

## **Connie T. Eyster**

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**From:** John DeBruyn [jdebruyn@debruyn.com]  
**Sent:** Thursday, February 12, 2009 6:26 AM  
**To:** Shelly Merritt; Connie T. Eyster; Marc Darling  
**Subject:** Re: Simplified ADR provision for Probate Code \*

### COLORADO PROBATE CODE

**15-10-311 Alternative dispute resolution.** (1) Except as otherwise provided in subsection (2) of this section, provisions of a governing instrument providing for arbitration or other forms of alternative dispute for the resolution of controversies between or among the beneficiaries and fiduciaries under the governing instrument, or any combination of such persons, are enforceable.

(2) Any controversy concerning the probate of a will shall be determined by a proceeding under part 4 of article 12 of this title but the court may, in its discretion, may refer the matter to any form of alternative dispute resolution under section 13-22-313.

### FLORIDA PROBATE CODE: GENERAL PROVISIONS

#### **731.401 Arbitration of disputes.--**

(1) A provision in a will or trust requiring the arbitration of disputes, other than disputes of the validity of all or a part of a will or trust, between or among the beneficiaries and a fiduciary under the will or trust, or any combination of such persons or entities, is enforceable.

(2) Unless otherwise specified in the will or trust, a will or trust provision requiring arbitration shall be presumed to require binding arbitration under s. 44.104.

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