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Probate and Trust Law Revision

BY HUBER D. HENRY*

The committee on probate and trust law revision has been holding regular meetings in Denver. The committee studied the advisability of preparing a complete probate code at this time, in view of the announced purpose of the real property, probate and trust law division of the American Bar Association to prepare a model probate code in the near future. A committee is now at work on the preparation of this code, and, in view of this fact, the Colorado committee has deferred for the time being the preparation of a complete code in the hope that the American Bar Association model code will be published in the near future. The tremendous advantage resulting from working from a prepared model, such as was experienced by the committee on the rules of civil procedure, led to this decision.

However, the committee is going forward with preparing certain amendments to the present probate law for the purpose of correcting obvious and discomfoting defects in our present law. It is felt that there are many such corrections needed, and that they should not wait for the preparation of a complete code, but should be presented at the next session of the legislature.

Also going forward at this time is the preparation of a trust code. This is something very badly needed in Colorado, as there is virtually no statutory trust law, and that which we do have is bad. Several states have adopted some or all of the uniform trust laws now in being, and one or two states have recently adopted trust codes. Since no national movement is evident in the creation of a uniform or model trust code, the committee feels that Colorado should go forward with a trust code, using as far as desirable the provisions of the present uniform trust laws.

The following sub-committees have been appointed to draft amendments in their respective subjects:

Messrs. Koperlik, Petersen and Gast, all of Pueblo: descent, determination of heirship, determination of a class, and construction proceedings.

Messrs. Marsh and Taylor, of Denver: wills, probate of wills, appointment and qualification of personal representatives.

Messrs. Hinkley and Gardner, of Denver and Golden respectively: sale and mortgage of real property, claims, allowances, and distribution.

*Of the Denver bar; chairman of the Colorado Bar Association committee on this subject.

Mr. Morris of Denver: powers and duties of personal representatives, notice.

Messrs. Nelson and Griffith, of Denver: bonds of personal representatives.

Messrs. Parks and Baker, of Denver: trust code, investments.

Any suggestions for amendments should be sent to the sub-committees or to the committee chairman.

Stripped for Action

A group of about a dozen colored boys had reported to their local board on the morning of their induction. Most of them had brought along traveling bags, and some carried small radios, banjos, ukuleles and the like. However, one strapping good-humored fellow seemed to have brought nothing except the clothes which he had on.

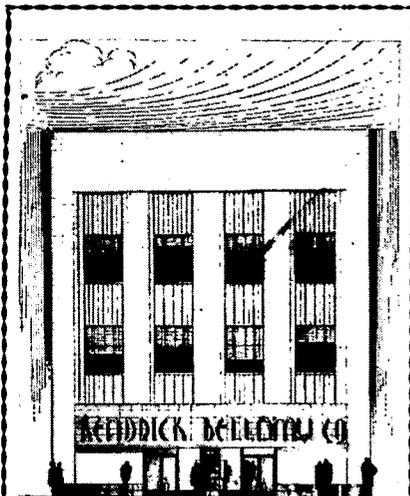
"How come, Sam," one of his companions inquired, "ain't ya' all gon' take nothin'?"

"No, jus' me is all," he replied.

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