

**Council of the Trust and Estate Section of the Colorado Bar Association**

**Notice of and Agenda for the October 6, 2021, Meeting**

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

From: Lauren da Cunha  
Secretary/Treasurer  
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**Notice of Meeting**

The next monthly meeting of the 2021-2022 Council of the Trust and Estate Section of the Colorado Bar Association will be held:

Date and time: ***Wednesday, October 6, 2021, 3:15 p.m.***  
Place: 1290 Broadway, Suite 1700, Denver, CO 80203  
or Call-In/Zoom

**Minutes of Previous Meetings, Financial Reports & Attachments**

1. Minutes of the September 4, 2021 meeting of the Council
2. Memorandum from CBA Real Estate Section Council Meeting
3. August and September Financials

**Trust and Estate Section Council Agenda**  
**October 6, 2021**

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 September 1, 2021 meeting of the Council
2. Chair's Report and Administrative Matters (Tim Bounds)
3. Secretary/Treasurer's report (Lauren da Cunha)
4. Tax Section Liaison (Georgine M. Kryda)
5. Elder Law Section (Patrick Thiessen)
6. Real Estate Section Liaison (Chad Rounds)
7. Family Law Section Liaison (Kim Willoughby)
8. Statutory Revisions Committee (Dylan Metzner)
9. Legislative Liaison (Darla Daniel & Steve Brainerd)
10. Legislative Update (Andy White)
11. Council Notes (Kristin Dittus)
12. CLE/Estate Planning Retreat (Molly Zwedlinger)
13. Orange Book Forms Committee (Hayley Lambourn and Rikke Liska)
14. Rules and Forms Committee (Gordon Williams)
15. Civic and Community Affairs Joint Committee of the Elder Law Section (Sandra Sigler)
16. Equity, Diversity, and Inclusivity Committee (Melissa Schwartz)
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 (Jessica Hazleton)
21. The Colorado Lawyer (Emily Bowman & David Kirch)
22. Communications Representative/Ambassador Program (Lindsay Andrew)
23. Board of Governors Representative (Jonathan Haskell)
24. Miscellaneous/FYI
25. Adjournment

Colorado Bar Association  
**Trust & Estate Summary**  
 For the Two Months Ending August 31, 2021

|  |               | August     | YTD         | Budget | Variance    | %  | Last FY     |
|--|---------------|------------|-------------|--------|-------------|----|-------------|
| Beginning balance                          | 01-3160-31600 |            | \$37,066.81 |        | \$37,066.81 | 0% | \$28,848.32 |
| <b>Trust &amp; Estate Section- General</b> |               |            |             |        |             |    |             |
| Revenue                                    | 01-4???-31600 | 3,330.00   | 29,325.00   |        | 29,325.00   | 0% | 28,440.00   |
| Expenses                                   | 01-5???-31600 | (1,215.82) | (2,293.78)  |        | (2,293.78)  | 0% | (2,396.51)  |
| <b>Statutory Revisions Committee</b>       |               |            |             |        |             |    |             |
| CLE  |               |            |             |        |             |    |             |
| Council Notes                              |               |            |             |        |             |    |             |
| Community & Civic Affairs                  |               |            |             |        |             |    |             |
| Rules & Forms Committee                    |               |            |             |        |             |    |             |
| Orange Book Forms                          |               |            |             |        |             |    |             |
| Local Liaison                              |               |            |             |        |             |    |             |
| Uniform Trust Code                         |               |            |             |        |             |    |             |
| Admin. Chair                               |               |            |             |        |             |    |             |
| Estate Planning Handbook                   |               |            |             |        |             |    |             |
| Admin Council Dinner                       |               |            |             |        |             |    |             |
| Legislative Liaison                        |               |            |             |        |             |    |             |
| Internet Editor                            |               |            |             |        |             |    |             |
| Technology Committee                       |               |            |             |        |             |    |             |
| Real Estate Liaison                        |               |            |             |        |             |    |             |
| Green Book                                 |               |            |             |        |             |    |             |
| The Colorado Lawyer                        |               |            |             |        |             |    |             |
| Diversity Committee                        |               |            |             |        |             |    |             |
| Judicial Liaison                           |               |            |             |        |             |    |             |
| Member Vouchers                            |               |            |             |        |             |    |             |
| Uniform Trust Code                         |               |            |             |        |             |    |             |
| Transfer Deposit                           |               |            |             |        |             |    |             |
| <b>Young Lawyer Society</b>                |               |            |             |        |             |    |             |
| Beginning Balance                          | 01-3160-31600 |            | 37,066.81   |        | 37,066.81   | 0% | 28,848.32   |
| Total Revenue All Sources                  | 01-4???-316?? | 3,330.00   | 29,325.00   |        | 29,325.00   | 0% | 28,440.00   |
| Total Expenses All Sources                 | 01-5???-316?? | (1,215.82) | (2,293.78)  |        | (2,293.78)  | 0% | (2,396.51)  |
| Ending Balance                             |               | 2,114.18   | 64,098.03   |        | 64,098.03   | 0% | 54,891.81   |

**Council of the Trust and Estate Section of the Colorado Bar Association  
Minutes of September 1, 2021, Meeting**

Council met on Wednesday, September 1, 2021 in person and via audio-conference due to the ongoing COVID 19 pandemic. The meeting was called to order at approximately 3:16 p.m. by Tim Bounds, Chair.

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

In attendance were:

Tim Bounds, Chair  
Molly Zwerdinger, Vice Chair  
Lauren da Cunha, Secretary  
Georgine Kryda (2<sup>nd</sup> year member), Tax Section Liaison  
Amy Symons (2<sup>nd</sup> year member)  
Simon Tolbert (2<sup>nd</sup> year member)  
Marianne Luu-Chen (1<sup>st</sup> year member)  
Kristin Pineiro (1<sup>st</sup> year member)  
Tristan Younghaus (1<sup>st</sup> year member)  
Spencer Crona, (Immediate Past Chair)

Also in attendance were:

Andy White, CBA Legislative Liaison  
Katie Roberts, CBA Staff  
Lindsay Andrew  
Kim Willoughby  
Sandra Sigler  
Dylan Metzger  
Kristin Dittus  
Patrick Thiessen  
Chad Rounds  
Darla Daniel  
Jessica Hazelton  
Jonathan Haskell

**1. Approval of Minutes of Prior Meeting**

The Minutes of the September 4, 2021, Council meeting were amended to correct the statute mentioned in the SRC report to 15-14-113.5. The minutes were approved unanimously with this amendment.

**2. Chair's Report (Tim Bounds)**

There will be a short executive session immediately following the regular meeting. Elder Law retreat went well. Special thank you to Kayla and Letty for all their hard work on that. 17<sup>th</sup>

Judicial district is looking for a public administrator. Shared this information with the section via various methods. Melissa Schwartz is stepping down as EDI Chair. Please reach out to Melissa or Tim if interested. Melissa is happy to assist with the transition. Welcome to all 1<sup>st</sup> year Council Members. Attended the CODACC networking event and met with CBA President Joi Kush and Amy Larson. Will try to have them attend one of our meetings.

**3. Secretary/Treasurer Report (Lauren da Cunha)**

No change to financials. Will get Kendra Yates from CLE to give a report on T&E retreat.

**4. Tax Section Liaison (Georgine M. Kryda)**

Next meeting will be end of September. Georgine will be presenting at the Business Law Institute for a 2 hour CLE regarding Estate Planning for Couples that Own Businesses Together.

**5. Elder Law Section Liaison (Patrick Thiessen)**

Elder law retreat was wonderful. Next year's retreat will be in Vail. CLE this morning was on ecological cremation and burial. Recent legislation in CO allows for the accelerated and contained decomposition of materials. This is something that could be added to the disposition of remains. Had discussion of the requests from the media for comments from the elder law community on conservatorships. Current recommendation is to contact the CBA to have them respond. CLE on November 3 for Elder Law and T&E attorneys on how to work with the media. Potential changes to CAPS system this Fall. September 14, the Colorado Guardianship Association is screening the document Fast Forward.

**6. Real Estate Section Liaison (Chad Rounds)**

Memo was provided to members.

**7. Family Law Section Liaison (Kim Willoughby)**

No report.

**8. Statutory Revisions Committee (Dylan Metzner)**

Three proposals looking to pass SRC this Fall.

1. Disclosure of Fiduciary fees. Elder Law and Trial and Probate reviewed the language and don't have any objections but preferred one option of language over another. Forms will need to be approved before this can be sent to legislature.
2. Amendment to digital recording statute. Sending language to Elder Law
3. Priority statute which would allow an agent under power of attorney for a person with incapacity that has been granted the hot power to appoint fiduciaries

Created subcommittee to review local court rules on what happens to original will after filing with the court.

**9. Legislative Liaison (Stephen M. Brainerd & Darla Daniel)**

Darla testified at Uniform Law Commission. Interest in a revised uniform disposition of community property at death. Need subcommittee formed to look at this and see how it affects our current statute. Currently have 3 volunteers to look into this. Reach out to Connie Eyster, Michelle Maris or Georgine Kryda if interested in joining.

**10. Legislative Update (Andy White)**

No report.

**11. Council Notes (Kristin Dittus)**

Thank you to Molly for article on Britney Spears CLE. Please reach out with ideas for Council notes; more articles are needed.

**12. Continuing Legal Education & Estate Planning Retreat (Molly Zwerdlinger)**

Lunches planned through May. Fall update is completely and fully planned, just confirming speakers. Legislative update marketing materials coming out soon. Fall update will have EDI credits.

**13. Orange Book Forms Committee (Hayley Lambourn/Rikke Liska)**

Hayley is on maternity leave. Rikke Liska is Acting Chair. Going through ADR provisions.

**14. Rules & Forms Committee (Gordon Williams)**

No report.

**15. Civic & Community Affairs (Sandra Sigler)**

CLE is publishing the Senior Law Handbook. Hope to have in hand by the end of this month. Several events throughout the state this month and into October in Boulder, Pitkin and El Paso counties. Meet at 1:30 on Super Wednesday. Please join if interested. Planning on updating more brochures.

**16. Equity, Diversity & Inclusivity Committee (Melissa Schwartz)**

Melissa will be stepping down. Please reach out to Tim or Melissa if interested in chairing. Melissa is happy to help with the transition. Fall update will have EDI credits.

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

No issues with proposed changes to Disclosure of Fiduciary Fees but want to run it by the Supreme Court rules and forms committee. Discussed In re Estate of Everheart. Email sent out committee re public administrator position in 17<sup>th</sup> judicial district.

**18. Colorado Estate Planning Handbook (David Johns)**

No report.

**19. Green Book (Josie Faix)**

No report.

**20. New T&E Practice Support Committee (Jennifer Hazelton)**

No meeting today. Next meeting will be Oct 6. Susie Germany will be presenting on using professional fiduciaries.

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

No report.

**22. Communications Representative & Ambassador Coordinator (Lindsey Andrew)**

No report.

**23. Board of Governors Representative (Jonathan Haskell)**

Meeting on Dec 3rd. Reach out to Jonathan if there are any issues you want him to bring up.

**24. Other Business**

Various people reported issues logging on at the start of today's meeting.

**ADJOURNMENT**

The meeting was adjourned at 3:51 p.m. The next Council meeting will be held in October 2021.

Respectfully submitted

/s/ Lauren da Cunha, Secretary

**Council of the Trust and Estate Section of the Colorado Bar Association  
Minutes of Extra Executive Session September 1, 2021**

Council held an additional executive session on Wednesday, September 1, 2021 in person and via audio-conference due to the ongoing COVID 19 pandemic. The meeting was called to order at approximately 3:52 p.m. by Tim Bounds, Chair.

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

In attendance were:

Tim Bounds, Chair  
Molly Zwerdinger, Vice Chair  
Lauren da Cunha, Secretary  
Georgine Kryda (2<sup>nd</sup> year member), Tax Section Liaison  
Amy Symons (2<sup>nd</sup> year member)  
Simon Tolbert (2<sup>nd</sup> year member)  
Marianne Luu-Chen (1<sup>st</sup> year member)  
Kristin Pineiro (1<sup>st</sup> year member)  
Tristan Younghaus (1<sup>st</sup> year member)  
Spencer Crona, (Immediate Past Chair)

The meeting was called to discuss the Annual Trust and Estates Dinner. The Annual Dinner is usually held in October of November of each year and recognizes immediate past Chairs, Council Members and the new Sterling Ambler award winner. There was concern about having to cancel the dinner due to the ongoing pandemic. The majority of Council was in favor of holding the dinner, preferably in an outside location with the dinner taking place on or before October 15. The annual dinner typically has 40-50 attendees each year but it is not clear how many will attend this year. Lauren will reach out to Suzy Harris, the Sterling Ambler award winner to make sure she is comfortable with an in-person dinner and what her availability is.

Motion before the Executive Council is to have in-person T&E dinner with a location that has outdoor space for 80 people and will be held either before Oct 15 or after March 30. The motion passed with 7 votes.

The meeting was adjourned at 4:22 p.m.

Respectfully submitted

/s/ Lauren da Cunha, Secretary

Colorado Bar Association  
**Trust & Estate**  
For the Two Months Ending August 31, 2021

|  |                      | August            | YTD                | Budget | Variance           | %         | Last FY            |
|--|----------------------|-------------------|--------------------|--------|--------------------|-----------|--------------------|
| <b>Beginning balance</b>                     | <b>01-3160-31600</b> |                   | <b>\$37,066.81</b> |        | <b>\$37,066.81</b> | <b>0%</b> | <b>\$28,848.32</b> |
| <b>Trust &amp; Estate Section</b>            |                      |                   |                    |        |                    |           |                    |
| <b>Revenue</b>                               |                      |                   |                    |        |                    |           |                    |
| Dues Income Section                          | 01-4050-31600        | 3,330.00          | 29,325.00          |        | 29,325.00          | 0%        | 28,440.00          |
| <b>Total Revenue Trust &amp; Estate Sect</b> |                      | <b>3,330.00</b>   | <b>29,325.00</b>   |        | <b>29,325.00</b>   | <b>0%</b> | <b>28,440.00</b>   |
| <b>Expenses</b>                              |                      |                   |                    |        |                    |           |                    |
| Internet/E-Mail Access                       | 01-5413-31600        |                   |                    |        |                    | 0%        | (356.51)           |
| Meals (Not travel related)                   | 01-5491-31600        | (137.86)          | (137.86)           |        | (137.86)           | 0%        |                    |
| Administration Fee                           | 01-5494-31600        | (1,077.96)        | (2,155.92)         |        | (2,155.92)         | 0%        | (2,040.00)         |
| <b>Total Expenses Trust &amp; Estate Sec</b> |                      | <b>(1,215.82)</b> | <b>(2,293.78)</b>  |        | <b>(2,293.78)</b>  | <b>0%</b> | <b>(2,396.51)</b>  |
| <b>Statutory Revisions Committee</b>         |                      |                   |                    |        |                    |           |                    |
| <b>Revenue</b>                               |                      |                   |                    |        |                    |           |                    |
| <b>Rev. Elderlaw Joint Task Force</b>        |                      |                   |                    |        |                    |           |                    |
| <b>Rev. Uninform POA Act</b>                 |                      |                   |                    |        |                    |           |                    |
| <b>Rev. Uniform Trust Code</b>               |                      |                   |                    |        |                    |           |                    |
| <b>Expenses</b>                              |                      |                   |                    |        |                    |           |                    |
| <b>Exp. Elderlaw Joint Task Force</b>        |                      |                   |                    |        |                    |           |                    |
| <b>Exp. Uninform POA Act</b>                 |                      |                   |                    |        |                    |           |                    |
| <b>Exp. Uniform Trust Code</b>               |                      |                   |                    |        |                    |           |                    |
| <b>CLE</b>                                   |                      |                   |                    |        |                    |           |                    |
| <b>Revenue</b>                               |                      |                   |                    |        |                    |           |                    |
| <b>Revenue Joint CLE</b>                     |                      |                   |                    |        |                    |           |                    |
| <b>Revenue CLE Retreat</b>                   |                      |                   |                    |        |                    |           |                    |
| <b>Revenue CLE Section Only</b>              |                      |                   |                    |        |                    |           |                    |

Colorado Bar Association  
**Trust & Estate**  
 For the Two Months Ending August 31, 2021

|                                      | August | YTD | Budget | Variance | % | Last FY |
|--------------------------------------|--------|-----|--------|----------|---|---------|
| <b>Expenses</b>                      |        |     |        |          |   |         |
| <b>Expenses Joint CLE</b>            |        |     |        |          |   |         |
| <b>Expenses CLE Retreat</b>          |        |     |        |          |   |         |
| <b>Expenses CLE Section Only</b>     |        |     |        |          |   |         |
| <b>Council Notes</b>                 |        |     |        |          |   |         |
| <b>Revenue</b>                       |        |     |        |          |   |         |
| <b>Expenses</b>                      |        |     |        |          |   |         |
| <b>Community &amp; Civic Affairs</b> |        |     |        |          |   |         |
| <b>Revenue</b>                       |        |     |        |          |   |         |
| <b>Expenses</b>                      |        |     |        |          |   |         |
| <b>Rules &amp; Forms Committee</b>   |        |     |        |          |   |         |
| <b>Revenue</b>                       |        |     |        |          |   |         |
| <b>Expenses</b>                      |        |     |        |          |   |         |
| <b>Orange Book Forms</b>             |        |     |        |          |   |         |
| <b>Revenue</b>                       |        |     |        |          |   |         |
| <b>Expenses</b>                      |        |     |        |          |   |         |
| <b>Local Liaison</b>                 |        |     |        |          |   |         |
| <b>Revenue</b>                       |        |     |        |          |   |         |
| <b>Expenses</b>                      |        |     |        |          |   |         |
| <b>Uniform Trust Code</b>            |        |     |        |          |   |         |
| <b>Revenue</b>                       |        |     |        |          |   |         |
| <b>Expenses</b>                      |        |     |        |          |   |         |
| <b>Transfer Deposits</b>             |        |     |        |          |   |         |
| <b>Revenue</b>                       |        |     |        |          |   |         |

Colorado Bar Association  
**Trust & Estate**  
 For the Two Months Ending August 31, 2021

|                                 | August | YTD | Budget | Variance | % | Last FY |
|---------------------------------|--------|-----|--------|----------|---|---------|
| <b>Expenses</b>                 |        |     |        |          |   |         |
| <b>Admin. Chair</b>             |        |     |        |          |   |         |
| Revenue                         |        |     |        |          |   |         |
| <b>Expenses</b>                 |        |     |        |          |   |         |
| <b>Estate Planning Handbook</b> |        |     |        |          |   |         |
| Revenue                         |        |     |        |          |   |         |
| <b>Expenses</b>                 |        |     |        |          |   |         |
| <b>Admin Council Dinner</b>     |        |     |        |          |   |         |
| Revenue                         |        |     |        |          |   |         |
| <b>Expenses</b>                 |        |     |        |          |   |         |
| <b>Legislative Liaison</b>      |        |     |        |          |   |         |
| Revenue                         |        |     |        |          |   |         |
| <b>Expenses</b>                 |        |     |        |          |   |         |
| <b>Internet Editor</b>          |        |     |        |          |   |         |
| Revenue                         |        |     |        |          |   |         |
| <b>Expenses</b>                 |        |     |        |          |   |         |
| <b>Technology Committee</b>     |        |     |        |          |   |         |
| Revenue                         |        |     |        |          |   |         |
| <b>Expenses</b>                 |        |     |        |          |   |         |
| <b>Real Estate Liaison</b>      |        |     |        |          |   |         |
| Revenue                         |        |     |        |          |   |         |
| <b>Expenses</b>                 |        |     |        |          |   |         |
| <b>Green Book</b>               |        |     |        |          |   |         |
| Revenue                         |        |     |        |          |   |         |
| <b>Expenses</b>                 |        |     |        |          |   |         |

Colorado Bar Association  
**Trust & Estate**  
 For the Two Months Ending August 31, 2021

|                                     |                      | August            | YTD                | Budget | Variance           | %         | Last FY            |
|-------------------------------------|----------------------|-------------------|--------------------|--------|--------------------|-----------|--------------------|
| <b>The Colorado Lawyer</b>          |                      |                   |                    |        |                    |           |                    |
| Revenue                             |                      |                   |                    |        |                    |           |                    |
| Expenses                            |                      |                   |                    |        |                    |           |                    |
| <b>T&amp;E Diversity Committee</b>  |                      |                   |                    |        |                    |           |                    |
| Revenue                             |                      |                   |                    |        |                    |           |                    |
| Expenses                            |                      |                   |                    |        |                    |           |                    |
| <b>Judicial Liaison</b>             |                      |                   |                    |        |                    |           |                    |
| Revenue                             |                      |                   |                    |        |                    |           |                    |
| Expenses                            |                      |                   |                    |        |                    |           |                    |
| <b>Member Vouchers</b>              |                      |                   |                    |        |                    |           |                    |
| Expenses                            |                      |                   |                    |        |                    |           |                    |
| <b>T&amp;E Young Lawyer Society</b> |                      |                   |                    |        |                    |           |                    |
| Revenue                             |                      |                   |                    |        |                    |           |                    |
| Expenses                            |                      |                   |                    |        |                    |           |                    |
| <b>Beginning Balance</b>            | <b>01-3160-31600</b> |                   | <b>\$37,066.81</b> |        | <b>\$37,066.81</b> | <b>0%</b> | <b>\$28,848.32</b> |
| <b>Total Revenue All Sources</b>    | <b>01-4???-316??</b> | <b>3,330.00</b>   | <b>29,325.00</b>   |        | <b>29,325.00</b>   | <b>0%</b> | <b>28,440.00</b>   |
| <b>Total Expense All Sources</b>    | <b>01-5???-316??</b> | <b>(1,215.82)</b> | <b>(2,293.78)</b>  |        | <b>(2,293.78)</b>  | <b>0%</b> | <b>(2,396.51)</b>  |
| <b>Ending Balance</b>               |                      | <b>2,114.18</b>   | <b>64,098.03</b>   |        | <b>64,098.03</b>   | <b>0%</b> | <b>54,891.81</b>   |

**KIRCH ROUNDS BOWMAN & DEFFENBAUGH PC**  
MEMORANDUM

**TO:** CBA Council of the Trust and Estate Section

**FROM:** Chad Rounds

**RE:** Summary of 09/21/21 CBA Real Estate Section Council Meeting

**DATE:** 09/22/21

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I attended the CBA Real Estate Section Council ("RESC") meeting on 09/21/21. Members participated in person, as well as by Zoom. The following is my report on matters addressed which the CBA Trust and Estate Section Council ("TESC") might find of interest:

**Eviction Moratorium Update:**

There is no longer a Federal band on evictions. Struck down by the U.S. Supreme Court. Focus is now on rental assistance instead of state eviction moratorium in many jurisdictions.

**Fairway at Buffalo Run Legislation Proposal:**

The Colorado Court of Appeals decision (*Fairway at Buffalo Run*) permits a "stranger to title" (non-owner) to sign documents creating a common interest community. The RESC goal is to overturn this decision by statute by requiring that such documents be only signed by the owner of the affected property. A task force of the RESC has already drafted proposed legislative language to eventually submit to LPC.

**Property Ownership Confidentiality:**

SB 292 allocated \$500,000 to a state program helping people who are vulnerable to abuse to specifically protect their confidentiality in the real estate records. Few in the program might actually own real estate. The \$500,000 must be spent by 2022. Use of trust instruments to protect confidentiality has been proposed. Instead, maybe use the money to fund a non-profit to serve the needs of this community. Darla Daniel has been involved with this issue for the Trust and Estate Section. RESC wants to make sure the integrity of the real estate records is preserved. That is a key concern of the RESC here and for other proposed legislation affecting real estate.