

01-1983-  
WILLIAM J. ELLIS et al -vs- STATE FARM MUTUAL AUTOMOBILE INSURANCE  
COMPANY

(P)

WILLIAM J. ELLIS and : IN THE COURT OF COMMON PLEAS  
DONNA M. ELLIS, as Administrators for the : OF CLEARFIELD COUNTY, PA  
Estate of Decedent William Joseph Ellis, II, :  
Petitioners, : No. 01-1983-CO  
vs. :  
STATE FARM MUTUAL AUTOMOBILE :  
INSURANCE COMPANY, :  
Respondent. : JURY TRIAL DEMANDED

ORDER

AND NOW, this 11 day of Dec, 200 1, upon consideration of the within Petition, it is hereby ORDERED, ADJUDGED AND DECREED that the underinsured motorist wrongful death and/or survivorship claims of the Estate of Decedent William Joseph Ellis, II, shall be, and the same are hereby compromised and settled on the following terms:

1. Payment of \$125,000.00 by State Farm Mutual Automobile Insurance Company to the petitioners, said sum to be divided and allocated equally between the wrongful death and survivorship claims; and
2. Record costs and attorney's fees to be paid by State Farm Mutual Automobile Insurance Company; and
3. Petitioners are hereby granted leave to execute a Full and Final Release; and
4. The Prothonotary is hereby directed to mark the within action "settled and discontinued with prejudice."

**FILED**

DEC 11 2011  
013:40 p.m.

William A. Shaw  
Prothonotary

2 cc to atty Schmidt

BY THE COURT:





WILLIAM J. ELLIS and DONNA M. ELLIS, as Administrators for the Estate of Decedent William Joseph Ellis, II,	:	IN THE COURT OF COMMON PLEAS OF CLEARFIELD COUNTY, PA
Petitioners,	:	No. 01-1983-C.D
vs.	:	
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY,	:	
Respondent.	:	JURY TRIAL DEMANDED

**PETITION FOR COURT APPROVAL OF UNDERINSURED MOTORIST WRONGFUL  
DEATH AND SURVIVORSHIP CLAIMS**

AND NOW, come the petitioners, WILLIAM J. ELLIS and DONNA M. ELLIS, as Administrators for the Estate of Decedent William Joseph Ellis, II, and respectfully represent as follows:

1. Petitioners, William J. Ellis and Donna M. Ellis, are Co-Administrators of the Estate of Decedent William Joseph Ellis, II, with Letters of Administration having issued on October 2, 2001 through the office of the Register of Wills in and for the County of Clearfield in the Commonwealth of Pennsylvania. (See copy of Short Certificate of Appointment of Co-Administrators, attached hereto as Exhibit "A".)

2. Petitioners hereby incorporate by reference the averments contained in their Petition for Court Approval of Third Party Wrongful Death and Survivorship Claims, as if fully set forth herein.

3. At the time of the accident, decedent William Joseph Ellis, II, was insured through State Farm Mutual Automobile Insurance Company Policy No. 73-9-519-38-  
003. Said policy provided underinsured motorist bodily injury benefits in the amount of \$100,000.00 per person, \$300,000.00 per accident, along with an accidental death benefit of \$100,000.00.

**FILED**

William A. Shaw  
Prothonotary

benefit in the amount of \$25,000.00. (See State Farm Mutual Automobile Insurance Company Declarations Sheet, attached hereto as Exhibit "B".)

4. As a result of the aforementioned accident, State Farm Mutual Automobile Insurance Company entered into settlement negotiations with the Estate of William Joseph Ellis, II, resulting in the distribution of the entire \$125,000.00 proceeds of the State Farm Mutual Automobile Insurance Company underinsured motorist coverages applicable.

5. In addition to the foregoing terms and conditions, State Farm Mutual Automobile Insurance Company will also pay all of the record Court costs and attorney's fees incurred as a result of the within action.

6. Petitioners William J. Ellis and Donna M. Ellis have read and understand the statements in the foregoing Petition, and have agreed to accept the sums of money set forth hereinabove in full and complete satisfaction of any and all underinsured motorist claims relating to the death of decedent William Joseph Ellis, II, on September 11, 2001.

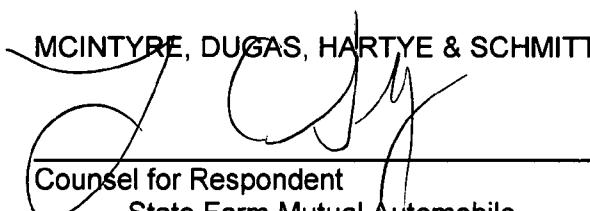
7. Petitioners William J. Ellis and Donna M. Ellis understand and agree that State Farm Mutual Automobile Insurance Company denies and any all liability, and that the proposed settlement is not an admission of liability, but under the facts and circumstances pertaining hereto, the settlement agreement discussed hereinabove is the best that can be obtained, and for and on behalf of the Estate of Decedent William Joseph Ellis, II, should be accepted.

WHEREFORE, Petitioners, WILLIAM J. ELLIS and DONNA M. ELLIS, respectfully request that this Honorable Court enter an Order approving the compromise and settlement of the underinsured motorist wrongful death and survivorship claims on

behalf of the Estate of Decedent, William Joseph Ellis, II, for the sum set forth hereinabove, with distribution to be made pursuant to the Order of Court attached hereto.

Respectfully submitted,

MCINTYRE, DUGAS, HARTYE & SCHMITT

  
Counsel for Respondent  
State Farm Mutual Automobile  
Insurance Company  
LOUIS C. SCHMITT, JR., ESQUIRE  
PA. ID. No. 53459  
P.O. Box 533  
Hollidaysburg, PA 16648  
814/696-3581

## SHORT CERTIFICATE

## **Certificate of Appointment of Co-Administrators**

**Commonwealth of Pennsylvania  
County of Clearfield** SS:

The undersigned, Register for the Probate of Wills and granting Letters of Administration in and for the County of Clearfield, in the Commonwealth of Pennsylvania;

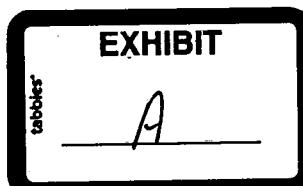
DO HEREBY CERTIFY and made known, that on the **26th** day of **September**, in the year of our Lord, **Two Thousand One**, Letters of **Administration** on the Estate of **William Joseph Ellis, II**, deceased, were granted unto **William J. Ellis AND Donna M. Ellis**, they, having first given security well and truly to administer the same. I further certify that said letters are in full force and effect at the present time, and entitled to full faith and credit.

GIVEN under my hand and seal of office this 2nd day of October in the year of our Lord, Two Thousand One.

Karen D. Stank

## Register of Wills

**My Commission Expires  
First Monday in January, 2004**



# CERTIFICATE OF COVERAGE

State Farm Mutual Automobile Insurance Company

The undersigned is a Claim Team Manager for:

- State Farm Mutual Automobile Insurance Company
- State Farm County Mutual Insurance Company of Texas
- State Farm Lloyds, Inc.
- State Farm Indemnity Company
- State Farm Florida Insurance Company
- 

(Write in the name of the appropriate State Farm affiliate)

This certifies that policy number 7319-549-38F 003, covering a

1989 Pontiac Grand Am 2 dr, was issued to Donna & William Ellis

and was in effect on the accident date of September 11, 2001. The coverages and limits of

liability for this policy on that date were Bodily Injury (100,000/300,000); Property Damage (100,000); Medical Payments (10,000); Comprehensive (no deductible); Emergency Road Service; Uninsured Bodily Injury (15,000/30,000); Funeral (2,500); Accidental Death (25,000); Underinsured Bodily Injury with stacking (15,000/30,000); Loss of Earnings.  
This policy provides full tort option.

State of Pennsylvania)

Gloria Hadd  
Claim Team Manager

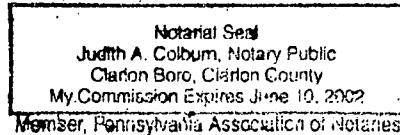
) ss.

County of Centre)

Subscribed and sworn to before me this 2<sup>nd</sup> day of November, (Year) 2001.

Judith A. Colburn  
Notary Public

My Commission Expires:



EXHIBIT

NW 296 OH

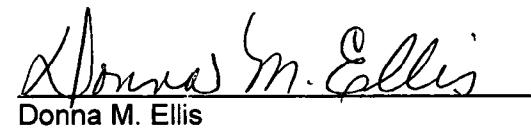
**VERIFICATION**

We, **William J. Ellis and Donna M. Ellis**, do hereby verify that we have read the foregoing **Petition for Court Approval of Underinsured Motorist Wrongful Death and Survivorship Claims**. The statements therein are correct to the best of our personal knowledge or information and belief.

This statement and verification are made subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn fabrication to authorities, which provides that if we make knowingly false averments we may be subject to criminal penalties.



William J. Ellis



Donna M. Ellis

Date: 11/30/01

FILED

DEC 10 2001  
M 11/15/01 GTH Schmidt  
cc William A. Shaw pd \$80.00  
XOU Prothonotary  
nccc