

INSTRUCTIONS FOR RE-OPENING AN ESTATE

These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as you would be if you were an attorney.

GENERAL INFORMATION

- ◆ A Personal Representative or any interested person may file a Petition to re-open an estate,
- ◆ A Petition can be filed, if after an estate has been settled and the Personal Representative is discharged or one year after a closing statement has been filed, it is determined that the estate has not been fully administered or fully distributed by reason of subsequently discovered property, or for any other reason
- ◆ The Court may appoint the same or a successor Personal Representative to complete the administration or distribution of the estate.
- ◆ After reporting to the Court that the estate has been administered and/or distribution accomplished the estate is closed and the Personal Representative is discharged.
- ◆ For additional information, please review §15-12-1008, C.R.S.
- ◆ An estate closed after three years, may be reopened by an interested person upon the filing of a motion, pursuant to §15-12-1009(3), C.R.S.
- ◆ If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website:
http://www.courts.state.co.us/Administration/HR/ADA/Coordinator_List.cfm

COMMON TERMS

- ☒ Estate: All of the property (real or personal) owned by a person on the date of death that is subject to probate.
- ☒ Formal: A court proceeding conducted before a Judge or Magistrate with notice to Interested Persons.
- ☒ Heir: Person(s) entitled to the property of the Decedent under statutes of Intestate Succession.
- ☒ Informal: A proceeding without a hearing by an officer of the court acting as a Probate Registrar.
- ☒ Intestate: Estate in which the Decedent **did not leave a Will.**
- ☒ Intestate Succession: By Colorado law, a list of who will inherit the property when someone dies without a Will.
- ☒ Interested Persons: Persons identified by Colorado Law who must be given notice of a court proceeding. This term may include heirs, children, spouse, devisees, beneficiaries, creditors, claimants, and persons having priority to serve as Personal Representative, depending on the circumstances.
- ☒ Letters: A document issued by the court, identifying the authority of a Personal Representative.
- ☒ Personal Representative: A person at least 21, resident or non-resident of Colorado, who has been appointed to administer the estate of the Decedent; previously referred to as Executer/Executrix.
- ☒ Small Estate: Estate with a value, less liens and encumbrances, that is not more than \$60,000.
- ☒ Testate: Estate in which the Decedent **left a Will.**

If you do not understand this information, please contact an attorney.

FEES

No filing fee is required. Other fees that a party to the case may encounter are:

- Certification of Orders and Letters \$20.00
- Copy of Documents \$.75 per page

This form must be completed by the Personal Representative.

Renunciation and/or Nomination of Personal Representative (JDF 912).

- Complete this form only if a successor Personal Representative is being appointed.
- All persons with an equal or greater priority for appointment must renounce their right to appointment if not serving as Co-Personal Representative pursuant to §15-12-203(3), C.R.S.

Irrevocable Power of Attorney (JDF 721).

- The nominated Personal Representative must complete this form and sign it before a Notary Public if he/ or she lives out-of-state.

Order Re-opening Estate (JDF 991).

- Complete all applicable sections in preparation for the Court's signature.

Letters Testamentary of Administration (JDF 915).

- Complete only the caption on this form. The Court will complete the remainder of the form.
- Letters are evidence of the Personal Representative's appointment and proof of authority to act on behalf of the estate.
- More than one set of certified Letters may be needed during the administration of the estate. Provide the Court with the number of Letters that are needed immediately. Third parties may require Letters to have been certified within the past 60 days. Letters may be requested as needed.
- The cost to certify Letters is \$20.00 for certification and \$.75 per page for copy.**

Step 3: You are ready to file your Papers with the Court.

Provide the Court with the documents completed as described in **Step 2** above.

Step 4: After the Court Enters an Order Re-opening the Estate

Complete Information of Appointment (JDF 940).

- This form informs heirs that the Personal Representative has been appointed and they may contact the Personal Representative with their questions about the estate.
- This completed form must be sent to all heirs within 30 days from appointment. If the address or identity of any heir is unknown, this form must also be sent to the Colorado Attorney General's Office.
- This form, including the completed Certificate of Service, must be filed with the Court.**

Step 5: Complete administration or make distribution of subsequently discovered property.

Step 6: After the administration or distribution of property is complete file a report, so stating, with the Court.

Step 7: The estate is re-closed and the Personal Representative is discharged without further action by the Court.