

PROBATE COURT OF STARK COUNTY, OHIO

IN THE MATTER OF: JENNY LOU BAICH AKA JENNIE LOU BAICH

CASE NO. 220053 & 217403

FILED

MAR - 1 2017

MAGISTRATE'S DECISION AND ORDER

JUDGE DIXIE PARK  
STARK COUNTY PROBATE COURT

Pursuant to a prior order referring the above entitled proceeding to me for hearing, I proceeded under the provisions of Civil Rule 53 to hear and examine such proceeding and respectfully submit the following decision and order thereon.

This matter was heard on Mar 1, 2107 upon the  
HEARING ON AN APPLICATION TO APPROVE SETTLEMENT AND DISTRIBUTION OF WRONGFUL DEATH  
AND SURVIVAL CLAIMS

Appearances were made by:  
ANJAIL MHETA, ESQ. - STEPHEN A. GINELLA, JR., ESQ. - JOHN BAICH

A copy of the magistrate's decision and order was filed on the above stamped date with the Court and copies were mailed or personally served to the parties and/or their attorneys of record.

Findings of fact and the decision and order are as stated in the attachments hereto.

**NOTICE TO ATTORNEYS AND PARTIES**

Civil Rule 53(D)(3) and (4) provides as follows: A party may, within fourteen (14) days of the filing of the decision, serve and file written objections to the decision. If objections are timely served and filed by the party, any other party may serve and file objections within ten (10) days of the date on which the first objections were filed, or within the time otherwise prescribed by this rule, whichever period last expires. Such objections shall be considered a motion. Objections shall be specific and state with particularity the grounds therefor. Upon consideration of the objections the Court may adopt, reject or modify the decision; hear additional evidence; recommit the matter to the magistrate with instructions; or hear the matter itself.

Civil Rule 53(D)(4)(e) provides as follows: Permanent and interim orders. The court may adopt a decision and enter judgment without waiting for timely objections by the parties, but the filing of timely written objections shall operate as an automatic stay of execution of that judgment until the court disposes of those objections and thereby vacates, modifies, or adheres to the judgment previously entered. The court may make an interim order on the basis of a decision without waiting for or ruling on timely objections by the parties where immediate relief is justified. An interim order shall not be subject to the automatic stay caused by the filing of timely objections. An interim order shall not extend more than twenty-eight days from the date of its entry unless, within that time and for good cause shown, the court extends the interim order for an additional twenty-eight days.

These and all other provisions of the Ohio Rules of Civil Procedure must be in compliance or objections will be overruled.

Submitted by: \_\_\_\_\_, Magistrate

Tape index number: 3-1-2017 D

CASE NO. 220053 & 217403

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

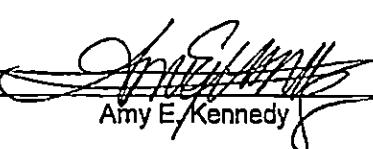
THE DECEDENT DIED TESTATE ON 4/12/2009 SURVIVED BY HER HUSBAND AS HER SOLE NEXT OF KIN. THE SURVIVING SPOUSE DIED ON 1/27/13, AND HIS ESTATE IS BEING ADMINISTERED IN CASE #217403. THE RESIDUARY BENEFICIARIES OF BOTH ESTATES ARE THE HUSBAND'S SIBLINGS. JOHN BAICH WHO IS FIDUCIARY OF BOTH ESTATES, WAS APPOINTED FIDUCIARY OF THE WITHIN ESTATE ON 2/26/14. THE APPROVED INVENTORY LISTS INSURANCE PROCEEDS AND AN ASBESTOS RELATED CLAIM. A PARTIAL ACCOUNT FILED ON 5/20/15 ACCOUNTED FOR ALL PROBATE ASSETS. THE DECEDENT HAD AN ASBESTOS RELATED CLAIM THAT IS BEING PROSECUTED BY BEVAN & ASSOC. A PENDING MOTION TO APPROVE A ONE THIRD CONTINGENCY FEE IS APPROVED. A FIRST PARTIAL APPLICATION WAS FILED 2/13/17 TO APPROVE A SETTLEMENT OF \$23,780.74. NOTICE HAS BEEN WAIVED BY ALL INTERESTED PERSONS AND THE SETTLEMENT IS APPROVED. LEGAL FEES OF \$7,926.91 ARE APPROVED, ALONG WITH CASE EXPENSES OF \$260.35. NET REMAINING IS ALLOCATED ENTIRELY TO THE WRONGFUL DEATH CLAIM

## MAGISTRATE'S DECISION AND ORDER

ORDERED THAT: [1] PARTIAL SETTLEMENT OFFER OF \$23,780.74 IS APPROVE AND THE FIDUCIARY IS AUTHORIZED TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THE SETTLEMENT. [2] ONE THIRD CONTINGENCY FEE AGREEMENT IS APPROV'D. [3] LEGAL FEES OF \$7,926.91 ARE APPROVED, ALONG WITH REIMBURSEMENT OF CASE EXPENSES OF \$260.35. [4] NET REMAINING OF \$15,593.48 TO BE PAID TO JOHN BAICH, EXECUTOR OF THE ESTATE OF LOUIS BAICH. [5] REPORT OF DISTRIBUTION TO BE FILED BEFORE 4/15/17. [6] FUTURE ACCOUNTS IN THE WITHIN ESTATE ARE WAIVED, IN LIEU OF ACCOUNTS, ANNUAL STATUS REPORTS TO BE FILED, WITH FIRST REPORT DUE 2/1/2018 AND EACH YEAR THEREAFTER. [7] COURT COSTS IN THE WITHIN ESTATE TO BE PAID BEFORE 4/15/17.

[X] That pursuant to Civil Rule 53(D)(4)(e)(ii), based on the decision immediate relief is justified in this case for this recommendation to take effect forthwith as an interim order.

MAGISTRATE

  
Amy E. Kennedy

Dated: Mar 1, 2107