

COLORADO ESTATE PLANNING CHECKLIST

Navigating through the guide below will provide insight into the process of preparing one's estate for possible illness and death. The documents available in this checklist should be reviewed by a licensed attorney before being signed or filed with the applicable government agencies.

Step 1 – Choose a Health Care Surrogate

Colorado residents should begin the estate planning process by choosing a **health care surrogate** (a.k.a. health care agent). This individual will be responsible for communicating the principal's health care wishes when he or she is unable to express their own decisions. Once selected, the health care surrogate will have permission to accept, refuse, or stop any medical care administered to the principal.

[Medical Durable Power of Attorney](#) – This is the official document used to appoint the principal's primary and alternate medical surrogates. It also allows the principal to specify instructions for the agent concerning any additional medical treatments, life-sustaining procedures, or other provisions they may require.

- **Signing Requirements** ([§ 15-14-705](#)) – Requires the principal's signature or the signature of another individual directed by the principal to sign on their behalf. While not legally required, the form should be signed in the presence of two (2) disinterested witnesses and notarized by an officer of the State.

Step 2 – Choose a Financial Agent

The principal can continue by electing another party known as a **financial agent**. This individual will make decisions regarding the principal's property and finances. Like the health care surrogate, the decision-making authority of the financial agent can be used even when the principal experiences a medical condition that leaves them unable to make competent decisions.

[Durable \(Financial\) Power of Attorney](#) – This document designates the principal's financial agent and defines the powers with which the agent may operate.

- **Signing Requirements** ([§ 15-14-705](#)) – Only requires the principal's signature. That being said, individuals are always encouraged to sign in the presence of two (2) disinterested witnesses and have the signature authenticated by a notary public.

Financial Powers Allowed

- Real Property ([§ 15-14-727](#));
- Tangible Personal Property ([§ 15-14-728](#));
- Stocks and Bonds ([§ 15-14-729](#));
- Commodities and Options ([§ 15-14-730](#));
- Banks and Other Financial Institutions ([§ 15-14-731](#));
- Operation of Entity or Business ([§ 15-14-732](#));
- Insurance and Annuities ([§ 15-14-733](#));
- Estates, Trusts, and Other Beneficial Interests ([§ 15-14-734](#));
- Claims and Litigation ([§ 15-14-735](#));
- Personal and Family Maintenance ([§ 15-14-736](#));
- Benefits From Governmental Programs or Civil or Military Service ([§ 15-14-737](#));
- Retirement Plans ([§ 15-14-738](#));
- Taxes ([§ 15-14-739](#)).

Step 3 – Create a List of Assets

Using the [Current Assets List](#), the principal can enter a description of all items presently part of their estate. Included in the list should be a summary of the principal's real estate, personal property, financial accounts, business ownership, and other notable assets. Outlining an estate in this manner makes it so the beneficiaries can easily identify their assigned assets which in turn expedites the process of estate administration following the principal's death.

Step 4 – Choose the Beneficiaries and Designate Assets

Next, the principal should select the individuals who will inherit their assets after they pass away; these individuals are called the beneficiaries. After selecting the beneficiaries, the principal can specify the assets to which each is entitled. The naming of beneficiaries and preliminary organization of asset distribution does not preclude the principal from creating legal instruments which will effectively transfer the ownership to the named individuals.

Step 5 – Draft an Estate Distribution Document

One of the most essential steps in ensuring the security of an estate is to create a document that spells out the principal's preferred method of asset distribution. The following options are available:

[Last Will and Testament \('Will'\)](#) – A document which allows the principal to name their beneficiaries and designate the assets to be inherited by each.

The Last Will and Testament **will be assessed in the probate court** before the estate can be transferred to the heirs. During the probate process, court officials will determine whether the Will is valid and whether the value of the principal's estate must be deducted to cover money owed to creditors.

- **Signing Requirements** ([§ 15-11-502](#)) – The principal must sign or direct another individual to sign on their behalf in their presence. Additionally, the document must either be:
 - Signed by two (2) or more individual who witnessed either the principal's signature or the principal's acknowledgment of the signature or acknowledgment of the Will; or
 - Acknowledged by the principal in the presence of a notarial officer.

[Living Trust \(Revocable\)](#) – This form creates a legal entity that holds possession of the principal's assets. Whichever assets are placed in the trust may still be managed and benefited from during the principal's lifetime. As with a Last Will and Testament, a Living Trust allows the principal to name their beneficiaries and specify the assets that each will inherit. Where the two documents differ, however, is that a Living Trust **will not be assessed in the probate court**. Therefore, the assets held by a Living Trust can be administered immediately following the principal's death.

- **Signing Requirements** ([§ 15-16-101](#)) – Should be signed by the principal in the presence of two (2) witnesses and a notary public. Once signed, the trustee must register the trust at the [court](#) of the principal place of administration.

Step 6 – Keep the Documents Safe

Upon the completion of the above-mentioned estate documents, the principal should protect the paperwork to ensure that the records remain safe and easily accessible in the event of their incapacitation or death. The principal should be careful when informing others as to the location of the forms. This way, there will be no unwanted alterations to the documents made by unauthorized parties.

Colorado Estate Planning Laws

- **Medical Durable Power of Attorney** – [§ 15-14-506](#)
- **Durable (Financial) Power of Attorney** – [Title 14, Article 14, Part 7](#)
- **Last Will and Testament ('Will')** – [Title 15, Article 11](#)
- **Revocable Living Trust** – [Title 15, Article 16](#)