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October 5, 2016

VIA HAND DELIVERY

Hon. Judith T. Won Pat, Ed. D.
Speaker, Guam Legislature
Suite 201
155 Hester Place
Hagåtña, Guam 96910

Hon. Benjamin J.F. Cruz
Vice Speaker, Guam Legislature
Suite 107
155 Hester Place
Hagåtña, Guam 96910

43-16-2078
Office of the Speaker
Judith T. Won Pat, Ed.D
Date: 10/16/2016
Time: 3:04pm
Received By: [Signature]
2016 OCT -7 AM 10:34

**Re: Judgment against Government of Guam
Government of Guam v. 162.40 Square Meters of Land
Guam Superior Court Civil Case No. CV0863-81**

Dear Speaker Won Pat and Vice Speaker Cruz:

My law firm represents the Estate of Artemio M. Ilagan in *Government of Guam v. 162.40 Square Meters of Land in the Municipality of Agaña*, Guam Superior Court Civil Case No. CV0863-81. In 1981, the Government of Guam condemned land being used as a parking lot for Mr. Ilagan's apartment building and conveyed the land to Mr. Ilagan's neighbor. The Government did this without conducting a proper just compensation survey or making an adequate deposit to pay for the property. The loss of the parking lot has resulted in a permanent loss of rental income for the Ilagan family. After years of litigation, a final judgment was issued by the court on June 23, 2016, awarding Mr. Ilagan's estate the amount of \$273,726.24 and post-judgment interest at the statutory rate. A copy of the Judgment is enclosed. The interest on the Judgment is accumulating at the rate of 6% per annum, equal to \$16,423.57 per year or approximately \$45.00 per day. To date, the Government has not paid the Judgment. To the best of my knowledge, the executive branch is unable to identify funds that could be used to pay this Judgment, and has not made any effort to obtain funding to do so.

No citizen should be compelled to go begging to the legislature for just compensation after the government has taken his land. Or as the highest court of one state has put it, no citizen should be compelled to trust to the future justice of the Legislature to provide just compensation owed for the taking of property. *Bromfield v. Treasurer and Receiver-General*, 459 N.E.2d 445,

Speaker Judith T. Won Pat, Ed. D.
Vice Speaker Benjamin J.F. Cruz
October 5, 2016
Page 2

448 (Mass. 1983). Unfortunately, that is the situation that the Ilagan family is in because of the government's failure (a) to conduct a proper just compensation appraisal before taking the family's property, (b) to make a deposit at the time of taking that was anywhere close to just compensation, and (c) to the best of my knowledge, to make any effort to obtain or identify funds to pay this Judgment. Therefore, I am writing to you on behalf of my clients to respectfully request that the Legislature appropriate funds to pay this Judgment. I know that in the past members of the Guam Legislature have taken a strong position in favor of just compensation for citizens of Guam whose land was taken by the federal government. The Ilagan family hopes that there will be a similar commitment on behalf of those whose land was taken by the Government of Guam.

Thank you for your attention to this matter. I look forward to hearing from you.

Sincerely,

Dooley Roberts Fowler & Viskosky, LLP



Seth Forman

Encl.

xc: David J. Highsmith, Attorney General of Guam

FILED
SUPERIOR COURT
OF GUAM

2016 JUN 23 PM 3:38

CLERK OF COURT
BY: _____

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Tamuning, Guam 96913
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Attorneys for Defendant Artemio B. Ilagan,
In His capacity as the Special Administrator
Of the Estate of Artemio M. Ilagan

IN THE SUPERIOR COURT OF GUAM

THE GOVERNMENT OF GUAM,)
)
Plaintiff,)
)
vs.)
)
162.40 square meters of land more or less)
situated in the municipality of Agana and)
unknown owners, et. al.,)
)
Defendants.)
_____)

CIVIL CASE NO. CV0863-81

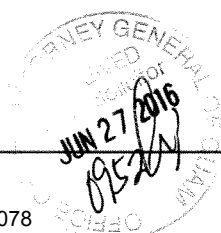
JUDGMENT

Dooley Roberts & Fowler LL

JUN 24 2016

451 Nik.

The above-entitled eminent domain proceeding and the issues raised by the pleadings herein having been tried before the Honorable Vernon P. Perez, Judge of the Superior Court of Guam, without a jury in a three-day trial beginning January 20, 2009 and ending January 22, 2009, and the matter having been remanded to the Court for a determination of just compensation inclusive of prejudgment interest, and the Court having heard the testimony and having examined the proofs offered by the respective parties, and the Court having reviewed the briefing submitted by the parties on the issue of just compensation,



ORIGINAL

an Office of Mark Smith
2016 JUN 27 10:48am
CM

Judgment
Government of Guam v. 162.40 square meters
Civil Case No. CV0863-81

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Estate of Artemio M. Ilagan, represented herein by its Special Administrator Artemio B. Ilagan, have judgment against the Government of Guam in the amount of \$273,726.24, and post-judgment interest at the statutory rate.

Date: JUN 21 2016

Original
HON. VERNON P. PEREZ
HONORABLE VERNON P. PEREZ
JUDGE, SUPERIOR COURT OF GUAM

Submitted by:

DOOLEY ROBERTS & FOWLER LLP

By: Seth Forman
SETH FORMAN

Attorney for defendant Artemio B. Ilagan in his capacity as
Special Administrator of the Estate of Artemio M. Ilagan

Date: June 14, 2016

I do hereby certify that the foregoing is a full true and correct copy of the original on file in the office of the clerk of the Superior Court of Guam.

JUN 23 2016

Alfred A. Santos
Deputy Clerk, Superior Court of Guam

Approved as to form:

OFFICE OF THE ATTORNEY GENERAL
Elizabeth Barrett-Anderson, Attorney General of Guam

By: David J. Highsmith
DAVID J. HIGHSMITH
Assistant Attorney General

Date: 6/15/16

THE LAW OFFICES OF MARK S. SMITH

By: _____
MARK S. SMITH
Attorney for defendant Felix F. Ungacta

Date: _____