

I Mina'Trentai Tres Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
354-33 (COR)	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.	07/26/16 10:07 a.m.	07/26/16	Committee on the Guam U.S. Military Relocation, Public Safety and Judiciary	09/19/16 2:00 p.m.	10/31/16 1:59 p.m.	Fiscal Note Request 07/26/16 Fiscal Note 09/07/16
	DATE PASSED	TITLE	DATE AND TIME TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LÀ HEN GUÀ HAN</small>	PUBLIC LAW NO.	NOTES
	12/02/16	AN ACT TO AMEND §§ 3101 AND 3103 OF ARTICLE 1, AND §§ 3109, 3111, 3113, 3115, 3117, 3119, 3121, 3123 AND 3125 OF ARTICLE 2, CHAPTER 31, TITLE 15, GUAM CODE ANNOTATED, RELATIVE TO ESTATES OF SMALL VALUE.	12/05/16	4:50 p.m.	12/16/16			



FILE COPY

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
THIRTY THIRD GUAM LEGISLATURE
155 Hesler Place, Hagåtña, Guam 96910

December 5, 2016

The Honorable Edward J.B. Calvo
I Maga'låhen Guåhan
Ufisinan I Maga'låhi
Hagåtña, Guam

Dear *Maga'låhi* Calvo:

Transmitted herewith are Bill Nos. 201-33 (COR), 224-33 (COR), 285-33 (COR), 317-33 (COR), 335-33 (COR), 343-33 (COR), 344-33 (COR), 347-33 (COR), 348-33 (COR), 354-33 (COR), 360-33 (COR), 361-33 (COR), 362-33 (COR), 365-33 (COR), 369-33 (COR), 370-33 (COR), 371-33 (COR), 373-33 (COR), 374-33 (COR), 375-33 (COR), 378-33 (COR), 384-33 (COR), 386-33 (COR), 387-33 (COR), 393-33 (COR), 394-33 (COR), and 400-33 (COR); and Substitute Bill Nos. 168-33 (COR), 187-33 (COR), 221-33 (COR), 351-33 (COR), and 367-33 (COR), which were passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on December 2, 2016.

Sincerely,

TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosure (32)

OFFICE OF THE GOVERNOR
CENTRAL FILES

RECEIVED BY
TIME 1:40 PM DATE 12-5-16

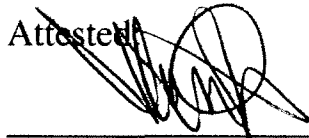
I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN

This is to certify that **Bill No. 354-33 (COR)**, "AN ACT TO AMEND §§ 3101 AND 3103 OF ARTICLE 1, AND §§ 3109, 3111, 3113, 3115, 3117, 3119, 3121, 3123 AND 3125 OF ARTICLE 2, CHAPTER 31, TITLE 15, GUAM CODE ANNOTATED, RELATIVE TO ESTATES OF SMALL VALUE," was on the 2nd day of December 2016, duly and regularly passed.

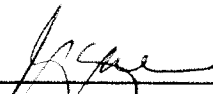


Judith T. Won Pat, Ed.D.
Speaker

Attested 

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 2nd day of Dec, 2016, at 4:50 o'clock P.M.


Assistant Staff Officer
Maga'låhi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: _____

Public Law No. _____

OFFICE OF THE GOVERNOR
CENTRAL FILES
RECEIVED BY _____
TIME 4:50 pm DATE 12.5.16

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

Bill No. 354-33 (COR)

As amended on the Floor.

Introduced by:

James V. Espaldon
Mary Camacho. Torres
T. R. Muña Barnes
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
Frank F. Blas, Jr.
B. J.F. Cruz
Brant T. McCreddie
Tommy Morrison
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
N. B. Underwood, Ph.D.
Judith T. Won Pat, Ed.D.

**AN ACT TO *AMEND* §§ 3101 AND 3103 OF ARTICLE 1,
AND §§ 3109, 3111, 3113, 3115, 3117, 3119, 3121, 3123 AND
3125 OF ARTICLE 2, CHAPTER 31, TITLE 15, GUAM
CODE ANNOTATED, RELATIVE TO ESTATES OF
SMALL VALUE.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. § 3101 of Article 1, Chapter 31, Title 15, Guam Code
Annotated, is *amended* to read:

“§ 3101. Estates Under Seventy-Five Thousand Dollars
(\$75,000); Summary Administration or Probate; Affidavit. When a
decendent leaves no real property, nor interest therein nor lien thereon, in the

1 territory of Guam, and the total value of the decedent's property in the
2 territory of Guam, excluding any motor vehicle of which the decedent was
3 the owner or the legal owner, over and above any amounts due to the
4 decedent for services in the armed forces of the United States, and over and
5 above the amount of salary not exceeding Six Thousand Dollars (\$6,000),
6 including compensation for unused vacation, owing to the decedent for
7 services from any employment, does not exceed Seventy-Five Thousand
8 Dollars (\$75,000), the surviving spouse, the children, lawful issue of
9 deceased children, a parent, brothers or sisters of the decedent, the lawful
10 issue of a deceased brother or sister, the guardian of the estate of any minor
11 or incompetent person bearing such relationship to the decedent, or the
12 trustee named under a trust agreement executed by the decedent during his
13 lifetime, the primary beneficiaries of which bear such relationship to the
14 decedent, if such person or persons has or have a right to succeed to the
15 property of the decedent, or is the sole beneficiary or are all of the
16 beneficiaries under the last will and testament of the decedent, may without
17 procuring letters testamentary, letters of administration with the will
18 annexed or letters of administration, and without awaiting administration
19 upon the estate of an intestate decedent or the probate of the will of a testate
20 decedent, collect any money due to the decedent, receive the property of the
21 decedent, and have any evidences of interest, indebtedness or right
22 transferred to such person or persons upon furnishing the person,
23 representative, corporation, officer or body owing the money, having
24 custody of such property or acting as registrar or transfer agent of such
25 evidences of interest, indebtedness or right, with an affidavit showing the
26 right or the person or persons to receive the money or property, or to have
27 such evidences transferred.”

1 **Section 2.** § 3103 of Article 1, Chapter 31, Title 15, Guam Code
2 Annotated, is *amended* to read:

3 “**§ 3103. Estates Under Thirty-Five Thousand Dollars**
4 **(\$35,000); Surviving Spouse's Right to Two Thousand Five Hundred**
5 **Dollars (\$2,500) From Deposits in Savings Institutions.** Whether a person
6 dies testate or intestate, and irrespective of the character of his property, if
7 the value of the estate does not exceed Thirty-Five Thousand Dollars
8 (\$35,000), the decedent's surviving spouse, if entitled by succession or by
9 the last will and testament of the decedent to any money of the decedent on
10 deposit in any bank, savings and loan association, credit union or other
11 savings institution licensed to do business in the territory of Guam, may
12 collect such money, not to exceed the total sum of Two Thousand Five
13 Hundred Dollars (\$2,500), without procuring letters testamentary, letters of
14 administration with the will annexed or letters of administration, and without
15 awaiting administration upon the estate of an intestate decedent or the
16 probate of the will of a testate decedent, upon furnishing the bank, savings
17 and loan association, credit union or other savings institution with an
18 affidavit showing the right of the affiant to receive such money.”

19 **Section 3.** § 3109 of Article 2, Chapter 31, Title 15, Guam Code
20 Annotated, is *amended* to read:

21 “**§ 3109. Setting Aside Estates Under Seventy-Five Thousand**
22 **Dollars (\$75,000); Authority to Set Aside.** If the decedent leaves a
23 surviving spouse or minor child or minor children, and the net value of the
24 whole estate, over and above all liens and encumbrances at the date of death
25 and over and above the value of any homestead interest set apart out of the
26 decedent's estate under the provisions of Section 2401 or Section 2409 of
27 this Title, does not exceed the sum of Seventy-Five Thousand Dollars

1 (\$75,000), the same may be set aside to the surviving spouse, if there be one,
2 and if there be none, then to the minor child or minor children of the
3 decedent.”

4 **Section 4.** § 3111 of Article 2, Chapter 31, Title 15, Guam Code
5 Annotated, is *amended* to read:

6 **“§ 3111. Setting Aside Estates Under Seventy-Five Thousand**
7 **Dollars (\$75,000): Petition; Allegations; Time; Verification; Contents.**

8 Allegations showing that this Article is applicable, together with a prayer
9 that the estate be set aside as provided in this Article, may be presented
10 without filing a petition for letters testamentary, letters of administration
11 with the will annexed or letters of administration, by petition of the person
12 named in the will as the executor or of the surviving spouse or of the
13 guardian of the minor child or children of the decedent. Such allegations and
14 prayer may also be included alternatively in the petition for letters
15 testamentary, letters of administration with the will annexed or letter of
16 administration, or such allegations and prayer may be presented by separate
17 petition filed by the personal representative of the decedent, or by the
18 surviving spouse, or by the guardian of the minor child or children, filed at
19 any time before the hearing on the petition for letters testamentary, letters of
20 administration with the will annexed or letters of administration or after the
21 filing of the inventory. In all cases the petition shall be verified. The
22 allegations shall include a specific description and an estimate of the value
23 of all of the decedent's property, a list of all liens and encumbrances at the
24 date of death, and a designation of any property as to which a homestead is
25 set apart out of the decedent's estate under the provisions of Section 2401 or
26 Section 2409 of this Title.”

1 **Section 5.** § 3113 of Article 2, Chapter 31, Title 15, Guam Code
2 Annotated, is *amended* to read:

3 “§ 3113. **Setting Aside Estates Under Seventy-Five Thousand**
4 **Dollars (\$75,000): Notice of Hearing; Proceedings Included in Petition**
5 **for Letters.** If the allegations and prayer as provided in Section 3111 of this
6 Title are included in the petition for letters testamentary, letters of
7 administration with the will annexed or letters of administration, the notice
8 of hearing shall include a statement that a prayer for setting aside the estate
9 to the surviving spouse or minor child or minor children, as the case may be,
10 is included in the petition.”

11 **Section 6.** § 3115 of Article 2, Chapter 31, Title 15, Guam Code
12 Annotated, is *amended* to read:

13 “§ 3115. **Setting Aside Estates Under Seventy-Five Thousand**
14 **Dollars (\$75,000): Notice of Hearing; Proceedings Under Separate**
15 **Petition.** (a) If a separate petition is filed under the provisions of Section
16 3111 of this Title without there having been any other petition filed, there
17 shall be no notice of any type other than as prescribed in this subsection. In
18 such cases, the Clerk of the Superior Court shall set the petition for hearing,
19 and notice of the hearing shall be given in the manner provided in Section
20 3401 of this Title.

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

1 it is filed, and if the original petition has not already been heard it shall be
2 continued until such date and heard at the same time.”

3 **Section 7.** § 3117 of Article 2, Chapter 31, Title 15, Guam Code
4 Annotated, is *amended* to read:

5 “§ 3117. **Setting Aside Estate Under Seventy-Five Thousand**
6 **Dollars (\$75,000): Inventory and Appraisement; Filing.** Upon the filing
7 of any petition provided for in this Article, the personal representative shall,
8 within such time as the Superior Court shall allow, cause an inventory and
9 appraisement of the decedent's estate to be made and filed in the manner
10 prescribed by law.”

11 **Section 8.** § 3119 of Article 2, Chapter 31, Title 15, Guam Code
12 Annotated, is *amended* to read:

13 “§ 3119. **Setting Aside Estates Under Seventy-Five Thousand**
14 **Dollars (\$75,000): Decree Assigning Estate to Surviving Spouse, Child**
15 **or Children; Title to Property; Restriction on Right.** If, upon the hearing
16 of any petition provided for in this Article, the Superior Court finds that the
17 net value of the estate over and above all liens and encumbrances at the
18 death of the decedent and over and above the value of any homestead
19 interest set apart out of the decedent's estate under the provisions of Section
20 2401 or Section 2409 of this Title does not exceed the sum of Seventy-Five
21 Thousand Dollars (\$75,000), as of the date of such death, and that the
22 expenses of the last illness, funeral charges and expenses of administration
23 have been paid, it shall, by decree for that purpose, assign to the surviving
24 spouse of the decedent, if there be a surviving spouse, provided said
25 surviving spouse shall not have theretofore remarried, or, if there be no
26 surviving spouse, then to such child or children of the decedent as may then
27 be minors, if any, the whole of the estate, subject to whatever mortgages,

1 liens or encumbrances there may be upon said estate at the time of the death
2 of the decedent. The title thereto shall vest absolutely in such surviving
3 spouse, or if there be no such surviving spouse, in the minor child or
4 children, subject to whatever mortgages, liens and encumbrances there may
5 be upon said estate at the time of the death of the decedent, and there must
6 be no further proceedings in the administration, unless further estate be
7 discovered.”

8 **Section 9.** § 3121 of Article 2, Chapter 31, Title 15, Guam Code
9 Annotated, is *amended* to read:

10 **“§ 3121. Setting Aside Estates Under Seventy-Five Thousand**
11 **Dollars (\$75,000): Personal Liability for Unsecured Debts of Decedent;**
12 **Duration.** A surviving spouse or a minor child or children in whom title has
13 vested pursuant to the provisions of Section 3119 of this Title shall be
14 personally liable for the unsecured debts of the decedent. The personal
15 liability shall not exceed the value of the estate at the date of the decedent's
16 death, less the amount of any liens and encumbrances and any homestead
17 and other property set apart pursuant to the provisions of Section 2401 or
18 Section 2409 of this Title. Such personal liability shall cease one (1) year
19 after title to the estate vests, except with respect to any actions or
20 proceedings then pending in court. In any action based upon such an
21 unsecured debt, the surviving spouse, or the minor child or children, or the
22 guardian of such minor child or children, may assert any defenses,
23 counterclaims or set offs which would have been available to the decedent if
24 the decedent had not died.”

25 **Section 10.** § 3123 of Article 2, Chapter 31, Title 15, Guam Code
26 Annotated, is *amended* to read:

1 **“§ 3123. Setting Aside Estates Under Seventy-Five Thousand**
2 **Dollars (\$75,000): Denial of Assignment; Grounds; Effect.** If the
3 Superior Court finds that the net value of the estate exceeds Seventy-Five
4 Thousand Dollars (\$75,000), or that there is neither a surviving spouse nor a
5 minor child, it shall act upon the petition for letters testamentary, letters of
6 administration with the will annexed or letters of administration in the same
7 manner as though no petition to set aside the estate had been included, and
8 the estate shall then be administered in the usual manner.”

9 **Section 11.** § 3125 of Article 2, Chapter 31, Title 15, Guam Code
10 Annotated, is *amended* to read:

11 **“§ 3125. Setting Aside Estates Under Seventy-Five Thousand**
12 **Dollars (\$75,000): Exclusion of Joint Tenancy, Life Estate, or Other**
13 **Estate Terminable at Death.** For the purposes of this Article, any property
14 or interest therein or lien thereon which, at the time of the decedent's death,
15 was held by the decedent as joint tenant, or in which the decedent had a life
16 estate or other estate terminable upon the decedent's death, shall be excluded
17 in determining the property or estate of the decedent or its value.”

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