

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

Notice of and Agenda for the March 2, 2022, 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, March 2, 2022, 3:15 p.m.***
Place: 1290 Broadway, Suite 1700, Denver, CO 80203
or Call-In/Zoom

Minutes of Previous Meetings & Attachments

1. Minutes of the February 2, 2022 meeting of the Council
2. Report of EDI Scholarship Application Vote
3. January Financial Statement
4. Memorandum from CBA Real Estate Section Council Meeting

Trust and Estate Section Council Agenda
March 2, 2022

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 February 2, 2022 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 (Tyler Mounsey)
11. Council Notes (Kristin Dittus)
12. CLE/Estate Planning Retreat (Molly Zwedlinger)
13. Orange Book Forms Committee (Hayley Lambourn)
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 (Tristan Younghaus)
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

**Council of the Trust and Estate Section of the Colorado Bar Association
Minutes of the February 2, 2022, Meeting**

Council met on Wednesday, February 2, 2022 via audio-conference due to inclement weather. The meeting was called to order at approximately 3:22 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 (2nd year member), Tax Section Liaison
Amy Symons (2nd year member)
Kristin Piniero (1st year member)
Spencer Crona, (Immediate Past Chair)

Also in attendance were:

Emma Baxter, CBA Staff
Chad Rounds
Darla Daniel
Kim Willoughby
Hayley Lambourn
Sandra Sigler
Dylan Metzner
Lindsay Andrew
Melissa Schwartz
Karen Monk

1. Approval of Minutes of Prior Meeting

The minutes were approved unanimously.

2. Chair's Report (Tim Bounds)

All virtual day due to weather; thank you Emma for coordinating that. Email with call for nominations for Officers and Council members went out. Deadline is March 1st for nominations and applications. Emma, please resend email next week to keep it top of mind.

3. Secretary/Treasurer Report (Lauren da Cunha)

Have not received any budget requests from any of the committees/subcommittees. We are doing really well financially with about \$10,000 more in the bank this year than we

did at this time last year.

4. Tax Section Liaison (Georgine M. Kryda)

Thank you to Patrick Thiessan for presenting on T&E on the tax update. It was well received.

5. Elder Law Section Liaison (Patrick Thiessen)

No report.

6. Real Estate Section Liaison (Chad Rounds)

Memo provided to members.

7. Family Law Section Liaison (Kim Willoughby)

Family Law and SRC created a joint subcommittee -the Uniform Cohabitants Economic Remedies Act. Reach out to Connie Eyster or Jim Bailey if interested in joining. This joint subcommittee will look into some of the issues that arise with Common Law Marriages in Colorado.

8. Statutory Revisions Committee (Dylan Metzner)

Will vote next month on proposed amendment to Personal Representative Statutes, 15-12-203, adding in 4.5. This would provide that, if no Conservator or Guardian is serving, then an Agent under a Durable Power of Attorney that is granted the hot power, can step into the shoes of an incapacitated person with priority to serve as Personal Representative.

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

Uniform Probate Code provisions were introduced in the legislature. Legislation from Representative Ransom is still active.

10. Legislative Update (Tyler Mounsey)

No report.

11. Council Notes (Kristin Dittus)

No report.

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

Wonderful CLE yesterday that was very well attended. Almost fully planned through 2022. No CLEs in June and July for a summer break based on previous low attendance.

13. Orange Book Forms Committee (Hayley Lambourn)

Working on Form 15-20, directed trusts, which will hopefully be completed soon.

14. Rules & Forms Committee (Gordon Williams)

No report.

15. Civic & Community Affairs (Sandra Sigler)

Working on two or three brochures. All brochures will also be available via the website in an 8x11 version. CBA is looking to pause printing of the 2022 Senior Law Handbook. The Committee feels it is important that this be a physical copy. Sandra Sigler will look into why this is paused. Please reach out to Sandra with stories/feelings about the importance of this being available in a physical copy. A couple tentative Senior Law days in June and July.

16. Equity, Diversity & Inclusivity Committee (Tristan Younghaus)

Continuing with outreach to diverse membership and encouraging them to apply for open positions. Sent out application for scholarship for diverse membership last month; would like Council to review. Voting will need to be via email as most recent email was not circulated. Leadership application needs to be in by Feb 28th. Running into issue with outreach to the Law Schools due to COVID restrictions at the law schools. Judge Stewart and Rebecca Schroer are working hard on outreach to the law schools.

Sandra Sigler would like to get brochures created in other languages and would like the EDI committee to work with the law schools to get a volunteer for that.

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

Discussed draft bill for protect persons by Representative Ransom. Jennifer Mendoza thinks the Judicial edits to the Probate Bench Book will hopefully be back in March. Keith Lapuyade gave an excellent talk on issues with an insured's death on insurance coverage. He will be doing a CLE on this in September 2022.

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 report.

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

No report.

22. Communications Representative & Ambassador Coordinator (Lindsay Andrew)

No additional requests for ambassadors. If anyone has outreach ideas, please reach out to Lindsay. There will be an Ambassador/Ambassadee event at the Retreat but there is an issue with location as the hotel where the Retreat will be is under construction while we are there.

23. Board of Governors Representative (Jonathan Haskell)

Next meeting is June 24th in Colorado Springs. If anyone has any concerns or issues they would like Jonathan to bring up, please reach out to him.

24. Other Business

None.

ADJOURNMENT

The meeting was adjourned at 3:55 p.m. The next Council meeting will be held in March 2022.

Respectfully submitted

/s/ Lauren da Cunha, Secretary

Colorado Bar Association
Trust & Estate
For the Six Months Ending December 31, 2021

		December	YTD	Budget	Variance	%	Last FY
Beginning balance	01-3160-31600	(\$40.00)	\$38,426.81		\$38,426.81	0%	\$28,848.32
Trust & Estate Section							
Revenue							
Dues Income Section	01-4050-31600	300.00	32,685.00		32,685.00	0%	32,955.00
Total Revenue Trust & Estate Sect		300.00	32,685.00		32,685.00	0%	32,955.00
Expenses							
Internet/E-Mail Access	01-5413-31600					0%	(356.51)
Meals (Not travel related)	01-5491-31600		(5,103.70)		(5,103.70)	0%	
Administration Fee	01-5494-31600	(1,077.96)	(6,467.76)		(6,467.76)	0%	(6,120.00)
Total Expenses Trust & Estate Sec		(1,077.96)	(11,571.46)		(11,571.46)	0%	(6,476.51)
Statutory Revisions Committee							
Revenue							
Rev. Elderlaw Joint Task Force							
Rev. Uninform POA Act							
Rev. Uniform Trust Code							
Expenses							
Exp. Elderlaw Joint Task Force							
Exp. Uninform POA Act							
Exp. Uniform Trust Code							
CLE							
Revenue							
Revenue Joint CLE							
Revenue CLE Retreat							
Revenue CLE Section Only							

Colorado Bar Association
Trust & Estate
 For the Six Months Ending December 31, 2021

	December	YTD	Budget	Variance	%	Last FY
Expenses						
Expenses Joint CLE						
Expenses CLE Retreat						
Expenses CLE Section Only						
Council Notes						
Revenue						
Expenses						
Community & Civic Affairs						
Revenue						
Expenses						
Rules & Forms Committee						
Revenue						
Expenses						
Orange Book Forms						
Revenue						
Expenses						
Local Liaison						
Revenue						
Expenses						
Uniform Trust Code						
Revenue						
Expenses						
Transfer Deposits						
Revenue						

Colorado Bar Association
Trust & Estate
 For the Six Months Ending December 31, 2021

	December	YTD	Budget	Variance	%	Last FY
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						
Green Book						
Revenue						
Expenses						

Colorado Bar Association
Trust & Estate
For the Six Months Ending December 31, 2021

		December	YTD	Budget	Variance	%	Last FY
The Colorado Lawyer							
Revenue							
Expenses							
T&E Diversity Committee							
Revenue							
Expenses							
Judicial Liaison							
Revenue							
Expenses							
Member Vouchers							
Expenses							
T&E Young Lawyer Society							
Revenue							
Expenses							
Beginning Balance	01-3160-31600	(\$40.00)	\$38,426.81		\$38,426.81	0%	\$28,848.32
Total Revenue All Sources	01-4???-316??	300.00	32,685.00		32,685.00	0%	32,955.00
Total Expense All Sources	01-5???-316??	(1,077.96)	(11,571.46)		(11,571.46)	0%	(6,476.51)
Ending Balance		(817.96)	59,540.35		59,540.35	0%	55,326.81

KIRCH ROUNDS BOWMAN & DEFFENBAUGH PC
MEMORANDUM

TO: CBA Council of the Trust and Estate Section

FROM: Chad Rounds

RE: Summary of 02/15/22 CBA Real Estate Section Council Meeting

DATE: 02/16/22

I attended the CBA Real Estate Section Council ("RESC") meeting on 02/15/22 by Zoom. Members participated in person and by Zoom. The following is my report on matters addressed which the CBA Trust and Estate Section Council ("TESC") might find of interest:

The RESC will have a short retreat Wednesday through Friday of the last week in April at Devil's Thumb Ranch near Winter Park. The monthly council meeting will take place there on Thursday morning. Zoom option will still be available.

ALTA policy forms update. New title insurance policies were introduced in January 2021. Replaces the 2006 versions for both owner and lender policies. Underwriters will likely start actually using the new policy forms later this year. Major changes: the definition of insured continues to expand; new definitions; makes clear that remotely notarized documents are covered under the policy. Also, there is a provision making clear that a title commitment is not equivalent to a legal opinion or title abstract.

Change in eviction forms: Colorado Supreme Court Committee is still working on new eviction forms in light of recent changes to eviction laws. Right now, each county is using their own forms. There is no uniformity.

Denver passed a local ordinance requiring landlord licenses. An inspection would be submitted with the license application. The license would be valid for 4 years. There is a gradual rollout of the program. By 2024, all landlords, even for single units, must obtain the license. This is for long-term rentals (over 30 days). Denver's short-term rentals already have a separate licensing procedure in place.

**Council of the Trust and Estate Section of the Colorado Bar Association
Email Vote on EDI Committee Scholarship Application**

Council conducted a vote over email on the met on the Equity, Diversity & Inclusivity Committee's draft scholarship application.

The following member of Council participated by email constituted a quorum:

In attendance were:

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

Spencer Crona put forth two amendments to the scholarship application:

1. Change "provide" in the first line to "pay"
2. Change "typically get an educational opportunity" in the last line of the second paragraph to "customarily have an educational opportunity"

The draft Scholarship Application, with the incorporation of the above two friendly amentments, was approved unanimously.

Respectfully submitted

/s/ Lauren da Cunha, Secretary



TRUST AND ESTATE RETREAT DIVERSITY SCHOLARSHIP APPLICATION

This application is for a scholarship which will provide the full tuition cost for the selected diverse law student or new/young lawyer to attend the Trust and Estate Annual Retreat on June 16-18, 2022. The CBI Trust and Estate EDI Committee will select the recipient of the scholarship. There is a possibility for additional costs (such as hotel, transportation, food, etc.) to be covered by the T&E Section. This will be subject to the T&E Section's approval. Space is provided below to explain why you are requesting that the Section cover additional expenses beyond tuition.

As this scholarship is for a diverse law student or new/young lawyer, we are looking for applicants who are diverse in some way: different ages, races and ethnicities, abilities and disabilities, genders, religions, cultures and sexual orientations. Our goal is to help someone who might not typically get an educational opportunity such as this.

Applicant Information

Full Name: _____ Date: _____
Last First M.I.

Address: _____
Street Address Apartment/Unit #

City State ZIP Code

Phone: _____ Email _____

Are you a law student? YES NO If no, are you a licensed Colorado attorney? YES NO

If licensed, what year were you admitted to the Colorado Bar? _____ Bar Number: _____

Area(s) of Practice: _____

Law School: _____

Were you or are you a part of any law school clubs or committees? : _____

Diversity

(attach additional pages as needed)

Race, Ethnicity, or Origin:

- American Indian or Alaska Native
- Asian
- Black or African American

- Hispanic, Latino, or Spanish Origin
- Middle Eastern or North African
- Native Hawaiian or Other Pacific Islander
- White or Caucasian
- Other: _____

Gender Identity:

- Female
- Male
- Gender Non-conforming
- Non-Binary
- Transgender
- Choose not to answer
- Other: _____

Sexual Orientation:

- Bisexual
- Gay
- Heterosexual
- Lesbian
- Choose not to answer
- Other: _____

Disability (a physical or mental impairment that substantially limits one or more major life activities):

- Yes
- No

Military Service:

- Active Military
- Active Reserve
- Veteran
- Veteran Widow or Widower
- Not Applicable

Please explain why you believe you would be a good candidate for this scholarship:

Please explain why you would need the T&E Committee to cover additional expenses for you to attend the annual retreat:

Please describe your interest in the area of Trusts and Estates:

Disclaimer and Signature

I certify that my answers are true and complete to the best of my knowledge.

Signature: _____ Date: _____