

INTESTATE - INFORMAL

INFORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE (NO WILL AND NO NOTICE)

GENERAL INFORMATION - §15-12-101, C.R.S. et. seq.

- Application for Informal Appointment of Personal Representative is a request to administer the estate of a decedent without a will.
- Intestate informal probate proceedings (no will and no notice or hearing), is the process by which a person is appointed by the court or probate registrar and granted authority to administer an estate for a decedent.
- The application can be filed by an interested person. In this context, interested persons include heirs, creditors, and any others having a property right in or claim against the estate of a decedent that may be affected by the proceeding. It also includes persons having priority to be appointed as personal representative. See §15-10-201(27), C.R.S.
- The application should be filed in the county where the decedent was a resident at the time of death or, if decedent did not reside in Colorado, in the county where assets are located.
- At least 120 hours must have passed from date of death before appointment of personal representative may be made. (30 days if decedent was a nonresident of Colorado, unless the personal representative appointed at the decedent's domicile is the applicant).
- No bond is required of an informally appointed personal representative (except a special administrator), unless demanded by a person having an interest or claim of more than \$5,000.00. See §§15-12-603 and 15-12-605, C.R.S.
- Whenever it appears that there is an unknown heir or that the address of any heir is unknown, the personal representative shall promptly notify the Attorney General. See C.R.P.P. 17. For such persons, the application should reflect this information.
- If a Petition for Formal Appointment of Personal Representative is filed, the informal appointment may be set aside or it may be confirmed.
- Registrar may decline appointment for any reason. See §15-12-309, C.R.S.
- Filing fee is required.

ESTABLISH CASE VIA ECLIPSE OR jPOD. (Either enter the codes or verify that the attorney selected the correct codes.)

- Check Probate Misc. Index (PMI) to determine if a lodged or deposited will exists.

Case filed by a self-represented litigant (non-attorney):

- Check name index to determine if a decedent estate case exists.
- If a decedent estate case exists **within your court** accept the Application, file it in the existing case, inform the party of the case number and that the Application will be filed in the existing case.
- No filing fee is required.
- Do **NOT** issue Letters.
- Consult with the judicial officer assigned to the case on how to proceed. (That can be done once the Application is uploaded into jPOD.)
- Also, check if a guardianship and/or conservatorship case exists **within your court**
- If one exists, relate the decedent estate case to the guardianship/conservatorship case.
- Do a statewide search (SWI) to determine if a decedent case exists **in another court location**. **NOTE:** This does not need to be done at the front counter. It can be done when the case is opened/uploaded into Eclipse/jPOD.
- If a decedent estate case exists **in another court location** accept the Application.
- Filing fee is required.
- Do **NOT** issue Letters.
- Consult the judicial officer assigned to the case on how to proceed.
- Also, check if a guardianship and/or conservatorship case exists **in another court location**.
- **NOTE:** If a case exists in another court location, be sure to note the other court's location, case number and if the case is a decedent estate, guardianship and/or conservatorship. This can be done with comments in the AAPR code, MINO, etc.

Case filed by electronically – by an attorney:

- Check name index to determine if a decedent estate case exists.
- If a decedent estate case exists **within your court** reject the pleading with a note to the attorney informing them they may file their Application in the existing case. Provide them with the case number. **NOTE:** Follow your local policy regarding adding the attorney to the existing case so that they can file into that case.

- Also, check if a guardianship and/or conservatorship case exists **within your court**.
- If one exists, relate the decedent estate case to the guardianship/conservatorship case.
- Do a statewide search (SWI) to determine if a decedent case exists **in another court location**.
- If a decedent estate case exists **in another court location** accept the Application.
- Filing fee is required.
- Do **NOT** issue Letters.
- Consult the judicial officer assigned to the case on how to proceed.
- Also, check if a guardianship and/or conservatorship case exists **in another court location**.
- **NOTE:** If a case exists in another court location, be sure to note the other court's location, case number and if the case is a decedent estate, guardianship and/or conservatorship. This can be done with comments in the AAPR code, MINO, etc.

OPEN NEW CASE

- Assign a PR case number.
- Enter case type as **II** - Intestate Informal.
- Enter **AAPR** – Application for Appointment of Personal Representative as the originating event, unless the party filed a Motion to File In Forma Pauperis. The **MIFP** becomes the originating event and **AAPR** is entered as an event.
- Enter party information with name, address, phone and e-mail address. (Decedent address information not required).
 - **APL** – Applicant. If co-applicants, enter **APL**.
 - **DEC** - Decedent (include all a/k/a's).
 - **PAD** – Public Administrator and Deputy Public Administrator. (Enter **PAD** even if it is the Public Administrator/Deputy Public Administrator filing the Application and/or is the Nominee.)
 - **NOM** – Nominee (if other than the applicant/co-applicant).
 - **HER** – Heir/Devisee.
 - **OTH** – Other Interested Persons/Parties.
- Enter additional documents filed as follows:
 - **RENO** - Renunciation and/or Nomination of Personal Representative - JDF 912 must be obtained from any person with equal or greater priority for appointment who is not asking to be appointed as personal representative(s).
 - Persons with priority, in this order, are: (1) The surviving spouse of the decedent, (2) the surviving party to a civil union entered into accordance with article 15 of title 14, C.R.S., (3) other heirs of the decedent, (4) after 45

days after the death of the decedent, any creditor. See §15-12-203(1), C.R.S.

- A renunciation must be filed by each person between the ages of 18 and 21 who would be entitled to be appointed as personal representative, except for his/her age.
- Relate the event to the party.
- **ACPT** - Acceptance of Appointment - JDF 911. One is needed from each nominated personal representative. Relate the event to the party accepting the appointment.
- **IPOA** - Irrevocable Power of Attorney - JDF 721 is filed by each nominated personal representative who is a **nonresident of Colorado** pursuant to C.R.P.P. 26. Relate the event to the party.

APPOINT PERSONAL REPRESENTATIVE AND ISSUE LETTER

- The personal representative is appointed by the registrar when the registrar is satisfied that the requirements of §15-12-308 C.R.S. are met.
- Order for Informal Appointment of Personal Representative - JDF 917 is signed.
- Enter event **IAPP** - Informal Appointment of Personal Representative.
- Letters of Administration - JDF 915 is issued as evidence of appointment and is proof of the personal representative's authority to act.
 - Certified copies are required for most transactions that are conducted by the personal representative on behalf of the estate.
 - Most institutions require the certification date be no more than 60 to 90 days old.
- Enter event **LTRI** - Letters issued.
- Update party information, as appropriate.
 - Enter **PRR** - Party Role for the individual(s) appointed as the personal representative/co-personal representative.
 - Do not change the party types. They are to remain as originally entered.
- Enter event **CLAD** - Closed, upon the appointment of the personal representative.
- Enter scheduled event.
 - **REVV**. Set for 3-year review. See §15-12-1009, C.R.S.
 - If the registrar manages the review, enter judicial officer as 900000, time and room will be set by local policy.
 - If the division manages the review, enter time and room per local policy.

POST APPOINTMENT

- The personal representative must give information of his/her appointment to interested persons within 30 days of his/her appointment. The original Information of Appointment - JDF 940, with certificate of service completed, must be filed with the court. See §15-12-705, C.R.S.
- Enter event **INFA** – Information of Appointment and relate it to the appropriate party.
- A Notice to Creditors by Publication- JDF 943 must be published unless one year or more has elapsed since the death of the decedent. See §15-12-801, C.R.S.

- Enter event **NOTC** - Notice.
- Final date of claims should be entered on the **CCS** screen. The final date for claims is either four months from the date of the first publication or one year from the date of the decedent's death, whichever comes first.
- Proof of Publication should be filed after the Notice to Creditors has run in a local paper. (Proof of Publication is an affidavit by the editor and a copy of the notice that was published).
- Enter event **PRFP** - Proof of Publication.
- Within three months after appointment, the personal representative must prepare a Decedent's Estate Inventory - JDF 941. See §15-12-706, C.R.S. If filed with the court, enter the following code.
- Enter event **INVN** - Inventory.
- The personal representative may file an Accounting - JDF 942. An Accounting must be filed if there is a formal closing.
- Enter event **ACTG** - Accounting.

CLOSING ESTATE

- An estate may be closed:
 - Six months after appointment of personal representative, if the last date to file claims has passed.
 - One year after date of death if no Notice to Creditors was given.
 - By the court, if no activity has occurred within the previous three years.
 - See Closing Decedent's Estate Informally and §15-12-1003, C.R.S.
 - See Closing Decedent's Estate Formally and §15-12-1001, C.R.S.
 - See Closing Decedent's Estate – Estates not Closed After Three Years or More and §15-12-1009, C.R.S.