahoma and California.

The district court entered money judgments for the Respondent in the amounts of $127,423 (for "alleged" damages to a jointly owned property in "Pacific Grove, Ca"), $20,000.00 (for property taxes on homes owned by both the Petitioner and respondent one being "rented solely by their eldest son, Joseph Matthew Jones, and the other being occupied by the respondent), $105,000.00 (for sanctions against the Petitioner) and $60,000.00 (for attorney fees for the respondent) for a total of **$312,423 plus interest** as well as a current motion before the Court of Civil Appeals State of Oklahoma for sanctions yet to be determined by said court. It is assumed the Court of Civil Appeals for the State of Oklahoma will grant such sanctions based upon their most recent final decree dated March 15, 2023. (Appendix (H)) It is estimated that said Petitioner Jones will be forced to pay money damages to said Respondent in excess of **$500,00.00**. Money she does not have which is causing her severe hardship and undue stress. Applicant has struggled for many years to bring this case before this honorable court.

Petitioner filed a timely motion for a petition for rehearing. (Appendix (I)) Petitioner's Motion for rehearing was granted on April 7, 2023. (Appendix (J)) Oklahoma Supreme Court Rule 3.15 Mandate; Stay; Further Petition for Rehearing

(Appendix (K)) and Rule 3.14 Rehearing; Requisites of Petition. (Appendix (L))

B. Proper Title to Alberta's homes hinges on unresolved divisible divorces in the United States.

The forum state wants "jurisdiction" of marital assets not within their "boundaries" such as a vehicle, two homes, personal belongings in those homes, unlawfully determining when a married couple ended their divorce years in the past affecting federal and state "taxes" the couple filed jointly, debts that no longer exist. The forum state went so far as to issue a "judgment" of $127,423 for "supposed" "undocumented" property damage to a home in California when the couple were still "residents" of the State of California and well past the "statute" of limitations in the State of California. Absolutely no proof exists in the divorce filings and no proof was claimed by the respondent by way of jointly filed federal tax returns in the years 2011 or 2012.

"[W]hen claims to the property itself are the source of the underlying controversy between the plaintiff and the defendant, it would be unusual for the State where the property is located not to have jurisdiction." (Shaffer v. Heitner, 433 U.S. 186, 207 . . .). Thus, a state continues to have jurisdiction to resolve claims to property located within its borders.

This Court's previous opinion:

[T]he presence of property in a State may bear on the existence of jurisdiction by providing contacts among the forum State, the defendant, and the litigation. For example, when claims to the property itself are the source of the underlying controversy between the plaintiff and the defendant, it would be unusual for the State where the

property is located not to have jurisdiction. In such cases, the defendant's claim to property located in the State would normally indicate that he expected to benefit from the state's protection of his interest. The State's strong interests in assuring the market-ability of property within its borders and in providing a procedure for peaceful resolution of disputes about the possession of that property would also support jurisdiction, as would the likelihood that important records and witnesses will be found in the state. (Shaffer v. Heitner, 433 U.S. 186, 207 . . .)

Although utilization of in rem and quasi in rem jurisdiction should be carefully scrutinized, "when claims to the property itself are the source of the underlying controversy between the plaintiff and the defendant, it would be unusual for the State where the property is located not to have jurisdiction" (Shaffer v. Heitner, 433 U.S. 186, 207 . . .)

A decree of divorce rendered in one State may be collaterally impeached in another by proof that the court which rendered the decree had no jurisdiction, even though the record of the proceedings in that court purports to show jurisdiction. Williams v. North Carolina, 325 U.S. 229 (1945)

In short, the Full Faith and Credit Clause puts the Constitution behind a judgment, instead of the too fluid, ill defined concept of "comity." 325 U. S. 229 (1945)

But the Clause does not make a sister-State judgment a judgment in another State. The proposal to do so was rejected by the Philadelphia Convention. 2 Farrand, The Records of the Federal Convention of 1787, 447, 448. "To give it the force of a judgment in another state, it must be made a judgment there." McElmoyle v. Cohen, 13 Pet. 312, 38

U. S. 325. It can be made a judgment there only if the court purporting to render the original judgment had power to render such a judgment. A judgment in one States is conclusive upon the merits in every other State, but only if the court of the first State had power to pass on the merits -- had jurisdiction, that is, to render the judgment.

In light of the possible jurisdiction issues in divorce, it is important to know which state has jurisdiction over all aspects of the divorce before the complaint is filed to ensure the matter is pursued in the proper location. While the divorce itself can be finalized rather quickly in a divisible divorce situation compared to the more complicated litigation that often arises with the division of a marital estate, the estate must be divided at some point, and it is therefore best to know from the start which state has jurisdiction over the property and the parties to avoid separate litigation in multiple states.

In rem jurisdiction is based not upon contacts between the forum and the defendant's person, but rather upon contacts between the forum and the defendant's property. For example, a state always has jurisdiction to determine who owns real property located physically within its borders, even if all of the various claimants reside out of state.

The financial issues arising at divorce property division, spousal support, and child support are governed by the traditional jurisdiction standard applying to money judgments generally. That standard consists of two alternative tests. First, jurisdiction is always proper if the defendant is personally served within the territorial borders of the forum state. Burnham v. Superior Court, 495 U.S. 604 (1990). Second, if the defendant is not personally served, jurisdiction still exists if the defendant has sufficient minimum

contacts with the forum. The contacts must result from purposeful action on the part of the defendant, and not from mere passive acquiescence in the desires of children or other third persons. Kulko v. Superior Court, 436 U.S. 84 (1978)

State courts generally recognize that under Williams jurisdiction to grant a divorce is proper in any state in which either spouse is domiciled. There has been some discussion over whether Williams was overruled by Shaffer, which requires minimum contacts for assertion of quasi-in-rem jurisdiction. The majority rule is that the language from Shaffer quoted above, approving of true in rem jurisdiction, preserves the holding in Williams. See In re Kim-ura, 471 N.W.2d 869 (Iowa 1991); Weller v. Well-er, 164 Or. App. 25, 988 P.2d 921, 927 n.7 (1999).

In particular, domicile exists if the plaintiff spouse intends to remain indefinitely, even if the reason for that intention is to satisfy the residency requirement and obtain a divorce. See In re Kimura, 471 N.W.2d 869 (Iowa 1991); Fletcher v. Fletcher, 95 Md. App. 114, 619 A.2d 561 (1993); Hager v. Hager, 79 Ohio App. 3d 239, 607 N.E.2d 63 (1992).

Forum non conveniens has been discussed much more often than it has been actually applied. In light of this fact, a spouse who argues for application of the doctrine in the divorce setting is likely to succeed only where the facts suggest that the forum is seriously inconvenient for both parties.

Other states adopt a broader view, holding that the trial court may always consider whether it is a convenient location for litigating the action. For example, in Alley v. Parker, 707 A.2d 77 (Me. 1998), the court held that the parties' divorce action could be more conveniently litigated in California. Most of the witnesses were located there, the

court noted, and California clearly had jurisdiction under the relevant statutes to resolve the pending divorce.

Regardless of whether a divorce action is pending in another jurisdiction, state courts can also defer jurisdiction under the doctrine of forum non conveniens. That doctrine gives the trial court discretion to refuse to hear a case if the case could more conveniently be heard in another forum. The doctrine is not limited to domestic relations, and has broad application to many different types of actions. See generally 21 C.J.S. Courts 69 (1990).

The Full Faith and Credit Clause, U.S. Const. art. IV, 1, requires the courts of one state to defer only to final judgments from another state. It does not require any state to defer to the mere possibility that a state might render such a judgment in the future, or to the presence of a pending action elsewhere. Thus, as a matter of constitutional law, two married persons are perfectly free to pursue simultaneous divorce actions in different states. "The rule, therefore, has become generally established that where the action first brought is in personam and seeks only a personal judgment, another action for the same cause in another jurisdiction is not precluded." Kline v. Burke Construction Co., 260 U.S. 226, 230 (1922).

The Texas Supreme Court reached a similar result in Dawson, holding that in rem jurisdiction is available only where the defendant consented to the presence of property within the forum state. On the facts, the husband had moved from Minnesota and California to Texas after separation, bringing with him various items of community property. Because the wife did not consent to the presence of these pieces of property

within Texas, the court refused on the facts to exert in rem jurisdiction. The Supreme Court's denial of certiorari in Dawson suggests that it may agree with Carroll and Dawson that the presence of property is a sufficient basis for jurisdiction only where the presence results from some purposeful action of the defendant. 363 S.E.2d at 874.

Thus, the court seemed to accept the holding in Breen that in rem jurisdiction is available. The court held, however, that it is available only where the property arrived in the state because of some purposeful act of the defendant, so that, in the Breen court's phrase, the defendant made "a conscious assumption of risk that the State would . . . adjust their disputes over ownership should the marriage dissolve." In re Breen, 560 S.W.2d at 363. On the facts of Carroll, there was no evidence that the property was in the state through the action or consent of the defendant. This lack of evidence was fatal to the court's jurisdiction.

Here, the facts do not indicate who brought the property into North Carolina or whether defendant even consented to the property being in North Carolina. See Restatement (Second) of Conflicts of Law Sec. 60 comment d (1969) ("A state will not usually exercise judicial jurisdiction to affect interest in a chattel brought into its territory without the consent of the owner unless and until the owner has had a reasonable opportunity to remove the chattel, or otherwise waived the exemption[.)]

A North Carolina decision adopts a more traditional approach, accepting in rem jurisdiction on the law but rejecting it on the facts. In Carroll v. Carroll, 88 N.C. App. 453, 363 S.E.2d 872 (1988), the parties lived during the marriage in Washington. When they separated, the wife moved to North Carolina, bringing certain marital assets with

her. The trial court accepted in rem jurisdiction to divide those assets which were physically present, but the court of appeals reversed:

The fact that there exists some personal property in North Carolina in which the defendant may have an interest because of the equitable distribution statute is not alone sufficient to establish jurisdiction over the defendant or his property. If there was evidence the defendant [husband] brought the property into North Carolina or consented to the placement of property in North Carolina, this would be some evidence of contacts with the forum State, the defendant and the litigation. . . . In re Marriage of Breen. . . . This, however, would not itself necessarily be decisive concerning the issue of jurisdiction. The United States Supreme Court has recently emphasized that in each case, under the test in International Shoe, the exercise of jurisdiction must be reasonable and fair.

The court summarily recognized in rem jurisdiction in Cheng v. Cheng, 347 Pa. Super. 515, 500 A.2d 1175 (1985). The parties in Cheng separated in Pennsylvania, and the husband moved to South Carolina. He filed a divorce petition there, and the court granted the divorce itself, but it refused to consider the economic issues because it lacked personal jurisdiction over the wife. The wife then filed in Pennsylvania an independent action to divide the marital property. The trial court dismissed, but the appellate court reversed. The court reasoned that "this Commonwealth has jurisdiction because significant marital property is located here." 500 A.2d at 1186. It also stated that "property matters in a divorce case are within the jurisdiction of the state where that property is located." Id.

The most substantial recent decision to approve in rem jurisdiction is Abernathy v.

Abernathy, 267 Ga. 815, 482 S.E.2d 265 (1997). The parties to that case lived in Louisiana during their marriage. Upon their separation, the husband moved to Georgia. One year later, he filed a divorce action. The wife moved to dismiss on grounds that she had no minimum contacts with Georgia, so that the state court could not exercise personal jurisdiction over her. The trial court agreed, but held that it nevertheless had in rem jurisdiction to divide property physically located within the state. The Georgia Supreme Court affirmed:

Respondent Jones had absolutely no minimal contacts with the State of Oklahoma. He paid no bills in the State of Oklahoma including "state taxes" or "property taxes." He had no vehicles registered in the State of Oklahoma and definitely no driver's license. He received no mail in the State of Oklahoma. He was not personally served in the State of Oklahoma, received no summons and was only served by regular mail. His own admission is his counter-claim against the Petitioner. (Appendix (M)) doesn't state he is a resident of Oklahoma or that he has "minimal" contacts. The document was "notarized" in Sunnyvale, California. There was no effort by his attorneys to prove he had "minimal" contacts with the State of Oklahoma. He never testified under oath as to his contacts with the State of Oklahoma. **He made no initial appearance.** His attorney appeared but he did not. **Petitioner complained about this fact in that he was absent.**

The Respondent in this matter did not meet the "minimal" contact test with the forum state: 1) he was not personally served in the State of Oklahoma, 2) he received no summons 3) he never lived in the State of Oklahoma 4) he had absolutely "no" minimal contacts with the State of Oklahoma 5) he didn't even make an initial appearance in the

divorce in fact he never appeared accept for an appearance after the divorce was ongoing for over 3 years, 6) his presence in the on-going divorce proceedings was basically nonexistent because the Petitioner continued to file motions to dismiss for non-convenient forum and lack of jurisdiction over both the respondent and the "marital" assets which were in the State of California.

Minimum contacts are a nonresident civil defendant's connections with the forum state (i.e., the state where the lawsuit is brought) that are sufficient for the forum state to assert personal jurisdiction over that defendant. Lack of minimum contacts violates the nonresident defendant's constitutional right to due process and "offends traditional notions of fair play and substantial justice" (*International Shoe Co. v. Washington, 326 U.S. 310 (1945)*). Defendants' minimum contacts can take the form of general jurisdiction or specific jurisdiction. Some examples of minimum contacts include conducting business within the state, incorporating in the state, and visiting the state. Respondent had none of these.

C. A Stay of Enforcement is Warranted

11 U.S.C. § 362(b)(2)(a)(IV) – Automatic Stay

11 U.S. Code § 362 - Automatic stay

(2) subsection (a)—

(iv) for the dissolution of a marriage, except to the extent that such proceeding seeks to determine the division of property that is property of the estate; or

(b) Stay of Execution on Default Judgment. Execution in a personal action shall not issue upon a judgment by default against an absent defendant who has no actual

notice thereof until one year after entry of the judgment except as provided by law.

(e) Stay Upon Appeal. Except as provided in subdivisions (c) and (d) of this rule, the taking of an appeal from a judgment shall operate as a stay of execution upon the judgment during the pendency of the appeal, and no supersedeas bond or other security shall be required as a condition of such stay.

In Rem Jurisdiction in the United States:

1. Value of property: The property must be valuable.
2. Location of property: The property must be located within the territory in which the court has jurisdiction. ...
3. Control of property: The court must have control of the property before it is able to exercise in rem jurisdiction.

Furthermore, in in rem actions, jurisdiction is fair to the parties involved since the forum state has strong interests in regulating the ownership of property and the defendant's claim to the property indicates that he intended to benefit from the state's protection of his property interests.

Petitioner Jones is likely to succeed on the merits. In this case it is quite the opposite, the Petitioner wanted the State of California which had control over the property and strong interests in regulating the ownership of the property and how it was maintained to have control and the defendant did not so he could benefit from the forum court which were strictly in his best interest not that of the in state plaintiff vs. the out-of-state defendant. The out-of -state defendant wanted the benefit of the "corruption" and "politics" in the forum state which he did.

The burden of proving physical residence is on the plaintiff. Skiles v. Skiles, 646 N.E.2d 353 (Ind. Ct. App. 1995); Wambugu v. Wambugu, 896 S.W.2d 756 (Mo. Ct. App. 1995); Hager v. Hager, 79 Ohio App. 3d 239, 607 N.E.2d 63 (1992). Once physical residence is proven, there is a presumption that the plaintiff intended to reside permanently in his or her place of residence. Andrews v. Andrews, 697 So. 2d 54 (Ala. Civ. App. 1997); Hager v. Hager, 79 Ohio App. 3d 239, 607 N.E.2d 63 (1992). Stated differently, the fact of physical residence alone is sufficient proof to justify a finding of an intent to remain permanently. The defendant therefore bears at least the burden of introducing evidence suggesting that the plaintiff did not intend to reside in the forum state permanently.

Petitioner filed a Federal Rule of Civil Procedure (FRCP) 5.1 certification to the State of Oklahoma Attorney General. The Oklahoma Supreme Court ruled on the matter as being out of time. The State of Oklahoma Attorney General failed to file a response even though properly served by way of both certified mail with return receipt and electronically per FRCP Rule 5.1. Per FRCP Rule 5.1, Petitioner request's this honorable court review her claims. In light of the above, FRCP 5.1: (d) No Forfeiture. A party's failure to file and serve the notice, or the court's failure to certify, does not forfeit a constitutional claim or defense that is otherwise timely asserted.

CONCLUSION

For the reasons above, Alberta Rose Josephine Jones asks and prays that the judgment issued in the default divorce decree which exceeds well over $400,000.00 be

stayed pending the outcome of either her filing a writ of certiorari or a petition for writ of mandamus and prohibition with the United States Supreme Court. Said Petitioner does not have $400,000 which now exceeds $500,000 or "half a million dollars." **The public interest is served by preventing a sale which may result in later, additional litigation to set the sale aside, possibly involving a purchaser who would not or should not be a part of a messy divorce settlement, should Petitioner Jones prevail.**

If the default divorce decree was to be enforced in the State of Oklahoma, Petitioner would be unjustly forced to sell a home she has owned for the majority of her life and one which she intended on permanently residing until her husband started taking all of her lifelong belongings and forging her signature on federal tax returns. Petitioner Jones respectfully requests this motion be accorded emergency consideration given the harm already caused the applicant after repeated attempts to stay the enforcement of an unfair judgment against her.

Dated: April 2, 2024

Respectfully Submitted,

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Pro Se Litigant

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OF

APPENDICES

APPENDIX A

IN THE DISTRICT COURT OF LINCOLN COUNTY
STATE OF OKLAHOMA

FILED
APR 25 2018
SANDY KIRBY, COURT CLERK
LINCOLN COUNTY, OKLAHOMA

IN RE THE MARRIAGE OF:

ALBERTA ROSE JONES,

Petitioner,

And,

DONALD DAVID JONES,

Respondent.

Case No. FD-2015-0004

DECREE OF DIVORCE AND DISSOLUTION OF MARRIAGE

On the 24th day of April, 2018, this matter was presented for hearing upon this Court's March 1, 2018 *Order* setting all matters for hearing. Petitioner, Alberta Rose Jones did not appear and is in default of this Court's Order dated February 27, 2018. Respondent, Donald David Jones, appeared in person and by his attorneys of record, Shanda L. Adams and John D. L. Clifton of Rick Dane Moore and Associates, PLLC. Whereupon, the Court proceeded to review the court file and appearance docket and receive the evidence and the argument of counsel and the testimony of Respondent. The Court had an opportunity to observe the witnesses and assess the credibility of the witness. Being fully advised of the premises, the Court FINDS, ORDERS, and DECREES as follows:

DATE OF MARRIAGE AND JOINT INDUSTRY

The Petitioner and Respondent were lawfully married on February 26, 1980, in Santa ClaraCounty, State of California, and remained husband and wife until their separation on approximately January 1, 2011, at which time the joint industry of the marriage ended and the parties were irrevocably separated. There are no minor children arising of the marriage herein, and the Petitioner is not pregnant at this time.

JURISDICTION

The Petitioner was a bona fide resident of the State of Oklahoma for more than six consecutive months prior to the filing of this action and a bona fide resident of Lincoln County for at least thirty days prior to filing this action. The matter has been assigned by the Supreme Court of the State of Oklahoma to Judge George Butner of Seminole County District Court on or about October 4, 2016. Accordingly, the Court has subject matter jurisdiction concerning this action and venue is proper in this County.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that:

1. The parties are divorced and their marital relation is terminated and dissolved, which decree is final on this date. The parties are admonished to be in compliance with the law of this state prohibiting remarriage of the parties (except to each other) until six months passes from this date.

2. The Court finds that the parties have been separated since January 1, 2011. Accordingly, any and all property or debts acquired by the parties since that date is the separate property or debt of the party who acquired the same and shall not be equitably divided by this Court.

3. Petitioner is awarded her separate property, free and clear of all right, title, interest, or claim of the Respondent.

4. Petitioner is ordered to pay, and to indemnify and hold Respondent harmless from all claim, demand, and liability associated with her separate, non-marital property.

5. Respondent is awarded his separate property, free and clear of all right, title, interest, or claim of the Petitioner.

6. Respondent is ordered to pay, and to indemnify and hold Petitioner harmless from all claim, demand, and liability associated with his separate, non-marital, debts.

7. The parties are the owners of real property commonly referred to as 1144 Tangerine Way, Sunnyvale, California (Sunnyvale Property). This court finds that Petitioner knowingly and voluntarily withdrew $25,000.00 from the Home Equity Line of Credit (HELOC) on the Sunnyvale Property after commencing this action, and thus knowingly encumbered the marital property in anticipation of separation or divorce. Accordingly, Petitioner is ordered to pay to Respondent $25,000.00 removed from the home equity line of credit by Petitioner. The Respondent is further awarded all of the parties' rights, title, and interest in Sunnyvale Property. The Sunnyvale property has an estimated value of $1.1 million after necessary repairs estimated at roughly $200,000 and is encumbered by

documents as Ordered by this Court on February 27, 2018. The Petitioner is awarded all of the parties' right, title, and interests in the Petitioner's I.R.A. Account.

12. The Respondent is the owner of a Thrift Savings Plan, contributed to by Respondent and his employer, the United States Postal Service, throughout the course of the marriage and by joint industry of the marriage. The Thrift Savings Plan is currently valued at $112,742.00 The Respondent is awarded all of the parties' right, title, and interests in the Thrift Savings Plan.

13. The Respondent is the owner of an E-Trade Account, valued at approximately $5,000.00. This Account was contributed to during the marriage and is thus the product of joint industry of the marriage. The Respondent is awarded all of the parties' right, title, and interests in the E-Trade Account.

14. The parties are the owners of various stocks and shares, including stocks in Disney, Time Warner, A.M.A.T., Time Warner Cable, and other miscellaneous stocks, valued at approximately $15,000.00. The Petitioner is awarded all of the parties' right, title, and interests in the stocks and shares owned by the parties. Respondent is ordered to execute and deliver to the Petitioner good and sufficient acknowledged documents of title, transfer, and delivery as are necessary to effectuate this Order.

15. The parties are the owners of a number of vehicles, which are of nominal and varying values. The Petitioner is awarded all of the parties right, title, and interests in the 2007 Toyota Tundra, 1995 Chevy Van, 2002 KZ03 Sportsman Trailer, and all vehicles currently in the possession of the Petitioner. The Respondent is awarded all of the parties' right, title, and interests in the 2002 Subaru WRX, 2004 Honda Accord (as the Respondent's sole and separate property inherited from the estate of Respondent's father), and all vehicles otherwise in the Respondent's possession. Both parties are ordered to execute and deliver to the other all such good, sufficient, and acknowledged documents of title, transfer, and delivery as are necessary to accomplish and effectuate conveyance, transfer of title and delivery of each of the above vehicles. The parties shall be assigned and be liable for any and all loans or debts on the respective vehicles assigned to them in this Order.

16. This Court finds that Respondent has solely paid all property taxes on the Sunnyvale and PG Properties since the separation of the parties in 2011, total of approximately $27,500.00. Respondent has solely paid all property taxes on the PG property since the separation of parties up until 2016 since there were no property tax for 2016-2017 fiscal tax year due to property damage; total of approximately $16,000. The Petitioner does not pay property taxes on the Agra property due to her status as a disabled veteran. Accordingly, the Petitioner is ordered to pay Respondent $20,000.00.

17. That a judgement lien has been entered against the Sunnyvale and/or PG Properties by one Mark Simonson result of a judgement against the Petitioner in California. Petitioner is ordered to pay all judgement and costs arising from this action and to immediately settle this matter so as to remove any and all liens from the Sunnyvale and PG Properties.

approximately $415,000 in debt from a mortgage and HELOC. The Respondent is assigned any and all debts associated with the Sunnyvale Property, sans the $25,000.00 encumbrance placed upon the property by Petitioner in anticipation of divorce or separation. The Petitioner is ordered to execute and deliver to Respondent good, sufficient, and acknowledged documents of title, transfer, and delivery as are necessary to accomplish and effectuate a conveyance of the title and delivery of the property. Respondent is ordered to immediately seek refinancing on the Sunnyvale property or otherwise remove the Petitioner's name from the loan on the property.

8. The parties are owners of real property commonly referred to as 780706 S. 3450 Road, Agra, Oklahoma, and more particularly referred to as 45 AC MOL 11-16-4 N 1485' OF W/2 SW/4 16-4-11-300-002 (Agra Property). There is no debt associated with this property. The Agra Property has an appraised value of approximately $220,000. The Petitioner is awarded all of the parties' rights, title, and interest in the Agra Property. The Respondent is ordered to execute and deliver to Petitioner good, sufficient, and acknowledged documents of title, transfer, and delivery as are necessary to accomplish and effectuate a conveyance of the title and delivery of the property.

9. The parties are owners of real property commonly referred to as 390 Melrose St., Pacific Grove, California (PG Property). This Court finds that Petitioner knowingly and voluntarily damaged and/or destroyed the PG Property in roughly 2011, causing damage to the marital asset in the amount of $127,423.00 by permitting waste to occur on the property during her tenancy thereof, violating several city ordinances, and failing to pay past due property taxes while it was under Petitioner's control. Further damage occurred in or around December 2015 to this property, and Petitioner is found liable for the failure to repair the property and for the loss of rental income during the period from April 2016 to present. Accordingly, damages to the marital estate in the amount of $127,423.00 are imputed to Petitioner. The PG property has an estimated value of $850,000 after necessary repairs relating to the December 2015 damage and is unencumbered by any mortgage. Petitioner is awarded all of the parties' rights, title, and interest in the PG Property. The Respondent is ordered to execute and deliver to Petitioner good, sufficient, and acknowledged documents of title, transfer, and delivery as are necessary to accomplish and effectuate a conveyance of title and delivery of the property. Petitioner is to immediately remove the Respondent's name from any insurance policy associated with this property and to assume liability for any fines, costs, or fees associated with the property as result of the December 2015 damage to the property.

10. The Respondent is the owner of an Individual Retirement Account (I.R.A. Account), valued at $207,000.00 and contributed to during the course of the marriage through the joint industry of the marriage. The Respondent is awarded all of the parties' right, title, and interests in the Respondent's I.R.A. Account.

11. The Petitioner is the owner of an I.R.A. Account, contributed to during the course of the marriage through the joint industry of the marriage. The value of Petitioner's I.R.A. Account is unknown, as Petitioner has refused to participate in Discovery or submit

18. That Petitioner has represented herself *pro se* throughout the majority of this action and has filed no fewer than three (3) collateral actions in the United States Court for the Western District of Oklahoma and in the State of California and an untimely *Petition for Writ of Mandamus* before the Supreme Court of Oklahoma. Further, that Petitioner has failed to adhere to the jurisdiction of this Court despite Petitioner's filing before this Court. That Petitioner's actions have caused undue delays in this case, and unnecessary burden upon the Respondent and the Court, and that Petitioner has acted capriciously and arbitrarily throughout the course of this action, including but not limited to Petitioner's failure to comply with discovery and other orders of this Court. That Petitioner's conduct has unnecessarily increased the overall cost of litigation in this matter. Accordingly, Respondent is awarded attorney fees in the amount of $60,000.00.

19. As to each and all of the foregoing awards and orders pertaining to real and/or personal property, each party is ordered, on this date, to execute and deliver to the other all such good, sufficient, and acknowledged documents of title, transfer, and delivery as are necessary to accomplish and effectuate conveyance, transfer of title and delivery of each and all of the foregoing awards and orders of real and/or personal property to each respective party. In the event that either party fails to do so, and on this date, this Decree of Divorce and Dissolution of Marriage shall fully operate as such execution, conveyance, transfer of title, and delivery as to each and all of the foregoing orders and awards.

20. As to the monetary sums awarded to the Respondent, in total amount of $105,000, the Petitioner is Ordered to pay the same not later than thirty days from the date of this Order and Decree.

Signed on this 27th day of April, 2018.

JUDGE OF THE DISTRICT COURT

Approved for Entry:

Shanda Adams, OBA No. 30811
John D. L. Clifton, OBA NO. 33146
Rick D. Moore and Associates, PLLC
P.O. Box 721775
Norman, OK 73071
(405)366-0373
Attorneys for Petitioner

CERTIFICATE OF SERVICE BY E-MAILING/MAILING

The undersigned hereby certifies that he e-mailed/mailed a true, correct and exact copy of the above and foregoing DECREE OF DIVORCE AND DISSOLUTION OF MARRIAGE on the 24th day of April, 2018 to:

Shanda L. Adams, Esq.
E-Mail: Adamsshanda@gmail.com
Attorney for Respondent

Alberta Rose Josephine Jones
E-Mail: 9hockeymom@gmail.com
Pro-Se Petitioner

Alberta Rose Josephine Jones
P. O. Box 204
Tryon, OK 74875
Petitioner
(Copy mailed with postage pre-paid and sufficient)

Cindy Kirby
District Court Clerk - Lincoln Co.
811 Manvel Ave., Suite 9
P. O. Box 307
Chandler, OK 74834-0307
(Original mailed with postage pre-paid and sufficient)

Cindy Kirby
E-Mail: cindy.kirby@oscn.net
District Court Clerk

GEORGE W. BUTNER
District Judge - 22nd Judicial District
P. O. Box 556
Wewoka, OK 74884- 0656
Telephone: 405-257-2545
Facsimile: 405-257-2631
E-mail: george.butner@oscn.net

I, Cindy Kirby, Court Clerk of Lincoln County Oklahoma hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith set out as appears of record and on file in my office of Lincoln County, Okla. this 27 day of April 20 18

CINDY KIRBY COURT CLERK

Deputy

APPENDIX B

ORIGINAL Appendix B

IN THE SUPREME COURT OF THE STATE OF OKLAHOMA

IN RE THE MARRIAGE OF:

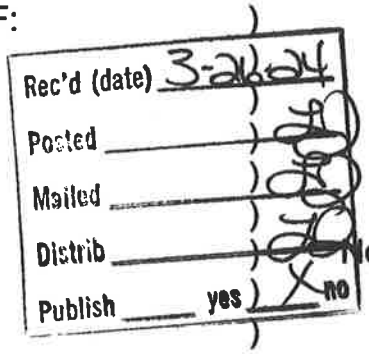
ALBERTA ROSE JONES,

Petitioner/Appellant,

v.

DONALD DAVID JONES,

Respondent/Appellee.



FILED
SUPREME COURT
STATE OF OKLAHOMA
MAR 26 2024
JOHN D. HADDEN
CLERK

No. 117,025

ORDER

Appellant's motion titled "Appellant Respectfully Requests the Court Re-Review the Docket Appellant Filed Motions' to Stay the Mandate and Judgment It Appears They Were Overlooked or Ignored by the Court [sic]" is hereby treated as a petition for rehearing. Pursuant to our rules, we issue mandate upon conclusion of the matter on appeal. Okla. Sup. Ct. R. 1.16, 12 O.S. 2021, ch. 15, app. 1. When the Court dismissed the petition for certiorari as untimely, the motion to stay judgment, filed September 25, 2023, and motion to stay mandate, filed September 25, 2023, became moot. Appellant's petition for rehearing is denied. No motion or application for rehearing or review is allowed from this order. *See* Okla. Sup. Ct. R. 1.13(e), 12 O.S. 2021, ch. 15, app. 1.

DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE THE

25th DAY OF MARCH, 2024.

CHIEF JUSTICE

Kane, C.J., Rowe, V.C.J., Winchester, Edmondson, Gurich, Darby, Kuehn, JJ., concur

Kauger, J., recused

Combs, J., disqualified

Additional material from this filing is available in the Clerk's Office.