STATE OF SOUTH CAROLINA

Plaintiff,

vs.

Defendant.

IN THE COURT OF COMMON PLEAS ELEVENTH JUDICIAL CIRCUIT

CASE NO.: 201-CP-32-0_____

RECORD OF HEARING FOR SETTLEMENT APPROVAL

Date of Hearing: Presiding Judge: Judge James O. Spence, Special Circuit Court Judge Courtroom: 2A

- Present and appearing at the hearing were ______(Personal Representative of The Estate), ______ (counsel for _____), _____ (counsel for the Defendant), ______ (counsel for _____), and ______ (counsel for ______).
- This matter came before the court on the Petition of ______, as Personal Representative of the Estate of ______.
 On or about ______, the decedent, ______ was the victim
- On or about ______, the decedent, ______ was the victim of an automobile accident and sustained fatal injuries. The accident occurred in ______, S.C.
- Judge Spence questioned ______ regarding the contents of his/her Petition for Approval of Settlement. He/She indicated that he/she sought the Court's approval of the terms as outlined in the Petition, that he/she understood that approval of the settlement would extinguish all claims on behalf of the Estate and the statutory beneficiaries, and that he/she was satisfied with the services of his/her counsel and approved the allocation of attorneys' fees and costs as set forth in the Petition. Attorneys' fees of ______ dollars (\$_____) were presented. Counsel for Plaintiff also indicated her agreement with the proposed settlement by executing a certificate of counsel.
- Judge Spence requested that the parties be sure that the order included the allocation of the settlement amount between the wrongful death and survival claims.

- Judge Spence also requested that the parties note the amount paid for property damage in the proposed order.
- Judge Spence asked the parties if notice of the settlement had been afforded to all statutory beneficiaries and interested parties; counsel for Plaintiff answered in the affirmative.
- The proposed settlement is as follows:
 - The Defendant, _____, has offered to pay _____ dollars (\$____) in bodily injury and _____ dollars (\$_____) in property damage, which is being paid out of _____.
 - has offered to pay _____ dollars (\$_____) in bodily injury and _____ dollars (\$_____) in property damage, to be paid out of underinsured motorist
 - has offered to pay the sum of dollars (\$_____) in bodily injury and _____
 dollars (\$______) in property damage, to be paid out of excess underinsured motorist Policy No. _____, issued to ______ and providing coverage to ______, in exchange for a policy release.
 - Of the combined settlement offers of ______ dollars (\$______), the parties have offered to pay ______ (\$______) to the Plaintiff for the benefit of the estate in a full and final settlement of any and all claims which the Estate might have under the survival statute; this amount includes ______ dollars (\$______) in payment of Decedent's property damage claim. In addition, the parties have offered to pay the remaining sum of ______ dollars (\$_______) for the benefit of the statutory beneficiaries, in full and final settlement of any and all claims which the statutory beneficiaries might have under the wrongful death statute or otherwise.
- Counsel for Plaintiff represented that there are no debts against the Estate and Plaintiff __________ is its sole beneficiary pursuant to Decedent's will.
- The statutory beneficiaries of the wrongful death cause of action are _____, of the Decedent. These parties were notified of the hearing.
- At the conclusion of the hearing, Judge Spence approved the settlement as outlined in the Petition and requested that the Petition and proposed Order (including the requested addition) be e-filed with the Clerk of Court.