

**CBA TRUST AND ESTATE SECTION
STATUTORY REVISIONS COMMITTEE**

**AGENDA
MAY 21, 2009**

1. **WELCOME AND INTRODUCTIONS.**
2. **APPROVAL OF APRIL 16, 2009 MINUTES.**
3. **LEGISLATIVE REPORT.** (Michael Valdez)
4. **SRC APPROVED AND SPONSORED PROPOSALS** (Not currently in active bill form)

Active

(a) **Joint Taskforce of Statutory Revisions and Elder Law Sections to consider Advance Directives for Medical/Surgical Treatment.** (Michael Kirtland, Susan Fox Buchanan, Co-Chs.)

Status: On September 20, 2007, SRC voted to approve proposed revisions to Section 15-18-101 et. seq. Approved by Council on September 20, 2007. On February 19, 2009, SRC voted to put on agenda to take back to LPC in 2010.

(b) **The Uniform Disclaimer of Property Interest Act.** (Gordon Williams, Ch.)

Status: Approved by SRC and Council in 2005.

(c) **Testamentary Exception to Doctor Patient and Attorney Client Privileges.** (Spencer Crona and Herb Tucker, Co-Chs.)

SRC approved on February 20, 2008. Amendments approved at March 20, 2008 SRC meeting. Council approved on March 20, 2008.

(LPC has not approved this bill and has asked the T&E Section to discuss it with other relevant CBA sections before asking for approval again).

Inactive

(a) **Uniform Trust Code** (Stan Kent, Ch.)

(b) **Standing of Personal Representative to Litigate** (*Risbry*), C.R.S. §15-12-720 (Walt Kelly, Ch.)

(c) **Uniform Anatomical Gift Act.** This subcommittee will review the Uniform Anatomical Gift Act passed last session and now in effect. (Michael Kirtland and Spencer Crona, Co-Chs.)

Status: On December 13, 2007, SRC approved proposed changes to this Act. Council voted at its December 13th meeting not to approve these changes.

Legislation may come back on SRC's active agenda if the subcommittee wants to try to address the concerns of Council.

(d) Joint Tenancy Subcommittee to Study New C.R.S. §§38-31-100.1 and 101 proposed by the Real Estate Section. (John DeBruyn, Ch.)

Status: Revisions to C.R.S. §38-31-101 were made in 2008, but the statute is in need of technical revisions.

(e) Revised Uniform Power of Attorney Act. (Josie Faix, Ch.)

Status: This Act has been introduced to the legislature without the support or objection of SRC. The subcommittee will continue to engage in a virtual discussion regarding possible amendments that can be made after enactment.

5. ACTIVE MATTERS UNDER CONSIDERATION

(a) Transfer of real property by domiciliary foreign personal representative. C.R.S. §§15-12-102 and 15-12-901 (John DeBruyn, Ch.). (See attached proposed statutory changes)

(b) Uniform Estate Tax Apportionment Act. (Dennis Whitmer, Ch.)

(c) Revision to Deadman's Statute. C.R.S. §13-90-102. (Marc Darling, Herb Tucker, Co-Chs.)

(d) Trustee's Duty to Inform Beneficiaries, Accounting Duties, Beneficiary Representation and Limitation on Contests of Trust: C.R.S. §§15-10-403 through 410, 15-16-303 through 308, and 15-16-501 (Eugene Zuspahn, Ch.)

(e) Business Trusts (John DeBruyn, Ch.)

(f) Compensation and Cost Recovery (Marc Darling, Ch.)

(g) Proposed NCCUSL Amendments to Probate Code-(Including Reformation of Wills) (Marc Darling and Stan Kent, Chs.)

Status: On February 19, 2009, SRC agreed to support the NCCUSL amendments with small changes made to conform that Act with our Colorado version of the UPC. Delayed effective date of July, 2010 will allow this subcommittee the opportunity to suggest more substantive amendments before the Act becomes effective.

(h) Arbitration provisions in wills (John DeBruyn, Ch.).

(i) Disposition of Last Remains Amendments (Connie Eyster, Ch.).

- (j) **Death of Trustee with Title in Trustee's Name, §15-16-501. (John DeBruyn, Ch.)** (See attached proposed statutory changes) **VOTE TO BE TAKEN AT MAY MEETING.**
 - (k) **Amendments to the Slayer Statute. (Bob Steenrod, Ch.)**
 - (l) **Proposed changes to Beneficiary Deed Act, §15-15-414 (Gordon Williams, Ch.)** (See attached proposed statutory changes)
6. **REPORT FROM ELDER LAW SECTION (Marcie McMinimee).**
7. **REPORT FROM POWER OF ATTORNEY ABUSE PREVENTION COMMITTEE (Spencer Crona, Ch.).**
8. **PENDING NCCUSL STUDIES AND UNIFORM ACTS (See Memo from Stan Kent Attached)**
9. **TABLED MATTERS**
- (a) **Graduated filing fees for Conservatorship Estates (John DeBruyn, Ch.).**
Status: Courts are considering graduated fees in conservatorship cases, but nothing has been decided yet.
 - (b) **Multi-Party Accounts: C.R.S. §15-15-212 (Merry Balson, Ch.).**
Status: On hold while Merry Balson is on maternity leave.
 - (c) **Springing Foundations (John DeBruyn, Ch.)**
Status: On hold while Merry Balson is on leave.
 - (d) **Modification of C.R.S. §15-12-1201. (Elizabeth Tulloch, Ch.)**
Summary: Collection of personal property by affidavit to include collection of personal health information for decedents who do not need a probate estate opened.
 - (e) **Real Estate Section Proposed Amendments to C.R.S. §38-31-202 (community property). (Carl Stevens/Shelly Merritt Ch.).**
 - (f) **Statutory Powers Granted to a Guardian (Kelly Cooper, Ch.).**
10. **NEW MATTERS/ANNOUNCEMENTS**
- (a) **Updated Schedule of Uniform Acts (Stan Kent)**
 - (b) **Proposed Decanting Legislation Subcommittee (Greg Densen)**
11. **ATTACHMENTS***
- a. April 16, 2009 SRC Minutes.

- b. Updated Memo from Stan Kent regarding Uniform Acts.
- c. Proposed changes to §§15-12-901
- d. Proposed §15-16-501, et seq.
- e. Proposed changes to §15-15-414

*These attachments are available with this Notice and last month's meeting minutes on the Statutory Revisions Committee page of the CBA's T&E website. Other postings may be made after the date of this notice and before the meeting.

Elder Law Day is June 27. Law Firm Sponsors are \$50, anyone interested can call Carol Mullins at: 303-824-5384 or email her at: cmullins@cobar.org