

PETITION FOR APPROVAL OF SETTLEMENT FOR ESTATE

ESTATE OF _____
CASE NO.: _____
ATTORNEY: _____
DATE: _____

See Continental v. Brill, 636 So. 2d 782 (Fla. 3d DCA 1994) (appointment of attorney ad litem); Brill 2, 638 So. 2d 1056 (Fla. 3d DCA 1994)(apportionment must be reasonable via wrongful death statute & creditor entitled to notice); *Pearson v. DeLamerens*, 656 So. 2d 217 (Fla. 3rd DCA 1995); *University Medical Center v. Zieler*, 625 So. 2d 120 (Fla. 5th DCA 1993); *Alexander v. Seaquest*, 575 So. 2d 765 (Fla. 4th DCA 1991). *See also Hess v. Hess*, 758 So. 2d 1203 (Fla. 4th DCA 2000)(probate court has jurisdiction if settled before suit filed). Damages under wrongful death statute, FS 768.21.

*****See Eighth Judicial Circuit Admin. Order No. 6.100*****

Gross value of settlement: \$ _____
Attorney fees of PI atty: \$ _____
costs \$ _____
Attorney fees of Estate atty: \$ _____
Other expenses?: \$ _____
Medicaid or other liens \$ _____
Proposed Net Settlement (total): \$ _____
Net to survivors: \$ _____
Payment to estate for claims or net accum: \$ _____

Petition:

- ___ Notice to interested parties - (incl. creditors if claims filed)
- ___ Is PR disinterested? If not, what is conflict? _____
- ___ Summary of terms of proposed settlement (i.e. closing statement)
- ___ Apportionment of proceeds between survivors & estate
- ___ Evidence or explanation supporting apportionment
- ___ Publication period has expired [733.2121(1), 733.702(1)]
- ___ Statement Regarding Creditors [5.241(d)]
- ___ Ntc to AHCA (dec > age 55) & Dept Rev is filed
- ___ Should administrator ad litem be appointed? “Where . . . the personal representative is also a survivor of the decedent and therefore has a personal stake in the allocation of proceeds [of a wrongful death settlement] between the survivors and the estate, . . . the trial court may appoint an administrator ad litem, . . . [who] shall equitably represent both the estate and the survivors in the wrongful death proceeding which allocates settlement proceeds or in any proceeding which reviews that allocation.” *Continental National Bank v. Brill* 636 @ 784

Beneficiaries	Creditors

COMMENTS: _____

RECOMMENDATION: _____
