

PROBATE RULES

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 set forth in Chapter 1, or between these rules and any local rules of probate procedure, these rules shall control.
- b) **How Known and cited.** These rules shall be known and cited as the Colorado Rules of Probate Procedure or C.R.P.P.

Rule 2. Definitions

As used in these rules, unless the context otherwise requires:

1. "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. "Fiduciary" means any personal representative, guardian, conservator, trustee, and special administrator.
3. "Accounting" means any written statement that substantially conforms to JDF 942 for decedent's estates, JDF 885 for conservatorship and to the 1984 version of the Uniform Fiduciary Accounting Standards as recommended by the Committee on National Fiduciary Accounting Standards.
4. "Code" means the "Colorado Probate Code" sections 15-10-101 et seq., C.R.S., as amended.

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.
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 according to the calendar;
5. The court shall establish a system for monitoring guardianships and conservatorships, including the filing and review of annual reports and plans and shall schedule such activities as resources permit.

Rule 4. Minute Orders

This Rule is intended to facilitate the work of the court and to provide the bar and the general public with prompt response to petitions and motions which require court orders. Any order, not required by the circumstances to contain recitals, findings of fact, or conclusions of law, may be evidenced by a concise memorandum or minute containing the caption of the proceeding, the date of the order, and a statement of the ultimate direction or conclusion of the court. Such order shall

be signed by the judge forthwith and promptly delivered or mailed to the clerk of the court in the county in which the matter is pending. The judge may make the order and sign the memorandum or minute thereof at any place within the state and at any time.

Rule 5. Preparation 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 JDF 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 8. Process and Notice

The issuance, service, and proof of service of any process, notice, or order of court under the code shall be governed by the provisions of the code and these rules. When no provision of the code or these rules is applicable, the Colorado Rules of Civil Procedure 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 shall be served with the notice. When served by publication, the notice 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 8.1. Constitutional Adequacy of Notice

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

Rule 8.2. Waiver of Notice

Unless otherwise approved by the court, a waiver of notice shall identify the nature of the hearings or other matters, notice of which is waived.

Rule 8.3. Notice of Formal Proceedings Terminating Estates

The notice of hearing on a petition under Section [15-12-1001](#) or Section [15-12-1002](#), C.R.S., shall include statements: (1) 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, since the court will not review or adjudicate these or other matters unless specifically requested to do so by an interested person; and (2) that if any interested person desires to object to any matter he shall file his specific written objections at or before the hearing and shall furnish the personal representative with a copy thereof.

Rule 8.4. Information Concerning Appointment – Contents and Filing

The information concerning appointment required by Section [15-12-705](#), C.R.S., shall state:

1. The date of death of the decedent.
2. Whether the decedent died intestate or testate.
3. If the decedent died testate, the dates of the will and any codicils thereto, the date of admission to probate, and whether probate was formal or informal.
4. The name, address, and date of appointment of personal representative.
5. Whether bond has been filed.
6. Whether administration is supervised, and, if administration is unsupervised, that the court will consider ordering special administration is required by an interested person.
7. That the information is being sent to persons who have or may have some interest in the estate being administered.
8. That papers relating to the estate, including the inventory of estate assets, are on file in the described court or, if not, may be obtained from the personal representative.
9. That interested persons are entitled to receive an accounting.
10. The surviving spouse, children under twenty-one years of age, and dependent children may be entitled to exempt property and a family allowance if a request for payment is made in the manner and within the time limits prescribed by Statutes (Section [15-11-401](#) et seq., C.R.S.).
11. The surviving spouse may have a right of election to take a portion of the augmented estate if a petition is filed within the time limits prescribed by Statute (Section [15-11-201](#) et seq., C.R.S.).
12. 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, since the court will not review or adjudicate these or other matters unless specifically requested to do so by an interested person.

The personal representative shall promptly file with the court a copy of the information provided and a statement of when it was provided, to whom, and at what addresses.

Rule 8.5. Information Concerning Informal Probate – Contents and Filing

The information concerning informal probate required by Section [15-12-306](#), C.R.S., shall state the name and address of the moving party, the date of the death of the decedent, the date or dates of the will admitted to informal probate, the date of informal probate, that no personal representative has been appointed, and that interested persons wishing to object to the informal probate must act within the time and in the manner provided by the Colorado Probate Code.

The moving party shall promptly file with the court a copy of the information provided and a statement of when it was provided, to whom, and at what addresses, if mailed.

Rule 8.6. Trust registration – Release, Amendment and Transfer

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 petition and after notice to interested parties.

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 court certified copies 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 shall indicate that the trust was registered previously in another court of this state and that the registration is being transferred.

A trustee shall file with the court of 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.

Rule 8.7. Demands for Notice

- a) **Mailing by the Clerk.** Upon receipt of a demand for notice with respect to a decedent's estate, the clerk shall mail a copy of the demand to the personal representative, if one has been appointed. The clerk shall not be required to mail a copy of the demand to the personal representative if a certificate of service is filed with the demand stating that a copy of the demand has been mailed or delivered to the personal representative.
- b) **Certificate of Service Requirement After Initial Filing.** After a demand for notice is filed with respect to a decedent's estate, all filings and orders to which the demand relates shall be accompanied by a certificate of service stating that a copy of the filing or order has been mailed or delivered to the person making the demand and to the personal representative. The clerk or registrar may thereafter take any authorized action, including accepting and acting upon an application for informal appointment of personal representative. Advance notice shall be required only for actions or hearings for which advance notice would otherwise be required.

Rule 8.8. Non-Appearance Hearing

- a) Unless otherwise required by statute, these Rules or order of court, matters that are routine and are expected to be unopposed may be set for a Non-Appearance Hearing. Such Non-Appearance Hearings shall be conducted as follows:
1. Attendance at the hearing is not required or expected.
 2. Any interested person wishing to object to the requested action set forth in the motion or petition attached to the notice must file a specific written objection with the Court at or before the hearing, and shall furnish a copy of the objection to the person requesting the court order. Form JDF 722 in the Appendix to these Probate Rules may be used and shall be sufficient.
 3. If no objection is filed, the Court may take action on the motion or petition without further notice or hearing.
 4. If any objection is filed, the objecting party shall, within 10 days after filing the objection, set the objection for an Appearance Hearing.
 5. Failure to timely set the objection for an Appearance Hearing as required by section (4) of this rule shall result in the dismissal of the objection with prejudice without further hearing.
- b) The notice of a Non-Appearance Hearing, together with copies of the motion or petition and proposed order must be served on all interested persons no less than 10 calendar days (plus 3 calendar days for mailing) prior to the setting of the hearing and shall include a clear statement of the rules governing such hearings. Form JDF 712 or JDF 963 in the Appendix to these Probate Rules may be used and shall be sufficient. The authorization of this Form shall not prevent use of another Form consistent with this rule.

Rule 9. Verification of Documents

Except as otherwise specifically provided in the Code, rule or as identified in the applicable JDF form each document filed with the court under the Code, including applications, petitions, and demands for notice, need not be verified.

Rule 10. 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 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.

Rule 11. Correction of Errors

Minor clerical errors in documents filed with the court may be made the subject of written requests for correction in which case the judge or registrar may make such correction on the documents specified. Significant errors in documents filed with the court shall be corrected by presentation of an amended or supplemental document, or as otherwise directed by the judge or registrar.

Rule 12. Fiduciaries – Change of Address

Every fiduciary shall promptly notify the court of any change of address in his address or telephone number.

Rule 13. Attorney's Entry of Appearance

An attorney desiring to enter his appearance in any proceeding, other than the attorney appearing on behalf of a party in the first instance, shall file a written entry of appearance or on oral request obtain an order recognizing his appearance. The attorney's name, address, registration number, and telephone number shall be in the written entry of appearance.

Rule 14. Attorney's Withdrawal

(a) Before the court. An attorney desiring to withdraw from a matter before the court shall obtain an order authorizing his withdrawal after due notice to his client or the filing of the client's written consent. Notice of the order authorizing withdrawal shall be sent by the withdrawing attorney to all other counsel of record, persons demanding such notice by document of record, and such other persons as the court may direct

(b) Before the registrar. An attorney desiring to withdraw from a matter before the registrar shall file his withdrawal after due notice to his client or the filing of the client's written consent. Notice of the withdrawal shall be sent by the withdrawing attorney to all other counsel of record and any person demanding such notice by document of record.

Rule 15. Guardians Ad Litem

The court may appoint a guardian ad Litem only in conformity with section [15-10-403\(5\)](#), [15-14-115](#) or [15-18-108\(2\)\(a\)](#), C.R.S. For appointments pursuant to section 15-10-403(5) and 15-14-115, C.R.S. the court must state on the record its reasons for the appointment. In cases of uncontested probate of wills, no guardian ad Litem shall be appointed for a minor or incapacitated person who takes as much or more under the will than by intestacy.

Rule 16. Court Approval of Settlement of Claims of Persons Under Disability

a) Where a guardian, conservator, or next friend seeks court approval of settlement of a ward's claim, such approval shall be sought by way of a petition for approval of proposed settlement. For purposes of this Rule, the term "ward" includes a protected person, an incapacitated person, or a person under disability.

b) The petition shall request the approval of the proposed settlement as being in the ward's best interests and shall include the following information or an explanation of why the information is not applicable.

1. Facts.

- A.** The ward's name and address;
- B.** The ward's date of birth;
- C.** The name(s) and address(es) of the ward's parent(s) if the ward is a minor;
- D.** The name(s), address(es) and description(s) of type of the ward's custodian or court appointing fiduciary, if any; and

- E. The date and a brief description of the nature of the event or transaction giving rise or the claim.
- 2. Liability.**
- A. The name and address of each party who is or may be liable for the ward's claim;
 - B. The basis for the ward's claim of liability;
 - C. The defenses, if any, to the ward's claim; and
 - D. The name and address of each insurance company involved in the claim, the type of policy, who was insured under the policy, and its limits.
- 3. Damages.**
- A. The nature of the ward's claim;
 - B. The nature of the injuries, if any, sustained by the ward;
 - C. The amount of time, if any, missed by the ward from school or employment.
 - D. A summary of the expenses, if any, incurred for medical or other care provided services as a result of the ward's injuries;
 - E. A summary of income from work lost by the ward, if any, as a result of the ward's injuries;
 - F. The nature of the damage, if any, to the ward's property;
 - G. A summary of the expenses, if any, incurred as a result of any property damage to the ward's property; and
 - H. The identification of the source of funds for payment of any of the ward's expenses and a summary of what expenses have been paid and will be paid by each particular source.
- 4. Medical Status.**
- A. The nature and extent of the ward's injuries and the ward's present condition;
 - B. The nature, extent, and duration of the treatment required or anticipated as a result of the ward's injuries;
 - C. The prognosis of the ward's condition, including , when applicable, the nature and extent of any disability, disfigurement, or impairment; and
 - D. A written statement by the ward's physician or other health care provider shall be attached setting forth the information requested by A, B. and C above.
- 5. Status of Claims.**
- A. For this claim and any other claim that is relevant to the event or transaction giving rise to the claim, the status of the claim, and if any civil action(s) have been filed, the court, case number, and parties; and
 - B. For the claim and any other claim that is relevant to the event or transaction giving rise to the claim, the name and address of any party having a subrogation right and any governmental agency paying or planning to pay benefits to the ward.
- 6. Proposed Settlement and Proposed Disposition of Settlement Proceeds.**
- A. The name and address of the person(s) making and receiving payment under the proposed settlement;
 - B. The amount of the settlement, terms of payment, and proposed disposition;
 - C. If a structured settlement, in whole or in part, the type of arrangement (e.g. annuity or insurance policy), the name of the annuity or insurance company, the rating of the annuity or insurance company, and the present cash value and cost of the annuity or insurance;
 - D. The amount of court costs, legal expenses, and attorney's fees (attach a copy of the attorney fee agreement and billings) incurred as a result of the transaction or event giving rise to the ward's claim; and
 - E. Whether there is a need for continuing court supervision, the appointment of a fiduciary, or the continuation of an existing fiduciary appointment.
- 7. Attachments.**

- A. The petition shall list each of the attachments to the petition; and
 - B. A copy of the proposed settlement agreement and proposed release shall be attached to the petition.
- c) **Notice.** Notice of the hearing on a petition to settle a claim on behalf of persons under disability shall be give in accordance with C.R.S. §15-14-405. See also C.R.S. §15-14-405 and C.R.P.P. 8.1.

Rule 17. 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 shall promptly notify the attorney general. Thereafter, the attorney general 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 shall include a certified copy of the court order obtained under section [15-12-914](#), C.R.S.

Rule 18. Foreign Personal Representatives and Conservators

a) Estate of Decedents

1. 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 Section [15-13-204](#) C.R.S. Such documents must have been certified, exemplified or authenticated by the appointing foreign court not more than sixty days prior to filing with a Colorado court, and shall include copies of all of the following that may have been issued by the foreign court
 - A. The order appointing the domiciliary foreign personal representative, and
 - B. The letters or other documents evidencing or affecting the domiciliary foreign personal representative authority to act.
2. Upon filing such documents and a sworn statement by the domiciliary foreign personal representative stating that no administration, or application or petition for administrations, is pending in Colorado, the court shall issue its Certificate of Ancillary Filing, substantially conforming in form and content to JDF 930.

b) Conservatorship

1. 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 Section [15-14-433](#), C.R.S. Such documents must have been certified, exemplified or authenticated by the appointing foreign court not more than sixty days prior to filing with a Colorado court, and shall include copies of all of the following:
 - A. The order appointing the foreign conservator,
 - B. The letters or other documents evidencing or affecting the foreign conservator's authority to act, and
 - 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 892.

Rule 19. Registry of Court – Payments and Withdrawals

Payment into and withdrawals from the registry of the court shall be made only upon order of court.

Rule 20. Security of Files

For good cause shown, the court may order a file to be placed under security, in which event the clerk of the court shall maintain it in an appropriate security file. Files kept under security may be examined only by counsel of record unless otherwise ordered by the court.

Rule 21. Withdrawal of Documents and Exhibits

Except as provided in Rule 22 of these rules for deposited wills, the documents and exhibits filed with the court shall not be withdrawn without order of the court. As a condition of withdrawal, the court may require a true copy of the withdrawn document to be retained in the court file.

Rule 22. Wills – Deposit for Safekeeping and Withdrawals

A will of a living person tendered to the court for safekeeping in accordance with Section [15-11-515](#), C.R.S., shall 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 statute. After the testator's death, a deposited will shall be transferred to the "Lodged Will File".

Rule 23. Wills – Venue – Transfer to Other Jurisdictions

Upon a showing by petition that proper venue is in a county other than that of the court in which a will of a decedent is lodged, the court may order the will transferred to the proper district or probate court within this state, or to the proper court of probate without this state. If the requested transfer is to a court within this state, no notice need be given; if the requested transfer is to a court without this state, notice shall be given to the person nominated as personal representative and such other persons as the court may direct. No fee shall be charged for this action, but the petitioner shall advance the cost of photocopying the will for the court file, and the cost of sending the original will by certified mail, or its equivalent, to the proper court.

Rule 24. Oral Agreements

No oral agreements of counsel of parties concerning the progress, management, or disposition of any matter pending in the court shall be enforced unless made in open court and approved by the court.

Rule 25. Jury Trial – Demand and Waiver

If a jury trial is authorized by law, any demand therefor shall be filed with the court, and the appropriate fee paid, before the matter is first set for trial. Failure to make such a demand constitutes a waiver of trial by jury.

Rule 25.1. Informal Probate – Separate Writings

The existence of one or more separate written statements disposing of tangible personal property under the provisions of Section [15-11-513](#), C.R.S., shall not cause informal probate to be declined under the provisions of Section [15-12-304](#), C.R.S.

Rule 25.2. Proof of Will in Formal Testacy – Uncontested Case

If a petition in a formal testacy proceeding is unopposed and the conditions of Section [15-12-409](#), C.R.S., have been met, the court may order probate or intestacy on the basis of the pleadings. If the court requires additional proof of the matters necessary to support the order sought, it shall state on the record its reasons therefor.

Rule 26. Fiduciaries – Appointment of Nonresident – Power of Attorney

The court or registrar may appoint as fiduciary any person, resident or nonresident of this state, who is qualified to act under the code. When appointment is made of a nonresident, the person appointed shall file an irrevocable power of attorney designating the clerk of the court, and his 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 estate, trust, or guardianship proceeding, in regard to which the fiduciary was appointed. The power of attorney required by the provisions of this Rule shall set forth the address of the nonresident fiduciary, and such fiduciary shall promptly notify the court in writing of any change of such address. It shall be the duty of the clerk to forward forthwith, by registered or certified mail, any notice or process served upon him by reason thereof, to the fiduciary named therein at the address mentioned in such power of attorney or subsequently furnished to the clerk in writing. The clerk shall make and file a certificate that he has performed the acts required by this Rule and he shall include the dates of his compliance. Service on a nonresident fiduciary, under this Rule, shall be deemed complete ten days after the mailing thereof. The clerk may require the person issuing or serving such notice or process to furnish sufficient copies thereof to have available one copy for the fiduciary and one to be retained by the clerk; and the person desiring service shall advance the costs and mailing expenses of the clerk.

Rule 27. Appointment of Special Administrator or Special or Temporary Conservator

Repealed effective November 16, 1995.

Rule 27.1. 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 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 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 28. Inventory with Financial Plan – Conservatorships – Date Due – Contents – Oath or Affirmation

Unless the deadline for filing is extended in a written order for good cause shown, within 60 days after the Order Appointing Conservator is entered by the court, each Conservator shall file with the Court and serve on every interested person an Inventory with Financial Plan. Each Inventory with Financial Plan shall include a list and value of all assets in which the protected person has an interest and shall identify all projected income and expenses of the protected person. Inventories with Financial Plans prepared by Conservators shall include their oath or affirmation that it is complete and accurate so far as they are informed on the date of filing. In the event that the assets, their value, the income or the expenses change in any material way, an Amended Inventory with Financial Plan must be promptly filed with the Court and served on all interested persons. Any Inventory with Financial Plan and any Amended Inventory with Financial Plan filed with the Court shall be deemed to include a Petition for Approval thereof and may be acted on by the Court with or without the filing of a separate Petition requesting that the Court review and accept or approve the Inventory with Financial Plan.

Rule 30.1. Bond and Surety

- a) No bond shall be required of a fiduciary unless that statute or the court requires the filing of a secured bond. If a secured bond is required by statute, but the court waives surety or the registrar excuses bond, no bond shall be required.
- b) Any required bond shall be filed, or other arrangements for security under the statute completed, before letters are issued. Thereafter, the fiduciary shall increase the amount of bond or other security when the fiduciary receives personal property not previously covered by any bond or other security.

**Rule 30. Decedents' Estates – 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. If supervised administration is ordered, the personal representative shall file with the court an inventory, annual interim accountings, and a final accounting, unless otherwise ordered by the court.

Rule 30.1. Conservatorship – Closing

Unless otherwise ordered by the Court, a Petition to Terminate Conservatorship and Schedule of Distribution (JDF 888) shall be accompanied by a final Conservator's Report (JDF 885). The protected person or minor, if then living, and all other interested persons, as defined by law or by the Court pursuant to §15-10-201(27), C.R.S. if any, shall be given notice of the hearing on the petition, which may be held pursuant to Rule 8.8.

Rule 31. Accountings

A fiduciary accounting shall contain sufficient information to put the interested parties on notice as to all significant transactions affecting administration during the accounting period.

- a) Any accounting filed shall show with reasonable detail the receipts and disbursements for the period covered by the accounting, shall list the assets remaining at the end of the period, and shall describe all other significant transactions affecting administration during the accounting period. Accountings shall be typed or prepared by automated data processing. In any specific case, for good cause shown, the court may require the fiduciary to produce such vouchers or other supporting evidence of payment as the court may deem sufficient.
- b) Accountings that substantially conform to JDF 942 for decedent's estate, 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 shall be considered acceptable as to both content and format for purposes of this rule.

Rule 31.1. Conservator's Report (Minors and Adults)

A Conservator's Report shall contain sufficient information to put the interested persons on notice as to all significant transactions affecting administration during the accounting/reporting period. Conservator's Reports that substantially conform to JDF 885 shall be considered acceptable as to both content and format for purposes of this Rule.

- a) A Conservator's Report filed shall show with reasonable detail the receipts and disbursements for the period covered in the report, shall list the assets remaining at the end of the period, and shall describe all other significant transactions affecting administration during the reporting period. In any specific case, for good cause shown, the court may require the fiduciary to produce such invoices, billing statements, or other supporting evidence as the Court requires.
- b) A Conservator shall keep records of the administration of the estate and make them available for examination on reasonable request of an interested person.
- c) If the Court appoints a suitable person pursuant to §15-14-420(3), C.R.S. to investigate, review, and audit such accountings/reports, such costs may be the responsibility of the estate, or as ordered by the Court.
- d) Interested persons may file a pleading objecting to the appropriateness of disbursements, the compensation of fiduciaries, attorneys, and others and the distribution of estate assets.

Rule 31.2. Guardian's Report (Minors and Adults)

A Guardian's Report (JDF 834 or JDF 850) shall contain sufficient information to put the interested persons on notice as to all significant information regarding the welfare and care of the protected person during the reporting period.

Rule 32. Reports - Multiple Minors or Beneficiaries

When the same person is conservator or guardian of two or more related minors he/she shall file a separate report for each minor or, with court approval, he/she may file a combined report which

shows the interest of each minor in the receipts, disbursements, and other transactions reported therein and the amount of money or other property held for each. This Rule shall also apply to a trustee of a court-supervised trust for two or more beneficiaries unless the trust provides otherwise.

Rule 33. Objections to Accounting, Final Settlement, Distribution or Discharge – Scope of Court Review in Absence of Objection

If any interested person desires to object to any accounting, to the final settlement or distribution of an estate, or to the discharge of a fiduciary, or to any other matter, he shall file his specific written objections at or before the hearing thereon, and shall furnish the fiduciary with a copy of the objections.

In formal proceedings to terminate decedents' estates, the court shall not inquire into the appropriateness of payments of claims against the estate or expenses of administration, provided notice has been given in accordance with Rule 8.3 and absent timely objection filed by an interested person. The court may review such matters as it determines necessary, on a case-by-case basis and for good cause shown.

Rule 33.1. Compensation of Personal Representative and Attorneys

Personal representatives and attorneys representing an estate are entitled to reasonable compensation. In setting attorneys' fees, the time expended by personnel performing paralegal functions under the direction and supervision of the attorney may be considered as an item separate from and in addition to the time spent by the attorney. In setting other fees, the time expended by personnel performing paraprofessional functions may be considered as a separate item.

In the absence of unusual circumstances, the court may review such fees in decedents' estates only (1) upon petition or motion of an interested person or (2), in the case of formal proceedings terminating estates, if notice has not been given in accordance with Rule 8.3. If the court on its own motion in a decedent's estate orders a review of personal representatives' fees or attorneys' fees, such order shall state the unusual circumstances which make such a review advisable.

Rule 33.2. Informal Closings

In unsupervised administration proceedings, a personal representative may close an estate by verified statement. In any specific case, the court may prohibit such a closing only for good cause shown.

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 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.

Rule 34. Delegation of Powers to Clerk and Deputy Clerk

- a) In addition to duties and powers exercised as registrar in informal proceedings, the court by written order may 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 not written objection to the appointment or issuance of 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 and Rule 15 herein;
 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 appointment a special administrator in connection with the claim of a fiduciary;
 11. To order a will transferred to another jurisdiction pursuant to Rule 23 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 not 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 Section 15-12-723, C.R.S.
 15. To order an estate reopened for subsequent administration pursuant to Section 15-12-1008, C.R.S.
 16. To enter similar orders upon the stipulation of all interested person.
- b) All orders made and proceedings had by the clerk or deputy clerk under this rule shall be made of permanent records 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 fifteen 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 shall be vacated and the motion placed on the calendar of the court for as early a hearing as possible, and the matter shall then be heard by the judge. The judge may, within the same fifteen-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 fifteen-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 shall be final as of its date subject to

Rule 35. Rules of Court

- a) Local rules.** Courts may make rules for the conduct of probate proceedings not inconsistent 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 shall look to the Colorado Rules of Civil Procedure and to the applicable law if no rule of probate procedure exists.