

NOTICE OF MEETING
STATUTORY REVISIONS COMMITTEE

TO: Trust and Estate Section — Statutory Revisions Committee
FROM: Jonathan Haskell, Hayley Lambourn

The Next Meeting will be January 4, 2023 - 1:30 – 3:15 p.m. in Person and via Zoom

AGENDA – December 7, 2022

I. Welcome & Call to Order

A. *Attendance & Introductions*

B. *Reminders*

1. Please let Hayley Lambourn know if you did not receive meeting materials or if you would like to be removed from the email list. (hlambourn@wadeash.com)

C. *Approval of Minutes: November 2, 2022 Meeting*

II. Chairperson's Report

A. Contact Jonathan Haskell if you are interested in serving as co-legislative liaison.

III. Legislative Liaison Report

IV. Announcements

V. Subcommittee Reports

A. *ACTIVE MATTERS PENDING APPROVAL*

1. Electronic Estate Planning Documents Act
 - a. Call for subcommittee members to review. Chair?
2. Amendment to C.R.S. § 15-12-203(4) (Personal Representative Priority Statute) (Chair: Gordon Williams)
3. Uniform Cohabitants Economic Remedies Act (Chair: Connie Eyster)
 - a. Report, Presentation of Materials, and Potential Vote.
4. Beneficiary Deeds Statute Update (Chair: Carl Stevens)
5. Uniform Community Property Disposition at Death Act (Chair: Connie Eyster)
6. Colorado Uniform Electronic Wills Act. Conforming amendments to C.R.S. §§ 15-12-406 and 15-12-303(3). (Letty Maxfield)

B. *INACTIVE MATTERS*

1. Approved

a. Disclosure of Fiduciary Fees, C.R.S. §§ 15-10-602 and 15-12-705

(1) Approved in 2015-2016. The committee is coordinating with the Probate Trial and Procedure committee to determine whether the JDF form for information of appointment should be updated. Goal is to resolve by year-end 2022.

2. Approved but not moving forward

a. Colorado Electronic Preservation of Abandoned Estate Planning Documents Act. (Chair: Pete Bullard)

(1) The language approved by the committee was much broader (7 categories of estate planning documents) than the State Court Administrator was able to achieve (one category-Wills). The State Court Administrator created a pilot program which will be implemented on January 1, 2023 (when funding comes in) and the pilot program will address only Wills.

(2) This matter will remain inactive pending the pilot program. When the pilot program is complete, the committee will consider whether to attempt to reincorporate the broad language and whether the 6 other categories of estate planning documents (as described in HB19-1229 as introduced on March 8, 2019) should be added to the Act by amendment.

3. Unapproved

a. Child Support in Probate (Chair: Pat Mellen)

VI. Section Reports

- A. Elder Law
- B. Other

VII. New Matters

VIII. Approved Proposals for Inclusion in Omnibus bill or standalone legislation

1. Lodged Wills Statutes C.R.S. §§ 15-12-304 15-12-402 and 15-10-305.5

2. C.R.S. §§15-5-103 (10)"Interested person" means a qualified beneficiary or other person having a property right in or claim against a trust estate, which right or claim may reasonably and materially be affected by a judicial proceeding pursuant to this code. The term also includes fiduciaries and other persons having authority to act under the terms of the trust. The meaning as it relates to particular

persons may vary from time to time and is determined according to the particular purposes of, and matter involved in, any proceeding.

CBA TRUST AND ESTATE SECTION
STATUTORY REVISIONS COMMITTEE
MINUTES – November 2, 2022

TO: Trust and Estate Section — Statutory Revisions Committee
FROM: Jonathan Haskell, Hayley Lambourn

The Next Meeting will be December 7, 2022 - 1:30 – 3:15 p.m. in Person and via Zoom

I. Welcome & Call to Order

A. *Attendance & Introductions.* Jonathan Haskell called the meeting to order at 1:35 p.m.

B. *Reminders.* Please let Hayley Lambourn know if you did not receive meeting materials or if you would like to be removed from the email list. (hlambourn@wadeash.com)

C. Lori Kalata made a motion to approve the meeting minutes from the October 6, 2022 meeting, and Leia Ursery seconded the motion.

II. Chairperson’s Report. No Report.

III. Legislative Liaison Report.

A. Tyler Mounsey reported General Assembly SRC committee is searching for non-legislative, non-voting members. Must be attorneys. Appointed by SRC committee for two-year term. Low-time, low-stress appointment. If you are interested in serving, please contact Tyler Mounsey.

B. Tyler Mounsey also reported about his process outside of the legislative session. He reported most members are currently focused on campaign efforts.

C. Tyler Mounsey reminds everyone that the CBA is supporting Amendment D. He also reminds everyone to vote. Many judges, county commissioners, local bars etc. are supportive of the amendment. The amendment does not force judges to move. The 23rd judicial district is created in 2023. Some judges are serving in the general area of the new 23rd judicial district, and will unlikely require all judges to relocate. Governor’s appointment powers are in the constitution, so amendment is required to make the change.

IV. Subcommittee Reports

A. *ACTIVE MATTERS PENDING APPROVAL*

1. Review of C.R.S. § § 15-5-103 (10) and (16) [Definition of “interested person” and “qualified beneficiary”] (Spencer Crona).

a. This proposed amendment was approved last month.

b. Spencer Crona reports the proposed amendment will add court discretion to determine who are defined as interested persons in stated in the 15-10-201(27). Spencer hasn’t received any significant objection since

it was approved. Without further comment, the approved language will be presented to Executive Council.

The language as approved is:

(10) "Interested person" means a qualified beneficiary or other person having a property right in or claim against a trust estate, which right or claim may reasonably and materially be affected by a judicial proceeding pursuant to this code. The term also includes fiduciaries and other persons having authority to act under the terms of the trust. **THE MEANING AS IT RELATES TO PARTICULAR PERSONS MAY VARY FROM TIME TO TIME AND IS DETERMINED ACCORDING TO THE PARTICULAR PURPOSES OF, AND MATTER INVOLVED IN, ANY PROCEEDING.**

2. Electronic Estate Planning Documents Act. Please reach out to Jonathan Haskell if you are interested in chairing the committee.
3. Amendment to C.R.S. § 15-12-203(4) (Personal Representative Priority Statute) (Chair: Gordon Williams). No Report. Gordon will talk to Stan Kent, and will report next month.
4. Uniform Cohabitants Economic Remedies Act (Chair: Connie Eyster). No report. Will remain on the agenda, pending legislation being picked up.
5. Beneficiary Deeds Statute Update (Chair: Carl Stevens). No report.
6. Uniform Community Property Disposition at Death Act (Chair: Connie Eyster). No Report. Will meet next Wednesday, November 9th at 11am via Zoom.
7. Colorado Uniform Electronic Wills Act. Conforming amendments to C.R.S. §§ 15-12-406 and 15-12-303(3). (Letty Maxfield). No report.

V. Section Reports

A. Elder Law. Rose Zapor reported that Tyler Mounsey reported that anticipated guardianship/conservatorship issues may be raised next legislative session. Rikke Liska reported that Kayla Nelson is working with Denver University to potential hold a trust and estates and elder law job fair.

B. Other. No reports.

VI. New Matters. No new matters.