

PROBATE COURT OF BUTLER COUNTY, OHIO

ESTATE OF _____, DECEASED

CASE NO. _____

APPLICATION TO APPROVE SETTLEMENT AND DISTRIBUTION OF WRONGFUL DEATH AND SURVIVAL CLAIMS

[R.C. 2117.05, 2125.02, 2125.03, Civ. R. 19.1 and C.P. Sup. R. 70]

The fiduciary states:

[Check whichever of the following are applicable, strike inapplicable words, and incorporate all attachments into a single statement.]

- There is an offer of (full) (partial) settlement without suit being filed.
- There is an offer of (full) (partial) settlement after suit was filed. The style of the case, the court and the case number being _____.
- A judgment has been recovered for damages for decedent's wrongful death (and personal injury and property damage arising out of the same act and which survive the decedent).
- The amount of the settlement or judgment is \$ _____.
- This is a partial settlement and therefore the estate must remain open pending final disposition of the claims.
- The offer includes, or the judgment sets forth separately, reasonable funeral and burial expenses in the amount of \$ _____.
- Reasonable compensation for the fiduciary's services is \$ _____ and an itemization of such services is attached.
- A reasonable attorney fee for the attorney's services is \$ _____ and reimbursement to the attorney for case expenses is \$ _____. A copy of the attorney's fee contract that (has) (has not) received prior approval of this Court, subject to modification, and an itemization of case expenses are attached.
- The net proceeds of \$ _____ should be allocated \$ _____ to the wrongful death action and \$ _____ to the survival action. A statement in support thereof is attached.
- A statement in support of the proffered settlement is attached.
- Supplemental forms required by local rule of court are attached.
- All of the beneficiaries of the wrongful death action are on an equal degree of consanguinity, are adults, and have agreed how the net proceeds are to be distributed.
- The beneficiaries of the wrongful death action are not on an equal degree of consanguinity, or one or more of the beneficiaries is a minor, or the beneficiaries have not agreed how the net proceeds are to be distributed.

CASE NO. _____

The surviving spouse, children, and parents of the decedent and other next of kin who have suffered damages by reason of the wrongful death are as follows and the distribution should be as follows:

Name	Residence Address	Relationship to Decedent	Birthdate of Minor	Amount

Requests the Court to order that the share of:

- _____ a minor(s) be deposited in lieu of bond pursuant to R.C. 2111.05.
- _____ a minor(s) be paid to the guardian of the estate of such minor.
- _____ a child(ren) be deposited in a trust for the benefit of the child(ren) until twenty-five years of age. A proposed trust(s) is (are) attached for the Court's review and approval.
- _____ a child(ren) be structured as set forth in the attached documents.

The fiduciary requests that the Court approve the application and authorize the fiduciary to execute a (complete) (partial) release which upon payment of the settlement shall be a (complete) (partial) discharge of the claim.

Attorney for Fiduciary

Fiduciary

Attorney Registration No. _____

ENTRY SETTING HEARING AND ORDERING NOTICE

The Court sets _____ at _____ o'clock _____ .M. as the date and time for hearing the above application and orders notice to be given by the fiduciary, as provided in the Rules of Civil Procedure, to the wrongful death and survival claim beneficiaries who have not waived notice.

RANDY T. ROGERS, PROBATE JUDGE

PROBATE COURT OF BUTLER COUNTY, OHIO

ESTATE OF _____, DECEASED

CASE NO. _____

**WAIVER AND CONSENT
WRONGFUL DEATH AND SURVIVAL CLAIMS**

The undersigned waive notice of the hearing and consent to and approve the settlement and distribution as set forth in Form 14.0, Application to Approve Settlement and Distribution of Wrongful Death and Survival Claims, a copy of which I have received.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

PROBATE COURT OF BUTLER COUNTY, OHIO

ESTATE OF _____, DECEASED

CASE NO. _____

**ENTRY APPROVING SETTLEMENT AND DISTRIBUTION OF
WRONGFUL DEATH AND SURVIVAL CLAIMS**

Upon hearing the application to approve settlement and distribution of the wrongful death and survival claims, the Court:

- Approves the proffered settlement of \$ _____ .
- Orders payment of \$ _____ to be applied to decedent's funeral and burial expenses.
- Orders payment of \$ _____ to the fiduciary for services rendered with respect to the wrongful death and survival claims.
- Orders payment of \$ _____ to the attorney for reimbursement of case expenses and \$ _____ for attorney fees for services rendered with respect to the wrongful death and survival claims.
- Orders that the net proceeds of \$ _____ be allocated \$ _____ to the wrongful death claim and \$ _____ to the survival claim. The amount allocated to the survival claim shall be considered an asset of the estate and shall be reflected in the fiduciary's account of the administration of the estate.
- Finds all of the beneficiaries of the wrongful death claim are on an equal degree of consanguinity, are adults, and have agreed how the net proceeds allocated to the wrongful death claim are to be distributed.
- Orders distribution of the net proceeds allocated to the wrongful death claim to the surviving spouse, children, parents and other next of kin, in the equitable shares shown below, fixed by the Court having due regard for the injury and loss to each beneficiary resulting from the death and for the age and condition of the beneficiaries.

Name	Residence Address	Relationship to Decedent	Birthdate of Minor	Amount

CASE NO. _____

Orders that the share of:

_____ a minor(s) be deposited in lieu of bond pursuant to R.C. 2111.05.

_____ a minor(s) be paid to the guardian of the estate of such minor.

_____ a child(ren) be deposited in a trust for the benefit of the child(ren) until twenty-five years of age.

The proposed trust(s) is (are) hereby approved.

_____ a child(ren) be structured as set forth in the attached documents.

Authorizes the fiduciary to execute a release which, upon payment, shall be a discharge of the claim.

Orders the fiduciary and the attorney to report the distribution of the proceeds within thirty days of the date of this Entry.

Further orders:

Approved:

Attorney for Fiduciary

Probate Judge

Attorney Registration No.

Date

