

CHAPTER 295

**PROBATE, TRUSTS, AND FIDUCIARIES**

SENATE BILL 99-220

BY SENATOR Lamborn;  
also REPRESENTATIVES Kaufman, George, Lawrence, Scott, and Veiga.

**AN ACT**

CONCERNING THE ENACTMENT OF THE "COLORADO UNIFORM CUSTODIAL TRUST ACT".

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** Title 15, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

**ARTICLE 1.5**  
**Colorado Uniform Custodial Trust Act**

**15-1.5-101. Definitions.** AS USED IN THIS ARTICLE:

(1) "ADULT" MEANS AN INDIVIDUAL WHO IS AT LEAST EIGHTEEN YEARS OF AGE.

(2) "BENEFICIARY" MEANS AN INDIVIDUAL FOR WHOM PROPERTY HAS BEEN TRANSFERRED TO OR HELD UNDER A DECLARATION OF TRUST BY A CUSTODIAL TRUSTEE FOR THE INDIVIDUAL'S USE AND BENEFIT UNDER THIS ARTICLE.

(3) "CONSERVATOR" MEANS A PERSON APPOINTED OR QUALIFIED BY A COURT TO MANAGE THE ESTATE OF AN INDIVIDUAL OR A PERSON LEGALLY AUTHORIZED TO PERFORM SUBSTANTIALLY THE SAME FUNCTIONS.

(4) "COURT" MEANS THE DISTRICT COURTS OF THIS STATE, EXCEPT IN THE CITY AND COUNTY OF DENVER, WHERE IT MEANS THE PROBATE COURT.

(5) "CUSTODIAL TRUST PROPERTY" MEANS AN INTEREST IN PROPERTY TRANSFERRED TO OR HELD UNDER A DECLARATION OF TRUST BY A CUSTODIAL TRUSTEE UNDER THIS ARTICLE AND THE INCOME FROM AND PROCEEDS OF THAT

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

INTEREST.

(6) "CUSTODIAL TRUSTEE" MEANS A PERSON DESIGNATED AS TRUSTEE OF A CUSTODIAL TRUST UNDER THIS ARTICLE OR A SUBSTITUTE OR SUCCESSOR TO THE PERSON DESIGNATED.

(7) "GUARDIAN" MEANS A PERSON APPOINTED OR QUALIFIED BY A COURT AS A GUARDIAN OF AN INDIVIDUAL, INCLUDING A LIMITED GUARDIAN, BUT NOT A PERSON WHO IS ONLY A GUARDIAN AD LITEM.

(8) "INCAPACITATED" MEANS LACKING THE ABILITY TO MANAGE PROPERTY AND BUSINESS AFFAIRS EFFECTIVELY BY REASON OF MENTAL ILLNESS, MENTAL DEFICIENCY, PHYSICAL ILLNESS OR DISABILITY, CHRONIC USE OF DRUGS, CHRONIC INTOXICATION, CONFINEMENT, DETENTION BY A FOREIGN POWER, DISAPPEARANCE, MINORITY, OR OTHER DISABLING CAUSE.

(9) "LEGAL REPRESENTATIVE" MEANS A PERSONAL REPRESENTATIVE OR CONSERVATOR.

(10) "MEMBER OF THE BENEFICIARY'S FAMILY" MEANS A BENEFICIARY'S SPOUSE, DESCENDANT, STEPCCHILD, PARENT, STEPPARENT, GRANDPARENT, BROTHER, SISTER, UNCLE, OR AUNT, WHETHER RELATED BY WHOLE OR HALF BLOOD OR BY ADOPTION.

(11) "PERSON" MEANS AN INDIVIDUAL, CORPORATION, BUSINESS TRUST, ESTATE, TRUST, PARTNERSHIP, JOINT VENTURE, ASSOCIATION, OR ANY OTHER LEGAL OR COMMERCIAL ENTITY.

(12) "PERSONAL REPRESENTATIVE" MEANS AN EXECUTOR, ADMINISTRATOR, OR SPECIAL ADMINISTRATOR OF A DECEDENT'S ESTATE, A PERSON LEGALLY AUTHORIZED TO PERFORM SUBSTANTIALLY THE SAME FUNCTIONS, OR A SUCCESSOR TO ANY OF THEM.

(13) "STATE" MEANS A STATE, TERRITORY, OR POSSESSION OF THE UNITED STATES, THE DISTRICT OF COLUMBIA, OR THE COMMONWEALTH OF PUERTO RICO.

(14) "TRANSFEROR" MEANS A PERSON WHO CREATES A CUSTODIAL TRUST BY TRANSFER OR DECLARATION.

(15) "TRUST COMPANY" MEANS A FINANCIAL INSTITUTION, CORPORATION, OR OTHER LEGAL ENTITY AUTHORIZED TO EXERCISE GENERAL TRUST POWERS.

**15-1.5-102. Custodial trust - general.** (1) A PERSON MAY CREATE A CUSTODIAL TRUST OF PROPERTY BY A WRITTEN TRANSFER OF THE PROPERTY TO ANOTHER PERSON, EVIDENCED BY REGISTRATION OR BY OTHER INSTRUMENT OF TRANSFER, EXECUTED IN ANY LAWFUL MANNER, NAMING AS BENEFICIARY AN INDIVIDUAL WHO MAY BE THE TRANSFEROR, IN WHICH THE TRANSFEREE IS DESIGNATED, IN SUBSTANCE, AS CUSTODIAL TRUSTEE UNDER THE "COLORADO UNIFORM CUSTODIAL TRUST ACT".

(2) A PERSON MAY CREATE A CUSTODIAL TRUST OF PROPERTY BY A WRITTEN DECLARATION, EVIDENCED BY REGISTRATION OF THE PROPERTY OR BY OTHER INSTRUMENT OF DECLARATION EXECUTED IN ANY LAWFUL MANNER, DESCRIBING THE

PROPERTY AND NAMING AS BENEFICIARY AN INDIVIDUAL OTHER THAN THE DECLARANT, IN WHICH THE DECLARANT AS TITLEHOLDER IS DESIGNATED, IN SUBSTANCE, AS CUSTODIAL TRUSTEE UNDER THE "COLORADO UNIFORM CUSTODIAL TRUST ACT". A REGISTRATION OR OTHER DECLARATION OF TRUST FOR THE SOLE BENEFIT OF THE DECLARANT IS NOT A CUSTODIAL TRUST UNDER THE "COLORADO UNIFORM CUSTODIAL TRUST ACT".

(3) TITLE TO CUSTODIAL TRUST PROPERTY IS IN THE CUSTODIAL TRUSTEE AND THE BENEFICIAL INTEREST IS IN THE BENEFICIARY.

(4) EXCEPT AS PROVIDED IN SUBSECTION (5) OF THIS SECTION, A TRANSFEROR MAY NOT TERMINATE A CUSTODIAL TRUST.

(5) THE BENEFICIARY, IF NOT INCAPACITATED, OR THE CONSERVATOR OF AN INCAPACITATED BENEFICIARY, MAY TERMINATE A CUSTODIAL TRUST BY DELIVERING TO THE CUSTODIAL TRUSTEE A WRITING SIGNED BY THE BENEFICIARY OR CONSERVATOR DECLARING THE TERMINATION. IF NOT PREVIOUSLY TERMINATED, THE CUSTODIAL TRUST TERMINATES ON THE DEATH OF THE BENEFICIARY.

(6) ANY PERSON MAY AUGMENT EXISTING CUSTODIAL TRUST PROPERTY BY THE ADDITION OF OTHER PROPERTY PURSUANT TO THIS ARTICLE.

(7) THE TRANSFEROR MAY DESIGNATE, OR AUTHORIZE THE DESIGNATION OF, A SUCCESSOR CUSTODIAL TRUSTEE IN THE TRUST INSTRUMENT.

(8) THIS ARTICLE DOES NOT DISPLACE OR RESTRICT OTHER MEANS OF CREATING TRUSTS. A TRUST WHOSE TERMS DO NOT CONFORM TO THIS ARTICLE MAY BE ENFORCEABLE ACCORDING TO ITS TERMS UNDER OTHER LAW.

**15-1.5-103. Custodial trustee for future payment or transfer.** (1) A PERSON HAVING THE RIGHT TO DESIGNATE THE RECIPIENT OF PROPERTY PAYABLE OR TRANSFERABLE UPON A FUTURE EVENT MAY CREATE A CUSTODIAL TRUST UPON THE OCCURRENCE OF THE FUTURE EVENT BY DESIGNATING IN WRITING THE RECIPIENT, FOLLOWED IN SUBSTANCE BY "AS CUSTODIAL TRUSTEE FOR (NAME OF BENEFICIARY) UNDER THE "COLORADO UNIFORM CUSTODIAL TRUST ACT"".

(2) PERSONS MAY BE DESIGNATED AS SUBSTITUTE OR SUCCESSOR CUSTODIAL TRUSTEES TO WHOM THE PROPERTY MUST BE PAID OR TRANSFERRED IN THE ORDER NAMED IF THE FIRST DESIGNATED CUSTODIAL TRUSTEE IS UNABLE OR UNWILLING TO SERVE.

(3) A DESIGNATION UNDER THIS SECTION MAY BE MADE IN A WILL, A TRUST, A DEED, A MULTIPLE-PARTY ACCOUNT, AN INSURANCE POLICY, AN INSTRUMENT EXERCISING A POWER OF APPOINTMENT, OR A WRITING DESIGNATING A BENEFICIARY OF CONTRACTUAL RIGHTS. OTHERWISE, TO BE EFFECTIVE, THE DESIGNATION MUST BE REGISTERED WITH OR DELIVERED TO THE FIDUCIARY, PAYOR, ISSUER, OR OBLIGOR OF THE FUTURE RIGHT.

**15-1.5-104. Form and effect of receipt and acceptance by custodial trustee - jurisdiction.** (1) OBLIGATIONS OF A CUSTODIAL TRUSTEE, INCLUDING THE OBLIGATION TO FOLLOW UPON DIRECTIONS OF THE BENEFICIARY, ARISE UNDER THIS

ARTICLE UPON THE CUSTODIAL TRUSTEE'S ACCEPTANCE, EXPRESS OR IMPLIED, OF THE CUSTODIAL TRUST PROPERTY.

(2) THE CUSTODIAL TRUSTEE'S ACCEPTANCE MAY BE EVIDENCED BY A WRITING STATING IN SUBSTANCE:

CUSTODIAL TRUSTEE'S RECEIPT AND ACCEPTANCE

I, \_\_\_\_\_ (NAME OF CUSTODIAL TRUSTEE) ACKNOWLEDGE RECEIPT OF THE CUSTODIAL TRUST PROPERTY DESCRIBED BELOW OR IN THE ATTACHED INSTRUMENT AND ACCEPT THE CUSTODIAL TRUST AS CUSTODIAL TRUSTEE FOR \_\_\_\_\_ (NAME OF BENEFICIARY) UNDER THE "COLORADO UNIFORM CUSTODIAL TRUST ACT". I UNDERTAKE TO ADMINISTER AND DISTRIBUTE THE CUSTODIAL TRUST PROPERTY PURSUANT TO THE "COLORADO UNIFORM CUSTODIAL TRUST ACT". MY OBLIGATIONS AS CUSTODIAL TRUSTEE ARE SUBJECT TO THE DIRECTIONS OF THE BENEFICIARY UNLESS THE BENEFICIARY IS DESIGNATED AS, IS, OR BECOMES INCAPACITATED. THE CUSTODIAL TRUST PROPERTY CONSISTS OF \_\_\_\_\_.  
 DATED: \_\_\_\_\_

\_\_\_\_\_  
 (SIGNATURE OF CUSTODIAL TRUSTEE)

(3) UPON ACCEPTING CUSTODIAL TRUST PROPERTY, A PERSON DESIGNATED AS CUSTODIAL TRUSTEE UNDER THIS ARTICLE IS SUBJECT TO PERSONAL JURISDICTION OF THE COURT WITH RESPECT TO ANY MATTER RELATING TO THE CUSTODIAL TRUST.

**15-1.5-105. Transfer to custodial trustee by fiduciary or obligor - facility of payment.** (1) UNLESS OTHERWISE DIRECTED BY AN INSTRUMENT DESIGNATING A CUSTODIAL TRUSTEE PURSUANT TO SECTION 15-1.5-103, A PERSON, INCLUDING A FIDUCIARY OTHER THAN A CUSTODIAL TRUSTEE, WHO HOLDS PROPERTY OF OR OWES A DEBT TO AN INCAPACITATED INDIVIDUAL NOT HAVING A CONSERVATOR MAY MAKE A TRANSFER TO AN ADULT MEMBER OF THE BENEFICIARY'S FAMILY OR TO A TRUST COMPANY AS CUSTODIAL TRUSTEE FOR THE USE AND BENEFIT OF THE INCAPACITATED INDIVIDUAL. IF THE VALUE OF THE PROPERTY OR THE DEBT EXCEEDS THIRTY THOUSAND DOLLARS, THE TRANSFER IS NOT EFFECTIVE UNLESS AUTHORIZED BY THE COURT.

(2) A WRITTEN ACKNOWLEDGMENT OF DELIVERY, SIGNED BY A CUSTODIAL TRUSTEE, IS A SUFFICIENT RECEIPT AND DISCHARGE FOR PROPERTY TRANSFERRED TO THE CUSTODIAL TRUSTEE PURSUANT TO THIS SECTION.

**15-1.5-106. Multiple beneficiaries - separate custodial trusts - survivorship.** (1) BENEFICIAL INTERESTS IN A CUSTODIAL TRUST CREATED FOR MULTIPLE BENEFICIARIES ARE DEEMED TO BE SEPARATE CUSTODIAL TRUSTS OF EQUAL UNDIVIDED INTERESTS FOR EACH BENEFICIARY. EXCEPT IN A TRANSFER OR DECLARATION FOR USE AND BENEFIT OF HUSBAND AND WIFE, FOR WHOM SURVIVORSHIP IS PRESUMED, A RIGHT OF SURVIVORSHIP DOES NOT EXIST UNLESS THE INSTRUMENT CREATING THE CUSTODIAL TRUST SPECIFICALLY PROVIDES FOR SURVIVORSHIP.

(2) CUSTODIAL TRUST PROPERTY HELD UNDER THIS ARTICLE BY THE SAME CUSTODIAL TRUSTEE FOR THE USE AND BENEFIT OF THE SAME BENEFICIARY MAY BE

ADMINISTERED AS A SINGLE CUSTODIAL TRUST.

(3) A CUSTODIAL TRUSTEE OF CUSTODIAL TRUST PROPERTY HELD FOR MORE THAN ONE BENEFICIARY SHALL SEPARATELY ACCOUNT TO EACH BENEFICIARY PURSUANT TO SECTIONS 15-1.5-107 AND 15-1.5-115 FOR THE ADMINISTRATION OF THE CUSTODIAL TRUST.

**15-1.5-107. General duties of custodial trustee.** (1) IF APPROPRIATE, A CUSTODIAL TRUSTEE SHALL REGISTER OR RECORD THE INSTRUMENT VESTING TITLE TO CUSTODIAL TRUST PROPERTY.

(2) IF THE BENEFICIARY IS NOT INCAPACITATED, A CUSTODIAL TRUSTEE SHALL FOLLOW THE DIRECTIONS OF THE BENEFICIARY IN THE MANAGEMENT, CONTROL, INVESTMENT, OR RETENTION OF THE CUSTODIAL TRUST PROPERTY. IN THE ABSENCE OF EFFECTIVE CONTRARY DIRECTION BY THE BENEFICIARY WHILE NOT INCAPACITATED, OR IF THE BENEFICIARY IS INCAPACITATED, THE CUSTODIAL TRUSTEE SHALL OBSERVE THE STANDARD OF CARE THAT WOULD BE OBSERVED BY A PRUDENT PERSON DEALING WITH PROPERTY OF ANOTHER AND SHALL COMPLY WITH THE PROVISIONS OF THE "COLORADO UNIFORM PRUDENT INVESTOR ACT". HOWEVER, A CUSTODIAL TRUSTEE, IN THE CUSTODIAL TRUSTEE'S DISCRETION, MAY RETAIN ANY CUSTODIAL TRUST PROPERTY RECEIVED FROM THE TRANSFEROR.

(3) SUBJECT TO SUBSECTION (2) OF THIS SECTION, A CUSTODIAL TRUSTEE SHALL TAKE CONTROL OF AND COLLECT, HOLD, MANAGE, INVEST, AND REINVEST CUSTODIAL TRUST PROPERTY.

(4) A CUSTODIAL TRUSTEE AT ALL TIMES SHALL KEEP CUSTODIAL TRUST PROPERTY OF WHICH THE CUSTODIAL TRUSTEE HAS CONTROL, SEPARATE FROM ALL OTHER PROPERTY IN A MANNER SUFFICIENT TO IDENTIFY IT CLEARLY AS CUSTODIAL TRUST PROPERTY OF THE BENEFICIARY. CUSTODIAL TRUST PROPERTY, THE TITLE TO WHICH IS SUBJECT TO RECORDATION, IS SO IDENTIFIED IF AN APPROPRIATE INSTRUMENT SO IDENTIFYING THE PROPERTY IS RECORDED, AND CUSTODIAL TRUST PROPERTY SUBJECT TO REGISTRATION IS SO IDENTIFIED IF IT IS REGISTERED, OR HELD IN AN ACCOUNT IN THE NAME OF THE CUSTODIAL TRUSTEE, DESIGNATED IN SUBSTANCE: "AS CUSTODIAL TRUSTEE FOR (NAME OF BENEFICIARY) UNDER THE "COLORADO UNIFORM CUSTODIAL TRUST ACT".

(5) A CUSTODIAL TRUSTEE SHALL KEEP RECORDS OF ALL TRANSACTIONS WITH RESPECT TO CUSTODIAL TRUST PROPERTY, INCLUDING INFORMATION NECESSARY FOR THE PREPARATION OF TAX RETURNS, AND SHALL MAKE THE RECORDS AND INFORMATION AVAILABLE AT REASONABLE TIMES TO THE BENEFICIARY OR LEGAL REPRESENTATIVE OF THE BENEFICIARY.

(6) THE EXERCISE OF A DURABLE POWER OF ATTORNEY FOR AN INCAPACITATED BENEFICIARY IS NOT EFFECTIVE TO TERMINATE OR DIRECT THE ADMINISTRATION OR DISTRIBUTION OF A CUSTODIAL TRUST.

**15-1.5-108. General powers of custodial trustee.** (1) A CUSTODIAL TRUSTEE, ACTING IN A FIDUCIARY CAPACITY, HAS ALL THE RIGHTS AND POWERS OVER CUSTODIAL TRUST PROPERTY WHICH AN UNMARRIED ADULT OWNER HAS OVER INDIVIDUALLY OWNED PROPERTY, BUT A CUSTODIAL TRUSTEE MAY EXERCISE THOSE

## RIGHTS AND POWERS IN A FIDUCIARY CAPACITY ONLY.

(2) THIS SECTION DOES NOT RELIEVE A CUSTODIAL TRUSTEE FROM LIABILITY FOR A VIOLATION OF SECTION 15-1.5-107.

**15-1.5-109. Use of custodial trust property.** (1) A CUSTODIAL TRUSTEE SHALL PAY TO THE BENEFICIARY OR EXPEND FOR THE BENEFICIARY'S USE AND BENEFIT SO MUCH OR ALL OF THE CUSTODIAL TRUST PROPERTY AS THE BENEFICIARY WHILE NOT INCAPACITATED MAY DIRECT FROM TIME TO TIME.

(2) IF THE BENEFICIARY IS INCAPACITATED, THE CUSTODIAL TRUSTEE SHALL EXPEND SO MUCH OR ALL OF THE CUSTODIAL TRUST PROPERTY AS THE CUSTODIAL TRUSTEE CONSIDERS ADVISABLE FOR THE USE AND BENEFIT OF THE BENEFICIARY AND INDIVIDUALS WHO WERE SUPPORTED BY THE BENEFICIARY WHEN THE BENEFICIARY BECAME INCAPACITATED OR WHO ARE LEGALLY ENTITLED TO SUPPORT BY THE BENEFICIARY. EXPENDITURES MAY BE MADE IN THE MANNER, WHEN, AND TO THE EXTENT THAT THE CUSTODIAL TRUSTEE DETERMINES SUITABLE AND PROPER, WITHOUT COURT ORDER AND WITHOUT REGARD TO OTHER SUPPORT, INCOME, OR PROPERTY OF THE BENEFICIARY.

(3) A CUSTODIAL TRUSTEE MAY ESTABLISH CHECKING, SAVINGS, OR OTHER SIMILAR ACCOUNTS OF REASONABLE AMOUNTS UNDER WHICH EITHER THE CUSTODIAL TRUSTEE OR THE BENEFICIARY MAY WITHDRAW FUNDS FROM, OR DRAW CHECKS AGAINST, THE ACCOUNTS. FUNDS WITHDRAWN FROM, OR CHECKS WRITTEN AGAINST, THE ACCOUNT BY THE BENEFICIARY ARE DISTRIBUTIONS OF CUSTODIAL TRUST PROPERTY BY THE CUSTODIAL TRUSTEE TO THE BENEFICIARY.

**15-1.5-110. Determination of incapacity - effect.** (1) THE CUSTODIAL TRUSTEE SHALL ADMINISTER THE CUSTODIAL TRUST AS FOR AN INCAPACITATED BENEFICIARY IF:

(a) THE CUSTODIAL TRUST WAS CREATED UNDER SECTION 15-1.5-105;

(b) THE TRANSFEROR HAS SO DIRECTED IN THE INSTRUMENT CREATING THE CUSTODIAL TRUST; OR

(c) THE CUSTODIAL TRUSTEE HAS DETERMINED THAT THE BENEFICIARY IS INCAPACITATED.

(2) A CUSTODIAL TRUSTEE MAY DETERMINE THAT THE BENEFICIARY IS INCAPACITATED IN RELIANCE UPON:

(a) PREVIOUS DIRECTION OR AUTHORITY GIVEN BY THE BENEFICIARY WHILE NOT INCAPACITATED, INCLUDING DIRECTION OR AUTHORITY PURSUANT TO A DURABLE POWER OF ATTORNEY;

(b) THE CERTIFICATE OF THE BENEFICIARY'S PHYSICIAN; OR

(c) OTHER PERSUASIVE EVIDENCE.

(3) IF A CUSTODIAL TRUSTEE FOR AN INCAPACITATED BENEFICIARY REASONABLY

CONCLUDES THAT THE BENEFICIARY'S INCAPACITY HAS CEASED, OR THAT CIRCUMSTANCES CONCERNING THE BENEFICIARY'S ABILITY TO MANAGE PROPERTY AND BUSINESS AFFAIRS HAVE CHANGED SINCE THE CREATION OF A CUSTODIAL TRUST DIRECTING ADMINISTRATION AS FOR AN INCAPACITATED BENEFICIARY, THE CUSTODIAL TRUSTEE MAY ADMINISTER THE TRUST AS FOR A BENEFICIARY WHO IS NOT INCAPACITATED.

(4) ON PETITION OF THE BENEFICIARY, THE CUSTODIAL TRUSTEE, OR OTHER PERSON INTERESTED IN THE CUSTODIAL TRUST PROPERTY OR THE WELFARE OF THE BENEFICIARY, THE COURT SHALL DETERMINE WHETHER THE BENEFICIARY IS INCAPACITATED.

(5) ABSENT DETERMINATION OF INCAPACITY OF THE BENEFICIARY UNDER SUBSECTION (2) OR (4) OF THIS SECTION, A CUSTODIAL TRUSTEE WHO HAS REASON TO BELIEVE THAT THE BENEFICIARY IS INCAPACITATED SHALL ADMINISTER THE CUSTODIAL TRUST IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE APPLICABLE TO AN INCAPACITATED BENEFICIARY.

(6) INCAPACITY OF A BENEFICIARY DOES NOT TERMINATE:

(a) THE CUSTODIAL TRUST;

(b) ANY DESIGNATION OF A SUCCESSOR CUSTODIAL TRUSTEE;

(c) RIGHTS OR POWERS OF THE CUSTODIAL TRUSTEE; OR

(d) ANY IMMUNITIES OF THIRD PERSONS ACTING ON INSTRUCTIONS OF THE CUSTODIAL TRUSTEE.

**15-1.5-111. Exemption of third persons from liability.** (1) A THIRD PERSON IN GOOD FAITH AND WITHOUT A COURT ORDER MAY ACT ON INSTRUCTIONS OF, OR OTHERWISE DEAL WITH, A PERSON PURPORTING TO MAKE A TRANSFER AS, OR PURPORTING TO ACT IN THE CAPACITY OF, A CUSTODIAL TRUSTEE. IN THE ABSENCE OF KNOWLEDGE TO THE CONTRARY, THE THIRD PERSON IS NOT RESPONSIBLE FOR DETERMINING:

(a) THE VALIDITY OF THE PURPORTED CUSTODIAL TRUSTEE'S DESIGNATION;

(b) THE PROPRIETY OF, OR THE AUTHORITY UNDER THIS ARTICLE FOR, ANY ACTION OF THE PURPORTED CUSTODIAL TRUSTEE;

(c) THE VALIDITY OR PROPRIETY OF AN INSTRUMENT EXECUTED OR INSTRUCTION GIVEN PURSUANT TO THIS ARTICLE EITHER BY THE PERSON PURPORTING TO MAKE A TRANSFER OR DECLARATION OR BY THE PURPORTED CUSTODIAL TRUSTEE; OR

(d) THE PROPRIETY OF THE APPLICATION OF PROPERTY VESTED IN THE PURPORTED CUSTODIAL TRUSTEE.

**15-1.5-112. Liability to third persons.** (1) A CLAIM BASED ON A CONTRACT ENTERED INTO BY A CUSTODIAL TRUSTEE ACTING IN A FIDUCIARY CAPACITY, AN OBLIGATION ARISING FROM THE OWNERSHIP OR CONTROL OF CUSTODIAL TRUST

PROPERTY, OR A TORT COMMITTED IN THE COURSE OF ADMINISTERING THE CUSTODIAL TRUST MAY BE ASSERTED BY A THIRD PERSON AGAINST THE CUSTODIAL TRUST PROPERTY BY PROCEEDING AGAINST THE CUSTODIAL TRUSTEE IN A FIDUCIARY CAPACITY, WHETHER OR NOT THE CUSTODIAL TRUSTEE OR THE BENEFICIARY IS PERSONALLY LIABLE.

(2) A CUSTODIAL TRUSTEE IS NOT PERSONALLY LIABLE TO A THIRD PERSON:

(a) ON A CONTRACT PROPERLY ENTERED INTO IN A FIDUCIARY CAPACITY UNLESS THE CUSTODIAL TRUSTEE FAILS TO REVEAL THAT CAPACITY OR TO IDENTIFY THE CUSTODIAL TRUST IN THE CONTRACT; OR

(b) FOR AN OBLIGATION ARISING FROM CONTROL OF CUSTODIAL TRUST PROPERTY OR FOR A TORT COMMITTED IN THE COURSE OF THE ADMINISTRATION OF THE CUSTODIAL TRUST UNLESS THE CUSTODIAL TRUSTEE IS PERSONALLY AT FAULT.

(3) A BENEFICIARY IS NOT PERSONALLY LIABLE TO A THIRD PERSON FOR AN OBLIGATION ARISING FROM BENEFICIAL OWNERSHIP OF CUSTODIAL TRUST PROPERTY OR FOR A TORT COMMITTED IN THE COURSE OF ADMINISTRATION OF THE CUSTODIAL TRUST UNLESS THE BENEFICIARY IS PERSONALLY IN POSSESSION OF THE CUSTODIAL TRUST PROPERTY GIVING RISE TO THE LIABILITY OR IS PERSONALLY AT FAULT.

(4) SUBSECTIONS (2) AND (3) OF THIS SECTION DO NOT PRECLUDE ACTIONS OR PROCEEDINGS TO ESTABLISH LIABILITY OF THE CUSTODIAL TRUSTEE OR BENEFICIARY TO THE EXTENT THE PERSON SUED IS PROTECTED AS THE INSURED BY LIABILITY INSURANCE.

**15-1.5-113. Declination, resignation, incapacity, death, or removal of custodial trustee - designation of successor custodial trustee.** (1) BEFORE ACCEPTING THE CUSTODIAL TRUST PROPERTY, A PERSON DESIGNATED AS CUSTODIAL TRUSTEE MAY DECLINE TO SERVE BY NOTIFYING THE PERSON WHO MADE THE DESIGNATION, THE TRANSFEROR, OR THE TRANSFEROR'S LEGAL REPRESENTATIVE. IF AN EVENT GIVING RISE TO A TRANSFER HAS NOT OCCURRED, THE SUBSTITUTE CUSTODIAL TRUSTEE DESIGNATED UNDER SECTION 15-1.5-103 BECOMES THE CUSTODIAL TRUSTEE, OR, IF A SUBSTITUTE CUSTODIAL TRUSTEE HAS NOT BEEN DESIGNATED, THE PERSON WHO MADE THE DESIGNATION MAY DESIGNATE A SUBSTITUTE CUSTODIAL TRUSTEE PURSUANT TO SECTION 15-1.5-103. IN OTHER CASES, THE TRANSFEROR OR THE TRANSFEROR'S LEGAL REPRESENTATIVE MAY DESIGNATE A SUBSTITUTE CUSTODIAL TRUSTEE.

(2) A CUSTODIAL TRUSTEE WHO HAS ACCEPTED THE CUSTODIAL TRUST PROPERTY MAY RESIGN BY:

(a) DELIVERING WRITTEN NOTICE TO A SUCCESSOR CUSTODIAL TRUSTEE, IF ANY, THE BENEFICIARY, AND, IF THE BENEFICIARY IS INCAPACITATED, TO THE BENEFICIARY'S CONSERVATOR, IF ANY; AND

(b) TRANSFERRING OR REGISTERING, OR RECORDING AN APPROPRIATE INSTRUMENT RELATING TO, THE CUSTODIAL TRUST PROPERTY, IN THE NAME OF, AND DELIVERING THE RECORDS TO, THE SUCCESSOR CUSTODIAL TRUSTEE IDENTIFIED UNDER SUBSECTION (3) OF THIS SECTION.



(3) IF A CUSTODIAL TRUSTEE OR SUCCESSOR CUSTODIAL TRUSTEE IS INELIGIBLE, RESIGNS, DIES, OR BECOMES INCAPACITATED, THE SUCCESSOR DESIGNATED UNDER SECTION 15-1.5-102 (7) OR SECTION 15-1.5-103 BECOMES CUSTODIAL TRUSTEE. IF THERE IS NO EFFECTIVE PROVISION FOR A SUCCESSOR, THE BENEFICIARY, IF NOT INCAPACITATED, MAY DESIGNATE A SUCCESSOR CUSTODIAL TRUSTEE. IF THE BENEFICIARY IS INCAPACITATED, OR FAILS TO ACT WITHIN NINETY DAYS AFTER THE INELIGIBILITY, RESIGNATION, DEATH, OR INCAPACITY OF THE CUSTODIAL TRUSTEE, THE BENEFICIARY'S CONSERVATOR BECOMES SUCCESSOR CUSTODIAL TRUSTEE. IF THE BENEFICIARY DOES NOT HAVE A CONSERVATOR OR THE CONSERVATOR FAILS TO ACT, THE RESIGNING CUSTODIAL TRUSTEE MAY DESIGNATE A SUCCESSOR CUSTODIAL TRUSTEE.

(4) IF A SUCCESSOR CUSTODIAL TRUSTEE IS NOT DESIGNATED PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE TRANSFEROR, THE LEGAL REPRESENTATIVE OF THE TRANSFEROR OR OF THE CUSTODIAL TRUSTEE, AN ADULT MEMBER OF THE BENEFICIARY'S FAMILY, THE GUARDIAN OF THE BENEFICIARY, A PERSON INTERESTED IN THE CUSTODIAL TRUST PROPERTY, OR A PERSON INTERESTED IN THE WELFARE OF THE BENEFICIARY MAY PETITION THE COURT TO DESIGNATE A SUCCESSOR CUSTODIAL TRUSTEE.

(5) A CUSTODIAL TRUSTEE WHO DECLINES TO SERVE OR RESIGNS, OR THE LEGAL REPRESENTATIVE OF A DECEASED OR INCAPACITATED CUSTODIAL TRUSTEE, AS SOON AS PRACTICABLE, SHALL PUT THE CUSTODIAL TRUST PROPERTY AND RECORDS IN THE POSSESSION AND CONTROL OF THE SUCCESSOR CUSTODIAL TRUSTEE. THE SUCCESSOR CUSTODIAL TRUSTEE MAY ENFORCE THE OBLIGATION TO DELIVER CUSTODIAL TRUST PROPERTY AND RECORDS AND BECOMES RESPONSIBLE FOR EACH ITEM AS RECEIVED.

(6) A BENEFICIARY, THE BENEFICIARY'S CONSERVATOR, AN ADULT MEMBER OF THE BENEFICIARY'S FAMILY, A GUARDIAN OF THE BENEFICIARY, A PERSON INTERESTED IN THE CUSTODIAL TRUST PROPERTY, OR A PERSON INTERESTED IN THE WELFARE OF THE BENEFICIARY MAY PETITION THE COURT TO REMOVE THE CUSTODIAL TRUSTEE FOR CAUSE AND DESIGNATE A SUCCESSOR CUSTODIAL TRUSTEE, TO REQUIRE THE CUSTODIAL TRUSTEE TO FURNISH A BOND OR OTHER SECURITY FOR THE FAITHFUL PERFORMANCE OF FIDUCIARY DUTIES, OR FOR OTHER APPROPRIATE RELIEF.

**15-1.5-114. Expenses, compensation, and bond of custodial trustee.**

(1) EXCEPT AS OTHERWISE PROVIDED IN THE INSTRUMENT CREATING THE CUSTODIAL TRUST, IN AN AGREEMENT WITH THE BENEFICIARY, OR BY COURT ORDER, A CUSTODIAL TRUSTEE:

(a) IS ENTITLED TO REIMBURSEMENT FROM CUSTODIAL TRUST PROPERTY FOR REASONABLE EXPENSES INCURRED IN THE PERFORMANCE OF FIDUCIARY SERVICES;

(b) HAS A NONCUMULATIVE ELECTION, TO BE MADE NO LATER THAN SIX MONTHS AFTER THE END OF EACH CALENDAR YEAR, TO CHARGE A REASONABLE COMPENSATION FOR FIDUCIARY SERVICES PERFORMED DURING THAT YEAR; AND

(c) NEED NOT FURNISH A BOND OR OTHER SECURITY FOR THE FAITHFUL PERFORMANCE OF FIDUCIARY DUTIES.

**15-1.5-115. Reporting and accounting by custodial trustee - determination**

**of liability of custodial trustee.** (1) (a) UPON THE ACCEPTANCE OF CUSTODIAL TRUST PROPERTY, THE CUSTODIAL TRUSTEE SHALL PROVIDE A WRITTEN STATEMENT DESCRIBING THE CUSTODIAL TRUST PROPERTY AND SHALL THEREAFTER PROVIDE A WRITTEN STATEMENT OF THE ADMINISTRATION OF THE CUSTODIAL TRUST PROPERTY:

(I) ONCE EACH YEAR;

(II) UPON REQUEST AT REASONABLE TIMES BY THE BENEFICIARY OR THE BENEFICIARY'S LEGAL REPRESENTATIVE;

(III) UPON RESIGNATION OR REMOVAL OF THE CUSTODIAL TRUSTEE; AND

(IV) UPON TERMINATION OF THE CUSTODIAL TRUST.

(b) THE STATEMENTS MUST BE PROVIDED TO THE BENEFICIARY OR TO THE BENEFICIARY'S LEGAL REPRESENTATIVE, IF ANY. UPON TERMINATION OF THE BENEFICIARY'S INTEREST, THE CUSTODIAL TRUSTEE SHALL FURNISH A CURRENT STATEMENT TO THE PERSON TO WHOM THE CUSTODIAL TRUST PROPERTY IS TO BE DELIVERED.

(2) A BENEFICIARY, THE BENEFICIARY'S LEGAL REPRESENTATIVE, AN ADULT MEMBER OF THE BENEFICIARY'S FAMILY, A PERSON INTERESTED IN THE CUSTODIAL TRUST PROPERTY, OR A PERSON INTERESTED IN THE WELFARE OF THE BENEFICIARY MAY PETITION THE COURT FOR AN ACCOUNTING BY THE CUSTODIAL TRUSTEE OR THE CUSTODIAL TRUSTEE'S LEGAL REPRESENTATIVE.

(3) A SUCCESSOR CUSTODIAL TRUSTEE MAY PETITION THE COURT FOR AN ACCOUNTING BY A PREDECESSOR CUSTODIAL TRUSTEE.

(4) IN AN ACTION OR PROCEEDING UNDER THIS ARTICLE OR IN ANY OTHER PROCEEDING, THE COURT MAY REQUIRE OR PERMIT THE CUSTODIAL TRUSTEE OR THE CUSTODIAL TRUSTEE'S LEGAL REPRESENTATIVE TO ACCOUNT. THE CUSTODIAL TRUSTEE OR THE CUSTODIAL TRUSTEE'S LEGAL REPRESENTATIVE MAY PETITION THE COURT FOR APPROVAL OF FINAL ACCOUNTS.

(5) IF A CUSTODIAL TRUSTEE IS REMOVED, THE COURT SHALL REQUIRE AN ACCOUNTING AND ORDER DELIVERY OF THE CUSTODIAL TRUST PROPERTY AND RECORDS TO THE SUCCESSOR CUSTODIAL TRUSTEE AND THE EXECUTION OF ALL INSTRUMENTS REQUIRED FOR TRANSFER OF THE CUSTODIAL TRUST PROPERTY.

(6) ON PETITION OF THE CUSTODIAL TRUSTEE OR ANY PERSON WHO COULD PETITION FOR AN ACCOUNTING, THE COURT, AFTER NOTICE TO INTERESTED PERSONS, MAY ISSUE INSTRUCTIONS TO THE CUSTODIAL TRUSTEE OR REVIEW THE PROPRIETY OF THE ACTS OF A CUSTODIAL TRUSTEE OR THE REASONABLENESS OF COMPENSATION DETERMINED BY THE CUSTODIAL TRUSTEE FOR THE SERVICES OF THE CUSTODIAL TRUSTEE OR OTHERS.

**15-1.5-116. Limitations of action against custodial trustee.** (1) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, UNLESS PREVIOUSLY BARRED BY ADJUDICATION, CONSENT, OR LIMITATION, A CLAIM FOR RELIEF AGAINST A CUSTODIAL TRUSTEE FOR ACCOUNTING OR BREACH OF DUTY IS BARRED AS TO A BENEFICIARY, A

PERSON TO WHOM CUSTODIAL TRUST PROPERTY IS TO BE PAID OR DELIVERED, OR THE LEGAL REPRESENTATIVE OF AN INCAPACITATED OR DECEASED BENEFICIARY OR PAYEE:

(a) WHO HAS RECEIVED A FINAL ACCOUNT OR STATEMENT FULLY DISCLOSING THE MATTER UNLESS AN ACTION OR PROCEEDING TO ASSERT THE CLAIM IS COMMENCED WITHIN TWO YEARS AFTER RECEIPT OF THE FINAL ACCOUNT OR STATEMENT; OR

(b) WHO HAS NOT RECEIVED A FINAL ACCOUNT OR STATEMENT FULLY DISCLOSING THE MATTER UNLESS AN ACTION OR PROCEEDING TO ASSERT THE CLAIM IS COMMENCED WITHIN THREE YEARS AFTER THE TERMINATION OF THE CUSTODIAL TRUST.

(2) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, A CLAIM FOR RELIEF TO RECOVER FROM A CUSTODIAL TRUSTEE FOR FRAUD, MISREPRESENTATION, OR CONCEALMENT RELATED TO THE FINAL SETTLEMENT OF THE CUSTODIAL TRUST OR CONCEALMENT OF THE EXISTENCE OF THE CUSTODIAL TRUST IS BARRED UNLESS AN ACTION OR PROCEEDING TO ASSERT THE CLAIM IS COMMENCED WITHIN FIVE YEARS AFTER THE TERMINATION OF THE CUSTODIAL TRUST.

(3) A CLAIM FOR RELIEF IS NOT BARRED BY THIS SECTION IF THE CLAIMANT:

(a) IS A MINOR, UNTIL THE EARLIER OF TWO YEARS AFTER THE CLAIMANT BECOMES AN ADULT OR DIES;

(b) IS AN INCAPACITATED ADULT, UNTIL THE EARLIEST OF TWO YEARS AFTER THE APPOINTMENT OF A CONSERVATOR, THE REMOVAL OF THE INCAPACITY, OR THE DEATH OF THE CLAIMANT; OR

(c) WAS AN ADULT, NOW DECEASED, WHO WAS NOT INCAPACITATED, UNTIL TWO YEARS AFTER THE CLAIMANT'S DEATH.

**15-1.5-117. Distribution on termination.** (1) UPON TERMINATION OF A CUSTODIAL TRUST, THE CUSTODIAL TRUSTEE SHALL TRANSFER THE UNEXPENDED CUSTODIAL TRUST PROPERTY:

(a) TO THE BENEFICIARY, IF NOT INCAPACITATED OR DECEASED;

(b) TO THE CONSERVATOR OR OTHER RECIPIENT DESIGNATED BY THE COURT FOR AN INCAPACITATED BENEFICIARY; OR

(c) UPON THE BENEFICIARY'S DEATH, IN THE FOLLOWING ORDER:

(I) AS LAST DIRECTED IN A WRITING SIGNED BY THE DECEASED BENEFICIARY WHILE NOT INCAPACITATED AND RECEIVED BY THE CUSTODIAL TRUSTEE DURING THE LIFE OF THE DECEASED BENEFICIARY;

(II) TO THE SURVIVOR OF MULTIPLE BENEFICIARIES IF SURVIVORSHIP IS PROVIDED FOR PURSUANT TO SECTION 15-1.5-106;

(III) AS DESIGNATED IN THE INSTRUMENT CREATING THE CUSTODIAL TRUST; OR

(IV) TO THE ESTATE OF THE DECEASED BENEFICIARY.

(2) IF, WHEN THE CUSTODIAL TRUST WOULD OTHERWISE TERMINATE, THE DISTRIBUTEE IS INCAPACITATED, THE CUSTODIAL TRUST CONTINUES FOR THE USE AND BENEFIT OF THE DISTRIBUTEE AS BENEFICIARY UNTIL THE INCAPACITY IS REMOVED OR THE CUSTODIAL TRUST IS OTHERWISE TERMINATED.

(3) DEATH OF A BENEFICIARY DOES NOT TERMINATE THE POWER OF THE CUSTODIAL TRUSTEE TO DISCHARGE OBLIGATIONS OF THE CUSTODIAL TRUSTEE OR BENEFICIARY INCURRED BEFORE THE TERMINATION OF THE CUSTODIAL TRUST.

**15-1.5-118. Methods and forms for creating custodial trusts.** (1) IF A TRANSACTION, INCLUDING A DECLARATION WITH RESPECT TO OR A TRANSFER OF SPECIFIC PROPERTY, OTHERWISE SATISFIES APPLICABLE LAW, THE CRITERIA OF SECTION 15-1.5-102 ARE SATISFIED BY:

(a) THE EXECUTION AND EITHER DELIVERY TO THE CUSTODIAL TRUSTEE OR RECORDING OF AN INSTRUMENT IN SUBSTANTIALLY THE FOLLOWING FORM:

TRANSFER UNDER THE  
"COLORADO UNIFORM CUSTODIAL TRUST ACT"

I, \_\_\_\_\_ (NAME OF TRANSFEROR OR NAME AND REPRESENTATIVE CAPACITY IF A FIDUCIARY), TRANSFER TO \_\_\_\_\_ (NAME OF TRUSTEE OTHER THAN TRANSFEROR), AS CUSTODIAL TRUSTEE FOR \_\_\_\_\_ (NAME OF BENEFICIARY) AS BENEFICIARY AND AS DISTRIBUTEE ON TERMINATION OF THE TRUST IN ABSENCE OF DIRECTION BY THE BENEFICIARY UNDER THE "COLORADO UNIFORM CUSTODIAL TRUST ACT", THE FOLLOWING: (INSERT A DESCRIPTION OF THE CUSTODIAL TRUST PROPERTY LEGALLY SUFFICIENT TO IDENTIFY AND TRANSFER EACH ITEM OF PROPERTY).

DATED: \_\_\_\_\_

\_\_\_\_\_  
(SIGNATURE); OR

(b) THE EXECUTION AND THE RECORDING OR GIVING NOTICE OF ITS EXECUTION TO THE BENEFICIARY OF AN INSTRUMENT IN SUBSTANTIALLY THE FOLLOWING FORM:

DECLARATION OF TRUST UNDER THE  
"COLORADO UNIFORM CUSTODIAL TRUST ACT"

I, \_\_\_\_\_ (NAME OF OWNER OF PROPERTY), DECLARE THAT HENCEFORTH I HOLD AS CUSTODIAL TRUSTEE FOR \_\_\_\_\_ (NAME OF BENEFICIARY OTHER THAN TRANSFEROR) AS BENEFICIARY AND AS DISTRIBUTEE ON TERMINATION OF THE TRUST IN ABSENCE OF DIRECTION BY THE BENEFICIARY UNDER THE "COLORADO UNIFORM CUSTODIAL TRUST ACT", THE FOLLOWING: (INSERT A DESCRIPTION OF THE CUSTODIAL TRUST PROPERTY LEGALLY SUFFICIENT TO IDENTIFY AND TRANSFER EACH ITEM OF PROPERTY).

DATED: \_\_\_\_\_

\_\_\_\_\_  
(SIGNATURE).

(2) CUSTOMARY METHODS OF TRANSFERRING OR EVIDENCING OWNERSHIP OF PROPERTY MAY BE USED TO CREATE A CUSTODIAL TRUST, INCLUDING ANY OF THE FOLLOWING:

(a) REGISTRATION OF A SECURITY IN THE NAME OF A TRUST COMPANY, AN ADULT OTHER THAN THE TRANSFEROR, OR THE TRANSFEROR IF THE BENEFICIARY IS OTHER THAN THE TRANSFEROR, DESIGNATED IN SUBSTANCE: "AS CUSTODIAL TRUSTEE FOR (NAME OF BENEFICIARY) UNDER THE "COLORADO UNIFORM CUSTODIAL TRUST ACT"";

(b) DELIVERY OF A CERTIFICATED SECURITY, OR A DOCUMENT NECESSARY FOR THE TRANSFER OF AN UNCERTIFICATED SECURITY, TOGETHER WITH ANY NECESSARY ENDORSEMENT, TO AN ADULT OTHER THAN THE TRANSFEROR OR TO A TRUST COMPANY AS CUSTODIAL TRUSTEE, ACCOMPANIED BY AN INSTRUMENT IN SUBSTANTIALLY THE FORM PRESCRIBED IN PARAGRAPH (a) OF SUBSECTION (1) OF THIS SECTION;

(c) PAYMENT OF MONEY OR TRANSFER OF A SECURITY HELD IN THE NAME OF A BROKER OR A FINANCIAL INSTITUTION OR ITS NOMINEE TO A BROKER OR FINANCIAL INSTITUTION FOR CREDIT TO AN ACCOUNT IN THE NAME OF A TRUST COMPANY, AN ADULT OTHER THAN THE TRANSFEROR, OR THE TRANSFEROR IF THE BENEFICIARY IS OTHER THAN THE TRANSFEROR, DESIGNATED IN SUBSTANCE: "AS CUSTODIAL TRUSTEE FOR (NAME OF BENEFICIARY) UNDER THE "COLORADO UNIFORM CUSTODIAL TRUST ACT"";

(d) REGISTRATION OF OWNERSHIP OF A LIFE OR ENDOWMENT INSURANCE POLICY OR ANNUITY CONTRACT WITH THE ISSUER IN THE NAME OF A TRUST COMPANY, AN ADULT OTHER THAN THE TRANSFEROR, OR THE TRANSFEROR IF THE BENEFICIARY IS OTHER THAN THE TRANSFEROR, DESIGNATED IN SUBSTANCE: "AS CUSTODIAL TRUSTEE FOR (NAME OF BENEFICIARY) UNDER THE "COLORADO UNIFORM CUSTODIAL TRUST ACT"";

(e) DELIVERY OF A WRITTEN ASSIGNMENT TO AN ADULT OTHER THAN THE TRANSFEROR OR TO A TRUST COMPANY WHOSE NAME IN THE ASSIGNMENT IS DESIGNATED IN SUBSTANCE BY THE WORDS: "AS CUSTODIAL TRUSTEE FOR (NAME OF BENEFICIARY) UNDER THE "COLORADO UNIFORM CUSTODIAL TRUST ACT"";

(f) IRREVOCABLE EXERCISE OF A POWER OF APPOINTMENT, PURSUANT TO ITS TERMS, IN FAVOR OF A TRUST COMPANY, AN ADULT OTHER THAN THE DONEE OF THE POWER, OR THE DONEE WHO HOLDS THE POWER IF THE BENEFICIARY IS OTHER THAN THE DONEE, WHOSE NAME IN THE APPOINTMENT IS DESIGNATED IN SUBSTANCE: "AS CUSTODIAL TRUSTEE FOR (NAME OF BENEFICIARY) UNDER THE "COLORADO UNIFORM CUSTODIAL TRUST ACT"";

(g) DELIVERY OF A WRITTEN NOTIFICATION OR ASSIGNMENT OF A RIGHT TO FUTURE PAYMENT UNDER A CONTRACT TO AN OBLIGOR WHICH TRANSFERS THE RIGHT UNDER THE CONTRACT TO A TRUST COMPANY, AN ADULT OTHER THAN THE TRANSFEROR, OR THE TRANSFEROR IF THE BENEFICIARY IS OTHER THAN THE TRANSFEROR, WHOSE NAME IN THE NOTIFICATION OR ASSIGNMENT IS DESIGNATED IN SUBSTANCE: "AS CUSTODIAL TRUSTEE FOR (NAME OF BENEFICIARY) UNDER THE "COLORADO UNIFORM CUSTODIAL TRUST ACT"";

(h) EXECUTION, DELIVERY, AND RECORDATION OF A CONVEYANCE OF AN INTEREST IN REAL PROPERTY IN THE NAME OF A TRUST COMPANY, AN ADULT OTHER THAN THE TRANSFEROR, OR THE TRANSFEROR IF THE BENEFICIARY IS OTHER THAN THE TRANSFEROR, DESIGNATED IN SUBSTANCE: "AS CUSTODIAL TRUSTEE FOR (NAME OF BENEFICIARY) UNDER THE "COLORADO UNIFORM CUSTODIAL TRUST ACT"";

(i) ISSUANCE OF A CERTIFICATE OF TITLE BY AN AGENCY OF A STATE OR OF THE UNITED STATES WHICH EVIDENCES TITLE TO TANGIBLE PERSONAL PROPERTY:

(I) ISSUED IN THE NAME OF A TRUST COMPANY, AN ADULT OTHER THAN THE TRANSFEROR, OR THE TRANSFEROR IF THE BENEFICIARY IS OTHER THAN THE TRANSFEROR, DESIGNATED IN SUBSTANCE: "AS CUSTODIAL TRUSTEE FOR (NAME OF BENEFICIARY) UNDER THE "COLORADO UNIFORM CUSTODIAL TRUST ACT""; OR

(II) DELIVERED TO A TRUST COMPANY OR AN ADULT OTHER THAN THE TRANSFEROR OR ENDORSED BY THE TRANSFEROR TO THAT PERSON, DESIGNATED IN SUBSTANCE: "AS CUSTODIAL TRUSTEE FOR (NAME OF BENEFICIARY) UNDER THE "COLORADO UNIFORM CUSTODIAL TRUST ACT""; OR

(j) EXECUTION AND DELIVERY OF AN INSTRUMENT OF GIFT TO A TRUST COMPANY OR AN ADULT OTHER THAN THE TRANSFEROR, DESIGNATED IN SUBSTANCE: "AS CUSTODIAL TRUSTEE FOR (NAME OF BENEFICIARY) UNDER THE "COLORADO UNIFORM CUSTODIAL TRUST ACT"".

**15-1.5-119. Applicable law.** (1) THIS ARTICLE APPLIES TO A TRANSFER OR DECLARATION CREATING A CUSTODIAL TRUST THAT REFERS TO THIS ARTICLE IF, AT THE TIME OF THE TRANSFER OR DECLARATION, THE TRANSFEROR, BENEFICIARY, OR CUSTODIAL TRUSTEE IS A RESIDENT OF OR HAS ITS PRINCIPAL PLACE OF BUSINESS IN THIS STATE OR CUSTODIAL TRUST PROPERTY IS LOCATED IN THIS STATE. THE CUSTODIAL TRUST REMAINS SUBJECT TO THIS ARTICLE DESPITE A LATER CHANGE IN RESIDENCE OR PRINCIPAL PLACE OF BUSINESS OF THE TRANSFEROR, BENEFICIARY, OR CUSTODIAL TRUSTEE, OR REMOVAL OF THE CUSTODIAL TRUST PROPERTY FROM THIS STATE.

(2) A TRANSFER MADE PURSUANT TO AN ACT OF ANOTHER STATE SUBSTANTIALLY SIMILAR TO THIS ARTICLE IS GOVERNED BY THE LAW OF THAT STATE AND MAY BE

ENFORCED IN THIS STATE.

**15-1.5-120. Uniformity of application and construction.** THIS ARTICLE SHALL BE APPLIED AND CONSTRUED TO EFFECTUATE ITS GENERAL PURPOSE TO MAKE UNIFORM THE LAW WITH RESPECT TO THE SUBJECT OF THIS ARTICLE AMONG STATES ENACTING IT.

**15-1.5-121. Short title.** THIS ARTICLE MAY BE CITED AS THE "COLORADO UNIFORM CUSTODIAL TRUST ACT".

**15-1.5-122. Severability.** IF ANY PROVISION OF THIS ARTICLE OR ITS APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE INVALIDITY DOES NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF THIS ARTICLE WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID PROVISION OR APPLICATION, AND TO THIS END THE PROVISIONS OF THIS ARTICLE ARE SEVERABLE.

**SECTION 2. Official comments.** There may be included in the publication of article 1.5 of title 15, Colorado Revised Statutes, as nonstatutory matter, following each section of the article, the full text of the official comments to that section contained in the official volume containing the official text of the "Uniform Custodial Trust Act" issued by the national conference of commissioners on uniform state laws, with any changes in the official comments or Colorado comments to correspond to Colorado changes in the uniform act. The comments shall be prepared by the revisor of statutes and approved for publication by the committee on legal services.

**SECTION 3. Effective date.** This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 2, 1999