

Chief Judge, Twelfth Judicial District

**ORDER FOR CASE MANAGEMENT
FOR PROBATE MATTERS IN THE
TWELFTH JUDICIAL DISTRICT**



**CHIEF JUDGE
ADMINISTRATIVE ORDER
2011-05
As amended 11-7-16**

WHEREAS, IT has come to the attention of the Chief Judge that probate cases in the District need immediate attention in order to bring and keep the court within the standards set for processing probate cases in this state, and

WHEREAS, Probate matters have as specified Purposes, Construction and Policies under C.R.S. § 15-10-102(1)-(2), as follows:

- (1) This code shall be liberally construed and applied to promote its underlying purposes and policies.
- (2) The underlying purposes and policies of this code are:
 - (a) To simplify and clarify the law concerning the affairs of decedents, missing persons, protected persons, minors, and incapacitated persons;
 - (b) To discover and make effective the intent of a decedent in distribution of his property;
 - (c) To promote a speedy and efficient system for settling the estate of the decedent and making distribution to his successors;
 - (d) To facilitate use and enforcement of certain trusts;
 - (d.1) To promote a speedy and efficient system for managing and protecting the estates of protected persons so that assets may be preserved for application to the needs of protected persons and their dependents;
 - (d.2) To provide a system of general and limited guardianships for minors and incapacitated persons and to coordinate guardianships and protective proceedings concerned with management and protection of the estates of incapacitated persons;
 - (e) To make uniform the law among the various jurisdictions.
[emphasis added.]

WHEREAS, this plan is adopted to promote the effective use of the increasingly limited court personnel in the 12th Judicial District and is applicable to all six counties comprising the 12th Judicial District with the authority for this plan found under Rule 34ⁱ of the Colorado Rules of Probate Procedure and C.R.S. § 15-10-307.ⁱⁱ

NOW THEREFORE, IT IS HEREBY ORDERED THAT:

1. Judicial caseload duties and responsibilities for 12th Judicial District probate proceedings are as assigned by the Chief Judge from time to time.

2. Primary Registrar and Clerk duties and responsibilities for all 12th Judicial District probate proceedings are delegated to Judicial Assistant and Probate Protective Proceedings Monitor Bandy Lucero. This delegation is not exclusive and is to be exercised in conjunction with the historical authority of the Clerks of the Court as may be determined by the presiding Judicial Officers by general policy or in individual cases.

Done and Signed this 7th day of November 2016.

BY THE COURT:



Pattie P. Swift
Chief Judge

ⁱ Rule 34 of the Colorado Rules of Probate Procedure provides:

- (a)** In addition to duties and powers exercised as registrar in informal proceedings, the court by written order may delegate to the clerk or deputy clerk any one or more of the following duties, powers and authorities to be exercised under the supervision of the court:
- (1) To appoint fiduciaries and to issue letters, if there is no written objection to the appointment or issuance on file;
 - (2) To set a date for hearing on any matter and to vacate any such setting;
 - (3) To issue dedimus to take testimony of a witness to a will;
 - (4) To approve the bond of a fiduciary;
 - (5) To appoint a guardian ad litem, subject to the provisions of law and Rule 15 herein;
 - (6) To certify copies of documents filed in the court;
 - (7) To order a deposited will lodged in the records and to notify the named personal representative;
 - (8) To enter an order for service by mailing or by publication where such order is authorized by law or by the Colorado Rules of Civil Procedure;
 - (9) To correct any clerical error in documents filed in the court;
 - (10) To appoint a special administrator in connection with the claim of a fiduciary;
 - (11) To order a will transferred to another jurisdiction pursuant to Rule 23 herein;
 - (12) To admit wills to formal probate and to determine heirship, if there is no objection to such admission or determination by any interested person;
 - (13) To enter estate closing orders in formal proceedings, if there is no objection to entry of such order by any interested person;
 - (14) To issue a citation to appear to be examined regarding assets alleged to be concealed, etc., pursuant to Section 15-12-723, C.R.S.;
 - (15) To order an estate reopened for subsequent administration pursuant to Section 15- 12-1008, C.R.S.;
 - (16) To enter similar orders upon the stipulation of all interested persons.

(b) All orders made and proceedings had by the clerk or deputy clerk under this rule shall be made of permanent record as provided for acts of the court done by the judge.

Any person in interest affected by an order entered or action taken under the authority of this rule may have the matter heard by the judge by filing a motion for such hearing within fifteen days after the entering of the order or the taking of the action. Upon the filing of such a motion, the order or action in question shall be vacated and the motion placed on the calendar of the court for as early a hearing as possible, and the matter shall then be heard by the judge. The judge may, within the same fifteen-day period referred to above, vacate the order or action on the court's own motion. If a motion for hearing by the judge is not filed within the fifteen-day period, or the order or action is not vacated by the judge on the court's own motion within such period, the order or action of the clerk or deputy clerk shall be final as of its date subject to normal rights of appeal. The acts, records, orders, and judgments of the clerk or deputy clerk not vacated pursuant to the foregoing provision shall have the same force, validity, and effect as if made by the judge.

ⁱⁱ C.R.S. § 15-10-307 provides: The acts and orders which this code specifies as performable by the registrar may be performed either by a judge of the court or by a person, including the clerk, designated by the court by a written order filed and recorded in the office of the clerk of the court.