

Wrongful Death

If an Estate is already open in our Court (if no estate opened yet, see next page)

If the Fiduciary pursued a wrongful death action, and a settlement is ready to be submitted to the Court for approval, the following documents must be prepared by the fiduciary or attorney and filed with the Court. The wrongful death action is filed in the estate, using the estate's case number.

Initial Filing

- ☐ Application to Approve Settlement and Distribution of Wrongful Death and Survival Claims (Form 14.0)
The following must be included with the Application
 - Narrative Statement describing the action which gave rise to the wrongful death
 - Itemization of attorney's case expenses being claimed for reimbursement *If applicable*
 - Copies of funeral and burial expenses proposed to be paid out of the settlement *If applicable*
 - Itemized statement of fiduciary services *If applicable*
 - Copies of any hospital or medical bills claimed for reimbursement or subrogation *If applicable*
(Note: If there are 3 or more separate bills claimed for reimbursement, an itemization must be provided with copies of the bills)
- ☐ Copy of executed attorney fee contract *If applicable*
- ☐ Proposed Entry Approving Settlement and Distribution of Wrongful Death and Survival Claims (Form 14.2)
- ☐ Waiver and Consent Wrongful Death and Survival Claims (Form 14.1)
 - All parties listed on page 2 of the Application to Approve Settlement (Form 14.0), must either sign this Waiver and Consent or be served notice of hearing by certified mail.

OR

- ☐ Continuing Waiver of Notice of Hearing and Consent to Wrongful Death and Survival Claims The continuing waiver may be filed in cases in which future settlements are expected

To be filed After the Hearing

- ☐ Report of Distribution of Wrongful Death and Survival Claims (Form 14.3)
- ☐ Receipts signed by all beneficiaries or copies of cancelled checks verifying distribution of the proceeds
- ☐ Certificate Closing Estate Opened for Limited Purpose (*If no probate assets remain in the estate and no further settlements are expected*)

OR

- ☐ Status Report (Must be filed annually on anniversary of the date of appointment)

If an Estate has not been opened yet, and the sole purpose for opening an Estate is to pursue a wrongful death action; then the documents below must be prepared by the applicant or attorney, and filed with the court, along with the filing fee.

Initial Filing

- ☐ All of the documents required to open an Estate
 - see checklists for **Full Estate Administration** for those required forms.

Second Filing

- ☐ Application to Approve Settlement and Distribution of Wrongful Death and Survival Claims (Form 14.0)
The following must be included with the Application
 - Narrative Statement describing the action which gave rise to the wrongful death
 - Itemization of attorney's case expenses being claimed for reimbursement *If applicable*
 - Copies of funeral and burial expenses proposed to be paid out of the settlement *If applicable*
 - Itemized statement of fiduciary services *If applicable*
 - Copies of any hospital or medical bills claimed for reimbursement or subrogation *If applicable*
(Note: If there are 3 or more separate bills claimed for reimbursement, an itemization must be provided with copies of the bills)
 - ☐ Copy of executed attorney fee contract *If applicable*
 - ☐ Proposed Entry Approving Settlement and Distribution of Wrongful Death and Survival Claims (Form 14.2)
 - ☐ Waiver and Consent Wrongful Death and Survival Claims (Form 14.1)
 - All parties listed on page 2 of the Application to Approve Settlement (Form 14.0), must either sign this Waiver and Consent or be served notice of hearing by certified mail.
- OR**
- ☐ Continuing Waiver of Notice of Hearing and Consent to Wrongful Death and Survival Claims
 - The continuing waiver may be filed in cases in which future settlements are expected

To be filed After the Hearing

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 - ☐ Receipts signed by all beneficiaries or copies of cancelled checks verifying distribution of the proceeds
 - ☐ Certificate Closing Estate Opened for Limited Purpose (*If no probate assets remain in the estate and no further settlements are expected*)
- OR**
- ☐ Status Report
 - Must be filed annually on anniversary of the date of appointment