



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-CJ FILED

MT 102801  
MAY 19 2006

William A. Shaw  
Prothonotary/Clerk of Courts  
CC Atty Matus  
Atty pd. 85.00

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

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 Matzus  
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:

\_\_\_\_\_  
Witness  
\_\_\_\_\_  
Signed X \_\_\_\_\_

\_\_\_\_\_  
Address  
\_\_\_\_\_  
Signed X \_\_\_\_\_

IN THE COURT OF COMMON PLEAS  
CLEARFIELD COUNTY, PENNSYLVANIA

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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  
Jean I. Wilkinson

Sworn and subscribed to before me  
this 16<sup>th</sup> day of May, 2006.

M. Rudella  
Notary Public

EXHIBIT B

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

**MARCUS & MACK**  
*Attorneys at Law*  
A PROFESSIONAL CORPORATION

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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.

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**JEAN WILKINSON, Executor of the Estate  
OF DONALD WILKINSON**

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 16<sup>th</sup> day of May, 2006.

*M. A. Ruella*  
\_\_\_\_\_  
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: *ao-793-CD*  
of the Estate of DONALD E. : No. *1705-0566*  
WILKINSON, A/K/A DONALD :  
WILKINSON, deceased.

ORDER OF COURT

AND NOW, this 26<sup>th</sup> 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:

*Juel Ammerman*  
\_\_\_\_\_  
Judge

FILED

MAY 26 2006

5/26/06 *6W*  
William A. Shaw  
Prothonotary/Clerk of Courts  
1 copy to Atty