

This is a **starter packet** containing the bare minimum amount of paperwork required.

Your specific case and situation may benefit from and necessitate the inclusion of additional documents.

For more information, please visit our website:



<https://www.coloradojudicial.gov/courts/trial-courts/jefferson-county/local-forms-and-legal-resources?topic=37&wrapped=true>



Instructions for Probate with a Will

These standard instructions are for informational purposes only and do not constitute legal advice about your case. There may be exceptions to the information outlined below. Please consult with an attorney if you have specific questions about the Decedent's estate. If you choose to represent yourself, you are bound by the same rules and procedures as you would be if you were an attorney.

Do I Need to File Probate Documents with the Court?

1. Did the Decedent own real estate? Yes No

The following assets are not counted in number 1 above:

- Real Estate titled in joint tenancy with a surviving joint tenant.
- Real Estate titled with a beneficiary deed.

2. Did the Decedent own non-real estate assets with a total value greater than \$80,000.00?

Yes No

The following assets are not counted in number 2 above:

- Assets owned in joint tenancy with a surviving joint tenant.
- Assets with beneficiary designations, such as Payable-on-Death (POD) or Transferable on Death (TOD) accounts, and some life insurance policies and retirement accounts.

You may not need to file court documents if you answered “**No**” to numbers **1 and 2**. See Instructions for Completing Affidavit for Collection of Personal Property - **JDF 998**.

If you answered “**Yes**” to either **1 or 2**, please read the information below:

How Can I File – Informally or Formally?

A probate case may be commenced in one of two ways.

1. By Application to the Registrar (Informal Proceeding). The Registrar may appoint a Nominee as Personal Representative without prior notice to any Interested Persons, if the Nominee has priority for appointment. The Applicant must provide the Registrar with proof of priority for appointment, which may include documents in addition to the Application such as JDF 912 – Renunciation and/or Nomination of Personal Representative. See §15-12-203, C.R.S.
2. By Petition to the Court (Formal Proceeding). The Probate Judge, Magistrate or Registrar may appoint a Personal Representative and determine Heirs after notice to all Interested Persons and after hearing on any objections.

If you need assistance with legal decisions, you should **contact an attorney**.

Court staff **cannot** advise you.

Common Terms

- Applicant: A person who files an Application for Informal Appointment of a Personal Representative.
- Creditor/Claimant: A person or entity to whom the Decedent or the estate has a financial or other obligation.
- Decedent: The person who passed away.
- Devisee: A person or entity designated in a Will to receive real or personal property.
- Estate: All of the property (real or personal – non-real estate) owned by a person on the date of death that is subject to probate.
- Formal: Opening an estate after prior notice to Interested Persons.
- Heir: Person(s) entitled to the property of the Decedent under statutes of Intestate Succession. See Heirship Tree on page 6.
- Informal: Opening an estate without prior notice to Interested Persons.
- Interested Persons: Persons identified by Colorado Law who must be given notice of a court proceeding. The term may include heirs, children, spouse, devisees, beneficiaries, creditors, claimants, and persons having priority to serve as personal representative, depending on the circumstances.
- Intestate: Estate in which the Decedent **did not leave a will**.
- Intestate Succession: By Colorado law, a list of who will inherit the property when someone dies without a Will. (§15-11-101, et. seq., C.R.S.)
- Letters: A document issued by the Court, identifying the authority of the Personal Representative.
- Nominee: The person seeking appointment as Personal Representative.
- Petitioner: A person who files a Petition for Formal Appointment of Personal Representative and/or Determination of Heirs.
- Personal Representative: A person at least 21, resident or non-resident of Colorado, who has been appointed to administer the estate of the Decedent; previously referred to as Executor/Executrix.
- Right of Survivorship: Property that is owned by two or more people, such that upon the death of one of the co-owners, his or her share passes to the remaining co-owners without the necessity of probate.
- Tenants in Common: Property that is owned by two or more people, such that upon the death of one of the co-owners, his or her share passes to his or her estate rather than to the remaining co-owners. Probate is necessary.
- Testate: Estate in which the Decedent **left a will**.

General Information to File Your Case in Probate Court

- If the Decedent resided or was domiciled in a Colorado county, the Application/Petition must be filed in that county.
- If the Decedent resided or was domiciled in another state, the Application/Petition may be filed in the Colorado County where the Decedent owned property.

- The Court cannot act on an Application or Petition before 120 hours have elapsed since the time of death.
- The nominated Personal Representative must be 21 years of age or older.
- A creditor cannot file an Application/Petition for Appointment of Personal Representative until 45 days have elapsed from the date of death.
- For additional information, please review §§15-12-101 through 1102, C.R.S.
- If you have a disability and need a reasonable accommodation to access the courts, please contact your local ADA Coordinator. Contact information can be obtained from the following website: [\[www.coloradojudicial.gov/ada-coordinators\]](http://www.coloradojudicial.gov/ada-coordinators)

If you do not understand this information, please contact an attorney.

Fees

A filing fee of \$229.00 is required. If you are unable to pay, you must complete the Motion to Waive Fees (JDF 205) and submit it to the Court. Once you submit the completed JDF 205 form and a blank Order (JDF 206), the Court will decide whether you need to pay the filing fee.

Other fees that a party to the case may encounter are as follows:

- Certification of Orders \$ 20.00
- Copy of Documents \$ 0.25 per page

Forms

To access a form online go to [\[www.coloradojudicial.gov/self-help-forms\]](http://www.coloradojudicial.gov/self-help-forms) and select the guardian and conservator category. You can also search by the JDF form number. You may complete a form online and print or you may print it and type or print legibly in black ink.

Read these instructions carefully to determine what forms you may need. You have two choices on how to file. You can file informally or formally as described above. The table below identifies the forms that you may need to open the estate.

Informal	Formal
JDF 910 Application for Informal Probate of Will and Informal Appointment of Personal Representative	JDF 920 Petition for Formal Probate of Will and Formal Appointment of Personal Representative
JDF 911 Acceptance of Appointment	JDF 911 Acceptance of Appointment
JDF 912 Renunciation and/or Nomination of Personal Representative	JDF 912 Renunciation and/or Nomination of Personal Representative
JDF 721 Irrevocable Power of Attorney	JDF 721 Irrevocable Power of Attorney
	JDF 711 Notice of Hearing
JDF 913 Order for Informal Probate of Will and Informal Appointment of Personal Representative	JDF 921 Order Admitting Will to Formal Probate and Formal Appointment of Personal Representative
JDF 915 Letters Testamentary	JDF 915 Letters Testamentary

Steps to Filing Your Case

Step 1: Complete Forms

The caption must be completed on all forms filed. **Be sure to make a copy for your own records of all of the forms you file with the Court.**

- Application for Informal Probate of Will and Informal Appointment of Personal Representative (JDF 910).

Or

- **Petition for Formal Probate of Will and Formal Appointment of Personal Representative (JDF 920).**
 - Complete **all** applicable sections on the form.
 - All heirs living on the Decedent's date of death must be listed. (§15-11-101, C.R.S. to §15-11-108, C.R.S.) Create a family tree, if necessary. See heirship tree on page 6 of the Instructions. All devisees must be listed. This may include charities, friends, and trusts. Use the following as a guide when completing paragraph 8.

Name	Address (or date of death)	Age (if Minor)	Relationship (e.g. spouse, child, brother, guardian for spouse, etc.)
John Smith,	Date of Death 10.15.08	N/A	Spouse of Decedent
Joe Smith, incapacitated	456 North Street, Denver, CO 80123	N/A	Brother of Decedent
Robert Jones	850 Clark Street, Denver, CO 80266	N/A	Guardian for Joe Smith
Sandy Clark	Date of Death 10.1.05	N/A	Sister of John Smith
John Clark	989 North Avenue, Paris, CA 90222	12	Nephew, son of Sandy Clark
Joe Smith Trust, SandyClark Trustee	989 North Avenue, Paris, CA 90222	N/A	Devisee
ABC Charity	456 East Avenue, Denver, CO 80222	N/A	Devisee

- All addresses must be complete and include zip codes.
 - List all names previously used by the Decedent in the caption, for example Robert Smith aka Bob Smith, aka Robert A. Smith, aka Robert Aaron Smith. This is important because assets cannot be released if the name on a deed, bank account, etc. is different from the name identified in the Letters.
 - This form must be signed and dated.
- **Will**
 - The original Will must be filed with the Court.
 - **Acceptance of Appointment (JDF 911).**
 - The Nominee should complete the form and sign and date.

- **Renunciation and/or Nomination of Personal Representative (JDF 912).**
 - To file informally, file this form for any heir who has priority for appointment. To file formally, file this form for any heir who has priority for appointment **or** give notice of hearing to such persons.
 - If there are heirs under the age of 18, the Court may require a Conservator to be appointed.
 - This form must be signed and dated.

- **Irrevocable Power of Attorney (JDF 721).**
 - The nominated Personal Representative must complete this form and sign it before a Notary Public **if** he or she lives out-of-state.

- **Notice of Hearing (JDF 711).**
 - For Formal Probate only, obtain a hearing date by contacting the Court to determine whether an appearance hearing is required.
 - If an appearance hearing **is required**, the court will set a date for a hearing before a Judge or Magistrate. That date and time will be used for completing **JDF 711 - Notice of Hearing**.
 - If an appearance hearing **is not required**, you may set a hearing without appearance for 8:00 a.m. on any weekday (excluding holidays), by completing and filing **JDF 712 – Notice of Hearing Without Appearance Pursuant to C.R.P.P. 24** (Rule 24 of the Colorado Rules of Probate Procedures). If no objection is filed, the Court will rule on the matter as soon as practical after the hearing or hearing without appearance date. Parties are not expected to appear for matters set on the non-appearance docket.
 - Mail or deliver the completed Notice of Hearing and all documents filed with the Court to the persons listed in paragraph 9 of the Petition.
 - If the address of any person listed in paragraph 9 or the identity of any heir is unknown, notice must be given by publication (JDF 716).
 - The Court may require notice to the Colorado Attorney General's Office on behalf of any heir whose address or identity is unknown.

- **Order for Informal Probate of Will and Informal Appointment of Personal Representative (JDF 913).**

or

- **Order Admitting Will to Formal Probate and Formal Appointment of Personal Representative (JDF921).**
 - Complete all applicable portions in preparation for the Court's signature.

- **Letters Testamentary (JDF 915).**
 - Complete only the caption on this form. The Court will complete the remainder of the form.
 - Letters are evidence of the Personal Representative's appointment and proof of authority to act on behalf of the estate.
 - More than one set of certified Letters may be needed during the administration of the estate. Provide the Court with the number of Letters that are needed immediately. Third parties may require Letters to have been certified within the past 60 days. Letters may be requested as needed.
 - **The cost to certify Letters is \$20.00 for certification and \$.75 copy fee.**

Step 2: You are ready to file your papers with the Court

Provide the Court with the documents completed in Step 1 above, the original Will and pay the filing fee.

Step 3: Requirements after the Court appoints a Personal Representative

It is the responsibility of the Personal Representative to administer the estate. This includes collecting assets, valuing the assets, paying claims and distributing the remaining assets in accordance with the law. In addition, the Personal Representative is required to complete the forms listed below:

- **Information of Appointment (JDF 940).**
 - This form informs heirs that the Personal Representative has been appointed and they may contact the Personal Representative with their questions about the estate.
 - This completed form must be sent to all heirs within 30 days from appointment. If the address or identity of any heir is unknown, this form must also be sent to the Colorado Attorney General's Office.
 - This form, **including the completed Certificate of Service**, must be filed with the Court.

- **Notice to Creditors by Publication (JDF 943).**
 - This form is used to notify any potential creditors of the Decedent's estate of the deadline for filing any claims.
 - Unless one year or more has elapsed since the death of the Decedent, the Personal Representative must publish notice to creditors in a local newspaper once a week for three consecutive weeks.
 - Complete the form and provide to a local newspaper.
 - The newspaper will provide you with Proof of Publication. File the Proof of Publication with the Court.

- **Notice to Creditors by Mail or Delivery (JDF 944).**
 - This form is used to notify any known and unpaid creditors of the Decedent's estate of the deadline for filing any claims.
 - Unless one year or more has elapsed since the death of the Decedent, a Personal Representative must send this form to any **known** creditors.

- **Decedent's Estate Inventory (JDF 941).**
 - This form must be completed within three months from the date of appointment.
 - Identify all assets and encumbrances.
 - Send the completed form to Interested Persons who request it or file the original with the Court.
 - Send a copy of the Inventory to the Attorney General, if heirs are unknown or if there is not a person qualified to receive the distribution.

 - **This form does not need to be filed with the Court at this time.**

○ **Interim/Final Accounting (JDF 942).**

- Send the completed form to Interested Persons who request it.
- **This form does not need to be filed with the Court at this time.**

Step 4: Closing the Estate

The Personal Representative must complete forms to close an estate. Visit [\[www.coloradojudicial.gov/self-help-forms\]](http://www.coloradojudicial.gov/self-help-forms) and select the trust, estates, and wills category.

Who is an Heir?

Heirs are those people who are entitled by statute to the decedent's property when there is no will (or when the will does not dispose of all assets).

1. If decedent was married at the time of death, the spouse is an heir, *unless* the decedent is survived by a person with the right to inherit property pursuant to a designated beneficiary agreement. In that case, the designated beneficiary is an heir. See §15-11- 102.5. And...
2. If decedent had children (or descendants of pre-deceased children), the children/descendants are also heirs, *unless* all of them are children/descendants of the surviving spouse **AND** the surviving spouse does not have any surviving children/descendants with any other person. If the spouse is not an heir because the decedent is survived by a designated beneficiary, then the children/descendants are heirs regardless of their relationship to any surviving spouse. And ...
3. If no descendants survive the decedent, surviving parents are also heirs, *unless* the decedent is survived by a designated beneficiary.

If none of the above, then:

1. Decedent's brothers and sisters (and descendants of any pre-deceased brothers and sisters) are the heirs. If none, then:
2. Decedent's grandparents, or if both grandparents on either side (maternal or paternal) are deceased, the descendants of the pre-deceased grandparents are also heirs.

Important Note: If any person who would be an heir died before decedent, then their children substitute for them and become the decedent's heirs. Therefore, grandchildren, great-grandchildren, nieces, nephews, etc., must be considered when determining heirship. Heirs must survive the decedent by at least 120 hours.

District Court <input type="checkbox"/> Denver Probate Court _____ County, Colorado Court Address: _____ <hr/> In the Matter of the Estate of: Deceased	
Attorney or Party Without Attorney (Name and Address): _____ Phone Number: _____ E-mail: _____ FAX Number: _____ Atty. Reg. #: _____	▲ COURT USE ONLY ▲ Case Number: _____ Division _____ Courtroom _____
PETITION FOR FORMAL PROBATE OF WILL AND FORMAL APPOINTMENT OF PERSONAL REPRESENTATIVE	

***** Use this form if the decedent left a will *****

The petitioner, an interested person pursuant to § 15-10-201(27), C.R.S., makes the following statements:

1. Information about the petitioner:

Name: _____ Relationship to Decedent _____
 Street Address: _____
 City: _____ State: _____ Zip Code: _____
 Mailing Address, if different: _____
 City: _____ State: _____ Zip Code: _____
 Primary Phone: _____ Alternate Phone: _____
 Email Address: _____

2. The decedent, _____, died on _____ (date) at the age of ____ years. The decedent was domiciled or resided in the City of _____ County of _____, State of _____.

3. Venue for this proceeding is proper in this county because the decedent:
 had his or her domicile or residence in this county on the date of death.
 did not have his or her domicile or residence in Colorado, but had property located in this county on the date of death.

4. This petition is filed within the time period permitted by law. Three years or less have passed since the decedent's death, or circumstances described in § 15-12-108, C.R.S. authorize tardy probate or appointment.

5. The Petitioner:
 has not received a Demand for Notice of Filings or Orders and is unaware of any Demand for Notice of Filings or Orders concerning Decedent.
 has received or is aware of a Demand for Notice of Filings or Orders concerning Decedent. See attached Demand for Notice of Filings or Orders or explanation.

6. No court has appointed a personal representative and no such appointment proceeding is pending in this state or elsewhere.

A court has appointed a personal representative, or an appointment proceeding is pending in the State of _____ (Attach a statement explaining the circumstances and indicating the name and address of the personal representative. Attach a certified copy of the appointing document if the appointment has been finalized.)

7. Except as may be disclosed in an attached explanation and after the exercise of reasonable diligence, the petitioner is unaware of any instrument revoking the will and is unaware of any prior wills relating to property in Colorado that have not been expressly revoked by a later instrument.

Or

The date of the decedent's last will is _____.

The dates of all codicils are _____.

The will and any codicils are collectively referred to as "the will". The petitioner believes that it is the decedent's last will and that it was validly executed.

8. The original will:

Was deposited with this court before the decedent's death (§ 15-11-515, C.R.S.)

Has been delivered to this court since the decedent's death (§ 15-11-516, C.R.S.)

Is filed with this petition.

Other: _____

An e-filed copy of the will is filed with this petition.

The original will be delivered to the court forthwith.

The will is an electronic will executed in compliance with § 15-11-1305, C.R.S. and an e-filed copy of the will is filed with this application.

The will is an electronic will executed in compliance with § 15-11-1305, C.R.S. and a certified paper copy of the will pursuant to § 15-11-1309, C.R.S. is filed with this application.

The will is a certified copy of the original will that has been certified by the State Court Administrator under § 15-23-116, C.R.S.

The will has been probated in the State of _____. Authenticated copies of the will and of the statement probating it are filed with this petition. (§ 15-12-402, C.R.S.)

9. Decedent's marital and family status:

a) Did a spouse or partner in a civil union survive the decedent? Yes No

b) Did the decedent have a surviving parent? Yes No

c) Did the decedent have surviving children or other descendants? Yes No

d) Does the decedent's surviving spouse or partner in a civil union have surviving descendants who are not descendants of the decedent? Yes No

e) Are all of the decedent's surviving descendants also descendants of the surviving spouse or partner in a civil union? Yes No

f) Are any of the decedent's children minors? Yes No

10. The names and addresses of the decedent's spouse, partner in a civil union, children, other heirs, and devisees are as follows:

◆ If a guardian or conservator has been appointed for one of the persons listed below, also provide the name and address of the guardian or conservator.

◆ If a minor child is listed, list the child's parent(s), guardian, or conservator.

◆ If a spouse, partner in a civil union, or child has predeceased the Decedent, include the date of death.

◆ A sample of this section is included in the Instructions - JDF 906.

Name	Address or Date of Death	Age, only if Minor	Relationship (e.g. spouse, partner in a civil union, child, brother, guardian for spouse, etc.)

11. Petitioner is 21 years of age or older and nominates himself or herself to be appointed as personal representative.

Or

Petitioner is 21 years of age or older and nominates himself/herself to be appointed as co-personal representative along with the following as a co-personal representative.

Name: _____ The Nominee is 21 years of age or older.

Street Address: _____

City: _____ State: _____ Zip Code: _____

Mailing Address, if different: _____

City: _____ State: _____ Zip Code: _____

Primary Phone: _____ Alternate Phone: _____

Email Address: _____

Or

Petitioner nominates the following person be appointed as Personal Representative.

Name: _____ The Nominee is 21 years of age or older.

Street Address: _____

City: _____ State: _____ Zip Code: _____

Mailing Address, if different: _____

City: _____ State: _____ Zip Code: _____

Primary Phone: _____ Alternate Phone: _____

Email Address: _____

12. The nominee has priority for appointment because of:

- Statutory priority. (§ 15-12-203, C.R.S.)
- Reasons stated in the attached explanation.

Persons with prior or equal right to appointment are as follows:

All person(s) (other than those identified in Paragraph 11 above) with prior or equal right to appointment have renounced their right to appointment (JDF 912SC). All required renouncements accompany this petition.

13. Bond is not required by the will and no interested person demanded that bond be filed. (Skip #14 below.)
- Bond is required by will or is being demanded by an interested person. (Complete #14 below.)
- Bond in the amount of \$ _____ has been demanded.

14. Petitioner states the following regarding the decedent's estate, if required by § 15-12-604, C.R.S.

Estimated value of real estate	\$
Estimated value of personal property	\$
Annual income expected from all sources	\$
TOTAL	\$

15. The personal representative may receive compensation.

- The hourly rates to be charged, any amounts to be charged pursuant to a published fee schedule, including the rates and basis for charging fees for any extraordinary services, and any other bases upon which a fee charged to the estate will be calculated, are as stated below or in an attachment to this petition. *

- The basis of compensation has not yet been determined.

* There is a continuing obligation to disclose any material changes to the basis for charging fees. (§ 15-10-602 C.R.S.)

16. The personal representative may compensate his, her, or its counsel.

- The hourly rates to be charged, any amounts to be charged pursuant to a published fee schedule, including the rates and basis for charging fees for any extraordinary services, and any other bases upon which a fee charged to the estate will be calculated, are as stated below or in an attachment to this petition. *

- The basis of compensation has not yet been determined.

* There is a continuing obligation to disclose any material changes to the basis for charging fees. (§ 15-10-602 C.R.S.)

17. Unsupervised administration is requested.

Supervised administration is requested (additional filing fee required). Terms of the requested supervision are as follows:

After notice and hearing, the petitioner requests that the court formally admit the decedent's will to probate, determine the heirs of the decedent and formally appoint the nominee as personal representative to serve:

without bond with bond in the amount of _____.

in unsupervised administration in supervised administration (additional filing fee required)

and that Letters Testamentary be issued to the personal representative or that previously issued Letters be confirmed. The petitioner also requests:

a setting aside of prior informal findings as to testacy.

a setting aside of prior informal appointment of personal representative.

other: _____

By checking this box, I am acknowledging I am filling in the blanks and not changing anything else on the form.

By checking this box, I am acknowledging that I have made a change to the original content of this form.

VERIFICATION

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the _____ day of _____,
(date) (month) (year)

Executed on the _____ day of _____,
(date) (month) (year)

at _____
(city or other location, and state OR country)

at _____
(city or other location, and state OR country)

(printed name)

(printed name)

(Signature of Petitioner)

(Signature of Co-Petitioner, if any)

Attorney Signature, (if any)

Date

Note:

- Please remember to add any AKA names in the caption, if applicable.

8. The heirs of the decedent are:

Name	Relationship (e.g. spouse, partner in a civil union, child, brother, guardian for spouse, etc.)

9. The following person is qualified to serve and is appointed or confirmed as personal representative:

Name: _____ The Nominee is 21 years of age or older.

Street Address: _____

City: _____ State: _____ Zip Code: _____

Mailing Address, if different: _____

City: _____ State: _____ Zip Code: _____

Primary Phone: _____ Alternate Phone: _____

Email Address: _____

The prior informal appointment of _____ (name) is set aside and the letters are revoked.

10. The personal representative will serve

without bond.

with bond in the amount of \$_____.

in unsupervised administration.

in supervised administration as described in an attachment to this order.

11. Letters Testamentary will be issued or previously issued letters are confirmed.

Date: _____

 Judge Magistrate

<input type="checkbox"/> District Court <input type="checkbox"/> Denver Probate Court _____ County, Colorado Court Address: <hr/> In the Matter of the Estate of: Deceased	▲ COURT USE ONLY ▲ <hr/> Case Number: Division Courtroom
LETTERS <input type="checkbox"/> TESTAMENTARY <input type="checkbox"/> OF ADMINISTRATION	

_____ (name) was appointed or qualified by this court or its registrar on _____
 _____ (date) as:

- Personal Representative; or
- Successor Personal Representative.

The decedent died on _____ (date).

These Letters are proof of the Personal Representative's authority to act pursuant to § 15-12-701, et. seq., C.R.S.

- The Personal Representative's authority is unrestricted; or
- The Personal Representative's authority is restricted as follows:

Date: _____

 Probate Registrar/(Deputy)Clerk of Court

CERTIFICATION

Certified to be a true copy of the original in my custody and to be in full force and effect as of
 _____ (date).

 Probate Registrar/(Deputy)Clerk of Court

CERTIFICATE OF SERVICE

I certify that on _____ (date), a copy of this _____ notice along with the motion/petition was served as follows on each of the following:

Name and Address	Relationship to Decedent, Ward, or Protected Person	Manner of Service*

*Insert one of the following: hand delivery, first-class mail, certified mail, e-service , or fax.

Signature