

**Council of the Trust and Estate Section of the Colorado Bar Association
Minutes of January 6, 2021, Meeting**

Council was set to meet on Wednesday, January 6, 2021 via audio-visual conference due to the ongoing COVID19 situation. The meeting was cancelled by Spencer Crona, Chair, due to the insurrection events at the US Capitol the same day. A vote on matters was held via email. The results of the email vote are below.

1. Approval of Minutes of Prior Meeting

The Minutes of the December 2, 2020, Council meeting were approved unanimously via email.

2. Approval of Living Will Statutory Revisions (requires report from Elder Law on Elder Law Section Council amendment, inserting “physical” before “presence,” and vote to approve amended version)

The revisions the Living Will statute were approved unanimously via email.

3. Approval of Power of Attorney Brochures

The drafts of the power of attorney brochures were approved unanimously via email. Note was made in an email of some suggested changes to language: there are three places where “under financial power of attorney” is used instead of “under *a* financial power of attorney; many of the pronouns could be replaced with “principal.” If not, maybe use both (“his or her” as at the bottom of the second column).

4. Amendment to effectuate consistency between C.R.S. §15-14-421(6)(a) and §15-14-708

The amendment was approved unanimously via email.

5. EP retreat budget- vote to approve \$10,000 from section to bring in speakers

Council approved up to a \$10,000 budget via email.

Respectfully submitted

/s/ Molly T. Zwerdinger, Secretary

Council of the Trust and Estate Section, Colorado Bar Association

Notice of and Agenda for the February 3, 2021 Meeting

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

From: Molly T. Zwerdlinger
Secretary/Treasurer
1901 W. Littleton Blvd.
Littleton, CO 80120
(303) 798-2525
Mzwerdlinger@m-s-lawyers.com

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, February 3, 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 January 6, 2021 meeting of the Council
2. Financial spreadsheets as of January 31, 2021
3. Memorandum from CBA Real Estate Section Council Meeting
4. EDI Committee Report to Council

Trust and Estate Section Council Agenda
February 3, 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 January 6, 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

KIRCH ROUNDS BOWMAN & DEFFENBAUGH PC
MEMORANDUM

TO: CBA Council of the Trust and Estate Section

FROM: Chad Rounds

RE: Summary of 01/19/21 CBA Real Estate Section Council Meeting

DATE: 01/22/21

I attended the CBA Real Estate Section Council ("RESC") meeting on 01/19/21. 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:

#1) Succession to Service Program.

Ryann Peyton from the CO Supreme Court spoke about the Succession to Service Program. Using a web based platform, it is a statewide initiative to match Colorado lawyers and judges with *pro bono* opportunities. Please visit www.successiontoserve.org to learn more and to register.

#2) Addressing Race-Based Restrictive Covenants in the Public Records.

The Real Estate Section Inclusivity Task Force is brainstorming options to address race-based restrictive covenants in the public real estate records. They are unenforceable through case law and statute, but highly offensive as part of the history of properties. The challenge is how to comprehensively redact or void these provisions without disrupting the integrity of the public real estate records. Legislative ideas include a declaration of redaction, instructing government entities or title companies to go in and redact the covenants, or compelling HOA's to file new covenants.

#3) Proposed Changes to Ethics CLE Requirement.

In its push for greater diversity, equity, and inclusivity; the Colorado Supreme Court is proposing that 2 out of the 7 ethics credits required to be earned by lawyers every 3 years be satisfied specifically by CLE's on these topics.

Colorado Bar Association
Trust & Estate
For the Six Months Ending December 31, 2020

		<u>December</u>	<u>YTD</u>	<u>Budget</u>	<u>Variance</u>	<u>%</u>	<u>Last FY</u>
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	<u>180.00</u>	<u>32,955.00</u>		<u>32,955.00</u>	<u>0%</u>	<u>31,620.00</u>
Total Revenue Trust & Estate Sect		180.00	32,955.00		32,955.00	0%	31,620.00
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%	(3,599.10)
Administration Fee	01-5494-31600	(1,020.00)	(6,120.00)		(6,120.00)	0%	(3,025.02)
Grants/Contributions	01-5500-31600					0%	(7,500.00)
Total Expenses Trust & Estate Sec		(1,020.00)	(6,476.51)		(6,476.51)	0%	(15,068.99)
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 Six Months Ending December 31, 2020

	December	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 Six Months Ending December 31, 2020

		December	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%	\$1,640.00
Total Revenue Admin Council Din						0%	1,640.00
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 Six Months Ending December 31, 2020

	December	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						

Colorado Bar Association
Trust & Estate
 For the Six Months Ending December 31, 2020

		<u>December</u>	<u>YTD</u>	<u>Budget</u>	<u>Variance</u>	<u>%</u>	<u>Last FY</u>
Beginning Balance	01-3160-31600		\$28,848.32		\$28,848.32	0%	\$22,262.87
Total Revenue All Sources	01-4???-316??	180.00	32,955.00		32,955.00	0%	33,260.00
Total Expense All Sources	01-5???-316??	<u>(1,020.00)</u>	<u>(6,476.51)</u>	<u>(16,000.00)</u>	<u>9,523.49</u>	<u>40%</u>	<u>(20,267.19)</u>
Ending Balance		(840.00)	55,326.81	(16,000.00)	71,326.81	-346%	35,255.68

Colorado Bar Association
Trust & Estate Summary
For the Six Months Ending December 31, 2020

		December	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	180.00	32,955.00		32,955.00	0%	31,620.00
Expenses	01-5???-31600	(1,020.00)	(6,476.51)		(6,476.51)	0%	(15,068.99)
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%	1,640.00
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							
Beginning Balance	01-3160-31600		28,848.32		28,848.32	0%	22,262.87
Total Revenue All Sources	01-4???-316??	180.00	32,955.00		32,955.00	0%	33,260.00
Total Expenses All Sources	01-5???-316??	(1,020.00)	(6,476.51)	(16,000.00)	9,523.49	40%	(20,267.19)
Ending Balance		(840.00)	55,326.81	(16,000.00)	71,326.81	-346%	35,255.68