

**SURROGATE'S COURT OF THE STATE OF NEW YORK
COUNTY OF _____**

In the Matter of the Application of

_____ as
**Administrat ____ of the Goods, Chattels and
Credits which were of**

ATTORNEY'S AFFIDAVIT

Deceased.

File No. _____

**For leave to compromise a certain cause of action
for wrongful death of the decedent and to render and have
judicially settled an account of the proceedings as such
Administrat _____.**

STATE OF NEW YORK)
)ss.:
COUNTY OF _____)

_____, being duly sworn, deposes and says:

**1. I am a member of the firm of _____, Esqs., with
offices at _____.**

**2. We were retained on _____, and filed a statement of retainer with the
Office of Court Administration under Code Number _____.**

**3. After being retained by _____, widow/widower of
decedent, an extensive investigation was conducted into the occurrence that resulted in the death of
decedent, including obtaining police reports, hospital records, motor vehicle bureau records, etc.**

**4. It was ascertained that on _____ at approximately _____ a.m/p.m.
of that day at [location] _____ the decedent [describe details
of accident] _____**

**The decedent sustained multiple injuries and was taken to _____ Hospital,
where he/she died at _____ a.m./p.m. on _____ without having regained
consciousness.**

**5. Thereafter a claim was made against the _____ Insurance
Company, which insured the vehicle of _____.**

**6. The funeral and hospital bills were paid under no-fault benefits and none are left
outstanding.**

7. The insurance company of the defendant driver disclaimed any liability, claiming decedent

[describe defendant's defense]

8. After intensive negotiations with _____ Insurance Company, it finally has made an offer in the sum of \$ _____ out of a total of \$ _____ coverage for the wrongful death of decedent.

9. All of the proceeds of the settlement of the claim are to be allocated to the action for wrongful death, the decedent never having regained consciousness following the occurrence complained of.

10. That _____ was, in addition thereto, appointed Guardian of the person and property of the infant, _____, by the Surrogate's Court, _____ County, on _____, under File No. _____.

11. In light of the fact that the owner of the vehicle involved in the accident alleges that the accident was the fault of the decedent and [provide other details]

_____ your deponent submits that the settlement is fair and reasonable and should be accepted for the best interests of the estate.

12. Your deponent will prepare all papers necessary to accomplish said settlement and obtain approval of the Surrogate's Court and do whatever is necessary on behalf of the estate and the next of kin.

13. The following expenses have been incurred [list all expenses]:

Police reports	\$ _____
Hospital records	\$ _____
Surrogate's Court fees	\$ _____
Motor Vehicle Bureau	\$ _____
TOTAL	\$ _____

14. Your deponent has not become concerned in this action at the request of the defendants or their attorneys or representatives, and no compensation has been or will be received by deponent from defendants or their attorneys or representatives. Any compensation to be received by way of fees herein is to be paid out of the proceeds of the proposed settlement and not otherwise. Your deponent has a written retainer with the administrat_____ herein providing for a fee of _____ % of the net recovery, which your deponent submits is fair and reasonable in light of all of the facts and circumstances.

15. On _____, your deponent caused a check of the records of this court to be made for liens, assignments and encumbrances and found none, and your deponent has been advised by petitioner that petitioner does not know of any filed or recorded, and your deponent has inquired of the petitioner and is satisfied that the only claims that have been filed with the administrat____ are those shown in the petition. Your deponent waives notice and the requirement that any security be filed and consents to the entry of a decree without any further notice.

16. No previous application for the relief requested herein has been made to any court or judge.

17. Your deponent requests that a fair and reasonable sum for services rendered and to be rendered be allowed in te sum of \$ _____, together with disbursements in the sum of \$ _____.

WHEREFORE, deponent respectfully prays that the relief requested herein be granted.

Sworn to before me this _____
day of _____, 20____.

Notary Public