

Checklist For -Wrongful Death and Survival Claims

(Note: The Court reserves the right to modify any of these procedures on a case-by-case basis)

If there has not been an Estate opened yet, and the sole purpose for opening an Estate is to pursue a wrongful death action; then a Full Administration must be filed prior to filing an Application to Approve Wrongful Death. See Checklist for Full Administration.

MANDATORY DEPOSIT DUE AT TIME OF FILING: \$45.00

*Note: All paperwork should be typed, single sided, and please do not staple originals.
All documents being filed must have original signature.*

INITIAL FILING:

- Contact Information Form
- 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 be served notice of hearing by certified mail.
- Narrative Statement describing the action which gave rise to the wrongful death/ survival claim
- Proposed Entry Approving Settlement and Distribution of Wrongful Death and Survival Claims (Form 14.2)

TO BE FILED AFTER HEARING OR AFTER ENTRY APPROVING SETTLEMENT:

- Report of Distribution of Wrongful Death and Survival Claims (Form 14.3).
This is due 30 days after Entry is approved, (all monies must add up and be the same as application and entry).
- Receipts signed by all beneficiaries or copies of (front and back) canceled checks verifying distribution of the proceeds.
- Certificate of Closing LCPC Form 6.16 *(If closing case)*

OTHER FILINGS:

- Verification of Receipt and Deposit (Form 22.3)
(If any proceeds are for the benefit of a minor and being deposited into a bank account. Due 30 days after Report of Distribution is Filed)
- If proceeds are going to survival claim:
 - o Account Due 30 days from filing of the Entry Approving Settlement and Distribution of Wrongful Death and Survival Claims (Form 14.2)

IF THE CASE IS STAYING OPEN FOR FURTHER LITIGATION OR CLOSING WRONGFUL DEATH CASE AND SURVIVAL CLAIMS CASE:

- Status Report LCPC Form 6.16
 - o Due **1 year following** the Entry Approving Settlement and Distribution of Wrongful death and Survival Claims, and then every year thereafter or when closing the case.

Lake County Court of Common Pleas
Division of Probate
Judge Mark J. Bartolotta



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