

RELEASE

Jaime Wheeler, and Jimmy Lincks III hereinafter referred to as Releasors, allege that Wheeler sustained injuries to her person and property and Lincks sustained damages for the alleged wrongful death of Jimmy Lincks, Jr., hereinafter referred to as Decedent, as a result of a vehicle accident occurring on or about January 3, 2014 when a vehicle being operated by Releasor Wheeler, and in which Decedent was a passenger, collided with a vehicle owned by the County of Humboldt, operated by its employee Keith Schuetzle. The County and Schuetzle are jointly referred as Releasees. The accident occurred on State Route 254 (Avenue of the Giants) at the intersection with Elk Creek Road in Humboldt County, California.

The Releasors allege that the accident was caused by the negligence of the Releasees or that the Releasees are otherwise liable for their injuries or damages, which the Releasees deny.

Releasors have filed an action in the Superior Court in Humboldt County, California entitled "Jaime Wheeler, an individual, the Estate of Jimmy Lincks Jr. by and through its Successor-in-Interest Jimmy Lincks III, and Jimmy Lincks III, an individual, plaintiffs v. County of Humboldt, a public entity, Keith Schuetzle,

an individual, and Does 1 through 50, inclusive, defendants”, Action No. DR140650, for damages from this accident.

Releasor Jimmy Lincks III and his attorney warrant and affirm that they have made a reasonable inquiry and the following statements concerning the status of Jimmy Lincks III and the Estate of Jimmy Lincks Jr. are true and correct:

Releasor Jimmy Lincks III is the only known child and heir of Decedent; no estate has been opened for Decedent or The Estate of Jimmy Lincks Jr. and no executor or other personal representative has been appointed for the decedent or The Estate; Releasor Jimmy Lincks III is the sole person with legal standing to assert claims on behalf of any estate for Decedent if such an estate were to be opened; Releasor Jimmy Lincks III is the only person entitled to act as the successor-in-interest to the rights and interests of the Decedent; and Releasor Jimmy Lincks III is a conservatee of the Humboldt County Public Guardian’s Office for medical treatment purposes only and has both the legal capacity and mental capacity to sign legally binding documents, including this Release, on his own behalf.

In consideration of \$250,000 paid jointly to Releasors on behalf of Releasees, Releasors, for themselves, their heirs, executors, administrators, and assigns, fully release the Releasees, and any other owner or operator of their vehicle, and all other officials and employees of Releasee County of Humboldt, from all claims by reason of any injury or damages which have been or may be sustained as a result of the accident.

Releasors and their attorneys shall be solely responsible for allocating the proceeds of this settlement between the Releasors.

This settlement is of a disputed claim, and is not an admission of liability by the Releasees, or any of them.

Releasors **waive** all rights under Section 1542 of the California Civil Code, which reads as follows:

“A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the Release, which if known by him or her must have materially affected his or her settlement with the debtor.”

This settlement includes all injuries and damages to the person and property of the Releasors, including but not limited to any claim for past or future loss of earnings or loss of earning capacity, past or future medical expenses, financial support, and general damages whether known or unknown, foreseen or unforeseen, and whether they are latent or occur later as a result of the accident.

No promise or inducement has been made other than those set out in this Release. The Release is executed by the Releasors without reliance on any representation by the Releasees or their representatives concerning the nature or extent of injuries, damages, or legal liability.

The Releasors authorize the payment of the consideration of this Release to the Panish Shea & Boyle LLP Trust Account, the client trust account for their attorneys. Releasors direct Panish Shea & Boyle LLP, their attorneys, to deposit the proceeds of this settlement into the attorneys' trust account, and not to disburse

the proceeds until all known third party liens or claims, including but not limited to any claims by health care providers or Medi-Cal for treatment provided to Releasors or the Decedent related to the accident, have been satisfied or otherwise resolved and the Releasors have reached agreement on the allocation of remaining funds as between Releasors. Releasors and their attorneys shall be solely responsible for satisfaction and resolution of any liens or claims on the settlement proceeds. Releasors and their attorney warrant they have made a reasonable inquiry and that Medi-Care has not paid any of the medical expenses incurred by Releasors or the Decedent related to the accident in question.

Releasors direct Panish Shea & Boyle LLP, their attorney, to file a dismissal with prejudice of “Jaime Wheeler, an individual, the Estate of Jimmy Lincks Jr. By and through its Successor-in-Interest Jimmy Lincks III, and Jimmy Lincks III, an individual, plaintiffs v. County of Humboldt, a public entity, Keith Schuetzle, an individual, and Does 1 through 50, inclusive, defendants”, Action No. DR140650, now pending in the Superior Court in Humboldt County, California.

The Releasors have read all of this Release, and have had it explained to them by their attorney. They fully understand all the terms used and their significance. They are satisfied with this settlement and have signed this Release voluntarily.

Executed at Eureka, Humboldt County, California on May _____, 2016.

Jaime Wheeler, Releasor

Jimmy Lincks III, Releasor

[signatures must be notarized]

APPROVED AS TO FORM, PROVISIONS CONCERNING
REASONABLE INQUIRY AND RESOLUTION OF LIENS AND CLAIMS.

PANISH SHEA & BOYLE LLP

By: _____

Attorneys for Releasors