

At a Term of the Supreme Court held in the
County of _____ in _____,
New York, on the _____ day of
_____, 2016.

PRESENT: Hon. Robert J. Muller

STATE OF NEW YORK
SUPREME COURT COUNTY OF

Plaintiffs,

ORDER

-against-

Index No.
RJI No.

Defendant(s).

Upon reading and filing the Affidavit of _____ mother/father and natural guardian of the infant plaintiff herein, duly sworn to the _____ day of _____, 2016; the Affirmation of _____, Esq., attorney for the plaintiff herein, dated the _____ day of _____, 2016, and the aforesaid mother/father and natural guardian, the infant plaintiff and their attorney, _____, Esq., having appeared before me on the _____ day of _____, 2016, and upon all of the papers, pleadings and proceedings heretofore had herein; and it appearing that the best interests of the infant will be served by approval of this settlement;

NOW, on motion of plaintiffs' attorneys, it is

ORDERED, that the aforesaid parent and natural guardian of the infant plaintiff, be and hereby is authorized to settle the action against the defendant(s) for the sum of _____ (\$); and it is further

ORDERED that the aforesaid sum shall be apportioned and paid by defendant(s) as follows:

The Sum of _____ (\$) shall be paid by the defendant(s) or their insurer as hereinafter provided; and it is further

ORDERED, that the aforesaid defendant(s) identified above or their insurer pay the aforesaid settlement sum as follows:

(A) The sum of _____ (\$) to the order of _____, Attorneys, P.C., the above-named attorneys for the plaintiffs as and for attorneys' fees, plus (or inclusive) all disbursements and expenditures made on plaintiffs' behalf;

(B) The remaining sum to the aforesaid parent and natural guardian of said infant, jointly with an officer of _____ bank, located at _____ said funds to be deposited in said Bank and held therein for the sole use and benefit of said infant, subject to the further order of this Court; and

ORDERED, that upon full payment of all of the aforesaid amounts, defendant(s) and their insurer shall have no further liability herein; and it is further

ORDERED, that the funds deposited in said Bank shall be held therein for the sole use and benefit of said infant, subject to the further order of this Court; and it is further

ORDERED, that said Bank shall place these funds in the highest interest bearing time accounts or certificates of deposit, and said certificates and accounts shall be renewed upon maturity, provided, however, the maturity date of such certificates and accounts or any renewal thereof, shall not extend beyond the date of the infant's eighteenth (18th) birthday; and it is further

ORDERED, that the attorney for the plaintiffs shall serve a copy of this Order upon said Bank and shall arrange for the deposit of said funds as expeditiously as is reasonably possible; and it is further

ORDERED, that within thirty (30) days of the deposit of said funds in the above designated bank, the above guardian shall submit to the Court a copy of the certificate of deposit issued by said bank; and there shall be no right of withdrawal from the aforesaid account until the infant plaintiff's eighteenth (18th) birthday, except upon further order of this Court, which said Order shall be certified by the Clerk of this Court; and it is further

ORDERED, that the Bank shall pay over all monies held in the aforesaid accounts to the infant plaintiff herein upon demand and without further Court order when the infant reaches the age of eighteen (18) years, upon presentation of proper proof and compliance with the Bank's rules of withdrawal; and it is further

ORDERED, that each year (or quarterly as the case may be) during the minority of the infant plaintiff, upon presentation to the above named Bank of a duly executed income tax return or other document showing the amount of income or estimated tax due on behalf of the infant, said Bank shall provide the infant's guardian herein with checks made payable to the Internal Revenue Service and/or State and/or Municipal Taxing Authority to which said income tax is owed by said infant. However, said checks shall be only for such amounts as may be due and payable for that portion of the infant's personal income tax liability attributable to income earned on said account [including interest and penalties thereon] as shown on any official bill therefor issued by the taxing authority. Said check and/or checks shall identify the infant and said infant's social security number in order to insure that said amounts are being made for the benefit of the infant; and it is further

ORDERED, that said banks be and hereby are authorized without further order of this court to pay out of the infant's bank accounts, reasonable fees for the preparation of any income tax return or estimated income tax return or accounting that may be required to be filed by or on the infant's behalf.

ORDERED, that in the event of the death of said infant plaintiff on or prior to said infant's eighteenth (18th) birthday, all of the aforesaid sums described in said Bank shall be paid to the estate of said infant plaintiff, or to the designated beneficiary of said estate in the same amount and in the same manner as previously set out; and it is further

ORDERED, that conditioned upon compliance with the terms of this order, the aforesaid parent and natural guardian of the infant plaintiff, be and is hereby authorized and empowered to execute and deliver a general release and all other instruments necessary to effectuate the settlement herein.

DATED:

HON. ROBERT J. MULLER, J.S.C.