

**VERMONT SUPREME COURT
ADVISORY COMMITTEE ON RULES OF PROBATE PROCEDURE**

AGENDA FOR MEETING OF APRIL 21, 2022

1.
 - A. Approval of draft minutes of the meeting of February 17, 2021, previously distributed.
 - B. Status of membership vacancy. Chairman Kilgore to report.

2. Status of proposed and recommended amendments.
 - A. Effect on Probate and Appellate Rules of draft amendments to the 2020 Vermont Rules on Electronic Filing. Chairman Kilgore to report on proposals of E-Filing Rules Committee's joint subcommittee for Probate Rules amendments to address filing and destruction of original probate documents.
 - B. Issues concerning AO 49 as amended through March 7, 2022. Professor Wroth to report.
 - C. Proposed amendment adding V.R.P.P. 66(b) to provide standards for estate, guardianship, and trust inventories sent out for comment on October 15, with comments due December 15, 2021. See <https://www.vermontjudiciary.org/sites/default/files/documents/PROPOSEDVRPP66--FOR%20COMMENT.pdf>. Chairman Kilgore to report on comments received and consideration by Legislative Committee on Judicial Rules (LCJR) on April 14, 2022.
 - D. Proposed order abrogating V.R.P.P. 18(d), sent out for comment on February 9, with comments due on April 11, 2022. <https://www.vermontjudiciary.org/sites/default/files/documents/PROPOSEDAbrogatingVRPP18%28d%29--FOR%20COMMENT.pdf>. (See agenda item 8, December 2, 2021, Probate Rules meeting). Chairman Kilgore to report on comments received and consideration by LCJR on April 14, 2022.
 - E. Consideration of draft amendments of V.R.P.P. 5 and related rules for consistency with order amending V.R.C.P. 5 and related rules, sent out for comment on December 13, 2021, with comments due on February 14, 2022. https://www.vermontjudiciary.org/sites/default/files/documents/PROPOSEDVRCP%205_6%28a%29%284%29_29_79.1--FOR%20COMMENT.pdf. V.R.P.P. 5 draft to be circulated. Chairman Kilgore and Professor Wroth to report

3. V.R.P.P. 17(a). Need for service on interested persons in light of *In re Holbrook's Estate I*, 2016 VT 13. See also *Id. II*, 2017 VT 15; Chairman Kilgore's email of December 2, 2021, regarding V.R.P.P. 3(b)(3). Professor Wroth to report on possible revision of V.R.P.P. 3, 4, 5, and 17 to bring consistency to them

4. Elections, V.R.P.P. 13, Form 49, and 14 V.S.A. § 305 and 27 V.S.A. § 105 in light of Act 195 (S.29). Deferred at February 17 meeting. Mr. Gawne and Mr. Sheng to report on questions (1) when an objection to an election could be made and (2) how the Rule would work in a case of concurrent jurisdiction among divisions.

5. Need for Rules to implement Act 167 of 2020, §§ 15 (amending 14 V.S.A. § 107, allowance of wills) and 28-29 (adding 4 V.S.A. § 35 (27), providing concurrent jurisdiction with Family Division of judicial determinations issued under new 14 V.S.A. ch. 111, subch. 14 regarding the custody and care of children under certain federal Immigration legislation. Chairman Kilgore to report on discussion of a possible joint subcommittee with the Family Rules Committee Chair and Reporter to consider issues in applying the Act.

6. V.R.P.P. 5.1(b)(1). Service on beneficiaries of report on license to sell. Chairman Kilgore to report on discussion with Judge Glover, chair of the Probate Division Oversight Committee, on the possibility of an

amendment of Rule 5(b)(1) requiring report and development of a statutory requirement that a report be filed and served on all beneficiaries.

7. Inconsistency between 12 V.S.A. § 557 and 14 V.S.A. § 1203. Chairman Kilgore also to report on discussion with Judge Glover of the possible statutory clarification of the inconsistency as discussed at the Probate Rules Committee's September 16 meeting.

8. V.R.P.P. 79.1(d). Attorneys Not Admitted to Practice in Vermont. Consideration of the Civil Rules Committee's decision on a proposal to amend the similar provisions of V.R.C.P. 79.1(e). Professor Wroth to report.

9. Representation of minors by guardians ad litem and attorneys in probate matters. Chairman Kilgore to present draft amendment to address issues including provision for appointment of an attorney to V.R.P.P. 80.9 and extending the process to estates and trusts.

10. Other business.

11. Date of next meeting.