

**GEAUGA COUNTY PROBATE COURT
JUDGE TIMOTHY J. GRENDALL**

CHECKLIST - SURVIVAL AND WRONGFUL DEATH CLAIM

These instructions are provided as a public service of the Geauga County Probate Court, are intended as a guideline only, and are not legal advice. Depending on the circumstances of each case, additional steps may be required that are not listed below. The clerks are not attorneys and therefore cannot answer legal questions or assist you in completing the forms or deciding which forms apply to your situation. The documents that you file must be typewritten, legible, and completed in their entirety. The clerks may refuse for filing illegible or incomplete documents. The Court recommends that you obtain legal advice from your attorney or obtain assistance from the Court's Help Center before preparing and filing any forms. You may make an appointment with the Help Center by calling 440-279-1834.

Filing Requirements

1. **Form 14.0 - Application to Approve Settlement and Distribution of Wrongful Death and Survival Claims**
2. **Statement of Facts** - a written statement of facts setting forth the circumstances of the wrongful death, sufficient in detail to allow the Court to determine the reasonableness of the proposed settlement.
3. **Attorney Fee Explanation** - a detailed fee statement - see Geauga Probate Local Rule 71.2.
4. **Form 14.1 - Waiver and Consent Wrongful Death and Survival Claims** - to the extent obtainable.
5. **Form 14.2 - Judgment Entry/Magistrate's Decision Approving Settlement and Distribution of Wrongful Death and Survival Claims**
6. **Court Cost Deposit** - Arrange for payment of the court cost deposit. See the "Probate Court Costs" on the Court's website.

Additional Notes

- Status Report. In decedent's estates in which the Fiduciary was appointed for the sole purpose of pursuing wrongful death or survival claims with no other probate property, the Fiduciary shall file a status report with the Court each year on or before the anniversary date of the Fiduciary's appointment, using GC Form "GC PF 14.5 - Status Report-Wrongful Death."
- Notice of Hearing. To the extent that all Interested Persons do not sign SC Form 14.1 "Waiver and Consent Wrongful Death and Survival Claims," the applicant shall serve written notice of filing the Application to Approve Settlement and Distribution of Wrongful Death and Survival Claims upon all Interested Persons using GC Form "GC PF 4.18 - Notice of Hearing" no less than 10 Calendar Days before the hearing and provide the Court with Proof of Service (see Geauga Probate Local Rule 78.13). If necessary, provide notice by publication - see Geauga Probate Local Rule 78.14.

- Report of Distribution. The applicant shall file a report of distribution with the Court no later than 30 Calendar Days after the court order approving the wrongful death and survival claims settlement, using Form 14.3 - Report of Distribution of Wrongful Death and Survival Claims. Failure to timely file that report will subject the applicant and the attorney to citation under Geauga Probate Local Rule 77.
- Wrongful Death Trusts. Upon the filing of the required application (see Geauga Probate Local Rule 78.20), or upon the Court's own motion, the Court may consider a court-ordered trust pursuant to R.C. §2125.03(A)(2) as a recipient of the settlement proceeds.