

## Special Administrator – Informal

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### SPECIAL ADMINISTRATOR - INFORMAL

#### GENERAL INFORMATION - §§15-12-614 - 616, C.R.S.

- A Special Administrator may be appointed informally by the Registrar on application of any interested person when necessary to protect the estate of a Decedent prior to the appointment of a general Personal Representative or if a prior appointment has been terminated. **Note:** There is a general policy in most courts to accept only formal proceedings.
- The Special Administrator has the duty to collect and manage the assets of the estate, to preserve them, to account therefore, and to deliver them to the general Personal Representative.
- Filing fee is required.
  - ~~This occurs when the Application for Informal Appointment of Special Administrator is the first document filed.~~
- If the Application is filed in an existing case or at the same time as filing the Decedent's eEstate case, no filing fee is required.
- ~~Additional fee required for certification of Letters.~~

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#### COURT PROCEDURE

- An Application for Informal Appointment of Special Administrator - JDF 924 is filed.
- An Order for Informal Appointment of Special Administrator - JDF 925 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.
- If a new case is opened, enter as follows:
  - Assign a PR case number.
  - Enter case type as **AI**- Special Administrator Informal
  - Enter **APSA**– Application for Appointment of Special Administrator as the originating event, unless the party filed a Motion to file In Forma Pauperis, then MIFP becomes the originating event and **APSA** is entered as an event.
- Enter party information with name, address, phone and e-mail address. (Decedent's address is 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.)

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- o ~~NOM~~ – Nominee (if someone other than the petitioner or co-petitioner).
  - o ~~HER~~ – Heir/Devisee
  - o ~~OTH~~ – Nominee. (If the Nominee is not the Applicant or Co-Applicant). ~~OTH~~ – Other Interested Persons/Parties
- Enter additional documents filed as follows:
- o ~~ACPT~~ - Acceptance of Appointment is signed and filed by the Special Administrator. Enter Administrator. ~~ACPT~~
  - o ~~WILL~~ – Will. A copy of a lost will cannot be admitted without an evidentiary hearing. ~~WILL~~,
  - o ~~CDCL~~ – Codicils are entered separately
  - o ~~if applicable~~ Proposed Order ~~and~~ Proposed Letters
- If the Application, is filed in an existing case or along with Decedent's Estate case, enter as follows:
- o Enter event ~~APSA~~– Application for Appointment of Special Administrator
  - o Update party information, if parties listed on the Application for Informal Appointment of Special Administrator are not already listed in the case.
    - o ~~APL~~- Applicant. If Co-Applicants, enter ~~APL~~.
    - o ~~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.)
    - o ~~NOM~~ – Nominee (if someone other than the petitioner or co-petitioner).
    - o ~~HER~~ – Heir/Devisee
    - o ~~OTH~~ – Other Nominee. (If the Nominee is not the Applicant or Co-Applicant). Interested Person
- 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.
- o If JDF 721 is filed, enter event ~~IPOA~~ –Irrevocable Power of Attorney.

**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

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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 for Informal Appointment of Special Administrator - JDF 925 is signed.
- Enter event **ORDR** – Identify in comments type of order.
- Update party information, as appropriate:-
  - ~~Update party information to e~~ Enter party role **SPA** the Special Administrator appointed in the case.
  - ~~If the Applicant or Co-Applicant (APL) was appointed, enter party role as SPA. If the Nominee (OTH) was appointed, enter party role as SPA. for the person appointed as the special administrator.~~
  - ~~Do not change the party types. They are to remain as originally entered.~~
- Updated 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 **CLAD – Case Closed****POST**.

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