

UPOA Subcommittee of the Statutory Revisions Committee

Minutes from Dec. 18, 2008 meeting

Present: Mike Holder (chair), Dave Johns, Josie Faix, Andrea Rickles-Jordan and Barb Hahn (minutes prepared by Barb Hahn).

The first portion of the Subcommittee's meeting was a discussion with Spencer Crona, who informed the Subcommittee about preliminary organizing efforts by the bar, in cooperation with the Colorado Attorney General's office, to look into fraudulent abuse of powers of attorney which victimize the elderly.

Discussion of section 102(9) was resumed, and members considered whether the definition of "principal" as an individual is preferable to the less limited definition under present Colorado law. The subcommittee will reserve further discussion of the matter until a later time.

102(10) defining "property" is okay to leave out because the UPC definition is substantially similar to this. The subcommittee recommends this definition be deleted as redundant due to the same definition set forth in UPC at CRS 15-10-201(42). Concerning the definition of "record" in (11), the members determined that this definition, along with that of "sign" in (12), will be revisited at a later date when it can be determined whether notarization is required for either of these definitions. Those present had a lengthy discussion about whether a POA must be in writing in light of these definitions, and also considered CRCP 44 and the notary statute.

102(13) defines "state" in a way that is the same as the UPC, and the members recommend it be deleted. 102(14) defines stocks and bonds, which are not currently defined in applicable Colorado statutes. The UPC defines them more broadly than the proposed language here. The members will finish discussion of this definition at the January meeting.