

NOTICE OF MEETING
STATUTORY REVISIONS COMMITTEE

To: Trust and Estate Section — Statutory Revisions Committee
From: Hayley Lambourn, Marianne Luu-Chen

The next meeting will be February 7, 2024 from 1:30 p.m. to 3:15 p.m. will be in-person and by Zoom.

MINUTES – January 3, 2024

- I. Welcome and Call to Order.
 - A. Attendance and Introductions.
 - B. Reminders. Please let Marianne Luu-Chen know if you did not receive meeting materials or if you would like to be removed from the email list.
(marianne.luuchchen@hcboulder.com)
 - C. Approval of Minutes of December 6, 2023 meeting. Bette Heller moved to approve, and Rose Zapor seconded the motion. The minutes were approved with no objection.
- II. Chairperson’s Report.
- III. Legislative Liaison’s Report
 - A. Bette Heller reports that Legislative Legal Services (LLS) has taken up a version of Lodged Wills. LLS made several good points and asked for a response by start of the next day. Response was sent January 3, 2024. Steve Brainerd mentioned that they are grateful for the subcommittee responding quickly. Tyler continues to seek sponsors for definition of “interested person” (under the Uniform Trust Code) and modest modifications regarding disclosure of fiduciary fees (under the Uniform Probate Code).
 - B. CBA Annual Legislative Reception is tentatively scheduled for January 23 from 4:30-7:30. RSVP.
- IV. Announcements

- A. If anyone has turned in an abandoned will pursuant to the Colorado Electronic Preservation of Abandoned Estate Planning Documents Act (CEPAEPDA) , please contact Bette Heller (betteheller@comcast.net) or Marianne Luu-Chen (marianne.luuchen@hbcboulder.com), who are working on an article for the Colorado Lawyer.

V. Subcommittee Reports

A. Active Matters Pending Approval

- 1. Uniform Health Care Decisions Act
 - a. Chair: Leia Ursery (lursery@goodspeedmerrill.com)
 - b. Subcommittee will create list of CRS sections affected by the Act and coordinate efforts with ULC Commissioners. Next meeting is January 11 at 10 am by Zoom.
- 2. Conforming Amendments to proposed Uniform Guardianship, Conservatorship and Other Protective Arrangements Act (UGCOPPA)
 - a. Chair: Leia Ursery
 - b. Subcommittee will prepare list regarding sections in the Probate Code that will be affected by an adoption of UGCOPPA.
- 3. Uniform Non-Testamentary Electronic Estate Planning Documents Act
 - a. Chair: Vacant (Stan Kent reporting)
 - b. Accepted by the Colorado Commissioners of the Uniform Law Commission
- 4. Colorado Uniform Electronic Wills Act, conforming amendments to C.R.S. §§ 15-12-406 and 15-12-303(3)
 - a. Chair: Letitia Maxfield (lmaxfield@wadeash.com)
 - b. Stan Kent reports that the subcommittee continues to examine issues related to how a testator appoints a custodian of an electronic will, where the testator may file a record reflecting the custodian of the electronic will (possibly similar to a trust registration statement), and the due diligence required by a personal representative to locate an electronic will. There will be representatives from the State Court

Administrator's Office at the meeting on January 10 and the subcommittee is trying to gauge interest.

5. Beneficiary Deed Statute
 - a. Chair: Carl Stevens
 - b. Carl is working on proposed language for insurable interests and will send for review by members of the subcommittee.
6. Amendment to CRS § 15-12-203(4) Personal Representative Priority Statute
 - a. Chair: Gordon Williams
 - b. No report.

B. Inactive Matters.

1. Approved, but not moving forward. Colorado Electronic Preservation of Abandoned Estate Planning Documents Act.
 - a. Chair: Bette Heller
 - b. No report.
2. Uniform Cohabitants Economic Remedies Act
 - a. Chair: Connie Eyster
 - b. On hold indefinitely until taken up by the legislature.
3. Unapproved. Child Support in Probate
 - a. Chair: Pat Mellen

II. Section reports

- A. Elder law. No report.
- B. Other. No report.

III. New Matters. None.

IV. Announcements

Adjourned at 1:47 pm

Respectfully submitted by Marianne Luu-Chen

NOTICE OF MEETING
STATUTORY REVISIONS COMMITTEE

TO: Trust and Estate Section — Statutory Revisions Committee
FROM: Hayley Lambourn, Marianne Luu-Chen

The next meeting will be March 6, 2024 - 1:30 – 3:15 p.m. in person and via Zoom. Please join us in person.

AGENDA – February 7, 2024

I. Welcome and Call to Order.

- a. Attendance and Introductions
- b. Reminders. Please let Marianne Luu-Chen (marianne.luuchen@hbcboulder.com) know if you did not receive meeting materials or if you would like to be removed from the email list. (marianne.luuchen@hbcboulder.com)
- c. Approval of Minutes: January 3, 2024 Meeting

II. Chairperson’s Report.

III. Legislative Liaison’s Report

IV. Announcements

V. Subcommittee Reports

- a. Active Matters Pending Approval
 - 1. Uniform Health-Care Decisions Act (Chair: Leia Ursery)
 - 2. Conforming Amendments to proposed Uniform Guardianship, Conservatorship and Other Protective Arrangements Act (Chair: Leia Ursery)
 - 3. Electronic Estate Planning Documents Act (Chair: none)
 - 4. Colorado Uniform Electronic Wills Act, conforming amendments to C.R.S. §§ 15-12-406 and 15-12-303(3) (Chair: Letitia Maxfield)
 - 5. Amendment to C.R.S. § 15-12-203(4), Personal Representative Priority Statute (Chair: Gordon Williams)

6. Beneficiary Deeds Statute Update (Chair: Carl Stevens)
- b. Inactive Matters
 1. **Approved (but not moving forward)**
 - i. Colorado Electronic Preservation of Abandoned Estate Planning Documents Act. (Chair: Pete Bullard). The language approved by the committee was much broad (7 categories of estate planning documents) than the State Court Administrator was able to achieve (1 category, Wills). The State Court Administrator created a pilot program, which was scheduled to be implemented on February 1, 2023. This matter will remain inactive pending the pilot program. When the program is complete, the committee will consider whether to attempt to reincorporate the broader language to include the other 6 categories of estate planning documents (as described in HB 19-1229 as introduced on 3/8/2019) should be added to the Act by amendment.
 - ii. Uniform Cohabitants Economic Remedies Act (Chair: Connie Eyster). Indefinitely on hold until taken up by the legislature.
 2. **Unapproved.**
 - a. Child Support in Probate (Chair: Pat Mellen)

VI. Section Reports

- a. Elder Law
- b. Other

VII. New Matters

- a. Uniform Conflicts of Laws in Trusts and Estates (Connie Eyster)
- b. Trustee’s Affirmative Duty to Change Trust Situs (Connie Eyster)
- c. Connecting with SCAO (Stan Kent & Marianne Luu-Chen)
- d. Style Committee (Stan Kent & Marianne Luu-Chen)

VIII. Approved Proposals for Inclusion in Omnibus Bill or standalone legislation

- a. Lodged Wills Statutes, C.R.S. §§ 15-12-304, 15-12-402, and 15-10-305.5
- b. C.R.S. § 15-5-103(10) “Interested person” means a qualified beneficiary or other person having a property right in or claim against a trust estate, which right or

claim may reasonably and materially be affected by a judicial proceeding pursuant to this code. The term also includes fiduciaries and other persons having authority to act under the terms of the trust. The meaning as it relates to particular persons may vary from time to time and is determined according to the particular purposes of, and matter involved in, any proceeding.

- c. Proposed change to UTC Termination of Trust §15-5-411 – Elder Law will advance.
- d. Disclosure of Fiduciary Fees, C.R.S. §§15-10-602 and 15-10-705. Approved in 2015-2016.