

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
80-38 (COR)	V. Anthony Ada	AN ACT TO <i>AMEND</i> §§ 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 INCREASING THE THRESHOLDS FOR ESTATES OF SMALL VALUE BY FIFTY PERCENT (50%).	3/5/25 3:45 p.m.						

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 80-38 (COR)

Introduced by:

V. Anthony Ada  _____

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 INCREASING THE THRESHOLDS FOR ESTATES OF SMALL VALUE BY FIFTY PERCENT (50%).

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

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

4 “§ 3101. Estates Under ~~Seventy-Five Thousand Dollars~~
5 ~~(\$75,000)~~ One Hundred Twelve Thousand Five Hundred Dollars
6 (\$112,500); **Summary Administration or Probate; Affidavit.** When a
7 decedent leaves no real property, nor interest therein nor lien thereon, in the
8 territory of Guam, and the total value of the decedent's property in the territory
9 of Guam, excluding any motor vehicle of which the decedent was the owner
10 or the legal owner, over and above any amounts due to the decedent for
11 services in the armed forces of the United States, and over and above the
12 amount of salary not exceeding Six Thousand Dollars (\$6,000), including
13 compensation for unused vacation, owing to the decedent for services from
14 any employment, does not exceed ~~Seventy-Five Thousand Dollars (\$75,000)~~
15 One Hundred Twenty-Five Thousand Dollars (\$125,000), the surviving

1 spouse, the children, lawful issue of deceased children, a parent, brothers or
2 sisters of the decedent, the lawful issue of a deceased brother or sister, the
3 guardian of the estate of any minor or incompetent person bearing such
4 relationship to the decedent, or the trustee named under a trust agreement
5 executed by the decedent during his lifetime, the primary beneficiaries of
6 which bear such relationship to the decedent, if such person or persons has or
7 have a right to succeed to the property of the decedent, or is the sole
8 beneficiary or are all of the beneficiaries under the last will and testament of
9 the decedent, may without procuring letters testamentary, letters of
10 administration with the will annexed or letters of administration, and without
11 awaiting administration upon the estate of an intestate decedent or the probate
12 of the will of a testate decedent, collect any money due to the decedent, receive
13 the property of the decedent, and have any evidences of interest, indebtedness
14 or right transferred to such person or persons upon furnishing the person,
15 representative, corporation, officer or body owing the money, having custody
16 of such property or acting as registrar or transfer agent of such evidences of
17 interest, indebtedness or right, with an affidavit showing the right or the
18 person or persons to receive the money or property, or to have such evidences
19 transferred.”

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

22 “§ 3103. **Estates Under ~~Thirty-Five Thousand Dollars (\$35,000)~~**
23 **Fifty-Two Thousand Five Hundred Dollars (\$52,500); Surviving Spouse's**
24 **Right to ~~Two Thousand Five Hundred Dollars (\$2,500)~~ Three Thousand**
25 **Seven Hundred Fifty Dollars (\$3,750) From Deposits in Savings**
26 **Institutions.** Whether a person dies testate or intestate, and irrespective of the
27 character of his property, if the value of the estate does not exceed ~~Thirty-Five~~

1 ~~Thousand Dollars (\$35,000)~~ Fifty-Two Thousand Five Hundred Dollars
2 (\$52,500), the decedent's surviving spouse, if entitled by succession or by the
3 last will and testament of the decedent to any money of the decedent on
4 deposit in any bank, savings and loan association, credit union or other savings
5 institution licensed to do business in the territory of Guam, may collect such
6 money, not to exceed the total sum of ~~Two Thousand Five Hundred Dollars~~
7 ~~(\$2,500)~~ Three Thousand Seven Hundred Fifty Dollars (\$3,750), without
8 procuring letters testamentary, letters of administration with the will annexed
9 or letters of administration, and without awaiting administration upon the
10 estate of an intestate decedent or the probate of the will of a testate decedent,
11 upon furnishing the bank, savings and loan association, credit union or other
12 savings institution with an affidavit showing the right of the affiant to receive
13 such money.”

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

16 **“§ 3109. Setting Aside Estates Under ~~Seventy-Five Thousand~~**
17 **~~Dollars (\$75,000)~~ One Hundred Twelve Thousand Five Hundred Dollars**
18 **(\$112,500); Authority to Set Aside.** If the decedent leaves a surviving
19 spouse or minor child or minor children, and the net value of the whole estate,
20 over and above all liens and encumbrances at the date of death and over and
21 above the value of any homestead interest set apart out of the decedent's estate
22 under the provisions of Section 2401 or Section 2409 of this Title, does not
23 exceed the sum of ~~Seventy-Five Thousand Dollars (\$75,000)~~ One Hundred
24 Twelve Thousand Five Hundred Dollars (\$112,500), the same may be set
25 aside to the surviving spouse, if there be one, and if there be none, then to the
26 minor child or minor children of the decedent.”

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

3 “§ 3111. **Setting Aside Estates Under ~~Seventy-Five Thousand~~**
4 **~~Dollars (\$75,000) One Hundred Twelve Thousand Five Hundred Dollars~~**
5 **(\$112,500): Petition; Allegations; Time; Verification; Contents.**

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

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

26 “§ 3113. **Setting Aside Estates Under ~~Seventy-Five Thousand~~**
27 **~~Dollars (\$75,000) One Hundred Twelve Thousand Five Hundred Dollars~~**

1 **(\$112,500): Notice of Hearing; Proceedings Included in Petition for**
2 **Letters.** If the allegations and prayer as provided in Section 3111 of this Title
3 are included in the petition for letters testamentary, letters of administration
4 with the will annexed or letters of administration, the notice of hearing shall
5 include a statement that a prayer for setting aside the estate to the surviving
6 spouse or minor child or minor children, as the case may be, is included in the
7 petition.”

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

10 “§ 3115. **Setting Aside Estates Under ~~Seventy-Five Thousand~~**
11 **~~Dollars (\$75,000) One Hundred Twelve Thousand Five Hundred Dollars~~**
12 **(\$112,500): Notice of Hearing; Proceedings Under Separate Petition.**

13 (a) If a separate petition is filed under the provisions of Section 3111 of
14 this Title without there having been any other petition filed, there shall be no
15 notice of any type other than as prescribed in this subsection. In such cases,
16 the Clerk of the Superior Court shall set the petition for hearing, and notice of
17 the hearing shall be given in the manner provided in Section 3401 of this Title.

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

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

3 “**§ 3117. Setting Aside Estate Under ~~Seventy-Five Thousand~~**
4 **~~Dollars (\$75,000) One Hundred Twelve Thousand Five Hundred Dollars~~**
5 **(\$112,500): Inventory and Appraisalment; Filing.** Upon the filing of any
6 petition provided for in this Article, the personal representative shall, within
7 such time as the Superior Court shall allow, cause an inventory and
8 appraisalment of the decedent's estate to be made and filed in the manner
9 prescribed by law.”

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

12 “**§ 3119. Setting Aside Estates Under ~~Seventy-Five Thousand~~**
13 **~~Dollars (\$75,000) One Hundred Twelve Thousand Five Hundred Dollars~~**
14 **(\$112,500): Decree Assigning Estate to Surviving Spouse, Child or**
15 **Children; Title to Property; Restriction on Right.** If, upon the hearing of
16 any petition provided for in this Article, the Superior Court finds that the net
17 value of the estate over and above all liens and encumbrances at the death of
18 the decedent and over and above the value of any homestead interest set apart
19 out of the decedent's estate under the provisions of Section 2401 or Section
20 2409 of this Title does not exceed the sum of ~~Seventy-Five Thousand Dollars~~
21 **(\$75,000) One Hundred Twelve Thousand Five Hundred Dollars (\$112,500),**
22 as of the date of such death, and that the expenses of the last illness, funeral
23 charges and expenses of administration have been paid, it shall, by decree for
24 that purpose, assign to the surviving spouse of the decedent, if there be a
25 surviving spouse, provided said surviving spouse shall not have theretofore
26 remarried, or, if there be no surviving spouse, then to such child or children
27 of the decedent as may then be minors, if any, the whole of the estate, subject

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

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

10 “§ 3121. **Setting Aside Estates Under ~~Seventy-Five Thousand~~**
11 **~~Dollars (\$75,000) One Hundred Twelve Thousand Five Hundred Dollars~~**
12 **(\$112,500): Personal Liability for Unsecured Debts of Decedent;**
13 **Duration.** A surviving spouse or a minor child or children in whom title has
14 vested pursuant to the provisions of Section 3119 of this Title shall be
15 personally liable for the unsecured debts of the decedent. The personal
16 liability shall not exceed the value of the estate at the date of the decedent's
17 death, less the amount of any liens and encumbrances and any homestead and
18 other property set apart pursuant to the provisions of Section 2401 or Section
19 2409 of this Title. Such personal liability shall cease one (1) year after title to
20 the estate vests, except with respect to any actions or proceedings then
21 pending in court. In any action based upon such an unsecured debt, the
22 surviving spouse, or the minor child or children, or the guardian of such minor
23 child or children, may assert any defenses, counterclaims or set offs which
24 would have been available to the decedent if the decedent had not died.”

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

1 “§ 3123. **Setting Aside Estates Under ~~Seventy-Five Thousand~~**
2 **~~Dollars (\$75,000) One Hundred Twelve Thousand Five Hundred Dollars~~**
3 **(\$112,500): Denial of Assignment; Grounds; Effect.** If the Superior Court
4 finds that the net value of the estate exceeds ~~Seventy-Five Thousand Dollars~~
5 ~~(\$75,000) One Hundred Twelve Thousand Five Hundred Dollars (\$112,500),~~
6 or that there is neither a surviving spouse nor a minor child, it shall act upon
7 the petition for letters testamentary, letters of administration with the will
8 annexed or letters of administration in the same manner as though no petition
9 to set aside the estate had been included, and the estate shall then be
10 administered in the usual manner.”

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

13 “§ 3125. **Setting Aside Estates Under ~~Seventy-Five Thousand~~**
14 **~~Dollars (\$75,000) One Hundred Twelve Thousand Five Hundred Dollars~~**
15 **(\$112,500): Exclusion of Joint Tenancy, Life Estate, or Other Estate**
16 **Terminable at Death.** For the purposes of this Article, any property or
17 interest therein or lien thereon which, at the time of the decedent's death, was
18 held by the decedent as joint tenant, or in which the decedent had a life estate
19 or other estate terminable upon the decedent's death, shall be excluded in
20 determining the property or estate of the decedent or its value.”

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