

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

**AGENDA FOR MEETING OF DECEMBER 2, 2021**

1. **A. Approval of draft minutes of the meeting of September 16, 2021**, previously distributed.  
**B. Membership question.** Chairman Kilgore.
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 E-Filing Rules Committee's subcommittee to propose amendments dealing with filing and destruction of original probate documents.
  - B. Issues concerning AO 49 as amended through November 15, 2021. Professor Wroth and Chairman Kilgore 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. 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. Subcommittee (Chairman Kilgore, Judge Kennedy, Judge Scanlon, Mr. Langan, Mr. Gawne, Mr. Getty, and Ms. Rowell) to report.
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 September 16 meeting. Mr. Gawne and Mr. Shen 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. Chairman Kilgore to report on consideration of statutory issues by Probate Division Oversight Committee in light of discussion at Rules Committee's September 16 meeting.
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 communication with Family Rules Committee.
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 Probate Division Oversight Committee regarding development of a statutory requirement that report on license to sell be filed and served on all beneficiaries in light of discussion at Rules Committee's September 16 meeting.
7. **Inconsistency between 12 V.S.A. § 557 and 14 V.S.A. § 1203.** Chairman Kilgore to report on discussion with Probate Division Oversight Committee regarding possible statutory clarification of inconsistencies in light of discussion at Rules Committee's September 16 meeting.
8. **Inconsistencies between V.R.P.P 80.9-80.11 and Family Rules** Chairman Kilgore to report on Committee's recommendations to Judge Davenport, Reporter to the Family Rules Committee, regarding issues raised in her emails of September
9. **Other business.**
10. **Date of next meeting.**