

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

**CHARLES KING as executor
of the estate of Elizabeth Wilbanks**

**PLAINTIFF/
COUNTERDEFENDANT**

v. CASE NO. 4:15-CV-00726 BSM

**TIAA-CREF INDIVIDUAL & INSTITUTIONAL
SERVICES, LLC and LIBERTY LIFE
ASSURANCE COMPANY OF BOSTON**

DEFENDANTS

**LIBERTY LIFE ASSURANCE COMPANY
OF BOSTON**

**THIRD PARTY PLAINTIFF/
COUNTERCLAIMANT**

v.

**ESTATE OF ELIZABETH WILBANKS,
by and through its duly named administrator,
Charles King; ESTATE OF JAMES WILBAKS,
by and through its duly named administrator,
William King; and ESTATE OF TATIANA WILBANKS,
by and through its duly named administrator, Patrick Drew**

**THIRD PARTY
DEFENDANTS**

ORDER

Upon agreement of the parties, the Court finds as follows:

1. The Estate of Tatiana Wilbanks, the Estate of Elizabeth Wilbanks, and the Estate of James Wilbanks (collectively the "Claimants") have resolved their differences in this matter.

2. Upon submission by counsel for the Estate of Elizabeth Wilbanks and the Estate of Tatiana Wilbanks of payee information and any and all completed payee forms required by Liberty Life Assurance Company of Boston ("Liberty") to counsel for

Liberty in this matter, Liberty shall pay the Estate of Tatiana Wilbanks \$50,000.00 and pay the Estate of Elizabeth Wilbanks \$950,000.00 with such payments being delivered to the parties' counsel within thirty (30) days of receipt by Liberty of such documentation and forms.

3. Upon submission of payee information in writing and any and all forms as may be required by TC Services provided by counsel for the Estate of Elizabeth Wilbanks to counsel of record for TIAA-CREF Individual & Institutional Services, LLC ("TC Services"), TC Services shall pay the Estate of Elizabeth Wilbanks the full amount of the retirement account of James Wilbanks II as calculated as of the date such payee information is provided to TC Services' counsel minus federal and state tax withholdings made by TC Services as it determines are appropriate within thirty (30) days of receipt by TC Services of such documentation.

4. Liberty and TC Services are fully and finally discharged from any and all liability to any other Party in this action or under the Policy that is the subject of this action. Claimants are permanently enjoined from instituting any additional proceeding in any state or United States' court or other forum related to matters, accounts, policies and funds at issue in this case as to Liberty and TC Services or any affiliated entity of either entity.

5. This is the final judgment of the court, and this matter is hereby terminated. All claims made by all parties in this case are dismissed with prejudice.

IT IS SO ORDERED this 13th day of April 2016.


UNITED STATES DISTRICT JUDGE

Prepared by:

/s/ Thomas Burns

Thomas Burns
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Approved as to form by:

/s/ Iwana Rademaekers

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