

Colorado Supreme Court 101 West Colfax Avenue, Suite 800 Denver, CO 80202	RECEIVED OCT 04 2010 ATTORNEY REGULATION
Original Proceeding in Unauthorized Practice of Law 09UPL115	
Petitioner: The People of the State of Colorado, v. Respondents: James R. Hustad; Colorado Beneficiary Deed Company, LLC; and Colorado Will Company, LLC.	Supreme Court Case No: 2010SA153
ORDER OF COURT	

Upon consideration of the Petition for Injunction, the Order to Show Cause, and the Report of Hearing Master Pursuant to C.R.C.P. 236(a) filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Recommendation of the Hearing Master shall be, and the same hereby is, ACCEPTED.

IT IS FURTHER ORDERED that the Respondents, JAMES R. HUSTAD and COLORADO BENEFICIARY DEED COMPANY, LLC are assessed costs in the amount of \$110.95. Said costs to be paid to the Office of Attorney Regulation counsel, within (30) days of the date of this order.

IT IS FURTHER ORDERED that the Respondents are EXEMPT from restitution.

IT IS FURTHER ORDERED that this court WAIVES any fines in this matter pursuant to C.R.C.P. 236(a).

BY THE COURT, OCTOBER 4, 2010.



Case Number: 2010SA153
Caption: People v Hustad, James

CERTIFICATE OF SERVICE

Copies mailed via the State's Mail Services Division on October 4, 2010. *ks*

Colorado Beneficiary Deed
Company, LLC
5915 Bay Springs Lane
Colorado Spg, CO 80918

Colorado Will Company, LLC
5915 Bay Springs Lane
Colorado Spg, CO 80918

James R Hustad
5915 Bay Springs Lane
Colorado Spg, CO 80918

Kim E Ikeler
OFFICE OF ATTORNEY
REGULATION
1560 Broadway Ste 1800
Denver, CO 80202

William R Lucero
PRESIDING DISCIPLINARY
JUDGE
1560 Broadway Ste 675
Denver, CO 80202

<p style="text-align: center;">SUPREME COURT, STATE OF COLORADO</p> <p style="text-align: center;">ORIGINAL PROCEEDING IN THE UNAUTHORIZED PRACTICE OF LAW BEFORE THE OFFICE OF THE PRESIDING DISCIPLINARY JUDGE 1560 BROADWAY, SUITE 675 DENVER, CO 80202</p>	<p style="text-align: center;">RECEIVED</p> <p style="text-align: center;">SEP 29 2010</p> <p style="text-align: center;">ATTORNEY REGULATION</p>
<p>Petitioner: THE PEOPLE OF THE STATE OF COLORADO,</p> <p>Respondents: JAMES R. HUSTAD; COLORADO BENEFICIARY DEED COMPANY, LLC; and COLORADO WILL COMPANY, LLC.</p>	<p>Case Number: 10SA153</p>
<p style="text-align: center;">REPORT OF HEARING MASTER PURSUANT TO C.R.C.P. 236(a)</p>	

This matter is before the Presiding Disciplinary Judge ("PDJ") on an "Order of Court" issued by the Colorado Supreme Court ("Supreme Court") on July 7, 2010. In its order, the Supreme Court enjoined James R. Hustad, Colorado Beneficiary Deed Company, LLC, and Colorado Will Company, LLC ("Respondents") from the unauthorized practice of law and referred the matter to the PDJ "for findings and recommendations with regard to restitution, fines and costs."

I. PROCEDURAL HISTORY

Respondents did not participate in the proceedings before the Supreme Court.¹ Therefore, on July 26, 2010, the PDJ ordered Kim E. Ikeler, Office of Attorney Regulation Counsel ("the People"), to file a motion detailing the People's requested recommendations on restitution, fines, and costs with supporting documentation on or before August 27, 2010. The PDJ also gave Respondents the opportunity to file a response to the motion within fifteen days of the filing date of the motion.

However, on September 21, 2010, the parties filed a "Stipulation, Agreement and Affidavit" in this matter.² In the stipulation, Respondents

¹ The People filed a "Proof of Attempted Service of the Petition for Injunction and Order to Show Cause" with the Supreme Court on June 21, 2010, and a "Second Proof of Attempted Service of the Petition for Injunction and Order to Show Cause" on June 30, 2010.

² Although Colorado Will Company, LLC ("CWC") was a respondent before the Supreme Court and was subject to the injunction issued by the Supreme Court, CWC did not participate in the stipulation. As stated in the stipulation, CWC is a delinquent Colorado limited liability company that does not take part in the operations of the website in question. The parties

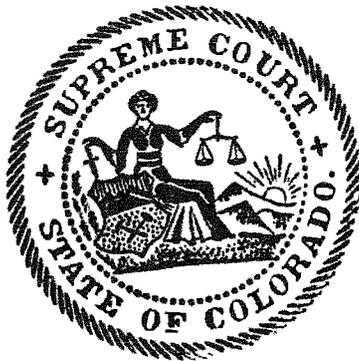
acknowledged receipt of a copy of the Supreme Court's order enjoining them from the unauthorized practice of law. They also agreed to pay costs in the amount of \$110.95 within thirty (30) days of the date of the Supreme Court's order approving the stipulation. The People did not request a finding regarding restitution because the identities of Respondents' past customers are unknown.

The People requested that the PDJ exempt Respondents from a fine pursuant to C.R.C.P. 236(a). The People made this request based upon Respondents' agreement to add a "samples" page to their website and their agreement to the terms of the stipulation.³ The "samples" page appears to be designed to permit customers to select the form they desire before purchasing the form, instead of Respondents selecting a form for their customers.⁴

II. RECOMMENDATION

Accordingly, the PDJ **RECOMMENDS** that the Supreme Court **APPROVE** the stipulation of the parties and order costs in the amount of \$110.95 to be paid within thirty (30) days of the date of its order. The PDJ further recommends that the Supreme Court **EXEMPT** Respondents from restitution. Finally, the PDJ recommends that the Supreme Court **WAIVE** any fine pursuant to C.R.C.P. 236(a).⁵

DATED THIS 29TH DAY OF SEPTEMBER, 2010.





WILLIAM R. LUCERO
PRESIDING DISCIPLINARY JUDGE

agreed that the PDJ need not make findings and recommendations concerning CWC and that no restitution, fines, or costs need be assessed against CWC.

³ Respondents agreed in the stipulation to add to their website a disclaimer that they are not licensed to practice law in Colorado and do not offer legal services.

⁴ See *People v. Shell*, 148 P.3d 162, 167-68 (Colo. 2006) (selecting legal documents for use by another person without a law license constitutes the unauthorized practice of law).

⁵ C.R.C.P. 236(a) provides: "A report from the [PDJ] approving the parties' stipulation to injunction[] may be exempt from a fine." Here, the parties entered a stipulation regarding restitution, fines, and costs *after* the Supreme Court had issued its injunction. Nevertheless, the PDJ concludes the People's request to waive the fine in this matter is appropriate.

Copies to:

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Office of Attorney Regulation Counsel

Via Hand Delivery

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Colorado Springs, CO 80918

Via First Class Mail

Colorado Beneficiary Deed Company, LLC
Respondent
5915 Bay Springs Lane
Colorado Springs, CO 80918

Via First Class Mail

Susan Festag
Colorado Supreme Court

Via Hand Delivery

Colorado Supreme Court 101 West Colfax Avenue, Suite 800 Denver, CO 80202	<p style="text-align: center;">RECEIVED</p> <p style="text-align: center;">JUL 9 2010</p> <p style="text-align: center;">REGULATION COUNSEL</p>
Original Proceeding in Unauthorized Practice of Law 09UPL115	
<p>Petitioner:</p> <p>The People of the State of Colorado,</p> <p>v.</p> <p>Respondents:</p> <p>James R. Hustad; Colorado Beneficiary Deed Company, LLC; and Colorado Will Company, LLC.</p>	Supreme Court Case No: 2010SA153
ORDER OF COURT	

Upon consideration of the Petition for Injunction, the Order and Rule to Show Cause, the Proof of Attempted Service of the Petition for Injunction and Order to Show Cause, the Second Proof of Attempted Service of the Petition for Injunction and Order to Show Cause and the Motion to Proceed filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Motion to Proceed shall be, and the same hereby is, GRANTED.

IT IS FURTHER ORDERED that said Respondents, JAMES R. HUSTAD, COLORADO BENEFICIARY DEED COMPANY, LLC and COLORADO WILL COMPANY, LLC shall be and the same hereby are ENJOINED from engaging in the unauthorized practice of law in the state of Colorado effective immediately.

IT IS FURTHER ORDERED that this cause is referred to the Presiding Disciplinary Judge for findings and recommendations with regard to restitution, fines and costs.

BY THE COURT, JULY 7, 2010.



Case Number: 2010SA153

Caption: People v Hustad, James

CERTIFICATE OF SERVICE

Copies mailed via the State's Mail Services Division on July 9, 2010. *HJC*

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