

Title 15
Article 10

Part 7 – Dispute Resolution Provisions in Wills and Trusts

15-10-701. **Definitions.** As used in this section:

(1) "dispute resolution" means negotiation, mediation, arbitration, or other method for binding or nonbinding alternative dispute resolution which is the same or similar to the methods enumerated in section 13-22-302, C.R.S. and includes any sequence or other combination of such methods.

(2) "governing instrument" means the instrument or instruments that constitute a will or a trust and include the provisions of a will with respect to a trust under a will.

15-10-702. **Legislative Declaration.** (1) The general assembly recognizes the public policy of this state supporting alternative dispute resolution as embraced by parts 2 and 3 of article 22 of title 13, C.R.S. and the decisions of the supreme court favoring arbitration, mediation and other methods of alternative dispute resolution.

(2) The general assembly declares its intent for this part 7 to make alternative dispute resolution under provisions of a will or trust established by a person enforceable on the same basis as a contract entered into by the persons who claim or accept gifts from the maker of the will or trust, the office of personal representative or trustee, or powers over and duties in relation to those gifts.

15-10-703. **Dispute resolution provisions – enforcement.** (1) Except as provided in section 15-10-704:

(a) A provision of a governing instrument may require dispute resolution between or among any two or more of the beneficiaries, fiduciaries, the decedent's estate or trust estate subject to the governing instrument and including other persons benefitting or holding any power or authority under the governing instrument and, in the case of a will, any beneficiary designation or other instrument governing a nonprobate transfer from the testator of the will

(b) A provision requiring dispute resolution and an award, agreement or other resolution of a dispute resolved under the provision shall be enforceable with respect to disputes between or among such persons as if the governing instrument were a

contract and such persons were parties to and bound by the contract.

(2) Unless a provision requiring arbitration provides otherwise, an arbitration required by the provision shall be governed by part 2 of article 22 of title 13.

(3) A provision requiring dispute resolution may incorporate by reference rules of dispute resolution adopted by an organization as such rules may be amended from time to time.

15-10-704. Determination of validity of will or trust. Except as the interested persons to be bound by a determination of the validity of a governing instrument may otherwise agree in writing or that the probate court may order under section 13-22-313, C.R.S.:

(1) A binding determination of the validity of a will shall be made accordance with the procedure for informal and formal probate of a will under article 12 of this title.

(2) A binding determination of the validity of a trust shall be determined in accordance with the procedure for such determinations under article 16 of this title.

15-10-705. Agreement otherwise enforceable as contract. This part 7 does not limit any provision for dispute resolution that is otherwise enforceable as a contract.