

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

**Notice of and Agenda for the February 2, 2022, Meeting**

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

From: Lauren da Cunha  
Secretary/Treasurer  
370 17<sup>th</sup> Street, Suite 3200  
Denver, CO 80121  
(303) 607-7801  
[lauren.dacunha@jpmorgan.com](mailto:lauren.dacunha@jpmorgan.com)

**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, February 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 January 5, 2021 meeting of the Council
2. December Financial Statement
3. Memorandum from CBA Real Estate Section Council Meeting

**Trust and Estate Section Council Agenda**  
**February 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 December 1, 2021 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 January 5, 2022, Meeting**

Council met on Wednesday, January 5, 2022 in person and via audio-conference due to the ongoing COVID 19 pandemic. The meeting was called to order at approximately 3:16 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 Zwerdlinger, Vice Chair  
Lauren da Cunha, Secretary  
Georgine Kryda (2<sup>nd</sup> year member), Tax Section Liaison  
Amy Symons (2<sup>nd</sup> year member)  
Simon Tolbert (2<sup>nd</sup> year member)  
Marianne Luu-Chen (1<sup>st</sup> year member)  
Tristan Younghaus (1<sup>st</sup> year member)  
Kristin Piniero (1<sup>st</sup> year member)  
Spencer Crona, (Immediate Past Chair)

Also in attendance were:

Amy Larson, CBA Executive Director  
Tyler Mounsey, CBA Legislative Liaison  
Emma Baxter, CBA Staff  
Chad Rounds  
Darla Daniel  
Kristin Dittus  
Hayley Lambourn  
Kim Willoughby  
Sandra Sigler  
Dylan Metzner  
Lindsay Andrew  
Jonathan Haskell  
Patrick Thiessen  
Melissa Schwartz  
Matt Skotak

**1. Approval of Minutes of Prior Meeting**

The minutes were approved unanimously.

**2. Chair's Report (Tim Bounds)**

**a. Amy Larson, CBA Executive Director and Tyler Mounsey, CBA Legislative Liaison**

Tyler Mounsey is the new Legislative Liaison for the CBA and can be reached at Tmounsey@cobar.org or 202-270-8607. He has two decades of experience in and around the capital. Tyler is expecting lots of debates about the budget and anticipates an interesting session as it is an election year.

In regards to the Marshall Fire, all legal needs are currently being met. The need for legal help comes a little later, after the initial reaction. The CBA may request help from the Section in reviewing documents or providing training tips to help facilitate T&E conversations coming out of the Fire.

**b. Regular Report and Administrative Matters**

Tim will be putting together the Nominating Committee and will then reach out to Emma Baxter to send an email to the Section, calling for nominations.

**2. Secretary/Treasurer Report (Lauren da Cunha)**

Financial are still looking good. The most recent report contains the Annual Dinner expense, which came under the budgeted amount of \$5,000. We expect that to be offset a little more as invoices for the Annual Dinner have only recently gone out.

If your section or subcommittee has a budget request, please reach out to Lauren, [lauren.dacunha@jpmorgan.com](mailto:lauren.dacunha@jpmorgan.com), as soon as possible.

**3. Tax Section Liaison (Georgine M. Kryda)**

Case Law Update CLE will take place later this month.

**4. Elder Law Section Liaison (Patrick Thiessen)**

Elder Law Retreat will be August 25-27 and will be a hybrid event. Elder Law Council had an extensive meeting about proposed House bill regarding Rights of Protected Persons put forward by Representation Ransom. Elder Law Council is working to get its position known and advocated for. The Disability Law section supports the bill and the problem going forward will be to reach a consensus within the Bar.

**5. Real Estate Section Liaison (Chad Rounds)**

No meeting in December; no report.

**6. Family Law Section Liaison (Kim Willoughby)**

No report.

**7. Statutory Revisions Committee (Dylan Metzner)**

Last month, SRC approved the UPC 2019 provisions. Conrad Imel of legislative drafting has the final UPC bill. Senator Gardner is sponsoring the bill.

**8. Legislative Liaison (Stephen M. Brainerd & Darla Daniel)**

Conrad Imel of legislative drafting has the final UPC bill. Senator Gardner is sponsoring the bill.

**9. Legislative Update (Tyler Mounsey)**

Tyler Mounsey is the new Legislative Liaison and he can be reached at [Tmounsey@cobar.org](mailto:Tmounsey@cobar.org) or 202-270-8607

**10. Council Notes (Kristin Dittus)**

Jamie Roth has resigned from her position as a contributor for council notes and is being replaced by Lindsay Andrew. Reach out to Kristin Dittus if you have an article you would like to contribute.

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

The Lunch and Learn CLE on 1/11/22 is being rescheduled. We are completely scheduled for CLE programs through November 2022. There will be no Lunch and Learn CLEs in June and July based on previous low attendance. There will be a full day program in October rather than a Lunch and Learn.

The Park Hyatt in Beaver Creek will be under construction while we are there for the Retreat. We may need to move based on that but we are looking into it further.

**12. Orange Book Forms Committee (Hayley Lambourn)**

Still working on trust director language.

**13. Rules & Forms Committee (Gordon Williams)**

No report.

**14. Civic & Community Affairs (Sandra Sigler)**

Senior Law Handbooks have been delivered. If you would like a physical copy, reach out to Sandra Sigler. Most likely there will be 2-3 large events later in the year. In the meantime, the Committee is working on updating the brochures for Mediation and Probate Process.

**15. Equity, Diversity & Inclusivity Committee (Tristan Younghaus)**

Working with Simon Tolbert to update the website to make EDI more prominent. Melissa Schwartz has been working with the CLE Committee to ensure we have diverse speakers and topics. The Committee is planning event at the law schools to focus on EDI to highlight the importance of it in the Bar. Planning on voting on a finalized application for scholarship next month.

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

No meeting today; no report.

**17. Colorado Estate Planning Handbook (David Johns)**

No report.

**18. Green Book (Josie Faix)**

No report.

**19. New T&E Practice Support Committee (Jennifer Hazelton)**

No meeting today; no report.

**20. The Colorado Lawyer (Emily Bowman & David Kirch)**

No report.

**21. Communications Representative & Ambassador Coordinator (Lindsey Andrew)**

No report. No additional requests for ambassadors.

**22. Board of Governors Representative (Jonathan Haskell)**

Board of Governors met in December and discussed a variety of issues. There are four counties in Colorado that have no attorneys, which creates an access to justice issue. Meggin Rutherford was awarded the Gary McPherson Young Lawyer of the Year award. The Courts are still having jury trials and are working to eliminate their back log. The biggest issue the Courts are facing is staff turnover and being able to pay staff a competitive wage. The Colorado Supreme Court is hearing 8-9 cases a month. Check out the Lawyer Well Being Task Force on the Colorado Judicial website and reach out to the Waterman Fund for assistance. The next meeting will be in June, in person in Colorado Springs.

**23. Other Business**

Be on the lookout for email from Tim regarding nominations.

**ADJOURNMENT**

The meeting was adjourned at 3:54 p.m. The next Council meeting will be held in February 2022.

Respectfully submitted

/s/ Lauren da Cunha, Secretary



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

|  |                      | <u>December</u>   | <u>YTD</u>         | <u>Budget</u> | <u>Variance</u>    | <u>%</u>  | <u>Last FY</u>    |
|--|----------------------|-------------------|--------------------|---------------|--------------------|-----------|-------------------|
| <b>Beginning balance</b>                     | <b>01-3160-31600</b> | (\$40.00)         | \$38,426.81        |               | \$38,426.81        | 0%        | \$28,848.32       |
| <b>Trust &amp; Estate Section</b>            |                      |                   |                    |               |                    |           |                   |
| <b>Revenue</b>                               |                      |                   |                    |               |                    |           |                   |
| Dues Income Section                          | 01-4050-31600        | 300.00            | 32,685.00          |               | 32,685.00          | 0%        | 32,955.00         |
| <b>Total Revenue Trust &amp; Estate Sect</b> |                      | <b>300.00</b>     | <b>32,685.00</b>   |               | <b>32,685.00</b>   | <b>0%</b> | <b>32,955.00</b>  |
| <b>Expenses</b>                              |                      |                   |                    |               |                    |           |                   |
| 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)        |
| <b>Total Expenses Trust &amp; Estate Sec</b> |                      | <b>(1,077.96)</b> | <b>(11,571.46)</b> |               | <b>(11,571.46)</b> | <b>0%</b> | <b>(6,476.51)</b> |
| <b>Statutory Revisions Committee</b>         |                      |                   |                    |               |                    |           |                   |
| <b>Revenue</b>                               |                      |                   |                    |               |                    |           |                   |
| <b>Rev. Elderlaw Joint Task Force</b>        |                      |                   |                    |               |                    |           |                   |
| <b>Rev. Uninform POA Act</b>                 |                      |                   |                    |               |                    |           |                   |
| <b>Rev. Uniform Trust Code</b>               |                      |                   |                    |               |                    |           |                   |
| <b>Expenses</b>                              |                      |                   |                    |               |                    |           |                   |
| <b>Exp. Elderlaw Joint Task Force</b>        |                      |                   |                    |               |                    |           |                   |
| <b>Exp. Uninform POA Act</b>                 |                      |                   |                    |               |                    |           |                   |
| <b>Exp. Uniform Trust Code</b>               |                      |                   |                    |               |                    |           |                   |
| <b>CLE</b>                                   |                      |                   |                    |               |                    |           |                   |
| <b>Revenue</b>                               |                      |                   |                    |               |                    |           |                   |
| <b>Revenue Joint CLE</b>                     |                      |                   |                    |               |                    |           |                   |
| <b>Revenue CLE Retreat</b>                   |                      |                   |                    |               |                    |           |                   |
| <b>Revenue CLE Section Only</b>              |                      |                   |                    |               |                    |           |                   |

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

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

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

|                                 | December | YTD | Budget | Variance | % | Last FY |
|---------------------------------|----------|-----|--------|----------|---|---------|
| <b>Expenses</b>                 |          |     |        |          |   |         |
| <b>Admin. Chair</b>             |          |     |        |          |   |         |
| Revenue                         |          |     |        |          |   |         |
| <b>Expenses</b>                 |          |     |        |          |   |         |
| <b>Estate Planning Handbook</b> |          |     |        |          |   |         |
| Revenue                         |          |     |        |          |   |         |
| <b>Expenses</b>                 |          |     |        |          |   |         |
| <b>Admin Council Dinner</b>     |          |     |        |          |   |         |
| Revenue                         |          |     |        |          |   |         |
| <b>Expenses</b>                 |          |     |        |          |   |         |
| <b>Legislative Liaison</b>      |          |     |        |          |   |         |
| Revenue                         |          |     |        |          |   |         |
| <b>Expenses</b>                 |          |     |        |          |   |         |
| <b>Internet Editor</b>          |          |     |        |          |   |         |
| Revenue                         |          |     |        |          |   |         |
| <b>Expenses</b>                 |          |     |        |          |   |         |
| <b>Technology Committee</b>     |          |     |        |          |   |         |
| Revenue                         |          |     |        |          |   |         |
| <b>Expenses</b>                 |          |     |        |          |   |         |
| <b>Real Estate Liaison</b>      |          |     |        |          |   |         |
| Revenue                         |          |     |        |          |   |         |
| <b>Expenses</b>                 |          |     |        |          |   |         |
| <b>Green Book</b>               |          |     |        |          |   |         |
| Revenue                         |          |     |        |          |   |         |
| <b>Expenses</b>                 |          |     |        |          |   |         |

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

|                                     |               | December   | YTD         | Budget | Variance    | %  | Last FY     |
|-------------------------------------|---------------|------------|-------------|--------|-------------|----|-------------|
| <b>The Colorado Lawyer</b>          |               |            |             |        |             |    |             |
| Revenue                             |               |            |             |        |             |    |             |
| Expenses                            |               |            |             |        |             |    |             |
| <b>T&amp;E Diversity Committee</b>  |               |            |             |        |             |    |             |
| Revenue                             |               |            |             |        |             |    |             |
| Expenses                            |               |            |             |        |             |    |             |
| <b>Judicial Liaison</b>             |               |            |             |        |             |    |             |
| Revenue                             |               |            |             |        |             |    |             |
| Expenses                            |               |            |             |        |             |    |             |
| <b>Member Vouchers</b>              |               |            |             |        |             |    |             |
| Expenses                            |               |            |             |        |             |    |             |
| <b>T&amp;E Young Lawyer Society</b> |               |            |             |        |             |    |             |
| 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 01/18/22 CBA Real Estate Section Council Meeting

**DATE:** 01/20/22

---

I attended the CBA Real Estate Section Council ("RESC") meeting on 01/18/22. Members participated by Zoom. The following is my report on matters addressed which the CBA Trust and Estate Section Council ("TESC") might find of interest:

RESC is hoping to plan a small retreat in April at Devil's Thumb Ranch. That month's council meeting would take place up there with a zoom option as well.

Colorado Supreme Court's Civil Rules Committee is in the process of changing the standard eviction forms in response to recently enacted legislation in that area.

Rule changes to Colorado remote notaries are in the works. They would provide due process protection to vendors related to revocation of their licenses.

Geoff Anderson gave a report on the recent Colorado Clerk and Recorder's conference. He spoke at the conference about the importance of the integrity of the public real estate records system and how it is fundamental to private property rights. There was also a panel critiquing the current Colorado redaction statute. The protected class continues to expand at the expense of real estate record integrity. There is no expiration on the redaction period. There is lack of uniformity across counties on implementing the law. Also, much of the information is still revealed by the public trustee if there are foreclosures.

There is even proposed legislation introduced on the first day of the session which would restrict access to public records. One size does not fit all. Real estate records are forever. This bill is not the fix in the opinion of the RESC.

There is proposed legislation to be a statutory fix to the judicial rulings in the *Buffalo Run* HOA case. The legislation would restrict the ability of nonowners to execute documents affecting title to real property. The proposed sponsor supports it but cannot take it on and introduce it. A search is on for a new sponsor.

In response to the recent Boulder County wildfires, there is proposed legislation on changing the rules for deeds of trust. It would allow deeds of trust securing loans by individuals to be released by the public trustee without the requirement of presenting the original promissory notes. If not qualified financial institutions, the current alternative is to obtain expensive lost instrument bonds. Many individual lenders fail to keep track of the original promissory notes or they are destroyed with their belongings as in the case of these fires. The rules would change so that a copy could be submitted along with an indemnity of the public trustee.