Baker Law Group, LLC
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BLG Bulletin

INSIDE THIS ISSUE:

Petz to Become Partner

AS HE MARKS FIVE YEARS AS AN ATTORNEY WITH BLG, SENIOR ASSOCIATE BRIAN PETZ IS BECOMING AN EQUITY PARTNER IN THE FIRM.

This October marked five years since Brian Petz began his practice of law with Baker Law Group. With this milestone came the announcement that Petz will become the first equity partner in the firm, joining founder Jereme Baker.

Petz's history with BLG goes back even further than his five years as an attorney. He first came to Baker Law Group as a intern in the summer after his second year of law school at the University of Colorado and continued through his third and final year.

When Petz passed the bar exam in 2015, Baker offered him an attorney role, making him the first associate attorney of the firm.

Petz has practiced in the areas of probate and estates from the beginning. He explains that his interest in probate was piqued by both "the variety of issues that could arise in any given situation," as well as "the genuine sense that we were making positive impacts on people's lives during otherwise difficult periods for them."

Brian Petz, Chair of the Probate & Estate Planning Division and new partner at Baker Law Group

In 2018, Petz took on all of the firm's estate-related work and soon became chair of the Probate & Estate Planning Division.

Baker says that, throughout his time with Baker Law Group, Petz has grown both in understanding and responsibility, showing the ability to manage cases well, and has demonstrated loyalty and commitment to the firm.

Petz has certainly seen the firm through lots of change and growth. When Petz first came on board, Baker was a solo practitioner, working out of a single-room office in Denver. The practice focused on probate, estate planning, and criminal defense. Since Petz arrived, the firm has hired additional attorneys and staff, and also expanded its practice areas to add business, real estate and litigation, and moved away from criminal defense.

The firm has also been through a few moves, first to a larger Denver office, then to rented space in Englewood, and finally, in late 2018, to its own office suite in the DTC. (For years, Petz made a lengthy commute from his home in the northern suburbs, but a recent move has cut down his drive time.)

With all that has changed, Petz notes that an important feature of the firm has remained the same: "our communal approach to practicing law, as a team. While one person may be primarily responsible for a case, we are all available to help each of our clients."

Petz calls the partnership a "huge honor," and states, "I look forward to helping the firm continue to grown and help even more clients."

Mechanic's Liens: Process and Prevention

Mechanic's liens give contractors an avenue to pursue payment when a client, or another contractor who hired them, doesn't make payment for completed work. Having a basic understanding of mechanic's liens is important for contractors, subcontractors, and for the home and business owners who hire them.

The Mechanic's Lien Process

A mechanic's lien is a legal document that an unpaid contractor or subcontractor files with the county clerk to claim a right to payment from specific real estate. In Colorado, mechanic's liens are governed by the Colorado Revised Statute 38-22-101.

In order for a contractor or subcontractor to obtain a lien, they must follow a few steps:

1. The unpaid contractor should provide notice of the intent to file a lien to the homeowner. This notice should be given at least ten days prior to the actual filing of the lien.
2. The contractor may then file a Claim of a Mechanic's Lien in the county where the property is located. The county clerk and recording office will have the lien on file, and this lien will be a public record, and will likely need to be paid before any sale of the property.
3. Once the lien is filed, the worker who filed it may enforce the mechanic's lien in court. If the matter is

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Baker Law Group Employee Spotlight: Paralegal Intern Rachel Wineke

State of Origin: Kansas **Years in Colorado:** 5

Reason for moving to Colorado: To live in a beautiful state, complete my education, and to live somewhere with more job opportunities than what's available in my hometown

School Attending and Emphasis of Studies: Arapahoe Community College – Paralegal Studies

Professional Goal: To begin working as a paralegal, grow my skill set, and continue to expand my knowledge in different practice areas

Why I'm Pursing a Career as a Paralegal: It is fascinating and never boring!

Interesting Facts about my Home State:

1. My hometown of Wichita is also the birthplace of actress Kirstie Alley and home of the first Pizza Hut restaurant.
2. The designer of the rainbow flag, Gilbert Baker, was born and grew up in Kansas.
3. White Castle originated in Kansas, but there are no longer any White Castle locations anywhere in the state.

Hobbies and Interests: Playing guitar, hiking, and dancing **Favorite Thing About Colorado:** Mountains!

Favorite Colorado Event or Destination: Anywhere in the San Juan Mountains

Basic Duties of a Personal Representative

We find that there is sometimes confusion about what exactly a personal representative (PR) does. Do they decide how the estate gets distributed? Can they make distributions whenever they want? Does being nominated in a will automatically make them PR?

We always strive to give our clients as much information as possible to help them make informed decisions. Understanding a PR's role is important for those making a will, as they have to nominate a responsible PR for their estate. It is also important for heirs of estates, and of course, for nominated PRs themselves, so that they know what to expect and do. Although the exact actions that a PR will need to take vary by estate, we will go over some of the basic duties and responsibilities here.

Once appointed, the personal representative must act in the best interest of the Estate.

What is a Personal Representative?

A PR is an individual who is appointed by the court to manage the estate of a deceased person. (This role is also sometimes referred to as an executor.) Typically, a PR is a close relative or friend of the deceased, who was either nominated in the Will or decided to seek appointment in the absence of a Will. In either case, an application or petition must be filed with the court for a PR to be appointed and given the authority to act.

Once appointed, the PR must act in the best interest of the Estate while using the authority conferred to them by the Colorado Probate Code. It is their responsibility to carry out the terms of the will and abide by all applicable laws.

What Does a Personal Representative Do?

The role of PR comes with several duties. One of the first requirements is that they inform all heirs and devisees of their appointment within thirty days.

Then, one of the main responsibilities is to collect all the decedent's assets. This might include, for example, locating and closing accounts and transferring funds into an estate account, retrieving personal property from a safe deposit box, or determining what real estate the decedent owned interest in. Within three months of appointment, the PR must prepare an inventory of the estate's property, including each item's fair market value. If needed, professional appraisers may be brought in to assist with valuation.

While the PR is in control of this property, they have the duty to manage, protect, and preserve all of the estate's property. For example, they must maintain proper insurance coverage on the estate's assets and keep tax payments current. (Payments like these can be made from the estate's funds, if available—the PR is not required to pay from their own funds.)

If any real or personal property is to be sold rather than distributed, the personal representative is responsible for making sure the sale price is fair and results in the maximum benefit to the estate.

In addition to collecting and maintaining the estate's assets, a

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HOME CARE ASSISTANCE

DOUGLAS COUNTY

Business Spotlight: Home Care Assistance

Non-Medial Home Care Agency

4 Metro Area Offices

www.HCADouglasCounty.com ~ (720) 287-1685 ~ jyoung@homecareassistance.com

Have you ever been so impacted by a business that you decided to work there? That's how Juliana Young came to join Home Care Assistance of Douglas County six years ago. Her family had arranged for a care team to assist her aging parents, now ages 99 and 93 and still living at home. As Juliana observed firsthand, "The quality of life and tailored care plan allows them to not only help with activities of daily living, but gives them a sense of purpose, socialization, and mental stimulation."

A tailored care plan for each client carried out by well-trained and committed caregivers is the heart of Home Care Assistance's approach. The Douglas County location, owned by Jonathan Wells and Dave Peck, has been in business for seven years, providing non-medical home care to those who need it, whether due to age, dementia, stroke, or other medical conditions. Visits can also serve to provide companionship and prevent isolation, which has been especially important during the COVID pandemic. For those facing dementia, Home Care Assistance offers a Cognitive Therapeutics program, which includes exercises geared towards keeping minds exercised and stimulated.

Juliana Young, Community Liaison for Business Development at Home Care Assistance, Douglas County

Young notes that the agency's *Balanced Care Method* includes not only assistance with the activities of daily living, but also promotes social and emotional health, mental stimulation, and physical health, including hydration, healthy eating, and light exercise. They consider the whole person with the goal of elevating quality of life. If you know someone who may benefit from these services, Home Care Assistance would welcome your call.

Mechanic's Liens, Continued from Page 1

not otherwise resolved, the court could enter a judgment against the property owner and even order the property be sold to effect payment of the lien.

Sometimes payment has been rightfully withheld due to incomplete or insufficient work, and there are procedures in place for property owners to dispute a lien.

Preventing Mechanic's Liens

To avoid the need for a mechanic's lien in the first place, here are a few of things that contractors and homeowners can do:

1. Having a clear, detailed contract at the beginning of a project can prevent disagreements about the scope of work and payment schedule. Making sure the expectations are clear on both sides, and that any changes are documented in writing, provides a good starting point.
2. Mechanic's liens can arise when a contractor hires a subcontractor and the subcontractor does not receive payment. To prevent this situation, "joint checks" can be used for project payment. A joint check is a check that both the subcontractor and contractor need to endorse before cashing, ensuring both the contractor and subcontractor are paid.
3. The owner and contractor could agree that the contractor will provide a lien waiver upon final payment.
4. Depending on the size of the project, the property owner could consider using a construction bond.
5. Contractors should also include an attorney's fee provision in their contract as a deterrent to the homeowner withholding payment.

We've only covered an outline of the process and a few strategies here— an attorney can provide more specific advisement to anyone hoping to record, defend against, or prevent a lien.

PR Duties, Continued from Page 2

personal representative is responsible for paying all valid debts and expenses owed by both the deceased and the estate in accordance with the statutory priority. If any debts are disputed, the PR may need to undertake litigation with the alleged creditor. This duty includes publishing notice to creditors, evaluating any creditors' claims, and discussing income tax and estate tax liabilities with an accountant.

Once assets have been collected and all debts and expenses paid, it is time for the personal representative to make distributions to heirs and beneficiaries. If there is a Will, distributions must be made according to its instructions. If there is no Will, the Colorado laws governing intestate succession dictate how the estate is distributed.

Serving as a personal representative can require a significant amount of work, so a personal representative can choose to reasonably compensate themselves from the Estate. Personal representatives who wish to be compensated should carefully record the time spent on their duties and choose a fair hourly rate.

Finally, the personal representative can file documents to close the estate.

Depending upon an estate's unique circumstances, the court could require additional steps, and different tasks could become necessary. The basic duties outlined here, however, provide a basic summary of the role.

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COLORADO CORNER

Local Businesses we Love

We always like to support local businesses, and it has become more important than ever this year. With the holiday shopping season approaching, we'll be keeping local businesses in mind. Here are some of our staff's favorites:

The Emporium: Castle Rock, CO

This antique/ boutique store in downtown Castle Rock features multiple vendors, offering unique home décor, art, clothing, jewelry, gifts, and so much more.

Tattered Cover Bookstore: 4 Locations

Any Coloradan with an interest in books is probably familiar with the Tattered Cover. Its four locations, on Colfax Avenue, on LoDo, in Aspen Grove, and at Union Station, provide a wide selection of books for all ages and interests, and can currently be shopped online, too.

Twist & Shout: Denver

According to its website, Twist & Shout is considered one of the top music destinations in the country, citing their "mind-boggling selections of LPs, CD, DVDs, Blu-rays and every lifestyle tchotchke you can think of." Paralegal intern and music lover Rachel Wineke agrees, describing it as a "dangerous" place to shop if you don't want to buy too much!

Born2Bake: Littleton

Whether you want to give the gift of delicious baked goods or want to add something special to a holiday meal, Born2Bake serves up delicious options. From beautiful cakes to delectable pastries, their offerings appeal to both the eye and the tastebuds.

Stanley Marketplace: Aurora, CO

This site formerly housed an aviation manufacturing plant, but is now, home to a variety of locally owned small businesses. The best part may be that, while shopping for kids' and adults' clothing and accessories, home and garden items, personal care personal care products, and more, there are also a variety of delicious restaurant, beverage, and snack options to enjoy.

BLG has no affiliation with these businesses other than having satisfied customers on staff, and we remind you to check current hours and health policies before visiting.

Many Thanks for Recent Referrals

Word-of-mouth referrals are priceless to small businesses like ours, so we want to thank everyone who has referred someone to us in the last few weeks:

David Collins of Jones Law Firm, PC

Jennifer Davis of Lone Tree & Highlands Ranch Dining Guides

Terrance Erbert of Ameriprise Financial

Eric Faddis of Varner Faddis Elite Legal

Michael Hug of The Law Office of Michael A. Hug

Dan Hugo of Accounting & Tax Services

Dan Kiel of Bank of Denver

Kevin McHugh of Footprints Floors

Brett Miller of Trilogy Financial

George Nicholaides of Ponderosa Homes

Darrell Weddell of Hinsdale Automotive

David Uekert of the Castle Rock Chamber of Commerce

Thank you all!