

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

**Notice of and Agenda for the September 1, 2021, Meeting**

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

From: Lauren da Cunha  
Secretary/Treasurer  
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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, September 1, 2021, 3:15 p.m.***  
Place: 1290 Broadway, Suite 1700, Denver, CO 80203  
or Call-In/Zoom

**Minutes of Previous Meetings, Financial Reports & Attachments**

1. Minutes of the September 4, 2021 meeting of the Council
2. Memorandum from CBA Real Estate Section Council Meeting
3. July Financials

**Trust and Estate Section Council Agenda**  
**September 1, 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 August 4, 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 (Andy White)
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 (Melissa Schwartz)
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 August 4, 2021, Meeting**

Council met on Wednesday, August 4, 2021 in person and via audio-conference due to the ongoing COVID 19 pandemic. The meeting was called to order at approximately 3:19p.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  
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)  
Kristin Pineiro (1<sup>st</sup> year member)  
Spencer Crona, (Immediate Past Chair)

Also in attendance were:

Andy White, CBA Legislative Liaison  
Katie Roberts, CBA Staff  
Lindsay Andrew  
Kim Willoughby  
Sandra Sigler  
Dylan Metzger  
Kristin Dittus  
Patrick Thiessen  
Chad Rounds  
Darla Daniel  
Jessica Hazelton  
Jonathan Haskell

**1. Approval of Minutes of the Annual Meeting**

The Minutes of the Annual Meeting of the Trust and Estate Section meeting were approved unanimously.

**2. Approval of Minutes of Prior Meeting**

The Minutes of the May 5, 2021, Council meeting were approved unanimously.

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

Meetings will be hybrid for now. Susie Harris is the Sterling Amber award winner for this year. Effective June 21, 2021 there are changes to the Probate Procedural Rules and Forms.

Reminder for first year Council members, that they are automatically members of the EDI committee.

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

The section spent \$400 co-sponsoring a CLE with the Family Law and YLD Sections of the CBA.

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

Next meeting will be end of September. Georgine will be presenting at the Business Law Institute for a 2 hour CLE regarding Estate Planning for Couples that Own Businesses Together.

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

HCPF released letter regarding distributions from disability trusts; must provide notice of distributions of \$5,000 or more for all new or amended disability trusts. Elder Retreat is August 26<sup>th</sup> and 27<sup>th</sup>. There was a news story on conservatorships, Scott Christian was interviewed but did not provide a response on behalf of the CBA or the Elder Law section.

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

Memos were provided to members.

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

No report.

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

Disclosure of Fiduciary Fees, previously approved by Council, is moving forward to be considered for 2022 legislative session. Subcommittee reviewing 2019 revisions to the UTC plans to present in October or November. Leia Ursery is starting a subcommittee to review Common Law Marriage in Colorado. Gordon Williams is proposing an amendment to 15-14-12.

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

2019 Revisions to the UPC will be presented to SRC in October with a vote in SRC in November. This should provide sufficient time for through review/debate and still meet 2022 legislative timeline.

**11. Legislative Update (Andy White)**

Legislative session ended June 13<sup>th</sup>. Internally, LPC will meet monthly from October through December and then weekly January through May. Colorado Uniform Law Commission has not set an agenda yet. Typically meet in Q4 and January.

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

Molly Zwerdinger will write article. Next publication will include Section Welcome letter.

**13. Continuing Legal Education & Estate Planning Retreat (Molly Zwerdinger)**

Lunch CLE program is set through the February. Several other CLEs being planned but speakers have not been confirmed. Larger events will mostly like to be hybrid.

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

There was no report.

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

There was no report.

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

Several events have been scheduled for Fall. Estate Planning Handbook being finalized. Books likely ready by September.

**17. Equity, Diversity & Inclusivity Committee (Melissa Schwartz)**

Melissa will be stepping down as Chair. Encourages anyone interested in joining to reach out to her.

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

Anticipating more successful rule 12(B)(5) motions. First edition of the Bench book submitted. Support creation of formal subcommittee for annual review of Bench book. Amending annual conservator report pushed to next year due to automating form. Discussing 15-10-602 and 15-2-705 next month.

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

There was no report.

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

There was no report.

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

New members joined. Have some speakers lined up and looking to expand topics outside of practice support; i.e. Lawyers as Parents.

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

There was no report.

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

Lindsay will reach out directly to new members on a quarterly basis. Katie Null will supply list of new members.

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

Met June 18<sup>th</sup>. Strong push for EDI leadership in the CBA. CBA in good financial position. Waterman Fund available to provide financial assistance to lawyers.

**25. Other Business**

None.

**ADJOURNMENT**

The meeting was adjourned at 4:08p.m. The next Council meeting will be held in September 2021.

Respectfully submitted

/s/ Lauren da Cunha, Secretary

Colorado Bar Association  
**Trust & Estate**  
 For the Month Ending July 31, 2021

		<u>July</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>		<b>\$37,066.81</b>		<b>\$37,066.81</b>	<b>0%</b>	<b>\$28,848.32</b>
<b>Trust &amp; Estate Section</b>							
<b>Revenue</b>							
Dues Income Section	01-4050-31600	25,995.00	25,995.00		25,995.00	0%	23,610.00
<b>Total Revenue Trust &amp; Estate Sect</b>		<b>25,995.00</b>	<b>25,995.00</b>		<b>25,995.00</b>	<b>0%</b>	<b>23,610.00</b>
<b>Expenses</b>							
Administration Fee	01-5494-31600	(1,077.96)	(1,077.96)		(1,077.96)	0%	(1,020.00)
<b>Total Expenses Trust &amp; Estate Sec</b>		<b>(1,077.96)</b>	<b>(1,077.96)</b>		<b>(1,077.96)</b>	<b>0%</b>	<b>(1,020.00)</b>
<b>Statutory Revisions Committee</b>							
<b>Revenue</b>							
<b>Rev. Elderlaw Joint Task Force</b>							
<b>Rev. Uniform POA Act</b>							
<b>Rev. Uniform Trust Code</b>							
<b>Expenses</b>							
<b>Exp. Elderlaw Joint Task Force</b>							
<b>Exp. Uniform 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>							
<b>Expenses</b>							



Colorado Bar Association  
**Trust & Estate**  
 For the Month Ending July 31, 2021

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

Colorado Bar Association  
**Trust & Estate**  
 For the Month Ending July 31, 2021

	July	YTD	Budget	Variance	%	Last FY
Revenue						
Expenses						
<b>Estate Planning Handbook</b>						
Revenue						
Expenses						
<b>Admin Council Dinner</b>						
Revenue						
Expenses						
<b>Legislative Liaison</b>						
Revenue						
Expenses						
<b>Internet Editor</b>						
Revenue						
Expenses						
<b>Technology Committee</b>						
Revenue						
Expenses						
<b>Real Estate Liaison</b>						
Revenue						
Expenses						
<b>Green Book</b>						
Revenue						
Expenses						
<b>The Colorado Lawyer</b>						
Revenue						

Colorado Bar Association  
**Trust & Estate**  
 For the Month Ending July 31, 2021

		<u>July</u>	<u>YTD</u>	<u>Budget</u>	<u>Variance</u>	<u>%</u>	<u>Last FY</u>
<b>Expenses</b>							
<b>T&amp;E Diversity Committee</b>							
Revenue							
Expenses							
Judicial Liaison							
Revenue							
Expenses							
<b>Member Vouchers</b>							
Expenses							
<b>T&amp;E Young Lawyer Society</b>							
Revenue							
Expenses							
<b>Beginning Balance</b>	<b>01-3160-31600</b>		<b>\$37,066.81</b>		<b>\$37,066.81</b>	<b>0%</b>	<b>\$28,848.32</b>
<b>Total Revenue All Sources</b>	<b>01-4???-316??</b>	<b>25,995.00</b>	<b>25,995.00</b>		<b>25,995.00</b>	<b>0%</b>	<b>23,610.00</b>
<b>Total Expense All Sources</b>	<b>01-5???-316??</b>	<b>(1,077.96)</b>	<b>(1,077.96)</b>		<b>(1,077.96)</b>	<b>0%</b>	<b>(1,020.00)</b>
<b>Ending Balance</b>		<b>24,917.04</b>	<b>61,983.85</b>		<b>61,983.85</b>	<b>0%</b>	<b>51,438.32</b>

**KIRCH ROUNDS BOWMAN & DEFFENBAUGH PC**  
MEMORANDUM

**TO:** CBA Council of the Trust and Estate Section

**FROM:** Chad Rounds

**RE:** Summary of 08/17/21 CBA Real Estate Section Council Meeting

**DATE:** 08/18/21

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I attended the CBA Real Estate Section Council ("RESC") meeting on 08/17/21. Members participated in person, as well as by Zoom. The following is my report on matters addressed which the CBA Trust and Estate Section Council ("TESC") might find of interest:

**Title Standards Table of Contents:**

RESC authorized that its Title Standards Committee make appropriate updates to the table of contents for the Title Standards and that the table of contents be published electronically by West Publishing.

**Theme for This Year:**

The Chair stated the theme this year for the section is "reconnection" with each other which can take many different forms.

**Taskforce Appointments:**

RESC is making taskforce appointments in advance of the legislative session so the section can be active in the stakeholder meetings already in progress and be proactive instead of reactive in its response to planned legislation involving real estate issues.

**Possible Legislation:**

#1) The RESC believes that chain of title is the foundation of real estate law and real property rights. It might spearhead legislation to counter the Court of Appeals decision in the *Buffalo Run* case which found that actions affecting real estate do not necessarily need to be strictly remedied if outside the chain of title.

#2) Racial restrictive covenants are void, but the hope is to come up with legislation to try to redact these offensive restrictions, while still preserving the integrity of the public records.

#3) An initial meeting on Property Ownership Confidentiality is set for August 23<sup>rd</sup>. Andy White stated that Darla Daniel and Steve Brainerd plan to attend for the Trust and Estate Section to cover any trust aspects of this discussion.

Colorado Bar Association  
**Trust & Estate Summary**  
 For the Month Ending July 31, 2021

		July	YTD	Budget	Variance	%	Last FY
Beginning balance	01-3160-31600		\$37,066.81		\$37,066.81	0%	\$28,848.32
<b>Trust &amp; Estate Section- General</b>							
Revenue	01-4???-31600	25,995.00	25,995.00		25,995.00	0%	23,610.00
Expenses	01-5???-31600	(1,077.96)	(1,077.96)		(1,077.96)	0%	(1,020.00)
<b>Statutory Revisions Committee</b>							
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							
<b>Young Lawyer Society</b>							
Beginning Balance	01-3160-31600		37,066.81		37,066.81	0%	28,848.32
Total Revenue All Sources	01-4???-316??	25,995.00	25,995.00		25,995.00	0%	23,610.00
Total Expenses All Sources	01-5???-316??	(1,077.96)	(1,077.96)		(1,077.96)	0%	(1,020.00)
Ending Balance		24,917.04	61,983.85		61,983.85	0%	51,438.32