

I MINA' TRENTAI TRES NA LIHESLATURAN GUÁHAN  
2016 (SECOND) REGULAR SESSION

Bill No. 354 -33(C013)

Introduced by:

James V. Espaldon  
Mary Camacho Torres

AN ACT TO AMEND §§ 3101, 3103, 3109, 3111, 3113, 3115, 3117,  
3119, 3121, 3123, AND 3125 OF CHAPTER 31, TITLE 15, GUAM  
CODE ANNOTATED, RELATIVE TO ESTATES OF SMALL  
VALUE.

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1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. § 3101 of Chapter 31, 15 GCA is amended to read:

3 “§ 3101. Estates Under ~~[\$20,000.00]~~ \$75,000.00; Summary Administration or Probate;  
4 Affidavit. When a decedent leaves no real property, nor interest therein nor lien thereon, in the  
5 territory of Guam, and the total value of the decedent's property in the territory of Guam, excluding  
6 any motor vehicle of which the decedent was the owner or the legal owner, over and above any  
7 amounts due to the decedent for services in the armed forces of the United States, and over and above  
8 the amount of salary not exceeding [~~three thousand dollars (\$3,000.00)]~~ six thousand dollars  
9 (\$6,000.00), including compensation for unused vacation, owing to the decedent for services from any  
10 employment, does not exceed [~~twenty thousand dollars (\$20,000.00)]~~ seventy-five thousand-dollars  
11 (\$75,000.00), the surviving spouse, the children, lawful issue of deceased children, a parent, brothers  
12 or sisters of the decedent, the lawful issue of a deceased brother or sister, the guardian of the estate of  
13 any minor or incompetent person bearing such relationship to the decedent, or the trustee named under  
14 a trust agreement executed by the decedent during his lifetime, the primary beneficiaries of which bear  
15 such relationship to the decedent, if such person or persons has or have a right to succeed to the  
16 property of the decedent, or is the sole beneficiary or are all of the beneficiaries under the last will and  
17 testament of the decedent, may without procuring letters testamentary, letters of administration with  
18 the will annexed or letters of administration, and without awaiting administration upon the estate of  
19 an intestate decedent or the probate of the will of a testate decedent, collect any money due to the

1 decedent, receive the property of the decedent, and have any evidences of interest, indebtedness or  
2 right transferred to such person or persons upon furnishing the person, representative, corporation,  
3 officer or body owing the money, having custody of such property or acting as registrar or transfer  
4 agent of such evidences of interest, indebtedness or right, with an affidavit showing the right or the  
5 person or persons to receive the money or property, or to have such evidences transferred.”

6 **Section 2. § 3103 of Chapter 31, 15 GCA is amended to read:**

7 **“§ 3103. Estates Under ~~[\$10,000.00]~~ \$35,000.00; Surviving Spouse's Right to ~~[\$1,000.00]~~**  
8 **\$2,500.00 From Deposits in Savings Institutions.** Whether a person dies testate or intestate, and  
9 irrespective of the character of his property, if the value of the estate does not exceed [~~ten thousand~~  
10 ~~dollars (\$10,000.00)] thirty-five thousand dollars (\$35,000.00), the decedent's surviving spouse, if  
11 entitled by succession or by the last will and testament of the decedent to any money of the decedent  
12 on deposit in any bank, savings and loan association, credit union or other savings institution licensed  
13 to do business in the territory of Guam, may collect such money, not to exceed the total sum of [~~one~~  
14 ~~thousand dollars (\$1,000.00)] two thousand five hundred dollars (\$2,500.00), without procuring letters  
15 testamentary, letters of administration with the will annexed or letters of administration, and without  
16 awaiting administration upon the estate of an intestate decedent or the probate of the will of a testate  
17 decedent, upon furnishing the bank, savings and loan association, credit union or other savings  
18 institution with an affidavit showing the right of the affiant to receive such money.”~~~~

19 **Section 3. § 3109 of Chapter 31, 15 GCA is amended to read:**

20 **“§ 3109. Setting Aside Estates Under ~~[\$20,000.00]~~ \$75,000.00; Authority to Set Aside.** If  
21 the decedent leaves a surviving spouse or minor child or minor children, and the net value of the whole  
22 estate, over and above all liens and encumbrances at the date of death and over and above the value of  
23 any homestead interest set apart out of the decedent's estate under the provisions of Section 2401 or  
24 Section 2409 of this Title, does not exceed the sum of [~~twenty thousand dollars (\$20,000.00)] seventy-~~

25 five thousand dollars (\$75,000.00), the same may be set aside to the surviving spouse, if there be one,  
26 and if there be none, then to the minor child or minor children of the decedent.”

27 **Section 4. § 3111 of Chapter 31, 15 GCA is amended to read:**

28 **“§ 3111. Setting Aside Estates Under ~~[\$20,000.00]~~ \$75,000.00: **Petition; Allegations;****  
29 **Time; Verification; Contents.** Allegations showing that this Article is applicable, together with a  
30 prayer that the estate be set aside as provided in this Article, may be presented without filing a petition  
31 for letters testamentary, letters of administration with the will annexed or letters of administration, by

1 petition of the person named in the will as the executor or of the surviving spouse or of the guardian  
2 of the minor child or children of the decedent. Such allegations and prayer may also be included  
3 alternatively in the petition for letters testamentary, letters of administration with the will annexed or  
4 letter of administration, or such allegations and prayer may be presented by separate petition filed by  
5 the personal representative of the decedent, or by the surviving spouse, or by the guardian of the minor  
6 child or children, filed at any time before the hearing on the petition for letters testamentary, letters of  
7 administration with the will annexed or letters of administration or after the filing of the inventory. In  
8 all cases the petition shall be verified. The allegations shall include a specific description and an  
9 estimate of the value of all of the decedent's property, a list of all liens and encumbrances at the date  
10 of death, and a designation of any property as to which a homestead is set apart out of the decedent's  
11 estate under the provisions of Section 2401 or Section 2409 of this Title.”

12 **Section 5. § 3113 of Chapter 31, 15 GCA is amended to read:**

13 **“§ 3113. Setting Aside Estates Under ~~[\$20,000.00]~~ \$75,000.00: Notice of Hearing;**  
14 **Proceedings Included in Petition for Letters.** If the allegations and prayer as provided in Section  
15 3111 of this Title are included in the petition for letters testamentary, letters of administration with the  
16 will annexed or letters of administration, the notice of hearing shall include a statement that a prayer  
17 for setting aside the estate to the surviving spouse or minor child or minor children, as the case may  
18 be, is included in the petition.”

19 **Section 6. § 3115 of Chapter 31, 15 GCA is amended to read:**

20 **“§ 3115. Setting Aside Estates Under ~~[\$20,000.00]~~ \$75,000.00: Notice of Hearing;**  
21 **Proceedings Under Separate Petition.** (a) If a separate petition is filed under the provisions of  
22 Section 3111 of this Title without there having been any other petition filed, there shall be no notice  
23 of any type other than as prescribed in this subsection. In such cases, the Clerk of the Superior Court  
24 shall set the petition for hearing, and notice of the hearing shall be given in the manner provided in  
25 Section 3401 of this Title.

26 (b) If the hearing of the original petition for letters testamentary, letters of administration with  
27 the will annexed, or letters of administration is set for a day more than ten (10) calendar days after the  
28 filing of a separate petition filed with respect the same estate, the latter shall be set for hearing at the  
29 same time as the former and notice thereof shall be given in the manner provided in Section 3401 of  
30 this Title; if not, the separate petition shall be set for hearing at least ten (10) calendar days after the  
31 date on which it is filed, and if the original petition has not already been heard it shall be continued

1 until such date and heard at the same time.”

2 **Section 7. § 3117 of Chapter 31, 15 GCA is amended to read:**

3 **“§ 3117. Setting Aside Estate Under ~~[\$20,000.00]~~ \$75,000.00: Inventory and**  
4 **Appraisal; Filing.** Upon the filing of any petition provided for in this Article, the personal  
5 representative shall, within such time as the Superior Court shall allow, cause an inventory and  
6 appraisal of the decedent's estate to be made and filed in the manner prescribed by law.”

7 **Section 8. § 3119 of Chapter 31, 15 GCA is amended to read:**

8 **“§ 3119. Setting Aside Estates Under ~~[\$20,000.00]~~ \$75,000.00: Decree Assigning Estate to**  
9 **Surviving Spouse, Child or Children; Title to Property; Restriction on Right.** If, upon the hearing  
10 of any petition provided for in this Article, the Superior Court finds that the net value of the estate  
11 over and above all liens and encumbrances at the death of the decedent and over and above the value  
12 of any homestead interest set apart out of the decedent's estate under the provisions of Section 2401  
13 or Section 2409 of this Title does not exceed the sum of [~~twenty thousand dollars (\$20,000.00)]~~  
14 seventy-five thousand dollars (\$75,000.00), as of the date of such death, and that the expenses of the  
15 last illness, funeral charges and expenses of administration have been paid, it shall, by decree for that  
16 purpose, assign to the surviving spouse of the decedent, if there be a surviving spouse, provided said  
17 surviving spouse shall not have theretofore remarried, or, if there be no surviving spouse, then to such  
18 child or children of the decedent as may then be minors, if any, the whole of the estate, subject to  
19 whatever mortgages, liens or encumbrances there may be upon said estate at the time of the death of  
20 the decedent. The title thereto shall vest absolutely in such surviving spouse, or if there be no such  
21 surviving spouse, in the minor child or children, subject to whatever mortgages, liens and  
22 encumbrances there may be upon said estate at the time of the death of the decedent, and there must  
23 be no further proceedings in the administration, unless further estate be discovered.”

24 **Section 9. § 3121 of Chapter 31, 15 GCA is amended to read:**

25 **“§ 3121. Setting Aside Estates Under ~~[\$20,000.00]~~ \$75,000.00: Personal Liability for**  
26 **Unsecured Debts of Decedent; Duration.** A surviving spouse or a minor child or children in whom  
27 title has vested pursuant to the provisions of Section 3119 of this Title shall be personally liable for  
28 the unsecured debts of the decedent. The personal liability shall not exceed the value of the estate at  
29 the date of the decedent's death, less the amount of any liens and encumbrances and any homestead  
30 and other property set apart pursuant to the provisions of Section 2401 or Section 2409 of this Title.  
31 Such personal liability shall cease one (1) year after title to the estate vests, except with respect to any

1 actions or proceedings then pending in court. In any action based upon such an unsecured debt, the  
2 surviving spouse, or the minor child or children, or the guardian of such minor child or children, may  
3 assert any defenses, counterclaims or set offs which would have been available to the decedent if the  
4 decedent had not died.”

5 **Section 10. § 3123 of Chapter 31, 15 GCA is amended to read:**

6 **“§ 3123. Setting Aside Estates Under ~~[\$20,000.00]~~ \$75,000.00: Denial of Assignment;**  
7 **Grounds; Effect.** If the Superior Court finds that the net value of the estate exceeds [~~twenty thousand~~  
8 ~~dollars (\$20,000.00)] seventy-five thousand dollars (\$75,000.00), or that there is neither a surviving  
9 spouse nor a minor child, it shall act upon the petition for letters testamentary, letters of administration  
10 with the will annexed or letters of administration in the same manner as though no petition to set aside  
11 the estate had been included, and the estate shall then be administered in the usual manner.”~~

12 **Section 11. § 3123 of Chapter 31, 15 GCA is amended to read:**

13 **“§ 3125. Setting Aside Estates Under ~~[\$20,000.00]~~ \$75,000.00: Exclusion of Joint**  
14 **Tenancy, Life Estate, or Other Estate Terminable at Death.** For the purposes of this Article, any  
15 property or interest therein or lien thereon which, at the time of the decedent's death, was held by the  
16 decedent as joint tenant, or in which the decedent had a life estate or other estate terminable upon the  
17 decedent's death, shall be excluded in determining the property or estate of the decedent or its value.”

18 **Section 12. Effective date.** This Act shall be effective upon enactment.