

ANCILLARY PROCEEDING

1. GENERAL INFORMATION - §15-13-101 -303, C.R.S.

- Ancillary proceedings normally occur when a probate case has been opened in another state but the decedent had property in the state of Colorado.
- There must be no Colorado estate pending and 60 days must have passed from the death of a nonresident decedent.
- The use of this procedure is somewhat limited and it may be necessary for a Colorado estate proceeding to be commenced.
 - Section 15-13-205, C.R.S. identifies the powers of the Ancillary Personal Representative.
- Required filing fee is \$149.00. (PRFF \$90.00, CVTX \$1.00, USER \$53.00, CSCF \$5.00)

2. COURT PROCEDURE

- A domiciliary foreign personal representative may file **JDF 929 – Domiciliary Foreign personal Representative's Sworn Statement in the Colorado court with jurisdiction over the property** with attached authenticated/certified copies of his or her appointment. The certified copies should be dated within the last 60 days. The following are suggested documents.
 - Order appointing personal representative
 - Order admitting will.
 - Will, if testate.
 - Letters (if applicable). Letters of appointment should be current and in full force and effect.
- Open new case.
 - Assign a **PR** case number.
 - Enter case type as **AP** – Ancillary Proceedings.

- Court Certified Documents as the originating event unless the party filed a Motion to file *In Forma Pauperis*, then **MIFP** becomes the originating event and **CCRT** is entered as an event.
- Receipt filing fee.
- The clerk will domesticate the appointment made by the other Court.
 - The clerk will prepare **JDF 930** - Certificate of Ancillary Filing – Decedent's Estate and attach a copy of the letters provided.
- A hearing is not required.
- Case is then closed without further action.
 - Enter event **CLAD**.
 - Statistically, the estate may be opened and closed at once.
 - No additional filings are required; any further documents filed would be at the discretion of the personal representative.
- *If property exists in more than one county in Colorado, the foreign personal representative should file the original authenticated/certified copies in one county and provide as many copies for certification as there are Colorado counties involved, using the same recording procedure in each county.*