

**IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA**

TESHAUNA HAMILTON, JOSH HAUGH,)
LESLEE RETHEFORD, as Board Members)
of BURNING TREE MASTER ASSOCIATION,)
INC. and BURNING TREE MASTER)
ASSOCIATION, INC.)

Plaintiffs,)

vs.)

BURNING TREE AREA I ASSOCIATION, INC.;)
BURNING TREE AREA #2 ASSOCIATION,)
INC.; BURNING TREE AREA #4)
ASSOCIATION, INC.; BURNING TREE AREA)
#5 ASSOCIATION, INC.; and BURNING TREE)
AREA #7 ASSOCIATION, INC.,)

Defendants.)

**DISTRICT COURT
FILED**

MAR 10 2026

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

Case No. CJ-2025-5158

Judge Greenough

DECREE OF DISSOLUTION AND APPOINTMENT OF TRUSTEE

COMES NOW for consideration the Petition for Appointment of Trustee Pursuant to Okla. Stat. tit. 18, § 1100 filed in this matter on November 7, 2025 (the "Petition"). Based on a review of the Petition and the court file **THIS COURT FINDS AS FOLLOWS:**

1. TeShauna Hamilton ("Hamilton") is the President of the Board of Directors of Burning Tree Master Association, Inc.

2. Josh Haugh ("Haugh") is the Treasurer of the Board of Directors of Burning Tree Master Association, Inc.

3. Leslee Retheford ("Retheford") is the Secretary of the Board of Directors of Burning Tree Master Association, Inc.

4. Burning Tree Master Association, Inc. (“BTMA”) is an Oklahoma not-for-profit corporation formed on December 1, 1975, with its principal place of business in Tulsa County, Oklahoma.

5. Burning Tree Area I Association, Inc. (“BT1”) is an Oklahoma not-for profit corporation formed on August 2, 1977, with its principal place of business in Tulsa County, Oklahoma.

6. Burning Tree Area #2 Association, Inc. (“BT2”) is an Oklahoma not-for profit corporation formed on March 6, 1980, with its principal place of business in Tulsa County, Oklahoma.

7. Buring Trea Area #4 Association, Inc. (“BT4”) is an Oklahoma not-for profit corporation formed on December 1, 1978, with its principal place of business in Tulsa County, Oklahoma.

8. Burning Tree Area #5 Association, Inc. (“BT5”) is an Oklahoma not-for profit corporation formed on April 9, 1980, with its principal place of business in Tulsa County, Oklahoma.

9. Burning Tree Area #7 Association, Inc. (“BT7”) is an Oklahoma not-for profit corporation formed on March 3, 1980, with its principal place of business in Tulsa County, Oklahoma.

10. The property which is the subject of this action is located in Tulsa County, Oklahoma.

11. Venue and jurisdiction is proper in this Court.

12. BT1, BT2, BT4, BT5 and BT7 (“Burning Tree Subdivision Associations” or “Defendants”) were developed as part of PUD-112 beginning in the 1970’s.

13. The Deeds of Dedication for the Burning Tree Subdivision Associations authorized the formation of a homeowner's association and provided each homeowner with an easement or right for the use of common areas to be owned and maintained by BTMA.

14. BTMA currently owns and maintains common areas throughout the Burning Tree Subdivision Associations, including a community swimming pool.

15. The individual homeowners who are members of the Burning Tree Subdivision Associations are not members of BTMA.

16. BTMA's members are the Burning Tree Subdivision Associations.

17. The Burning Tree Subdivision Associations are not active and have no duly appointed representatives to act on their behalf.

18. The Articles of Incorporation for BTMA provide for an existence of BTMA for fifty (50) years. Similarly, all of the Burning Tree Subdivision Associations also have fifty (50) year durations.

19. BTMA's duration expired on November 31, 2025.

20. In order to extend BTMA's duration pursuant to Okla. Stat. tit. 18, § 1077, BTMA's Articles of Incorporation provide that 75% of the entire membership of the corporation must agree to the amendment.

21. None of the members of BTMA have any ability to vote to extend BTMA's duration because they are not active and have no duly appointed representatives to act on their behalf.

22. To date, BTMA has not been able to get the homeowner members of Defendants to place Defendants into an active status and elect new board members for Defendants.

23. To date, BTMA has failed to obtain the votes necessary to amend its Articles of Incorporation and extend its existence.

24. BTMA has not been able to comply with Okla. Stat. tit. 18, § 1097(C) and file a Certificate of Dissolution because it cannot obtain the votes of its Members.

25. BTMA will still dissolve as a result of its own specified duration pursuant to Okla. Stat. tit. 18, § 1006.

26. As to dissolution, BTMA's Articles of Incorporation provide:

... Upon dissolution of the corporation, the assets, both real and personal, shall be dedicated to an appropriate public agency to be devoted to purposes as nearly as practicable the same as those to which they were required to be devoted by the association. In the event that such dedication is refused acceptance, such assets shall be granted, conveyed, and assigned to any non-profit corporation association, trust, or other organization to be devoted to purposes and uses that would most nearly reflect the purposes and uses to which they were required to be devoted by the corporation.

See Articles of Incorporation of BTMA, Article IX.

27. BTMA, through one or more of the Plaintiffs, has reached out to the City of Tulsa and has been informed that the City of Tulsa is willing to accept as a donation one tract of BTMA's property, Tulsa County Parcel No. 75115-83-01-50840, which is a water drainage area consisting of 3.36 acres located in the Burning Tree South subdivision. The City of Tulsa does not wish to receive the remaining property owned by BTMA and assume the maintenance and upkeep of those common areas and facilities.

28. BTMA has not been able to find a not-for-profit entity willing to maintain and operate the common areas of facilities for the benefit of the Burning Tree Subdivision Associations' homeowners.

29. BTMA cannot sell the property it owns because its members cannot approve the sale process because the Burning Tree Subdivision Associations are not active and have no duly appointed representatives to act on their behalf.

30. Even if BTMA could sell its property, it has no one to disburse the net proceeds to because Defendants are not active.

31. The Bylaws of BTMA provide that Defendants cannot distribute any revenue from BTMA to their constituent homeowners.

32. As a result of the foregoing, BTMA cannot effectively dissolve without judicial intervention.

33. Dissolution is appropriate and unavoidable as BTMA's duration expired on November 30, 2025, and as BTMA has not been able to obtain the necessary votes of its members to amend its Articles of Incorporation and extend BTMA's existence.

IT IS THEREFORE ORDERED, AJUDGED AND DECREED

1. BTMA is dissolved, subject to renewal, revival, extension and restoration of Certificate of Incorporation or charter as allowed by the Oklahoma General Corporation Act, Okla. Stat. tit. 18, § 1001 et seq.; and

2. Plaintiffs TeShauna Hamilton, Josh Haugh and Leslee Rethford are hereby appointed trustees over BTMA's property to serve without bond pursuant to Okla. Stat. tit. 18, § 1100.

IT IS FUTHER ORDERED that the Trustees have the authority to:

1. Give notice to claimants pursuant to Okla. Stat. tit. 18, § 1100.1 and establish a deadline for the receipt of claims which is no earlier than sixty (60) days from the date of the notice;

2. Pay or object to claims in accordance with Okla. Stat. tit. 18, § 1100.2;
3. For BTMA, take charge of BTMA's property;
4. Collect the debts and property due and belonging to BTMA, with power to prosecute and defend, in the name of BTMA, or otherwise, all such suits as may be necessary or proper for the purposes aforesaid;
5. Appoint an agent or agents under them;
6. To do all other acts which might be done by BTMA, if in being, that may be necessary for the final settlement of the unfinished business of BTMA, including but not limited to the following:
 - a. Market and sell the real property owned by BTMA free and clear of any use restrictions or easements created by the deeds of dedication of BT1, BT2, BT4, BT5 or BT7 or PUD-112 with such sale subject to approval by this Court;
 - b. Market, sell or dispose of any personal property owned by BTMA.
 - c. Donate Tulsa County Parcel No. 75115-83-01-50840 to the City of Tulsa;
 - d. Upkeep and maintain the real property until it can be sold;
 - e. Continue assessments of homeowners dues to generate the funds for the maintenance and upkeep of the property until its sale;
 - f. After approval of the sale of the real property owned by BTMA, to distribute any net proceeds thereof after payment of the debts of BTMA and any amounts allowed under Okla. Stat. tit. 18, § 1113, to the homeowners who are members of Defendants and are confirmed by BTMA's management company as not delinquent on their annual homeowner assessments at the time of the closing of the sale or as may otherwise be ordered by this Court; and

g. Employ and pay professionals necessary to assist until the disposition of the property and the dissolution of BTMA including but not limited to W&M Consulting, LLC and Albright, Rusher and Hardcastle, a Professional Corporation.

7. Such other actions at this Court deems reasonable and necessary.

Ordered this 9 day of March, 2026.

KELLY M. GREENOUGH

JUDGE OF THE DISTRICT COURT

Submitted by:
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