

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

April 6, 2022

1. Introductions

2. Approval of March 2, 2022 Minutes

3. Announcements

a. *Email List.* If you did not receive the SRC materials in an email from Emma then you are not on the SRC email list. Email Jonathan (JHaskell@wadeash.com.) and he'll add you to the email list.

4. Legislative Report

5. SRC Proposals

a. **Active Matters Pending SRC Approval**

i. **Amendment to Personal Representative Priority Statute, C.R.S. § 15-12-203(4)** to include Agent under power of attorney who is granted "hot power" to remove and appoint fiduciaries (Gordon Williams)

ii. **Lodged Wills- Investigate issues with lodging wills and the return of lodged wills. (Bette Heller)**

iii. **Beneficiary Deeds Statute Update re Named Insureds for Casualty Coverage (Carl Stevens)**

iv. **Uniform Cohabitants Economic Remedies Act (Connie Eyster)**

v. **Uniform Community Property Disposition at Death Act (Connie Eyster)**

b. **Inactive Matters Approved by SRC and Status**

i. **Disclosure of Fiduciary Fees §§ 15-10-602 and 15-12-705, C.R.S. (approved in 2015-2016) (Gordon Williams);**

1. Probate Trial and Procedure has no objections. Information of Appointment form needs to be updated by Supreme Court. Dylan will coordinate with PTP on the form.

c. Inactive Matters Approved by SRC but Not Moving Forward for Various Reasons

i. Colorado Electronic Preservation of Abandoned Estate Planning Documents Act Subcommittee (Pete Bullard, Chair)

1. The language that SRC approved was much broader (7 categories of estate planning documents) than the State Court Administrator was able to achieve (one category- Wills). Essentially 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 only deal with Will.

2. This matter will remain on Inactive Matters until the pilot program is complete so that SRC can readdress whether to attempt to reincorporate the broader definition and whether the 6 other categories should be restored to the Act by amendment.

d. Inactive Matters Pending SRC Approval - Reports from Subcommittees.

i. Child Support in Probate Subcommittee (Pat Mellen, Chair)

6. Report from Other Sections of the Bar

- a. Elder Law
- b. Other Sections of the Bar

7. New Matters

- a. District Court requests that all persons named in will, regardless of whether they are devisee or heir, be given notice of informal proceedings.
 - i. Any update?

8. Passed Proposals for Inclusion in Omnibus Bill or Stand Alone Legislation

a. Uniform Probate Code (UPC) 2019 Revisions (Bette Heller and Darla Daniels, Co-Chairs)

i. Bill for the UPC 2019 Revisions has been introduced as SB092 sponsored by Sen. Gardner of the Colorado Uniform Law Commissioners. SB 092 was presented to the Judiciary Committee on February 16, 2022. Any report?

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AGENDA**

March 2, 2022

1. Introductions

Vice Chair, Jonathan Haskell, called the meeting to order at 1:31 pm.

We are still meeting via Zoom, there is an option to meet in person or virtual for 2022. Please participate however you feel most comfortable. Dylan and Jonathan will plan to be here in person.

2. Approval of January 5, 2022 Minutes and February 2, 2022 Minutes

Motion to approve by Connie Eyster. Minutes approved.

3. Announcements

4. Legislative Report

None.

5. SRC Approved Proposals

a. Active Matters

- (i) **Amendment to Personal Representative Priority Statute, C.R.S. § 15-12-203(4)** to include Agent under power of attorney who is granted “hot power” to remove and appoint fiduciaries (Gordon Williams). Gordon had submitted some options for revising this statute, which he wants to revisit over the next month and bring back to the committee in April. Another issue is whether the personal representative of an heir shares the same priority as if the heir had survived.

b. Inactive Matters Pending SRC Approval - Reports from Subcommittees.

- (i) **Child Support in Probate Subcommittee (Pat Mellen, Chair).** No Report
- (ii) **Lodged Wills- Investigate issues with lodging wills and the return of lodged wills. (Bette Heller).** May have something next month for the committee.

- (iii) **Beneficiary Deeds Statute Update re Named Insureds for Casualty Coverage (Carl Stevens).** Committee continuing to work on this.
- (iv) **UCERA.** Colorado uniform law commissioners have agreed to give committee this legislative session to do a review, but they are highly interested in pushing this through next year.
- (v) **UCPDDA.** Committee continuing to work to determine whether this new uniform law makes substantial changes to existing law.

c. **Inactive Matters Approved by SRC but Not Moving Forward for Various Reasons**

- (i) **Colorado Electronic Preservation of Abandoned Estate Planning Documents Act Subcommittee (Pete Bullard, Chair)**
 - a. The language that SRC approved was much broader (7 categories of estate planning documents) than the State Court Administrator was able to achieve (one category-Wills). Essentially 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 only deal with Wills.
 - b. This matter will remain on Inactive Matters until the pilot program is complete so that SRC can readdress whether to attempt to reincorporate the broader definition and whether the 6 other categories should be restored to the Act by amendment.

d. **Inactive Matters Approved by SRC and Moving Forward**

- (i) **Uniform Probate Code (UPC) 2019 Revisions (Bette Heller and Darla Daniels)**
 This was approved by SRC, Council, and LPC in January 2022. It is part of SB092 sponsored by Sen. Gardner of the Colorado Uniform Law Commissioners. The Bill will be presented on February 16 to the judiciary committee and Ms. Daniel will present on behalf of the bar.

6. **Inactive Matters**

7. **Report from Elder Law Section**

None

8. **Report from Other Sections of the Bar**

None.

9. **New Matters**

- a. Connie Eyster asked if other District Courts were asking that all persons named in a will, regardless of whether they are a devisee or heir, need to be given notice of informal proceedings. She will follow up with Connie Lind of SCAO.

10. Passed Proposals for Inclusion in Omnibus Bill or Stand Alone Legislation