

**Council of the Trust and Estate Section of the Colorado Bar Association
Notice of and Agenda for the March 1, 2023, Meeting**

To: Council Members
Trust and Estate Section of the Colorado Bar Association

From: Dylan Metzner
Secretary/Treasurer
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Notice of Meeting

The next monthly meeting of the 2022-2023 Council of the Trust and Estate Section of the Colorado Bar Association will be held:

Date and time: **Wednesday, March 1, 2023, 3:15 p.m.**

Place: 1290 Broadway, Suite 1700, Denver, CO 80203 Room West 1
or Call-In/Zoom

<https://cba-cle.zoom.us/j/83843741966?pwd=NXVOTEExdUxuQ0FrV0VXV3ZrU3hVQT09>

Meeting ID: 838 4374 1966

Passcode: 534100

Call-in: 16694449171

Minutes of Previous Meetings & Attachments

1. Minutes of the January 4, 2023 meeting of the Council
2. December 2022 and January 2023 Financial Statements
3. Memorandum regarding the February 21, 2023 CBA Real Estate Section Council Meeting

**Trust and Estate Section Council Agenda
March 1, 2023**

In an attempt to adhere to the allotted meeting duration of one (1) hour and thirty (30) minutes, the Chair will exercise his/her prerogative to limit the time for any report or discussion on a topic to ten (10) minutes. This conforms to Robert's Rules of Order.

1. Review/approval of Minutes of the January 4, 2023 meeting of the Council
2. Chair's Report and Administrative Matters (Molly Zwerdlinger)
3. Secretary/Treasurer's report (Dylan Metzner)
4. Tax Section Liaison (Aaron Burton)
5. Elder Law Section (Patrick Thiessen)
6. Real Estate Section Liaison (Chad Rounds)
7. Family Law Section Liaison (Kim Willoughby)
8. Statutory Revisions Committee (Jonathan Haskell)
9. Legislative Liaison (Steve Brainerd and Leia Ursury)
10. Legislative Update (Tyler Mounsey)
11. Council Notes (Kristin Dittus)
12. CLE/Estate Planning Retreat (Lauren da Cunha)
13. Orange Book Forms Committee (Rikke Liska)
14. Supreme Court's Rules and Forms Committee (Leia Ursury)
15. Civic and Community Affairs Joint Committee of the Elder Law Section (Sandra Sigler)
16. Justice, Equity, Diversity, and Inclusivity Committee (Amber Marchlowska)
17. Probate Trial and Procedures Committee (Marcie McMinimee & Lindsay Andrew)
18. Colorado Estate Planning Handbook (David Johns)
19. Green Book (Josie Faix)
20. Trust & Estate Practice Support Committee (Margrit Parker)
21. The Colorado Lawyer (Emily Bowman & David Kirch)

22. Communications Representative/Ambassador Program (Kayla Nelson)

23. Board of Governors Representative (Jonathan Haskell)

24. Miscellaneous/FYI

- a. Discussion- re Possible Creation of Liaison to ADR Section. In October, Council discussed the possibility of establishing a Liaison to the ADR Section.

25. Adjournment

**Council of the Trust and Estate Section of the Colorado Bar Association
Minutes of January 4, 2023, Meeting**

Council met on Wednesday, January 4, 2023 in person and via audio-conference. The meeting was called to order at approximately 3:15 p.m. by Molly Zwerdinger, Chair.

The following members of Council participated by Zoom/phone or in-person and constituted a quorum:

Molly Zwerdinger, Chair
Lauren Da Cunha, Vice Chair
Dylan Metzner, Secretary/Treasurer
Tim Bounds, Immediate Past Chair
Kristin Piñeiro (Second-Year Member)
Marianne Luu-Chen (Second-Year Member)
Kelianne Chamberlain (First-Year Member)
Lindsay Andrew (First-Year Member)
Margot Edwards (First-Year Member)

Also in attendance were:

Emma Baxter, CBA Staff
Tyler Mounsey, CBA Director of Legislative Affairs
Amber Marchlowska, JEDI Chair
Rikke Liska, Orange Book Chair,
Chad Rounds, Real Estate Section Liaison
Jonathan Haskell, SRC Chair and Board of Governors Representative
Kayla Nelson, Communications Representative
Margrit Parker, TEPS Chair
Patrick Thiessen, Elder Law Section Liaison
Steven Brainerd, Legislative Liaison
Leia Ursury, Legislative Liaison and Supreme Court's Rules and Forms Committee

1. Review/approval of December 7, 2022 Minutes.

The draft of the December 7, 2022 Minutes were approved unanimously.
Approved Unanimously

2. Chair's Report and Administrative Matters (Molly Zwerdinger)

a. Vacancy- Executive Council First Year Member.

Margot Edwards was elected by Council to fill the First Year Council Vacancy.

b. Succession Planning- Legislative Liaison.

Leia Ursury will be serving as Co-Legislative Liaison with Steve Brainerd.

c. Chairs Report

Discussion of in person kickoff meeting. Beverage and Hors d'Oeuvres set up to occur after SRC. Molly moved to approve a budget of \$500. Tim seconded. Unanimously approved. Dylan will reach out to all committee chairs to include on agenda. Amber discussed possibility of receiving service e credits if attend in person. Emma indicated this is not possible.

Changing Probate Day. At this time there is not any serious intention to moving the day.

February Council's Meeting- Reports will be submitted via email. Molly motioned to Adjourn February Meeting and in Lieu of Meeting submit reports via email. Tim seconded. Unanimously approved. Emma to send email to committee chairs to send reports to Dylan via email.

3. Secretary/Treasurer's report (Dylan Metzner)

December's financials are not yet prepared I will review those and report in March and also will report in March regarding review of financials from previous years for purposes of potentially setting a minimum amount to keep in account for unexpected expenses of dips in revenue.

4. Tax Section Liaison (Aaron Burton)

No report.

5. Elder Law Section (Patrick Thiessen)

Extensive discussion in terms of in-person attendance. Elder law approved the advanced directive pamphlet. Colorado lawyer is looking for articles in the Elder Law area. Looking at changes to title 15 with respect to disability trusts.

6. Real Estate Section Liaison (Chad Rounds)

Real Estate Section did not meet in December.

7. Family Law Section Liaison (Kim Willoughby)

No report.

8. Statutory Revisions Committee (Jonathan Haskell)

Amendment to 15-5-411 to address individuals that are in and out of Medicaid. Elder law will propose amendments for SRC to review.

Electronic estate planning documents is being fast tracked and there is concern that legislature will act in coming weeks. Statutory Revisions Committee established a Subcommittee to review and comment on any drafts proposed by legislature. Motion made by Molly: Subcommittee of SRC has authority to review and provide direct comments to LPC without approval from council. Seconded by Tim. Unanimously approved.

9. Legislative Liaison (Steve Brainerd)

Leia Ursury will be serving as Co-Legislative Liaison with Steve Brainerd.

10. Legislative Update (Tyler Mounsey)

Legislative session starts on January 9th. First LPC meeting will be held on January 17th. Judicial Branch notified that abandoned wills bills, which were supposed to be completed by Jan 1, was not complete but will be completed by February 1.

11. Council Notes (Kristin Dittus)

No report

12. CLE/Estate Planning Retreat (Lauren da Cunha)

Retreat is in Santa Fe June 8th through the 10th. Committee has a general call for diverse speakers and diverse topics. Please reach out to Lauren or Bridget Moore for more information.

Vail June 14-15 2024.

13. Orange Book Forms Committee (Rikke Liska)

Continuing to work on beneficiary deed to trust.

14. Supreme Court's Rules and Forms Committee (Leia Ursury)

No Report

15. Civic and Community Affairs Joint Committee of the Elder Law Section (Sandra Sigler and Kyla Nelson)

Kayla reported continued to work on brochures. Handbook to be ready and in hand in May. If you want to sponsor deadline is February 14th. Let Kayla or Sandra know if interested.

Dylan Moved to approve the draft Brochure proposed by CCAJC and Lauren seconded. Motion approved unanimously with a caveat that Kelianna found a typo and CCAJC will communicate with Kelianna to identify and fix any such typos.

16. Justice, Equity, Diversity, and Inclusivity Committee (Amber Marchlowska)

Discussed diverse topics for the retreat. Committee has a list of diverse members and will reach out to those Members.

Working on a law student event that would get EDI/CLE credits.

17. Probate Trial and Procedures Committee (Marcie McMinimee & Lindsay Andrew)

No report

18. Colorado Estate Planning Handbook (David Johns)

No report.

19. Green Book (Josie Faix)

No report

20. Trust & Estate Practice Support Committee (Margrit Parker)

Working on succession planning. Betty Heller is discussing Pet Trusts this month. Committee is working on creating a statement of purpose.

21. The Colorado Lawyer (Emily Bowman & David Kirch)

No report

22. Communications Representative/Ambassador Program (Kayla Nelson)

Good response to surveys about 20 firms re interested and they are reaching out to DU and CU to get this set up. DU is asking for payments for a table to alleviate budgetary concerns. These payments would be made by the firms who use a table.

23. Board of Governors Representative (Jonathan Haskell)

Next meeting is June 23rd in Breckenridge.

24. Other Business

ADJOURNMENT

The meeting was adjourned at 4:04p.m. The February Council meeting has been adjourned so the next Council meeting will be held March 1st, 2023.

Respectfully submitted.

/s/ Dylan Metzner, Secretary

Colorado Bar Association
Trust & Estate
 For the Six Months Ending December 31, 2022

		December	YTD	Budget	Variance	%	Last FY
Beginning balance	01-3160-31600		\$43,092.16		\$43,092.16	0%	\$38,426.81
Trust & Estate Section							
Revenue							
Dues Income Section	01-4050-31600	180.00	32,085.00		32,085.00	0%	32,685.00
Registration Income	01-4501-31600		2,280.00		2,280.00	0%	
Total Revenue Trust & Estate Sect		180.00	34,365.00		34,365.00	0%	32,685.00
Expenses							
Other Expense	01-5000-31600		(1,000.00)		(1,000.00)	0%	
AWARDS	01-5007-31600	(28.54)	(28.54)		(28.54)	0%	
Meals (Not travel related)	01-5491-31600	(6,089.55)	(8,725.19)		(8,725.19)	0%	(5,103.70)
Administration Fee	01-5494-31600	(1,110.38)	(6,662.28)		(6,662.28)	0%	(6,467.76)
Grants/Contributions	01-5500-31600		(5,750.00)		(5,750.00)	0%	
Total Expenses Trust & Estate Sec		(7,228.47)	(22,166.01)		(22,166.01)	0%	(11,571.46)
Statutory Revisions Committee							
Revenue							
Rev. Elderlaw Joint Task Force							
Rev. Uniform POA Act							
Rev. Uniform Trust Code							
Expenses							
Exp. Elderlaw Joint Task Force							
Exp. Uniform POA Act							
Exp. Uniform Trust Code							
CLE							
Revenue							
Revenue Joint CLE							
Revenue CLE Retreat							

Colorado Bar Association
Trust & Estate
 For the Six Months Ending December 31, 2022

	December	YTD	Budget	Variance	%	Last FY
Revenue CLE Section Only						
Expenses						
Expenses Joint CLE						
Expenses CLE Retreat						
Expenses CLE Section Only						
Council Notes						
Revenue						
Expenses						
Community & Civic Affairs						
Revenue						
Contributions 01-4500-31613		\$3,500.00		\$3,500.00	0%	
Total Revenue Community & Civic		3,500.00		3,500.00	0%	
Expenses						
Rules & Forms Committee						
Revenue						
Expenses						
Orange Book Forms						
Revenue						
Expenses						
Local Liaison						
Revenue						
Expenses						
Uniform Trust Code						
Revenue						
Expenses						

Colorado Bar Association
Trust & Estate
 For the Six Months Ending December 31, 2022

	December	YTD	Budget	Variance	%	Last FY
Transfer Deposits						
Revenue						
Expenses						
Admin. Chair						
Revenue						
Expenses						
Estate Planning Handbook						
Revenue						
Expenses						
Admin Council Dinner						
Revenue						
Expenses						
Legislative Liaison						
Revenue						
Expenses						
Internet Editor						
Revenue						
Expenses						
Technology Committee						
Revenue						
Expenses						
Real Estate Liaison						
Revenue						
Expenses						

Colorado Bar Association
Trust & Estate
For the Six Months Ending December 31, 2022

		December	YTD	Budget	Variance	%	Last FY
Green Book							
Revenue							
Expenses							
The Colorado Lawyer							
Revenue							
Expenses							
T&E Diversity Committee							
Revenue							
Misc Income	01-4299-31628		\$1,000.00		\$1,000.00	0%	
Total Revenue Diversity Committe			1,000.00		1,000.00	0%	
Expenses							
Judicial Liaison							
Revenue							
Expenses							
Member Vouchers							
Expenses							
T&E Young Lawyer Society							
Revenue							
Expenses							
Beginning Balance	01-3160-31600		43,092.16		43,092.16	0%	38,426.81
Total Revenue All Sources	01-4???-316??	180.00	38,865.00		38,865.00	0%	32,685.00
Total Expense All Sources	01-5???-316??	(7,228.47)	(22,166.01)		(22,166.01)	0%	(11,571.46)
Ending Balance		(7,048.47)	59,791.15		59,791.15	0%	59,540.35

Colorado Bar Association
Trust & Estate
For the Seven Months Ending January 31, 2023

		January	YTD	Budget	Variance	%	Last FY
Beginning balance	01-3160-31600		\$43,092.16		\$43,092.16	0%	\$38,426.81
Trust & Estate Section							
Revenue							
Dues Income Section	01-4050-31600	360.00	32,445.00		32,445.00	0%	33,105.00
Registration Income	01-4501-31600		2,280.00		2,280.00	0%	
Total Revenue Trust & Estate Sect		360.00	34,725.00		34,725.00	0%	33,105.00
Expenses							
Other Expense	01-5000-31600		(1,000.00)		(1,000.00)	0%	
AWARDS	01-5007-31600		(28.54)		(28.54)	0%	
Meals (Not travel related)	01-5491-31600	(343.44)	(9,068.63)		(9,068.63)	0%	(5,103.70)
Administration Fee	01-5494-31600	(1,110.38)	(7,772.66)		(7,772.66)	0%	(7,545.72)
Grants/Contributions	01-5500-31600		(5,750.00)		(5,750.00)	0%	
Total Expenses Trust & Estate Sec		(1,453.82)	(23,619.83)		(23,619.83)	0%	(12,649.42)
Statutory Revisions Committee							
Revenue							
Rev. Elderlaw Joint Task Force							
Rev. Uniform POA Act							
Rev. Uniform Trust Code							
Expenses							
Exp. Elderlaw Joint Task Force							
Exp. Uniform POA Act							
Exp. Uniform Trust Code							
CLE							
Revenue							
Revenue Joint CLE							
Revenue CLE Retreat							

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Trust & Estate
 For the Seven Months Ending January 31, 2023

	January	YTD	Budget	Variance	%	Last FY
Revenue CLE Section Only						
Expenses						
Expenses Joint CLE						
Expenses CLE Retreat						
Expenses CLE Section Only						
Council Notes						
Revenue						
Expenses						
Community & Civic Affairs						
Revenue						
Contributions 01-4500-31613		\$3,500.00		\$3,500.00	0%	
Total Revenue Community & Civic		3,500.00		3,500.00	0%	
Expenses						
Rules & Forms Committee						
Revenue						
Expenses						
Orange Book Forms						
Revenue						
Expenses						
Local Liaison						
Revenue						
Expenses						
Uniform Trust Code						
Revenue						
Expenses						

Colorado Bar Association
Trust & Estate
 For the Seven Months Ending January 31, 2023

	January	YTD	Budget	Variance	%	Last FY
Transfer Deposits						
Revenue						
Expenses						
Admin. Chair						
Revenue						
Expenses						
Estate Planning Handbook						
Revenue						
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Revenue						
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Revenue						
Expenses						
Internet Editor						
Revenue						
Expenses						
Technology Committee						
Revenue						
Expenses						
Real Estate Liaison						
Revenue						
Expenses						

Colorado Bar Association
Trust & Estate
For the Seven Months Ending January 31, 2023

		<u>January</u>	<u>YTD</u>	<u>Budget</u>	<u>Variance</u>	<u>%</u>	<u>Last FY</u>
Green Book							
Revenue							
Expenses							
The Colorado Lawyer							
Revenue							
Expenses							
T&E Diversity Committee							
Revenue							
Misc Income	01-4299-31628		\$1,000.00		\$1,000.00	0%	
Total Revenue Diversity Committe			1,000.00		1,000.00	0%	
Expenses							
Judicial Liaison							
Revenue							
Expenses							
Member Vouchers							
Expenses							
T&E Young Lawyer Society							
Revenue							
Expenses							
Beginning Balance	01-3160-31600		43,092.16		43,092.16	0%	38,426.81
Total Revenue All Sources	01-4???-316??	360.00	39,225.00		39,225.00	0%	33,105.00
Total Expense All Sources	01-5???-316??	(1,453.82)	(23,619.83)		(23,619.83)	0%	(12,649.42)
Ending Balance		(1,093.82)	58,697.33		58,697.33	0%	58,882.39

KIRCH ROUNDS BOWMAN & DEFFENBAUGH PC
MEMORANDUM

TO: CBA Council of the Trust and Estate Section

FROM: Chad Rounds

RE: Summary of 02/21/23 CBA Real Estate Section Council Meeting

DATE: 02/24/23

I attended the CBA Real Estate Section Council ("RESC") meeting on 02/21/23 by Zoom. The following is my report on matters addressed which the CBA Trust and Estate Section Council ("TESC") might find of interest:

SB 23-100 - Uniform Community Property Disposition at Death Act: RESC has no objections to this legislation and will continue to monitor it. The Trust and Estate Section has modified the uniform law for implementation in Colorado and is taking the lead on the passage of this bill. The bill applies to community property acquired by community property spouses while domiciled in a community property jurisdiction. It preserves the community property nature of such property if the spouses die in Colorado (a non-community property state), unless specific actions such as partition, reclassification, or waiver of rights to change the nature of this property were taken.

HB 23-1171 - Eviction for Cause: RESC will oppose. Turns on its head the landlord and tenant statutory scheme. This bill introduces many foreign concepts into the landlord/tenant law that will likely result in reduction of rental properties because of imposition of additional burdens before a landlord can evict a tenant from their property. It will also likely be found to be a regulatory taking and be declared unconstitutional.

HB 23-1190 - Affordable Housing Right of First Refusal: It gives right of first refusal on multi-family or mixed-use property in Colorado to local governments. Local governments would have 14 business days to exercise the right, but in fact could hold up the sale for a much longer period of time. Also, the local governments do not have the resources to administer such a program or the funds to purchase these properties. RESC voted to oppose this bill.