

RULE CHANGE 2007 (17)

**CHAPTER 27
THE COLORADO
RULES OF
PROBATE PROCEDURE**

Rule 3. Order of Business

For matters to be heard by the court, the order of business for the day shall be as follows:

1. ~~Petitions and motions in probate matters, defaults, and other like ex parte matters, motions to show cause, and requests for other like rulings and orders. Matters of course,~~

2. Motions and other matters requiring supporting testimony, if they do not conflict with scheduled hearings or trials;

3. Hearings/~~trials~~ requiring appearances of parties according to the calendar;

4. ~~Non-appearance hearings~~ ~~Trials~~ according to the calendar;—

5. ~~The court shall establish a system for monitoring guardianshipsMatters of course may include petitions and conservatorships, including the filingmotions in probate matters, defaults, and review of annual reports~~ ~~other like ex parte matters, motions to show cause, and plans~~ ~~requests for other like rulings~~ and shall schedule such activities as resources permit~~orders. Matters of course may also be presented at such other times as may be designated by local court rule.~~

~~Matters and petitions requiring testimony, as far as practicable, shall be set as hearings on the calendar.~~

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Rule 5. Preparations of Proceedings

In proceedings under the Code, the Judicial Department (JDF) forms approved by the Supreme Court should be used where applicable. Any approved form produced by a word processor should, insofar as possible, substantially follow the format and content of the approved form, not include language which otherwise would be stricken, highlight in bold or capital letters or with an appropriate check mark all alternative clauses or choices which have been selected, underline all filled-in blanks, and contain a statement in a conspicuous place that the pleading conforms in substance to the current version of the approved form, citing the form's JDFEPE form number and

effective date. In all other proceedings, pleadings which are acceptable to the court may be used. Except as otherwise provided herein and in the Code, the form and presentation of pleadings, motions, and instructions shall be governed by the Colorado Rules of Civil Procedure. All other pleadings and papers to be filed in any matter shall be prepared and fastened as may be designated by rules adopted from time to time by the court.

Rule 6. Forms of Claim

Any claim filed with the court shall be in the JDF form approved by the Supreme Court.

Rule 7. 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 9. Verification of Documents

Except as otherwise specifically provided in the Code, rule or as identified in the applicable JDF form~~code~~, each document filed with the court under the Code~~code~~, including applications, petitions, and demands for notice, need not be verified, ~~but shall be deemed to include an oath, affirmation, or statement to the effect that its representations are true as far as the person executing or filing it knows or is informed.~~

Rule 18. Foreign Personal Representatives and Conservatives and Conservators

(a) [No change]

(1) [No change].

A. [No change]

B. [No change]

(2) 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 shall issue its Certificate of Ancillary Filing, substantially conforming in form and content to JDF 930EPC-form 61.

(b) Conservatorships

(1) [no change]

A. [no change]

B. [no change]

C. Any bond of foreign conservator.

(2) 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 shall issue its Certificate of Ancillary Filing, substantially conforming in form and content to ~~JDF 892CPC Form 61-C~~.

Amended and Adopted by the Court, En Banc November 1, 2007, effective immediately.

BY THE COURT:

**Nancy E. Rice
Justice, Colorado Supreme Court**