

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

Notice of and Agenda for the April 6, 2022, Meeting

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

From: Lauren da Cunha
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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, April 6, 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 March 2, 2022 meeting of the Council
2. February Financial Statement
3. Memorandum from CBA Real Estate Section Council Meeting

Trust and Estate Section Council Agenda
April 6, 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 March 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 March 2, 2022, Meeting**

Council met on Wednesday, March 2, 2022 in person and via audio-conference. The meeting was called to order at approximately 3:19 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
Simon Tolbert (2nd year member)
Kristin Piniero (1st year member)
Marianne Luu-Chen (1st year member)
Spencer Crona, (Immediate Past Chair)

Also in attendance were:

Emma Baxter, CBA Staff
Lindsay Andrew
Jonathan Haskell
Chad Rounds
Sandra Sigler
Patrick Thiessen
Kristin Dittus
Jennifer Hazelton

1. Approval of Minutes of Prior Meeting

The minutes were approved unanimously.

2. Chair's Report (Tim Bounds)

A general reminder for the Section, if you chair a committee, make sure to give Emma Baxter your materials so they can be added to the website. The Zoom links on the website should all be correct. Meetings will be hybrid through the rest of the year but please attend in person if you are able and feel comfortable.

The deadline to submit applications/nominations for Council was yesterday. The Nominating Committee will look those over and create a slate. That will be announced March 15th. Tim will be reaching out to the nominating committee to schedule a time to meet.

Section dues are currently \$30. We have the option to adjust them. Financially, we are doing fine. The Council unanimously voted to keep dues at their current rate.

3. Secretary/Treasurer Report (Lauren da Cunha)

We currently have \$33,000 in the bank with no outstanding expenses. The Section is in good shape.

4. Tax Section Liaison (Georgine M. Kryda)

No report.

5. Elder Law Section Liaison (Patrick Thiessen)

Extensively discussed the CAPs check authorization form for newly filed Guardianships/Conservators. Anyone nominated as Guardian/Conservator/ Emergency Guardian or Special Conservator must have an APS background check. The form is submitted when you file and can be found on the judicial website. It doesn't delay an emergency proceeding but does need to be on file.

If anyone would like to serve as Vice Chair/member at large or LPC member, reach out.

Elder Law Retreat Aug 25-27 in Vail. Saturday afternoon there will be a women's event, with additional information geared female attorneys.

6. Real Estate Section Liaison (Chad Rounds)

Memo provided to members.

7. Family Law Section Liaison (Kim Willoughby)

No report.

8. Statutory Revisions Committee (Dylan Metzner)

Talked through personal representative priority language with Gordon Williams. No vote on that, as of yet. Tyler Mounsey has not been attending meetings. Tim Bounds will reach out to Tyler. This also happened with Andy White started, CBA might not be letting them know to attend. Connie Eyster had to handle a fire drill on Uniform Cohabitants Economic Remedies Act (UCERA) to not run bill this year and to let us review it first, which has been agreed to.

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

Tim Bounds spoke with Dylan Metzner and Connie Eyster about the Uniform Cohabitants Economic Remedies Act. A proposed bill was introduced rather

unexpectedly. Dylan and Connie reached out to the Sponsors bringing the bill to let them know that T&E has a subcommittee looking into this and the sponsors were fine with waiting.

10. Legislative Update (Tyler Mounsey)

Tim Bounds will reach out the Tyler and ask him to attend.

11. Council Notes (Kristin Dittus)

The next Council Notes will have an article by Griffin Bridgers. Always looking for more articles.

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

Great CLE luncheon this week with over a 100 attendees. It was a Medicaid course taught by Rose Zapor. We will look at doing a full day CLE on this based on the attendance and positive feedback. Also planning a full day program on will contests.

Registration for Retreat should be going out in the next week or two.

13. Orange Book Forms Committee (Hayley Lambourn)

Finished approving almost all of form 15-20 (directed trust provisions), with just a few paragraphs left to approve. Looking for a new Chair for next year. If interested reach out to Hayley Lambourn.

14. Rules & Forms Committee (Gordon Williams)

No report.

15. Civic & Community Affairs (Sandra Sigler)

Currently working on the personal representative brochure. Probate in Colorado brochure is almost ready for review. The mediation brochure is being reviewed by Judge Stewart and will then come to Council for review, most likely in April.

18th Judicial District is having their Law and Safety day on May 21st. There will be an ask an attorney portion. Reach out if interested. Looking at doing a Denver Senior Law Day.

Sandra Sigler had another round of discussions with CBA-CLE of whether or not Senior Law handbook really needs to be printed. CBA-CLE is suggesting that it be paused for

2022 but Sandra is concerned that if that happens it will not start back up. She will follow up with CBA-CLE and report back to Council.

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

Scholarship Application was approved by Council and someone has already applied and been accepted. EDI links on the website should be updated soon. March 14th, there is a student group interested in the Trust and Estates and Elder Law fields, that is looking for attorneys to come and talk from noon to one. EDI committee approved funding a portion of the DU student panel event. Council will vote via email.

Tristan Younghaus had to step down as Chair. Need new Chair to start in August. Please reach out if interested.

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

Keith Lapuyade is drafting a letter that can be provided to clients, alerting them to policy issues after a decedent's death. Depending on how that come together Keith may reach out to the Orange Book committee to add as a draft letter to the Orange Book. Discussed issue where a prior beneficiary did not have standing to receive a copy of an amendment to a trust. Spencer Crona will reach out to the CUTC committee to see if an amendment is needed.

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)

Presentation for this month focuses on the intersection of estate planning and business law. If anyone is interested in presenting, reach out to Jennifer Hazelton at Jenniferhazelton@hotmail.com. Jennifer Spitz is presenting next month. Had very good attendance the last several months.

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

No report.

22. Communications Representative & Ambassador Coordinator (Lindsay Andrew)

One request for an ambassador, which has been provided.

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

Marianne Luu-Chen raised a question regarding the availability of a Pro-Bono handbook, which covers all areas of the law, for attorneys to use. She went to school in Indiana and her law school gave the students copies of the handbook, which was put out by the Indianapolis Bar Association. Colorado does not have anything like that. We have brochures and the Senior Law handbook as well as the Self-Help Centers at the court. However, Colorado does not have a single handbook that covers all areas of the law that is intended to be used by lawyers who are interested in pro-bono work in areas other than their practice area. It was generally agreed that a central handbook like that was a good idea but no idea on where to start. Marianne will reach out to the Indianapolis Bar Association and ask them how they approached it.

ADJOURNMENT

The meeting was adjourned at 4:11 p.m. The next Council meeting will be held in May 2022.

Respectfully submitted

/s/ Lauren da Cunha, Secretary

Colorado Bar Association
Trust & Estate Summary
 For the Eight Months Ending February 28, 2022

		February	YTD	Budget	Variance	%	Last FY
Beginning balance	01-3160-31600		\$38,426.81		\$38,426.81	0%	\$28,848.32
Trust & Estate Section- General							
Revenue	01-4???-31600	240.00	33,345.00		33,345.00	0%	33,480.00
Expenses	01-5???-31600	(1,077.96)	(13,727.38)		(13,727.38)	0%	(14,766.51)
Statutory Revisions Committee							
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							
Young Lawyer Society							
Beginning Balance	01-3160-31600		38,426.81		38,426.81	0%	28,848.32
Total Revenue All Sources	01-4???-316??	240.00	33,345.00		33,345.00	0%	33,480.00
Total Expenses All Sources	01-5???-316??	(1,077.96)	(13,727.38)		(13,727.38)	0%	(14,766.51)
Ending Balance		(837.96)	58,044.43		58,044.43	0%	47,561.81

KIRCH ROUNDS BOWMAN & DEFFENBAUGH PC
MEMORANDUM

TO: CBA Council of the Trust and Estate Section

FROM: Chad Rounds

RE: Summary of 03/15/22 CBA Real Estate Section Council Meeting

DATE: 03/16/22

I attended the CBA Real Estate Section Council ("RESC") meeting on 03/15/22 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:

A late Colorado legislative bill is in the works. It would allow for a release of deed of trust in private transactions without the need to file the original promissory note. There would be a requirement that the packet be filed electronically to cut down on the chance of fraud. It looks like this will be proposed in the next week or so and should pass easily this session.

Colorado legislators are upset about Green Valley Ranch HOA foreclosures. HOA reform legislation will likely be worked on this summer for introduction during the 2023 session.

Colorado Association of Realtors Update: There looks to be a ballot measure in Colorado this fall which would cap owner's taxes on real property held for a certain number of years. There is a concern that owners would be discouraged from selling their properties because their taxes could then go up again. Less turnover in the market could lead to even higher home prices in Colorado. Similar freezes on property taxes are in place in other states, such as California, with tight housing markets.