

**SUP. R. 70 SETTLEMENT OF WRONGFUL  
DEATH AND SURVIVAL CLAIMS**

- (A) An application to approve settlement and Distribution of Wrongful Death and Survival Claims (Standard Probate Form 14.0) shall contain a statement of facts, including the amount to be allocated to the settlement of the claim and the amount, if any, to be allocated to the settlement of the survival claim. The application shall include the proposed distribution of the net proceeds allocated to the wrongful death claim.
  
- (B) The fiduciary shall give written notice of the hearing and a copy of the application to all interested persons who have not waived notice of the hearing. Notwithstanding the waivers and consents of the interested persons, the Court shall retain jurisdiction over the settlement, allocation, and distribution of the claims.
  
- (C) The application shall state what arrangements, if any, have been made with respect to counsel fees. Counsel fees shall be subject to approval by the Court.

**LOC. R. 70.1  
(WRONGFUL DEATH AND SURVIVAL CLAIMS)**

An initial hearing is required for an Application to Approve Settlement and Distribution of Wrongful Death and Survival Claims. The Attorney representing the Fiduciary and the Fiduciary are required to attend the hearing. A hearing on subsequent Applications to Approve Settlement and Distribution of Wrongful Death and Survival Claims may be waived by the Court upon written motion by the Applicant.

**LOC. R. 70.2  
(COURT COSTS)**

The initial deposit for court costs for an Application to Approve Settlement and Distribution of Wrongful Death and Survival Claims is required at the time of filing. Estates receiving ongoing partial settlements shall be exempted from further deposits of court costs when filing a Partial

Application to Approve Settlement and Distribution of Wrongful Death and Survival Claims, if the amount of the settlement or judgment is \$2,000.00 or under.