

**PROBATE COURT OF TUSCARAWAS COUNTY, OHIO**

*Linda A. Kate, Judge*

Estate of: \_\_\_\_\_, Deceased

Case No. \_\_\_\_\_

Date: \_\_\_\_\_

**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 of 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.

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

The survival claim beneficiaries are as follows:

Name	Residence Address	Relationship to Decedent	Birthdate of Minor

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 Number

### 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.

\_\_\_\_\_  
Date Journalized

\_\_\_\_\_  
Linda A. Kate, Probate Judge