

Checklist **Wrongful Death**

Filing Fee

If this is being opened within an existing estate: \$25.00

If the Estate is being opened for Wrongful Death Purposes only: \$25.00 for the wrongful death **plus**

\$199.00 for the Estate with no will

\$229.00 for the Estate with will

Requirements

If there is already an open Estate, then the documents below must be prepared by the applicant or attorney, and filed with the court, along with the filing fee. If there has not been an Estate opened, and the sole purpose for opening an Estate is for the wrongful death, then the below documents need to be prepared and filed **along with** all of the documents to open the Estate (see checklists for Full Estate Administration for those required forms).

**Note: All paperwork must be typed or neatly written in blue ink.
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.**

Initial Filing

- Notice of Appointment for Wrongful Death or Survival Action (FC Form 60.2-A)
- Application to Approve Settlement and Distribution of Wrongful Death and Survival Claims (Form 14.0)
- Waiver and Consent Wrongful Death and Survival Claims (Form 14.1)
 - o All parties listed on page 2 of the Application to Approve Settlement (Form 14.0), must either sign this Waiver and Consent or will be served notice of hearing by certified mail by the Fiduciary and /or Attorney of Record.
- Narrative Statement describing the action which gave rise to the wrongful death
- Copy of executed attorney fee contract *If applicable*
- Application for Approval of Attorney Fee Agreement (FC Form 71.5-A) *If applicable* (See Local Rule 71.5 and Appendix B)
- Entry Approving Attorney Fee Agreement (FC Form 71.5-B) *If applicable* (See Local Rule 71.5 and Appendix B)
- Proposed* Entry Approving Settlement and Distribution of Wrongful Death and Survival Claims (Form 14.2)
- 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)

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
- Verification of Receipt and Deposit (Form 22.3) *(if any proceeds are being impounded for the benefit of a minor)*
- Certificate Closing the Estate (FC Form 64.2-A) *(If no probate assets remain in the estate and no further settlements are expected)*