

Council of the Trust and Estate Section, Colorado Bar Association

Notice of and Agenda for the May 5, 2021 Meeting

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

From: Molly T. Zwerdlinger
Secretary/Treasurer
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Notice of Meeting

The next monthly meeting of the 2020-2021 Council of the Trust and Estate Section of the Colorado Bar Association will be held:

Date and time: ***Wednesday, April 7, 2021, 3:15 p.m.***
Place: ***THIS MEETING WILL BE CALL-IN ONLY DUE TO COVID 19***

Call-In Instructions

Call-in instructions are as follows: 1.425.436.6390
Access Code: 420360

Minutes of Previous Meeting, Financial Reports & Attachments

1. Minutes of the April 7, 2021 meeting of the Council
2. Financial spreadsheets as of March 2021
3. Memorandum from CBA Real Estate Section Council Meeting
4. Email regarding changes to PR brochure

Trust and Estate Section Council Agenda
May 5, 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 April 7, 2021, meeting of the Council
2. Chair's Report and Administrative Matters (Spencer Crona)
3. Secretary/Treasurer's report (Molly Zwerdinger)
4. Tax Section Liaison (Georgine M. Kryda)
5. Elder Law Section Liaison (Patrick Thiessen)
6. Real Estate Section Liaison (Chad Rounds)
7. Family Law Section Liaison (Kim Willoughby)
8. Statutory Revisions Committee (Lauren DaCunha)
9. Legislative Liaison (Darla Daniel & Steve Brainerd)
10. Council Notes (Kristin Dittus)
11. CLE/Estate Planning Retreat (Tim Bounds)
12. Orange Book Forms Committee (Lisa Hardin)
13. Rules and Forms Committee (Gordon Williams)
14. Civic and Community Affairs Joint Committee of the Elder Law Section (Sandra Sigler)
15. Equity, Diversity, and Inclusivity Committee (Melissa Schwartz)
16. Probate Trial and Procedures Committee (Kathy Seidel & Norv Brasch)
17. Colorado Estate Planning Handbook (David Johns)
18. Green Book (Josie Faix)
19. Trust & Estate Practice Support Committee (Jennifer Hazelton & William Ellison)

20. The Colorado Lawyer (Emily Bowman)

21. Communications Representative/Ambassador Program (Lindsay Andrew)

22. Board of Governors Representative (Jonathan Haskell)

23. Miscellaneous/FYI

24. Adjournment

**Council of the Trust and Estate Section of the Colorado Bar Association
Minutes of April 7, 2021, Meeting**

Council met on Wednesday, April 7, 2021 via audio-visual conference due to the ongoing COVID19 situation. The meeting was called to order at approximately 3:14p.m. by Spencer Crona, Chair.

The following members of Council participated by Zoom/phone and constituted a quorum:

Spencer Crona, Chair
Tim Bounds, Vice Chair
Molly Zwerdinger, Secretary
Charles Spence (2nd year member)
Georgine Kryda (1st year member), Tax Section Liaison
Amy Symons (1st year member)
Simon Tolbert (1st year member)

Also in attendance were:

Andy White, CBA Legislative Liaison
Katie Roberts, CBA Staff
Lauren Da Cunha
Kathy Seidel
Kristin Dittus
Louisa Ritsick
Leia Ursery
Chad Rounds
Patrick Thiessen
Kim Willoughby
Steve Brainerd
Sandra Sigler

1. Approval of Minutes of Prior Meeting

The Minutes of the March 3, 2021, Council meeting were approved unanimously.

2. Chair's Report (Spencer Crona)

Annual Meeting coming up. Update on SB 75 – there are concerns and questions even in its amended form – on its way to the House floor. See legislative update.

3. Secretary/Treasurer Report (Molly Zwerdlinger)

No change to financials. Annual meeting coming up next month.

4. Tax Section Liaison (Georgine M. Kryda)

Legislative update coming in June.

5. Elder Law Section Liaison (Patrick Thiessen)

Elder Law Retreat is August 26-27, maybe some in-person networking. See legislative update.

6. Real Estate Section Liaison (Chad Rounds)

Memo was provided to members. No additional report.

7. Family Law Section Liaison (Kim Willoughby)

Last session was spent dealing with diversity issues. The Section is trying to get someone appointed to District Court who has significant background in family law.

8. Statutory Revisions Committee (Lauren Da Cunha)

UPC 2019 updates is making progress. There was a discussion about common law marriage and whether a subcommittee should be formed - Frank Hill mentioned that this was brought up 5 years ago and many sections of the Bar have different views on it - SRC says that unless Council directs them, they are not going to create a subcommittee - Leia Ursery is going to do background research to see what other states have done to protect communities who may be harmed by removal of common law.

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

See legislative update.

10. Legislative Update (Andy White)

HB 1123 - result of an audit of DHS and APS division - recommendation was a way to improve a line of communication between findings of APS and the courts as a result of the audit - CBA worked to amend it to limit the negative effects of the original bill - has made its way through Senate committee.

SB 75 Supportive Decision Making – proposed by disability rights organizations – Elder Law has identified concerns – there are concerns and questions regarding notice and impaired fiduciary duty – amendments have been adopted in full.

SB 118 – brought by the CCI – pilot program that allows up to 10 counties to exercise greater discretion as it relates to alleged abuse of at-risk adults – CBA is in support of this Bill because it gives some flexibility to CAPS system – does not apply to professional fiduciaries.

CUTC Part 5 and UFIPA both unanimously passed the Senate.

SB 95 – Aligns execution requirements for medical directives – heard by senate judiciary – Steve Brainerd and Carl Stevens worked hard on the hearing. Expected to move quickly through senate.

11. Council Notes (Kristin Dittus)

In between additions. Looking for nominations for Sterling Ambler Award. Article coming up by Georgine. Looking for more articles.

12. Continuing Legal Education & Estate Planning Retreat (Tim Bounds)

Estate planning retreat is virtual. Email was sent for registration. Two keynotes are going to be great speakers (diversity as it relates to T&E and SECURE Act). 57 people registered currently, expect a spike in registrations soon. Tim encourages everyone to sign up. Spring Update in March went well.

13. Orange Book Forms Committee (Lisa Hardin)

There was no report.

14. Rules & Forms Committee (Gordon Williams)

There was no report.

15. Civic & Community Affairs (Sandra Sigler)

Thinking about doing hybrid events that are limited in-person speakers with a virtual component. There will be a Senior Law Handbook – authored chapters due back to editors by April 30th. Additional sponsors for this year. 2-3 brochures in the works, but likely not ready for next meeting in May.

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

T&E leadership training to be held over the summer before installation of new leaders in August to prepare them for their roles. Suggesting 2-3 hours some afternoon in July. Volunteers needed to help plan this (agenda, speakers, content, etc.).

17. Probate Trial & Procedures Committee (Kathy Seidel & Norv Brasch):

Bench book is close to being done. Appellate court case was reviewed during meeting dealing with creditors vs beneficiaries (Colby case). Marci McMinimee and Lindsey Andrew taking roles as Chairs next session.

18. Colorado Estate Planning Handbook (David Johns)

There was no report.

19. Green Book (Josie Faix)

There was no report.

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

There was no report.

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

There was no report.

22. Communications Representative & Ambassador Coordinator (Lindsey Andrew)

There was no report. Leia Ursery suggested a happy hour for ambassadees to make new members more comfortable. Maybe location will be Illegal Pete's on Broadway with Section sponsored food. Katie is to send a poll to Council to see what dates they are available for the event. Budget request likely to come in May for the happy hour.

23. Board of Governors Representative (Jonathan Haskell)

There is a virtual meeting on June 18th.

24. Other Business

None.

ADJOURNMENT

The meeting was adjourned at 4:26p.m. The next Council meeting will be held in May 2021.

Respectfully submitted

/s/ Molly T. Zwerdinger, Secretary

Colorado Bar Association
Trust & Estate
For the Nine Months Ending March 31, 2021

		March	YTD	Budget	Variance	%	Last FY
Beginning balance	01-3160-31600		\$28,848.32		\$28,848.32	0%	\$22,262.87
Trust & Estate Section							
Revenue							
Dues Income Section	01-4050-31600	75.00	33,555.00		33,555.00	0%	32,370.00
Total Revenue Trust & Estate Sect		75.00	33,555.00		33,555.00	0%	32,370.00
Expenses							
AWARDS	01-5007-31600					0%	(338.94)
Travel	01-5102-31600					0%	(60.44)
Postage	01-5304-31600					0%	(0.50)
Internet/E-Mail Access	01-5413-31600		(356.51)		(356.51)	0%	(544.99)
Meals (Not travel related)	01-5491-31600					0%	(4,318.92)
Administration Fee	01-5494-31600	(1,020.00)	(9,180.00)		(9,180.00)	0%	(4,537.53)
Grants/Contributions	01-5500-31600	(7,000.00)	(13,250.00)		(13,250.00)	0%	(10,000.00)
Total Expenses Trust & Estate Sec		(8,020.00)	(22,786.51)		(22,786.51)	0%	(19,801.32)
Statutory Revisions Committee							
Revenue							
Rev. Elderlaw Joint Task Force							
Rev. Uninform POA Act							
Rev. Uniform Trust Code							
Expenses							
Other Expense	01-5000-31603			(1,000.00)	1,000.00	0%	
Exp. Elderlaw Joint Task Force							
Exp. Uninform POA Act							
Exp. Uniform Trust Code							
Total Expenses Statutory Revisio				(1,000.00)	1,000.00	0%	
CLE							
Revenue							
Revenue Joint CLE							

Colorado Bar Association
Trust & Estate
 For the Nine Months Ending March 31, 2021

	March	YTD	Budget	Variance	%	Last FY
Revenue CLE Retreat						
Revenue CLE Section Only						
Expenses						
Other Expense 01-5000-31611			(\$6,250.00)	\$6,250.00	0%	
Expenses Joint CLE						
Expenses CLE Retreat						
Expenses CLE Section Only						
Total Expenses CLE			(6,250.00)	6,250.00	0%	
Council Notes						
Revenue						
Expenses						
Community & Civic Affairs						
Revenue						
Expenses						
Other Expense 01-5000-31613			(2,750.00)	2,750.00	0%	
Total Expenses Community & Civi			(2,750.00)	2,750.00	0%	
Rules & Forms Committee						
Revenue						
Expenses						
Orange Book Forms						
Revenue						
Expenses						
Other Expense 01-5000-31607			(500.00)	500.00	0%	
Total Expenses Orange Book For			(500.00)	500.00	0%	
Local Liaison						
Revenue						

Colorado Bar Association
Trust & Estate
For the Nine Months Ending March 31, 2021

	March	YTD	Budget	Variance	%	Last FY
Expenses						
Uniform Trust Code Revenue						
Expenses						
Transfer Deposits Revenue						
Expenses						
Admin. Chair Revenue						
Expenses						
Estate Planning Handbook Revenue						
Expenses						
Admin Council Dinner Revenue						
Meal Income 01-4051-31612					0%	\$1,440.00
Total Revenue Admin Council Din					0%	1,440.00
Expenses						
Other Expense 01-5000-31612			(4,500.00)	4,500.00	0%	
Travel 01-5102-31612					0%	(25.00)
Meals (Not travel related) 01-5491-31612					0%	(5,173.20)
Total Expenses Admin Council Di			(4,500.00)	4,500.00	0%	(5,198.20)
Legislative Liaison Revenue						
Expenses						
Internet Editor Revenue						

Colorado Bar Association
Trust & Estate
For the Nine Months Ending March 31, 2021

	March	YTD	Budget	Variance	%	Last FY
Expenses						
Technology Committee						
Revenue						
Expenses						
Real Estate Liaison						
Revenue						
Expenses						
Green Book						
Revenue						
Expenses						
The Colorado Lawyer						
Revenue						
Expenses						
T&E Diversity Committee						
Revenue						
Expenses						
Other Expense 01-5000-31628			(\$1,000.00)	\$1,000.00	0%	
Total Expenses Diverstiy Comm.			(1,000.00)	1,000.00	0%	
Judicial Liaison						
Revenue						
Expenses						
Member Vouchers						
Expenses						
T&E Young Lawyer Society						
Revenue						
Expenses						
Meals (Not travel related) 01-5491-31629					0%	(371.30)

Colorado Bar Association
Trust & Estate
 For the Nine Months Ending March 31, 2021

	March	YTD	Budget	Variance	%	Last FY
Total Expenses T7E YLS					0%	(\$371.30)
Beginning Balance		28,848.32		28,848.32	0%	22,262.87
Total Revenue All Sources	75.00	33,555.00		33,555.00	0%	33,810.00
Total Expense All Sources	(8,020.00)	(22,786.51)	(16,000.00)	(6,786.51)	142%	(25,370.82)
Ending Balance	(7,945.00)	39,616.81	(16,000.00)	55,616.81	-248%	30,702.05

Colorado Bar Association
Trust & Estate Summary
For the Nine Months Ending March 31, 2021

		March	YTD	Budget	Variance	%	Last FY
Beginning balance	01-3160-31600		\$28,848.32		\$28,848.32	0%	\$22,262.87
Trust & Estate Section- General							
Revenue	01-4???-31600	75.00	33,555.00		33,555.00	0%	32,370.00
Expenses	01-5???-31600	(8,020.00)	(22,786.51)		(22,786.51)	0%	(19,801.32)
Statutory Revisions Committee							
Expenses	015???3160...			(1,000.00)	1,000.00	0%	
CLE							
Expenses	015???3161...			(6,250.00)	6,250.00	0%	
Council Notes							
Community & Civic Affairs							
Expenses	01-5???-31613			(2,750.00)	2,750.00	0%	
Rules & Forms Committee							
Orange Book Forms							
Expenses	01-5???-31607			(500.00)	500.00	0%	
Local Liaison							
Uniform Trust Code							
Admin. Chair							
Estate Planning Handbook							
Admin Council Dinner							
Revenue	01-4???-31612					0%	1,440.00
Expenses	01-5???-31612			(4,500.00)	4,500.00	0%	(5,198.20)
Legislative Liaison							
Internet Editor							
Technology Committee							
Real Estate Liaison							
Green Book							
The Colorado Lawyer							
Diversity Committee							
Expenses	01-5???-31628			(1,000.00)	1,000.00	0%	
Judicial Liaison							
Member Vouchers							
Uniform Trust Code							
Transfer Deposit							
Young Lawyer Society							
Expenses	01-5???-31629					0%	(371.30)
Beginning Balance	01-3160-31600		28,848.32		28,848.32	0%	22,262.87
Total Revenue All Sources	01-4???-316??	75.00	33,555.00		33,555.00	0%	33,810.00
Total Expenses All Sources	01-5???-316??	(8,020.00)	(22,786.51)	(16,000.00)	(6,786.51)	142%	(25,370.82)
Ending Balance		(7,945.00)	39,616.81	(16,000.00)	55,616.81	-248%	30,702.05

KIRCH ROUNDS BOWMAN & DEFFENBAUGH PC

MEMORANDUM

TO: CBA Council of the Trust and Estate Section

FROM: Chad Rounds

RE: Summary of 04/20/21 CBA Real Estate Section Council Meeting

DATE: 04/21/21

I attended the CBA Real Estate Section Council ("RESC") meeting on 04/20/21. It was conducted on Zoom. The following is my report on matters addressed which the CBA Trust and Estate Section Council ("TESC") might find of interest:

Changes to the American Land Title Association (ALTA) standards are being worked on. Have not been updated since 2006. Still waiting on an effective date.

SB 21-242 - RESC votes to support. The bill allows the division of housing within the department of local affairs to use the housing development grant fund for rental assistance, tenancy support service programs, and awarding grants and loans for the purchase of underutilized hotels, underutilized motels, and other underutilized properties. The bill expands those who are eligible to benefit from the rental assistance and tenancy support programs to include individuals experiencing homelessness.

HB-1282 - RESC votes to amend. An AG's priority bill. The bill subjects mortgage servicers to regulation by an assistant attorney general, including the requirements of notification, record keeping, reporting, examinations, inspections, and enforcement. A violation of the requirements is an unfair or deceptive trade practice. Need constructive dialogue with AG's office and other stakeholders. This regulation should be in the realm of DORA not the AG's office.

LPC met and approved revisions to its guidelines. Sections have expressed uncertainty on how LPC decisions are made and how it generally operates. These more detailed guidelines are a response to these concerns. LPC asks that its legislative discussions stay within the CBA to preserve the creditability of the CBA legislative team with legislators.

RESC is exploring creating a more active and permanent legislative liaison position. Currently, the RESC's Secretary is responsible for monitoring legislation and attending LPC meetings. It was mentioned that the Trust and Estate Section has its own permanent statutory revisions committee. The Real Estate Section currently does not have such a standing committee.