

AGENDA

COLORADO SUPREME COURT ADVISORY COMMITTEE ON RULES OF PROBATE PROCEDURE

Friday, January 5, 2018, 9:30 a.m.
Ralph L. Carr Colorado Judicial Center
2 E.14th Ave., Denver, CO 80203
3rd Floor, Court of Appeals Full Court Conference Room

- I. Call to Order
- II. Announcements from the Chair
- III. Business
 - A. Approval of March, 24 2017 Minutes [**Page 1 to 4**]
 - B. Public Comment [**Page 5 to 44**]
 - 1.General Discussion
 - 2.Rule 24 [**Page 55**]
 - 3.Rule 62 [**Page 65**]
 - 4.JDF 785 [**Page 71**]
 - 5.JDF 866 [**Page 73 to 74**]
 - 6.JDF 916 & 920 [**Page 77 & 83**]
 - 7.Local Forms – Judge Leith, Amber Roth, and Connie Lind [**Page 86 to 89**]
 - 8.E-service form issue [**Page 90**]
 - C. Forms Subcommittee final issues – Connie Lind
 - 1. Additional revisions post public comment
 - i. Nits
 - a. Deleted duplicate date and signature lines – JDF 722, 732, and 735

- b. Verification removal – JDF 711, 712, 716, 726, 727, 806, 844, and 963
- c. Verification statement moved – placed before the Certificate of Service
- d. Language inadvertently deleted added back in – JDF 834

ii. Substantive Revisions

- a. JDF 882 & 885 – categories added/modified [**Page 91 to 118**]
- b. JDF 850 -- revision to “Section VI Financial Matters” [**Page 123**]

IV. New Business

A. New Probate Forms

- 1. JDF 897 – Online Conservator’s Report Attachment Sheet [**Page 127 to 128**]
- 2. JDF 898 – Public Administrator’s Statement of Accounts Pursuant To Small Estate Procedure [**Page 129 to 131**]

B. Other

V. Future Meeting

VI. Adjourn

**Colorado Supreme Court Advisory Committee on the Rules of Probate Procedure
March 24, 2017 Minutes**

A quorum being present, the Colorado Supreme Court Advisory Committee on Rules of Probate Procedure was called to order by Judge Diana Terry at 9:30 a.m., in the Court of Appeals Full Court Conference Room on the third floor of the Ralph L. Carr Colorado Judicial Center. Members present or excused from the meeting were:

Name	Present	Excused
Judge Diana Terry, Chair	X	
Shari Caton		X
Judge Mary Deganhart		X
Emily Gregory	X	
Michael Holder	X	
Magistrate Frances Johnson	X	
Michael Kirtland		X
Lauris Laue		X
Judge Elizabeth Leith	X	
Connie Lind	X	
Judge Mark MacDonnell	X	
Marcie McMinimee	X	
Judge Devin Odell		X
Amber Roth	X	
Charles Spence	X	
Casey Williams	X	
Non-voting Participants		
Justice Allison Eid, Liaison		X
Veronique Van Gheem		X

I. Attachments & Handouts

A. March 24, 2017 agenda packet

B. Supplemental Material

- a. JDF 712, 722, and 963
- b. JDF 807, 810, 891, 999, and XXX
- c. SB 17-154

II. Announcements from the Chair

Judge Terry welcomed all members to the meeting. She reminded the committee that its first meeting was in January of 2016, and since then, every probate rule and form has been reviewed by a subcommittee. The committee has accomplished a lot, and Judge Terry wanted to thank everyone for their dedication.

III. Business

A. Judicial Department Form format

Judge Terry surveyed the probate judges and asked them if the forms posted on the court's website should be available in an editable or non-editable format? Except for a few, the overwhelming majority of judges thought that the forms should be editable. Judge Terry, with Andy Rottman, the Chief's counsel, and the State Court Administrator's Office (SCAO) are going to work to make the forms editable.

Members had questions about the format of the editable forms, and a few possibilities were discussed. Some forms may have certain sections or tables that are editable, or perhaps the entire form will be editable and users will have to check a box at the end of the form indicating it has been modified. There were two questions from committee members: 1) can all forms be posted in an editable format in the meantime, while things related to policy and consistency are worked out; and 2) can forms be posted in rich text format, not just in Word, for those that don't use Microsoft products. Judge Terry said she would take both requests to Chief Justice Rice and follow-up with the committee.

B. Probate Forms

Subcommittee chair Connie Lind stated that the Forms Subcommittee had met about 10 times. All forms received style and consistency amendments and a few received substantive amendments. Forms with substantive revisions were discussed as follows:

- Hearing Without Appearance Forms, JDF 712, 722, and 963. Rule 24, Determination of Matters by Hearing Without Appearance, was amended and the forms were modified to track the rule. There was a question about the certificate of service language and the subcommittee explained that the service boxes on all forms were changed to be consistent. A member stated that these forms needed different language, and there was a motion to amend the certificate of service language, as described below:

I certify that on _____ (date), a copy of this _____
([notice along with the motion/petition](#)~~name of document~~) was served as follows on
each of the following:

The amendment passed unanimously;

- The subcommittee is recommending deleting JDF 713, 962, and the Mental Health Forms. The subcommittee recommended deleting JDF 713 and 962 because there are similar forms available, and the practitioners on the subcommittee had never used either form. The committee was asked if anyone had ever used either form and no one indicated they had. The subcommittee was also recommending deleting the Mental Health Forms, located in Court Rules

Book 1 (page 1673). The forms have never been converted into an electronic format by the Judicial Branch and the Colorado Department of Human Services has electronic versions of similar forms on their website. There was a motion to delete JDF 713, 962, and the Mental Health forms that passed unanimously;

- JDF 731 and 854. The subcommittee wanted to know which language was preferred on JDF 731: the new receipt language or the old verification? There was a motion to adopt the new language and strike the verification that passed unanimously. On JDF 854, there is a statement related to a federal firearms prohibition, and the subcommittee wondered why it was on the form. It was unclear why the language was included, and one member stated that often the form is used when someone is deceased, so having such a statement isn't appropriate. There was a motion to strike the statement that passed unanimously;
- JDF 834, 850, 882, and 885, and new form, JDF XXX, Case Information Sheet. JDF 882 and 885 were substantially amended to track the new online conservator system. A member asked if the subcommittee had considered amending the forms to include decedents' estates? The subcommittee had not, as they saw decedents' estates as debits and credits and something that generally didn't fit here. Forms 834, 850, 882, and 885 all have DOB and SSN lines. The subcommittee is recommending striking the DOB and SSN lines from those forms and putting that information in a Case Information Sheet, JDF XXX, which could be sealed by the court. The subcommittee acknowledged that the court would not have to seal the Case Information Sheet, because the form isn't included in CJD 05-01, but that it likely would. Ms. Lind offered to go to the Public Access Committee and ask that the new case information sheet be included in CJD 05-01.

There was a motion to adopt JDF 834, 850, 882, 885, and XXX as amended, with the following additional amendments:

- In 834, 850, 882, and 885, the age of the protected person and fiduciary will be added in;
- In XXX, the following language would be added in the "Note" section: "[This completed form must be filed with the Acknowledgement of Responsibilities prior to issuance of Letters or whenever there is a change of the Fiduciary](#)"; and "ward or protected person" would be added into the first line.

The motion was adopted unanimously.

- Verification. Through its review, the Forms Subcommittee discovered that there were many different verification statements used on the forms. The subcommittee had received a presentation from Judge Kuenhold about a bill in the legislature, SB 17-154, which contained uniform declaration language. The subcommittee

proposed adopting the uniform language in place of notary blocks and old verification statements, except where notary blocks are required by statute. A motion to adopt the new verification passed unanimously; and

- All other forms from the 700, 800, and 900 series, were included in the agenda materials. The other forms, not specifically singled out, received amendments for style, uniformity, or other reasons. The subcommittee asked if the committee had questions about the remainder of the forms. Hearing none, there was a motion to adopt all amended forms that passed unanimously.

C. Probate Rules

Judge Leith began and stated that Rule 24 had been amended by the subcommittee at their last meeting, and the only point the subcommittee couldn't agree on was the highlighted language in Rule 24's comment. Members who wanted the highlighted language struck stated that they wanted to keep cases moving forward and they hoped it would encourage meaningful objections. There was a motion to strike the highlighted language that passed unanimously. Finally, a motion was made to adopt all amended rules and forms and submit the package to the supreme court that passed unanimously.

The next steps in the process were discussed. When SB 17-154 adopted, the verifications on affected forms will be updated. After the updating is complete, the rules and forms package will be submitted to the supreme court. The committee voted unanimously that the proposal should be posted for public comment. The committee discussed how the committee could publicize the proposal, which included CLEs, Colorado Lawyer articles, Judicial Conference Presentations, and other trainings. The committee will likely meet in the fall after the comment period is closed, and Judge Terry again thanked the committee for all of their hard work.

IV. Future Meetings

TBD

The Committee adjourned at 11:20 a.m.

*Respectfully submitted,
Jenny A. Moore*

stevens, cheryl

From: Kayla Nelson <Kayla@denverprobatelaw.com>
Sent: Tuesday, November 14, 2017 2:48 PM
To: stevens, cheryl
Subject: Comments on the Proposed Amendments to the Probate Rules and Forms

Dear Ms. Stevens,

Below are my comments to the Rule and Form amendments for the Colorado Rules of Probate Procedure:

1. Rule 24: Determination of Matters by Hearing Without Appearance. I believe the inclusion of "hearing" in the title of this matter will continue to confuse unrepresented parties as it did when these matters were called "non-appearance hearings." If it is feasible with our current rules and statutes, I would suggest the rule be called "Determination of Matters by Court Docketing" or something else. I don't believe "Hearing Without Appearance" is a significant-enough change from the previous language to fix this common misunderstanding.
2. JDF 882 and JDF 885: Unrepresented parties and even our own clients complain all the time about how laborious and difficult that the conservator's reports are. I believe the increase in the number categories of Receipts/Income and Disbursements/Expenses on these two forms is excessive. Are the Court and the Protective Proceedings Monitors really going to micro-manage conservator's reports for differences in conservatorship spending between these detailed categories? What is the conservator supposed to do if they buy hobby and household items for the Ward at the same store at the same time – break out each specific item from the same purchase? These categories may force conservators to provide more information to the Court than they currently do, but I think the unrepresented parties will be extremely daunted by these forms, especially those who are trying to assist a parent who doesn't have the money for a professional conservator or for an attorney's help. I think the changes to these forms will discourage unrepresented parties from trying to become conservator for their loved ones, and the goal of our justice system is exactly the opposite: to make the system as friendly to unrepresented parties as we can.
3. JDF 916 Application for Informal Appointment of Personal Representative (page 553, number 12) and JDF 920 Petition for Formal Probate of Will and Formal Appointment of Personal Representative (page 566, number 12) both require that the Applicant/Petitioner disclose information about the Decedent's assets and income at the initial filing to open probate. C.R.S. § 15-12-604 refers to how to value bond if it is required for a personal representative. Most estates do not require bond because family members serve as personal representative and the wills do not require bond. I understand the language of the statute requires disclosure of the value of the estate and the income expected for the determination of the bond, however this item as it is currently phrased does not make clear that this information is only needed if bond is required nor does it make this information optional at all. Most often when our office opens estates, we and our clients have no idea what the estimated value of the real estate and the personal property would be. We would end up writing "Unknown" in those boxes most of the time. Furthermore, the "income" that an Applicant/Petitioner is expected to fill in makes no sense in the context of an estate. The Decedent has died. They should no longer be receiving income, and any estate that would receive income, such as a situation where the Decedent's real property is being rented out after their death, is extremely rare. I believe this table (item #12) on both the Application and the Petition would make these two Forms more confusing for unrepresented parties and not actually give the Court what it needed to assess bond amount. If the Court wants information about bond, I would suggest stating that this box must only be completed if bond is required or would suggest that a completely separate form be to disclose the information needed by the Court to assess bond.

Thank you,
Kayla Nelson

Kayla R. Nelson

Attorney and Counselor at Law

Glatstein & O'Brien LLP

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Denver, CO 80222

Tel: 303-757-4342 / Fax: 303-757-4570

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stevens, cheryl

From: Margaret Price <margicadreamer@hotmail.com>
Sent: Wednesday, November 15, 2017 1:15 PM
To: stevens, cheryl
Subject: Please post this Public Comment on The Colorado Supreme Court Page on the proposed amendments to the Colorado Rules of Probate Procedure, Rule and Form amendments. Thank you

To Cheryl Stevens,

Active Clerk of The Supreme Court

Please post this Public Comment on The Colorado Supreme Court Page on the proposed amendments to the Colorado Rules of Probate Procedure, Rule and Form amendments. The Colorado Supreme Court requests written public comments by any interested person. This is my comment:

I want to bring to your attention the fraud going on in Probate Courts in Arapahoe County 18th Judicial District and the Adams District County Court. Colorado Probate Courts are some of the worst in the country. No accountability, no transparency with our judges who agree with court officials over the families. We have family members well qualified to become the trustee of our estate. Instead my mom, my sister and I were removed as trustees. We paid for the the accounting to be done by the original trust attorney William C. Waller said no wrongdoing all the property and assets are counted for. That did not stop the court officials who took advantage of my mother who suffered a stroke. My family lost everything to unscrupulous attorneys and court officials who are profiting. The Supreme court needs to do their job and stop this fraud happening to my family and others. I really want to see cameras in our court rooms, maybe the judges will start doing their jobs if they are watched. We need more information on our judges during voting time! The taxpayers are left in the dark! We need accountability with the Public Administrators and Legal Guardians who are appointed by our judges! There is none! I found other families too who lost their assets in Probate with Trusts and Wills in place. I heard of some horrifying stories. One of them is mine! My family is being victimized by our judicial system. We lived in Colorado for over 60 years and we cannot believe what our state has become. We are humiliated, disgraced, and ashamed with our twisted corrupt broken judicial system. If we don't believe in our judicial system we do not have a country. Laws in place to protect us are being used to rob us. Our court system is set up to abuse families by attorneys and court

appointed officials in Probate Court. We have no transparency and no accountability with judges in Colorado. Veterans like my dad and our family lost their assets and Veterans had their personal belongings looted by court appointed officials. Our friend Ed Baker and Heroic Veteran Lt. Commander served 22 years in the USN said he felt safer in Viet Nam than in Probate court, he became a victim and lost his freedom in Probate court. He was isolated. No family should have to endure the grief, turmoil, injustice and horrible depravity of losing their entire legacy to unscrupulous court officials and attorneys. Public administrators level spurious charges on families losing homes and business and their properties being converted to court assets and sold far below market value, losing families millions of dollars. My brother was evicted, homeless 7 years now. My mom a widow trust funds being depleted, leaving nothing to the heirs. My mom 91 is in a nursing home paid by medicaid and medicare. My family fearful of fiduciary retaliation. Judge Timothy Fasing in Arapahoe County turned a blind eye to my family with well documented papers. The judge Timothy Fasing appointed his own court officials when there is a well-qualified family member. This led to court officials draining funds, liquidating our estates, and left my family impoverished, on Medicaid and food stamps. My mom became a Ward to the State in Adams County. **There was a Guardian Ad Litum Valerie Gallegos, a Limited Guardian appointed Jeanette Goodwin and court appointed attorney Norman Campbell, other attorneys all draining our trust funds even though my mom was never incompetent.** They stayed on for 3 years and the Public Administrator Tamra Palmer paid them. They start by removing the trustees of my family in Arapahoe County and not in the accordance with the wishes of my parents. The judge appointed his own public administrator Tamra Palmer who was let go Feb 2014 but still kept our case who is depleting what's left of our trust. The judge let public officials misuse the laws and our civil rights are not protected. We were robbed and victimized by our own court system. Our parent's legacy destroyed, heirs stripped of what is rightfully ours. Our country exists because our Veterans like my dad honor it through their service. The disrespect judges, court appointed officials, unscrupulous attorneys repay them is disgraceful. The Supreme Court needs to get involved and stop this unethical court racket going on. **The Public Administrator Tamra Palmer is not the heir we are.** Margaret Price.

stevens, cheryl

From: vriesman, todd
Sent: Thursday, November 16, 2017 5:08 PM
To: stevens, cheryl
Cc: terry, diana
Subject: Comments to Proposed Probate Rules

To Whom It May Concern:

My comments to the proposed changes include the following:

1. JDF 785 is an Order Accepting Conservatorship in Colorado. The Order itself should include the requirement to file an Inventory and Financial Plan by the conservator within 90 days after appointment in Colorado. This form, JDF 785, should track the requirements in the order JDF 878. The IFP filed in Colorado allows the Protective Proceeding Monitors, when the IFP is approved, to audit later annual conservatorship filings.
2. The following sentence should be added at the end of fourth paragraph the JDF 866: "The Court further orders that the fiduciary shall file a Motion To Withdraw Funds from Restricted Account (JDF868) prior to any disbursement of funds until the Minor reaches the age of 21." Further, Form JDF 866 could be improved in organization, clarity and format.
3. JDF 866 has a phrase that a restricted account must be made at a "federally insured financial institution." The language should be updated to read "federally insured financial institution or federally insured brokerage account." This change would allow brokerage accounts at all financial institutions, as well as SIPC insured brokerage accounts at mutual fund institutions. Frequently, conservators ask to invest money in mutual funds. While conservative accounts are best, there appears no statutory authority to restrict accounts to financial institutions only. Further, SIPC is similar to FDIC.
4. JDF866 and other forms (e.g., 862, etc.) have a table that states the name of the minor for future service of pleadings, and then under the heading "Relationship to minor/protected person" there is the notation for service on "Minor/Protected Person if 12 years or older." Some forms also contain the alternative notation for service on "The Minor if 12 years or older at the time of mailing." In all such forms that contain these notations, please change the "if" to "when." In practice, some parties interpret "if" to refer to the Minor "if" 12 years old *at the time that the order is issued*. Changing all forms to state "when 12 years old at the time of mailing" likely will make clear that, if an order is issued when the child is 10 years old, no service is needed but when the child is 12 years of old, at the time of mailing, service is required.
5. Proposed Rule 24(c)(4) states the objecting party must "...contact the court to set the objection for an appearance hearing." Unfortunately, we have parties that repeatedly state that they "left a message" with "a clerk" to set the hearing when their objection is dismissed for failure to set a hearing. Therefore, the phrase "contact the court" is too vague. A procedure such as that set forth in CRCP 121, 1-6 should be followed, which is the filing of a Notice to Set and then a Notice of Hearing. This procedure would also assist division clerks, who usually keep a folder of filed Notices to Set to allow them to

expect and prepare for setting phone calls. A Notice to Set also allows a judicial officer reviewing the Register of Actions to determine if the 14 day requirement has been set without contacting court clerk(s).

6. Regarding proposed Rule 62, attorneys occasionally state they do not have time billing records, only a contingency fee agreement. Paragraph 62(d)(6)D. in this proposed rule will likely result in a submission of total fees incurred (e.g., 33% of settlement amount) and total costs incurred. Paragraph 62(d)(7)B.(ii) will likely result only in the attachment of the fee agreement. Under CRS 15-10-603, however, a court is required to consider all factors in subparagraph 603(3) to make the determination required under 603(1)(a) and (b). (A court, for example, may not be inclined to approve \$33,000 fee if that result took ten hours to submit a formal demand and complete negotiations without filing a complaint, etc.) The proposed rule 62 does not refer to the statute and appears to relax the statutory analysis.
7. There is no index of the dozens of proposed forms in the proposed amendments. Unlike dozens of other JDF forms, there appears to be no standardized Petition form or Proposed Order in conjunction with proposed Rule 62.
8. Proposed Rule 5(a) states that all local rules are hereby repealed. Assuming there are such local probate rules made previously under current CRPP 35(a) or (b), it appears that all such rules will be again repealed upon the effective date of these proposed rules. In addition, if a local court requires use of a specific probate "form," is that requirement a "local probate rule"? Similarly, it is unclear if a "form" itself is included under the proposed Rule 5 requiring Supreme Court approval of local "rules" because the local form is not an approved JDF form (e.g., a local Rule 62 form or a variation of any JDF form).

TODD L. VRIESMAN

**DISTRICT COURT JUDGE
FIRST JUDICIAL DISTRICT
DIVISION II, COURTROOM 4B**

stevens, cheryl

From: Ruth Sadler <ruthblondie@hotmail.com>
Sent: Thursday, November 16, 2017 5:14 PM
To: stevens, cheryl
Subject: Post this Public Comment on The Colorado Supreme Court Page on the proposed amendments to the Colorado Rules of Probate Procedure, Rule and Form amendments.

To Cheryl Stevens, Active Clerk of The Supreme Court

Post this Public Comment on The Colorado Supreme Court Page on the proposed amendments to the Colorado Rules of Probate Procedure, Rule and Form amendments.

This is my public comment,

Attention Supreme Court Justices,

It is shocking and outrageous what is happening in Colorado Probate Courts and needs to be addressed. My family was brought to financial ruin, all in the blink of an eye. We demand federal monitors, cameras inside Probate Court rooms to stop this abuse against our loved ones. My family was forced into Probate Court. We lost everything my parents worked for their entire lives. It does not matter how many laws you try to change; our Judicial branch is broken and lacks transparency and accountability. Court appointed officials are allowed to rob families Trust funds, retirement accounts and VA Pensions all approved by a judge. I have worked with Senator Laura Woods, Senator Morgan Carroll, both sides of the aisle. It appears no judicial branch or agency is accountable. We have nowhere to go and ask for help. It appears the public has been victimized by court corruption and racketeering. Our property and assets are being embezzled by unethical court appointed fiduciaries for their own gain. Many families in Colorado are being defrauded out of their property and sold under value for profit. Families are being threatened with gag orders if they speak about their case. Many court appointed Public Administrators, Legal Guardians, Conservators, and attorneys are driving families into poverty. The pattern is litigate, liquidate, isolate, medicate and steal the estate. Wealthy Families are forced onto Medicaid, food stamps and evicted into the streets. Colorado Citizens are denied due process also in violation of the United States Constitution while they continue to take property, life and liberty. The most vulnerable are our Elderly, Disabled and our Veterans. These schemes deprive retirees of their assets. If family members object or expose these crimes they are retaliated against. I am speaking for my 91-year-old mother, once worth 5 million in today's economy in a nursing home paid by Medicare and Medicaid. This was neither her wishes nor my fathers. Their Trust was ignored by Judge Timothy Fasing in Arapahoe County.

My name is Ruth. I am the original Trustee and along with my mother and sister Margaret. My father Edwin, a 100% disabled WWII Veteran passed away 11 years ago and so did all of his wishes in his final will & testament. Probate Court Judge Timothy Fasing in Arapahoe County District Court in Colorado, who recently retired gave control of our 5 properties to his court appointed Public Administrator Tamra Palmer on 3/1/10. She sold them all immediately under market value after evicting family members. My mother, along with my disabled brother James, and sister Margaret were made homeless and are now dependent on Medicaid and Food stamps. I paid all of the property taxes myself which ruined my credit since Tamra Palmer refused to reimburse me even though I was the Trustee of my father's estate. From there we went to Adams County to get guardianship of my mother which we got for only 5 days. It was then that my mother was made a Ward of the court, not ruled incompetent and assigned a court appointed limited guardian Jeanette Goodwin, Guardian Ad Litum Valerie Gallegos, & attorney Norman Campbell to look after my mother's best interest but failed. My mother has 4 daughters & there was no need for any outsiders. Their services were not needed! The Adams county appointed court officials stayed on for 3 years, depleting Trust funds. Tamra Palmer is still in control of our Trust for 7 years even though she was dismissed 3 years ago. Jeanette Goodwin and Norman Campbell stated that mother never needed a guardian but kept rehiring themselves three years in a row, then we received letters from both saying "Congratulations" you now know how to take care of your mother and the court made my sister Luanne and I co-guardians in Dec 2013. We as a family were not allowed to see our mother for three and a half years. The guardians knew where she was and withheld her phone number, & gave us the wrong address, so we found mom ourselves. I know of other families who never got their mother back and they were neglected, not allowed visitors, scared and alone. My brother lived in a 1971 camper in my driveway with no running water, no kitchen, & no bathroom for 3 years. He lived at my other sister Luanne's driveway for 2 years in the driveway in a camper. These people need to be exposed and reprimanded in order to stop this horrific abuse and misconduct. I have an article from the Denver Post dated 2/21/10 stating guardians are supposed to report annually but so many are only reporting every 5-7 years. Every time I tell my story I get the same response, "They can't do that". I am here to tell you they can and will not hesitate. The Supreme Court needs to get involved and stop this abuse! We the people have been stripped of our voices and our Legacy! Ruth Sadler.

stevens, cheryl

From: Lulu Fleming <loonyshere@hotmail.com>
Sent: Friday, November 17, 2017 9:51 AM
To: stevens, cheryl
Subject: Post this Public Comment on The Colorado Supreme Court Page on the proposed amendments to the Colorado Rules of Probate Procedure, Rule and Form amendments.

To Cheryl Stevens,
Active Clerk of The Supreme Court

Post this Public Comment on The Colorado Supreme Court Page on the proposed amendments to the Colorado Rules of Probate Procedure, Rule and Form amendments.

Notice of Request for Comments

Colorado Rules of Probate Procedure, Rule and Form amendments

Deadline for Comments: November 17, 2017 at 5:00 p.m.

My Public Comment

Probate Courts in Colorado are severely broken. It doesn't matter what rules of probate procedure you try to enforce. Nobody seems to be following the laws of our Constitution. Our judges are not held 100 % accountable. There is no information on judges during voting time. Surveys on judges are not sent out properly. We suggested cameras in every probate court. This did not happen. There is no transparency or accountability in our Judicial Branch of Government. Why is this allowed to continue? No agency seems to be accountable. The Colorado Bar lobby against bills we try to pass to protect the elderly especially in probate. Citizens of Colorado continue to be victimized. Families in Colorado are defrauded of their property sold under value for profit every day at alarming rates. Judges turn a blind eye with well documented facts against families. All it takes is for you or a family member to become ill, incompetent, pass on, or even having an arguing family member to contest the family trust. A Probate Judge will appoint a public administrator, conservator, or legal guardians who cares nothing about you or your family, and who liquidates all your assets and evicts you from your own property! The legacy you worked for is gone while the public administrator makes \$210-\$350 an hour to lick stamps, run up large fees while paying your court appointed attorney, legal guardian and guardian ad litem a nice paycheck out of your estate. **Your American dream turns into a nightmare.**

We are victims of Probate Court. Our elderly is taken from loving, caring, qualified family members by court appointed guardians who isolate them and our money pays for everything. No family should have to endure the grief, turmoil, injustice, and horrible depravity of being stripped of their legacy, retirement funds and denied voices by unscrupulous court officials and unethical attorneys approved by court decree.

The pattern we have seen repeatedly is:

**Instigate, Separate, Litigate, Liquidate, Isolate, Medicate,
Steal Your Estate, and Celebrate.©**

Families are evicted into the streets, college funds gone, Heirs receive nothing! Abuse continues and grows more serious every day. Trusts and Wills mean *nothing* in Probate Courts.

We put together a synopsis of 40 families abused in Probate Courts with Senator Laura Woods and tried to pass laws protecting our elderly from Guardianship abuse. We worked with Senator Morgan Carroll on a Bill to put Public Administrators on Salary. It seems no one is accountable! We go to every town Hall meeting and talk with Legislators. We have sat in on the meetings with the Judicial Performance Commission voicing our concerns. The Commissioners do nothing to help Colorado Victims. Why is this happening here in Colorado my home town I grew up in?

Here is the Synopsis

Probate Courts in Colorado (Public Administrator Audit) October 16, 2017

In 2006 a Probate Audit was done and one recently for Public Administrators (**August 2017**) The system allows theft and fraud. There are people who knows how the systems works and taking advantage of the laws to profit themselves. The probate court system that handles estates, guardianships and conservatorships in Colorado (and other states) is broken and increasing numbers of the families who relied on living trusts, poa's and wills are finding themselves in probate court, the place they sought to avoid. **Public administrators** aren't government employees; they are private operators who act as "fiduciaries of last resort," **supposedly** when no one else is willing or able to act as a conservator or the executor of an estate. In Colorado, there's no salary cap on what the administrators can make from billing estates for their work, which some critics see as an **incentive to prolong the court proceedings**. **A recent state audit of Colorado's thirteen public administrators found a lack of detailed accounting of fees and expenses in nearly half the cases reviewed and a general lack of judicial oversight; many hadn't even filed bonds that are required by law to protect their clients from being plundered.** Public administrators make \$60,000-\$80,000K and \$120,000K for the higher-value cases and never appoints qualified family members the audit claims it does.

40 families filled out a theft fraud report prepared by Senator Laura Wood's office. Here is a synopsis of the families reporting theft and fraud estates being plundered.

28 families: gave permission to tell their story with accounting (17 Public Administrators involved)

5 families afraid of retaliation, or unable to speak about their case.

1 family Rudy Bush and mother (in guardianship) both died in Jefferson County

2 cases in Guardianship –no accounting - - Fled Florida from Guardianship- A Doctor. in Guardianship (Public Administrator will tell us where he is)

2 cases same family (father and daughter in Guardianship Boulder Colorado

1 new case \$100.000K a month income War Veteran under Guardianship in Eckert County

1 case mentioned in The DENVER WESTWORD Alan Fantin Homeless Millionaire

<http://www.westword.com/news/alan-fantin-finds-new-home-after-colorado-probate-court-battle-9582013>



Alan Fantin Finds New Home After Colorado Probate Court ...

www.westword.com

Now in new digs, Alan Fantin is confident that he can move out of the shadow of probate court at last.

5 active cases being drained, 2 in mesa county, one Aurora co, 1 Littleton co, 1 Longmont co
1 FBI involvement in Delta County (by Senator Laura Woods)

16 families under Guardianship. All Trust, Wills and POA's voided.

11 districts- Arapahoe, Jefferson, Pitkin, Adams, Boulder, Mesa, Delta, Denver, ElPaso, Elbert, Logan Counties

Prior Value of estates before Probate Court; \$56,076,390.30 (over 56 million)

Fees Paid to Attorneys- defend their own assets: \$6,065,311.56 (over 6 Million)

Remaining Value-settlement on inheritance- \$ 5,649, 375.21 (5.6 Million) given back to 10 families (settlement) theirs to begin with.

Total attorney fees and Prior Value total \$62,141,701.86 (over 62 Million)

The remaining \$45 million in estate value was devoured by various administrative and legal costs, nursing-home fees (no need for a nursing home had family willing to take care of their loved one) and other contingencies. Why is this allowed to continue?

My Story.

My parents Edwin and Marion grew up in the United States and **served our country** during World War II. My mother worked in the war plant while my father enlisted in the Navy and was wounded in the Battle of the Coral Sea becoming one hundred percent disabled and receiving a government pension. They lived through the great depression. My parents married in 1950. My mother worked as a supervisor of housekeeping for over 20 years at National Jewish Hospital and Lowry Air force base. They raised 7 children, purchased 6 properties and fulfilled their version of The American Dream. **My father owned the biggest antique car collection in Colorado (115 cars), and built an empire worth over 5 million dollars in today's economy all gone but the horrible memories.**

Edwin and Marion were careful about their estate planning. To protect their legacy, they found an attorney in Denver William C. Waller who specializes in family estates to protect their assets. They decided on and created a revocable trust, which could be amended during my father's lifetime. Once he passed, it became an irrevocable Trust. This was to ensure our family followed his wishes and maintained control of his assets. **The American Dream turned out to be The American Nightmare.** Our irrevocable trust was circumvented and negated. All contents of the trust were demolished by the judicial court system and unethical lawyers.

Judge Timothy Fasing appointed Public Administrator Tamra Palmer in March 2010. It put my family into financial hardships, and all the other attorneys got paid. A Public Administrator bills the estate for services costing \$210 an hour and pays exorbitant attorney fees depleting your Trust leaving very little if anything for

the heirs. This was unnecessary. I am well qualified and capable of taking care of my own family. Outside interference was one of the reasons why my parents created a trust. The Probate court system in Arapahoe County confiscated and destroyed our legacy. The Public Administrator **evicted** my mentally ill brother from the only home he knew, sold our properties immediately causing a huge financial loss, forced my family's cars to be liquidated below sale prices, and threw all of us into financial crises. My mother, 91, the prime beneficiary of the Trust, receives long-term care, Medicaid and Medicare. Her social security check pays for her stay. The Public Administrator is collecting a paycheck even though she was let go from Arapahoe County 3 years ago. The Public Administrator and a multitude of attorneys collectively received over a quarter of a million dollars. Heirs nothing! Our family worth over \$5 million dollars in today's economy can barely afford gas for our cars. We shop at goodwill and cut coupons. It's a constant struggle emotionally and financially. The trust money was earmarked for Marion. Instead she was deemed a Ward of the court in Adams County. She ended up with a Limited Guardian Jeanette Goodwin, Guardian ad Litem Valerie Gallegoes, and court appointed attorney Norman County who continued to drain our trust for 3 years. We are her Legal co-guardians my sister and I, now that her trust funds dwindled. We do have a few ethical attorneys in Probate but not enough! My family has learned to trust no one. The judicial system has ruined our lives. We must change laws to protect our families and to hold those accountable. We must keep our Trusts from being dismantled. We need laws protecting our elderly, veterans and disabled from court sanctioned exploitation. Our judges are letting public officials misuse the laws and our civil rights are not being protected. Luanne Fleming

stevens, cheryl

From: James Price <rollingraptor317@gmail.com>
Sent: Friday, November 17, 2017 10:08 AM
To: stevens, cheryl
Subject: Please post this Public Comment on The Colorado Supreme Court Page on the proposed amendments to the Colorado Rules of Probate Procedure, Rule and Form amendments.

To Cheryl Stevens,

The Active Clerk of The Supreme Court

Please post this Public Comment on The Colorado Supreme Court Page on the proposed amendments to the Colorado Rules of Probate Procedure, Rule and Form amendments.

To the Supreme Court Public Comment Page

I think you need to look at all the abuse going on in Probate Court. No new laws are going to make a bit of difference if none of the judges or court appointed people are not going to follow them. I tried to make complaints about these court officials and was given the run around. I read a lot of bad stories in the Denver Post called "Heirs Cry Fowl" and talked with other families who were in Arapahoe County who had their property and assets sold cheap by the same Public Administrator who bought a 1.5 million dollar building with her partner the same time our property was sold. Public Administrator Abuse: Arapahoe County, Colorado

Never thought I would be homeless. My parents owned 6 properties. Four were in a Trust which was sold by Tamra Palmer leaving me homeless.

Arapahoe Probate Court Ruined my Life! The hardest part was being separated from my mother Marion Blevin for over 3 years. My brother took her from her home in Denver. Arapahoe County Public Administrator Tamra Palmer and Adams County Court Officials Valerie Gallegoes, Jeanette Goodwin and Norman Campbell would not let us talk to her. They never helped us but kept us apart to keep their paycheck coming. My biggest nightmare was when Public Administrator Tamra Palmer was appointed by the Probate Judge Timothy Fasing and became the Administrator of my Parent's Trust. I was unable to say a word in Court. My civil rights were violated. Public Administrator Tamra Palmer changed the locks, turned off the heat. I tried to call her but she hung up on me. She served me a summons for eviction on the home where I lived with my mother for 45 years. The only home I ever knew. I was born there. I

suffer from a mental illness and this traumatic event of losing my home almost killed me. I ended up going to my father's home in Aurora to find out Public Administrator put that property up for sale too. I slept on people couches, in my car, in alleys. The worst part is I lived in a camper in the front yard at my sister's home Ruth for the last 3 years, before that in my sister's Luanne front yard in a camper for a year and a half. I have to ride my bike to 7 eleven to use the bathrooms when my sister is not home. I almost froze to death a few times. I am on food stamps, SSI and 100 % disabled. I have not had a bathroom in 7 years of my own. I finally got enough money to buy an RV but the engine caught fire and the RV was stolen. I bought another used RV and the starter blew up and the City of Aurora threatened to have it towed. My life is in Turmoil. My credit is ruined with an eviction on my record. I will never have a place of my own! If you or I stole some one's property we would be in jail. These people get away with it under the color of law! I never thought I would become homeless. James Price

stevens, cheryl

From: Leah R Fleming <sunriseanna07@gmail.com>
Sent: Friday, November 17, 2017 11:27 AM
To: stevens, cheryl
Subject: Post this Public Comment on The Colorado Supreme Court Page on the proposed amendments to the Colorado Rules of Probate Procedure, Rule and Form amendments. Deadline November 17, 2017 5:00pm

To Cheryl Stevens,

Active Clerk of The Supreme Court

Post this Public Comment on The Colorado Supreme Court Page on the proposed amendments to the Colorado Rules of Probate Procedure, Rule and Form amendments. Deadline November 17, 2017 5:00pm

My Public Comment Probate Procedure,

Why are probate courts in Colorado hurting so many families? Where are the laws to protect us? Our generation is not getting the inheritance our grandparents are leaving us. My Grandma Marion Blevin took care of me every weekend at her house in Denver Colorado where my mom and all of her brothers and sisters grew up. My Grandma is the best grandma in the whole world. I took care of her at my house with my mom until she had to go to a nursing home. Not of her choice. It hurts me to watch her cry everyday about losing her home where she lived for 51 years. My Grandpa Edwin Price and Grandma Price lived in Aurora too. We called it Altura. They lived on a huge piece of land behind a high school for 60 years where my great grandma and great grandpa purchased this property for their grandchildren to grow up on. We would play with horses, motorcycles and cars. I am sad that we can't go there anymore. My mom tells me that it was all taken away with all the other houses. I don't understand how that can happen. My grandpa had a Trust he said would be ours to keep always and never sell it. We did not sell it. Tamra Palmer a Public Administrator sold all of my grandpa and grandmas homes. My grandparents wanted to give us college funds and money to help us with our children. This did not happen. Shame on you People in Probate Court so now I can't bring my daughter there. Grandpa and Grandma wanted us to keep this land for many generations. Now it's gone forever! Why is this happening to us? I am disabled and my grandpa and grandma wanted to help us out. My Grandpa died, my grandma is in a nursing home. Shame on you all for taking what wasn't yours! Leah Fleming

stevens, cheryl

From: Robin Austin <wonderfulrobin@gmail.com>
Sent: Friday, November 17, 2017 3:56 PM
To: stevens, cheryl
Subject: Post this Public Comment on The Colorado Supreme Court Page on the proposed amendments to the Colorado Rules of Probate Procedure, Rule and Form amendments. Deadline November 17, 2017 5:00pm

To Cheryl Stevens,

Active Clerk of The Supreme Court

Post this Public Comment on The Colorado Supreme Court Page on the proposed amendments to the Colorado Rules of Probate Procedure, Rule and Form amendments. Deadline November 17, 2017 5:00pm

My Public Comment Re: Rules of Probate Procedure,

Honorable Justices of the Colorado Supreme Court,

Our concerns with Colorado Rules of Probate Procedure, Rule and Form amendments are moot until Justices follow the rules, and mechanisms for accountability and meaningful redress exist. Many families scammed out of their hard- earned retirement funds and properties have their lives destroyed by Probate court, and efforts to set things right only further undermine a just outcome. As an advocate for families victimized by egregious violations of ethical standards seeming to be tacitly endorsed by implacable, uncompassionate Judiciary completely oblivious to bankrupted citizens, abused wards, disrupted lives, overburdened Medicaid and food stamp programs, and misery caused by unscrupulous Attorneys, often Court appointed, I know the appearance of corruption shakes Public confidence and Faith in our judicial system, and these victims know better than to trust Colorado Courts.

People go to court seeking just outcomes. It is a terrible shock when Courts instituted to remedy the malady of injustice enthusiastically join with the most malicious offenders to defraud property, liberty, inheritance, and the right of the just and proper intergenerational transfer of wealth, and interpose themselves, obstinately ignoring constitutionally guaranteed rights and freedoms, so that often ALL of a families assets are stripped from them and given to court authorized interlopers protected by Judges who make a mockery of justice to enrich themselves.

To cite for contempt those courageous enough to speak of the injustice they suffer, sanction them with gag orders, impose unwarranted restraining orders, and fine and imprison them for

contempt they honorably and justifiably feel creates the appearance honor is conspicuous by its' absence in the Judges responsible. I know several families who would like to file grievances against unscrupulous Attorneys who have maliciously and ruthlessly attacked them in the most unethical ways, but have no faith in the system set up to act as a check on this kind of activity by unethical parties in Court, with good reason. No one knows better than you, Justices, how unlikely it is they will get a hearing of grievances, and what the likely outcome will be. As the Court of last resort oversight falls into your Jurisdiction, but of 35,000 complaints the number acted upon resulting in some punishment, sanction, or ruling in favor of the aggrieved can be counted in single digits. That is unacceptable.

Law, and their own oath requires attorneys uphold ethical standards, including the Constitution of the United States of America. This should guarantee meaningful recourse when there is evidence of violations of the standards set by the Constitution, the Superior Court authority, and the BAR association licensing them. The evidence overwhelmingly suggests the present system does not work, and protects the perpetrators of court-sanctioned aggression. As the Supreme Court, people look to you for real, meaningful changes in Probate Procedure. These changes must be dramatic and wide reaching. Without a thorough investigation into the entirety of probate corruption, and an extremely high standard of integrity in the Judiciary, upheld by vigorous prosecution of unethical practices, and thorough investigation of charges of misconduct in every case, and disbarment, sanction, impeachment, prosecution, and imprisonment, where warranted, for those found wanting, we, The People, the taxpayers of this state, your employers, are lost.

We, the People must be able to file complaints with Attorney Regulations and the Colorado Bar with a high expectation those documents will receive due consideration, and result in judicious action. Every grievance filed must be heard and acted upon in an efficient manner without a gatekeeper heading them off, and selecting only a few for review. Pro se litigants have every right to be heard, and are denied their constitutional rights by being excluded in the judicial review and appeals processes. We, the people rely on your honor, Justices, for Rules of Probate Procedure are meaningless without Honorable Justices enforcing them, and a dishonorable disregard of our God given, Constitutionally guaranteed rights must end before meaningful changes to rules and forms of Probate Procedure can begin. Robin Austin

**COLORADO SUPREME COURT
DENVER, COLORADO**

2 East 14th Ave.
Denver 80203
Contact:
Ms. Cheryl Stevens
Email: cheryl.stevens@judicial.state.co.us

Supreme Court Justices:

**CHIEF JUSTICE NANCY RICE,
JUSTICE NATHAN COATS,
JUSTICE ALLISON EID,
JUSTICE WILLIAM HOOD,
JUSTICE MONICA MARQUES,
JUSTICE BRIAN BOATRIGHT and
JUSTICE RICHARD GABRIEL.**

Mr. Peter Coulter

Phone 720 549-5349

Email TransparentCourts@gmail.com

**MR. COULTER'S PUBLIC RESPONSE TO SUPREME COURT'S REQUEST
FOR COMMENTS ON PROPOSED PROBATE RULES [NOV. 17 2017]**

The Colorado Supreme Court has requested public comment on the proposed probate rule changes put forth by the Supreme Court Probate Rules Committee for adoption by the Colorado Supreme Court. Below, please find my comments for your consideration.

PREFACE

Over the last 5 years I have been involved with hundreds of persons who have “lived” the Colorado probate system and its’ unfair rules that are cherry picked by certain corrupt and shameless judges in collusion with attorneys and public administrators, that should have been and should be criminally prosecuted for their crimes. Instead this Court has turned its’ head while innocent,.....INNOCENT.....families are decimated for the sake of power and money.

As you are aware, while the public is allowed access to the Supreme Court Probate rules committee, they are not allowed to participate, share horror stories of their probate experiences or make suggestions on how to correct the issues.

The Commission consists of 18 persons, not one of which was/is a member of the general public. That seems disingenuous at best on the part of the committee and I can unequivocally say that pro-se litigants currently involved in probate proceedings now feel further left out of the process and have no voice at the table..¹ Hopefully, we can convince you that this needs to change in order to ensure probate courts that work and are fair for everyone.

SUCCINCT CONCLUSION

We tried to reach out to any of the Commission members [through Ms. Jenny Moore, director of the Probate Commission] in the past weeks to schedule an informal meeting

¹ This seems especially egregious since the Supreme Court sanctioned studies indicate that 51% [and upwards of 74%] of civil litigants in Colorado are pro-se. Who represents us in this process and when do we get a “voice at the table?”

so they could explain to us the reasoning behind their proposed rules and we could explain our issues. Although not directly informed, it was well inferred by Ms. Moore that not one of the members was interested in meeting with us and she just reiterated we should just submit our comments to the Supreme Court panel. That said, our succinct comment to the Court is they should reject all of the proposals of the Commission and start from scratch with direct input from pro-se litigants who have been literally tortured by the process. Not one item that the Commission proposes will alleviate the issues described below and by other pro-se litigants who have also submitted their horror stories to this court.

HISTORY OF THE UNITED STATES JUDICIARY

I insist on a reiteration of the history of the Judicial Branch in the United States so that we never forget its' original purpose as prescribed by our forefathers.

After the Revolutionary war, the colonies were under rampant inflation reflected by items such as tea which was selling for \$100 per pound. States were taking properties for taxes; we were deeply in debt to France for financing the war; the colonist were unhappy with the leaders and France, Spain and England were all salivating to take over this rich new continent.

In 1785 James Madison and John Hancock got together to put together a Constitutional convention, knowing that if the colonies did not come together soon, their was sure disaster on the horizon. They invited 74 representatives to the convention which began in May of 1787. Fifty-five attended. Noticeably missing in the beginning was

George Washington and most importantly here, Patrick Henry. At the time Mr. Henry was the governor of Virginia, an attorney and powerful orator who believed that strong Federalist views would lead to a similar type of tyranny that the colonist had experienced under Britain. He referred to the convention as a scam and refused to attend. Madison and Hancock knew that in order to keep the convention together, they needed Washington and Henry. They were finally able to convince Washington to come to the convention; getting Henry on board was a different and more difficult matter. That is when Madison and Hancock came up with a third branch of government, the Judiciary. Its purpose was to appease Henry and guarantee that the individuals rights, no matter their status, would be protected. It swayed Henry, but not until the Bill of Rights was also introduced.

Key here is that the purpose of our judiciary is to protect individual rights; that includes pro-se litigant's rights in probate proceedings. That is not happening in Colorado and the proposed rules do nothing to remedy those inequities. And we must not forget again that pro-se litigants and parties of interest make up to 74% of divisions of court cases. One of the reasons for this in probate is that the court, attorneys and public administrators latch onto the estate early and then use [read abuse] it to defend against the interested family parties and shamelessly against the ward also until the estate has been completely digested and the wards left desolate. This court knows these issue but to date has done nothing. This is your opportunity to do the right thing; to make sure that estates go to the families intended instead of being eaten up by corrupted state actors in the Judiciary.

MY PERSONAL COLORADO PROBATE HORROR STORY
[Jefferson County District Court, Probate.
Re: Irene Coulter 13PR56 /13CA1453
Judge Stephen Munsinger presiding]

It is important for I and other to relate our stories so this Court can do something about the process. In my case, there are literally hundreds of my briefs that relate the atrocities in detail which you may review by going to the above case cites

It begins with my father who was a city attorney, city manager, and a district attorney for over 23 years. At one point in time he was indicted for allegedly taking a bribe from the Ledermans in the form of a used Cadillac to procure the purchase of Meadow Hills golf club for the city of Aurora. A special prosecutor was brought in and a retired Colorado Supreme Court Justice to hear the case. The final decision was that not only was my father not guilty, he was exonerated from any wrong doing whatsoever.

He was not only my father, but one of my best friends [and my friend's friend] and we played golf on an almost daily basis. He died in 1990 and was buried in the family plot at Crown Hill which they had since the 1920's next to his brother who died at childbirth.

I and my mother visited his grave on a monthly if not weekly basis. My Mother had a brother named Joseph Vento, also an attorney who lived and practiced in Pueblo Colorado. He and my Father had a falling out over a water deal and hadn't talked to each other since the early 1980's. And during this time there was something very bizarre going

on with my mother but I would not find out what it was until 2010. It was early onset Alzheimer which starts affecting its' victims beginning in their early 40's.

My Mother's parents were very generous with the funds they made from a coal mine located South of Florence, Colorado. They paid for all their grandchildren's education and weddings in addition to many memorable family traditions at their home every year.

After they died, Joe Vento tried to take possession of all the Vento assets from his siblings, resulting in a lawsuit in which now Chief Justice Rice has presided. The siblings, including my Mom, prevailed and it is important to note here that my Mother would have nothing to do with her brother Joe after that case ended.

I had an older sister who passed away in 2006. She was married to William A. Powers, also an attorney whose own Mother had died at childbirth. My mother went out of her way to treat him as her own son and trusted him to write her will after she had won the suit. At about the same time her dementia started getting worse [early 2000's] to the point she would call me every day at my office and tell me another incredible demented story, i.e. the neighbors were entering her home through the front door key hole, molesting her cat and stealing her food. Ironically, I got so weary of her calls that I told her to call the police and make a report, never thinking she would actually do it. No one, including myself knew that she had called the police on 27 occasions where it absolutely clear that my Mother was not competent to do anything, especially legal matters.

My older sister had cancer and was in and out of hospitals starting in the early 2000's until her death in June 16, 2006. I didn't know it at the time but came to realize that her husband, William Powers was a full-blown narcissist. He forbade my sister Sheryl from seeing me so I had to sneak her and my Mother up to my home at Mt. Vernon to brunches and dinner with friends. Then, when my sister was hospitalized, my Mother and I would go down late at night after visiting hours to see her. When Sheryl died, I was so mad at William Powers that we had two funerals so I wouldn't have to make contact with him. My intuitions about his were correct.

Unbeknownst to me at the time, 5 days after Sheryl died, my brother Ted Coulter, and sister Paula Coulter, with the assistance of William Powers, took my mother to a new attorney, Ms. JoAnn Goddard, to publish a new will and Power of Attorney. Why would they do that when my Mother already had an attorney, William Powers, and a will written by him. The reason will become quite obvious as I found out 4 years later in 2010.

The new Power of Attorney prepared by Ms. Goddard gave complete control of my Mother's assets to Ted and Paula Coulter. Although Ms. Goddard holds herself out to specialize in probate matters she put a stipulation in my Mother's Power of Attorney that required both Paula and Ted Coulter to sign off before my mother could void the document in direct violation of probate statutes. When I asked Ms. Goddard about the illegal P. of A. she kept repeating, "I just wrote down what your mother told me to write down." Of course, on June 21st when my Mother signed these documents at Ms. Goddard's office, no one knew that there were 27 previous police reports that clearly indicated that my

mother was incompetent to sign any legal documents. Ms. Goddard, William Powers, Paula Coulter and Ted Coulter shamelessly took advantage of my Mom for money.

To emphasize how sick these people were/are; within 60 days Ted Coulter retained a mobile Notary who he took to Atria where they moved my Mother in a locked up ward, and had her sign another Power of Attorney giving him complete control of my Mother's estate! He took that Power of Attorney and sold my Mother's home. What is unusual about the sale is there was no title insurance and the buyer was very suspect. Who would buy a home without title insurance unless there was some type of collusion and fraud by the parties? And with Ms. Goddard's illegal phrase installed in the first Power of Attorney, how did Ted Coulter succeed in obtaining a second one without Paula Coulter's consent? And where was William Power's, my mothers attorney, confidant and son and law at during all of this corruption? They were so greedy that they were like snakes in a basket turning on each other for my Mother's assets.

Because Judge Mussinger would never require Paula Coulter and her sexual predator attorney John A. Berman², to turn over relevant financial information, I was never able to find out how much money Paula Coulter "gifted" to herself, Ted Coulter and William Powers during those 4 years, but I estimate in excess of \$2,000,000.

Paula, Ted and Bill Powers took my Mother's cell phone, placed her in Atria and told her I did not want to talk with her any longer. I did not want to rock the boat with my

² John Berman admitted to the Colorado Supreme Court Grievance Committee that he groped a clients breasts and made lude comments to her without her consent. This guy is a sexual pervert that this Court is allowing to continue to practice law. My Mother was a devout Catholic and there would be no way she would have allowed him to represent her and her estate. More evidence that my sibling hired another low-life that would go along with their scam, all with the Court's indulgence and approval.

Mother and I had an acquaintance at Atria that kept me apprised of the situation there. They had my picture at the front door and were advised not to let me see my mom. At one point in time, Paula Coulter told the staff not to let Ted Coulter see my mom after he went in and got the 2nd power of attorney.

I was finally able to see my mom in 2010 after they mistakenly let me in. I was aghast when I saw her sitting in a wheel chair, eating lunch and not having a clue who I was. My surprise was because William Powers and other friends of my mom told me she was 100% cognizant and able to hold a conversation when in fact she had stage 3 alzheimer. I called her financial advisor and confidant Mr. John Williams from Smith Barney and asked him when the last time he had talked to her. He responded by saying my sister and brother had taken over her accounts through the P.of A. and he wasn't allowed any longer to have any conversations with her and hadn't for the last 4 years.

I immediately went home and wrote my siblings an email indicating that we needed to get the court to appoint a conservator and guardian for her not knowing of their corrupt actions already in place. They then filed a probate proceeding using the fraudulent P.of A. indicating that our Mom wanted Paula Coulter to be her Conservator and Guardian. They were represented by the sexual predator John Williams who all committed non-statute of limitations Fraud upon the Court for falsely swearing to the corrupted documents and in so doing violated Federal 1983/85 civil rights statutes for due process of law.

As can be read in the case files, Judge Munsinger let them get away with their corruption and in effect helped them to pull it off. I objected to their incomplete financial disclosures on a regular basis and their failure to provide necessary documents concerning my mother. Money was disappearing out of the accounts; as much as \$100,000 in-between

yearly financials. And my Mothers largest asset, a 93% interest in a coal mining property in Florence; disappeared with no explanation and no notations on the financial reports.

I firmly believe that Paula and Ted Coulter were again running out of money and decided to pull my mother's medication so that she would die and they could continue with their fraud of collecting the rest of her estate.

When my mom died, I filed an appeal of the actions of Judge Munsinger. I requested transcripts of all the hearings. But all of a sudden, the most damning and important one went missing. There is a specific statute to address this occasion which I provided to both the appellate court and the district court where a hearing and review is held. The court denied my motion. Why would they do that except to cover up the actions of Judge Munsinger. I believe when he found out I had filed an appeal, he destroyed the tape. He is as corrupted as the rest of them in this case and by this court's failure to address this egregious conduct; I would suggest that you border on the same corruption. And there was a final straw. After my mom died, I just assumed she would be buried next to my Father in the family plot. Being fraudulently appointed receiver, she was in charge of the funeral arrangements. She wouldn't talk to me or tell me when the funeral was going to be held. She knew I visited my Father's grave regularly and to stick one final knife into me, John Berman texted me and said they were going to bury my mother in Florence per her oral request and that they were going to dig up my Father's remains of 23 year and move him to Florence also. My mother never indicated she wanted to be buried anywhere but Crown Hill in the family plot next to her husband and brother in law. There had been no previous arrangement to bury them in Florence and in fact Ted Coulter's wife, Barbara Coulter called Joe Vento's children after my mother died and asked for permission to

bury my parents in their Father's gravesite. There is no way either of my parents would have wanted this. Because of what he had done to both of them; they hadn't even spoken to them in at least 15 years, and now my Father was going to be dug up and buried on top of my uncle?

And the court did this all in one day without a hearing even though I traveled down from Vail overnight and filed the brief within 12 hours of the original motion. I will never forgive Mussinger for digging up my father's grave without reason and intentionally committing desecration of a venerated object.

SUGGESTED CHANGES TO PROPOSED PROBATE RULES

Respectfully, I have read all the proposed changes put forth by the Committee and cannot find one change that would address the issues I have presented in my personal case and 10's of other commenters here who have been abused by corrupted probate judges, attorneys and public administrators.

That said, I would request that the members of this Court reject all the proposals and start again with input and dialoged from probate court interested and prose parties. Again you have an opportunity to correct these atrocities or you can choose to turn your heads and allow them to continue. And they will continue.

If this is too much to ask, then we would therefore ask for one simple item; cameras in the probate courtrooms that are not controlled by the judges. According to a speaker on TED; people act with more honesty when they know they are being visually recorded. I have done research with Amazon data storage and the cost per courtroom

per day is \$3.00 for two years of storage plus the cameras which are less than \$50 each. It would be a start. Honest judicial actors should welcome this suggestion and I know probate prose litigants would applaud it.

Respectfully submitted this 17th day of November, 2017,

/Peter Coulter

cc: Script.com

COURT OF APPEALS

STATE OF
COLORADO
O
Ralph L.
Carr
Judicial
Center 2
East 14th
Avenue
DENVER, COLORADO 80203
(720) 625-5000

DIANA L. TERRY
Judge

June 8, 2017

Justice Allison Eid
Colorado Supreme Court
2 East 14th Avenue
Denver, CO 80203

Re: Supreme Court Probate Rules and Forms Adoption

Dear Justice Eid,

I write to you in your capacity as the Liaison Justice to the Probate Rules Committee.

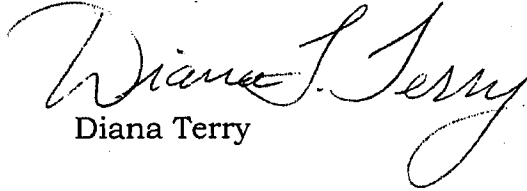
As Chair of the Supreme Court Probate Rules Committee, I have the great pleasure to offer the attached package of proposed changes to the Probate Rules and Forms that have been approved by the Committee, for potential adoption by the Supreme Court.

As you know, this Committee was newly instituted by Chief Justice Nancy Rice to recommend needed changes to the Rules and Forms. The eighteen—member Committee is made up of judicial officers, court administrative personnel, and members of the bar. Two subcommittees were formed, one to propose edits to the rules, and the other to propose edits to the forms. The recommended changes are extensive, and reflect many months of hard work by the members.

could not attend that meeting, and who offers a dissenting view with regard to one of the proposed rules.

Because of the very extensive nature of the proposed changes, I recommend that the Court re-post the proposed Rules and forms for public comment.

Sincerely,


A handwritten signature in cursive script that reads "Diana L. Terry". The signature is written in black ink and is positioned to the right of the typed name "Diana Terry".

Diana Terry

Attachments: Proposed Rules and Forms
Memorandum from Judge Deganhart

MEMORANDUM

TO: Colorado Supreme Court

FROM: Mary E. Deganhart, District Court Judge  RE: Comments to CRPP Rule 24 comment

DATE: April 24, 2017

The Editing Subcommittee had robust discussion on the proposed changes to current C.R.P.P. 8.8 and new rule 24, particularly the change that would allow “any appropriate matter” to be addressed through a hearing without appearance, versus the current rule that limits such matters to those that are “routine and are expected to be unopposed.” The compromise on the issue, as suggested by Justice Eid, was that a comment to the new rule would be developed in order that practitioners and self-represented persons might understand the intended scope of the new rule.

I was unable to attend the final meeting of the Rules Committee and would like to provide a dissenting view regarding a portion of the comment to C.R.P.P. 24. My concern with the comment to Rule 24 is that it suggests that anything may be placed on the hearing without appearance docket, and only specifically excludes summary judgment motions and motions to dismiss. My suggestion to the Editing Subcommittee was that the comment identify summary judgment motions and motions to dismiss as being excluded, but also add “and other similar case dispositive motions” to be excluded and appropriately addressed pursuant to C.R.C.P. 121, §1-15, with normal response and reply times.

I believe that the comment as currently proposed disregards language from *In re Estate of Murphy*, 195 P.3d 1147, 1152 (Colo. App. 2008) which states: “A dispositive motion is neither a routine matter nor one that a person could reasonably expect would be unopposed. Indeed, the personal representative’s dispositive motion was opposed, and on meritorious grounds.” While in theory most motions or matters may be placed on the hearing without appearance docket, I think that the comment should be clear that any motion that is case dispositive should be required to proceed through normal motion practice to

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ensure that parties have adequate time to respond, raise disputed issues and have the matter appropriately considered by the Court. Procedurally my concern is that C.R.P.P. 24 may be used as a method to undermine the process and avoid the need to have dispositive matters fully addressed by the parties and the court.

cc: Judge Terry

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stevens, cheryl

From: bigreddawg01@aol.com
Sent: Friday, November 17, 2017 4:56 PM
To: stevens, cheryl
Cc: bigreddawg01@aol.com
Subject: Comments to rules of probate procedure

Cheryl,

The proposed changes to probate procedure are not sufficient or even come close to the needed changes to the problems that exist in probate. My experience going back to 2009 was nothing short of criminal what took place in my probate case. Since that time I have encountered hundreds of people that are still having similar problems that I experienced. These proposed changes do not address the problems I and hundreds of others have vocalized to the judiciary and legislative bodies over the years. Why are you ignoring us? We are talking millions of dollars wrongfully taken fro families. Families that have been torn apart because of the current probate process. People in the clutches of bad probate attorneys and related people being neglected ,tormented and dying outside of natural causes because money came first in probate and people and families come way down the list after everybody in the legal system gets paid. Probate is corrupted and people are dying so attorneys and public administrators and everyone else involved can get all the money. Its wrong and needs a major overhaul if not eliminated completely. Probate doesn't work anymore!

Cliff Battista

Athena Roe, J.D.
P.O. Box 5678
Colorado Springs, CO 80919

November 17, 2017

To: The Colorado Supreme Court

Attention: cheryl.stevens@judicial.state.co.us

RE: Probate Procedural Rule Change

Public Comments

The following text represents my comments regarding the proposed procedural rule changes. Often, Colorado's probate courts provide a fertile ground for the diversion of assets, and defy the constitution's Fourteenth Amendment's procedural due process requirement.

Moreover, El Paso County's probate tribunals, many times, allows for the collusion by attorneys, realtors, and other "high profile business people" to perpetrate fraud, waste, and abuse upon the unsuspecting family; through threats, harassment, and court orders to silence the victims.

Some magistrates even fail to read the documents submitted to the court, then order payment for false claims.

Additionally, coerced settlements provide a haven for diversion of assets. However, in cases of coercion, illegality, and fraud "coerced settlements" may be set aside and the victim must engage *out of state* lawyers to fight these battles.

The *Declaration of Independence* says, "We hold these truths to be self-evident, that all Men are created equal, they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness...it is the Right of people to alter or abolish it..."

Liberty is nearly *extinct* during estate administration.

After nearly seven years of personal experience, tragedy, fraud, waste, and abuse, national collaboration with dozens of organizations, and interviews with thousands of estate victims, the verdict *is in*, and adding to the 89,000 and growing rules, codes, statutes, absent enforcement, *remains meaningless*.

In 2002, Judge Edith Jones of the U.S. Court of Appeals for the Fifth Circuit, told the Federalist Society of Harvard Law School on February 28, that “The American legal system has been corrupted almost beyond recognition.”

Judge Jones continues, “that the question of what is morally right is routinely sacrificed to what is politically expedient. The change has come because legal philosophy has descended to nihilism...The Framers created a government of limited power with this understanding of the rule of law - that it was dependent on transcendent religious obligation.”

Constitutional Law scholar and author, Professor Phillip Hamburger of Columbia Law School, has authored numerous books, Law Reviews, and other publications that discuss whether, Administrative Law is unlawful. The conclusion is, “it is.” See, “Is Administrative Law Unlawful?” The esteemed Professor Hamburger’s book can be purchased at, <http://press.uchicago.edu/ucp/books/book/chicago/I/bo17436684.html>

President Trump’s new regulatory Chief, the Honorable Naomi Rao, has written extensively on the topic and her Law Review titled, “*Administrative Collusion: How Delegation Diminishes the Collective Congress*” discusses problems with outsourcing law making to independent agents and administrators. Regulatory Chief Rao’s Law Review can be read in its entirety at, \\jciprod01\productn\N\NYU\90-5\NYU502.txtunknownSeq: 15-NOV-159:14.

I had the pleasure of meeting the distinguished Regulatory Chief Rao this past spring and enjoyed a brief discussion about fraud, waste, and abuse, in estate tribunals.

Federal Agent, Rodney Stitch, in his book, *American Trojan Horses* discusses estate administration and the patterns of abuse on pages, 9-11, Mr. Stitch gives a detailed account of estate lawyers and guardians who betrayed the helpless.

Today, I performed a search that revealed over 537,000 stories of lawyers who have stolen money, property, and the trust of their clients.

Harvard graduate, lawyer and law Professor Peter Nicholas, wrote a Law Review article, titled, "Fighting the Probate Mafia, A Dissection of the Probate Exception to Federal Court Jurisdiction," and can be found at, <http://fliphtml5.com/bmca/qvtj>.

The information on the topic of fraud, waste, and abuse has been written about extensively. There is no shortage of victims, targets, or corruption. In my opinion and experience, adding yet another rule, may or may not add any benefit.

It is my fervent hope that our courts can be transformed by adding principled jurists to the bench. Until then, these ancillary tribunals will continue to allow for the vile undermining of "life, liberty, and the pursuit of happiness" when families are forced on welfare, or in some instances death and suicide. Morality and ethics remain non-existent in the era of "judicial expediency." Ethics and money are rarely bedfellows.

The notion of judicial expediency is a *contradiction* as the administration of estates is often long and drawn out *intentionally* to deplete assets. It took over 32 years to probate Howard Hughes estate, and I have heard from hundreds of families nation-wide who are well past the ten year mark.

Respectfully submitted this 17th day of November, 2017.

S/S/Athena Roe

stevens, cheryl

From: Linda Arters <arters@artersgroup.com>
Sent: Friday, November 17, 2017 4:59 PM
To: stevens, cheryl
Cc: Linda Arters
Subject: to Supreme Court

November 17, 2017

The Colorado Supreme Court
ATTN: Cheryl Stevens
Acting Clerk of the Supreme Court.
2 East 14th Avenue
Denver, CO 80203
cheryl.stevens@judicial.state.co.us and by USPS.

Delivered via email c/o

RE: Request by the Colorado Supreme Court for written public comments by any interested person on the proposed amendments to the Colorado Rules of Probate Procedure, Rule and Form amendments.

Dear Honorable Judges of the Colorado Supreme Court:

Thank you for the opportunity to provide feedback to you on the nightmare of a journey I have endured going through the Probate Court system within the Boulder County District Court from mid-2015 through to present day.

Let me state first and foremost that I have been raised to believe in and support America, the American way of life where everyone is created equal and where EVERYONE is entitled to liberty and justice...EQUALLY.

I believe in following the laws of our great country and I expect others to do so as well, and especially expect those tasked (voluntarily I must add) with maintaining and enforcing law and order in our entire country to DO SO EQUALLY, FAIRLY AND COMPLETELY HONESTLY.

The nightmare of my two cases (one still active) completely shatters my understanding and my expectations of the American judicial and legal systems - and those individuals who represent the professions that make up those industries. Pointedly, the judges (four of them named to date) and the attorneys (eight CO lawyers initially plus others) demonstrated that "the truth and nothing but the truth" oath actually carries no weight at all ---at least in the Boulder County Court system that I have been privy too. The acceptance of lies, unproven allegations, perjury by defendant and numerous witnesses, physical and oral demonstrations of bias against the Daughter by the judge in the courtroom (obvious by reading the transcripts),

To cite only a minuscule number of examples in this writing, as there are far too many to list in this correspondence, please take note of the following:

- *"...the Court...notes that there is no evidence that Son has an intense dislike for Daughter, but rather the evidence shows that Daughter has an intense dislike for Son."*

- ❖ **FACTS:** There are FIVE (5) documented assault/battery incidents by the Son on the Daughter, supported by police reports, and medical records of significant bodily injuries suffered by Daughter during two of the attacks.
- "The Court finds ...Mr. White's methods and the criteria he applied were inconsistent, his investigation was incomplete, and he lacked the knowledge necessary to support his assumptions or his conclusions."
 - ❖ **FACTS:** This statement in itself is shocking not only for the tremendous amount of financial evidence that was presented in an forensic accounting review, which clearly indicated mismanagement of over \$1.1 million, \$300,000+ unaccountable, and absolutely no paperwork to support the expenditures.
 - ❖ In addition, Mr. White's credentials are impeccable and include an MBA and CPA/ABV, as well as a CFF, CBA, CFE, and ASA clearly supporting his reputation as a well-respected and nationally-recognized forensic expert with 20+ years of courtroom testimony. The sitting judge's credentials did not reflect any of such.
- Isolation of the Daughter from the Mother (classic sign of elder abuse, neglect, exploitation) over a course of four years; disregard for the lack of appropriate medical records, health information and thus medical care by the Son; and either ignorance or intentional actions to desecrate Daughter's reputation and character during her futile efforts to inform, educate and obtain proper medical professionals to care for the Mother, who died of blood inflections due to medical neglect.
- Initial Colorado attorney took the case to represent me without disclosing he was at that time under investigation for ethical violations, and was indeed suspended, then put on probation during the time he claimed to be providing counsel to me.
- Same attorney above refused to take my case as I requested - "breach of fiduciary duty" - as I was instructed by my home state (AZ) counselor; instead he insisted I had to file, against my wishes, for guardianship and conservatorship..."because that's how we do it here in Colorado."

I could keep you reading for hours, but suffice it to say that your entire probate court division seems to be completely overhauled and cleaned out of those individuals who can't tell the difference between right and wrong, truth and lies, fact and fiction. This is America! What happened to me in your Boulder courtroom should not be happening in Colorado! And my mother should NOT have had to give up her life because of the greed, egos, and selfish behaviors of those participating in such disgraceful behavior.

Thank you.

Respectfully,

Linda Arters

Certified Senior Advisor

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COLORADO RULES OF PROBATE PROCEDURE

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- Rule 3. – Registry of Court – Payments and Withdrawals
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- ~~Rule 11. – Identification of Party and Attorney~~
- Rule 11.2 – Correction of Clerical Errors
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- [Rule 21. Demands and Requests for Notice](#)
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- Rule 57. – Reserved
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PART 7: PROTECTIVE PROCEEDINGS

- Rule 60. – Physicians’ Letters or Professional Evaluation
- Rule 61. – ~~Inventory with~~ Financial Plan [with Inventory and Motion for Approval](#) – Conservatorships
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Rule 78. – Reserved
Rule 79. – Reserved

PART 1. GENERAL

Rule 1. Scope of Rules - How Known and Cited

(a) **Procedure Governed.** These rules ~~shall~~ govern the procedure in the probate court for the city and county of Denver and district courts when sitting in probate. In case of conflict between these rules and the Colorado Rules of Civil Procedure (~~C.R.C.P.~~ ~~set forth in Chapter 1~~), or between these rules and any local rules of probate procedure, these rules ~~will~~ ~~shall~~ control.

(b) **How Known and Cited.** These rules ~~will~~ ~~shall~~ be known and cited as the Colorado Rules of Probate Procedure, or C.R.P.P.

(c) **In General.** “Colorado Probate Code” means Articles 10 to 17 of Title 15 of the Colorado Revised Statutes (C.R.S.). Except as otherwise provided, terms used in these rules are ~~shall be as defined in the applicable sections of Title 15, C.R.S., as amended.~~

Rule 2. Definitions [Reserved]

~~(a) As used in these rules, unless the context otherwise requires:~~

~~(1) “Document or Documents” means any petition, or application, inventory, claim, accounting, notice or demand for notice, motion, and any other writing which is filed with the court.~~

~~(2) “Accounting” means any written statement that substantially conforms to JDF 942 for decedents' estates, JDF 885 for conservatorships, and to the 1984 version of the Uniform Fiduciary Accounting Standards as recommended by the Committee on National Fiduciary Accounting Standards.~~

~~(3) “Colorado Probate Code” means Articles 10 to 17 of Title 15 of the Colorado Revised Statutes.~~

~~(b) Except as otherwise provided in this rule, terms used in these rules shall be as defined in the applicable sections of Title 15, C.R.S., as amended.~~

Rule 3. Registry of Court – Payments and Withdrawals

Payments into and withdrawals from the registry of the court ~~must~~ ~~shall~~ be made only upon order of court.

Rule 4. Security of Court Records

For good cause shown, the court may order all or any part of a court record to be placed under security as outlined below:

~~(a) The court may seal a court record. A sealed court record is only accessible to judges and court staff. Parties, attorneys, other people affiliated with the case, and the public shall not obtain a sealed court record without a court order.~~

~~(b) The court may suppress a court record. A suppressed court record is any court record within a suppressed case or a court record that has been assigned a security level of suppressed by the court. Except as otherwise provided in Chief Justice Directive 05-01, only judges, court staff, and parties to the case (and, if represented, their attorneys) may access a suppressed court record without a court order.~~

~~(c) A suppressed register of actions is accessible without a court order only to judges, court staff, parties to the case, (and, if represented, their attorneys) and persons or agencies who have been granted view access to the electronic record.~~

~~(d) A protected court record is only accessible to the public after redaction in accordance with applicable law and Chief Justice Directive 05-01.~~

Rule 45. Delegation of Powers to Clerk and Deputy Clerk

~~(a) In addition to duties and powers exercised as registrar in informal proceedings, T~~the court by written order may, [in addition to duties and powers exercised as registrar in informal proceedings](#), delegate to the clerk or deputy clerk any one or more of the following duties, powers and authorities to be exercised under the supervision of the court:

- (1) To appoint fiduciaries and to issue letters, if there is no written objection to the appointment or issuance on file;
- (2) To set a date for hearing on any matter and to vacate any such setting;
- (3) To issue dedimus to take testimony of a witness to a will;
- (4) To approve the bond of a fiduciary;
- (5) To appoint a guardian ad litem, subject to the provisions of law;
- (6) To certify copies of documents filed in the court;
- (7) To order a deposited will lodged in the records and to notify the named personal

representative;

(8) To enter an order for service by mailing or by publication where such order is authorized by law or by the Colorado Rules of Civil Procedure;

(9) To correct any clerical error in documents filed in the court;

(10) To appoint a special administrator in connection with the claim of a fiduciary;

(11) To order a will transferred to another jurisdiction pursuant to Rule 51 herein;

(12) To admit wills to formal probate and to determine heirship, if there is no objection to such admission or determination by any interested person;

(13) To enter estate closing orders in formal proceedings, if there is no objection to entry of such order by any interested person;

(14) To issue a citation to appear to be examined regarding assets alleged to be concealed, etc., pursuant to § 15-12-723, C.R.S.;

(15) To order an estate reopened for subsequent administration pursuant to § 15-12-1008, C.R.S.;

(16) To enter other similar orders upon the stipulation of all interested persons.

(b) All orders ~~made~~ and proceedings ~~had~~ by the clerk or deputy clerk under this rule ~~shall~~ must be made part of the permanent record ~~as provided for acts of the court done by the judge.~~

(c) Any person in interest affected by an order entered or action taken under the authority of this rule may have the matter heard by the judge by filing a motion for such hearing within 14 days after the entering of the order or the taking of the action. Upon the filing of such a motion, the order or action in question must shall be vacated and the motion placed on the calendar of the court for as early a hearing as possible, and the matter must shall then be heard by the judge. The judge may, within the same 14 day period referred to above, vacate the order or action on the court's own motion. If a motion for hearing by the judge is not filed within the 14 day period, or the order or action is not vacated by the judge on the court's own motion within such period, the order or action of the clerk or deputy clerk will shall be final as of its date subject to applicable normal rights of appeal. The acts, records, orders, and judgments of the clerk or deputy clerk not vacated pursuant to the foregoing provision will shall have the same force, validity, and effect as if made by the judge.

Rule ~~56~~. Rules of Court

(a) Repeal of Local rules. All local probate rules are hereby repealed. Local rules may be enacted pursuant to C.R.C.P. 121(b).

~~Courts may make rules for the conduct of probate proceedings consistent with these rules. Copies of all such rules shall be submitted to the Supreme Court for its approval before adoption, and, upon their promulgation, a copy shall be furnished to the office of the state court administrator to the end that all rules made as provided herein may be published promptly and that copies may be available to the public.~~

(b) Procedure not otherwise specified. If no procedure is specifically prescribed by rule or statute, the court may proceed in any lawful manner not inconsistent with these rules of probate procedure and the Colorado Probate Code and ~~must shall~~ look to the Colorado Rules of Civil Procedure and to the applicable law if no rule of probate procedure exists.

Rule 6. Reserved

Rule 7. Reserved

Rule 8. Reserved

Rule 9. Reserved

PART 2. PLEADINGS

Rule 10. Judicial Department Forms

The Judicial Department Forms (JDF) approved by the Supreme Court should be used where applicable. Any pleading, document, or form ~~form~~ filed in a probate proceeding should, insofar as possible, substantially follow the format and content of the approved JDF ~~form, if applicable,~~ ~~not include language which otherwise would be stricken, emphasize all alternative clauses or choices which have been selected, emphasize all filled-in blanks, and contain a statement that the pleading conforms in substance to the current version of the approved form, citing the JDF number and effective date. Unless the context otherwise requires, terms used in JDFs shall be as defined as provided in Rule 2.~~

~~Rule 11. Identification of Party and Attorney~~

~~All documents presented or filed shall bear the name, address, e-mail address and telephone number of the appearing party, and of the attorney, if any.~~

Rule 11.2. Correction of Clerical Errors

(a) ~~Clerical errors in~~ Documents filed with clerical errors filed with the court may be made the subject of a written request for correction ~~only~~ by filing JDF 740 or a document that ~~is in~~ substantial conformance with the JDF 740 substantially follows the format and content of the approved JDF, if applicable, and may file a corrected document. ~~together with corrected documents as necessary.~~

(b) A “clerical error” may include, but is ~~are~~ not limited to, the following:

- (1) Errors in captions ~~(i.e. aka names, etc.);~~
- (2) Misspellings;
- (3) Errors in dates, other than dates for settings, hearings, and limitations periods; or
- (4) Transposition errors.

(c) ~~If the court is not satisfied that a written request for correction is a “clerical error,” the request may be denied.~~ A clerical error does not include the addition of an argument, allegation, or fact that has legal significance. If the court is not satisfied that a written request for correction is a clerical error, the request may be denied.

Rule 12~~3~~. Petitions Must Indicate Persons Under Legal Disability

~~If any person who has any interest in the subject matter of a petition is under the age of eighteen years, or otherwise under legal disability, or incapable of adequately representing his or her own interests, each petition, the hearing of which requires the issuance of notice, shall state such fact and the name, age, and residence of such minor or other person when known and the name of the guardian, conservator, or personal representative, if any has been appointed.~~

(a) Petition Requirements and Notice. If a person under legal disability has any interest in the subject matter of a petition which requires the issuance of notice, the petition must state:

- (1) That ~~the~~an interested person is under legal disability as defined in subsection (b) below;
- (2) The name, age, and residence of the person under legal disability; and
- (3) The name of the guardian, conservator, or personal representative, if any.

(b) Legal Disability. A person under legal disability ~~may~~includes, but is not limited to, being a person who is:

- (1) Under 18 years of age; or
- (2) Incompetent or incapacitated to such an extent that the individual is incapable of adequately representing his or her own interest.

Rule 13. Reserved

Rule 14. Reserved

Rule 15. Reserved

Rule 16. Reserved

Rule 17. Reserved

Rule 18. Reserved

Rule 19. Reserved

PART 3. NOTICE

Rule 20. Process and Notice

The issuance, service, and proof of service of any process, notice, or order of court under the Colorado Probate Code ~~will shall~~ be governed by the provisions of the Colorado Probate Code and these rules. When no provision of the Colorado Probate Code or these rules is applicable, the Colorado Rules of Civil Procedure ~~will shall~~ govern. Except when otherwise ordered by the court in any specific case or when service is by publication, if notice of a hearing on any petition or other pleading is required, the petition or other pleading, unless previously served, ~~must shall~~ be served with the notice. When served by publication, the notice ~~must shall~~ briefly state the nature of the relief requested. The petition or other pleading need not be attached to or filed with the proof of service, waiver of notice, or waiver of service.

Rule 21~~X~~. Demands and Requests for Notice

(a) Demands for Notice. Demands for notice in decedents' estates are governed by § 15-12-204, C.R.S. After a demand for notice has been filed with the court, the clerk or registrar may thereafter take any authorized action, including, accepting and acting upon an application for informal appointment of a personal representative.

(b) Requests for Notice. Requests for Notice in Protective Proceedings are governed by § 15-14-116, C.R.S.

Rule 22~~1~~. Constitutional Adequacy of Notice

When statutory notice is deemed by the court to be constitutionally inadequate, the court ~~must shall~~ provide ~~by local rule or~~ on a case-by-case basis for such notice as will meet constitutional requirements.

Rule 23~~2~~. Waiver of Notice

Unless otherwise approved by the court, a waiver of notice ~~where authorized must shall~~ identify the nature of the hearings or other matters ~~to which the waiver of notice applies. , notice of which is waived.~~

Rule 243. Determination of Matters by Hearing Without Appearance ~~Non-Appearance~~ Hearings

Commented [mj1]: Rename Rule 24? Determination of Matters by Court Docketing?

(a) A hearing without appearance is a setting before or with the court for a ruling without the appearance of the parties.

(b) Unless otherwise required by statute, these rules, or court order-of-court, any appropriate matter may be set for a ~~non-appearance~~ hearing without appearance.

(c) The procedure governing a ~~non-appearance~~ hearing without appearances is as follows:

(1) Attendance at the hearing without non-appearance hearing is not required or expected.

(2) Any interested person wishing to object to the requested action set forth in the court filing attached to the notice must file a specific written objection with the court at or before the hearing, and ~~must shall serve~~ furnish a copy of the objection ~~on to~~ the person requesting the court order and all persons listed on the notice of hearing without appearance. Form JDF 722, or a form that substantially conforms to JDF 722, may be used and will shall be sufficient.

(3) If no objection is filed, the court may take action on the matter without further notice or hearing.

(4) If any objection is filed, the objecting party must shall, within 14 days after filing the objection, contact the court to set the objection for an appearance hearing. ~~-If a hearing is scheduled, the objecting party must file a notice of hearing, and serve a copy on all persons listed on the notice of hearing without non-appearance hearing.~~ Failure to timely set the objection for an appearance hearing as required by section (4) of this rule will shall result in action by the court as set forth in subsection (d). ~~the dismissal of the objection with prejudice without further hearing.~~

Commented [mj2]: Consider adding in a procedure similar to Rule 121 section 1-6?

Section 1-6. SETTINGS FOR TRIALS OR HEARINGS/SETTINGS BY TELEPHONE

1. All settings of trials and hearings, other than those set on the initiative of the court, shall be by the courtroom clerk upon notice to all other parties.

Settings by telephone are encouraged. The original or a copy of the notice shall be on file with the courtroom clerk before the setting and shall contain the following:

(a) The caption of the case with designation "Notice to Set" or "Notice to Set by Telephone."

(b) The nature of the matter being set.

(c) The date and time at which the setting will occur.

(d) The courtroom clerk's address, by division or courtroom number if applicable and telephone number.

(e) A statement that the party or attorney being notified may appear or if not present, will be called at or about the time specified.

(f) A statement if the setting is to be by telephone.

2. The party issuing the notice to set shall be responsible for contacting all other counsel and clearing available dates with them.

3. Any attorney receiving the notice to set who does not personally appear at the setting shall have personnel at his or her office, supplied with a current appointment calendar and authorized to make settings for that attorney, at the date and time in the notice.

4. The party requesting the setting shall immediately confirm in writing the date and time of the matter that has been set with all other parties or their attorneys and shall file that confirmation with the court.

(d) Upon the filing of ~~if~~ an objection ~~is filed~~, the court may, in its discretion:

(1) Rule upon the written filings and briefs submitted;

(2) Require oral argument;

(3) Require an evidentiary hearing;

(4) Order the petitioner, movant, objector, and any other interested person who has entered an appearance to participate in alternative dispute resolution; or

(5) Enter any other orders the court deems appropriate.

(edf) The Notice of a ~~Non-Hearing Without Appearance-Hearing~~, together with copies of the court filing and proposed order must be served on all interested persons no less than 14 days prior to the setting of the hearing and ~~must shall~~ include a clear statement of ~~thise~~ rules governing ~~such a non-hearing without appearance hearings~~. Form JDF 712 or JDF 963, or a form that substantially conforms to such ~~JDF~~-forms, may be used and ~~will shall~~ be sufficient.

COMMENTS

2017

[1] Before the 2017 amendments, the rule was titled “Non-Appearance Hearings,” which engendered confusion for practitioners and self-represented parties as it referred to a hearing, which denotes an appearance, and then directed the party not to appear before the court. As a part of the 2017 amendments, the title of the rule changed to “Determination of Matters by Hearing Without Appearance” that more appropriately describes the actual practice: the rule is useful for matters required by statute to have a hearing when a party appearance is not required or mandated.

[2] The pre-2017 rule directed that matters which are “routine and unopposed” may be scheduled for hearing without appearance, however, there was no definition contained within the rule for what matters are considered to be “routine and unopposed.” With the 2017 amendments, language defining a hearing without appearance was added in subsection (a), and language generally describing what may be set on the docket in subsection (b). Motions for summary judgment and ~~motions to dismiss~~ are not appropriate for placement on a docket for hearing without appearance, and these motions should be filed using the procedure set forth in C.R.C.P. 121§ 1-15.

[3] The rule does not contain a requirement that the court rule on a motion on the date scheduled for hearing without an appearance. There is confusion among practitioners and self-represented parties regarding when the court is required to rule on a matter scheduled under this rule; the court may rule on these matters in due course after the date for hearing without appearance has passed. This rule allows for expediting many matters before the probate court while specifying that matters may be determined by the probate court without an appearance hearing, such as accommodating a real estate closing or other deadline such as a move-in date for a party.

[4] Matters denoted as requiring immediate action should not be scheduled for hearing without appearance.

[5] Concerns were raised regarding the shortened time frame in subsection (c)(4) for ruling on motions contained within the rule and whether the failure of a party or counsel to respond within these time frames would unfairly prejudice a party. Practitioners should bear in mind their ethical obligations to opposing parties and counsel when choosing to schedule a motion that may be opposed on the docket for hearing without appearance. Scheduling a motion on the docket for hearing without an appearance for determination on the merits where no responsive pleading has been filed with the court increases judicial economy by placing an opposing party or counsel on notice that a ruling may be entered unless a responsive pleading is filed with the court.

Rule 254. Notice of Formal Proceedings Terminating Estates

The notice of hearing on a petition under § 15-12-1001 or § 15-12-1002, C.R.S., ~~must shall~~ include statements:

(a) That interested persons have the responsibility to protect their own rights and interests within the time and in the manner provided by the Colorado Probate Code, including the appropriateness of claims paid, the compensation of personal representatives, attorneys, and others, and the distribution of estate assets, ~~because since~~ the court will not review or adjudicate these or other matters unless specifically requested to do so by an interested person; and

(b) That if any interested person desires to object to any matter such person ~~must shall~~ file specific written objections at or before the hearing and ~~must shall serve~~ furnish the personal representative with a copy pursuant to C.R.C.P. 5.

Rule 265. Conservatorship – Closing

Notice of the hearing on a petition for termination of conservatorship ~~must shall~~ be ~~served on~~ given to the protected person, if then living, and all other interested persons, as defined by law or by the ~~c~~Court pursuant to § 15-10-201(27), C.R.S., if any. Such hearing may be held pursuant to Rule ~~243~~.

- ~~Rule 26. Reserved~~
- Rule 27. Reserved**
- Rule 28. Reserved**
- Rule 29. Reserved**

PART 4. FIDUCIARIES

Rule 30. Change of Contact Information

(a) Every fiduciary ~~must~~ ~~shall~~ promptly notify the court of any change ~~to~~ ~~the individual's~~ ~~the~~ ~~fiduciary's~~ name, physical or mailing address, e-mail address, or telephone number for:

(1) The fiduciary; or

(2) The ward or protected person.

(b) Notice to the court will ~~shall~~ be accomplished ~~by filing the appropriate JDF or a form that substantially conforms to the JDF. JDF 725 or a form that substantially conforms to JDF 725.~~

Rule 31. Accountings and Reports

(a) A fiduciary accounting or report must contain sufficient information to put interested persons on notice as to all significant transactions affecting administration during the accounting period.

(b) An accounting or report prepared by a personal representative, conservator, guardian, trustee, or other fiduciary ~~must~~ ~~shall~~ show with reasonable detail:

(1) ~~The receipts and disbursements for the period covered by the accounting or report, shall list;~~

(2) ~~The assets remaining at the end of the period, and shall~~

(3) ~~describe~~ All other transactions affecting administration during the accounting or report period.

~~The court may require the fiduciary to produce supporting evidence for any and all transactions.~~

(c) Accountings and reports that substantially conform to JDF 942 for decedents' estates, ~~and~~ JDF 885 for conservatorships, JDF 834 for minor guardianships, and JDF 850 for adult guardianships and to the 1984 version of the Uniform Fiduciary Accounting Standards as recommended by the Committee on National Fiduciary Accounting Standards ~~will~~ ~~shall~~ be considered acceptable as to both content and format for purposes of this rule. All other fiduciary accountings and reports must comply with the requirements of subsection (b).

(d) The court may require the fiduciary to produce supporting evidence for any and all transactions.

Rule 32. Appointment of Nonresident – Power of Attorney

Any person, resident or nonresident of this state, who is qualified to act under the Colorado Probate Code may be appointed as a fiduciary. When appointment is made of a nonresident, the person appointed ~~must shall~~ file an irrevocable power of attorney designating the clerk of the court and the clerk's successors in office, as the person upon whom all notices and process issued by a court or tribunal in the state of Colorado may be served, with like effect as personal service on such fiduciary, in relation to any suit, matter, cause, hearing, or thing, affecting or pertaining to the proceeding in regard to which the fiduciary was appointed. The power of attorney required by the provisions of this ~~r~~Rule ~~must shall~~ set forth the address of the nonresident fiduciary. The clerk ~~must shall~~ promptly forward, by ~~any method that provides delivery confirmation, certified, registered, or ordinary first-class mail~~ -any notice or process served upon him or her, to the fiduciary at the address last provided in writing to the clerk. The clerk ~~must shall~~ file a certificate of service. Such service ~~will shall~~ be deemed complete 14 days after mailing. The clerk may require the person issuing or serving such notice or process to furnish sufficient copies, and the person desiring service ~~must shall~~ advance the costs and mailing expenses of the clerk.

Rule 33. Bond and Surety

A fiduciary ~~must shall~~ file any required bond, or complete other arrangements for security before letters are issued. ~~If there is a substantial deviation in the value of assets under protection or administration the fiduciary must petition the court for a review of the bond. Thereafter, the fiduciary shall increase the amount of bond or other security when the fiduciary receives property not previously covered by any bond or other security.~~

- Rule 34. Reserved**
- Rule 35. Reserved**
- Rule 36. Reserved**
- Rule 37. Reserved**
- Rule 38. Reserved**
- Rule 39. Reserved**

PART 5. CONTESTED PROCEEDINGS

Rule 40. Discovery

(a) This ~~r~~Rule establishes the provisions and structure for discovery in all proceedings seeking relief under Title 15, C.R.S. Nothing in this ~~r~~Rule ~~will shall~~ alter the court's authority and ability to direct proportional limitations on discovery or to impose a case management structure or enter other discovery orders. Upon appropriate motion or *sua sponte*, the court may apply the [Colorado](#) Rules of Civil Procedure in whole or in part, may fashion discovery rules applicable to specific proceedings, and may apply different discovery rules to different parts of the proceeding.

(b) Unless otherwise ordered by the court, the parties may engage in the discovery provided by C.R.C.P. 27 through 36~~7~~. Any discovery conducted in Title 15 proceedings prior to the issuance of a case management or other discovery order ~~will shall~~ be subject to C.R.C.P. 26(a)(2)(A), 26(a)(2) (B), 26(a)(4) and (5), and 26(b) through (g). However, due to the unique, expedited and often exigent circumstances in which probate proceedings take place, C.R.C.P. 16, 16.1, 16.2, and 26(a)(1) do not apply to probate proceedings unless ordered by the court or stipulated to by the parties.

(c) C.R.C.P. [37](#), [45](#), and 121 § 1-12 are applicable to proceedings under Title 15.

(d) Notwithstanding subsections (a) through (c) of this ~~r~~Rule-40, subpoenas and discovery directed to a respondent in proceedings under [Title 15, Article 14](#), ~~Part 3 of Article 14 of Title 15~~, ~~must shall~~ not be permitted without leave of court, or until a petition for appointment of a guardian has been granted under § 15-14-311, C.R.S.

Rule 41. Jury Trial – Demand and Waiver

If a jury trial is permitted by law, any jury demand ~~therefor must shall~~ be filed with the court, and the requisite fee paid, before the matter is first set for trial. [The demanding party must shall pay the requisite jury fee upon the filing of the demand.](#) Failure of a party to file and serve a demand for jury trial and pay the requisite fee [as provided in this rule will shall](#) constitute a waiver of trial by jury as provided in C.R.C.P. 38~~(e)~~.

Rule 42. Objections to Accounting, Final Settlement, Distribution or Discharge

(a) If any interested person desires to object to any accounting, the final settlement or distribution of an estate, the discharge of a fiduciary, or any other ~~related~~ matter, the interested person ~~must shall~~ file specific written objections at or before the hearing thereon, and shall ~~serve~~ serve ~~furnish~~ all interested persons with ~~a copy~~ copies of the objections.

(b) If the matter is uncontested and set for a ~~hearing without non-appearance hearing~~, any interested person wishing to object must file specific written objections with the court at or before the hearing, and ~~must shall serve provide all interested persons with~~ provide all interested persons with copies of the specific written objections. ~~to all interested persons~~. An objector must set an appearance hearing in accordance with Rule ~~243~~.

(c) If the matter is set for an appearance hearing, the objector must file specific written objections ~~10-14~~ or more days before the scheduled hearing. If the objector fails to provide copies of the specific written objections within the required time frame, the ~~p~~Petitioner is entitled to a continuance of the hearing.

- Rule 43. Reserved**
- Rule 44. Reserved**
- Rule 45. Reserved**
- Rule 46. Reserved**
- Rule 47. Reserved**
- Rule 48. Reserved**
- Rule 49. Reserved**

PART 6. DECEDENT'S ESTATES

Rule 50. Wills – Deposit for Safekeeping and Withdrawals

A will of a living person tendered to the court for safekeeping in accordance with § 15-11-515, C.R.S., ~~shall~~ **must** be placed in a “Deposited Will File” and a certificate of deposit issued. In the testator's lifetime, the deposited will may be withdrawn only in strict accordance with ~~the § 15-11-515, C.R.S. statute.~~ After the testator's death, a deposited will ~~must~~ **shall** be transferred to the “Lodged Will File.”

Rule 51. Transfer of Lodged Wills

If a petition under § 15-11-516, C.R.S., to transfer a will is filed and if the requested transfer is to a court within this state, no notice need be given; if the requested transfer is to a court **outside** ~~without~~ this state, notice ~~must~~ **shall** be given to the person nominated as personal representative and such other persons as the court may direct. No filing fee ~~will~~ **shall** be charged for this petition, but the petitioner ~~must~~ **shall** pay any other costs of transferring the original will to the proper court.

Rule 52. Informal Probate – Separate Writings

The existence of one or more separate written statements disposing of tangible personal property under the provisions of § 15-11-513, C.R.S., ~~will~~ **shall** not cause informal probate to be declined under the provisions of § 15-12-304, C.R.S.

Rule 53. Heirs and devisees – Unknown, Missing or Nonexistent – Notice to Attorney General

In a decedent's estate, whenever it appears that there is an unknown heir or devisee, or that the address of any heir or devisee is unknown, or that there is no person qualified to receive a devise or distributive share from the estate, the personal representative ~~must~~ **shall** promptly notify the attorney general. Thereafter, the attorney general ~~must~~ **shall** be given the same information and notice required to be given to persons qualified to receive a devise or distributive share. When making any payment to the state treasurer of any devise or distributive share, the personal representative ~~must~~ **shall** include a copy of the court order obtained under § 15-12-914, C.R.S.

Rule 54. Supervised Administration – Scope of Supervision – Inventory and Accounting

~~In directing the activities of a supervised personal representative of a decedent's estate, the court shall order only as much supervision as in its judgment is necessary, after considering the reasons for the request for supervised administration, or circumstances thereafter arising.~~

(a) In considering the scope of supervised administration under § 15-12-501, C.R.S., the court must ~~shall~~ order such supervision as deemed necessary, after considering the reasons for the request.

(b) If supervised administration is ordered, the personal representative ~~must shall~~ file with the court and serve interested persons:

(1) An inventory;

(2) Annual interim accountings;

(3) ~~and~~ A final accounting; and

(4) Other documentation as ~~unless otherwise~~ ordered by the court.

Rule 55. Court Order Supporting Deed of Distribution

When a court order is requested to vest title in a distributee free from the rights of other persons interested in the estate, such order ~~shall~~must not be granted ex parte, but must shall require either the stipulation of all interested persons or notice and hearing initiated by the requesting party.

COMMENT

2017

Note that Colorado Bar Association Real Estate Title Standard 11.1.7 discusses certain requirements for the vesting of merchantable ~~marketable~~ title in a distributee. A court order is necessary to vest merchantable ~~marketable~~ title in a distributee, free from the rights of all persons interested in the estate to recover the property in case of an improper distribution. This rule requires a notice and hearing procedure as a condition of issuance of such order. A certified copy of the court's order should be recorded with the deed of distribution. Under the title standard, an order is not required to vest merchantable ~~marketable~~ title in a purchaser for value from or a lender to such distributee. *See* § 38-35-109, C.R.S.

Rule 56. Foreign Personal Representatives

(a) After the death of a nonresident decedent, copies of the documents evidencing appointment of a domiciliary foreign personal representative may be filed as provided in § 15-13-204, C.R.S. Such documents must have been certified, exemplified or authenticated by the appointing foreign

court not more than 60 days prior to filing with a Colorado court, and ~~must shall~~ include copies of all of the following that may have been issued by the foreign court:

- (1) The order appointing the domiciliary foreign personal representative, and
- (2) The letters or other documents evidencing or affecting the domiciliary foreign personal representative's authority to act.

(b) Upon filing such documents and a sworn statement by the domiciliary foreign personal representative stating that no administration, or application or petition for administration, is pending in Colorado, the court ~~must shall~~ issue a ~~its~~ Certificate of Ancillary Filing, attesting that the clerk has in his or her possession the documents referenced in subsection (a) of this rule. ~~substantially conforming to JDF 930.~~

Rule 57. Reserved

Rule 58. Reserved

Rule 59. Reserved

PART 7. PROTECTIVE PROCEEDINGS

Rule 60. Physicians' Letters or Professional Evaluation

Any physician's letter or professional evaluation utilized as the evidentiary basis to support a petition for the appointment of a guardian, conservator or other protective order under Article 14 of the Colorado Probate Code, unless otherwise directed by the court, should contain:

- (a) A description of the nature, type, and extent of the respondent's specific cognitive and functional limitations, if any;
- (b) An evaluation of the respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills;
- (c) A prognosis for improvement and recommendation as to the appropriate treatment or rehabilitation plan; and
- (d) The date of any assessment or examination upon which the report is based.

Rule 61. Financial Plan with Inventory and Motion for Approval – Conservatorships

A Conservator's Financial Plan with Inventory and Motion for Approval ~~must shall~~ be filed with the court and served on all interested persons. The request for approval of the ~~p~~Plan may be set on the ~~hearing without non~~appearance docket, the appearance docket, or not set for hearing and treated as a motion under C.R.C.P. 121.

Rule 62. Court Approval of Settlement of Claims of Persons Under Disability

Commented [mj3]: Add a reference to section 15-10-603?

(a) This rule sets forth procedures by which a court considers requests for approval of the proposed settlement of claims on behalf of a minor or an adult in need of protection pursuant to § 15-14-401, et seq., C.R.S. ("respondent"). In connection with a proceeding brought under this rule, the court ~~must shall~~:

- (1) Consider the reasonableness of the proposed settlement and enter appropriate orders as the court finds will serve the best interests of the respondent;
- (2) Ensure that the ~~adult respondent, a minor respondent's parent, an adult respondent's or minor respondent's legal guardian, conservator, other fiduciary, next friend, guardian ad litem, and other interested persons as the court deems proper, have been advised of petitioner and respondent and/or his/her legal guardian/fiduciary understands~~ the finality of the proposed settlement;

(3) Adjudicate the allowance or disallowance, in whole or in part, of any outstanding liens and claims against settlement funds, including attorney fees; and

(4) Make protective arrangements for the conservation and use of the net settlement funds, in the best interests of the respondent, taking into account the nature and scope of the proposed settlement, the anticipated duration and nature of the respondent's disability, the cost of any future medical treatment and care required to treat respondent's disability, and any other relevant factors, ~~all~~ pursuant to § 15-14-101, et seq., C.R.S.

(b) Venue for a petition brought under this rule ~~must shall~~ be in accordance with § 15-14-108(3), C.R.S.

(c) A petition for approval of a proposed settlement of a claim on behalf of ~~the~~ respondent may be filed by ~~an adult respondent, as a fiduciary for a respondent, an interested person as defined in § 15-10-201(27), C.R.S., a next friend, conservator, or guardian ad litem, or if there is no conservator or guardian, by an interested person, and~~ ~~The petition must shall~~ be presented in accordance with the procedures set forth in this rule.

(d) A petition for approval of settlement ~~must shall~~ include the following information:

(1) Facts.

A. The respondent's name and address;

B. The respondent's date of birth;

C. If the respondent is a minor, the name and contact information of each legal guardian. If the identity or contact information of any legal guardian is unknown, or if any parental rights have been terminated, the petition ~~must shall~~ so state;

D. The name and contact information of the respondent's spouse, partner in a civil union, or if the respondent has none, an adult with whom the respondent has resided for more than six months within one year before the filing of the petition;

E. The name and contact information of any guardian, conservator, custodian, trustee, agent under a power of attorney, or any other court appointed fiduciary for the respondent. ~~A description of the purpose of any court appointed fiduciary shall be included;~~ and

F. The date and a brief description of the event or transaction giving rise to the claim.

(2) Claims and Liabilities.

A. The contact information of each party against whom the respondent may have a claim;

B. The basis for each of the respondent's claims;

- C. The defenses and ~~or~~ counterclaims if any, to the respondent's claims; and
- D. The name and contact information of each insurance company involved in the claim, the type of policy, the policy limits, and the identity of the insured.

(3) Damages.

- A. A description of the respondent's injuries;
- B. The amount of any time missed by the respondent from school or employment and a summary of any lost income resulting from the respondent's injuries;
- C. A summary of any damage to respondent's property;
- D. A summary of any expenses incurred for medical or other care provider services as a result of the respondent's injuries; and
- E. The identification of any person, organization, institution, or state or federal agency that paid any of the respondent's expenses and a summary of any expenses that have been or will be paid by each particular source.

(4) Medical Status.

- A. A description of the respondent's current condition including but not limited to the nature and extent of any disability, disfigurement, or physical or psychological impairments and any current treatments and ~~or~~ therapies; and
- B. An explanation of the respondent's prognosis and any anticipated treatments and ~~or~~ therapies.

(5) Status of Claims.

- A. For this claim and any other related claim, the status of the claim and if any civil action has been filed, the court, case number, and parties; and
- B. For this claim and any other related claim, identify the amount of the claim and contact information of any party having a subrogation right including any state or federal agency paying or planning to pay benefits to or for the respondent. A list of all subrogation claims and ~~or~~ liens against the settlement proceeds must shall be included as well as a summary of efforts to negotiate them.

(6) Proposed Settlement and Proposed Disposition of Settlement Proceeds.

- A. The name and contact information of any party or ~~entity~~ making and receiving payment under the proposed settlement;

- B. The proposed settlement amount, payment terms, and proposed disposition, including any restrictions on the accessibility of the funds and whether any proceeds will be deposited into a restricted account;
- C. The details of any structured settlement, annuity, insurance policy or trust instrument, including the terms, present value, discount rate, if applicable, payment structure and the identity of the trustee or entity administering such arrangements;
- D. ~~The~~ legal fees and costs being requested to be paid from the settlement proceeds; and
- E. Whether there is a need for continuing court supervision, the appointment of a fiduciary or the continuation of an existing fiduciary appointment. The court may appoint a conservator, trustee, or other fiduciary to manage the settlement proceeds or make other protective arrangements in the best interests of the respondent.

(7) Exhibits.

- A. The petition ~~must shall~~ list each exhibit filed with the petition.
- B. The following exhibits ~~must shall~~ be attached to the petition:
 - (i) A written statement by the respondent's physician or other health care provider, if any. The statement ~~must shall~~ set forth the information required by ~~subparagraph 4, A and B subsection (d)(4)~~ of this rule and comply with Rule 60 unless otherwise ordered by the court;
 - (ii) Relevant legal fee agreements, statement of costs and billing records and ~~or~~ billing summary; and
 - (iii) Any proposed settlement agreements and proposed releases.
- C. The court may continue, vacate, or place conditions on approval of the proposed settlement in response to petitioner's failure to include such exhibits.

~~(e) Notice of a hearing and a copy of the petition, (except as otherwise ordered by the court in any specific case), must shall be given in accordance with § 15-14-404(1) and (2), C.R.S., and Rule 20-8, unless otherwise ordered by the court.~~

~~(f) An appearance hearing is required for petitions brought under this rule.~~

~~(g) The petitioner, the respondent, and any nominated proposed fiduciary must shall attend the hearing, unless excused by the court prior to the hearing for good cause.~~

~~(h) The court may appoint a guardian ad litem, attorney, or other professional to investigate, and report to the court, or represent the respondent. The court may order the payment of fees and~~

costs for such guardian ad litem, attorney, or other professional to be paid from the settlement or other sources as may be deemed appropriate by the court.

Rule 63. Foreign Conservators

(a) After the appointment of a conservator for a person who is not a resident of this state, copies of documents evidencing the appointment of such foreign conservator may be filed as provided in § 15-14-433, C.R.S. Such documents must have been certified, exemplified or authenticated by the appointing foreign court not more than 60 days prior to filing with a Colorado court, and must shall include copies of all of the following:

- (1) The order appointing the foreign conservator;³
- (2) The letters or other documents evidencing or affecting the foreign conservator's authority to act;³ and
- (3) Any bond of foreign conservator.

(b) Upon filing such documents and a sworn statement by the foreign conservator stating that a conservator has not been appointed in this state and that no petition in a protective proceeding is pending in this state concerning the person for whom the foreign conservator was appointed, the court must shall issue a its Certificate of Ancillary Filing, substantially conforming to JDF 892.

Rule 64. Reserved

Rule 65. Reserved

Rule 66. Reserved

Rule 67. Reserved

Rule 68. Reserved

Rule 69. Reserved

PART 8. TRUSTS

Rule 70. Trust Registration – Amendment, Release and Transfer

(a) A trustee ~~must~~ ~~shall~~ file with the court of current registration an amended trust registration statement to advise the court of any change in the trusteeship, of any change in the principal place of administration, or of termination of the trust.

(b) If the principal place of administration of a trust has been removed from this state, the court may release a trust from registration in this state upon request and after notice to interested parties.

(c) If the principal place of administration of a trust has changed within this state, the trustee may transfer the registration from one court to another within this state by filing in the court to which the registration is transferred an amended trust registration statement with attached thereto a copy of the original trust registration statement and of any amended trust registration statement prior to the current amendment, and by filing in the court from which the registration is being transferred a copy of the amended trust registration statement. The amended statement ~~must~~ ~~shall~~ indicate that the trust was registered previously in another court of this state and that the registration is being transferred.

Rule 71. Reserved

Rule 72. Reserved

Rule 73. Reserved

Rule 74. Reserved

Rule 75. Reserved

Rule 76. Reserved

Rule 77. Reserved

Rule 78. Reserved

Rule 79. Reserved

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Probate Court _____ County, Colorado Court Address: _____ <hr/> In the Interest of: <hr/> Ward/Protected Person	▲ COURT USE ONLY ▲ <hr/> Case Number: _____ Division: _____ Courtroom: _____
FINAL ORDER ACCEPTING <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP IN COLORADO FROM SENDING STATE PURSUANT TO §15-14.5-302, C.R.S. <u>UNIFORM ADULT GUARDIANSHIP AND PROTECTIVE PROCEEDINGS JURISDICTION ACT</u>	

The cCourt has received the Final Order Confirming Transfer from _____ (state) and:

Commented [m]1: Should this form add a requirement to file an Inventory and Financial Plan within 90 days after appointment in Colorado?

The cCourt appoints the following person as Guardian Conservator:

Name: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____

Mailing Address, if different: _____

City: _____ State: _____ Zip Code: _____ Email Address: _____

Home/Primary Phone #: _____ Alternate/Work Phone #: _____

Email Address: _____

The cCourt directs the issuance of Letters of Guardianship Letters of Conservatorship consistent with the final order of transfer that includes the order of appointment issued by _____ (state).

The cCourt orders the following pursuant to § 15-14.5-302(6), C.R.S.:

1. The gGuardian and/or cConservator must/shall notify the Court within 30 days of any if his/her home address, email address, or phone number changes and/or any change of address for the wWard /pProtected pPerson.

— The gGuardian must
 2. shall file an Annual Guardian's Report (JDF 850) on or before _____ (date) beginning in _____ (year) for the duration of the guardianship.

3. The cConservator must/shall file an Annual Conservator's Report (JDF 885) on or before _____ (date) beginning in _____ (year) for the duration of the conservatorship.

The reporting period for the report must shall be _____ (start date) through _____ (end date).

2.4. Copies of all future filings with the cCourt must shall be provided to the following identified as interested persons in this matter, by the one filing such documents. In addition, the gGuardian and/or cConservator mustshall provide a copy of the required reports, to the following interested persons within 10 ten days of filing with the cCourt.

Name of Interested Person	Relationship to Ward/Protected Person
	Ward/Protected Person
	Spouse or partner in a civil union, if applicable
	Adult Children, if applicable
	Parents, if applicable
	Conservator, if applicable
	Guardian, if applicable

5. The gGuardian and/or cConservator must shall provide a copy of this Final Order to the wWard or pProtected pPerson and interested persons within 30 days of appointment and file a Notice of Appointment (JDF 812) with the Court. See §§ 15-14-311 or 15-14-409, C.R.S.

6. The cCourt further orders

Date: _____

_____ Judge Magistrate

Notice to Interested Persons

You have the right to request termination or modification of the guardianship pursuant to §§ 15-14-210 and 15-14-318, C.R.S. and/or conservatorship pursuant to § 15-14-431, C.R.S.

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Probate Court _____ County, Colorado Court Address: _____ <hr/> In the Interests of: _____ Protected Person/Minor		▲ COURT USE ONLY ▲ <hr/> Case Number: _____ Division: _____ Courtroom: _____
ORDER FOR DEPOSIT OF FUNDS TO RESTRICTED ACCOUNT AND ANNUAL FILING OF RESTRICTED ACCOUNT REPORT		

~~The court~~ **COURT** finds the limited nature of the protected person's account does not justify the establishment of a conservatorship.

It is therefore **o**rdere**d** that _____ (name of **f**iduciary) ~~shall~~ **must** open an account in a federally insured financial institution for the sole benefit of the **m**inor/**p**rotected **p**erson. The account ~~shall~~ **must** be opened on behalf of the **m**inor/**p**rotected **p**erson. The account ~~shall~~ **must** be opened using the sample title, "____ (Name of Fiduciary) as Next Friend/Parent for ____ (Name of Minor/Protected Person)".

Commented [mj1]: Add: "or federally insured brokerage account"?

The **f**iduciary shall deposit \$ _____ and funds received subsequently into the account. This person may make internal transfers of funds in order to take advantage of changes in interest rates.

It is **o**rdere**d** that, except for internal transfers, the financial institution ~~shall~~ **must not** permit ~~no~~ withdrawals from the account(s), except by separate certified **o**rdere**d** of this **c**ourt.

It is **o**rdere**d** that an Acknowledgment of Deposit of Funds to Restricted Account (JDF 867) must be returned to the Court within 30 days. | _____

Commented [mj2]: Add: "The court further orders that the fiduciary shall file a Motion to Withdraw Funds from Restricted Account (JDF 868) prior to any disbursement of funds until the minor reaches the age of 21."

No attorney fees may be paid in this case until the Acknowledgment form is signed and returned to the Court.

It is further **o**rdere**d** that the fiduciary ~~must~~ **shall** file a Restricted Account Report (JDF 896) along with a copy of the most recent bank statement for the restricted account each year on the **m**inor's/**p**rotected **p**erson's birthday _____ (date) or on _____ (date).

Failure to file an annual Restricted Account Report and bank statement may result in the imposition of sanctions by the **c**ourt which could include removal of the fiduciary from further duties and an order freezing the restricted account until further order of the **c**ourt. The **c**ourt may also order the appointment of a professional fiduciary.

The **c**Court further orders:

Copies of all future court filings **will/shall** be provided to the following interested persons:

Name	Relationship to m Minor/ p Protected p Person
	Minor/ p Protected p Person if 12 years or older
	Parent or adult nearest in kinship
	Other:

Commented [mj3]: Change to "when"? On this form and all similar forms?

Dated: _____

 Judge Magistrate

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Probate Court _____ County, Colorado Court Address: _____ <hr/> In the Matter of the Estate of <u> </u>: Deceased		▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		Case Number: _____ Division Courtroom
APPLICATION FOR INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE		

***** Use this form if the dDecedent did not leave a will *****

The aApplicant, an interested person pursuant to § 15-10-201(27), C.R.S., makes the following statements:

1. Information about the aApplicant:

Name: _____ Relationship to Decedent: _____
 Street Address: _____
City: _____ State: _____ Zip Code: _____
 Mailing Address, if different: _____
City: _____ State: _____ Zip Code: _____ Home Phone #: _____
Primary Phone: _____ Alternate Phone: _____
Email Address: _____ Work Phone #: _____

2. The dDecedent, _____, died on _____ (date) at the age of ____ years. The dDecedent was domiciled or resided in the City of _____ County of _____, the State of _____.

3. Venue for this proceeding is proper in this county because the dDecedent:
 had his or her domicile or residence in this county on the date of death.
 did not have his or her domicile or residence in Colorado, but had property located in this county on the date of death.

4. This aApplication is filed within the time period permitted by law. Three years or less have passed since the dDecedent's death, or circumstances described in § 15-12-108, C.R.S. authorize tardy probate or appointment.

5. The aApplicant:

- has not received a Demand for Notice of Filings or Orders and is unaware of any Demand for Notice of Filings or Orders concerning the Decedent.
- has received or is aware of a Demand for Notice of Filings or Orders concerning the Decedent. See attached Demand for Notice of Filings or Orders or explanation.

6. No court has appointed a pPersonal rRepresentative and no such appointment proceeding is pending in this state or elsewhere.

A court has appointed a pPersonal rRepresentative or an appointment proceeding is pending in the State of _____ (Attach a statement explaining the circumstances and indicating the name and address of the pPersonal rRepresentative. Attach a certified copy of the appointing document if the appointment has been finalized.)

7. Except as may be disclosed in an attached explanation and after the exercise of reasonable diligence, the aApplicant is unaware of any unrevoked will relating to property in Colorado.

8. Decedent's marital and family status:

- a) Did a spouse or partner in a civil union survive the dDecedent? Yes No
- b) Did the dDecedent have a surviving parent? Yes No
- c) Did the dDecedent have surviving children or other descendants? Yes No
- d) Does the dDecedent's surviving spouse or partner in a civil union have surviving descendants who are not descendants of the dDecedent? Yes No
- e) Are all of the dDecedent's surviving descendants also descendants of the surviving spouse or partner in a civil union Yes No
- f) Are any of the dDecedent's children minors? Yes No

9. The names and addresses of the dDecedent's spouse, partner in a civil union, children, and other heirs are as follows:

- ◆ If a guardian or conservator has been appointed for one of the persons listed below, also provide the name and address of the guardian or conservator.
- ◆ If a minor child is listed, list the child's parent(s), guardian or conservator.
- ◆ If a spouse, partner in a civil union, or child has predeceased the dDecedent, include the date of death.
- ◆ A sample of this section is included in the Instructions - JDF 907.

Name	Address (or <u>D</u> ate of <u>D</u> eath)	Age, only if Minor	Relationship (e.g. spouse, partner in a civil union, child, brother, guardian for spouse, etc.)

10. Applicant is 21 years of age or older and nominates himself or herself to be appointed as pPersonal rRepresentative.

or

Applicant nominates the following person be appointed as pPersonal rRepresentative.

Name: _____ The Nominee is 21 years of age or older.

Street Address: _____

City: _____ State: _____ Zip Code: _____

Mailing Address, if different: _____

City: _____ State: _____ Zip Code: _____ Home Phone #: _____

Primary Phone: _____ Alternate Phone: _____

Email Address: _____ Work Phone #: _____

11. The nNominee has priority for appointment because of:

statutory priority. (§15-12-203, C.R.S.)

reasons stated in the attached explanation.

Persons with prior or equal rights to appointment are as follows:

They have each renounced their rights to appointment or have been given notice of these proceedings. **Any required renouncements accompany this aApplication.**

12. Applicant states the following regarding the dDecedent's estate. (§ 15-12-604, C.R.S.)

Estimated value of real estate	\$
Estimated value of personal property	\$
Annual income expected from all sources	\$
TOTAL	\$

Commented [A1]: Add something similar to: "This box must only be completed if bond is required."

123. The pPersonal rRepresentative may receive compensation.

The hourly rates to be charged, any amounts to be charged pursuant to a published fee schedule, including the rates and basis for charging fees for any extraordinary services, and any other bases upon which a fee charged to the estate will be calculated, are as stated below or in an attachment to this aApplication. *

The basis of compensation has not yet been determined.

134. The **p**Personal **r**Representative may compensate his, her, or its counsel.

The hourly rates to be charged, any amounts to be charged pursuant to a published fee schedule, including the rates and basis for charging fees for any extraordinary services, and any other bases upon which a fee charged to the estate will be calculated, are as stated below or in an attachment to this **a**Application. *

The basis of compensation has not yet been determined.

* There is a continuing obligation to disclose any material changes to the basis for charging fees. (§ 15-10-602 C.R.S.)

145. No interested person demanded that bond be filed.

Bond in the amount of \$ _____ has been demanded.

The **a**Applicant requests that the **r**Registrar informally appoint the **n**Nominee as **p**Personal **r**Representative in unsupervised administration to serve:

without bond

with bond in the amount of \$ _____

and that Letters of Administration be issued.

VERIFICATION AND ACKNOWLEDGMENT

I, _____ (Applicant) verify that the facts set forth in this document are true as far as I know or am informed. I understand that penalties for perjury follow deliberate falsification of the facts stated herein. (§15-10-310, C.R.S.)

Signature of Applicant _____ Date _____

The foregoing instrument was acknowledged before me in the County of _____, State of Colorado, this ____ day of _____, 20____, by the Applicant.

My Commission Expires: _____

Notary Public/Deputy Clerk

Signature of Attorney _____ Date _____

VERIFICATION

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the _____ day of _____,
_____ (date) _____ (month) _____ (year)

at _____
(city or other location, and state OR country)

(printed name)

(signature)

***NoteNOTE:**

- Please remember to add any AKA names in the caption, if applicable.

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Probate Court _____ County, Colorado Court Address: _____ <hr/> In the Matter of the Estate of: _____ Deceased		▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		
		Case Number: _____ Division Courtroom
PETITION FOR FORMAL PROBATE OF WILL AND FORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE		

***** Use this form if the dDecedent left a will *****

The pPetitioner, an interested person pursuant to §_15-10-201(27), C.R.S., makes the following statements:

1. Information about the pPetitioner:

Name: _____ Relationship to Decedent _____
 Street Address: _____
City: _____ State: _____ Zip Code: _____
 Mailing Address, if different: _____
 City: _____ State: _____ Zip Code: _____ Home Phone #: _____
Primary Phone: _____ Alternate Phone: _____
 Email Address: _____ Work Phone #: _____

2. The dDecedent, _____, died on _____ (date) at the age of ____ years. The dDecedent was domiciled or resided in the City of _____ County of _____, State of _____.

3. Venue for this proceeding is proper in this county because the dDecedent:
 had his or her domicile or residence in this county on the date of death.
 did not have his or her domicile or residence in Colorado, but had property located in this county on the date of death.

4. This pPetition is filed within the time period permitted by law. Three years or less have passed since the dDecedent's death, or circumstances described in §_15-12-108, C.R.S. authorize tardy probate or appointment.

5. The Petitioner:
 has not received a Demand for Notice of Filings or Orders and is unaware of any Demand for Notice of Filings or Orders concerning Decedent.

has received or is aware of a Demand for Notice of Filings or Orders concerning Decedent. See attached Demand for Notice of Filings or Orders or explanation.

6. No court has appointed a **p**Personal **r**Representative and no such appointment proceeding is pending in this state or elsewhere.

A court has appointed a **p**Personal **r**Representative or an appointment proceeding is pending in the State of _____, (Attach a statement explaining the circumstances and indicating the name and address of the **p**Personal **r**Representative. Attach a certified copy of the appointing document if the appointment has been finalized.)

7. Except as may be disclosed in an attached explanation and after the exercise of reasonable diligence, the petitioner is unaware of any instrument revoking the will and is unaware of any prior wills relating to property in Colorado that have not been expressly revoked by a later instrument.

Or

The date of the **d**Decedent's last **w**Will is _____.

The dates of all codicils are _____.

The **w**Will and any codicils are collectively referred to as "the **w**Will". The **p**Petitioner believes that it is the **d**Decedent's last **w**Will and that it was validly executed.

~~Except as may be disclosed in an attached explanation and after the exercise of reasonable diligence, the Petitioner is unaware of any instrument revoking the Will and is unaware of any prior Wills relating to property in Colorado that have not been expressly revoked by a later instrument.~~

8. The original **w**Will

was deposited with this **c**Court before the **d**Decedent's death- (§.15-11-515, C.R.S.)

has been delivered to this **c**Court since the **d**Decedent's death- (§.15-11-516, C.R.S.)

is filed with this **p**Petition.

Other: _____

An e-filed copy of the **w**Will is filed with this **p**Petition ~~and the~~ original **w**ill **must** document will be delivered to the **c**Court immediately ~~forthwith or~~ has been delivered to the Court.

The **w**Will has been probated in the State of _____. Authenticated copies of the **w**Will and of the statement probating it are filed with this **p**Petition. (§.15-12-402, C.R.S.)

9. Decedent's marital and family status:

a) Did a spouse or partner in a civil union survive the **d**Decedent? _____
 Yes No

If the answer to a) is Yes, also answer the following questions:

b) Did the **d**Decedent have a surviving parent? Yes No

c) Did the **d**Decedent have surviving children or other descendants? Yes No

If the answer to c) is Yes, also answer the following questions:

d) Does the **d**Decedent's surviving spouse or partner in a civil union have surviving descendants who are not descendants of the **d**Decedent? Yes No

Yes No

e) Are all of the **d**Decedent's surviving descendants also descendants of the

surviving spouse or partner in a civil union?

Yes No
 Yes No

If the answer to e) is No, also answer the following question:

f) Are any of the dDecedent's children minors?

Yes No

10. The names and addresses of the dDecedent's spouse, partner in a civil union, children, other heirs, and devisees are as follows:

- ◆ If a guardian or conservator has been appointed for one of the persons listed below, also provide the name and address of the guardian or conservator.
- ◆ If a minor child is listed, list the child's parent(s), guardian, or conservator.
- ◆ If a spouse, partner in a civil union, or child has predeceased the Decedent, include the date of death.
- ◆ A sample of this section is included in the Instructions - JDF 906.

Name	Address (or <u>D</u> ate of <u>D</u> eath)	Age, only if Minor	Relationship (e.g. spouse, partner in a civil union, child, brother, guardian for spouse, etc.)

11. Petitioner is 21 years of age or older and nominates himself or herself to be appointed as pPersonal rRepresentative.

or

Petitioner nominates the following person be appointed as Personal Representative.

Name: _____ The Nominee is 21 years of age or older.

Street Address: _____

City: _____ State: _____ Zip Code: _____

Mailing Address, if different: _____

City: _____ State: _____ Zip Code: _____ Home Phone #: _____

Primary Phone: _____ Alternate Phone: _____

Email Address: _____ Work Phone #: _____

The nNominee has priority for appointment because of:

statutory priority. (§ 15-12-203, C.R.S.)

reasons stated in the attached explanation.

The persons with prior or equal right to appointment are _____ (name).

All pPersons with prior or equal rights to appointment have executed a required renunciation that accompanies this application.
 are as follows:

They have each renounced their rights to appointment or have been given notice of these proceedings. ~~Any required renunciations accompany this Petition.~~

12. Petitioner states the following regarding the decedent's estate. (§ 15-12-604, C.R.S.)

Estimated value of real estate	\$
Estimated value of personal property	\$
Annual income expected from all sources	\$
TOTAL	\$

Commented [mj1]: Add something similar to: "This box must only be completed if bond is required."

123. The pPersonal rRepresentative may receive compensation.

The hourly rates to be charged, any amounts to be charged pursuant to a published fee schedule, including the rates and basis for charging fees for any extraordinary services, and any other bases upon which a fee charged to the estate will be calculated, are as stated below or in an attachment to this pPetition. *

The basis of compensation has not yet been determined.

134. The pPersonal rRepresentative may compensate his, her, or its counsel.

The hourly rates to be charged, any amounts to be charged pursuant to a published fee schedule, including the rates and basis for charging fees for any extraordinary services, and any other bases upon which a fee charged to the estate will be calculated, are as stated below or in an attachment to this pPetition. *

The basis of compensation has not yet been determined.

* There is a continuing obligation to disclose any material changes to the basis for charging fees. (§ 15-10-602 C.R.S.)

145. Bond is not required by the wWill nor has any interested person demanded that bond be filed.

Bond in the amount of \$ _____ has been demanded.

165. Unsupervised administration is requested.

Supervised administration is requested (additional filing fee required). Terms of the requested supervision are as follows:

After notice and hearing, the **p**Petitioner requests that the **c**Court formally admit the **d**Decedent's **w**Will to probate, determine the heirs of the **d**Decedent and formally appoint the **n**Nominee as **p**Personal **r**Representative to serve:

without bond with bond in the amount of _____.

in unsupervised administration in supervised administration (additional filing fee required)

and that Letters Testamentary be issued to the **p**Personal **r**Representative or that previously issued Letters be confirmed. The **p**Petitioner also requests:

a setting aside of prior informal findings as to testacy.

a setting aside of prior informal appointment of personal representative.

other: _____

VERIFICATION AND ACKNOWLEDGMENT

I (Petitioner) verify that the facts set forth in this document are true as far as I know or am informed. I understand that penalties for perjury follow deliberate falsification of the facts stated herein. (§15-10-310, C.R.S.)

Signature of Petitioner Date

The foregoing instrument was acknowledged before me in the County of _____, State of Colorado, this ____ day of _____, 20____, by the Petitioner.

My Commission Expires: _____

Notary Public/Deputy Clerk

Signature of Attorney Date

VERIFICATION

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the _____ day of _____,
 (date) (month) (year)

at _____
(city or other location, and state OR country)

(printed name)

(signature)

***Note:**

- Please remember to add any AKA names in the caption, if applicable.

From: vriesman, todd
Sent: Wednesday, November 29, 2017 2:47 PM
To: terry, diana
Subject: RE: Probate rules comments

I am on the bench in a court trial, but I can do this quick response.

Denver Probate Court has created a few local forms "specific" to it. I want to do the same here in Jeffco (with different revisions to similar forms)...but...there could be an argument that creating forms local to each jurisdiction is a back-door way of implementing a revised or new probate rule, especially if the forms have additional/different information requirements.

https://www.courts.state.co.us/Courts/Denver_Probate/Forms/Index.cfm

Tell me if you need further explanation.

--TLV

From: terry, diana
Sent: Wednesday, November 29, 2017 2:38 PM
To: vriesman, todd
Subject: Probate rules comments

Hi, Todd. Thank you again for your very thoughtful comments on the proposed rule and form amendments.

One of your comments, No.8, has me a bit puzzled. Can you please explain what you mean by a "local form"? If it's easier for you to handle this in a phone call, you can call my direct line at 720-625-5321.

Diana Terry
Judge, Colorado Court of Appeals
[2 East 14th Avenue](#)
[Denver, CO 80203](#)
[720.625.5320](tel:720.625.5320)

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Probate Court _____ County, Colorado Court Address: _____ <hr/> In the Matter of the Estate of: Deceased	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg.#: _____	Case Number: _____ Division Courtroom
PETITION TO RE-OPEN ESTATE PURSUANT TO § 15-12-1009, C.R.S.	

The Petitioner makes the following statements:

1. Information about the Petitioner:

Name: _____ Relationship to Decedent _____
 Street Address: _____
 Mailing Address, if different: _____
 City: _____ State: _____ Zip Code: _____ Home Phone #: _____
 Email Address: _____ Work Phone #: _____

2. Petitioner desires to re-open the estate to:

distribute property briefly described as:

other:

3. Petitioner nominates the following person to be appointed as Personal Representative:

Name: _____
 Street Address: _____
 Mailing Address, if different: _____
 City: _____ State: _____ Zip Code: _____ Home Phone #: _____
 Email Address: _____ Work Phone #: _____

The Nominee is the previously-appointed Personal Representative.

The previously-appointed Personal Representative is unable or unwilling to serve and the Nominee is 21 years of age or older, and the Nominee has priority for appointment because of:

- Nomination by the will.
- Statutory priority. (§ 15-12-203, C.R.S.)
- reasons stated below:

Persons with prior or equal rights to appointment have renounced their rights to appointment or have been given notice of these proceedings. **Any required renouncements accompany this Petition.**

4. The persons to receive distribution have changed, as identified below:

Name	Address (or date of death)	Age, only if Minor	Relationship (e.g. spouse, partner in a civil union, child, brother, guardian for spouse, etc.)

The persons to receive distribution have not changed from the original proceedings. Distribution is as follows:

Name of Person Receiving Distribution	Address of Person Receiving Distribution	Description of Distribution

5. The Personal Representative may receive compensation.

The hourly rates to be charged, any amounts to be charged pursuant to a published fee schedule, including the rates and basis for charging fees for any extraordinary services, and any other bases upon which a fee charged to the estate will be calculated, are as stated below or in an attachment to this Application.

The basis of compensation has not yet been determined.

6. The Personal Representative may compensate his, her or its counsel.

The hourly rates to be charged, any amounts to be charged pursuant to a published fee schedule, including the rates and basis for charging fees for any extraordinary services, and any other bases upon which a fee charged to the estate will be calculated, are as stated below or in an attachment to this Application.

The basis for compensation has not yet been determined.

Petitioner requests that the Court, after such notice as it may direct, re-open the estate and appoint the Personal Representative identified in section 4 above. In addition, the Petitioner requests the Court:

issue Letters of Administration.

issue Letters Testamentary.

upon reporting to the Court that the above purposes have been accomplished, discharge the Personal Representative and re-close the estate.

Other: _____

VERIFICATION

I _____ (Petitioner) swear/affirm under penalty of perjury, that I have read the foregoing *PETITION TO RE-OPEN ESTATE* and that the statements set forth therein are true and correct to the best of my knowledge.. (§ 15-10-310, C.R.S.)

Signature of Attorney

Date

Signature of Petitioner

Date

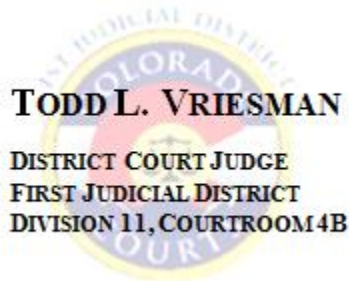
From: vriesman, todd
Sent: Monday, December 04, 2017 5:24 PM
To: terry, diana
Subject: Probate Forms

I am probably being a pest, but I forgot a small matter that turns into a major procedural problem and delay for many cases.

The Certificates of Service for many forms says that “e-service” is one method of proper service. Most pro se parties presume that means e-mail, and do not know that “e-service” is a court-sanctioned filing through ICCES (or whatever it is called today).

So, we get A LOT of pleadings like the attached. In my view, this service is not sufficient under the rules. Can we not use the term “e-service” or somehow address this ambiguity?

Thanks!



TODD L. VRIESMAN
DISTRICT COURT JUDGE
FIRST JUDICIAL DISTRICT
DIVISION 11, COURTROOM 4B

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Probate Court _____ County, Colorado Court Address: _____	
In the Interest of: Protected Person	
▲ COURT USE ONLY ▲	
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division _____ Courtroom _____
CONSERVATOR'S FINANCIAL PLAN WITH INVENTORY AND MOTION FOR APPROVAL	
<input type="checkbox"/> INITIAL REPORT <input type="checkbox"/> AMENDED REPORT	

DATE OF APPOINTMENT _____ (MM/DD/YYYY)
 INVENTORY VALUES AS OF DATE _____ (MM/DD/YYYY)
 FILING DUE DATE _____ (MM/DD/YYYY)

I, _____ (name of cConservator), move this cCourt to approve this Initial Amended Conservator's Financial Plan with Inventory.

As grounds therefore, the cConservator states the following:

1. The information contained in the Financial Plan with Inventory is true and complete. The proposed plan is necessary to protect and manage the income and assets of the pProtected pPerson.
2. The Financial Plan is based on the actual needs and best interest of the pProtected pPerson.

I understand that I am required to maintain supporting documentation for all receipts and disbursements including detailed billing statements from any professional. The cCourt or any iInterested pPerson as identified in the Order Appointing Conservator may request copies at any time.

I understand that I must provide copies of this Financial Plan with Inventory to the pProtected pPerson and any others as identified in the Order Appointing Conservator, within 10 days of filing with the cCourt and will indicate having done so by completing the cCertificate of sService at the end of this form. (§ 15-14-404(4), C.R.S.)

Unless the cCourt receives a timely objection to this mMotion, this matter will be considered unopposed and reviewed by the cCourt.

Notice to iInterested pPersons. Interested persons have the responsibility to protect their own rights and interests within the time and in the manner provided by the Probate Code, including the appropriateness of disbursements, the compensation of fiduciaries, attorneys, and others, and the distribution of estate assets. Interested persons may file an objection with the cCourt. The cCourt may not review or adjudicate these or other matters unless specifically requested to do so by an interested person.

PART A: Contact Information CONTACT INFORMATION

Protected Person's Information: Check if uUpdated iInformation from pPetition

Name: _____ Age Date of Birth: _____ Address: _____

(Include Name of Living Center or Nursing Home, if applicable)

Street Address: _____

City: _____ State: _____ Zip Code: _____

Mailing Address, if different: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Last 4 digits of Social Security # _____

Conservator's Information: Check if uUpdated iInformation from pPetition

Name: _____ Age Date of Birth: _____
Last 4 digits of Social Security # _____

NOTE: Agency designees and professional fiduciaries need not provide their DOB or last 4 digits of their SSN.

Have you had any criminal charges filed against you or convictions entered since the last report? Yes No

If Yes, explain: _____

Occupation: _____ Your Relationship to protected person: _____

Street Address: _____

City: _____ State: _____ Zip Code: _____ E-Mail Address: _____

Mailing Address, if different: _____

City: _____ State: _____ Zip Code: _____

Primary Telephone Numbers: Home _____ Alternate Telephone: Work _____ Cell _____

Email address: _____

Co-Conservator's Information: (if applicable) Check if Updated Information from Petition

Name: _____ Age Date of Birth: _____
Last 4 digits of Social Security # _____

NOTE: Agency designees and professional fiduciaries need not provide their DOB or last 4 digits of their SSN.

Have you had any criminal charges filed against you or convictions entered since the last Petition? Yes No

If Yes, explain: _____

Occupation: _____ Your Relationship to Protected Person: _____

Address: _____ Apt. # _____

City: _____ State: _____ Zip Code: _____ E-Mail Address: _____

Telephone Numbers: Home _____ Work _____ Cell _____

PART B: CONSERVATORSHIP ISSUES

1. Are the assets in the estate identified to date sufficient to provide for the present and future care of the Protected Person? Yes No. If No, describe why and what steps should be taken. If you would like the Court to take action, you must file a motion with the Court.

2. Should there be a change in scope of the Conservatorship? Yes No. If Yes, describe why and what steps should be taken. If you would like the Court to take action, you *must* file a motion with the Court.

3. Bond has been set in the amount of \$ _____ . Surety has been posted.
 The setting of bond was deferred pending filing of this Conservator's Financial Plan with Inventory and Motion for Approval. The Conservator now requests that bond be set in the amount of \$ _____ .
 Bond has been waived by the Court.

INSTRUCTIONS ON HOW TO COMPLETE THIS FORM

The Financial Plan and Inventory must be filed with the Court pursuant to §§15-14-418 and 15-14-419, C.R.S.

Steps 1 and 2 are a projection of the Protected Person's annual income and expenses. Enter both the anticipated monthly and annual amounts in the respective columns.

Step 3 is an inventory of the Protected Person's assets. Provide a detailed description of the asset as well as the current fair market value.

Step 4 summarizes all costs and expenses incurred by the estate related to this proceeding.

Step 5 summarizes all debts of the estate. Provide a detailed description as well as the remaining amount due.

Step 6 and 7 are a summary. Transfer the respective income and expense totals from Steps 1 and 2 as well as the asset and liability totals in steps 3 through 5 to the appropriate lines in Step 7 to calculate the net income and net worth.

PART C: FINANCIAL PLAN

List all expected sources of receipts/income and disbursements/expenses in the charts below. If a specific category is not applicable, indicate "0" in the projected monthly and annual amounts columns. You will use these amounts when you file the initial Conservator's Report.

Step 1: Projected Receipts/Income

Indicate the amount of cash receipts/income received on both a monthly and annual basis. If an income amount (such as wages) is to be received on a monthly basis, multiply the amount by 12 to determine the projected annual amount. If an income amount (such as dividends) is to be received on an annual basis, divide the amount by 12 to determine the projected monthly amount.

Description of Receipt/Income Category	Projected Monthly Amount	Projected Annual Amount
Wages <u>Wages</u>		
Social Security <u>Social Security</u>		
Interest / Dividends <u>Interest / Dividends</u>		
Pensions / Retirement Plan Distributions <u>Pensions / Retirement Plan Distributions</u>		
Rental Income <u>Tax Refunds</u>		

Gifts from Others Proceeds from Sales of Assets		
Disability, Unemployment or Worker's Compensation		
Rental Income		
Other Public Assistance Gifts from Others		
Other Receipts / Income (Please list) Disability, Unemployment or Worker's Compensation		
Other Public Assistance		
Other Receipts / Income (Please list)		
Asset Not Previously Reported		
Business Income		
Court Order Repayment		
Disability/Unemployment/ Worker's Compensation		
Distribution – Annuity		
Distribution – Pensions/Retirement Plan		
Distribution - Trust		
Farm/Ranch Income		
Gifts from Others		
Inheritance		
Insurance Settlement/Benefit		
Interest/Dividends		
Loan Repayment		
Oil/Gas/Mineral Royalties		
Other Public Assistance		
Other Receipts/Income		
Proceeds from Sale of Assets		
Rental Income		
Reverse Mortgage Payment		
Social Security		
Tax Refunds		
VA Benefits		
Wages		
Total Receipts/Income Enter the total projected monthly and annual amounts in Step 6.		

Commented [lc1]: Additional Category

Step 2: Projected Disbursements/Expenses

Indicate the cash disbursement/expense amount on both a monthly and annual basis. If an expense (such as utilities) is to be paid on a monthly basis, multiply the amount by 12 to determine the projected annual amount. If an expense (such as property taxes) is to be paid on an annual basis, divide the amount by 12 to determine the projected monthly amount.

Description of Disbursement/Expense Category	Projected Monthly Amount	Projected Annual Amount
Professional Fees	\$	\$
— Conservator fees	_____	_____
— Guardian Fees	_____	_____
— Guardian ad litem	_____	_____
— Legal Fees for Protected Party	_____	_____
— Legal Fees for Conservator	_____	_____
— Legal Fees for Guardian	_____	_____
— Legal Fees for GAL	_____	_____
— Accountant/ CPA	_____	_____
— Other: Describe	_____	_____
— Other: Describe	_____	_____
Distributions to Protected Person		
Income Taxes		
FICA and Medicare Taxes		
Health Care (including health insurance, prescriptions)		
Other Insurance		
Rent or Mortgage		
Property Taxes and Assessments		
Repairs and Maintenance		
Utilities, including phones		
Home Furnishings		
Food and Household Supplies		
Clothing		
Personal Care		
Auto Expenses		
Education		
Entertainment, Vacations and Travel		
Monthly Debt Repayments (excluding mortgage)		
Other Disbursements/Expenses, e.g. gifts (Please list)		
Other Disbursements/Expenses (Please list)		
Assisted Living/Care Facility		
Automobile Insurance		

Automobile Loan Payments		
Automobile Registration/Other		
Automobile Repairs/Maint/Fuel		
Bank/Investment Account Fees		
Caregiver/In-Home Provider		
Charitable Contributions		
Clothing		
Collectables		
Debt Repayment (excluding CC)		
Distributions-Protected Person		
Education/Tuition/Student Loan		
Entertainment/Movies		
Equipment		
Farm/Ranch Expense		
Fees-Accountant/CPA		
Fees-Conservator-Non Prof		
Fees-Conservator-Professional		
Fees-Court Visitor		
Fees-Guardian-Non Prof		
Fees-Guardian-Professional		
Fees-Guardian Ad Litem (GAL)		
Fees-Investment Acct Management		
Fees-Legal for Conservator		
Fees-Legal for Guardian		
Fees-Legal for GAL		
Fees-Legal for Protected Person		
Fees-Other Professional		
Groceries/Hygiene/HouseholdFuneral		
FuneralGifts		
GiftsGroceries/Hygiene/HouseholdSupplies		
HOA Fees		
Hobbies		
Home Furnishings		
Insurance – Home/Renter		
Insurance – Life		
Insurance – Long Term Care		
Insurance – Other		
Jewelry		
Livestock		

Commented [Ic2]: All 'Automobile' categories are replaced with 'Motor Vehicle' categories.

Commented [Ic3]: Additional category

Commented [Ic4]: Additional Category

Commented [Ic5]: Added 'Supplies'

Commented [Ic6]: Added category

Commented [Ic7]: Added category

Loan Interest		
Loans		
Medical-Doctor/Prof/Hospital		
Medical-Furnishings/Supplies		
Medical-Insurance		
Medical-Medicab/Transportation		
Medical-Medications		
Medical-Other		
Mortgage		
Motor Vehicle - Insurance		
Motor Vehicle – Loan Payments		
Motor Vehicle – Registration/Other		
Motor Vehicle – Repairs/Maint/Fuel		
Moving Expenses		
Other Disbursement/Expense		
Other Transportation		
Pet Care		
Property Repairs/Maintenance		
Rent		
Restaurants/Dining Out		
School Supplies		
Services - Cleaning		
Services - Personal Care		
Subscriptions/Dues		
Taxes – FICA and Medicare		
Taxes – Income		
Taxes – Property and Assessments		
Travel/Vacations		
Utilities (Including Phone/Cell)		
Total Disbursements/Expenses Enter the total projected monthly and annual amounts in Step 6.	\$	\$

Commented [Ic8]: 'Motor Vehicle' categories replaces 'Automobile' categories

INVENTORY

Step 3: Current Assets

Report the fair market value of each category of asset in the chart below as of the Inventory date. By indicating "None", you are stating affirmatively that the Protected Person does not have assets in that category.

Note: If additional space is needed, separate sheets may be used. If additional items are discovered after the initial inventory has been completed, a supplemental inventory listing those additional item(s) must be completed.

Cash on Hand, Bank, Checking, Savings, Certificate of Deposits, and Health Accounts (Name of Bank or Financial Institution) <input type="checkbox"/> None	Payable on Death	Type of Account	Account # (last 4-digits only)	Balance
				\$
Total				\$

Stocks, Bonds, Mutual Funds, Securities and Investment Accounts (Name of Joint Owner or Transfer on Death Beneficiary) <input type="checkbox"/> None	Number of Shares or Identify Account Number (last 4-digits only)	Current Value
		\$
Total		\$

Life Insurance (Name of Company/Beneficiary) <input type="checkbox"/> None	Type of Policy	Face Amount of Policy	Cash Value
			\$
Total			\$

Pension, Profit Sharing, Annuities and Retirement Funds (Name of Beneficiary) <input type="checkbox"/> None	Type of Plan (401(k), IRA, 457, PERA, Military, etc.)	Account # (last 4-digits only, if applicable)	Current Account Value (Note: Distributions should be listed in Step 1 above)
			\$
Total			\$

Motor Vehicles and Recreation Vehicles (Including Motorcycles, ATV's, Boats, etc.) (Names of Joint Owners)	Year	Make and Model	Estimated Value (Value = what you could sell it for in its current condition)
<input type="checkbox"/> None			
			\$
Total			\$

Real Estate (Indicate address) (Name any Joint Owners)	Type of Property (Home, Rental, Land, etc.)	Estimated Value (Value = what you could sell it for in its current condition.)
<input type="checkbox"/> None		
		\$
Total		\$

General Household and Other Personal Property	Estimated Value (Value = what you could sell it for in its current condition.)
<input type="checkbox"/> None	
General Household and Other Personal Property (Total value except for items listed below.)	\$
Separately list and value items of significant value below, for example: Jewelry, Antiques, Collectibles, Artwork, etc.	
Total	\$

Miscellaneous Assets (List each one separately and be specific.)	Estimated Value (Value = what you could sell it for in its current condition.)
<input type="checkbox"/> None	
	\$
Total	\$
Total Assets	\$
Enter this amount in Step 7.	

Step 4: Accrued Liabilities to Professionals

The cConservator requests that the accrued expenses of this proceeding as of the inventory date as detailed below be approved by the cCourt as a one-time lump-sum payment or as payments spread out over _____ months as identified in Step 2.

Type of Professional and Name of Individual	Amount Billed or Paid
Legal Fees for Petitioner - <u>Account Management - Professional</u>	\$
Legal fees for Protected Person - <u>Accountant/CPA</u>	
Filing fee <u>Conservator-Non Professional</u>	
Court Visitor fee - <u>Conservator-Professional</u>	
Guardian ad litem fee - <u>Court Visitor</u>	
Other - <u>Guardian-Non Professional</u>	
<u>Guardian - Professional</u>	
<u>Guardian Ad Litem (GAL)</u>	
<u>Legal Fees - Conservator</u>	
<u>Legal Fees - Guardian</u>	
<u>Legal Fees - GAL</u>	
<u>Legal Fees - Protected Person</u>	
<u>Other Professional Fees</u>	
Total Accrued Expenses	\$
Enter totals below in Step 5 - Inventory of Liabilities/Debts.	

<u>Professional Fees - Conservator Fees</u>
<u>Professional Fees - Guardian Fees</u>
<u>Professional Fees - Guardian ad Litem</u>
<u>Professional Fees - Legal Fees for Protected Person</u>
<u>Professional Fees - Legal Fees for Conservator</u>
<u>Professional Fees - Legal Fees for GAL</u>
<u>Professional Fees - Accountant/CPA</u>
<u>Professional Fees - Other: Describe</u>
<u>Professional Fees - Other: Describe</u>

Step 5: Other Current Liabilities/Debts

Report the value of each liability/debt in the chart below as of the Inventory date as identified in Step 2.

Description of Liability/Debt <input type="checkbox"/> None	Name of Creditor	Account Number (last 4-digits only)	Balance
Accrued expenses associated with this proceeding (Total Step 4 above)			\$
Mortgages (principal due only)			
<u>Car/Motor Vehicle</u> Loans			
<u>2nd Mortgage</u> /Home Improvement Loans			
Student Loans/ <u>Tuition</u>			
Credit Card <u>Debt</u>			

Commented [Ic9]: 'Motor Vehicle' replaces 'Auto'

Commented [Ic10]: 'Mortgage' replaces 'Loan'

Federal Taxes Owed			
State and/ Local Taxes Owed			
Other Loan/Liability/ies/Debt (Please list)			
Other Liabilities/Debt (Please list)			
HELOC			
Reverse Mortgage			
Total Liabilities/Debt Enter this amount in Step 7.			\$

Commented [lc11]: Deleted - duplicate

Summary

Step 6: Summary of Financial Plan (Receipts/Income Minus Disbursements/Expenses)

Summarize the Financial Plan below after completing the detailed accounting information in Step 1 and Step 2.

	Projected Monthly Amount	Projected Annual Amount
(A) Receipts/Income (Total from Step 1)	\$ _____	\$ _____
(B) Disbursements/Expenses (Total from Step 2)	\$ _____	\$ _____
Net Income: (A) minus (B)	\$ _____	\$ _____

Step 7: Summary of Inventory

Summarize the Inventory below after completing the detailed accounting information in Step 3 and Step 5.

(A) Total Assets (Total from Step 3)	\$ _____
(B) Total Liabilities/Debt (Total from Step 5)	\$ _____
Net Worth: (A) minus (B)	\$ _____

Bond

- Bond has been set in the amount of \$ _____. Surety has been posted.
- The setting of bond was deferred pending filing of this Conservator's Financial Plan with Inventory and Motion for Approval. The Conservator now requests that bond be set in the amount of \$ _____. (§15-14-415, C.R.S.)
- Bond has been waived by the Court.

~~I swear/affirm under penalty of perjury, that I have read the foregoing CONSERVATOR'S FINANCIAL PLAN WITH INVENTORY AND MOTION FOR APPROVAL and that the statements set forth therein are true and correct to the best of my knowledge. §15-10-310, C.R.S. I understand that this report is subject to audit and verification.~~

 Conservator's Signature Date Co-Conservator's Signature Date

IMPORTANT

This document must be signed and dated by all **c**Conservators and served on the **p**Protected **p**Person and all interested parties, as indicated by the attached **c**Certificate of **s**Service.

A **c**Conservator is required to file an amended "Financial Plan" whenever there is a change in circumstances that requires a substantial deviation from the existing plan. In addition, if the **c**Conservator finds other property not included in the original "Inventory", or if the value of the listed property is inaccurate or misleading, the **c**Conservator **must/shall** prepare and file an amended "Inventory" with the court. Copies of these amendments must be provided to all interested parties. § 15-14-418(5) C.R.S. § 15-14-419(2) C.R.S.

THIS SECTION MUST BE COMPLETED CORRECTLY AND SIGNED OR THE DOCUMENT MAY BE REJECTED.

Colorado Law **REQUIRES** that the Conservator's Financial Plan with Inventory and Motion for Approval be served on the **PROTECTED PERSON AND INTERESTED PERSONS** pursuant to the Order Appointing Conservator, including minors 12 years of age or older (§ 15-14-404(4), C.R.S.). In the space below, list the names, addresses, and method of delivery for each party listed on the Order Appointing Conservator and provide each party with a copy of this document.

CERTIFICATE OF SERVICE

I certify that on _____ (date) a copy of this *Conservator's Financial Plan with Inventory and Motion for Approval* was served on each of the following:

Name of Person to Whom You are Sending this Document (Interested Persons)	Relationship to Protected Person	Address	Manner of Service*
	Protected Person		

*Insert hand delivery, first class U.S. Mail, certified U.S. Mail, E-filed, or Fax or other method allowed under Colorado law.

CERTIFICATE OF SERVICE

I certify that on _____ (date), a copy of this _____ (name of document) was served as follows on each of the following:

<u>Name and Address</u>	<u>Relationship to (Decedent, Ward, or Protected Person)</u>	<u>Manner of Service*</u>

*Insert one of the following: hand delivery, fFirst-cClass mail, cCertified mail, e-service through ICCES, or fax.

Signature

VERIFICATION

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the _____ day of _____.

(date) (month) (year)

at _____
(city or other location, and state OR country)

(printed name)

(signature)

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Probate Court _____ County, Colorado Court Address: _____ <hr/> In the Interest of: Protected Person	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	Case Number: _____ Division _____ Courtroom _____

CONSERVATOR'S REPORT ADULT MINOR

ANNUAL REPORT AMENDED REPORT
 CURRENT REPORTING PERIOD FROM _____ TO _____
 (MM/DD/YYYY) (MM/DD/YYYY)

INTERIM REPORT DUE ON _____ FINAL REPORT
 If Final Report, indicate why: Protected Person deceased Minor turned 21 Judicial Order

PART A: CONTACT INFORMATION

Protected Person's Information: Check if Updated Information from last Report

Name: _____ **Age** _____ **Date of Birth:** _____
Street Address: _____
(Include Name of Living Center or Nursing Home)
City: _____ **State:** _____ **Zip Code:** _____
Mailing Address, if different: _____
Telephone Primary Phone Number: _____ **Alternate Phone:** _____
Last 4 digits of Social Security # _____

Conservator's Information: Check if Updated Information from last Report

Name: _____ **Age** _____ **Date of Birth:** _____
Last 4 digits of Social Security # _____
NOTE: Agency designees and professional fiduciaries need not provide their DOB or last 4 digits of their SSN.
Occupation: _____ **Your Relationship to Protected Person:** _____
Street Address: _____ **Apt. #** _____
City: _____ **State:** _____ **Zip Code:** _____ **E-Mail Address:** _____
Mailing Address, if different: _____
City: _____ **State:** _____ **Zip Code:** _____
Primary Phone Telephone Numbers: Home _____ Work _____ **Alternate Phone:** Cell _____
Email Address: _____

Have you had any criminal charges filed against you or convictions entered since the last report? Yes No
 If Yes, explain: _____

Co-Conservator's Information: (if applicable) Check if Updated Information from last Report

Name: _____ Date of Birth/Age: _____
Last 4 digits of Social Security #: _____

Occupation: _____ Your Relationship to Protected Person: _____

Street Address: _____ Apt. #: _____

City: _____ State: _____ Zip Code: _____ E-Mail Address: _____

Mailing Address, if different: _____

City: _____ State: _____ Zip Code: _____

Primary Telephone Numbers: Home: _____ Alternate Phone: Work: _____ Cell: _____

Email Address: _____

Have you had any criminal charges filed against you or convictions entered since the last report? Yes No

If Yes, explain: _____

***** Notice to Interested Persons:** Interested persons have the responsibility to protect their own rights and interests within the time and in the manner provided by the Probate Code, including the appropriateness of disbursements, the compensation of fiduciaries, attorneys, and others, and the distribution of estate assets. Interested persons may file an objection with the cCourt. The cCourt will not review or adjudicate these or other matters unless specifically requested to do so by an interested person.

PART B: CONSERVATORSHIP ISSUES

1. Is there a continued need for the cConservatorship? Yes No If No, describe why and what steps should be taken. If you would like the cCourt to take action, you *must* file a motion with the cCourt.

2. Are the remaining assets in the estate sufficient to provide for the present and future care of the protected person? Yes No If No, describe why and what steps should be taken. If you would like the cCourt to take action, you *must* file a motion with the cCourt.

3. Should there be a change in scope of the cConservatorship? Yes No If Yes, describe why and what steps should be taken. If you would like the cCourt to take action, you *must* file a motion with the cCourt.

4. Attach a copy of the bBond to this rReport, unless the bBond was waived or not required by the cCourt. What is the amount of the bBond? \$ _____. Is the amount of the bBond sufficient to cover all unrestricted assets? Yes No If No, describe why and what steps should be taken. If you are requesting a change to the bBond, you *must* file a motion with the cCourt.

INSTRUCTIONS ON HOW TO COMPLETE THIS FORM

The Conservator's Report must be filed annually pursuant to §15-14-420, C.R.S. Part C of this report concerns the information necessary to satisfy the court that the conservator has maintained a complete accounting of all financial transactions and managed the protected person's estate responsibly.

Step 1 is a financial transaction detail and should be completed for each bank or investment account. A spreadsheet or report from personal accounting software may also be submitted in lieu of completing the transaction detail.

Steps 2 and 3 summarize the income and expense for the reporting period and compare those amounts to the previous period or the Financial Plan. Explain the cause for any changes between the current period amounts and amounts from the prior period or the Financial Plan.

Step 4 reports additional detail for fees paid to professionals including the hourly rate, number of hour worked, and description of services provided.

Steps 5 and 6 summarize assets and liabilities as of the reporting date and compare those amounts to the previous period or the Inventory. In addition to explaining the cause for any changes between the current period amounts and amounts from the prior period or the Inventory, provide specific detail regarding any asset purchases or sales.

Step 7 is a summary. Transfer the respective income and expense totals from Steps 2 and 3 as well as the asset and liability totals in steps 5 and 6 to the appropriate lines in Step 7 to calculate the net income and net worth.

Part C: FINANCIAL INFORMATION

Step 1: Detail Listing of Receipts/Income and Disbursements/Expenses

Complete this Detail for all bank accounts. Make additional copies of this form as necessary. Alternatively, Check Register form JDF 871, a spreadsheet, or a report from personal accounting software may be attached. Please list all transactions, including Income (deposits) and Expenses (withdrawals), for the entire reporting period. Each Receipt/Income item should be listed in the Amount Received column and each Disbursement/Expense item should be listed in the Amount Disbursed column. **** Note:** This report should resemble a check register for each bank account.

Name of Bank: _____ Account Number (last 4-digits only): _____

Date	Check or I.D. No.	Description of item Received or Disbursed, include Name of Payee (if Disbursement)	Amount Received	Amount Disbursed

Page _____ of _____			\$	\$
May continue entries on Check Register Form JDF 871				

Check here if additional detailed spreadsheets are attached to this report.

Individual Bank Account Summary

Beginning Cash Balance \$ _____ (Balance from prior year Report or Inventory)
Add: Total Amount of Income + \$ _____ (Total Income received from detail above)
Add: Total Amount Received as Transfer + \$ _____ (Total transferred from other bank accounts)
Less: Total Amount Disbursed - \$ _____ (Total disbursements from detail above)
Less: Total Amount Transferred out - \$ _____ (Total transfers moved to other accounts)

Ending Cash Balance = \$ _____ (Transfer this account balance to Step 5.)
(This will be the beginning balance on next year's report)

Step 2: Receipts and Income

Column A: Is this the first annual Conservator's Report filed? Yes No

If **Yes**, use the amounts from the Inventory with Financial Plan (JDF 882) to complete Column A that is marked with an asterisk (*) below. If **No**, use the amounts from the prior Conservator's Report filed to complete Column A that is marked with an asterisk (*) below.

Column B: Transfer all individual income category totals from completed Detail Listing in Step 1 or attached spread sheet.

Column C: Calculate and record the difference between Column A and Column B.

Description of Receipt/Income Category	Column A *Total Amount of Receipts / Income from <input type="checkbox"/> Prior Reporting Period or <input type="checkbox"/> Financial Plan	Column B Total Amount of Receipts / Income for Current Reporting Period	Column C Change in Amount of Receipt/Income <i>Indicate +/-</i>
Wages			
Social Security			
Interest / Dividends			
Pensions / Retirement Plan Distributions			
Tax Refunds			
Proceeds from Sales of Assets			
Rental Income			
Gifts from Others			
Disability, Unemployment or Worker's Compensation			

Other Public Assistance			
Other Receipts/Income (Please list)			
Asset Not Previously Reported			
Business Income			
Court Order Repayment			
Disability, Unemployment, or Worker's Comp			
Distribution - Annuity			
Distribution – Pensions/Retirement Plan			
Distribution – Trust			
Farm/Ranch Income			
Gifts from Others			
Inheritance			
Insurance Settlement/Benefit			
Interest/Dividends			
Loan Repayment			
Oil/Gas/Mineral Royalties			
Other Public Assistance			
Other Receipts/Income			
Proceeds from Sale of Assets			
Rental Income			
Reverse Mortgage Payment			
Social Security			
Tax Refunds			
VA Benefits			
Wages			
TOTALS (Move to Step 7)			

Have Total Receipts/Income in Column B changed from the Prior Reporting Period or Financial Plan totals in Column A ? Yes No

If **Yes**, explain the changes below. Please include a description of any changes or unanticipated transactions. If income and expenses are anticipated to differ going forward, it may be necessary to file an Amended Inventory with Financial Plan and Motion for Approval (JDF 882) or a separate petition for approval with the court.

Step 3: Disbursements/Expenses

Column A: Use the amounts from the Inventory with Financial Plan (JDF 882) or from the prior Conservator's Report filed to complete Column A that is marked with an asterisk (*) below.

Column B: Transfer all individual expense category "totals" from completed Detail Listing in Step 1 or attached spread sheet.

Column C: Calculate and record the difference between Column A and Column B.

Description of Disbursement / Expense Category List Total Disbursements/Expenses from Detail Listing (From Step 1 or Separate Spreadsheet)	Column A *Total Amount of Disbursement / Expense from <input type="checkbox"/> Prior Reporting Period or <input type="checkbox"/> Financial Plan	Column B Total Amount of Disbursement / Expense for Current Reporting Period	Column C Change in amount of Disbursement/ Expense <i>Indicate +/-</i>
Total Professional Fees and Costs Paid (From Step 4) <u>Assisted Living/Care Facility</u>			
Distributions to Protected Person			
Income Taxes			
FICA and Medicare Taxes <u>Bank/Investment Account Fees</u>			
Health Care (include insurance & medication) <u>Caregiver/In-Home Provider</u>			
Other Insurance <u>Charitable Contributions</u>			
Rent or Mortgage <u>Clothing</u>			
<u>Collectables</u>			
<u>Debt Repayment (excluding CC)</u>			
Property Taxes and Assessments <u>Distributions - Protected Person</u>			
Repairs and Maintenance <u>Education/Tuition/Student Loan</u>			
Utilities, including phones <u>Entertainment/Movies</u>			
<u>Equipment</u>			
Home Furnishings <u>Farm/Ranch Expense</u>			
<u>Clothing</u> <u>Fees – Accountant/CPA</u>			
<u>Personal Care</u> <u>Fees – Conservator – Non-Prof</u>			
<u>Auto Expenses</u> <u>Fees – Conservator-Prof</u>			
<u>Education</u> <u>Fees – Court Visitor</u>			
<u>Entertainment, Vacations and Travel</u> <u>Fees – Guardian – Non-Prof</u>			
<u>Gifts</u> <u>Fees – Guardian - Prof</u>			
Other Disbursements/Expenses (Please list) <u>Fees – Guardian Ad Litem (GAL)</u>			
<u>Fees-Investment Acct Management</u>			

Commented [Ic1]: 'Automobile' categories deleted and replaced with 'Motor Vehicle' categories

Commented [Ic2]: Additional Category

Commented [Ic3]: Additional Category

Fees – Legal for Conservator			
Fees – Legal for Guardian			
Fees – Legal for GAL			
Fees – Legal for Protected Person			
Fees – Other Professional			
Funeral			
Gifts			
Groceries/Hygiene/Household Supplies			
HOA Fees			
Hobbies			
Home Furnishings			
Insurance – Home/Renter			
Insurance – Life			
Insurance – Long Term Care			
Insurance – Other			
Jewelry			
Livestock			
Loan Interest			
Loans			
Medical-Doctor/Prof/Hospital			
Medical Furnishings/Supplies			
Medical-Insurance			
Medical-Medicab/Transportation			
Medical-Medications			
Medical-Other			
Mortgage			
Motor Vehicle – Insurance			
Motor Vehicle – Loan Payments			
Motor Vehicle – Registration/Other			
Motor Vehicle – Repairs/Maint/Fuel			
Moving Expenses			
Other Disbursement/Expense			
Other Transportation			
Pet Care			
Property Repairs/Maintenance			
Rent			
Restaurants/Dining Out			
School Supplies			
Services – Cleaning			
Services – Personal Care			
Subscriptions/Dues			
Taxes – FICA and Medicare			
Taxes – Income			
Taxes – Property and Assessments			
Travel/Vacations			

Commented [Ic4]: Added 'Supplies'

Commented [Ic5]: Additional Category

Commented [Ic6]: Additional Category

Commented [Ic7]: Additional Category

Commented [Ic8]: Additional Category

Commented [Ic9]: Additional Category

Commented [Ic10]: Additional Category

Commented [Ic11]: Additional Category

Commented [Ic12]: 'Transportation' category deleted and replaced with 'Other Transportation'

Utilities (Including Phone/Cell)			
TOTALS (Move these totals to Step 7)			

Step 4: Conservator, Guardian, and Professional Fees Detail

List all **conservators, guardians, and professionals** paid. Include the hourly rate, number of hours worked, fees and costs, as well as a description of the services provided and the benefit to the estate.

Name of <u>Conservator, Guardian, and Professional</u>	Hourly Rate (Range)	No. of Hours Worked	Total Hourly Fees	Other Costs Charged	Brief Description of Services Provided and Benefit to the Estate
<u>Account Management – Professional</u>					
<u>Accountant/CPA</u>					
<u>Conservator – Non-Professional fees</u>					
<u>Conservator - Professional</u>					
<u>Court Visitor</u>					
<u>Guardian – Non-Professional fees</u>					
<u>Guardian - Professional</u>					
<u>Guardian ad Litem (GAL)</u>					
<u>Legal Fees – for Conservator/Protected Party</u>					
<u>Legal Fees – for Conservator/Guardian</u>					
<u>Legal Fees – for GAL/Guardian</u>					
<u>Legal Fees – for GAL/Protected Person</u>					
<u>Other Professional Fees/Accountant / CPA</u>					
<u>Other:</u>					
TOTAL (Fees and Costs) (Move these totals to Step 3)					

Have Total Disbursements/Expenses in Step 3, Column B Increased or Decreased from the Prior Reporting Period or Financial Plan in Step 3, Column A?

Explain the changes below. Please include a description of any changes or unanticipated transactions. A separate petition for approval may need to be filed with the court for significant changes outside the amounts allowed in the Inventory and Financial Plan.

Step 5: Assets

- Column A:** List the last 4 digits of all bank, investment or other financial accounts.
- Column B:** List name of the bank or financial institution in which accounts are being held, or describe specific asset.
- Column C:** Use amounts from the original Inventory with Financial Plan (JDF 882) **or** from the prior Conservator’s Report filed, to complete Column C marked with an asterisk (*) below.
- Column D:** List all cash and investment account balances. These should coincide and be transferred from the Ending Cash Balances on the Detail Listing in Step 1.
- Column E:** Calculate and record the difference between Column C and Column D.

Vehicles, real estate, and all other assets should be valued at what the asset could be sold for in its current condition (i.e. Fair Market Value).

Description of Asset (Identify all accounts)	Column A Account Number (last 4 digits)	Column B Name of Financial Institution or Description of Asset	Column C * Fair Market Value <input type="checkbox"/> as of Last Day of <i>Prior</i> Reporting Period or <input type="checkbox"/> Inventory	Column D Fair Market Value (as of Last Day of <i>Current</i> Reporting Period)	Column E Change in Value of Asset <i>Indicate +/-</i>
Checking Accounts Balance from Step 1					
Savings Accounts Balance from Step 1					
<u>Certificate of Deposit</u>					
Other Cash Accounts, Money Markets &					

CD's					
Pre-Paid Debit Card					
Cash On Hand					
Stocks					
Bonds					
Mutual Funds					
Other Financial Investments					
Life Insurance (Cash Value)					
Pension & Retirement (Vested portion)					
IRA's / 401(k)'s					
Annuities					
Loans from Estate					
Motor Vehicles					
Real Estate					
Home Furnishings					
Collectables					
Collectables (e.g., stamps or coins)					
Jewelry					
Livestock					
Equipment					
Oil/Gas/Mineral Interest					
Other Personal Property					
List Other Assets					
List Other Assets					
List Other Assets					
TOTALS (Move these totals to Step 7)					

Commented [Ic13]: 'Collection' changed to 'Collectables'

Have Total Assets in Step 5, Column D changed from the last day of the Prior Reporting Period or Inventory in Step 5, Column C? Yes No

Provide additional detail for any assets on the preceding schedule that were purchased during the reporting period. Include a description of the asset purchased, the purchase price, purchase date, and source of funding for the purchase (e.g. cash, loan, sale of another other asset, etc.).

Description of Asset	Purchase Price	Purchase Date	Purchase method

--	--	--	--

Provide detail for any assets on the preceding schedule that were sold during the reporting period. Include a description of the asset sold, the sale price, sale date, and use of funds proceeds from the sale (e.g. living expenses, extinguish debt, purchase of another asset, etc.).

Description of Asset	Sale Price	Sale Date	Use of Proceeds

Please include a description of any other changes to the value of estate assets.

Step 6: Liabilities/Debts

- Column A:** List the last 4 digits of all account or loan numbers.
- Column B:** List the name of the bank or financial institution to which loans or debts are being paid.
- Column C:** Use amounts from the original Inventory with Financial Plan (JDF 882) **or** from the prior Conservator’s Report filed, to complete Column C marked with an asterisk (*) below.
- Column D:** List all *current* balances due on loans and debts.

Column E: Calculate and record the difference between Column C and Column D.

Description of Liability/Debt (Identify all accounts)	Column A Account Number (last 4-digits only)	Column B Name of Financial Institution	Column C *Balance Due on Last day of <input type="checkbox"/> Prior Reporting Period or <input type="checkbox"/> Inventory	Column D Balance Due on Last Day of of Current Reporting Period	Column E Change in Amount of Liability Indicate +/-
Mortgages (principal due only)					
Car Motor Vehicle Loans					
2 nd Mortgage/Home Improvement Loans					
Student Loans/Tuition					
Reverse Mortgage					
HELOC					
Credit Card Debt					
Federal Taxes Owed					
State and/ Local Taxes Owed					
Other Loan/Liability/ies/Debts					
TOTALS (Move these totals to Step 7)					

Commented [Ic14]: 'Motor Vehicle' replaces 'Auto'

Have Total Liabilities/Debts changed from the last day of the Prior Reporting Period or Inventory?

Yes No If Yes, explain the changes below. Please include a description of any changes or unanticipated transactions. A separate petition for approval may need to be filed with the court for significant changes outside the amounts allowed in the Inventory and Financial Plan.

Step 7: Summary

Summary of Financial Activity

	*Prior Reporting Period (or Financial Plan)	Current Reporting Period
(A) Total Receipts/Income from Step 2	\$ _____	\$ _____
(B) Total Disbursements/Expenses from Step 3	\$ _____	\$ _____
(A) minus (B) = Net Income	\$ _____	\$ _____

**Summary of Net Worth
Fair Market Value of Assets Minus Liabilities/Debts**

	*Last Day of Prior Reporting Period (or Inventory)	Last Day of Current Reporting Period
(A) Total Assets from Step 5	\$ _____	\$ _____
(B) Total Liabilities/Debts from Step 6	\$ _____	\$ _____
(A) minus (B) = Net Worth	\$ _____	\$ _____

VERIFICATION

~~I state under penalty of perjury that this is a true and complete report of the administration of this estate, during the period shown, both dates inclusive, to the best of my knowledge, information and belief. I understand that this report is subject to audit and verification.~~

~~I understand that I am required to maintain supporting documentation for all receipts and disbursements including detailed billing statements from any professional. The Court or any Interested Persons as identified in the Order Appointing Conservator may request copies at any time.~~

Date: _____
Signature of Conservator

Date: _____
Signature of Co-Conservator (if applicable)

**REPORT MUST BE SIGNED AND DATED BY ALL CONSERVATORS
AND SERVED ON THE PROTECTED PERSON AND ALL INTERESTED PARTIES
AS INDICATED BY THE ATTACHED CERTIFICATE OF SERVICE**

IMPORTANT

**THIS SECTION MUST BE COMPLETED CORRECTLY AND SIGNED
OR THE REPORT MAY BE REJECTED.**

Colorado Law **REQUIRES** that the Conservator's Report be served on the **PROTECTED PERSON AND INTERESTED PERSONS** pursuant to Order Appointing Conservator, including minors 12 years of age or older (§15-14-404(4), C.R.S.). In the space below, list the names, addresses, and method of delivery for each party listed on the Order Appointing Conservator and provide each party with a copy of this Report.

Certificate of Service

I certify that on _____ (date) the original was e-filed/filed with the Court and a copy of this Conservator's Report was served on each of the following:

Name of person receiving this document (Interested Persons)	Relationship to Protected Person	Address	Manner of Service**
	Protected Person		

**Insert hand delivery, first class U.S. Mail, certified U.S. Mail, e-filed, fax or other method allowed under Colorado law.

CERTIFICATE OF SERVICE

I certify that on _____ (date), a copy of this _____ (name of document) was served as follows on each of the following:

<u>Name and Address</u>	<u>Relationship to (Decedent, Ward, or Protected Person)</u>	<u>Manner of Service*</u>

*Insert one of the following: hand delivery, fFirst-class mail, cCertified mail, e-service through ICCES, or fax.

X

Signature

VERIFICATION

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the _____ day of _____,
 (date) (month) (year)

at _____
(city or other location, and state OR country)

(printed name)

(signature)

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Probate Court _____ County, Colorado Court Address: _____ <hr/> In the Interest of: Ward		▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		
		Case Number: _____ Division Courtroom
GUARDIAN'S REPORT – ADULT		

INITIAL REPORT/CARE PLAN ANNUAL REPORT

Current Reporting Period From _____ To _____
 (MM/DD/YYYY) (MM/DD/YYYY)
 (REPORTING DATES MUST BE FOR THE PAST YEAR AND MAY NOT REPORT INTO THE FUTURE.)

Instructions to Guardian:

Colorado law requires that every guardian of an adult complete a Guardian's Report every year. When answering the questions in this report, you are required to provide details. Answers such as "same as last report/year" and "no change since last report" are not acceptable answers. Your report may be rejected with those answers.

COLORADO LAW REQUIRES THAT ANY GUARDIAN WANTING TO REMOVE THE ADULT FROM THE STATE OF COLORADO MUST OBTAIN COURT PERMISSION. You must file the necessary forms to make this request and obtain Court permission.

CONTACT INFORMATION

- Ward's Information: Check if Updated Information from last report (Annual R-report ONLY)
- Check if Residency is Temporary (Care Plan ONLY)

Name (REQUIRED): _____ **Age/Date of Birth (REQUIRED):** _____

Sex (REQUIRED): _____

Street Address: _____
 (Include Name of Living Center or Nursing Home)

City: _____ State: _____ Zip Code: _____

Mailing Address, if different: _____

City: _____ State: _____ Zip Code: _____

Primary Phone: _____ **Alternate Phone:** _____

Telephone Number: _____ **Last 4 digits of Social Security #** _____

Guardian's Information: Check if Updated Information from last report

Name: _____ Age/Date of Birth: _____
 Last 4 digits of Social Security #: _____

NOTE: Agency designees and professional fiduciaries need not provide their DOB or last 4 digits of their SSN.

Occupation: _____ Your Relationship to Ward: _____

Street Address: _____ Apt. #: _____

City: _____ State: _____ Zip Code: _____ E-Mail Address: _____

Mailing Address, if different: _____

City: _____ State: _____ Zip Code: _____

Primary Telephone Numbers: Home _____ Alternate Phone: Work _____ Cell _____

Email Address: _____

Have you had any criminal charges filed against you or convictions entered since the last report? Yes No

If Yes, explain: _____

Co-Guardian's Information (if applicable): Check if updated information from last report

Name: _____ Age/Date of Birth: _____
 Last 4 digits of Social Security #: _____

NOTE: Agency designees and professional fiduciaries need not provide their DOB or last 4 digits of their SSN.

Occupation: _____ Your Relationship to Ward: _____

Street Address: _____ Apt. #: _____

City: _____ State: _____ Zip Code: _____ E-Mail Address: _____

Mailing Address, if different: _____

City: _____ State: _____ Zip Code: _____

Primary Telephone Numbers: Home _____ Alternate Phone: Work _____ Cell _____

Have you had any criminal charges filed against you or convictions entered since the last report? Yes No

If Yes, explain: _____

I. PLACEMENT AND CARE SUPERVISION

A. Who currently supervises the wWard's care and treatment on a daily basis?

Name: _____
 Primary Telephone Number: _____ Alternate Phone: _____

B. If the wWard has moved since the last reporting period, identify the date of the move, address of residence, type of residence, and reason for the change.

Date of Move	Name of Facility and Address	Type of Residence	Reason for Change

II. STATUS INFORMATION

Yes No

- A. Do you recommend that the guardianship continue?
If **No**, explain: _____

- B. Do you recommend any changes to the guardianship?
If **Yes**, explain: _____

- C. Do you wish to remain guardian?
If **No**, explain: _____

Note: If you wish to terminate this guardianship, or modify by replacing the current guardian or adding a co-guardian, you must file a separate petition with the Court.

III. CURRENT CONDITION OF THE WARD

Please describe in detail the current **mental** condition of the ward: _____

Please describe in detail the current **physical** condition of the ward: _____

Please describe in detail the current **social** condition of the ward: _____

IV. PERSONAL CARE AND OTHER ISSUES

Yes No

- A. Has the ward's physical and medical condition (illness/injuries) changed since the last report? If **Yes**, explain: _____

- B. Has the ward been hospitalized since the last report?
If **Yes**, explain: _____

C. Have there been any medical, social or psychological evaluations of the wWard performed?
Please explain: _____

D. Is there a need for further medical, social or psychological evaluations of the wWard?
Please explain: _____

E. Describe the medical, educational, vocational and other services provided to the wWard.

Please describe in detail any **medical** services provided to the wWard: _____

Please list any **medications** provided to the wWard: _____

Please describe in detail any **educational** services provided to the wWard: _____

Please describe in detail any **vocational** services provided to wWard: _____

Please describe in detail any **other** services provided to wWard: _____

F. How often do you contact the wWard's medical provider?
 Daily Weekly Monthly Other: _____

How do you contact the wWard's medical provider (phone, email, etc.)? _____

G. Do you believe the current plan for care, treatment and/or rehabilitation is in the wWard's best interest?
 Yes No If No, describe what changes would be appropriate.

H. The ward's care and living situation is Very Good Good Adequate Poor

I. Describe your plans for the ward's future care, including any recommended changes.

V. VISITATION OF WARD

Colorado law requires that a guardian maintain sufficient contact with the ward.

A. How often do you visit the ward? Daily Weekly Monthly Other: _____

B. How often do you contact the ward or the ward's care provider?

Daily Weekly Monthly Other: _____

C. When was the last time you saw the ward in person? _____ (date)

D. Indicate how long your visits are and summarize your activities with and on behalf of the ward.

E. Does the ward participate in decision-making? Yes No Briefly describe.

VI. FINANCIAL MATTERS

Has the court appointed a conservator for the ward? Yes No

A. Are there sufficient financial resources to take care of the ward? Yes No

If **No**, what do you believe is the best way to handle this problem? _____

Commented [lc1]: Do we want the guardian to complete this section *only* if there is no conservator *and* the guardian has custody of funds? Or is this information the court should have?

B. Do you have control of the wward's income? Yes No

If Yes, describe: _____

C. If applicable, identify the rrepresentative ppayee for Social Security and other income benefits.

Name: _____ Phone Number: _____

D. Have any fees been paid to you in your role as guardian? Yes No

If Yes, describe: _____

E. Have any fees been paid to others for the care of the wward or his/her property? Yes No

If Yes, describe and identify name of person: _____

Please **complete the following and indicate whether you have possession or control of the following by checking the appropriate box – 'Yes' or 'No':**

F. **Bank Account(s):** Name of financial institution(s) and last four numbers of account(s): Yes No -

Estimated Value: _____

If Yes, explain: _____

G. **Investment Account(s):** Name of financial institution(s) and last four numbers of account(s): Yes No _____

Estimated Value: _____

If Yes, explain: _____

H. **Real Estate:** Address: Yes No _____

Estimated Value: _____

If Yes, explain: _____

I. **Personal Property** (i.e. jewelry, collectibles, vehicles...) Description: Yes No _____

Estimated Value: _____

If Yes, explain: _____

K. Liabilities/Debts: Creditor(s): Yes No _____

Estimated Amount: _____

If Yes, explain: _____

SUMMARY OF FINANCIAL ACTIVITY DURING REPORTING PERIOD <u>WITHIN YOUR POSSESSION OR CONTROL</u>		
Beginning balance of bank accounts (savings, checking, etc.)	\$	
Plus money received (Social Security, SSI, pension, disability, interest, etc.) from any source on behalf of the Ward	+\$	
Less total fees to care providers	-\$	
Less total monies paid to the Ward, e.g. personal needs	-\$	
Less total fees paid to guardian	-\$	
Less any other expenses, e.g. housing, insurance, maintenance	-\$	
Ending balance of bank accounts	\$	

You are required to maintain supporting documentation for all receipts and all disbursements under your control during the duration of this appointment. The **cCourt** or any **iInterested Persons** as identified in the Order Appointing Guardian may request copies at any time.

VERIFICATION

I swear/affirm under penalty of perjury, that I have read the foregoing **GUARDIAN'S REPORT - ADULT** and that the statements set forth therein are true and correct to the best of my knowledge. §15-10-310, C.R.S.

Guardian's Signature _____ Date _____ Co-Guardian's Signature _____ Date _____

IMPORTANT

THIS SECTION MUST BE COMPLETED CORRECTLY AND SIGNED OR THE REPORT MAY BE REJECTED.

Colorado Law **REQUIRES** that the Guardian's Report be served on the **PROTECTED PERSON AND INTERESTED PERSONS** pursuant to Order Appointing Guardian, including minors 12 years of age or older (§ 15-14-309(4), C.R.S.). In the space below, list the names, addresses, and method of delivery for each party listed on the Order Appointing Guardian and provide each party with a copy of this report.

NOTE: If you wish to change the persons entitled to receive copies of reports or other documents filed, you must file a separate petition with the **cCourt.**

I certify that on _____ (date) the original was e-filed/filed with the Court and a copy of this Guardian's Report was served on each of the following:

Name of person	Relationship	Address	Manner
----------------	--------------	---------	--------

receiving this document (Interested Persons)	to Ward		of Service**
	Ward		

**Insert hand delivery, first-class U.S. Mail, certified U.S. Mail, E-filed, Fax or other method allowed under Colorado law.

VERIFICATION

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the _____ day of _____,
 _____ (date) _____ (month) _____ (year)

at _____
 (city or other location, and state OR country)

 (printed name)

 (signature)

CERTIFICATE OF SERVICE

I certify that on _____ (date), a copy of this _____ (name of document) was served as follows on each of the following:

Name and Address	Relationship to (Decedent, Ward, or Protected Person)	Manner of Service*

*Insert one of the following: hand delivery, fFirst-cClass mail, cCertified mail, e-servicethrough ICCES, or fax.

X _____
 Signature

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Probate Court _____ County, Colorado Court Address: _____		▲ COURT USE ONLY ▲
<input type="checkbox"/> In the Interest of Respondent/Minor		
Attorney or Party Without Attorney (Name and Address): Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		Case Number: Division _____ Courtroom _____
ONLINE CONSERVATOR'S REPORT ATTACHMENT SHEET (OCRA)		

**ATTACHMENT(S)
 TO THE CONSERVATOR'S REPORT SUBMITTED VIA THE COLORADO COURTS ONLINE
 CONSERVATOR'S REPORT (CCOCR) APPLICATION**

On: _____, (Date)

For: ANNUAL REPORT AMENDED REPORT

CURRENT REPORTING PERIOD FROM _____ TO _____
 (MM/DD/YYYY) (MM/DD/YYYY)

(Attached as proof of submitting the Conservator's Report is the email confirmation.)

Attached hereto for filing are:

Bank/Financial Statement – _____, _____
 (Name of Financial Institution) (Account # - last 4 digits only)
 _____, _____, _____
 (Date of Statement) (Number of Pages) (Other/Comments)

Bank/Financial Statement – _____, _____
 (Name of Financial Institution) (Account # - last 4 digits only)
 _____, _____, _____
 (Date of Statement) (Number of Pages) (Other/Comments)

Copy of Bond
 Other: _____

Date: _____

 Conservator

CERTIFICATE OF SERVICE

I certify that on _____ (date), a copy of this _____ (name of document) was served as follows on each of the following:

Name and Address	Relationship to Decedent, Ward, or Protected Person	Manner of Service*

*Insert one of the following: hand delivery, first-class mail, certified mail, e-service , or fax.

Signature

Note:

- If you are an attorney or represented by an attorney, you/your attorney will file this form and all attachments with the court via Colorado Courts Efiling (CCE).
- If you are not an attorney or represented by one, you will submit this form and all attachments by emailing them to the court. Follow the instructions provided in the CCOCR User’s Manual for the correct email address and procedure.

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Probate Court _____ County, Colorado Court Address: _____ <hr/> In the Matter of the Estate of: Deceased		▲ COURT USE ONLY ▲
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____		Case Number: _____ Division Courtroom
PUBLIC ADMINISTRATOR'S STATEMENT OF ACCOUNTS PURSUANT TO SMALL ESTATE PROCEDURE		

Pursuant to section 15-12-621(6), C.R.S. all estates administered by a public administrator pursuant to the small estate procedure shall be closed by the filing of a public administrator's statement of account with the appointing district or probate court. The statement of account shall set forth all receipts and disbursements made during the administration of the estate including the public administrator's fees and costs, and the fees and costs of the public administrator's staff and investigators. Upon filing of the public administrator's statement of account, the public administrator shall be discharged and released from all further responsibility and all liability with regards to the estate.

COMES NOW, _____, the Public Administrator/Deputy Public Administrator for the _____ Judicial District hereby states as follows:

1. That the Estate of _____, decedent, is a small estate as defined in C.R.S. 15-12-1201, as amended.
2. That the decedent died on _____.
3. The claims period for the claims against the estate ended on _____.
4. That a filing fee of _____ accompanies this statement as the gross assets of this Estate are:
 more than \$500.00 but less than \$2,000.00 or more than \$2,000.00.

ITEMS OF RECEIPT (Detail Listing and/or Attached Ledger)	
	Description
1	
2	
3	
TOTAL RECEIPTS	

ASSET	DESCRIPTION OF ASSETS DONATED OR DISPOSED OF
Collectables	
Clothing	
Household Items	
Miscellaneous	

Items	
Other	

PUBLIC ADMINISTRATOR/DEPUTY PUBLIC ADMINISTRATOR FEES & COSTS (INCLUDING PUBLIC ADMINISTRATOR STAFF/INVESTIGATOR FEES), AND ESTATE EXPENSES/CLAIMS PAID (ATTACH ALL FEES/COSTS STATEMENTS)	
	Description
1	
2	
TOTAL FEES, COSTS & EXPENSES/CLAIMS PAID	

DISTRIBUTIONS TO HEIRS/DEVEISEES AND FUNDS PAID TO THE COLORADO DEPARTMENT OF THE TREASURY	
	First and Last Name of Recipient/Dept. of the Treasury
1	
2	
3	
TOTAL FUNDS DISTRIBUTED	

PUBLIC ADMINISTRATOR LOSS SUMMARY (Unpaid Fees/Costs and/or Attach Ledger)					
	Loss of PA Fees	Loss of PA Costs	Loss of PA Staff/Investigator Fees	Effective Rate	Total Fees/Costs Lost
TOTALS & GRAND TOTAL OF FEES/COST LOST					

By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.

By checking this box, I am acknowledging that I have made a change to the original content of this form. (Checking this box requires you to remove JDF number and copyright at the bottom of the form.)

I state under penalty of perjury that this is a true and complete Public Administrator's Statement of Accounts of this estate to the best of my knowledge, information and belief. I understand that this Statement is subject to audit and verification.

Commented [A1]: Include current check box language if changed. Include current verification language.

Date: _____

Signature of Public/Deputy Public Administrator

Address

City, State and Zip Code

| Note:

- Public Administrators must attach their detailed fees/costs account statement to this form.
- Public Administrators must file this form with the court at the closing of the small estate.

DRAFT