

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Companion Life Insurance Company,

Plaintiff,

vs.

Amy C. Durbin, Dustin L. Durbin,
Shelby Lynn Durbin, and Amber B. Kirby,

Defendants.

C/A No. 3:13-cv-00917-JFA

**ORDER FOR
DISBURSEMENT OF FUNDS**

In this interpleader action, the plaintiff, Companion Life Insurance Company, (“Plaintiff”) has deposited with the Registry of this court the sum of \$40,000, representing the proceeds of a life insurance policy it issued on James L. Durbin (“Decedent”). Defendants in this case are Amy C. Durbin, the surviving spouse of Decedent, and Dustin L. Durbin, Shelby Lynn Durbin, and Amber B. Kirby, all of whom are alleged to be children of Decedent (collectively “Defendants”).

Plaintiff successfully moved for permission to file the insurance proceeds with the Registry of this court and to be discharged from the case.¹ ECF Nos. 19–20, 30–31. This leaves Defendants as competing claimants to the proceeds. Defendant Amber B. Kirby is in default and, therefore, has forfeited any claim to the proceeds. ECF No. 18.

On September 11, 2013, this court conducted a conference call with the remaining defendants Amy C. Durbin, Dustin L. Durbin, and Shelby Lynn Durbin. During the

¹ At first, Plaintiff sought this court’s permission to deposit \$20,000 with the Registry of this court, a request the court granted in an order issued on July 9, 2013. Subsequently, Plaintiff moved to amend that order to allow Plaintiff to deposit with the Registry of this court an additional \$20,000, for a total of \$40,000. This court granted that motion on July 29, 2013.

conference call, a settlement was proposed, thoroughly discussed, and approved by this court. This order serves to memorialize the settlement reached and to authorize the Clerk of Court to disburse the funds being held.

Amy C. Durbin suggested that if the insurance proceeds first could defray the costs of Decedent's funeral, she would not object to splitting in equal shares the balance of the insurance proceeds with the two children asserting claims. The two children, Dustin L. Durbin and Shelby Lynn Durbin, accepted this proposal.

In an earlier conference call, on August 29, 2013, the court had directed Amy C. Durbin to furnish the court with a copy of the funeral bill for Decedent. The court received the bill and will file it as an exhibit in this case. The invoice reflects that Amy C. Durbin advanced the sum of \$350.00 towards the funeral bill and that a balance remains due and owing of \$6,361.75 to Piatt and Barnhill Funeral Directors, Inc., of Washington, Pennsylvania.

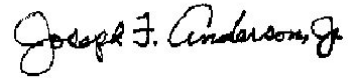
Consistent with the settlement unanimously agreed upon during the September 11, 2013, conference call, this court hereby orders that the Clerk of Court disburse the funds being held in this case as follows:

- (1) \$350.00 to reimburse Amy C. Durbin for her advancement on the funeral bill;
- (2) \$6,361.75 to Piatt and Barnhill Funeral Directors, Inc., 420 Locust Avenue, Washington, Pennsylvania 15301; and
- (3) The balance divided evenly among Amy C. Durbin, Dustin L. Durbin and Shelby Lynn Durbin.

Upon disbursement of the funds called for herein, this case shall be closed and dismissed with prejudice.

IT IS SO ORDERED.

September 11, 2013
Columbia, South Carolina

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." The signature is written in a cursive style with a large initial 'J'.

Joseph F. Anderson, Jr.
United States District Judge