

**CBA TRUST AND ESTATE SECTION
STATUTORY REVISIONS COMMITTEE
AGENDA**

November 3, 2021

1. Introductions

2. Approval of October 6, 2021 Minutes

3. Announcements

a. *Email List.* If you did not receive the SRC materials in an email from Katie then you are not on the SRC email list. Email Jonathan (JHaskell@wadeash.com.) and he'll add you to the email list.

4. Legislative Report

5. SRC Approved Proposals

a. Active Matters

(i) **Disclosure of Fiduciary Fees, §§ 15-10-602 and 15-12-705, C.R.S. (approved in 2015-2016) (Gordon Williams);**

(ii) **Amendment to Visitor Reporting Statute, C.R.S. § 15-14-113.5 (Gordon Williams);**

Report from Chair and Co-Chair's call with elder Law

(iv) **Amendment to Personal Representative Priority Statute, C.R.S. § 15-12-203(4) to include Agent under power of attorney who is granted "hot power" to remove and appoint fiduciaries (Gordon Williams);**

Report from Chair and Co-Chair's call with Elder Law

Proposed language: (4.5) An agent who is authorized under a financial power of attorney to nominate a fiduciary in accordance with 15-14-724(1)(g)(ii), C.R.S., may exercise the same right to nominate, to object to another's appointment, or to participate in determining the preference of a majority in interest of the heirs and devisees that the principal would have if qualified for appointment.

(v) **Common Law Marriage (Leia Ursery);**

(vi) **Lodged Wills- Investigate issues with lodging wills and the return of lodged wills. (Bette Heller)**

b. Inactive Matters Approved by SRC but Not Moving Forward for Various Reasons

(i) Colorado Electronic Preservation of Abandoned Estate Planning Documents Act Subcommittee (Pete Bullard, Chair)ⁱ

- a.** The language that SRC approved was much broader (7 categories of estate planning documents) than the State Court Administrator was able to achieve (one category-Wills). Essentially the State Court Administrator created a pilot program which will be implemented on January 1, 2023 (when funding comes in) and the pilot program will only deal with Wills.
- b.** This matter will remain on Inactive Matters until the pilot program is complete so that SRC can readdress whether to attempt to reincorporate the broader definition and whether the 6 other categories should be restored to the Act by amendment.
- c.** See Attachment to Agenda for an Email from Frank Hill to Dylan Metzner et al. providing an overview of some important milestones in the history of CEPAEPDA.

6. Unapproved Matters under Consideration by SRC - Reports from Subcommittees

- a. ADR Legislation (C. Jean Stewart, Chair)**
- b. Child Support in Probate Subcommittee (Pat Mellen, Chair)**
- c. Uniform Probate Code (UPC) 2019 Revisions (Bette Heller and Darla Daniels, Co-Chairs)**
- d. Family Allowance (Michael Kirtland, Chair)**

7. Inactive Matters

8. Report from Elder Law Section

9. Report from Other Sections of the Bar

10. New Matters

- a. Beneficiary Deeds Statute Update re Named Insureds for Casualty Coverage (Carl Stevens)**
- b.**
- c. Uniform Cohabitants Economic Remedies Act (Connie Eyster)**

11. Passed Proposals for Inclusion in Omnibus Bill or Stand Alone Legislation

ⁱ Judicial (State Court Administrator) would only agree to become the sponsoring agency of this legislation if the seven separate categories under the definition of "original estate planning document" was pared down to the single category of "will documents." This was insisted upon to

minimize the size of the “pilot program” Judicial envisioned would be needed to initially implement the legislation in partnership with (and utilizing the technological resources of) the Colorado State Archives office. Once Judicial has completed its pilot program and the electronic document upload, storage, and retrieval system for “will documents” is operating as intended under the statute, the other six categories of “original estate planning documents” as they appear in § 15-23-103(14) in HB19-1229 as originally introduced on March 8, 2019 should be restored to the Act by amendment. See <https://leg.colorado.gov/bills/hb19-1229>.