

Checklist **Wrongful Death**

**Note: All paperwork must be typed. We will not accept handwritten documents.
All filings must be single-sided. We will not accept double-sided originals.
Please do not staple original paperwork. We cannot accept filings with staples.**

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.

Filing Fee

\$33.00 (Includes 2 Certified Copy of Judgment Entry)

*Add \$5.00 if Application for Approval of Attorney Fee Agreement (GC Form 71.5-A) is being submitted with filings

Initial Filing

- Notice of Appointment for Limited Purpose (GC Form 60.3-A) *(if this was not filed when the initial estate was opened.)*
 - 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*
 - Application for Approval of Attorney Fee Agreement (GC Form 71.5-A) *If applicable* (See Local Rule 71.5 and Appendix B)
 - Entry Approving Attorney Fee Agreement (GC Form 71.5-B) *If applicable* (See Local Rule 71.5 and Appendix B)
 - 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 the applicant pursuant to Civ. R. 73.
- OR**
- Continuing Waiver of Notice of Hearing and Consent to Wrongful Death and Survival Claims (GC Form 100.2-B)
 - The continuing waiver may be filed in cases in which future settlements are expected
 - Proposed* Entry Approving Settlement and Distribution of Wrongful Death and Survival Claims (Form 14.2)

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 (GC Form 64.2-A) *(If no probate assets remain in the estate and no further settlements are expected)*
- OR**
- Status Report (GC Form 64.2-C)
 - 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.

Filing Fee **\$165.00 for an Estate with no will (Includes 2 Certified Letters of Authority)**
\$198.00 for an Estate with will (Includes 2 Certified Letters of Authority)

Initial Filing

- Notice of Appointment for Limited Purpose (GC Form 60.3-A)
- All of the documents required to open an Estate
 - o see checklists for **Full Estate Administration** for those required forms.

Second Filing

\$33.00 (Includes 2 Certified Copy of Judgment Entry)

*Add \$5.00 if Application for Approval of Attorney Fee Agreement (GC Form 71.5-A) is being submitted with filings

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 - o Itemization of attorney's case expenses being claimed for reimbursement *If applicable*
 - o Copies of funeral and burial expenses proposed to be paid out of the settlement *If applicable*
 - o Itemized statement of fiduciary services *If applicable*
 - o 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*
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