



The Honorable
 C. Jean Stewart, Presiding



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Denver Probate Court Welcomes Magistrate Ruben M. Hernandez!

The Denver Probate Court is happy to announce the arrival of Magistrate Ruben M. Hernandez. Magistrate Hernandez comes to us from the 9th Judicial District where he served as a Magistrate and Legal Research attorney for four District Court judges. The first day for Magistrate Hernandez will be June 15, 2010. He fills the Magistrate position formerly held by Michael Gallegos.

Magistrate Hernandez holds a degree in Business from the University of Texas – El Paso. In 1985, he completed his Masters in Business Administration degree at the University of Denver. In 1992, he received his Juris Doctor degree from the University of Denver College of Law. He is fluent in Spanish.

In his last position with the 9th Judicial District, Magistrate Hernandez handled domestic relations, juvenile, probate (including decedents’ estates, protective proceedings, personal injury settlements), and mental health cases in the district. The remainder of his time was spent presiding over civil litigation of all types and researching and preparing proposed orders for four District Court judges. Prior to his career in the 9th Judicial District, Magistrate Hernandez had substantial experience in litigation and trial work.

Magistrate Hernandez garners high acclaim from his peers as a hard worker, a team player and as a devoted public servant as noted in some of the comments received regarding his work: “Ruben works well with judges, lawyers, court staff and litigants, especially *pro se* litigants.” “He successfully adjudicates the many disputes directed to him, promptly and professionally.” “Sometimes, circumstances create an emotionally charged courtroom where parties’ conduct is confrontational and hard to manage. Ruben has the talent and discipline to manage such individuals and to bring hearings to a productive conclusion.”

Outside of the courthouse, Ruben became a valuable member of the community serving on the Sunlight Mountain Ski Patrol and as a volunteer coach in the Mock Trial program at the Glenwood Springs High School.

Magistrate Hernandez’s first official day on duty at the Denver Probate Court is June 15, 2010. Robing ceremonies are scheduled for June 24, 2010 at 11:00 a.m. in the Denver Probate Court. Everyone is invited to attend the robing ceremonies and the reception immediately following.

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Employee Spotlight

Magistrate Ruben M. Hernandez



Magistrate Hernandez is the newest employee to the Denver Probate Court which made him the ideal choice to include in our Employee Spotlight this newsletter.

- **Job Title: Magistrate in Denver Probate Court**
- **What do you do? Preside over probate matters**
- **Family: Wife Patsy, daughters Cynthia and Brandi, sons-in-law Scott and Todd, grandchildren Nic, Maryann and Teejay, dog Crystal and cat Spenser.**
- **What is your idea of happiness? A warm day after a big snowfall skiing down the slopes with my grandchildren.**
- **When I'm not working, I'm..... Watching my grandson play baseball or football, or spending time with my wife and pets.**
- **What is the quality you most like in a person? Honesty and sense of humor.**
- **Best gift you ever received? Time.**
- **What's the most useless thing you ever bought? My first yellow pages ad.**
- **Not many people know that I: Am learning to play the guitar.**
- **Toughest thing about your job? Pleasing everyone.**
- **Best memory at Denver Probate? Yesterday (June 15th) my first day on job. Subject to change.**
- **What would you do if won the lottery? Thank the person who bought me the ticket.**
- **What did you want to be when you grew up? – Pilot.**
- **What three individuals of historic or present would you like to have over for dinner? Jim Croce, Elvis Presley and John Lennon.**
- **What is your greatest luxury? Ski pass.**
- **What is the craziest thing you would do for a million dollars? Work for it.**
- **Describe your perfect day: Everything on my to-do list gets done.**
- **What three objects would you rescue from a burning house? Lap top computer, pictures and guitar.**
- **What is the best vacation you have ever taken? Barefoot cruise with my wife Patsy in Granada after bar exam.**



Lexis Tips and Tricks

Remember Proposed orders and letters have to be filed with the court in an editable format. This means that the

How do I file a text document?

To file a text document:

1. Create the document outside File & Serve in a program such as Microsoft Word or Corel Word-Perfect and save it to your hard drive.
2. Logon to File & Serve and click the **Filing & Service** tab. Select a **file/serve** option, and follow the instructions on each tabbed page.
3. Select the document from your hard drive when prompted.

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When and How to use the Office of the Denver Public Administrator

Written by Melissa R. Schwartz

A Public Administrator (the PA) is a private individual (who is not a public employee)¹ appointed by the District Court (in Denver, the Probate Court)² to collect, protect, and manage the assets of certain individuals³ and to administer the estates of decedents where the decedent left no one who is willing and able to administer the estate.⁴ PAs are bonded⁵ and are required to fully account to the Court in each case in which they are appointed.⁶ They also file annual reports of their activities with the Court.⁷ The PA's office in Denver, due to its urban nature, handles a wide variety of both run-of-the-mill and more unusual probate matters and is available as a resource for attorneys with questions relating to probate matters.

When the Public Administrator Can/Should Help:

Decedents' Estates:

After the death of an individual, the PA may be asked to step forward and protect a decedent's assets until the heirs or the person designated in a Will is located and is able to take charge of the estate.⁸ The Denver PA is often contacted by the Denver Coroner's office, various hospitals and nursing homes to take charge of a decedent's Estate in these circumstances. In other cases, the PA will be appointed as the Personal Representative (Executor) to administer the decedent's estate when the heirs/devisees are located out of state or when no one has been located who is willing or able to administer the estate.⁹ The PA also often acts as a neutral fiduciary in controversies involving "protected persons" and the estates of decedents, when an independent fiduciary is needed to protect or preserve assets or to administer an estate while a dispute is resolved in the courts.¹⁰

The PA may also act as a special administrator in a decedent's estate when a creditor or claimant requests such an appointment for the purpose of having the PA represent the estate in an action to be brought by the creditor or claimant against the estate.¹¹ Typically this occurs when in personal injury and wrongful death cases when an injured party wishes to bring a suit against the decedent's estate to recover insurance benefits.

Finally, the PA can be nominated as the personal representative in a Will when the person writing the Will does not have someone else in mind to administer his or her estate.

In dealing with the estates of decedents, there is a two-step process to determine whether the PA needs to act.¹² First, it must be determined whether there is someone present who has the right under Colorado law to administer the estate (i.e. a nominated PR, devisee or heir). Second, a determination is made as to whether there exists someone willing, appropriate and able to act. If the answer to either inquiry is no, then the PA's Office can become involved.

¹ C.R.S. § 15-12-619(1)

² *Id.*

³ C.R.S. § 15-12-622

⁴ C.R.S. § 15-12-620; C.R.S. 15-12-621

⁵ C.R.S. § 15-12-619(4)

⁶ C.R.S. § 15-12-621(5) to (6)

⁷ C.R.S. § 15-12-623(2)

⁸ C.R.S. § 15-12-620(2)

⁹ C.R.S. § 15-12-621

¹⁰ C.R.S. § 15-12-614; C.R.S. § 15-12-615.

¹¹ C.R.S. § 15-12-621(9)

¹² C.R.S. § 15-12-621

Cont. on page 5



Daily Puzzle:

**How many four letter words can you make out of
this word using each letter only once. The word is
FLEECE**

Answer on back

What a Difference A Year Makes....

Chistow (pronounced “key-stow”) Langston moved to Colorado from Kansas last fall at the beginning of his senior year in High School. His father, who became unemployed in Kansas, moved his family to the Denver area seeking work. Being home schooled allowed for freedom in Chistow’s schedule. He decided to look for opportunities to volunteer his time. Although he had done construction work previously, volunteering with the Denver Probate Court was Chistow’s first experience in working with professionals in the business world. As a volunteer in the Denver Probate Court, his tasks were varied and included filing, refinishing and moving furniture, running errands, and assisting the Clerk of Court with telephone calls and responding to emails.



These experiences peaked Chistow’s interest. He discovered that it takes many years of education and hard work to become a qualified professional to work in this arena. For the first time, Chistow began to consider what he needed to do to prepare for such a career. The possibility of attending college following his High School graduation seemed out of reach. Judge Stewart and District Administrator Lee Cole spent time encouraging Chistow to pursue a college education in preparation for his future career.

Chistow began by taking the ACT exam. Soon after, he was accepted as a freshman in the fall at Abilene Christian University in Abilene, Texas. Although the university boasted of its reputation for its high academic standards, Chistow was most attracted to the university because of their football program. Last school year, ACU had more of their team members drafted into the NFL than did Notre Dame, Florida State, University of Colorado and other well known “football schools.” Since football is his passion, the school seemed to be a good match for Chistow.

In April, Chistow became known to a Denver talent and modeling agency, MaxTalent, (www.maxtalent.com). He was hired as one of their models. Although he says he is not much into the world of high fashion, he has enjoyed his work as a model and hopes it will financially support him during his college years.

It has been a challenging year for Chistow. He is one of five children in his family. Last week, his dad was able to secure employment following an 11 month job search. Due to the limited financial circumstances around his house, Chistow chose to use his spare time in a positive way by volunteering with the Denver Probate Court while he sought work for himself. This caused Chistow to juggle schedules and work long hours, but he has performed the work selflessly always wearing a smile.

The Denver Probate Court thanks you, Chistow, for your service to the Court and to the citizens of the City and County of Denver. We wish you well in your future endeavors.

Volunteering **MAKES** a difference!

When and How to use the Office of the Denver Public Administrator

Continued from Page 3

Statutorily, this "someone" can be an heir, or a devisee (i.e., beneficiary under a Will), or a person designated by the Will to act as the Personal Representative.¹³ The term "heir" means an individual with a legal right to receive a portion of the estate, and not just a blood relative.¹⁴

Because of the foregoing requirements, it is important after a person's death to make a diligent search for their heir(s), devisee(s), and any nominated personal representative prior to contacting the PA. If a person in possession of estate property is unable to locate an heir with a right to receive the property, a beneficiary under the Will or a person nominated as a personal representative in the Will, then the PA's Office should be notified immediately in order for her to initiate protective measures.¹⁵ Prompt notification to the PA's Office is important (and statutorily required) to protect the assets while the process of determining who should administer the estate takes place.¹⁶ Liability may arise from a failure to so notify the PA.

The Denver PA, given the urban nature of the jurisdiction, often has the responsibility to preserve the very limited assets of homeless individuals, or individuals residing in motels or short term housing, which can result in the PA having to personally advance funds for the protection of those assets. The Denver PA is also called upon periodically to secure residential crime scenes in order to protect assets of the victim for the benefit of persons who may ultimately be entitled them after related legal proceedings are finally resolved (i.e. cases in which the Colorado slayer statute¹⁷ may be applied).

All cases in which the PA is appointed as a PR are required to be closed formally upon petition to the Court.¹⁸ Accordingly, all interested parties receive a full accounting and report of the administration of the Estate and have full and fair opportunity to review and question the actions of the PA in each particular case. Small estates handled by the PA must be closed by the filing of a PA Statement of Account with the Court.

Living People:

The PA is also available to act in circumstances where a living person has assets in need of protection.¹⁹ Generally, this arises when the person is unable to effectively manage his or her financial affairs, has not made other arrangements for that purpose, (e.g., through a poa), and does not have close family willing to come forward and accept responsibility or there is the need for an independent person to step in for protective reasons. The PA can act as Conservator or Trustee.²⁰ These cases apply to minors as well as adults.

Similarly, the PA may be appointed as a Special Conservator or a Special Administrator when the existing Conservator or Personal Representative has a conflict of interest, or when family members distrust one another and there is a need for a third party to provide impartiality.²¹

The PA can be appointed by the Court upon request of interested parties or upon the request of the county department of social services. A referral to the PA can be made by individuals including family

¹³ C.R.S. § 15-12-621(1)(b)

¹⁴ C.R.S. § 15-10-201(24)

¹⁵ C.R.S. § 15-12-620(4)

¹⁶ *Id.*

¹⁷ C.R.S. § 15-11-803

¹⁸ C.R.S. § 15-12-621(5)

¹⁹ C.R.S. § 15-12-622(1)

²⁰ C.R.S. § 15-12-622

²¹ C.R.S. § 15-14-112(3); C.R.S. § 15-14-414.

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When and How to use the Office of the Denver Public Administrator

Continued from Page 5

members, administrator/nurse/social worker in a nursing or private home or hospital, or assisted care living facility, whenever there is concern about:

- a. financial exploitation of a resident or apparent abuse of a financial power of attorney;
- b. increasing inability of a person to manage his/her personal financial affairs, e.g., routine bill paying, management of outside investments, and assets such as the maintenance of his/her separate house, etc.; or,
- c. a person's family which cannot agree on how to deal with the resident's financial assets which appear to be wasting through a lack of proper attention.

A PA also has standing to petition a court of appropriate jurisdiction for his or her appointment to act as a conservator, temporary conservator, or special conservator to protect a person's assets and manage the person's estate if:

- (a) The person is missing, detained, or unable to return to the United States; and
- (b) No interested person has initiated protective proceedings to accomplish this purpose.²²

Fees

The compensation of a PA and her staff normally comes solely from the estates that she handles. Therefore, if an estate has little or no economic value, it can cost the PA personally to administer the estate. However, in cases in which the PA is not compensated from a protected person's estate, the court may approve the payment of such fees from state funds designated for the payment of court-appointed counsel or fiduciaries.²³

A PA may charge only fees and costs that are reasonable and proper for similar services in the community.²⁴ In addition, the PA must attempt to minimize fees.²⁵

Contacting the Public Administrator

The office of Steenrod, Schwartz & McMinimee is the current home of the Denver PA. Melissa R. Schwartz is the PA, and R.L. Steenrod, Jr. and Marcie R. McMinimee are the Deputy PAs. You may reach all of them at 303-534-5100 or general@steenrodslaw.com.

²² C.R.S. § 15-12-622(4)

²³ C.R.S. § 15-12-622(2)

²⁴ C.R.S. § 15-12-623(3)

²⁵ *Id.*

Top 10 things to do in Denver in the Summer

If summer weather leaves you itching to spend time outdoors, look no further than the list of top ten outdoor events in Denver. From concerts at Red Rocks to visiting the Denver Zoo, there's no shortage of ways to find fun in the sun this summer.

1. [Attend a Concert at Red Rocks Amphitheatre](#)
2. [Watch Outdoor Movies at Film on the Rocks](#)
3. [Enjoy Free Jazz Concerts Outdoors in City Park](#)
4. [Delight in Denver Summer Festivals](#)
5. [Splash into Summer at Denver Outdoor Pools](#)
6. [Go Hiking on Trails Near Denver](#)
7. [Visit the Outdoor Habitats at the Denver Zoo](#)
8. [Take a Walking Tour of Capitol Hill](#)
9. [Hit the Greens at Denver Public Golf Courses](#)
10. [Admire the Denver Botanic Gardens](#)

Please Note:

Effective Immediately!

There are some changes in Division 1 that you should know about:

Settings will only take place on Monday from the hours of 9:00 – 11:00. You will need to call the docket line at 720 865 8349. It will be answering only between those hours.

The Division Office will only be open to walk-ins on Fridays. The Division Office will be closed to the public all other times.

These changes are to help the court keep up with the Increased workload.

Thank you

Baseball Word Search

Find the baseball terms hidden in the puzzle.

F	Q	O	G	R	O	U	N	D	E	R	E	L	I	E	F	I	AVERAGE
O	E	H	G	O	D	F	A	R	E	H	C	T	I	P	E	S	BASES
U	T	E	N	W	R	A	U	V	E	R	I	P	M	U	F	H	BATTERY
L	A	L	I	Z	E	G	K	N	E	M	B	P	M	R	O	O	BRUSHBACK
I	L	M	N	A	G	R	C	N	G	R	Y	P	E	B	R	R	BUNT
Z	P	E	N	F	N	A	A	Z	U	O	A	H	T	K	K	T	CATCHER
P	L	T	I	T	I	N	B	C	C	R	C	G	L	W	B	S	CURVEBALL
M	E	W	J	J	D	D	H	H	Y	T	E	L	E	K	A	T	CYCLE
U	S	V	C	I	R	S	S	C	A	C	A	M	G	A	L	O	DINGER
M	T	E	O	Z	Q	L	U	C	R	B	L	V	O	V	L	P	FASTBALL
L	Z	T	S	L	L	A	R	I	T	N	K	E	O	H	Y	Q	FORKBALL
L	Z	B	I	A	G	M	B	S	B	V	U	M	K	Z	A	Z	FIELDER
A	K	L	C	M	B	H	A	D	E	G	M	U	N	H	T	B	FLYBALL
B	P	E	K	S	W	F	V	E	L	K	C	U	N	K	U	T	FOUL
Y	X	B	A	T	T	E	R	Y	A	W	I	D	H	N	I	W	FUNGO
L	C	T	R	E	D	L	E	I	F	W	V	P	T	G	H	P	GLOVE
F	S	W	C	U	R	V	E	B	A	L	L	D	S	E	H	L	GRANDSLAM

Upcoming Court Holidays:

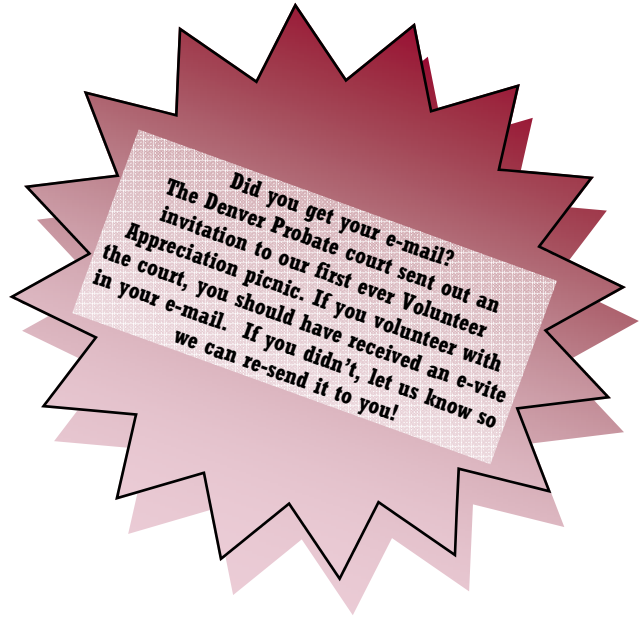
- Monday, July 5th, 2010
Observance of Independence Day
- Monday, September 6th, 2010
Labor Day
- Monday, October 11th, 2010
Columbus Day
- Thursday, November 11th, 2010
Veteran's Day
- Thursday, November 25th, 2010
Thanksgiving Day
- Friday, December 24th, 2010
Observance of Christmas Day
- Friday, December 31st, 2010
Observance of New Year's Day

News for Volunteers



Attention Court Visitors!!

A general training program for Colorado visitors will take place in early September. Watch the State Court's website or the Denver Probate Court website for detailed information.



Quote of the day: "There cannot be a crisis next week! My Schedule is already full." - Henry Kissinger

ATTENTION MENTAL HEALTH ATTORNEYS

B 10-175 WAS SIGNED BY GOVERNOR RITTER ON APRIL 24, 2010. ALL MENTAL HEALTH ATTORNEYS ARE ADVISED TO REVIEW THIS STATUTE WHICH RENUMBERS ALL ARTICLE 10 PROVISIONS UNDER TITLE 27 TO ARTICLE 65, EFFECTIVE IMMEDIATELY.



Computer Tips and Tricks

Using the Ctrl + F Command

Sometimes we get calls here at the court from people who are trying to find a particular form or link on either www.denverprobatecourt.org or www.courts.state.co.us. There is a really cool little trick that makes finding documents on a website easier (this command also will work with any documents you have open in windows). It is the Ctrl + F command, or the Find Command.

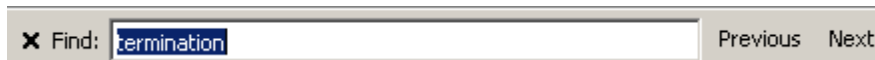
When in internet explorer looking at the long list of probate forms just hold down the CTRL button. While the CTRL button is still held down, hit the F Button. This will open the find prompt in the top left hand corner (in some older internet explorers it is at the bottom right hand side). The find prompt looks like this :



Type in what you are looking for and hit enter. For example, if you are looking for the Petition for Termination of Guardianship type in the word Termination. You want to use the most unique word so that there are not as many options. Hit enter and the word Termination will be highlighted in yellow everywhere it appears on the page.

JDF 835	Petition for Termination of Guardianship - Minor
JDF 836	Order for Termination of Guardianship - Minor

You have two options at this point. You can scroll down the page and look for the yellow highlighted words or you can use the next button on the top near your find prompt. The next button will move through the page showing you all the times that word appears.



This should make your search for forms much quicker because you are able to quickly scroll through the long list looking just for the word you search for.

Hope that helps :0)!



SUMMER INTERNS!

Miriam Chapen

Miriam is a recent graduate from Arapahoe Community College. She is a member of the Phi Theta Kappa Honors Society. Miriam has lived in Colorado for 11 years and is currently at the court to gain experience while looking for a paralegal position. Her hobbies include painting, reading, and hanging out with her kitties.

Erin Kincaid

Erin Kincaid just completed her first year at DU Sturm College of Law. She is originally from Cincinnati, Ohio where she received her BS in Criminal Justice at the University of Cincinnati. Erin's internship with Probate Court is her first as a law student, and is excited to use what she learns to focus her studies at Sturm. In her free time, Erin enjoys discovering what life in the great state of Colorado has to offer!

Carolynn Reed

Carolynn Reed is preparing to start her 3rd year of law School at the University of Denver Sturm College of Law. Upon graduation she hopes to enter estate administration and elder law. Carolynn attended the University of Southern California where she received a B.A. in Communication. Though Carolynn grew up in Southern California, she considers Colorado her new home and plans to stay here after graduation from law school. She enjoys reading and probably watches a little too much TV, she is also an avid sports fan, especially college football.

Maria Miller

Maria Miller or "Ellie" is currently a paralegal intern at Denver Probate Court. She has a Master of Business Administration from the University of Phoenix and recently completed the paralegal program from Arapahoe Community College earning her paralegal certificate Ellie is married, and likes to spend her free time working in her garden and hanging out with her husband and friends.

General Court Information

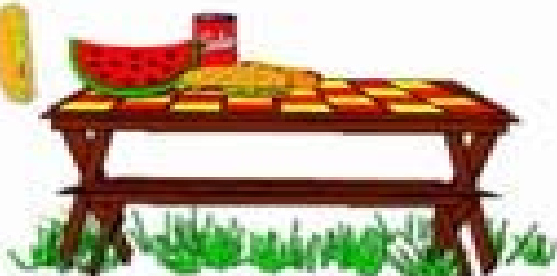
SUMMERTIME FUN

Three Four letter words can be made with Fleece:

CLEF , FEEL, and FLEE

Baseball Word Search
Find the baseball terms hidden in the puzzle.

F	Q	O	G	R	O	U	N	D	E	R	E	L	I	E	F	I	AVERAGE
O	E	H	G	O	D	F	A	R	E	H	C	T	I	P	E	S	BASEG
U	T	E	N	W	R	A	U	V	E	R	I	P	M	U	F	H	BATTERY
L	A	L	I	Z	E	G	K	N	E	M	B	P	M	R	O	D	BRUSHBACK
I	L	M	N	A	G	R	C	N	G	R	Y	P	E	B	R	R	BUNT
Z	P	E	N	F	N	A	A	Z	U	Q	A	H	T	K	K	T	GARTHER
P	L	T	I	T	I	N	B	G	C	R	C	G	L	W	B	S	CURVEBALL
M	E	W	J	J	D	D	H	H	Y	T	E	L	E	K	A	T	CYCLE
U	S	V	C	I	R	S	S	C	A	C	A	M	G	A	L	O	DINGER
M	T	E	Q	Z	Q	L	U	C	R	B	L	V	O	V	L	P	FASTBALL
L	Z	T	S	L	L	A	R	I	T	N	K	E	O	H	Y	Q	FORKBALL
L	Z	B	I	A	G	M	B	S	B	V	U	M	K	Z	A	Z	FELDER
A	K	L	C	M	B	H	A	D	E	G	M	U	N	H	T	B	FIELDER
B	P	E	K	S	W	F	V	E	L	K	C	U	N	K	U	T	FIELDER
Y	X	B	A	T	T	E	R	Y	A	W	I	D	H	N	I	W	FENBALL
L	C	T	R	E	D	L	E	I	F	W	V	P	T	G	H	P	FOUL
F	S	W	C	U	R	V	E	B	A	L	L	D	S	E	H	L	EUNGO



Denver Probate Court Contact Information

Judge's Division	x8311
Magistrate's Division	x8311
General Information	x8310
Clerk of Court	x8389
Registrar	x8312

File & Serve Customer Support
available 24 hours a day 7 days a week

Law Firm & Attorneys Customer Support: **1-888-529-7587**
File & Serve Accounting Department: **1-800-227-9597 X 56349**

To schedule **File & Serve** training call the Law Firm Training Specialist:
Elise Herding at 720-982-8395 or elise.herding@lexisnexis.com

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District Administrator/Clerk of Court
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