

06-793-CD
In Re: Jean I Wilkinson, admin. Of

In RE: Jean Wilkinson
2006-793-CD

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: Jean I. Wilkinson, Administratrix:
of the Estate of DONALD E. : No. 1705-0566
WILKINSON, A/K/A DONALD :
WILKINSON, deceased.

06-793-CD FILED

MAY 19 2008

William A. Shaw
Prothonotary/Clerk of Courts

PETITION TO COMPROMISE WRONGFUL DEATH/SURVIVAL CLAIMS,
ALLOW COUNSEL FEES AND EXPENSES, AND DIRECT DISTRIBUTION

CC Amy Matzus
Amy pd. 85.00

AND NOW, comes Jean I. Wilkinson, Administratrix of the
Estate of Donald E. Wilkinson, a/k/a Donald Wilkinson, deceased,
who respectfully represents as follows:

1. On July 16, 2005, Donald E. Wilkinson was a passenger
in a vehicle being operated by Jean I. Wilkinson, which was
traveling west on S.R. 322, in Brady Township, Clearfield County,
Pennsylvania, when Jean I. Wilkinson failed to yield the right of
way to an oncoming vehicle and attempted to make a left handed
turn in front of the oncoming vehicle. The other driver was
unable to avoid striking the Wilkinson vehicle and a collision
occurred. Both vehicles came to rest against one another within
the other driver's lane of travel.

2. As a result of the collision, Donald E. Wilkinson died
on August 16, 2005, due to a subdural hematoma.

3. At the time of his death, Donald E. Wilkinson was
survived by his wife, Jean I. Wilkinson.

4. Jean I. Wilkinson is the beneficiary at law of the Estate of Donald E. Wilkinson.

5. Jean I. Wilkinson, acting as the personal representative of the Estate of the said Decedent, is empowered to bring survival and wrongful death claims for the damages that the Decedent and his Estate sustained as a result of the accident of July 16, 2005.

6. In settlement of the Estate's claim, the automobile liability carrier for Jean I. Wilkinson, State Farm Mutual Automobile Insurance Company, has offered its automobile liability policy limits in the amount of One Hundred Thousand (\$100,000.00) Dollars, upon execution of the General Release attached hereto as Exhibit "A".

7. Your Petitioners request that the total settlement proceeds, in the amount of One Hundred Thousand and 00/100 (\$100,000.00) Dollars, be allocated as follows:

- (a) To Jean I. Wilkinson, Administratrix of the Estate of Donald E. Wilkinson, deceased, the sum of Ten Thousand and 00/100 (\$10,000.00) Dollars for the Survival claims; and
- (b) To Jean I. Wilkinson, Administratrix of the Estate of Donald E. Wilkinson, deceased, the sum of Ninety Thousand and 00/100 (\$90,000.00) Dollars, for the wrongful death claims.

8. Jean I. Wilkinson, Administratrix of the Estate of Donald E. Wilkinson, consents to the apportionment of the settlement proceeds and all other terms and conditions of this Petition. Her consent is attached hereto, marked as Exhibit "B".

9. Under the circumstances stated above, Jean I. Wilkinson and Marcus & Mack, P.C. believe that acceptance of the aforesaid settlement monies is in the best interest of the Estate and all of the parties involved.

10. Marcus & Mack, P.C. as legal counsel for Jean I. Wilkinson, Administratrix of the Estate of Donald E. Wilkinson, deceased, has a claim for counsel fees per their Fee Agreement in the amount of Thirty Three Thousand Three Hundred Thirty Three and 34/100 (\$33,333.34) Dollars, together with costs and expenses advanced or to be advanced in the amount of Four Hundred Forty Three and 45/100 (\$443.45) Dollars.

11. Your Petitioner request that the net settlement proceeds in the amount of Sixty Six Thousand Two Hundred Twenty Three and 21/100 (\$66,223.21) Dollars, be distributed in accordance with the Settlement Statement attached hereto as Exhibit "C".

12. Your Petitioners, therefore ask the Court to:

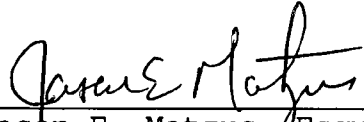
(a) Approve the compromise and apportionment as above stated;

(b) Authorize the payment of attorneys fees and costs in accordance with the amounts set forth in this Petition; and

(c) Direct payment of the net funds in accordance with the terms and conditions set forth in this Petition.

Respectfully Submitted:

MARCUS & MACK

By: 

Jason E. Matzus, Esquire
57 South Sixth Street
P.O. Box 1107
Indiana, PA 15701
Telephone: (724) 349-5602
Sup. Ct. ID: 76229

RELEASE

Barcode Only

38-K711-264

For the Sole Consideration of

*****One-Hundred Thousand*****

Dollars

the receipt and sufficiency whereof is hereby acknowledged, the undersigned hereby releases and forever discharges

Jean Wilkinson

_____ h _____ er _____ heirs, executors, administrators, agents and assigns, and all other persons, firms or corporations liable or, who might be claimed to be liable, none of whom admit any liability to the undersigned but all expressly deny any liability, from any and all claims, demands, damages, actions, causes of action or suits of any kind or nature whatsoever, and particularly on account of all injuries, known and unknown, both to person and property, which have resulted or may in the future develop from an accident which occurred on or about the _____ 16th _____ day of _____ July _____, (year) 2005 at or near _____ Route 322 & 410, LUTHERBURGH PA _____.

This release expressly reserves all rights of the parties released to pursue their legal remedies, if any, against the undersigned, their heirs, executors, agents and assigns.

Undersigned hereby declares that the terms of this settlement have been completely read and are fully understood and voluntarily accepted for the purpose of making a full and final compromise adjustment and settlement of any and all claims, disputed or otherwise, on account of the injuries and damages above mentioned, and for the express purpose of precluding forever any further or additional claims arising out of the aforesaid accident.

Undersigned hereby accepts draft or drafts as final payment of the consideration set forth above.

Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or a statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties.

In Witness Whereof,

_____ have hereunto set _____ hand(s) and seal(s) this _____ day of _____, (year) _____

In presence of:

_____ Signed X _____
Witness

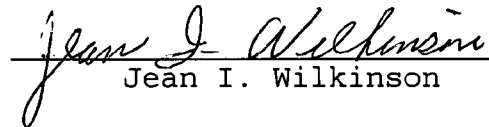
_____ Signed X _____
Address

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

IN RE: Jean I. Wilkinson, Administratrix:
of the Estate of DONALD E. : No. 1705-0566
WILKINSON, A/K/A DONALD :
WILKINSON, deceased.

CONSENT

I, Jean I. Wilkinson, Administratrix of the Estate of Donald E. Wilkinson, deceased, do hereby consent to the terms and conditions for distribution set forth in the foregoing Petition.


Jean I. Wilkinson

Sworn and subscribed to before me
this 16th day of May, 2006.


Notary Public

MICHAEL A. RUDELLA
District Judge 46-3-03
State of PA; Clearfield County
Term Expires Jan. 3, 2012

EXHIBIT B

MARCUS & MACK

Attorneys at Law

A PROFESSIONAL CORPORATION

The Grant Building
Suite 2220
310 Grant Street
Pittsburgh, PA 15219
412-391-3990
412-391-6673 (Fax)

SETTLEMENT STATEMENT ESTATE OF DONALD WILKINSON

May 3, 2006

57 South 6th Street
P.O. Box 1107
Indiana, PA 15701
800-488-0338
724-349-5602
724-349-8362 (Fax)

Proceeds received from State Farm Insurance Company \$100,000.00

Less Attorneys Fees 33,333.34

\$ 66,666.66

Less Costs Advanced (See attached itemized list) 443.45

\$66,223.21

AMOUNT DUE THE ESTATE OF DONALD WILKINSON \$66,223.21

I have read this settlement statement and acknowledge that the above settlement reflects the full and final settlement of all claims I may have. I understand that the execution of this Release will dismiss any and all claims forever against any insurance company(s) and/or defendants. I further understand that any and all remaining costs and/or unpaid medical bills are now my responsibility. I have been given a copy of this statement for my records.

JEAN WILKINSON, Executor of the Estate
Of DONALD WILKINSON

EXHIBIT C

COMMONWEALTH OF PENNSYLVANIA :
 : SS
COUNTY OF CLEARFIELD :

Before me, the undersigned, a Notary Public in and for said State and County, personally appeared JEAN I. WILKINSON, known to me or satisfactorily proven, to be the person whose name is contained in the foregoing Petition, Administratrix of the Estate of DONALD E. WILKINSON, deceased, and, who being duly sworn according to law, deposes and says that the facts set forth therein are true and correct to the best of her knowledge, information and belief.

Jean I. Wilkinson
JEAN I. WILKINSON, Administratrix

Sworn to and subscribed before me
this 16th day of May, 2006.

Michael A. Rudella
NOTARY PUBLIC
My Commission Expires:

MICHAEL A. RUDELLA
District Judge 46-3-03
State of PA; Clearfield County
Term Expires Jan. 3, 2012

IN THE COURT OF COMMON PLEAS
CLEARFIELD COUNTY, PENNSYLVANIA

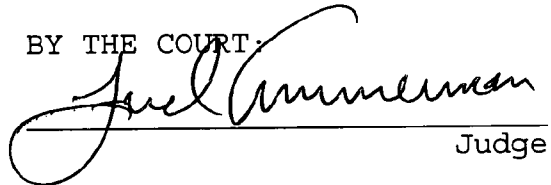
IN RE: Jean I. Wilkinson, Administratrix: *co-793-CD*
of the Estate of DONALD E. : No. ~~1705-0566~~
WILKINSON, A/K/A DONALD :
WILKINSON, deceased.

ORDER OF COURT

AND NOW, this 26th day of May, 2006, upon
consideration of the foregoing Petition, it is hereby ORDERED and
DIRECTED as follows:

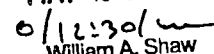

1. The terms and conditions of settlement as set forth in the foregoing Petition are hereby approved.
2. The Court authorizes and directs payment of attorney fees and costs as set forth in the Petition.
3. Distribution of the settlement proceeds received on behalf of the Estate of Donald E. Wilkinson, deceased, shall be apportioned as set forth in the Petition.

BY THE COURT:


Judge

FILED

MAY 26 2006

0/12:30/  
William A. Shaw
Prothonotary/Clerk of Courts
1 cert TO ATTY