

**IN THE COURT OF COMMON PLEAS OF FAIRFIELD COUNTY, OHIO
PROBATE DIVISION**

TERRE L. VANDERVOORT, JUDGE

ESTATE OF _____, DECEASED

CASE NO. _____

**JUDGMENT ENTRY/MAGISTRATE'S DECISION 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

Orders that the share of:

- _____ a minor(s)
be deposited pursuant to R.C. 2111.05.
- _____ a minor(s)
be paid to the guardian of the estate of such minor.
- _____ a minor(s)
be deposited in a trust for the benefit of the minor(s) until twenty-five years of age.

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:

Date

Magistrate

Date

Terre L. Vandervoort, Probate Judge

ENTRY ADOPTING MAGISTRATE DECISION

The Court has reviewed the decision for any errors per Civ. Rule 53 and adopts the Magistrate's Decision as an Order of this Court and it is incorporated into this Entry by this Reference.

Date

Terre L. Vandervoort, Probate Judge

NO PARTY SHALL ASSIGN AS ERROR ON APPEAL THE COURT'S ADOPTION OF ANY FACTUAL FINDING OR LEGAL CONCLUSION, WHETHER OR NOT SPECIFICALLY DESIGNATED AS A FINDING OF FACT OR CONCLUSION OF LAW UNDER CIV. R. 53(D)((3)(a)(ii), UNLESS THE PARTY TIMELY AND SPECIFICALLY OBJECTS TO THAT FACTUAL FINDING OR LEGAL CONCLUSION AS REQUIRED BY CIV. R. 53(D)(3)(b).

NOTICE REGARDING OBJECTIONS, MOTIONS, AND APPEALS

Motion to Set Aside a Magistrate's Order: A party may file a written motion requesting that the Judge set aside a Magistrate's Order within 10 days of the order being entered. The motion must state the specific reasons for the request. See Civ. R. 53(D)(2)(b).

Objection to a Magistrate's Decision: A party may file written objections to a Magistrate's Decision within 14 days of the decision being entered. The objection must state the specific reason(s) for the objection. If the objection is to a factual finding, a party must provide a transcript of the proceedings, if available, within 30 days of the filing of the objection. See Civil Rule 53(D)(3)(b).

NOTICE OF FINAL APPEALABLE ORDER

You are hereby notified that this may be a final appealable order. Further, this order was filed and journalized on the date of the file-stamp shown on the first page of this entry. A copy was served on the parties, as shown below, on _____.

**DEPUTY CLERK
FAIRFIELD COUNTY PROBATE COURT**

<input type="checkbox"/> FIDUCIARY	VIA:	<input type="checkbox"/> ATTORNEY	VIA:
<input type="checkbox"/> OTHER	VIA:	<input type="checkbox"/> OTHER	VIA: