

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

ELECTRIC INSURANCE)
COMPANY,)
)
 PLAINTIFF)
)
v.)
)
MARY L. SCOVILLE, *Individually*)
and as parent of her minor)
children Kristina L. Scoville)
and Kara L. Scoville;)
CODY W. SCOVILLE; AND)
BRIAN D. SCOVILLE,)
)
 DEFENDANTS)

CIVIL No. 04-160-B-H

ORDER ON JOINT MOTION FOR APPROVAL OF SETTLEMENT

An insurance company brought this lawsuit against the members of a family to determine how to distribute fire insurance proceeds. The family home and contents were destroyed by fire. Insurance was in the mother's name, but because of title issues to the underlying real estate, it appears that she and her four children may all have some ownership interest in the property. The two children who are minors have joint guardians to represent them. The family members and the guardians have agreed that the insurance proceeds shall be placed in a bank account opened jointly in the names of the mother and one of

the guardians. They have agreed that the proceeds shall then be used to replace the home and its contents.¹

Judicial approval of a settlement on behalf of minor children requires court approval. See 14 M.R.S.A. § 1605; Me. R. Civ. P. 17A; cf. D. Me. R. 41.2 (judicial approval required, but limited to settlement of personal injury lawsuits). I conclude that the proposed use of the insurance proceeds here, namely to rebuild the house and restore its contents, appropriately recognizes and serves the best interests of the minor children. By signing the joint motion for approval of settlement, the adult family members and the two guardians have submitted themselves to the jurisdiction of this Court for purposes of carrying out this order and their agreement on how the proceeds should be disbursed. That is my assurance that the proceeds will be used appropriately on behalf of the minor children. Should the guardians fail to ensure that the insurance proceeds are used as approved by this Court or should any of the adult family members apply any of the funds to other uses, the conduct would be punishable as a contempt of this federal court and the guardians would also be accountable to the Washington County Probate Court in which they were appointed.

¹ Exhibit A to the Amended Joint Motion for Approval of Settlement (Docket Item 12) is both the answer to the complaint (Docket Item 7) and the agreement. Although the agreement is signed by only one of the guardians (each guardian was appointed to act on behalf of both minor children), the joint motion for approval is signed by both guardians. I therefore treat both guardians as having agreed to all the terms.

Accordingly, the joint motion for approval of settlement is **GRANTED** and it is hereby **ORDERED** that the insurance proceeds shall be distributed and placed in a joint account in the name of Mary L. Scoville and Linda M. Moores as guardian of the minor children. Proceeds of that account shall be used solely to replace the home and its contents.

SO ORDERED.

DATED THIS 16TH DAY OF JUNE, 2005

/s/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE

**U.S. DISTRICT COURT
DISTRICT OF MAINE (BANGOR)
CIVIL DOCKET FOR CASE #: 1:04cv160**

**ELECTRIC INSURANCE
COMPANY**

Plaintiff

represented by **BERNARD J. KUBETZ**
Eaton Peabody
P. O. Box 1210
Bangor, ME 04402
(207) 947-0111
email: bkubetz@eatonpeabody.com

v.

MARY L. SCOVILLE
*Individually and as parent of her
minor children KRISTINA L
SCOVILLE and KARA L SCOVILLE*

represented by **MARY L SCOVILLE, Pro Se**
BOX 110 LEAD MINE RD
LUBEC, ME 04652
(207) 733-9788

and

CODY W. SCOVILLE

and

BRIAN D. SCOVILLE

Defendants

represented by **BRIAN D SCOVILLE, Pro Se**
BOX 110 LEAD MINE RD
LUBEC, ME 04652