

Special Administrator – Formal

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SPECIAL ADMINISTRATOR – FORMAL

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GENERAL INFORMATION - §§15-12-614 - 617, C.R.S.

- A Special Administrator may be appointed by the Court on its own Motion or by a Petition of any interested person, as defined by §15-12-204, C.R.S. after notice and hearing.
- If the Court finds that the appointment is necessary to preserve the estate or secure its proper administration, the Court can appoint any qualified person, with preference being given to the person named in the Will.
- In many courts the Public Administrator may be appointed.
- If it appears to the Court that an emergency exists, appointment of the nominee may be ordered without notice.
- Filing fee is required.
- ~~This occurs when the Petition for Formal Appointment of Special Administrator is the first document filed.~~
- If the Petition is filed in an existing case or at the same time as filing the Decedent's Estate case, no filing fee is required.
- ~~Additional fee required for certification of Letters.~~

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COURT PROCEDURE

- A Petition for Formal Appointment of Special Administrator - JDF 926 is filed.
- An Order Appointing Special Administrator- JDF 927 is filed. The clerk shall check the court index for Demands for Notice, a deposited or lodged will or an existing probate action. Pending probate of the Will, the Personal Representative named in the Will has priority to serve as Special Administrator.

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— If a new case is opened, enter as follows:

- Assign a PR case number.
- Enter case type as AF- Special Administrator Formal
- Enter PASA - Petition to Appoint Special Administrator as the originating event, unless the party filed a Motion to file In Forma Pauperis, then MIFP becomes the originating event and PASA is entered as an event.
- Enter party information with name, address, phone and e-mail address.
(Decedent's address information not required.)
 - PET- Petitioner. If Co-Petitioners, enter PET.

- **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 Petition and/or is the Nominee.)
 - **NOM** – Nominee (if someone other than the petitioner or co-petitioner).
 - **HER** – Heir/Devisee
 - **OTH** - Nominee. (If the Nominee is not the Petitioner or Co-Petitioner). ~~OTH~~ Other Interested Persons.
- Enter additional documents filed as follows:
 - ~~ACPT~~ - Acceptance of Appointment. ~~is signed and filed by the Special Administrator.~~
 - Enter ~~ACPT~~
 - **WILL** – Will. A copy of a lost will cannot be admitted without an evidentiary hearing. ~~WILL~~,
 - **CDCL** – Codicils are entered separately
 - ~~If applicable.~~ Proposed Order. ~~and~~ Proposed Letters.
 - If the Petition, is filed in an existing case or along with Decedent's Estate case, enter as follows:
 - Enter event **PASA**- Petition to Appoint Special Administrator
 - Update party information, if parties listed on the Petition for Formal Appointment of Special Administrator are not already listed in the case.
 - **PET**- Petitioner. If Co-Petitioners, enter **PET**.
 - **PAD** – Public Administrator and Deputy Public Administrator. (Enter **PAD** even if it is the Public Administrator/Deputy Public Administrator filing the Petition and/or is the Nominee.)
 - **NOM** – Nominee (if someone other than the petitioner or co-petitioner).
 - **HER** – Heir/Devisee
 - **OTH** Other Interested Person. (If the Nominee is not the Petitioner or Co-Petitioner).
 - If the Special Administrator is a nonresident of Colorado, he or she must sign and file an irrevocable power of attorney - JDF 721 pursuant to C.R.P.P. 26.
 - If JDF 721 is filed, enter event **IPOA** – Irrevocable Power of Attorney.

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COURT PROCEDURE - ISSUING OF LETTERS AND ORDER

- -A Special Administrator appointed by the Court has the same general powers as a Personal Representative except as qualified or restricted by the Court.
- The Court may order a bond, pursuant to §§15-12-603(2), C.R.S. and §15-12-605, C.R.S. Bond is not required of a Special Administrator if the Will does not

require the Personal Representative to post a bond, unless bond has been requested by an interested person and the Court is satisfied that it is desirable.

- Letters of Administration - JDF 915 are issued as evidence of appointment and are proof of the Special Administrator's right to act.
- Some courts will not issue Letters unless the original Will is filed with the Court. Certified copies are required for most transactions conducted by the Special Administrator.
- Enter event **LTRI** – Letters Issued. Comment letters to expire on xxx date.
- The Order Appointing Special Administrator - JDF 927 is signed.
- Enter event **ORDR.**– Identify in comments type of order.
- Update party information, as appropriate:
 - ~~Update party information to enter the Special Administrator appointed in the case. Enter party role **SPA** for the person appointed as the special administrator.~~
 - ~~Do not change the party types. They are to remain as originally entered.~~
 - ~~If the Petitioner or Co-Petitioner (PET) was appointed, enter party role as **SPA**. If the Nominee (OTH) was appointed, enter party role as **SPA**.~~
- Update scheduled event with **HELD** – Held or **VACT**– Vacate, as appropriate.
- If there is a pending application or petition, the case will remain open.
- If no pending application or petition, enter **POST CLAD** – Case closed.

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Updated March 19, 2012