

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

**Minutes of Meeting  
May 2, 2024**

The meeting was called to order at 1:38 p.m. on Teams by Hon. Kathryn Kennedy, Chair. Present virtually were Danielle Fogarty, Esq., Michael Gawne, Esq., Matthew Getty, Esq., Hon. Jeffrey Kilgore, Daniel Kimball, Mark Langan, Esq., Amy Menard, Esq., Justin Sheng, Esq., and Hon. Joanne Ertel (retired), Reporter.

1. Minutes of the Meeting of January 25, 2024 - The draft minutes of the meeting of January 25, 2024 were approved unanimously.

2. Continuing Matters

a. V.R.P.P. 13 - Mr. Gawne presented the sub-committee's latest draft of an amendment to Rule 13. The amendment includes deadlines for actions to be taken. The committee asked the reporter to include minor children in the heading and the identity of the person who can file for an election on their behalf.

b. V.R.P.P. 4 - The committee considered the meaning of "restricted delivery" in Rule 4 (d)(1) and decided to eliminate it because it was too restrictive and conflicts with (d)(2)(A). The committee discussed the need to amend service on an incompetent person. Ms. Fogarty suggested that service should be allowed upon an agent under a power of attorney. The meaning of incompetence was discussed. Judge Kennedy and the Reporter will meet to discuss revisions to service upon incompetents. The committee had no other recommendations to the other changes.

c. V.R.P.P. 54 - The committee is inclined to draft an amendment that lists the various interim orders that may be appealed. Ms. Fogarty recommended that discovery orders be included in the list. The Reporter will make that change and have the rule formatted for consideration at the next meeting.

3. New Business

d. V.R.P.P. 3(b) - Mr. Getty is proposing an amendment to Rule 3 (b) that makes it consistent with 14 V.S.A. § 107. The Reporter will prepare a draft for consideration at the next meeting.

e. Wills for Safekeeping - Register Hesselbach is interested in considering whether there needs to be a rule that addresses the requirements for filing a will for safekeeping in light of a new form that has been promulgated. As they were not present for the meeting, the Committee decided to table the discussion until the next meeting.

4. Other Business

V.R.P.P. 80.2 - Mr. Getty wondered if any action could be taken to clarify the terminology Vermont uses in ancillary administration. Vermont uses the term authenticated copy for documents required for ancillary administration and finds that exemplified copy is more commonly used by other jurisdictions.

5. Next Meeting

The next meeting will be scheduled in August 2024.

The meeting was adjourned at 3:16 pm.

Respectfully submitted,

Joanne M. Ertel, Reporter