

Rule Change #2002(7)

CHAPTER 27

The Colorado Rules of Probate Procedure

Rule 27.1. Physicians' Letters ~~--- Appointment of a~~ ~~Conservator~~ or Professional Evaluation

~~If a~~ Any physician's letter or ~~report is~~ professional evaluation utilized as the ~~exclusive~~ evidentiary basis to support a ~~request~~ petition for the appointment of a guardian, conservator or other protective order under Section 15-14-401 et seq., C.R.S., unless otherwise directed by the court, should contain: (1) a description of the nature, type, and extent of the respondent's specific cognitive and functional limitations, if any; (2) an evaluation of the ~~letter or report shall state (1) the person is under a disability; (2) the medical cause of said disability; (3) the impact of the disability upon the person's ability to manage his property and affairs effectively; and (4) any other matter required by the court.~~ respondent's mental and physical condition and, if appropriate, educational potential, adaptive behavior, and social skills; (3) a prognosis for improvement and recommendation as to the appropriate treatment or habilitation plan; and (4) the date of any assessment or examination upon which the report is based.

Rule 33.3. 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 not be granted ex parte, but shall require either the stipulation of all interested persons or notice and hearing.

Note on Use: Note that Colorado Bar Association Real Estate Title Standard ~~110~~11.1.7 requires a court order only in the narrow case of vesting title in a distributee free from the rights of all other persons interested in the estate to recover the property in case of any improper distribution. Such a court order is not required to vest merchantable title in a purchaser for value from or a lender to such a distributee nor is the order required to vest merchantable title in a purchaser for value from or a lender to a transferee from such distributee.

Amended and Adopted by the Court, En Banc, June 27, 2002,
effective July 1, 2002.

BY THE COURT:

Nancy E. Rice
Justice, Colorado Supreme Court

