

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

DIANA TURNIPSEED-RECTOR,

Plaintiff,

v.

No. 04-2514-DJW

GEORGE C. PRETZ,

Defendant.

ORDER

On December 29, 2005, the Court conducted a motion hearing pursuant to K.S.A. 60-1905 regarding Plaintiff's Motion for Approval of Attorneys Fees and Expenses (doc. 71) and Plaintiff's Motion for Approval of Disbursement of Funds (doc. 73). Plaintiff Diana Turnipseed-Rector appeared in person by telephone and through counsel, Samuel K. Cullen. Defendant did not appear. Chris E. Rhodes, the biological father of Jeanna L. Rhodes, appeared through counsel, Jason Pottenger.

The Court, having reviewed the Rhodes Transaction Detail Report of itemized litigation expenses submitted by Plaintiff's counsel and hearing no objection by Chris Rhodes, grants Plaintiff's Motion for Approval of Attorneys Fees and Expenses (doc. 71).

Upon hearing the sworn testimony of Diana Turnipseed-Rector at the hearing, the Court finds that the deceased Jeanna L. Rhodes was a resident of the state of Kansas at the time of her death. Applying Kansas law, the Court finds that the biological surviving parents of Jeanna L. Rhodes, Plaintiff Diana Turnipseed-Rector and Chris E. Rhodes, are the only heirs who are entitled to apportionment of the net proceeds of the judgment. Accordingly, the Court approves the heirs' agreed disbursement of the judgment as set forth in Exhibit B of Plaintiff's Motion for Approval of Disbursement of Funds. Plaintiff's

Motion for Approval of Disbursement of Funds is therefore granted. Plaintiff shall disburse the funds from the judgment of the above-captioned case as set forth in Exhibit B of Plaintiff's Motion for Approval of Disbursement of Funds.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 29th day of December, 2005.

s/ David J. Waxse
David J. Waxse
United States Magistrate Judge

cc: All counsel and

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