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Denver Holds Legal Institute

Dicta Editorial Board

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Denver Holds Legal Institute

The Denver and Colorado Bar Associations put on a fine legal institute in Denver on January 25th and 26th. Harry Petersen, Pueblo, Chairman of the Legal Institutes Committee of the Colorado Bar Association, presided. Richard Tull and William Newcomb, made the arrangements.

Pierpont Fuller, Denver, discussed recent changes in the probate laws. Edwin J. Wittelshofer discussed changes in real estate law since Pearl Harbor. A panel consisting of Edward L. Wood, Thomas Keely, Kenneth W. Robinson and Kenneth Wormwood discussed various questions arising under the rules of civil procedure. Albert J. Gould gave a fine lecture on tax problems.

S. Arthur Henry, one of Denver's favorite after-dinner speakers, addressed the luncheon meeting on Friday noon and delivered another one of his series of famous addresses regarding the practice of law. In this address Mr. Henry advised the veterans on how to establish a successful practice.

Following the institute the Junior Bar Section held a very successful meeting, presided over by Sydney E. Shuteran, Chairman of the Junior Bar Section, and addressed by Ralph L. Carr, President of the Denver Bar Association.

Among the important changes in probates statutes, Mr. Fuller enumerated the following:

Uniform Simultaneous Death Act—Chapter 197, 1943 Session Laws.

Election for an incompetent spouse—Section 1, Chapter 260, 1945 Session Laws.

Provisions relating to the entry to safe deposit boxes before the appointment of an administrator—Chapter 259, 1945 Session Laws.

Amendment to Section 71, Chapter 176, 1935 Colorado Statutes Annotated—Section 2, Chapter 260, 1945 Session Laws.

Reducing period within which creditor may apply for administration from two years to one year—Chapter 258, 1945 Session Laws.

Legal investments—Chapter 121, 1945 Session Laws.

Amendment relating to sales of personal property—Section 4, Chapter 260, 1945 Session Laws.

Notice to creditors—Section 7, Chapter 260, 1945 Session Laws.

Filing of claims—Section 8, Chapter 260, 1945 Session Laws.

Bonds of Testamentary Trustees—Chapter 200, 1943 Session Laws.

Notice on probate and on sale or mortgage of real estate—Section 12, Chapter 260, 1945 Session Laws, amended by House Bill 1, 1945 Session Laws.

Proof of death of persons in military service—Chapter 122, 1945 Session Laws.

Uniform Revised Veterans Guardianship Act—Chapter 235, 1945 Session Laws.

Cemetery Trusts—Chapter 88, 1943 Session Laws.

Regarding witnesses to wills—Chapter 262, 1945 Session Laws.

Unclaimed funds in the hands of a fiduciary—Chapter 261, 1945 Session Laws.

Fees in estate proceedings—Chapter 124, 1945 Session Laws.

Inheritance and succession taxes—Presumption relating to residence, reciprocal taxation of intangibles, reciprocal exemption of charitable gifts, charitable deductions, changing from 5% to 4% the rate in figuring life estates and annuities, shifting the assessment of the tax from the county court to the inheritance tax commissioner, etc.—Chapter 145, 1945 Session Laws.

Burial of deceased soldiers and sailors—Chapter 230, 1945 Session Laws.

Release of powers of appointment—Chapter 146, 1945 Session Laws.

State Service Officer—Chapter 234, 1945 Session Laws.

Vital statistics—Chapter 111, 1943 Session Laws.

Among the important changes in the law relating to real estate Mr. Wittelshofer enumerated the following:

Chapter 183, 1941 Session Laws, relating to names.

Chapter 182, 1941 Session Laws, relating to statements in affidavits of record for twenty years.

Chapter 86, 1943 Session Laws, relating to oaths and acknowledgments of persons in military service.

Chapter 190, 1945 Session Laws, relating to powers of attorney.

Chapter 145, 1945 Session Laws, relating to the lien of the inheritance tax. This release of lien is not too complete and should be studied carefully.

Chapter 241, 1945 Session Laws, relating to the lien of a certificate of taxes. Because of defects in the law this law is not very effective.

Chapter 101, 1945 Session Laws, making a treasurer's deed as a source of title marketable after nine years. A standard has been promulgated recognizing such marketability.

Chapter 262, 1945 Session Laws, relating to the proof of execution of wills.

Chapter 122, 1945 Session Laws, relating to evidence of death of a person in military service.

Senate Bill 2, 1945 Session Laws, Extraordinary Session, permitting a minor to make a loan.

Soldiers and Sailors Civil Relief Act. This requires an affidavit of service in civil proceedings but not in probate proceedings or determination of heirship proceedings. In case of a foreclosure, read Rule 120 of the Rules of Civil Procedure.

Rules and regulations of the OPA in suits for possession of property.

Among the important court decisions are the following:

Federal Farm Mortgage Corporation v. Schmidt, 109 Colo. 467, on the constitutionality of the nine-year statute of limitation, and defines marketable title.

Netland v. Bottom, decided in September, 1945. This case relates to the effect of dates published at the bottom of a published summons.

Among the important changes in procedure are the following:

The Denver Bar Association and the real estate men have approved a form of real estate contract which should be used in all real estate transactions.

The same groups have approved an exclusive listing contract.

A large number of real estate standards have been approved.

Before a lawyer attempts to pass upon a title he should familiarize himself with the real estate title standards and he should also read Chapter 40 of the 1934 C. S. A. Lawyers should construe curative acts liberally, to the end that their purposes may be accomplished.

Among the questions discussed by the panel on the rules of civil procedure were the following:

Can a court render personal judgment against a defendant served personally outside the state?

How does one plead the doctrine of last clear chance?

What should the pleadings contain?

Must pleadings be consistent?

Advantages of depositions as against written interrogatories.

When may counter-claims and cross-claims be filed?

May an insurer be joined as a defendant?

Advantages of pre-trial conferences.

Mr. Gould's address was too comprehensive to record, but he did state that a lawyer should always check the law before giving advice on any tax question and that an opinion on a tax question except on a very simple question should always be in writing.

New Members of Denver Bar Association

The following were elected to membership in the Denver Bar Association at the February 4, 1946, meeting:

Arthur C. Gregory
St. George Gordon

Harold A. MacArthur
Benjamin F. Stapleton, Jr.

Are You Bothered by Income Taxes?

Are you bothered by income taxes? Do income tax clients fill your reception room, making it necessary for other clients to stand while awaiting their turn? Do you have to turn down income tax clients because of press of other business? Do you have trouble figuring out the meaning of the law or the regulations? If you do, perhaps you can get help from the following sources as advertised in a Denver paper:

Let Experts End Your Worries About Income Tax Returns

Thousands of people—employees and businessmen, professional people, farmers, agents—all have used our tax service to avoid income tax headaches.

For ONE reasonable fee we render TWO services: We make out complete returns for BOTH your Federal and State Income Tax.

Don't put in hours of hard work and worry—let the Taxpayers Agency take income tax figuring completely off your mind. To learn about our service costs you nothing. Simply phone or call at our office for an appointment or estimate. Here you get competent assistance on ANY income tax problem for reasonable fees. ACT NOW—avoid last minute rush. Final filing date is only a short time away.

FREE SERVICE

Without obligation we gladly tell you which Income Tax form to use. The Government allows many to make out EITHER the "Long" (1040) or "Short" (W-2) form. Your choice may mean the difference to you of an amount worth saving. Use this FREE service. Simply drop in at our office or PHONE TAbor 2627.

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