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## Save the Date!

**Baker Law Group Client Appreciation Day**

**June 4, 2020**

*“Many people mistakenly believe that there is no need to create powers of attorney if they are married...However, this is not always the case.”*

## Greetings from BLG

We hope that your 2020 is off to an exceptional start!

Last year was an exciting year for us, starting with a move to a new office in the Denver Tech Center. We also completed a major office renovation to make the space our own. Now that the dust has settled, we are moving into 2020 with anticipation for the year ahead.

As we begin a new year and a new decade, Baker Law Group is excited to launch a bi-monthly newsletter.

We want this newsletter to further connect with friends of the firm and to provide helpful and enjoyable information about our



Founder Jereme Baker (center), Attorneys Brian Petz (left) & Daniel Leppert (right)

practice areas and people. Each issue will include informative articles by our attorneys, news about upcoming events, and a chance to get to know the people of Baker Law Group and others in our professional ecosystem.

You may not know, for example, that while all of our employees are proud to call Colorado

home, each of us originally hails from different states across the country. Every issue will profile a different attorney or staff member, including their path to Colorado.

We all enjoy travelling across our state, so each issue will also highlight different Colorado destinations and events. Finally, we will highlight professional colleagues in various industries to connect you with great local businesses.

We hope that you will learn something new in each edition, whether it's a legal issue, a must-see Colorado attraction, a fun fact about one of our employees, or a helpful business referral.

We look forward to seeing what the new year brings and to serving you however we can in 2020 and beyond.

## Powers of Attorney Between Spouses

Brian R. Petz, Associate Attorney

A power of attorney is a legal document granting powers to someone you trust to act in your place when you are not available or no longer capable of doing so. This person is called an agent or attorney in fact. Broadly speaking, there are two types of power of attorney: financial powers of attorney and medical powers of attorney. An agent appointed under a financial power of attorney acts on your behalf with respect to financial matters. A medical power of attorney allows you to select the person who will make

medical and care decisions for you when you lack the ability to give informed consent.

Many people mistakenly believe that there is no need to create powers of attorney if they are married. They may believe that they are protected if they and their spouse are joint owners of property, or that their spouse will automatically be able to make medical and financial decisions for them when they cannot. However, this is not always the case.

With respect to financial issues, a spouse may be able to access and use funds held in jointly owned

accounts to a certain extent, such as to pay bills. However, their rights are significantly limited in terms of selling or mortgaging property spouses own together. For instance, one spouse could not sell or refinance a home they own as joint tenants, nor sell vehicles owned jointly. Further, one spouse cannot access, control, or sell assets owned solely by the other spouse. This can cause significant issues when one spouse is incapacitated, and the other spouse needs maximum flexibility in order to provide for the care of both.

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## Flying Solo on your Real Estate Purchase? What to Consider

### Daniel T. Leppert, Associate Attorney

Selling or purchasing property without a broker, let alone an attorney, has become an increasingly common practice, but there are a number of pitfalls you should be wary of if you decide to do so. Below are just a few of the considerations you should keep in mind:

1. The purchase and sale agreement is a complicated document, and you should read it thoroughly before signing. Although most residential purchases (and many commercial purchases) in Colorado are conducted using a version of the Colorado Real Estate Commission's standard Contract to Buy and Sell Real Estate, there are situations where an alternative form of purchase and sale agreement is used, especially where the deal is atypical or where the seller is a large, national corporation that prefers its own form. Even in situations where the Colorado Real Estate Commission's form is used, there are numerous pitfalls for the unwary. For example, Section 3 contains deadlines which may or may not be applicable and which must be strictly adhered to at the risk of default or the loss of termination rights. Likewise, there are numerous decisions that need to be made by the parties, such as what type of deed will be used or whether or not the title com-

mitment will contain Owner's Extended Coverage. Further, Section 30 allows for the inclusion of additional provisions, which may be required if there are any atypical business terms that the parties wish to include. Any such terms should be drafted carefully and precisely so as to avoid any ambiguity which could result in costly future disputes.

2. In between the execution of the purchase and sale agreement and closing, the buyer will have the opportunity to conduct due diligence. This may include obtaining a survey, a title commitment, HOA documents, zoning reports, inspections and/or an environmental report. These documents should be carefully reviewed prior to the applicable contingency deadlines in the purchase and sale agreement. For example, the title commitment will include exceptions from coverage which are listed on Schedule B of the commitment. The title company will not insure against any damages resulting from said exceptions and if they remain on the final title policy issued by the title company the buyer assumes any risk related thereto. In some circumstances, the title company may be willing to remove or endorse over certain exceptions. Issues such as title defects, environmental

conditions, zoning problems and structural issues can greatly reduce the value of a property and can be used to re-negotiate if objected to prior to the applicable contingency deadline under most purchase and sale agreements.

3. Closing documentation should always be reviewed carefully, even when prepared by a title company. Settlement statements should be checked to ensure there are no computational errors and that the prorations accurately reflect the purchase and sale agreement. The deed should be reviewed to ensure that the legal description and the names of the parties are correct and to further ensure that title is being transferred only subject to the agreed upon exceptions to title, especially if a title commitment has not been negotiated. Failure to do so can result in costly disputes in the future.

Note that the above is only a small sample of the matters to consider and the potential issues and pitfalls that can arise when selling or purchasing a property on your own. If you decide to seek assistance, Baker Law Group can with help with any stage of the process as your needs and budget dictate. If you have any questions, feel free to give us a call and schedule a consultation!



*“At Baker Law Group, we can help with any stage of the process as your needs and budget dictate.”*

**DISCLAIMER:** The information provided in this newsletter does not, and is not intended to, constitute legal advice; instead, all information, content, and materials are for general informational purposes only. No action should be taken in reliance on the information contained in this newsletter. An attorney should be contacted for advice on specific legal issues. Nothing in this newsletter is an offer to represent you and shall not create an attorney-client relationship.

## Power of Attorney Between Spouses

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Without a financial power of attorney in place, your spouse or other family members may need to seek judicial appointment of a conservator in order to manage your finances when you are incapacitated.

With respect to medical decisions, if an individual lacks the decisional capacity to provide informed consent to or refusal of medical treatment, and a medical power of attorney has not been implemented, physicians will look to a “proxy decision-maker” to make such decisions. The proxy may or may not be your spouse. In these situations, your spouse, family members and close friends (the “interested persons”) are supposed to come to a consensus about

which of them should be selected as proxy decision-maker. If they cannot come to an agreement, or if any of the interested persons disagrees with the decision or the selection of proxy-decision maker, any of the interested persons make seek judicial appointment of a guardian. Thereafter, your court appointed guardian would make medical decisions on your behalf. In limited circumstances, such as when no interested persons can be found or none are willing to serve as proxy, your physician may designate another willing physician to make health care treatment decisions on your behalf.

Utilizing a medical power of attorney offers several advantages over relying on a proxy decision-maker. First and foremost, a medical power of attorney al-

lows you to select the person(s) you trust the most to make medical decisions for you. Your selection of an agent greatly reduces the likelihood of familial disputes which unfortunately do arise in the context of selecting a proxy when you already lack decisional capacity. Further, a robust medical power of attorney may also include significant guidance to your agent as to what your preferences are with respect to medical treatment, as well as the overarching principles your agent should bear in mind when exercising their authority.

Powers of attorney are just two of the instruments which should form part of an estate plan. However, they are among the most important to ensure that your needs are properly met if you become incapacitated.

### Employee Spotlight: Emily Woodhull, Paralegal

**Years with Baker Law Group:** Almost 2

**State of Origin:** Minnesota

**Hobbies and Interests:**

1. Running: I have participated in the Denver Rock’n’Roll Half Marathon for the last two Octobers, fundraising with Team World Vision for clean water.
2. Reading, Proofreading and Editing (I spent nine years as an English teacher before becoming a paralegal).
3. Hiking: After living on prairie for years, I am loving the elevation variation here!

**What Motivates Me at Work:**

Before becoming a paralegal, I knew nothing about the legal world. (Don’t worry, I’ve learned a lot since.) I can very easily put myself in the shoes of someone who is dealing with a legal matter that is new to them— I remember how overwhelming it can be to figure everything out for the first time, and I want to help make that process as simple as possible with clear communication, good listening, and careful work. I also understand that many clients come to us during difficult and stressful times, and I want to do whatever I can to help things go smoothly for them.

**Interesting Facts About Minnesota:**

1. The Vikings have never won a Super Bowl... being a Vikings fan is a special kind of challenge!
2. The Mississippi River begins in northern Minnesota— its source at Lake Itasca is a popular vacation destination, where the river is small enough to walk across— I think almost every Minnesotan has a picture of themselves there.
3. Minnesota summers can actually get remarkably hot (and humid, too). It’s not always freezing cold there!

**Reason for Moving to Colorado:**

My husband works in parks and recreation, and while Minnesota has many parks and trails, much of the work is seasonal. He wanted to find a year-round job, and we wanted to explore the country, having both lived in Minnesota our whole lives.

**Favorite Thing About Colorado:**

The winters are not nearly as severe as Minnesota’s! Yes, there are snowstorms, but we still see the sun almost every day. Also, seeing the snow-capped mountains on my drive down Arapahoe every morning hasn’t gotten old yet, and I doubt it will.

**Favorite Colorado Event or Destination:**

I have lots more places I’d love to visit, but so far my favorites have been hiking at Staunton State Park (despite getting caught in a hail storm) and camping at State Forest State Park.



# Denver Restaurant Week:

Feb. 21 – Mar. 1

Chris Adams, Law Clerk

Denver Restaurant Week is fast approaching and it's time to dig in and plan your week (more like 10 days) of dining. Never heard of Restaurant Week? It's a 10-day culinary event that allows diners to explore Denver's fine dining scene on a budget. Many participating restaurants offer set menus at three price points-- \$25, \$35, or \$45—that offer patrons a sampling of their most sought-after dishes.

This year over 200 of Denver's restaurants are joining in. The full list can be found at <https://www.denver.org/denver-restaurant-week/menus/>. Take this opportunity to try that restaurant you've always wanted to go to, but hurry and make a reservation now, as all the participating restaurant will fill up.

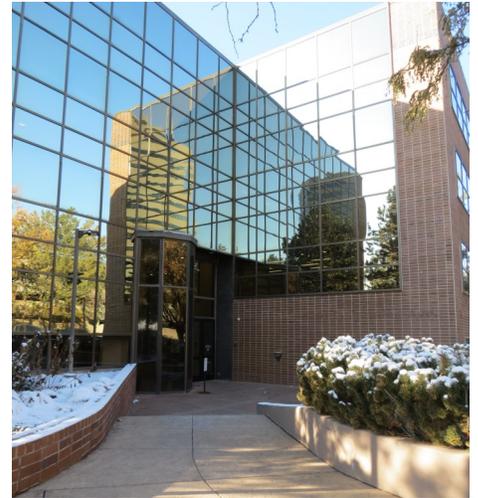
During past Restaurant Weeks, my wife and I have enjoyed Carmine's on Penn (Italian) and The Kitchen (Seasonal Scratch Kitchen). We at Baker Law Group love a good restaurant, so share your Restaurant Week finds with us!

## Office Space for Lease

We purchased our DTC office space with room to grow, so we currently have several office spaces available for lease. Spaces include two large dedicated offices, suitable for one or two people, as well as several desk spaces that could be leased as either dedicated or floating spaces.

All utilities are included in rental, and renters would also have access to our conference room, with our receptionist available to greet your clients.

Please call our main number for details or to set up a time to view the available spaces.



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