

INSTRUCTIONS FOR CLOSING AN ESTATE FORMALLY

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 petition for an order of complete settlement of the estate.
- ◆ The Personal Representative may file a petition at any time.
- ◆ Any other interested person may petition after one year from appointment of the original Personal Representative.
- ◆ No petition may be filed until the time for presenting claims has expired.
- ◆ The person filing the action may request the Court to determine testacy, if not previously determined, to consider the final account or compel or approve an accounting and distribution, to construe any will or determine heirs and to adjudicate the final settlement and distribution of the estate.
- ◆ This matter may be set on the hearing without appearance docket or an appearance hearing may be requested by a party or the Court.
- ◆ For additional information, please review §15-12-1001 through 1009, 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**.
- ☒ 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 Executor/Executrix.
- ☒ 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

Order for Final Settlement (JDF 964).

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

Final Decree of Discharge (JDF 730).

- Complete only the caption on the form.
- The Court will complete the remainder of the form and sign it following review of the documents filed with the Court and after verifying that the Personal Representative has met all the conditions set by the Court.

Notice of Hearing Without Appearance on Petition for Final Settlement (JDF 963) or Notice of Hearing (JDF 711).

Before filing the Petition, contact the Court to determine whether an appearance hearing is required. If an appearance hearing is not required you may set a hearing without appearance for 8:00 a.m. on any weekday (excluding holidays). It is not necessary to clear the hearing date with the Court. See Rule 24 of the Colorado Rules of Probate Procedures. If an appearance hearing is required, contact the Court to set a date for a hearing before a Judge or Magistrate.

- Complete Notice of Hearing Without Appearance - **JDF 963** and file along with **all** the completed documents to close the estate.
- Complete the Certificate of Service portion on **JDF 963**, listing the names and addresses of all interested persons to whom the notice was sent and the date sent.
- Mail **JDF 963** and **all** completed documents filed with the Court to **all** interested persons who are entitled to notice regarding the closing of the estate.

or

- For an evidentiary hearing, contact the Court for a hearing date. The date and time of the hearing is important because they must be included in the Notice of Hearing form - **JDF 711**.
- Complete the Certificate of Service section of **JDF 711**, listing the names and addresses of all interested persons to whom the notice was sent and the date sent.
- Mail **JDF 711** and **all** completed documents filed with the Court to **all** interested persons who are entitled to notice regarding the closing of the estate.

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

Provide the Court with the documents completed as described in **Step 1** above.

Step 4: Non-Appearance Docket or Evidentiary Hearing

The Court will rule on the matter as soon as practical after the hearing or hearing without appearance date.

- ◆ **Parties are not expected to appear for matters set on the non-appearance docket.**
- ◆ The Personal Representative and/or Petitioner **must appear at the evidentiary hearing** and should be prepared to present evidence showing why the estate should be closed.

- If the Court approves the closing of the estate, the Court will complete the proposed Order for Final Settlement - **JDF 964**.
- Provide copies of the Order to all interested persons identified in the Order.
- Upon receiving an Order, the Personal Representative shall conclude the administration of the estate by distributing the property according to the Order.
- For certified copies of the Order, contact the clerk's office. The fee is \$20.00 for certification and \$.75 per page.

Step 5: Obtain a signed copy of the Decree of Final Discharge from the Court.

The Court will issue the Decree of Final Discharge - **JDF 730** upon being satisfied that the Personal Representative has met the terms of the Order for Final Settlement. The estate is closed once the Decree is issued.

- File a Receipt and Release - **JDF 731** from each person identified in the Schedule of Distribution or file proof of distribution, e.g. canceled check, recorded deed, etc.
- For certified copies of the Decree, contact the clerk's office.