

IN THE COURT OF COMMON PLEAS OF CARBON COUNTY, PENNSYLVANIA  
CIVIL ACTION - LAW

Plaintiff  
vs.  
Defendant

NO.

ORDER OF COURT

AND NOW, this      day of      , 20    , upon consideration of the Motion to Compromise Wrongful Death and Survival Action filed on      , 20    , it is hereby ORDERED that Petitioner is authorized to enter into a settlement with Defendant(s)      in the gross sum of (\$      ).

It is further ORDERED and DECREED that the settlement proceeds be distributed as follows:

1. To: \_\_\_\_\_, Esq.      \$ \_\_\_\_\_  
For Costs
  2. To: \_\_\_\_\_, Esq.      \$ \_\_\_\_\_  
Counsel Fees
  3. The balance of the settlement, the sum of      \$ \_\_\_\_\_  
is apportioned as follows:  
Wrongful Death Claim      \$ \_\_\_\_\_  
Survival Claim      \$ \_\_\_\_\_
    - a. The Wrongful Death Claim shall be paid as follows:
      - I. To: Spouse; and/or      \$ \_\_\_\_\_
      - ii. Adult Child(ren)      \$ \_\_\_\_\_
      - iii. To: Minor Child(ren)<sup>1</sup>      \$ \_\_\_\_\_
- as provided hereunder

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<sup>1</sup>In the event the beneficiary is an incapacitate person, appropriate changes are to be made. Counsel shall set forth in the Order a separate provision for each minor or incapacitated person.

OPTION 1

Counsel is hereby authorized to execute all documentation necessary to purchase saving certificate(s), from federally insured banks or savings institutions having an office in Carbon County, in the sum of \$\_\_\_\_\_, each not to exceed the insured amount, with the funds payable to the minor upon majority. The certificate shall be titled in the name of the minor and shall be restricted as follows:

\_\_\_\_\_, a minor, not to be redeemed except for renewal in its entirety, not to be withdrawn, assigned, negotiated, or, otherwise alienated before the minor attains majority, except upon prior Order of Court.

Counsel shall open a savings account in the sum of \$\_\_\_\_\_ in the name of the minor. The savings account shall be restricted as follows:

\_\_\_\_\_, a minor, not to be withdrawn, before the minor attains majority, except for the payment of city, state, and federal income taxes on the interest earned by the savings certificate and savings account, or upon prior Order of Court.

OPTION 2

To: \_\_\_\_\_, Guardian \$\_\_\_\_\_

of the Estate of \_\_\_\_\_, a minor; provided, however, that no payment shall be made to the guardian until the guardian has posted additional security as may be required by the Orphans' Court Division of Carbon County pursuant to 20 Pa.C.S. § 5121, et seq. An appropriate Petition shall be filed with the Orphans' Court within thirty (30) days.

OR

[To: Guardian of the Estate of \$\_\_\_\_\_

\_\_\_\_\_, a minor, upon appointment by the Orphans' Court Division of Carbon County and upon the posting of any security as required by the said Orphans' Court pursuant to 20 Pa.C.S. § 5121, et seq. An appropriate Petition shall be filed with the Orphans' Court within thirty (30) days. Counsel shall not make any Distribution to said Guardian upon appointment until this provision is fully complied with.]; and/or

iv. To: Parent(s) \$\_\_\_\_\_

b. The Survival Claim, in the sum of \$\_\_\_\_\_

shall be paid to \_\_\_\_\_, Administrator/Executor of the Estate of \_\_\_\_\_, Deceased; provided, however, that counsel shall not distribute any funds to the said Administrator/Executor until additional security as may be required by the Register of Wills of Carbon County pursuant to 20 Pa.C.S. § 3323(b)(3) is posted.

Within thirty (30) days from the date of this Order, counsel shall file with the Motion's Court an Affidavit from counsel certifying compliance with this Order.

BY THE COURT:

\_\_\_\_\_  
J.