



**EDDIE BAZA CALVO**  
Governor

**RAY TENORIO**  
Lieutenant Governor

*Office of the Governor Of Guam.*

DEC 15 2016

Honorable Judith T. Won Pat, Ed.D.  
Speaker  
*I Mina'trentai Tres Na Liheslaturan Guåhan*  
155 Hesler Street  
Hagåtña, Guam 96910

33-16-2284

Office of the Speaker  
Judith T. Won Pat, Ed.D

Date: 12-19-16  
Time: 9AM  
Received By: [Signature]

Dear Madame Speaker:

Transmitted herewith is 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," which was signed into law on December 15, 2016, as Public Law 33-213.

*Senseramente,*

  
EDDIE BAZA CALVO

2016 DEC 19 AM 10:51  
[Signature]

2284

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

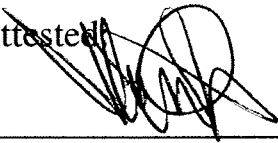
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LÅHEN GUÅHAN**

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 2<sup>nd</sup> day of December 2016, duly and regularly passed.



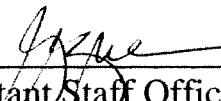
**Judith T. Won Pat, Ed.D.  
Speaker**

Attested




**Tina Rose Muña Barnes  
Legislative Secretary**

This Act was received by *I Maga'låhen Guåhan* this ✓th day of Dec,  
2016, at 4:30 o'clock P.M.



**Assistant Staff Officer  
Maga'låhi's Office**

APPROVED:



**EDWARD J.B. CALVO  
*I Maga'låhen Guåhan***

Date: DEC 15 2016

Public Law No. 33-213

**OFFICE OF THE GOVERNOR  
CENTRAL FILES**

RECEIVED BY [Signature]  
TIME 4:30 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. McCreadie  
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.**

1       **BE IT ENACTED BY THE PEOPLE OF GUAM:**

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

4               “§ 3101.   **Estates Under Seventy-Five Thousand Dollars**  
5               **(\$75,000); Summary Administration or Probate; Affidavit.** When a  
6               decedent 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 Appraisalment; 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 appraisalment 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.