

Supreme Court of Nova Scotia

Between:

[name] as litigation guardian for [name] [title in proceeding]

and

[name] [title in proceeding]

**Order Approving Settlement and Establishing Trust
(Under \$25,000)**

Before the Honourable Justice [name or blank] in chambers

The court is satisfied that a settlement between the parties to this action by which \$ is paid for the benefit of [name of child] , who is years of age, is in [his/her] best interests.

The court is also satisfied that [name of proposed trustee] is a fit person to act as trustee of the settlement funds.

On the motion of as counsel for , the following is ordered:

- 1 It is declared that the parties made a settlement agreement, by which the defendant [s] pays the sum of \$ for the benefit of [name of child] in exchange for a general release of the defendant [s] from all claims made by the child [if an action, and an order dismissing this proceeding] .
- 2 The settlement is approved.
- 3 [name] is appointed trustee of the settlement fund for the benefit of [name of child] .
- 4 Delivery of a bond signed by the trustee without sureties is accepted by the court.
- 5 The litigation guardian is authorized to bind [name of child] to a release by signing it and delivering it to the defendant [s] .
- 6 Counsel's fees and disbursements are approved in the amount of \$, and counsel may deduct that amount from the settlement fund.

7 Counsel must pay the balance to the trustee, who is directed to deal with it as follows:

- (a) allocate \$ _____ to _____ for _____ ;
- (b) invest the balance in a guaranteed investment certificate with [name of institution] ;
- (c) manage the trust funds according to law;
- (d) not to collapse the guaranteed investment certificate until [name of child] turns nineteen or the court orders otherwise;
- (e) pay the balance to [name] when [he/she] reaches the age of majority or, if [he/she] should die or become unable to manage [his/her] affairs, to such person as a judge directs;
- (f) account as the trustee has undertaken to do.

8 An interested person may make a motion to change the terms of this order or for directions.

9 *[This action is dismissed when the settlement funds are delivered to counsel for the plaintiff./The claims of name of child are dismissed when the settlement funds are delivered to counsel for the plaintiff and the claims of other parties remain to be determined.]* Note: Do not include if the order is sought by notice of application rather than by motion in an action.

Signed _____, 20

Prothonotary

CONSENTED TO:

as counsel for the
[applicant/plaintiff]

as counsel for the
[respondent/defendant]