

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
23-38 (COR)	Shelly V. Calvo	AN ACT TO <i>ADD</i> A NEW ARTICLE 4 TO CHAPTER 33 TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT, AND TO ADOPT A STANDARDIZED FORM FOR THE TRANSFER ON DEATH DEED.	1/13/25 4:06 p.m.	1/23/25	Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement.	Request 1/23/25 Waiver 1/30/25	4/22/25 2:00 p.m.	5/13/25 As Amended.	



OFFICE OF SENATOR
Telo T. Taitague
CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory
Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
2238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

May 7, 2025

The Honorable Frank F. Blas Jr.

Speaker

I Mina'trentai Ocho na Liheslaturan Guåhan

Guam Congress Building

163 Chalan Santo Papa

Hagåtña, Guam 96910

VIA: Honorable Vice Speaker V. Anthony Ada 
Chairperson, Committee on Rules

RE: Committee Report on Bill No. 23-38 (COR) - As Amended

Buenas yan Håfa adai, Speaker Blas

Transmitted herewith is the Committee Report on Bill No. 23-38 (COR) As Amended by the Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections and Retirement – Introduced by Senator Shelly V. Calvo – “*AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 33 TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT, AND TO ADOPT A STANDARDIZED FORM FOR THE TRANSFER ON DEATH DEED.*”

Committee votes are as follows:

<u>1</u>	TO DO PASS
<u>0</u>	TO NOT PASS
<u>4</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

Sincerely,


TELO T. TAITAGUE
Senator



COMMITTEE ON RULES

RECEIVED:

May 8, 2025 12:50 p.m.
Marie Crisostomo
Revisions Received:
May 12, 2025 2:24 p.m.



OFFICE OF SENATOR

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COMMITTEE REPORT

BILL NO. 23-38 (COR), As Amended

Sponsored by: Senator Shelly V. Calvo

***“AN ACT TO ADD A NEW ARTICLE 4 TO
CHAPTER 33 TITLE 15 OF GUAM CODE
ANNOTATED, RELATIVE TO ESTABLISHING
THE UNIFORM REAL PROPERTY TRANSFER
ON DEATH ACT, AND TO ADOPT A
STANDARDIZED FORM FOR THE TRANSFER
ON DEATH DEED.”***



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I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

May 7, 2025

MEMORANDUM:

TO: All Members
*Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory
Affairs, Technology, Justice, Elections, and Retirement*

FROM: Senator Telo T. Taitague
Committee Chairperson

SUBJECT: Committee Report on Bill No. 23-38 (COR), As Amended

Transmitted herewith for your consideration is the Committee Report on **Bill No. 23-38 (COR)- As Amended by the Committee-** Introduced by Senator Shelly V. Calvo – ***“AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 33 TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT, AND TO ADOPT A STANDARDIZED FORM FOR THE TRANSFER ON DEATH DEED.”***

This report includes the following:

- Copy of COR Referral of Bill No. 23-38 (COR)
- Notice of Public Hearing
- Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Written Testimonies and Additional Documents
- Committee Vote Sheet and E-mails
- Committee Report Digest
- Copy of Bill No. 23-38 (COR), As Introduced
- Copy of Bill No. 23-38 (COR), with Committee Markup
- Copy of Bill No. 23-38 (COR), As Amended
- Copy of Fiscal Note from the Bureau of Budget & Management Research

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os ma'åse'!

Senator Telo T. Taitague - Chairperson



COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature

January 23, 2025

To: **Rennae V. C. Meno**
Clerk of the Legislature

Attorney Darleen Hiton
Legislative Legal Counsel

From: **Senator Christopher M. Dueñas** 
Acting Chairperson, Committee on Rules

Subject: **Referral of Bill No. 23-38 (COR)**

Håfa Adai,

As per my authority as Acting Chairperson of the Committee on Rules and subject to §6.01(d)(1), Rule VI of our Standing Rules, I am forwarding the referral of **Bill No. 23-38 (COR)** – Shelly V. Calvo. – “AN ACT TO *ADD* A NEW ARTICLE TO CHAPTER 33 TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT.”

Please ensure that the subject bill is referred to the Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement chaired by Senator Telo T. Taitague. I also request that the same be forwarded to the Prime Sponsor of the subject bill and to Management Information Services (MIS) for posting on our website.

A copy of the bill is available on our legislative website.

Should you have any questions or concerns, please feel free to contact Kamarin Nelson, Committee on Rules Director at 671-472-2461.





OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

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Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

April 15, 2025

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Telo T. Taitague

Subject: FIRST NOTICE of Public Hearing – Tuesday April 22, 2025 at 2:00 p.m.

Håfa Adai!

Please be advised that the *Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections, and Retirement* will conduct a public hearing on Tuesday April 22, 2025 at 2:00 p.m. at the Guam Congress Building in the Public Hearing Room. The Committee will hear and accept testimonies of the following items:

AGENDA FOR 2:00PM:

- I. Bill No. 80-38 (COR) –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%).”
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If you are interested in participating in the Public Hearing to provide testimony, please contact the Office of Senator Telo T. Taitague via electronic mail at senatortelot@gmail.com or call (671) 989-8356.



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

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I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

In compliance with the Americans with Disabilities Act (ADA), individuals requiring assistance of accommodation should contact the Office of Senator Telo T. Taitague at (671) 989-8356 or email senatortelot@gmail.com.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117, and stream online via *I Liheslaturan Guåhan's* live feed on YouTube <https://www.youtube.com/@GuamLegislatureMedia/streams>. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.

Notice of this Hearing is also available on the Government of Guam Public Notice Portal.

We are looking forward to your participation!

Respectfully

Senator Telo T. Taitague
Chairperson



Senator Telo Taitague <senatortelot@gmail.com>

FIRST NOTICE of Public Hearing – Tuesday April 22, 2025 at 2:00 p.m.

2 messages

Senator Telo Taitague <senatortelot@gmail.com>
To: phnotice@guamlegislature.gov

15 April 2025 at 09:12

April 15, 2025**MEMORANDUM****To: All Senators, Stakeholders and Media****From: Senator Telo T. Taitague****Subject: FIRST NOTICE of Public Hearing – Tuesday April 22, 2025 at 2:00 p.m.***Håfa Adai!*

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We are looking forward to your participation!

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague

38th Guam Legislature

Chairperson

Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement

Suite 407 DNA Building

238 Archbishop Flores St.

Hagatna, Guam 96910

Tel: (671) 989-8356

Email: senatortelot@gmail.com

3 attachments

 **4.22.25 First PH Notice MEMO.pdf**
462K

 **Bill No. 80-38 (COR).pdf**
931K

 **Bill No. 23-38 (COR).pdf**
975K

Ed Pocaigue <sgtarms@guamlegislature.gov>
To: Senator Telo Taitague <senatortelot@gmail.com>

15 April 2025 at 09:40

Hafa Adai,

Posted on calendar.

[Quoted text hidden]



Edward S. Pocaigue, Jr.
Sergeant-at-Arms

I Mina'trentai Ocho Na Liheslaturan Guåhan
Guam Congress Building, 1st Floor
163 Chalan Santo Papa
Hagåtña, Guam 96910



1-671-969-3514



sgtarms@guamlegislature.gov

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Type text here

FIRST NOTICE of Public Hearing – Tuesday April 22, 2025 at 2:00 p.m.

FIRST NOTICE of Public Hearing – Tuesday April 22, 2025 at 2:00 p.m.

PUBLIC HEARING

 **Posted on:** 04/15/2025 08:21 AM

 **Posted by:** Keith Taliugyan

 **Public Hearing Date:** 04/22/2025 02:00 PM

 **Department(s):** GUAM LEGISLATURE (/notices?department_id=92)

 **Division(s):** OFFICE OF SENATOR TELO TAITAGUE (/notices?division_id=282)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

 **Share this notice**



April 15, 2025

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Telo T. Taitague

Subject: FIRST NOTICE of Public Hearing – Tuesday April 22, 2025 at 2:00 p.m.

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I. Bill No. 80-38 (COR)

([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2080-38%20\(COR\).pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2080-38%20(COR).pdf)) – 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%).**”

II. Bill No. 23-38 (COR)

([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2023-38%20\(COR\)%20HISTORY.pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2023-38%20(COR)%20HISTORY.pdf)) - Shelly V. Calvo – “**AN ACT TO ADD A NEW ARTICLE TO CHAPTER 33 TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT.**”

If you are interested in participating in the Public Hearing to provide testimony, please contact the Office of Senator Telo T. Taitague via electronic mail at senatortelot@gmail.com (<mailto:senatortelot@gmail.com>) or call (671) 989-8356.

In compliance with the Americans with Disabilities Act (ADA), individuals requiring assistance of accommodation should contact the Office of Senator Telo T. Taitague at (671) 989-8356 or email senatortelot@gmail.com (<mailto:senatortelot@gmail.com>) .

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We are looking forward to your participation!



PO BOX 368, HAGATNA, GUAM 96932

T. +1 671.637.KUAM
F. +1 671.637.9865

New Order

Revised/Add-On

Info. Update

Advertiser Name

Office of Senator Telo Taitague - 38th
Guam Legislature

Address

Suite 407 DNA Bldg; 238 Archbishop Flores
St.
Hagatna, Guam 96910

Point of Contact

Keith Taliugyan

Order Number

Order Entry Date

Customer PO #

2538PO128

Product Code

RECEIVABLES ACCOUNT

☒ Cash ☐ Trade ☐ Other

ORDER DESCRIPTION

PRODUCTION INFORMATION

Cart # Title: Length:

FOR INTERNAL PURPOSES ONLY

Media Consultant

Christie SA

Notary Required

YES

☒

NO

Billing

Per Spot

Package

☒

Trade

Station	Inc Acct	Rate	Start Date	End Date	AbsTime/Prog. Event	Length	Spot Type	Cart #	M	T	W	TH	F	SA	SU	Per Wk	Total #	Total \$
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KUAM TV

1x :15 Second Commercial on TV8 or TV11 from 12am - 5:59pm - First Notice (Air date: 04/15/25)

1x :15 Second Commercial on TV8 or TV11 from 12am - 5:59pm - First Notice (KUAM Match)

1x :15 Second Commercial on TV8 or TV11 from 12am - 5:59pm - Second Notice (Air date: 04/18/25)

1x :15 Second Commercial on TV8 or TV11 from 12am - 5:59pm - Second Notice (KUAM Match)

1x :15 Second TV Production (text and music bed only)

Contract for Public Hearing on Tuesday, April 22, 2025; 1st and 2nd Notice

MONTHLY TOTALS

Jan _____ Feb _____ Mar _____ Apr 500 May _____ June _____
July _____ Aug _____ Sep _____ Oct _____ Nov _____ Dec _____

SPECIAL INSTRUCTIONS

ORDER TOTALS

Total Spots _____ PKG
Total Dollars \$ 500.00

TV COMMERCIAL FORMAT: We ask that all commercials be formatted to originate in HD 1920x1080 and conform to a 4x3 pillar for Title Safe dimensions for graphics. These will be downconverted on our SD channels. Should a commercial spot be produced in SD, it should be formatted in 720x486 DI format resolution and will be upconverted on HD Channels (DOCOMO 608 and 611).

RESTRICTIONS: 48-hour deadline is KUAM's quality control to ensure that your advertisement airing meets the highest standards. If there is a rush, KUAM is not responsible for quality and standard concerns on behalf of the client.

PAYMENT IS DUE UPON RECEIPT OF NOTICE. In the event of cancellation of this contract prior to its scheduled expiration date and/or failure to remit payment of invoice[s] within 60 days of invoice date, all spots that have run prior to the cancellation date and/or schedules adhered to will be billed at the Rate Card. Client understands and agrees that a finance charge of 10% per month shall accrue on all accounts remaining unpaid one [1] month after invoice date. Client agrees to pay a USD\$25.00 service fee per returned check. There will be a 5% surcharge for all credit card transactions. If payment is not made as required, KUAM may, its option, without notice or demand payment, declare Client's credit account in default, in which case Client's entire balance[s] that are due and payable will be forwarded for collection. Client agrees to accept all consequences and to pay all costs, including attorney's fees, court fees, court costs and other expenses incurred as deemed necessary by KUAM to settle the account.

NON DISCRIMINATION CLAUSE: KUAMPacific Telestations, LLC does not discriminate on the basis of race or ethnicity in the placement, scheduling and completion of purchase of advertising. Any order for advertising that includes any such restriction will not be accepted.


ACCEPTED BY CLIENT

Christie San Agustin

ACCEPTED BY STATION



OFFICE OF SENATOR
Telo T. Taitague
CHAIRWOMAN
Committee on Economic Development, Military Building, Regional Relations,
Regulatory Affairs, Technology, Justice, Education, and Retirement

Sta. 407 DNA Building
238 Archibald Flores St.
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(671) 989-8356
senatortelo@gmail.com

I Mins'vrentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

NOTICE OF PUBLIC HEARING
Tuesday, April 22, 2025 at 2:00 p.m.
Guam Congress Building, Public Hearing Room.

The Committee will hear and accept testimonies on the following items:

AGENDA for 2:00PM:

- I. **Bill No. 80-38 (COR)** – 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%).”
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OFFICE OF SENATOR
Telo T. Taitague
CHAIRWOMAN
Committee on Economic Development, Military Building, Regional Relations,
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This ad is paid for by legislature funds.



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

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senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

April 18, 2025

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Telo T. Taitague

Subject: SECOND NOTICE of Public Hearing – Tuesday April 22, 2025 at 2:00 p.m.

Håfa Adai!

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OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

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We are looking forward to your participation!

Respectfully

Senator Telo T. Taitague
Chairperson



Senator Telo Taitague <senatortelot@gmail.com>

SECOND NOTICE of Public Hearing – Tuesday April 22, 2025 at 2:00 p.m.

2 messages

Senator Telo Taitague <senatortelot@gmail.com>
To: phnotice@guamlegislature.gov

18 April 2025 at 11:01

April 18, 2025**MEMORANDUM****To: All Senators, Stakeholders and Media****From: Senator Telo T. Taitague****Subject: SECOND NOTICE of Public Hearing – Tuesday April 22, 2025 at 2:00 p.m.***Håfa Adai!*

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We are looking forward to your participation!

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague

38th Guam Legislature

Chairperson

Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement

Suite 407 DNA Building

238 Archbishop Flores St.

Hagatna, Guam 96910

Tel: (671) 989-8356

Email: senatortelot@gmail.com

3 attachments

 **4.22.25 Second PH Notice MEMO.pdf**
462K

 **Bill No. 23-38 (COR).pdf**
975K

 **Bill No. 80-38 (COR).pdf**
931K

Ed Pocaigue <sgtarms@guamlegislature.gov>
To: Senator Telo Taitague <senatortelot@gmail.com>

18 April 2025 at 11:05

Hafa Adai,

Public Hearing Notice updated.

[Quoted text hidden]

--



Edward S. Pocaigue, Jr.
Sergeant-at-Arms

I Mina'trentai Ocho Na Liheslaturan Guåhan
Guam Congress Building, 1st Floor
163 Chalan Santo Papa
Hagåtña, Guam 96910



1-671-969-3514



sgtarms@guamlegislature.gov

"Disclaimer: This message is intended only for the use of the individual or entity to which it is addressed and may contain information which is privileged, confidential, proprietary, or exempt from disclosure under applicable law. If you are not the intended recipient or the individual responsible for delivering the message to the intended recipient, you are strictly prohibited from disclosing, distributing, copying, or in any way using this message. If you have received this communication in error, please notify the sender and immediately delete any copies you may have received. Thank you."

SECOND NOTICE of Public Hearing – Tuesday April 22, 2025 at 2:00 p.m.

SECOND NOTICE of Public Hearing – Tuesday April 22, 2025 at 2:00 p.m.

PUBLIC HEARING

 **Posted on:** 04/18/2025 09:50 AM

 **Posted by:** Keith Taliugyan

 **Public Hearing Date:** 04/22/2025 02:00 PM

 **Department(s):** GUAM LEGISLATURE (/notices?department_id=92)

 **Division(s):** OFFICE OF SENATOR TELO TAITAGUE (/notices?division_id=282)

 **Notice Topic(s):** PUBLIC HEARING (/notices?topic_id=74)

 **Types of Notice:** PUBLIC HEARING (/notices?type_id=7)

 **For Audience(s):** PUBLIC (/notices?public=1)

 **Share this notice**



April 18, 2025

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Telo T. Taitague

Subject: SECOND NOTICE of Public Hearing – Tuesday April 22, 2025 at 2:00 p.m.

Håfa Adai!

Please be advised that the *Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections, and Retirement* will conduct a public hearing on **Tuesday April 22, 2025 at 2:00 p.m.** at the Guam Congress Building in the Public Hearing Room. The Committee will hear and accept testimonies of the following items:

AGENDA FOR 2:00PM:

I. Bill No. 80-38 (COR)

([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2080-38%20\(COR\).pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2080-38%20(COR).pdf)) – 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%).**”

II. Bill No. 23-38 (COR)

([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2023-38%20\(COR\)%20HISTORY.pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%2023-38%20(COR)%20HISTORY.pdf)) - Shelly V. Calvo – “**AN ACT TO ADD A NEW ARTICLE TO CHAPTER 33 TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT.**”

If you are interested in participating in the Public Hearing to provide testimony, please contact the Office of Senator Telo T. Taitague via electronic mail at senatortelot@gmail.com (<mailto:senatortelot@gmail.com>) or call (671) 989-8356.

In compliance with the Americans with Disabilities Act (ADA), individuals requiring assistance of accommodation should contact the Office of Senator Telo T. Taitague at (671) 989-8356 or email senatortelot@gmail.com (<mailto:senatortelot@gmail.com>) .

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117, and stream online via / *Liheslaturan Guåhan's* live feed on YouTube <https://www.youtube.com/@GuamLegislatureMedia/streams> (<https://www.youtube.com/@GuamLegislatureMedia/streams>). A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.

We are looking forward to your participation!



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

April 9, 2025

Transmitted via Electronic Mail

Honorable Robert J. Torres, Jr. – Chief Justice

Judiciary of Guam

[\[REDACTED\]@guamcourts.gov](mailto:[REDACTED]@guamcourts.gov)

Subject: Invitation to provide testimony on Bill No. 80-38 (COR) & Bill No. 23-38 (COR):

Hafa Adai Chief Justice Torres,

This letter is to notify you that the Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections and Retirement has set a Public Hearing on **Tuesday, April 22, 2025 at 2:00 p.m., in the Guam Congress Building, Public Hearing room**, to hear the following Bill:

- I. **Bill No. 80-38 (COR)** - 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%).”
- II. **Bill No. 23-38 (COR)** - Shelly V. Calvo - “AN ACT TO ADD A NEW ARTICLE TO CHAPTER 33 TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT.”

I respectfully request your presence to provide testimony and answer questions from the senate panel.

All testimony may be submitted to my office via email to senatortelot@gmail.com or delivered to the Office of Senator Telo T. Taitague Suite 407 DNA Building 238 Archbishop Flores St, Hagatna, Guam 96910 two (2) days prior to the public hearing. Please contact our office via email or at (671) 989-8356, for any questions or concerns.

Respectfully

Senator Telo T. Taitague
Chairperson



Senator Telo Taitague <senatortelot@gmail.com>

Invitation Letter to Provide Testimony on Bill 80-38 (COR) & Bill 23-38 (COR) - April 22, 2025 at 2 p.m.

2 messages

Senator Telo Taitague <senatortelot@gmail.com>

9 April 2025 at 15:18

To: "Honorable Robert J. Torres" [REDACTED]@guamcourts.gov>

Cc: "Sarah G. Elmore-Hernandez" <sehernandez@guamcourts.gov>

Håfa Adai Chief Justice Torres,

Please see attached letter and kindly confirm receipt.

I look forward to hearing from you.

Si Yu'os Ma'åse,***Create a Great Day!****Senator Telo T. Taitague*

38th Guam Legislature

Chairperson**Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement**Suite 407 DNA Building
238 Archbishop Flores St.

Hagatna, Guam 96910

Tel: (671) 989-8356

Email: senatortelot@gmail.com**Judiciary Invitation Letter - provide testimony.pdf**

482K

Sarah G. Elmore-Hernandez <sehernandez@guamcourts.gov>

9 April 2025 at 15:21

To: Senator Telo Taitague <senatortelot@gmail.com>, "Honorable Robert J. Torres" [REDACTED]@guamcourts.gov>

Cc: "Danielle T. Rosete" <drosete@guamcourts.gov>

Dear Senator Taitague:

Thank you for your email. The Judiciary confirms receipt of the attached invitation.

Very Respectfully,

Sarah G. Elmore-Hernandez

Director of Policy, Planning, and Community Relations

Judiciary of Guam

[120 W. O'Brien Drive](#)

Hagåtña, Guam 96910

671.475.3186

The Judiciary of Guam is an equal opportunity employer and provider.

Confidentiality Notice: This communication may contain privileged and confidential information and is intended only for the use of the recipient(s) named above. If you are not the intended recipient, any review, disclosure, distribution, or duplication of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately, delete the message and destroy any reproductions.

From: Senator Telo Taitague <senatortelot@gmail.com>

Sent: Wednesday, April 9, 2025 3:18 PM

To: Honorable Robert J. Torres [REDACTED] <[\[REDACTED\]@guamcourts.gov](mailto:[REDACTED]@guamcourts.gov)>

Cc: Sarah G. Elmore-Hernandez <sehernandez@guamcourts.gov>

Subject: Invitation Letter to Provide Testimony on Bill 80-38 (COR) & Bill 23-38 (COR) - April 22, 2025 at 2 p.m.

[Quoted text hidden]



Judiciary Invitation Letter - provide testimony.pdf

482K



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

April 10, 2025

Transmitted via Electronic Mail

Douglas B. Moylan – Attorney General
Office of the Attorney General of Guam
[REDACTED]@gmail.com

Subject: Invitation to provide testimony on Bill No. 80 & 23-38 (COR):

Hafa Adai Attorney General Moylan,

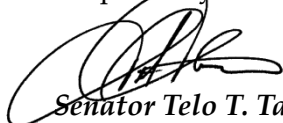
This letter is to notify you that the Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections and Retirement has set a Public Hearing on **Tuesday, April 22, 2025 at 2:00 p.m., in the Guam Congress Building, Public Hearing room**, to hear the following Bill:

- I. **Bill No. 80-38 (COR)** - 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%).”
- II. **Bill No. 23-38 (COR)** – Shelly V. Calvo – “AN ACT TO ADD A NEW ARTICLE TO CHAPTER 33 TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT.”

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Respectfully


Senator Telo T. Taitague
Chairperson



Senator Telo Taitague <senatortelot@gmail.com>

Invitation Letter to Provide Testimony on Bill No 80 & 23-38 (COR) - April 22, 2025 at 2 p.m.

2 messages

Senator Telo Taitague <senatortelot@gmail.com>
To: dbmoylan@oagguam.org

10 April 2025 at 11:28

Hafa Adai Attorney General Moylan,

Please see attached letter and kindly confirm receipt.

I look forward to hearing from you.

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague

38th Guam Legislature

Chairperson

Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement

Suite 407 DNA Building

238 Archbishop Flores St.

Hagatna, Guam 96910

Tel: (671) 989-8356

Email: senatortelot@gmail.com



AG Invitation Letter - provide testimony.pdf
475K

Douglas B. Moylan <dbmoylan@ite.net>

10 April 2025 at 12:32

Reply-To: [REDACTED]@gmail.com

To: Senator Telo Taitague <senatortelot@gmail.com>, dbmoylan@oagguam.org

Received, thank you.

[Quoted text hidden]



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

April 10, 2025

Transmitted via Electronic Mail

Stephen P. Hattori – Executive Director
Public Defender Service Corporation
sphattori@guampdsc.org

Subject: Invitation to provide testimony on Bill No. 23-38 (COR):

Hafa Adai Executive Director Hattori,

This letter is to notify you that the Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections and Retirement has set a Public Hearing on **Tuesday, April 22, 2025 at 2:00 p.m., in the Guam Congress Building, Public Hearing room**, to hear the following Bill:

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Respectfully

Senator Telo T. Taitague
Chairperson



Senator Telo Taitague <senatortelot@gmail.com>

Invitation Letter to Provide Testimony on Bill 23-38 (COR) - April 22, 2025 at 2 p.m.

1 message

Senator Telo Taitague <senatortelot@gmail.com>

10 April 2025 at 11:27

To: Stephen Hattori <sphattori@guampdsc.org>

Hafa Adai Director Hattori,

Please see attached letter and kindly confirm receipt.

I look forward to hearing from you.

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague

38th Guam Legislature

Chairperson

**Committee on Economic Investment, Military Buildup, Regional Relations, Technology,
Regulatory Affairs, Justice, Elections, and Retirement**

Suite 407 DNA Building

238 Archbishop Flores St.

Hagatna, Guam 96910

Tel: (671) 989-8356

Email: senatortelot@gmail.com

**PDC B23 Invitation Letter - provide testimony.pdf**

471K



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

April 15, 2025

Transmitted via Electronic Mail

Jacqueline T. Terlaje – President

Guam Bar Association

info@terlajelaw.com

Janice M. Camacho-Perez -Secretary

Guam Bar Association

jcperez@guamcourts.gov

Subject: Invitation to provide testimony on Bill No. 23-38 (COR):

Hafa Adai Guam Bar Association,

This letter is to notify you that the Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections and Retirement has set a Public Hearing on **Tuesday, April 22, 2025 at 2:00 p.m., in the Guam Congress Building, Public Hearing room**, to hear the following Bill:

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Respectfully

Senator Telo T. Taitague

Chairperson



Senator Telo Taitague <senatortelot@gmail.com>

Invitation Letter to Provide Testimony on Bill 23-38 (COR) - April 22, 2025 at 2 p.m.

1 message

Senator Telo Taitague <senatortelot@gmail.com>

15 April 2025 at 09:44

To: info@guambar.org, ADMIN DESK <info@terlajelaw.com>, jcperez@guamcourts.gov

Hafa Adai Attorney Terlaje - GBA President and Attorney Camacho-Perez - GBA Secretary,

Please see attached letter and kindly confirm receipt.

I look forward to hearing from you.

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague

38th Guam Legislature

Chairperson

**Committee on Economic Investment, Military Buildup, Regional Relations, Technology,
Regulatory Affairs, Justice, Elections, and Retirement**

Suite 407 DNA Building

238 Archbishop Flores St.

Hagatna, Guam 96910

Tel: (671) 989-8356

Email: senatortelot@gmail.com

 **GBA Invitation Letter - provide testimony.pdf**
531K



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

April 15, 2025

Transmitted via Electronic Mail

Nenita "Neat" Muna - State/Local President/National Director
Guam Association of Realtors
broker@neatmuna.com

Loisa Cabuhat - State/Local President Elect
Guam Association of Realtors
[REDACTED]

Subject: Invitation to provide testimony on Bill No. 23-38 (COR):

Hafa Adai Guam Association of Realtors,

This letter is to notify you that the Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections and Retirement has set a Public Hearing on **Tuesday, April 22, 2025 at 2:00 p.m., in the Guam Congress Building, Public Hearing room**, to hear the following Bill:

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Respectfully


Senator Telo T. Taitague
Chairperson



Senator Telo Taitague <senatortelot@gmail.com>

Invitation Letter to Provide Testimony on Bill 23-38 (COR) - April 22, 2025 at 2 p.m.

2 messages

Senator Telo Taitague <senatortelot@gmail.com>

15 April 2025 at 09:45

To: Garadmin <garadmin@guamrealtors.com>, broker <broker@neatmuna.com>, Loisa Cabuhat
[REDACTED]@gmail.com>

Hafa Adai Ms. Muna - GAR Local/ State President and Cabuhat - GAR Local/ State President Elect,

Please see attached letter and kindly confirm receipt.

I look forward to hearing from you.

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague
38th Guam Legislature

Chairperson

Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement

Suite 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
Tel: (671) 989-8356
Email: senatortelot@gmail.com

**GAR Invitation Letter - provide testimony.pdf**

555K

Neat Muna <broker@neatmuna.com>

15 April 2025 at 11:17

To: Senator Telo Taitague <senatortelot@gmail.com>

Cc: Garadmin <garadmin@guamrealtors.com>, Loisa Cabuhat [REDACTED]@gmail.com>, Clare Delgado
[REDACTED]@gmail.com>

Buenas,

Thank you for the email. Please know that Loisa Cabuhat is the current President and Clare Delgado is the President Elect.

I've cc'd Clare on this response.

Have a wonderful and blessed Holy Tuesday.

—
Neat Muna
WhiteHouse Realty
[REDACTED]

On Apr 15, 2025, at 09:46, Senator Telo Taitague <senatortelot@gmail.com> wrote:

[Quoted text hidden]



GAR Invitation Letter - provide testimony.pdf
555K



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

PUBLIC HEARING AGENDA

Tuesday, April 22, 2025 at 2:00 p.m.

Guam Congress Building, Public Hearing Room.

The Committee will hear and accept testimonies on the following items:

AGENDA for 2:00PM:

- I. **Bill No. 80-38 (COR)** –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%).”
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The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117, and stream online via *I Liheslaturan Guåhan's* live feed on YouTube <https://www.youtube.com/@GuamLegislatureMedia/streams>. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.



OFFICE OF SENATOR
Telo T. Taitague
CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

PUBLIC HEARING SIGN-IN SHEET

Tuesday, April 22, 2025 – 2:00 PM
Public Hearing Room, Guam Congress Building

Bill No. 23-38(COR) – Shelly V. Calvo - “AN ACT TO ADD A NEW ARTICLE TO CHAPTER 33 TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT.”

NAME:	AGENCY/ ORGANIZATION	POSITION	TESTIMONY	CONTACT INFORMATION
1. <i>LEE MUIR</i>	<i>OAG</i>	SUPPORT ☒ OPPOSE ☐	WRITTEN ☒ ORAL ☐	<i>nmillerjr@agguam.org</i>
2.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
3.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
4.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
5.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
6.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
7.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
8.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
9.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	
10.		SUPPORT ☐ OPPOSE ☐	WRITTEN ☐ ORAL ☐	



Office of the Attorney General Testimony Supporting Bill 23-38
*An Act to Add the Uniform Real Property Transfer on Death Act
to the Guam Probate Code*

Hafa Adai. This Testimony is submitted on behalf of the AG's Office, and our client the People of Guam, in support of the adoption of Bill No. 23-38, the Uniform Real Property Transfer on Death Act, into Guam law. The law has the potential to assist many of our citizens in finding an easier way forward following the death of a family member.

This law already exists in many states and we believe any concerns lenders, real estate professionals and title companies may have, were previously dealt with. The law builds on an effort in American law to design ways to pass property from spouse to spouse or spouse to loved ones without the need for probate, courts and lawyers. Anyone with a pension or retirement account already designates who gets the account funds upon their death at the time they open the account. Guam residents don't have to wait months for court hearings to receive the death benefit from a loved one's GovGuam pension.

We do offer a few cautionary observations that could be eliminated if folks invested a little money in legal advice upfront. People taking advantage of the Act should be aware of the language in Section 3382. If a property owner signs a TOD deed transferring ownership of the property to their three children:

§3382(a)(2) says that if any of the three children dies before the property owner, then the property goes to the two surviving children. The survivors of the third child take nothing.

§3382(a)(3) says that the interest given to the three children is equal and undivided. This means that all three children would have to agree to sell the property or divide it up.

§3382(c) makes clear that if a husband and wife own a piece of property as joint tenants and one of the spouses later signs a TOD deed giving their interest to a child, then the Joint Tenancy will prevail and the child takes nothing.

Office of the Attorney General
Douglas B. Moylan · Attorney General of Guam

590 S. Marine Corps. Drive · ITC Bldg., Ste. 902 · Tamuning, Guam 96913 · USA
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"Guam's Toughest Law Enforcers"

Section 3384 makes clear that persons taking property via a TOD deed don't get the property free and clear not only of liens on the property, but also free and clear of other debts of the deceased. If the deceased had substantial debts at the time of their passing, the property transferred to a loved one via the TOD deed may still have to be sold in order to satisfy the last debts.

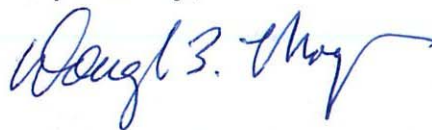
To make this legislation useful for the people of Guam, we encourage an amendment to include a form of deed that people can copy. The purpose of the law is to facilitate our residents being able to accomplish property transfers without the need to pay a lawyer or other real estate professional. By including a form of deed in the statute we make it as easy as possible to get that done.

Americans love to set it and forget it. How many of us who work for the GovGuam remember that we filled out a form entitled "Designation of Beneficiary" when we first went to work? The name on that form gets our pension benefits upon our death no matter what life change events may happen unless and until we change the name on that form. Laws that simplify who gets what in the future are great so long as our wishes remain simple. Anyone who gets divorced later in life or who doesn't want their property to go in equal shares to however many of their children survive them have to invest in a lawyer to draft the appropriate documents to reflect their more complicated wishes.

The good news is that most of us lead pretty simple lives and this bill will be of great value to the citizens of Guam. We urge the Legislature to enact it into law.

Thank you for this opportunity to comment on this legislation.

Respectfully,

A handwritten signature in blue ink, appearing to read "Douglas B. Moylan", with a stylized flourish at the end.

Douglas B. Moylan
Attorney General of Guam

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**DEPUTY DIRECTOR**

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PUBLIC DEFENDER SERVICE CORPORATION

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April 26, 2025

Senator Telo T. Taitague

Chairperson, Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections and Retirement

38th Guam Legislature

senatortelot@gmail.com

RE: Testimony in support of Bill 23-38: Uniform Real Property Transfer on Death Act

Buenas yan Håfa Adai Chairperson Senator Taitague and Honorable Members of I Liheslaturan Guåhan:

I am Stephen P. Hattori, the current Executive Director of the Guam Public Defender Service Corporation. PDSC represents indigent residents in both criminal and civil matters. We also provide legal services to our Manåmko's as a part of our Civil Law Center. Historically, our office has assisted financially disadvantaged members of our community with simple probate matters. We anticipate that transfer upon death deeds will serve our community well.

I apologize for being unable to attend the public hearing as I was attending a Guam Bar Association annual meeting and training. I do appreciate the opportunity to provide written testimony in support of this measure.

The purpose of this bill is to provide a mechanism to designate a beneficiary to inherit property upon the death of the property owner. Currently if a property owner wants to designate an heir, they have a few costly options. They can create a Revocable Living Trust, they can execute a Will, or they can execute a Deed of Gift reserving a Life Estate. Many times, individuals also pass away without a Trust, Will or otherwise deeding their property. This requires an intestacy probate proceeding. Each of these mechanisms can be costly and requires the use of an attorney.

Guam has many mechanisms for avoiding the probate process. For example, life insurance proceeds pass upon death to a beneficiary. Bank account are payable upon death to a designated person. In 1999 Guam enacted the transfer on death of securities act, which allowed the security owner to designate a beneficiary upon death. This Bill will allow real estate transfer upon death of the property owner to a designated beneficiary and eliminate the need for probate. Avoiding probate keeps property marketable. This bill also provides clear methods for revoking the transfer upon death. In a deed of gift reserving life estate, the property owner conveys the property but only reserves a life estate and needs the person who received the remainder interest to agree to any encumbrances. A TOD deed gives the owner complete ownership of their property and the designated beneficiary takes the property subject to any liens on the property.

Thirty different states already have implemented the TOD deed mechanism. This bill complements Bill 80-38, which raises the amounts for summary administration of estates. A property owner could designate a beneficiary for their property through a TOD deed and then if their remaining assets are less than \$112,500.00 then they could do a summary administration of a small estate. Taken together, these two procedures reduce the costs of dealing with the loss of a loved one.

To a Manamko with a single family dwelling and less than \$112,500 in liquid assets, a TOD deed would allow their family to avoid probate. This bill could be amended to include motor vehicles and boats. Twenty three states provide transfer upon death vehicle registration procedures.

Ultimately this measure reduces the need for probate by providing a clear alternative and revocations procedures. This will undoubtedly expedite the transfer of property among family members and the marketability of such property.

I would like to thank Senator Shelly V. Calvo for introducing this important measure and this Committee for considering legislation that reduces the need for the probate of small estates. I am convinced that this measure will benefit our Manamko and many families who own one or two properties. Please support this measure.

SINCERELY YOURS,



STEPHEN P. HATTORI
Executive Director,
Public Defender Service Corporation



DIPATTAMENTON MINANEHAN TÂNO'
(Department of Land Management)
GUBETNAMENTON GUAHAN
(Government of Guam)



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APRIL 28, 2025

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SENATOR TELO T. TAITAGUE

Chairperson

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement
38th Guam Legislature

Subject: Bill No. 23-38 (COR) Markup

E-mail Address:
dlmdir@land.guam.gov

Hafa Adai Chairperson Taitague,

The Department of Land Management fully supports the intent of Bill 23-38 to establish the Uniform Real Property Transfer on Death Act.

Telephone:
671-649-LAND (5263)

The Department will not be providing any legal or technical comments on the Bill deferring instead to Assistant Attorney General Lee Miller of the Office of the Attorney General. If the Bill passes and is enacted into law the Department will seek assistance and legal advice from the OAG on its implementation.

Facsimile:
671-649-5383

Respectfully,


Joseph M. Borja
Director



*Fireena G.
Blas*



April 23, 2025

**Senator Telo Taitague
Chairperson, Committee on Economic Investment, Military
Buildup, Regional Relations, Technology, Regulatory Affairs,
Justice, Elections, and Retirement
DNA Building, Suite 407
238 Archbishop Flores St.
Hagåtña, Guam 96910**

RE: Bill No.23-38 (COR) Introduced by: Senator Shelly V. Calvo

**AN ACT TO ADD A NEW ARTICLE TO CHAPTER 33, TITLE 15
OF GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING
THE UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT**

This Bill 23-38, proposed by Senator Shelley Calvo, addresses the need to alleviate exorbitant legal fees associated with the litigation of related matters. Such measures ensure that families do not face undue financial burdens while navigating the legal process, especially when the decedent's intentions are clear.

Lawmakers must remove any obstacles to executing a decedent's will. Clear and decisive legislation in this regard would honor the wishes of the deceased and provide much-needed relief to their loved ones during an already challenging time.



Senator Calvo's commitment to creating a statute prioritizing these intentions is greatly welcomed and should be fully supported. Our legislators can foster a legal environment that respects and facilitates the rightful execution of wills and the desires of those who have passed on.

Thank you for considering this critical Statement in Support of Bill 23-38(COR).

Sincerely,

Ji Reena G. Blas

Ji Reena G. Blas





Senator Telo Taitague <senatortelot@gmail.com>

FYI: Request for Review: Proposed TOD Deed Forms for URPTODA [Bill No. 23-38 (COR)].1 message

Senator Telo Taitague <senatortelot@gmail.com>

5 May 2025 at 12:32

To: senatortelot.charissa@gmail.com, Isah Peredo <senatortelot.isah@gmail.com>, "senatortelot.alana@gmail.com" <senatortelot.alana@gmail.com>

----- Forwarded message -----

From: **Office of Senator Shelly Calvo** <officeofsenatorshellycalvo@guamlegislature.gov>

Date: Mon, 5 May 2025 at 12:15

Subject: Request for Review: Proposed TOD Deed Forms for URPTODA [Bill No. 23-38 (COR)]

To: dbmoylan@oagguam.org <dbmoylan@oagguam.org>

Cc: <civillitigation@oagguam.org>, Senator Telo Taitague <senatortelot@gmail.com>

Hafa Adai Attorney General,

Thank you so much for your support and submission of testimony in support of Bill No. 23-38 (COR). We're reaching out to ask if you could kindly review the proposed amendments to the URPTODA, [Bill No. 23-38 \(COR\)](#), that came up during the bill's markup session. Specifically, the Committee is looking into adding the Transfer on Death (TOD) deed forms into the statute. Senator Taitague has asked us to clear the forms with the OAG for their input.

Please find attached (1) the filing form and (2) the revocation form at the end of the bill, with language and format adopted from the Uniform Law Commission [model act](#). Your feedback would be incredibly helpful in making sure everything is in line with the legal framework and meets the needs of our community.

Other amendments proposed involved provisions that require notice to be given to creditors and the beneficiary.

Once again, we deeply appreciate your commitment and contributions. We look forward to your guidance on this matter by 5:00PM, Tuesday, May 6, 2025.

Respectfully,
Jay Milan

**Office of the People • Senator Shelly V. Calvo**

Majority Whip & Chairwoman

Committee on Child Welfare, Youth Affairs, Senior Citizens, Women's Affairs, Disability Services, the Arts, Culture, Historic Preservation & Hagåtña Restoration

38th Guam Legislature

163 Chalan Santo Papa, Hagåtña, Guam 96910

T +1 (671) 989-5682**E** officeofsenatorshellycalvo@guamlegislature.gov



Virus-free.www.avast.com



Bill No. 23-38 (COR)- As Amended (DRAFT).docx
50K



Senator Telo Taitague <senatortelot@gmail.com>

Bill No 23-38 Adoption of TOD form

2 messages

Norman Lee Miller, Jr. <nmlillerjr@oagguam.org>

6 May 2025 at 10:18

To: officeofsenatorshellycalvo@guamlegislature.gov, Senator Telo Taitague <senatortelot@gmail.com>

Hafa Adai Senators - The Attorney General's Office has reviewed the marked up version of Senator Calvo's bill No.23-38 which adds a Transfer on Death form of deed into Guam law. We have no comments or suggested revisions to the markup and we urge the Guam Legislature to pass the bill.

Thank you for the opportunity to comment.

--

Lee Miller

Deputy Attorney General - Civil

Office of the Attorney General of Guam

671.475.2710 X3093

nmlillerjr@oagguam.org

PRIVILEGED AND CONFIDENTIAL, ATTORNEY-CLIENT COMMUNICATION, ATTORNEY WORK PRODUCT

Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>

6 May 2025 at 17:25

To: "Norman Lee Miller, Jr." <nmlillerjr@oagguam.org>

Cc: Senator Telo Taitague <senatortelot@gmail.com>

Dear Atty. Miller:

Thank you for your email and your support for Bill No. 23-38 (COR).

Very respectfully,
Tessa Mae Borja

**Office of the People • Senator Shelly V. Calvo**

Majority Whip & Chairwoman

Committee on Child Welfare, Youth Affairs, Senior
Citizens, Women's Affairs, Disability Services, the Arts,
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38th Guam Legislature

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[Quoted text hidden]

**15 GCA ESTATES AND PROBATE
CH. 33 ADMINISTRATION OF TRUSTS**

**CHAPTER 33
ADMINISTRATION OF TRUSTS**

2014 NOTE: Unless otherwise indicated, this Title includes annotations drafted by the Law Revision Commission from the enactment of Title 15 GCA by P.L. 16-052 (Dec. 17, 1981). The Source notes have been updated to reflect subsequent changes to each provision. The Comments from the Law Revision Commission were retained in past print publications of the GCA, and are included herein, as originally published, for historical purposes.

Pursuant to the authority granted by 1 GCA § 1606, “Subchapter” designations altered to “Article” to adhere to the Compiler’s general codification scheme.

**ARTICLE 1
TESTAMENTARY TRUSTS**

- § 3301. Continuing Jurisdiction Over Trusts.
- § 3303. Additions to Testamentary Trust Subject to Jurisdiction of Court.
- § 3305. Additional Powers of Trustee.
- § 3307. Request for Special Notice by Beneficiary Under Testamentary Trust.
- § 3309. Fair Market Value of Principal so Low as to Defeat or Impair Purposes of Testamentary Trust; Order for Change in Trustee, Modification of Terms or Termination of Trust.
- § 3311. Accounting; Application and Order.
- § 3313. Compensation of Testamentary Trustee; Apportionment Among Trustees.
- § 3315. Conclusiveness of Decree.
- § 3317. Removal of Trustee or Co-Trustee; Notice; Hearing.
- § 3319. Custody of Assets Pending Hearing on Removal of Testamentary Trustee.
- § 3321. Exclusive Jurisdiction and Procedure for Removal of Trustee.
- § 3323. Declination of Designated Trustee to Act; Time; Procedure.
- § 3325. Appointment to Fill Vacancy Occurring Before Distribution.
- § 3327. Resignation After Distribution: Petition; Hearing and Notice; Acceptance; Continuing Liability on Bond.
- § 3329. Filling Vacancy After Distribution.
- § 3331. Bond of Successor Trustee.

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- § 3333. Vouchers; Withdrawal; Production; Destruction or Delivery to Trustee or Trustee's Attorney.
- § 3335. Certificate; Action and Appointment as Trustee.
- § 3337. Combination of Assets and Administration of Testamentary Trusts as One Trust; Conditions.
- § 3339. Transfer of Testamentary Trust to Another Jurisdiction.

§ 3301. Continuing Jurisdiction Over Trusts.

When a trust created by a will continues after distribution, the Superior Court shall not lose jurisdiction of the estate by final distribution, but shall retain jurisdiction for the purpose of determining to whom the property shall pass and be delivered upon final or partial termination of the trust, to the extent that such determination is not concluded by the decree of distribution, of settling the accounts and passing upon the acts of the trustee, of authorizing the trustee to accept additions to the trust from sources other than the estate of the decedent, and for the other purposes hereinafter set forth. Any trustee appointed by will, or appointed to execute a trust created by will, may, from time to time pending the execution of his trust, or at the termination thereof, render for settlement his accounts and report his acts as such trustee, before the Superior Court. For that purpose, the trustee shall present to the Superior Court his accounts in detail, reporting his acts as trustee, and showing the condition of the trust estate. If the trustee dies or becomes incompetent, such account and report shall be presented by the trustee's personal representative or guardian. In the event the trustee dies or becomes incompetent, and there is no personal representative or guardian appointed for the trustee's estate, or in the event the trustee absconds, the Superior Court may compel the attorney for such deceased, incompetent, or absconding trustee to present such account and report to the extent that the attorney has information or records available for that purpose. The account and report of the attorney need not be verified. A reasonable fee shall be allowed to the attorney by the Superior Court for this service.

The trustee may also petition the Superior Court, from time to time, for instructions as to the administration of the trust, for authority to accept additions to the trust from any source or sources other than the estate of the decedent, and for the authority to exercise the powers authorized by Section 3305 of this Title. The Superior Court may hear any such petition and instruct or authorize the trustee by order rendered

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before or after any distribution to the trustee. When the trustee files any such petition before the distribution of the estate to him, he shall, in addition to any other notice required, cause notice of the hearing to be mailed to or personally served upon the personal representative and shall further cause notice of the hearing to be sent, by registered mail, to all persons, including heirs, legatees and devisees, at their last known addresses, to whom the Superior Court may order such notice given, or cause such notice to be personally served upon such persons, and the trustee shall, upon filing any such petition and before giving notice thereof, secure from the Superior Court an order designating the persons in addition to the personal representative and the beneficiaries to whom the Superior Court requires that notice be given, or an order that notice to the personal representative and the beneficiaries is the only notice that shall be required.

When it appears from the allegations of the petition that the trustee seeks instructions to exercise a power not conferred upon him, or seeks authority to exercise the powers authorized by Section 3305 of this Title, the petition shall set forth the particulars of and the necessity for the action sought to be taken.

The Clerk of the Superior Court shall set the hearing upon the account and report, or upon the petition for settlement or instructions, and notice thereof shall be given in the manner provided in Section 3401 of this Title. The trustee shall cause notice of the hearing to be sent by registered mail to, or personally served upon, the beneficiaries, including all persons in being who shall or may participate in the corpus or income of the trust, as provided in Section 3401 of this Title, whether they have requested special notice or given notice of appearance or not. In addition to the above notice, when the petition relates to the exercise of a power not conferred or seeks authority to exercise the powers authorized by Section 3305 of this Title, a copy of the petition shall be attached to and mailed with the copies of the notice which are mailed, or attached to and served with the copies of the notice which are personally served, and the Superior Court shall, at least ten (10) calendar days before such return day, appoint a suitable person who shall appear and act as guardian ad litem for any person or persons of a designated class, who are not ascertained, or who are not in being, and who may become beneficiaries or may so participate in the trust. None of the provisions of Section 373 of the Code of Civil Procedure shall apply to such appointment.

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SOURCE: California Probate Code, § 1120(a) (as amended).

COMMENT: See § 701 of Title 1 for further provision as to what constitutes "registered mail."

§ 3303. Additions to Testamentary Trust Subject to Jurisdiction of Court.

Whenever a trustee receives additions to a testamentary trust in accordance with a decree rendered pursuant to the provisions of Section 3301 of this Title, such additions shall be subject to the jurisdiction of the Superior Court in the same respects as property received by the trustee from the decedent's estate.

SOURCE: California Probate Code, § 1102.1.

§ 3305. Additional Powers of Trustee.

On petition of the trustee, made at any time, or on petition of the personal representative included in a petition for preliminary or final distribution, where after hearing it appears to be necessary or desirable in order to carry out the purposes of a testamentary trust that the trustee be given powers not expressly contained in the will or otherwise conferred by law, the Superior Court may in its discretion confer upon the trustee any or all of the following powers when it appears to the Superior Court that such powers are not inconsistent with the provisions or purposes of the trust; such powers conferred may be of a continuing nature or may be exercised only in specific instances, as the Superior Court may determine:

(a) To manage, control, sell, convey, divide, and to sell upon deferred payments.

(b) To lease for terms within or extending beyond the duration of the trust for any purpose.

(c) To retain property, including stock of the trustee, and invest or reinvest as provided by law from time to time existing, including investments in any common trust fund now or hereafter established by the trustee.

(d) To borrow; to place, replace, renew or extend any encumbrance upon trust property.

(e) To participate in voting trusts, pooling agreements, foreclosures, reorganizations, consolidations, mergers and

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liquidations in connection therewith, to deposit securities with and transfer title and delegate discretion to any protective or other committee as the trustee may deem advisable.

(f) To acquire or dispose of an asset, for cash or on credit, at public or private sale; and to exchange, partition, change the character of, or abandon a trust asset or any interest therein.

(g) To make ordinary or extraordinary repairs or alterations in buildings or other trust property, to demolish any improvements, to raze existing or erect new party walls or buildings.

(h) To subdivide, develop or dedicate land to public use; or to make or obtain the vacation of plats and adjust boundaries; or to adjust differences in valuation on exchange or partition by giving or receiving consideration; or to dedicate easements to public use without consideration.

(i) To grant an option involving disposition of a trust asset, or to take an option for the acquisition of any asset.

(j) To vote a security, in person or by general or limited proxy.

(k) To pay calls, assessments, and any other sums chargeable or accruing against or on account of securities.

(l) To sell or exercise stock subscription or conversion rights.

(m) To hold a security in the name of a nominee or other form without disclosure of the trust, so that title to the security may pass by delivery, but the trustee is liable for any act of the nominee in connection with the security so held.

(n) To insure the assets of the trust against damage or loss, and the trustee against liability with respect to third persons.

(o) To advance money for the protection of the trust, and for all expenses, losses, and liabilities sustained in the administration of the trust or because of the holding or ownership of any trust assets, for which advances with any interest the trustee has a lien on the trust assets as against the beneficiary.

(p) To pay or contest any claim; to settle a claim by or against the trust by compromise, arbitration, or otherwise, and to release, in whole or in part, any claim belonging to the trust the extent that the

claim is uncollectible; to institute, compromise and defend actions and proceedings.

(q) To pay taxes, assessments, compensation of the trustee, and other expenses incurred in the collection, care, administration, and protection of the trust.

(r) To continue or participate in any business or other enterprise and to effect incorporation, dissolution, or other change in the form of organization of the business or enterprise.

(s) To exercise any other power or powers which to the Superior Court appear necessary or desirable.

Except as specifically provided in the will, the provisions of this Section apply to any will executed before or after the effective date of this Section and to any trust asset acquired by the trustee of the trust created by such will, before or after the effective date of this Section.

If any provisions of this Section or the application thereof to any person, property or circumstances is held invalid, the invalidity does not affect other provisions or applications of this Section which can be given effect without the invalid provision or application, and to this end the provisions of this Section are severable.

SOURCE: California Probate Code, § 1120.2.

§ 3307. Request for Special Notice by Beneficiary Under Testamentary Trust.

When any beneficiary under a testamentary trust shall have made a request for special notice pursuant to the provisions of Section 3403 of this Title, a copy of the petition and a copy of the account and report provided for in Section 3301 of this Title shall be attached to the notice of hearing required to be mailed to or personally served upon such beneficiary by the trustee pursuant to the provisions of Section 3301 of this Title.

SOURCE: California Probate Code, § 1120.5.

§ 3309. Fair Market Value of Principal so Low as to Defeat or Impair Purposes of Testamentary Trust; Order for Change in Trustee, Modification of Terms or Termination of Trust.

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(a) If upon petition of the trustee or any beneficiary of a testamentary trust, the Superior Court shall at any time determine that the fair market value of the principal of the trust has become so low, in relation to the costs of administration thereof, that continuance of the trust pursuant to its existing terms will defeat or substantially impair the accomplishment of the purposes of the trust, the Superior Court may, in its discretion in a manner which conforms as nearly as possible to the intention of the trustor, order that the trustee be changed, that the terms of the trust be modified, or that the trust be terminated, in whole or in part.

(b) If the Superior Court orders the termination of a testamentary trust, in whole or in part, it shall direct that the principal and undisturbed income be distributed to the beneficiaries in a manner which conforms as nearly as possible to the intention of the trustor; and the Superior Court may make such other and further orders as it deems necessary or appropriate to protect the interests of the beneficiaries.

(c) Nothing contained in this Section shall limit any power of the Superior Court to permit modification or termination of any trust, as such power existed before the adoption of this Section.

(d) The existence of a spendthrift or similar protective provision in a testamentary trust shall not make this Section inapplicable to such trust.

SOURCE: California Probate Code, § 1120.6.

§ 3311. Accounting; Application and Order.

Upon the application of any beneficiary of a testamentary trust, or the guardian of a beneficiary, the Superior Court, in its discretion, may order the trustee, after citation, to render his account; and such application shall not be denied where no account has been rendered to the Superior Court within six (6) months.

SOURCE: Probate Code of Guam (1970), § 1121.

§ 3313. Compensation of Testamentary Trustee; Apportionment Among Trustees.

If the will contains provisions for a testamentary trustee's compensation, such trustee shall be entitled to be compensated in accordance therewith. Upon proper showing, the Superior Court may in

the decree of distribution or thereafter fix or allow greater compensation than could be allowed under the provisions of the will

(a) where the duties of the trustee are substantially greater than those contemplated by the testator at the time of the execution of the will, or

(b) where the compensation in accordance with the provisions in the will would be inequitable or unreasonably low, or

(c) in other extraordinary circumstances calling for equitable relief.

If the will does not specify a trustee's compensation, the trustee shall be entitled to such compensation as may be reasonable under the circumstances and the Superior Court may, in the decree of distribution or thereafter, determine such reasonable compensation and, in its discretion, fix or allow a periodic compensation for the trustee or trustees, to continue as long as the Superior Court may deem proper. Unless the will provides or the trustees agree otherwise, if there are two or more trustees, the compensation shall be apportioned among the trustees according to the services rendered by them respectively. On settlement of each account the Superior Court shall allow the testamentary trustee his proper expenses and compensation for services as provided herein.

SOURCE: California Probate Code, § 1122 (as amended).

§ 3315. Conclusiveness of Decree.

A decree rendered under the provisions of this Article, when it becomes final, shall be conclusive upon all persons in interest, whether or not they are in being.

SOURCE: Probate Code of Guam (1970), § 1123.

§ 3317. Removal of Trustee or Co-trustee; Notice; Hearing.

The Superior Court shall have power to remove a trustee of a testamentary trust, whether or not any property has been distributed to such trustee, who has violated or is unfit to execute the trust or has acquired any interest or become charged with any duty adverse to the interest of any beneficiary in the subject of the trust. The Superior Court may remove one or all of the cotrustees of a testamentary trust and appoint new trustees where the Superior Court determines that hostility, ill feeling, or continued lack of cooperation among and between

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cotrustees has impaired the proper administration of the trust. The proceeding may be initiated by the Superior Court upon its own motion or by verified petition of a beneficiary of, or any other person interested in, the trust, including any person in being who shall or may participate in the corpus or income of the trust.

The Clerk of the Superior Court shall set the matter for hearing, and notice thereof shall be given in the manner provided in Section 3401 of this Title. The trustee whose removal is sought shall be personally served with a copy of the motion or petition and with notice of the time and place of the hearing thereon, at least ten (10) calendar days before the hearing, provided, that if such a trustee is not a resident of the territory of Guam, or has absconded or concealed himself from the territory of Guam, the Superior Court may fix the manner of giving notice to such trustee by mail, publication or otherwise, as the Superior Court may determine, and the Superior Court may proceed upon such notice as if such trustee had been personally served. In addition, the petitioner, or the Superior Court when acting upon its own motion, shall cause a copy of the petition or motion and of the notice of the hearing mailed to or personally served upon the personal representative, if any part of the estate remains to be distributed to the trustee, and to or upon each cotrustee and to or upon all the beneficiaries, including therein all persons in being who shall or may participate in the corpus or the income of the trust, as provided in Section 3401 of this Title whether any of the persons to whom notice is to be given have requested special notice or given notice of appearance.

SOURCE: California Probate Code, § 1123.5.

§ 3319. Custody of Assets Pending Hearing on Removal of Testamentary Trustee.

The Superior Court, whenever it appears from the verified petition of a beneficiary of a testamentary trust or other person interested in the trust, or from facts coming to its attention, that the assets of the trust or the interests of a beneficiary may suffer loss or injury during the time required for hearing and decision by the Superior Court under the provisions of Section 3317 of this Title and appellate review, if any, may compel the trustee whose removal is sought to surrender any assets of the trust in such trustee's possession or subject to such trustee's control to a custodian designated by the Superior Court or to a cotrustee and may

suspend the powers of the trustee whose removal is sought to such extent as the Superior Court deems necessary.

SOURCE: California Probate Code, § 1123.6.

§ 3321. Exclusive Jurisdiction and Procedure for Removal of Trustee.

The jurisdiction and procedure provided by Sections 3317 and 3319 of this Title shall be exclusive.

SOURCE: California Probate Code, § 1123.7.

§ 3323. Declination of Designated Trustee to Act; Time; Procedure.

Any person named or designated as a trustee in a will may, at any time before distribution of any of the estate to him, decline to act as such trustee, by a writing filed with the Clerk of the Superior Court. Within five (5) calendar days from the filing of such writing, such person shall mail to or personally serve upon the personal representative, or to or upon the personal representative's attorney, a copy of such writing.

SOURCE: California Probate Code, § 1124 (as amended).

§ 3325. Appointment to Fill Vacancy Occurring Before Distribution.

The Superior Court shall have power, at any time before final distribution, to appoint some fit and proper person to fill any vacancy in the office of trustee under the will, whether resulting from declination as provided for in Section 3323 of this Title, from removal, or otherwise, if such appointment is necessary to carry out the trust. Such appointment may be made by the Superior Court upon the written application of any person interested in the trust, filed in the probate proceedings, and shall be made only after notice to all parties interested in the trust, given as required by Section 1517 of this Title upon petition for the probate of a will.

SOURCE: California Probate Code, § 1125 (as amended).

§ 3327. Resignation After Distribution: Petition; Hearing and Notice; Acceptance; Continuing Liability on Bond.

Any person named or designated as trustee in a will, or any successor trustee, may, at any time after the distribution of any of the estate to him, file with the Clerk of the Superior Court a petition tendering his resignation as such trustee and setting forth the names and

mailing addresses of all living beneficiaries known to such resigning trustee. The Clerk of the Superior Court shall set the petition for hearing, and notice thereof shall be given in the manner provided in Section 3401 of this Title. The petitioner shall cause a similar notice to be mailed, postage prepaid, to the beneficiaries named in the petition, at least ten (10) calendar days before the hearing, addressed to them at their respective mailing addresses as set forth in the petition. The Superior Court shall accept such resignation, making any order which may be necessary for the preservation of the estate.

The liability of the said resigning trustee or of the sureties on his bond shall not in any manner be discharged, released, or affected by such resignation, but shall continue until the said trustee has delivered up all of the estate to the person whom the Superior Court shall appoint to receive the same.

SOURCE: California Probate Code, § 1125.1.

§ 3329. Filling Vacancy After Distribution.

If after distribution a trustee of a testamentary trust dies, resigns, fails or declines to act, cannot be identified, or is for any reason incapable of acting, or is removed or a vacancy in the trusteeship is otherwise created or exists, the Superior Court shall have the power to declare a vacancy and appoint a trustee to fill the vacancy, upon the petition of any person interested in the trust estate and notice given in the manner provided in Section 3401 of this Title. The petitioner shall cause notice of the hearing to be sent by registered mail to, or personally served upon, the beneficiaries and to any trustee, whether or not they have requested special notice or given notice of appearance.

SOURCE: California Probate Code, § 1126 (as amended).

COMMENT: See § 701 of Title 1 for further particulars as to what constitutes "registered mail."

§ 3331. Bond of Successor Trustee.

The person appointed under the provisions of Section 3325 or Section 3329 of this Title, before acting as trustee, shall give a bond such as is required by the applicable provisions of Chapter 20 of this Title of a person appointed personal representative.

SOURCE: California Probate Code, § 1127.

§ 3333. Vouchers; Withdrawal; Production; Destruction or Delivery to Trustee or Trustee's Attorney.

Any voucher which may have been filed in support of the account of a trustee of a testamentary trust may be withdrawn by leaving a certified copy on file, but must be produced on demand, unless permanently withdrawn with the permission of the Superior Court. Five (5) years from the date of settlement of the account in support of which a voucher was filed the Clerk of the Superior Court may destroy the voucher or deliver it to the trustee or to the trustee's attorney.

SOURCE: California Probate Code, § 1130.

§ 3335. Certificate; Action and Appointment as Trustee.

Upon application of the trustee or trustees of a trust created by will, the Clerk of the Superior Court shall issue a certificate that the trustee or trustees are duly appointed and acting trustee or trustees under the will.

SOURCE: California Probate Code, § 1130.1.

§ 3337. Combination of Assets and Administration of Testamentary Trusts as One Trust; Conditions.

When a trustee who has been appointed by will or appointed by the Superior Court to execute a trust created by will is appointed by another will or appointed by the Superior Court to execute a trust created by another will, and the provisions and terms of the decree establishing each trust are substantially identical, the Superior Court may upon the petition of the trustee and without notice order the trustee to combine the assets and administer them as a single trust, if the Superior Court determines that administration as a single trust will

- (a) be consistent with the intent of the trustor, and
- (b) facilitate administration of the trust without defeating or impairing the interests of the beneficiaries.

SOURCE: California Probate Code, § 1133.

§ 3339. Transfer of Testamentary Trust to Another Jurisdiction.

Where, under the provisions of Section 3301 of this Title, jurisdiction is retained by the Superior Court of any trust created by the will of a decedent, the Superior Court may order that the place of administration or assets of the trust be transferred to another jurisdiction,

**15 GCA ESTATES AND PROBATE
CH. 33 ADMINISTRATION OF TRUSTS**

pursuant to the procedure provided by Article 2 (commencing with Section 3341) of this Chapter.

SOURCE: California Probate Code, § 1132.

**ARTICLE 2
TRANSFER TO ANOTHER JURISDICTION**

- § 3341. Application of Article.
- § 3343. Transfer of Place of Administration or Assets.
- § 3345. Petition for Transfer; Contents.
- § 3347. Notice and Hearing; Notice to Persons Named in Petition; Opposition.
- § 3349. Order; Requirements.
- § 3351. Manner of Transfer; Conditions; Discharge of Local Trustee.
- § 3353. Beneficiary Defined.

§ 3341. Application of Article.

This Article applies to a trust over which jurisdiction of the Superior Court continues after distribution, as provided in Section 3301 of this Title, and to any other trust to which the provisions of this Article are made applicable by statute or trust instrument. This Article shall not be construed to prevent the transfer of the place of administration of a trust or of trust assets to another jurisdiction in any case where judicial approval or a transfer was not required under law in effect immediately prior to the effective date of this Article. This Article shall not apply to any proceeding or action pending on the effective date of this Article.

SOURCE: California Probate Code, § 1139.

§ 3343. Transfer of Place of Administration or Assets.

An order may be made by the Superior Court for the transfer of the place of administration of a trust or the transfer of some or all of the assets of a trust to a State or another United States territory:

- (a) where, under the provisions of Section 3301 of this Title, jurisdiction is retained by the Superior Court over any trust created by the will of a non-resident decedent, which will has been probated in the State or United States territory of such decedent's residence

15 GCA ESTATES AND PROBATE
CH. 33 ADMINISTRATION OF TRUSTS

and a duly appointed, qualified and acting domiciliary trustee has entered upon and is engaged in the administration of the same trust with respect to the assets situated in that State or United States territory; or

(b) where the trustee or beneficiary of a trust to which this Article applies desires to transfer the place of administration of a trust to a State or another United States territory, unless the trust instrument precludes the transfer of the place of administration to any jurisdiction outside the territory of Guam.

SOURCE: California Probate Code, § 1139.1.

§ 3345. Petition for Transfer; Contents.

A petition for the order authorizing a transfer referred to in Section 3343 of this Title may be filed with the Clerk of the Superior Court by the trustee or by a beneficiary of a trust. The petition shall be verified and shall state:

- (a) The names, ages and places of residence of
 - (1) the trustee administering the trust in the territory of Guam,
 - (2) the trustee, including any domiciliary trustee, in the other jurisdiction to whom administration of the trust or such assets will be transferred, and
 - (3) all persons who are interested in the trust as beneficiaries, so far as known to petitioner;
- (b) Whether the trustee in the other jurisdiction has agreed to accept the trust. If so, the acceptance or a true copy thereof shall be attached as an exhibit to the petition, or otherwise filed with the Clerk of the Superior Court;
- (c) A statement of the character, condition, location and value of the property comprising the assets sought to be transferred;
- (d) A general statement of the qualifications of the trustee who will administer the trust in the other jurisdiction; the amount of bond, if any; the nature and value of the assets of any trust of the decedent or trustor under his administration in the other jurisdiction; and the name of the court, if any, having jurisdiction of such trustee

15 GCA ESTATES AND PROBATE
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or of such trustee's accounts or in which a proceeding may be had, with respect to administration of the trust or the trustee's accounts;

(e) Whether there is any pending civil action in the territory of Guam against the trustee administering the trust in the territory of Guam; and

(f) A statement of the reasons for the transfer.

SOURCE: California Probate Code, § 1139.2.

§ 3347. Notice and Hearing; Notice to Persons Named in Petition; Opposition.

Upon the filing of the petition referred to in Section 3345 of this Title, the Clerk of the Superior Court shall set the same for hearing, and notice of such hearing shall be given as provided in Section 3401 of this Title, at least thirty (30) calendar days before the time set for the hearing. The petitioner, at least thirty (30) calendar days prior to the time so set for hearing, shall cause to be sent, by registered mail, to each of the persons named in the petition, at their respective mailing addresses therein stated, a copy of such notice, or the petitioner shall cause a copy of such notice to be personally served upon each of the persons named in the petition. Any person interested in the trust, either as a trustee, beneficiary, or otherwise, may appear and file written grounds of opposition thereto.

SOURCE: California Probate Code, § 1139.3.

§ 3349. Order; Requirements.

The Superior Court may, in its discretion, grant the petition referred to in Section 3345 of this Title and order the trustee to transfer the trust assets or to change the place of administration to the other jurisdiction if, after the hearing, it appears to the Superior Court:

(a) That the transfer of the trust assets to a trustee in a State or another United States territory, or that the transfer of the place of administration of the trust to a State or another United States territory, would facilitate the economical and convenient administration of the trust and promote the best interests of the trust and those interested therein;

(b) That the substantial rights of residents of the territory of Guam will not be materially affected thereby;

(c) That the transfer will not violate the terms of the trust; and

(d) That any new trustee, to whom the trust assets are to be transferred, is qualified and able to administer the trust or such assets upon the same trusts.

SOURCE: California Probate Code, § 1139.4.

§ 3351. Manner of Transfer; Conditions; Discharge of Local Trustee.

If a transfer is ordered, the Superior Court may direct the manner of transfer and impose such terms and conditions as may be just, including but not by limitation, a requirement for the substitution of a successor trustee in any pending litigation in the territory of Guam. The delivery in accordance with the order of the Superior Court is a full discharge of the trustee in the territory of Guam in relation to all property embraced in the order.

SOURCE: California Probate Code, § 1139.5.

§ 3353. Beneficiary Defined.

For the purposes of this Article, beneficiary means all persons in being who shall or may participate in the corpus or income of the trust.

SOURCE: California Probate Code, § 1139.7.

ARTICLE C
TRANSFER FROM ANOTHER JURISDICTION

- § 3355. Application and Construction of Article.
- § 3357. Order Accepting Transfer of Trust.
- § 3359. Petition; Who May File.
- § 3361. Petition; Verification; Contents.
- § 3363. Setting Petition for Hearing; Notice; Opposition.
- § 3365. Grant of Petition; Issuance of Order; Requirements.
- § 3367. Conditional Order Appointing Trustee; Transfer of Assets or Place of Administration.
- § 3369. Administration of Trust in Guam; Law Governing.
- § 3371. Beneficiary Defined.

§ 3355. Application and Construction of Article.

This Article applies to any written voluntary express trust or portion thereof, whether created by will or otherwise, administered in another jurisdiction outside of the territory of Guam. This Article shall not be construed to prevent transfer of place of administration of a trust or of trust assets to the territory of Guam from another jurisdiction in any case where judicial approval of the transfer was not required under the law in effect immediately prior to the effective date of this Article.

SOURCE: California Probate Code, § 1139.10.

§ 3357. Order Accepting Transfer of Trust.

Subject to the limitations and requirements of this Article, an order may be made by the Superior Court accepting the transfer of the place of administration of a trust from another jurisdiction to the territory of Guam, or the transfer of some or all of the assets of a trust in another jurisdiction to a trustee in the territory of Guam.

SOURCE: California Probate Code, § 1139.11.

§ 3359. Petition; Who May File.

A petition for the order accepting a transfer referred to in Section 3357 of this Title, may be filed with the Clerk of the Superior Court by the trustee or by a beneficiary of the trust.

SOURCE: California Probate Code, § 1139.12.

§ 3361. Petition; Verification; Contents.

The petition referred to in Section 3359 of this Title shall be verified and shall set forth:

(a) The names, ages and mailing addresses of:

(1) The trustee administering the trust in the other jurisdiction;

(2) The proposed trustee to whom administration of the trust or such trust assets will be transferred; and

(3) All persons who are interested in the trust as beneficiaries as far as known to the petitioner.

(b) Whether the trust has been subject to supervision over administration in another jurisdiction outside of the territory of Guam. If so, whether a petition or appropriate request for transfer of

place of administration of the trust or such trust assets to the territory of Guam has been filed, if necessary, with the proper court in the other jurisdiction and the status of such petition or request.

(c) Whether the trustee proposed to administer the trust in the territory of Guam has agreed to accept the trust in the territory of Guam. If so, the acceptance shall be attached as an exhibit to the petition or otherwise filed with the Superior Court.

(d) A general statement of the qualifications of the trustee proposed to administer the trust in the territory of Guam and the amount of fiduciary bond to be requested, if any.

(e) A copy of the trust instrument or a statement of the terms of the trust instrument in effect at the time the petition is filed, including all amendments thereto.

(f) A statement of the character, condition, location, and value of the property comprising the assets sought to be transferred.

(g) A statement of the reasons for the transfer.

SOURCE: California Probate Code, § 1139.14.

§ 3363. Setting Petition for Hearing; Notice; Opposition.

Upon the filing of the petition referred to in Section 3359 of this Title, the Clerk of the Superior Court shall set the petition for hearing, and notice of the hearing shall be given in the manner provided in Section 3401 of this Title, at least thirty (30) calendar days prior to the time set for the hearing. The petitioner, at least thirty (30) calendar days prior to the time set for the hearing, shall cause to be sent, by registered mail, to each of the persons named in the petition, at their respective mailing addresses therein stated, or to be served personally upon each such person, a copy of the notice of hearing. Any person interested in the trust, either as trustee, beneficiary, or otherwise, may appear and file written grounds in opposition to the petition.

SOURCE: California Probate Code, § 1139.15.

COMMENT: See § 701 of Title 1 for further particulars as to what constitutes “registered mail.”

§ 3365. Grant of Petition; Issuance of Order; Requirements.

The Superior Court may, in its discretion, grant the petition referred to in Section 3359 of this Title and issue an order accepting transfer of place of administration of the trust or trust assets to the territory of Guam, appoint a trustee to administer the trust in the territory of Guam, and require the trustee to post appropriate bond, if necessary, if after hearing it appears to the Superior Court that:

(a) The transfer of the trust assets to a trustee in the territory of Guam, or the transfer of the place of administration to the territory of Guam, will facilitate the economical and convenient administration of the trust and promote the best interests of the trust and those interested therein;

(b) The transfer will not violate the terms of the trust;

(c) The trustee appointed by the Superior Court to administer the trust in the territory of Guam, to whom the trust assets are to be transferred, is qualified, willing, and able to administer the trust or trust assets upon the same trusts; and

(d) The proper court in the other jurisdiction has approved the transfer if such approval is necessary under the law of the other jurisdiction.

SOURCE: California Probate Code, § 1139.16.

§ 3367. Conditional Order Appointing Trustee; Transfer of Assets or Place of Administration.

When appropriate to facilitate transfer of the trust assets or the place of administration of a trust to the territory of Guam, the Superior Court may issue a conditional order appointing a trustee to administer the trust in the territory of Guam and indicating that the transfer to the territory of Guam will be accepted if the transfer is approved by the proper court of the other jurisdiction.

SOURCE: California Probate Code, § 1139.17.

§ 3369. Administration of Trust in Guam; Law Governing.

Any trust transferred to the territory of Guam pursuant to the provisions of this Article shall be administered in the same manner as if the trust had been subject to supervision in the territory of Guam from the time of its creation.

SOURCE: California Probate Code, § 1139.18(b).

§ 3371. Beneficiary Defined.

For the purposes of this Article, “beneficiary” means all persons in being who shall or may participate in the corpus or income of the trust.

SOURCE: California Probate Code, § 1139.19.



OFFICE OF SENATOR
Telo T. Taitague
CHAIRWOMAN

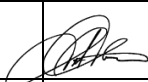
Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory
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COMMITTEE VOTE SHEET

Bill No. 23-38 (COR) *As amended* by the Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections and Retirement – Introduced by Senator Shelly V. Calvo – “***AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 33 TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT, AND TO ADOPT A STANDARDIZED FORM FOR THE TRANSFER ON DEATH DEED.***”

COMMITTEE MEMBERS	SIGNATURE/ DATE SIGN	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Telo T. Taitague Chairperson				✓		
Senator Darrel Christopher Barnett Vice Chairperson	E-Vote 5/7/25			✓		
Senator Sabina F. Perez Member	E-Vote 5/8/25			✓		
Senator Therese M. Terlaje Member						
Senator Shelly V. Calvo Member	E-Vote 5/8/25	✓				
Speaker Frank F. Blas, Jr. Member	E-Vote 5/8/25			✓		



Charissa Manibusan <senatortelot.charissa@gmail.com>

REQUEST FOR E-VOTE - COMMITTEE REPORT on Bill No. 23-38 (COR) As Amended:5 messages

Senator Telo Taitague <senatortelot@gmail.com>

Wed, May 7, 2025 at 5:19 PM

To: Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Office of Senator Sabina Perez <office.senatorperez@guamlegislature.gov>, Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>, "Speaker Frank Blas, Jr." <speakerblas@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>

Cc: senatortelot.charissa@gmail.com, Rowena Fejeran <senatortelot.rowena@gmail.com>, Isah Peredo <senatortelot.isah@gmail.com>, senatortelot.alana@gmail.com

Håfa Adai Committee Members,

Please see attached Committee Report on **Bill No. 23-38 (COR), As Amended-** *Introduced by Senator Shelly V. Calvo-* **"AN ACT TO ADD A NEW ARTICLE TO CHAPTER 33 TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT."**

Please indicate your preferred action, based on the following options:

- _____ TO DO PASS;
- _____ TO NOT PASS;
- _____ TO REPORT OUT ONLY;
- _____ TO ABSTAIN;
- _____ TO PLACE IN INACTIVE FILE.

Please submit your response **ASAP**. Your responses will be logged into the Committee Vote Sheet for **Bill No. 23-38 (COR), As Amended**. Should you have any questions, please do not hesitate to contact our office.

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague
38th Guam Legislature

Chairperson

Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement

Suite 407 DNA Building
 238 Archbishop Flores St.
 Hagatna, Guam 96910
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Committee Report on Bill No. 23-38 (COR) As Amended_SVC_Route.pdf
 6744K

Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>

Wed, May 7, 2025 at 6:51 PM

To: Senator Telo Taitague <senatortelot@gmail.com>

Cc: Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Office of Senator Sabina Perez <office.senatorperez@guamlegislature.gov>, "Speaker Frank Blas, Jr." <speakerblas@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, senatortelot.charissa@gmail.com, Rowena Fejeran <senatortelot.rowena@gmail.com>, Isah Peredo <senatortelot.isah@gmail.com>, senatortelot.alana@gmail.com

To report out only.



The Office of Senator Chris Barnett

I Mina'trentai Ocho Na Liheslaturan Guahan

Suite 202 - Calvo- Arriola Building - 259 Martyr St. - Hagåtña, Guam 96910
 (671)969-3586 - malafunkshun@guamlegislature.gov

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[Quoted text hidden]

Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>

Thu, May 8, 2025 at 9:01 AM

To: Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>

Cc: Senator Telo Taitague <senatortelot@gmail.com>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Office of Senator Sabina Perez <office.senatorperez@guamlegislature.gov>, "Speaker Frank Blas, Jr." <speakerblas@guamlegislature.gov>, senatortelot.charissa@gmail.com, Rowena Fejeran <senatortelot.rowena@gmail.com>, Isah Peredo <senatortelot.isah@gmail.com>, senatortelot.alana@gmail.com

Hafa Adai,

To Do Pass

Respectfully,



Office of the People • Senator Shelly V. Calvo

Majority Whip & Chairwoman

Committee on Child Welfare, Youth Affairs, Senior Citizens, Women's Affairs, Disability Services, the Arts, Culture, Historic Preservation & Hagåtña Restoration

38th Guam Legislature

163 Chalan Santo Papa, Hagåtña, Guam 96910

T +1 (671) 989-5682
E officeofsenatorshellycalvo@guamlegislature.gov

[Quoted text hidden]

Speaker Frank Blas Jr. <speakerblas@guamlegislature.gov>

Thu, May 8, 2025 at 11:40 AM

To: Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>

Cc: Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>, Senator Telo Taitague <senatortelot@gmail.com>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Office of Senator Sabina Perez <office.senatorperez@guamlegislature.gov>, senatortelot.charissa@gmail.com, Rowena Fejeran <senatortelot.rowena@gmail.com>, Isah Peredo <senatortelot.isah@gmail.com>, senatortelot.alana@gmail.com

To Report Out Only

Judy Shockley
Office Administrator



Office of Speaker Frank F. Blas, Jr.

I Mina'trentai Ocho na Liheslaturan Guåhan 38th Guam Legislature

Guam Congress Building, 163 Chalan Santo Papa, Hagatña

(671)969-6456

speakerblas@guamlegislature.gov

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[Quoted text hidden]

Office Senator Perez <office.senatorperez@guamlegislature.gov>

Thu, May 8, 2025 at 12:19 PM

To: Senator Telo Taitague <senatortelot@gmail.com>

Cc: Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>, "Speaker Frank Blas, Jr." <speakerblas@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, senatortelot.charissa@gmail.com, Rowena Fejeran <senatortelot.rowena@gmail.com>, Isah Peredo <senatortelot.isah@gmail.com>, senatortelot.alana@gmail.com

To report out only.

On Wed, May 7, 2025 at 5:19 PM Senator Telo Taitague <senatortelot@gmail.com> wrote:

[Quoted text hidden]



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory
Affairs, Technology, Justice, Elections, and Retirement

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COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 23-38 (COR) - "AN ACT TO ADD A NEW ARTICLE TO CHAPTER 33 TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT, was introduced on January 13, 2025, by Senator Shelly V. Calvo. Bill No. 23-38 (COR) was referred by the Committee on Rules to the Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement, on January 23, 2025. The Committee convened a public hearing on Tuesday, April 22, 2025 at 2:00p.m. in the Guam Congress Building, Public Hearing Room.

Public Notice Requirement:

In Compliance with Open Government Law, a five (5) day public notice of this hearing was published on Tuesday, April 15, 2025, and a forty-eight (48) hour notice was published Friday, April 18, 2025, on KUAM-TV and the Guam Public Notice Website. Notices were also sent to all senators, and all main media broadcasting outlets via email on the same dates.

Senators Present:

Senator Telo Taitague, Chairperson
Senator Shelly V. Calvo, Member, Bill Sponsor
Vice Speaker Senator Tony Ada
Senator Shawn Gumataotao
Senator Vincent Borja

Appearing Before the Senate Panel:

Deputy Attorney General Lee Miller, Civil Division,
Office of the Attorney General of Guam

Written Testimony Submitted:

Douglas B. Moylan, Attorney General of Guam

Executive Director Stephen P. Hattori, Public Defender Service Corporation

Director Joseph M. Borja, Department of Land Management

Ji Reena G. Blas

II. SUMMARY OF TESTIMONY & DISCUSSION

The Public Hearing was Called-to-Order at 2:00 p.m. Bill No. 23-38 (COR) was the first item on the agenda.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: *Buenas yan Hafa Adai. Guahu si Senadora* Telo T. Taitague. This public hearing is called to order and the time now is 2 p.m. Good afternoon, to you all and to those who might be watching from home and to those who are here who are participating in this committee today. Welcome to the People's House. For the record, today is Tuesday, April 22nd, 2025. This hearing will be conducted by myself, Senator Telo Taitague, Chairwoman of the Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Election, and Retirement.

To comply with the open government law, notices of this hearing was disseminated to all senators and public at large via email and published in KUAM on Tuesday, April 15, 2025, and the second notice was Friday, April 18, 2025. Notice of this hearing was also available on the Guam Legislature's website and the Guam, Government of Guam portal.

I would like to welcome my colleagues who are joining me today and that is Senator Shelly Calvo, Senator Shawn Gumataotao, Vice Speaker Senator Tony Ada and Senator Vince Borja. Welcome.

We have the following bills on our agenda today for discussion. It's Bill 23-38 COR and Bill 80-38 COR. But before we discuss these bills, I would like to set some rules of engagement for everyone to follow during these proceedings.

I respectfully ask that we conduct ourselves professionally and respect others' opinions. professionally and respect other people's opinions. When speaking please make sure you speak directly into the microphone and state your name and the title for record-keeping purposes. I ask that the panel members to remain for any questions that my colleagues



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may have. Questions and testimony shall be confined to the substance or nature of the bill on the agenda. Individuals who do not comply with these rules will be removed from the room and prohibited from further participation.

The first bill that we will be discussing is Bill 23-38 COR, introduced by my colleague Senator Shelly V. Calvo. It's **AN ACT TO ADD A NEW ARTICLE TO CHAPTER 33, TITLE 15 OF GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING THE UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT.**

Also, I'd like to bring to your attention that a fiscal note was also provided on January 30th 2025 and it be granted a waiver pursuant to Public Law 12-229 as amended. Also, legal counsel has reviewed with no recommendations or changes to this legislation and at this time I'd also like to recognize the invitations that were sent out for Bill 23-38 (COR). It was sent to the Judiciary of Guam, Department of Land Management, Public Defender's Office, and Office of the Attorney General. And at this time, I'd like to turn the microphone over to my colleague, Senator Calvo, to do her opening remarks on this legislation. Senator Calvo, you're recognized.

SENATOR SHELLY V. CALVO: Thank you Madam Chair. *Hafa Adai, Buenas* to everyone. Everyone who is here and my colleagues. Today Bill Number 23-38 (COR), *the Uniform Real Property Transfer on Death Act*, a measure designed to empower the people of Guam by simplifying the process of passing real property to loved ones without the costly, time-consuming, and often burdensome probate process. For far too long, families in our community have faced legal hurdles, unnecessary delays, and financial hardships, simply trying to inherit the homes their parents or grandparents worked so hard to build. Probate court proceedings can be stressful, expensive, and complicated, often taking months or even years before rightful heirs can assume ownership of a family home.

In some cases, families are forced to sale inherited property just to cover legal expenses leading to the loss of multi-generational homes and deepening economic instability. This bill offers a clear and effective solution- a transfer on death deed (TODD). This legal tool allows a property owner to designate a beneficiary who will automatically inherit their real estate upon death, without court intervention, delays, or additional costs. Unlike joint tenancy, which may restrict an owner's ability to sell or manage their own property, a

TODD deed preserves full ownership rights during the individual's lifetime and remains revocable at any time.

Additionally, the bill aligns Guam's laws with estate planning best practices seen in many states across the U.S. By enacting this measure, we ensure that our residents have greater control over their property, a more affordable estate planning option, and a faster, more efficient way to transfer property to their loved ones. This legislation is about protecting families, preserving generational wealth, and eliminating unnecessary barriers to inheritance. It provides our people with a simple, flexible, and legally secure method to ensure that their wishes are honored and their families are not burdened with avoidable legal battles. I urge my colleagues to stand with me in support of Bill number 23-38 (COR) to provide a clear path to home ownership for future generations and to strengthen the rights of property owners across our island. Thank you and I look forward to our discussion on this important measure.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Thank you Senator Calvo for the introduction of this legislation and all those who are listening on at home you can also view this legislation on the 38th Guam Legislature's website under bills. And once again, this is Bill 23-38. And at this time, we have signed up from the Attorney General's office, I believe this is Attorney Lee Miller, to come and testify. Thank you, sir. Please state your name and your agency and then you may begin.

LEE MILLER, DEPUTY ATTORNEY GENERAL, CIVIL DIVISION, OFFICE OF THE ATTORNEY GENERAL: Good afternoon, Madam Chairman, members. My name is Lee Miller. I'm the Deputy Attorney General in charge of the Civil Division. The Attorney General's office is here in support of Bill number 23-38. It's a good bill. It's a good law. It already exists in many states on the mainland, it works well. Having said that, on behalf of my colleagues in the Bar Association, we do suggest that folks who choose to take advantage of the law invest a little bit of money with a lawyer or a real estate professional to really understand the nuances of what they're doing when they execute a transfer on death deed.

And let me just highlight a few examples of scenarios where it's not necessarily obvious exactly what the outcome might be. For example, if mom and dad own the home as joint trustees, dad passes, mom will automatically own the home as her property. If mom then executes a transfer on death deed to her two, three, four, five children, and she simply lists each of the children, but before mom passes, one of those children were to pre-decease, die before mom, the heirs of that child who predeceased mom have no interest in this



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particular property. The property would simply pass to the living brothers and sisters listed on the deed. Folks need to understand that if I execute a transfer on death deed and list my three children, four children, five children on the deed, I am transferring the property to my kids essentially as equal partners in the property.

In order to deal with the property, to sell the property, to mortgage the property, to go forward with the property, the kids are going to have to unanimously agree on what comes next. And if they can't unanimously agree, the property stands still, waiting until we get unanimity. And just to reemphasize the point that I started with, oftentimes when we first buy a piece of property, as a husband and wife, we will take ownership of that property as joint trustees. That's the customary way, not automatic, but the customary way, husband and wife buying a house, buying a piece of land, take ownership in a piece of property. If for whatever reason down the road, mom or dad were to sign a transfer on death deed and convey their interest in the property to literally anybody else, any of the children, any third party.

The deed is really ineffective if the joint trustee status will always trump the subsequent attempted conveyance of the property via the transfer on death these are scenarios that generally speaking are unlikely to occur but on the other hand you know if you have a large family especially if one has a family with brothers and sisters not all on Guam brothers and sisters, not all on Guam. As I suggested, it would be worth spending a little bit of money up front to really understand exactly what the nuances are of the transfer on death deed and making sure that the way you've filled out the deed form is exactly the way you intend to see the property move forward.

Two final thoughts on this particular bill. Americans love to set it and forget it. You have a life event that causes you to update all of your documents and all of your affairs. You spend some time getting everything squared away and then all is well. Years go by before another life event occurs, before you pass away. Just to give you one example from my own background, long, long time ago, my father-in-law and my mother-in-law got divorced. Couple years thereafter, my father-in-law remarried to a wonderful woman. They lived together for, his husband and wife for a number of years. She took care of him in his final illness. She was a spectacular caregiver. But many years earlier, my father-in-law executed a piece of paper indicating that upon his death, his Social Security death benefit was to go to his wife, who he specified, named as his first wife.

And he never, ever came back around and said, aha, first wife's out of the picture. I need to update the documents to reflect the second wife. And Social Security doesn't care. They, my mother-in-law received his death benefit, happily cashed the check, good for her. When all of us and even my mother-in-law would have probably acknowledged he probably really wanted his second wife to get the check but that didn't really stop her from cashing that check from social security.

The last thing last comment I would offer on this particular bill is I would urge the legislature to make this bill even easier for the people of Guam to take advantage of by including, amending the bill to include a form of deed in the statute. Many states do this. That way, when you get the bright idea to want to clean up your personal affairs and you're like, well, what does this deed look like? What are the magic words that I need to put in this deed? If there is a form of deed in the Guam code that people can literally just copy from that is legally sufficient. That is the simplest, most straightforward way for folks to get these transfers done correctly. With that, Madam Chair, I'm available for any questions.

LEE MILLER, DEPUTY ATTORNEY GENERAL, CIVIL DIVISION, OFFICE OF THE ATTORNEY GENERAL: Good afternoon. This testimony is submitted on behalf of the Attorney General's Office and our client, the people of Guam, in support of the adoption of Bill number 23-38, the Uniform Real Property Transfer on Death Act into Guam law. The law has the potential to assist many of our citizens in finding an easier way forward following the death of a family member. This law already exists in many states and we believe any concerns lenders, real estate professionals, and title companies may have been previously dealt with. The law builds on an effort in American law to design ways to pass property from spouse to spouse, spouse to loved ones, without the need of probate courts and lawyers. Anyone with a pension or retirement account already designates who gets the account funds upon their death at the time they open the account. Guam residents don't have to wait months for court hearings to receive the death benefit from a loved one's Guam pension. We do offer a few cautionary observations that could be eliminated if folks invested a little money up front in legal advice.

People taking advantage of the Act should be aware of the language in Section 3382. If a property owner signs a transfer on death deed transferring ownership of the property to their three children, §3382 (A)(2) says that if any of the three children dies before the property owner, then the property goes to the two surviving children. The beneficiaries of the third child take nothing. Subsection A3 says that the interest given to the three children



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is equal and undivided. That means that all three children would have to agree to sell the property or how to divide it up.

§ 3382(C) makes clear that if a husband and wife own a piece of property as joint tenants and one of the spouses later signs a transfer on death deed giving their interest to a child, then the joint tenancy will prevail and the child takes nothing. Section 3384 makes clear that persons taking property via a transfer on death deed don't get the property free and clear not only of liens on the property but also free and clear of other debts of the deceased. If the deceased had substantial debts at the time of their passing, the property transferred to the loved one via the transfer on death deed may still have to be sold in order to satisfy those final debts. To make this legislation useful for the people of Guam, we encourage an amendment to include a form of deed that people can copy. The purpose of the law is to facilitate our residents being able to accomplish property transfers without the need to pay a lawyer or other real estate professional. By including a form of deed in the statute, we make it as easy as possible to get that done. Americans love to set it and forget it.

How many of us who work for the government of Guam remember that we filled out a form entitled designation of beneficiary when we first went to work? The name on that form gets our pension benefits upon our death no matter what life change events may have happened unless and until we change the name on that form. Laws that simplify who gets what in the future are great so long as our wishes remain simple. Anyone who gets divorced later in life or who doesn't want their property to go in equal shares to however many of their children survive them should invest in a lawyer to draft the appropriate documents to reflect their more complicated wishes. The good news is that most of us lead pretty simple lives and this bill is sure to be of great value to the citizens of Guam. We urge the legislature to enact it into law. Thank you for the opportunity to comment on this legislation.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Thank you, Attorney Milller. I appreciate you reading into the record the testimony from the Attorney General's office. At this time, I would like to open it up for the sponsor of Bill 23-38, Senator Calvo. You have the floor.

SENATOR SHELLY V. CALVO: Thank you, Madam Chair. Thank you, sir, for your testimony. I was just going to clear away a few of the items that you have mentioned, which are, they're duly noted. These suggestions from the AG's office, actually, we will be working on these things during the markup meeting and just to mention that it's almost like currently when we assume properties, right, let's say it was inherited and the properties have leaned towards it or there's mortgage and the properties have leaned towards it or there's mortgage, it's almost the same. Because I know you brought up that concern about assuming responsibilities. So, it's not something that we're... It's already happening right now. But we will refine it during the markup. And I believe that you mentioned about the form. We do have a form that we will attach during the markup session. So, these things are, I'm thankful for the guidance. And I take it seriously and I want to tighten this bill so much that it will be a really good bill.

But anyways, before we begin the question and answer, I just wanted to thank you again, and I wanted to just say a few remarks before Madam Chair will open it for questioning. I'd like to take a few moments to reflect on why this conversation is necessary and timely. Bill number 23-38 proposes a new legal mechanism, the transfer on debt deed. That would allow individuals to pass real estate directly to their chosen beneficiaries without the need for probate. directed to their chosen beneficiaries without the need for probate.

To evaluate this proposal responsibly, it's important that we first examine how property transfers currently work in Guam and the challenges families face when trying to secure and retain their homes after the loss of a loved one. For many residents, especially those without access to legal counsel or formal estate planning tools, the probate process can be long, expensive, and emotionally taxing. It's not uncommon for heirs to face years of uncertainty or even lose property due to procedural delays or disputes. Understanding the scope and nature of these challenges, such as how many properties end up in probate, what typical timelines look like, and how the Department of Land Management processes property transfers, it is essential to determining how impactful and feasible the TODD framework would be for our community. We also need to take into account how this policy would affect vulnerable groups such as elderly homeowners, residents with limited incomes, and multi-generational households who may benefit most from a simpler, more affordable way and a direct way to formalize their intentions for passing on property. I sincerely appreciate your participation, the perspective each one of you bring to this important conversation.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Thank you, Senator Calvo. Senator Gumataotao, you are recognized.



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SENATOR SHAWN GUMATAOTAO: Thank you, Madam Chair, and thank you, Lee, for being with us this afternoon. I only have a couple of questions, really, and let me start with the very first one. Recognizing that §3376 in the bill states that a transfer on death deed is non-testamentary. Please clarify what will happen in the event there is a conflict between a transfer on death deed and a last will and testament. Will a transfer on death deed supersede a last will and testament?

LEE MILLER, DEPUTY ATTORNEY GENERAL, CIVIL DIVISION, OFFICE OF THE ATTORNEY GENERAL: Madam Chair, Senator Gumataotao, yes. Last will and testament? Madam Chair, Senator Gumataotao, yes. The Transfer on Death Deed will supersede the statement in the last will and testament.

The Transfer on Death Deed, similar to the designation of beneficiary that we typically fill out for pension accounts and insurance proceeds, things like that. As a legal construct, as soon as the original owner of the account passes, Shazam, the assets immediately become the property of whoever the designated beneficiary is. And so even if there is a will and the will tries to pass the property to somebody else, the will is regarded as later in time. It's outside of the magical Shazam that happens when one passes. And so, the transfer on death deed will prevail.

SENATOR SHAWN GUMATAOTAO: Thanks so much Lee, with respect to §3382(b) requiring a beneficiary to take the subject property inclusive of all conveyances, encumbrances, assignments, contracts, mortgages, liens, and other interests that are tied to the subject property at the transfer's death. What information is available regarding experiences in other U.S. jurisdictions where beneficiaries end up losing property that was conveyed to them because they were unable to assume the financial obligations that were tied to those assets.

LEE MILLER, DEPUTY ATTORNEY GENERAL, CIVIL DIVISION, OFFICE OF THE ATTORNEY GENERAL: Well Madam Chair, Senator, the beneficiaries of the Transfer on Death Deed take the property essentially as if they were the previous owner. So, to the extent the previous owner had mortgaged the property, promised the property as collateral for a business transaction or something like that, when the beneficiary comes into

ownership, they come into ownership with not only the benefits but also the burdens that the previous owner had. And all those have to be worked through. And to the extent that the property isn't worth the claims that might already exist on it, as an attorney who's handled these types of transactions before, who's handled these types of transactions before, once our clients come to understand that the property is underwater, so to speak, we suggest to them that they sign something called a disclaimer deed, which is another form of deed that says, well, that deed says I'm now the owner of the property, but you know what? No thanks. I don't want it because I don't want the obligations that go with it. And it's not just money claims. You know, there may be, it's not always a house or something like that if you have a commercial property that's you know run down it's got environmental liability so there are many reasons why the condition of the property makes it something that that something that the individual just really doesn't want to take on. And so, but that doesn't mean the property just sort of goes into limbo forever and ever.

At that point, to circle back to your first question, if the transfer on death beneficiary disclaims ownership of the property and there aren't transfer on death deed doesn't provide for a secondary or tertiary beneficiary, then we go look at the will. And then we try and decipher, well, who is next in line and do they want the property? Because we always want to make sure that somebody is responsible for the property. And so, the law provides a number of mechanisms by which we can sort of sort through all of the potential errors, you know, including the proverbial nephew in the faraway country who gets a call and says, hey, the uncle you never knew passed away and now you own this property. That's not make-believe. Those situations happen from time to time.

SENATOR SHAWN GUMATAOTAO: Right, so would you say it's very common then in the United States that these types of, I guess, policies would be in place?

LEE MILLER, DEPUTY ATTORNEY GENERAL, CIVIL DIVISION, OFFICE OF THE ATTORNEY GENERAL: Most of the states on the mainland have adopted the transfer on death deed law. It is a project of something called the Uniform Laws Commission. Lots of apparently smart lawyers get together and try and come up with something that uniform means they work very hard to try and make sure it works in every jurisdiction that recognizes American law, and this bill reflects their work product.

SENATOR SHAWN GUMATAOTAO: All right. Thank you so much, Lee. Thank you, Madam Chair, for the time. Thank you again.



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SENATOR TELO T. TAITAGUE, CHAIRPERSON: You're welcome, Senator Gumataotao. Vice Speaker Ada, you are recognized.

VICE SPEAKER V. ANTHONY ADA: Thank you, Madam Chair. You know, it almost reminds me of the payment upon death, right? You know, when you have an account at the bank, you have that payment upon death, and it just automatically goes to that individual. Interesting. Yeah, it's a good way to just facilitate movement of either assets or accounts. Perhaps maybe something that you think Guam should maybe consider the revocable living trust law as an option or?

LEE MILLER, DEPUTY ATTORNEY GENERAL, CIVIL DIVISION, OFFICE OF THE ATTORNEY GENERAL: Madam chair, senator you know for many years lawyers, real estate professionals, legislators have come up with a wide variety of ways to avoid this apparently horrible situation we call probate. And anybody who owns, frankly, much more than one house, a couple of cars, and maybe some credit card debt, if that sums up your life, then all these simple, straightforward bills are perfect for you. But if your life is more complicated, you have a special needs child or you have a multi-generational household or you have a complicated business life, then yes, a trust is the most appropriate way to try and organize all of the pieces and parts of your life in a way so that they both move on to exactly who you'd prefer they move on to, but also move on with as little history, as little of that baggage being carried forward onto the next generation.

VICE SPEAKER V. ANTHONY ADA: Yeah, that's good to know because I think, you know, when we try to simplify methods and ways to, you know, move either property or even your savings account and cutting the red tape is the best way to go. But like you said, I think when you have all these, you know, multiple assets or even, like you said, an individual with special needs that you may need, you want someone to take care of when you go, then perhaps the trust is the way to go. That's great to know. I learn something new every day. Thank you for that. That's the only question I have. Thank you.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Thank you, Vice Speaker. Senator Borja, you were recognized.

SENATOR VINCENT ANTHONY V. BORJA: Thank you, Madam Chair. I have no questions at this time, but just want to go on the record to say I fully support this measure and commend Senator Calvo for introducing this thoughtful and forward-looking legislation. I think really at the end of the day really, this bill is about giving people a peace of mind, especially our *Manâmkô* right, and making sure that the transfer of property or land can be handled with dignity and care. But, yeah, thank you again to the sponsor, and I look forward to supporting this bill on the floor.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: You're welcome, Senator Borja. Thank you so much. I just have a couple questions. As I looked at the Section 3384 that you spoke about when it talks about property, and this is any kind of property, that means the TODD is a car, land, a home, or is this just strictly property in the sense of land and home? just strictly property in the sense of land and home?

LEE MILLER, DEPUTY ATTORNEY GENERAL, CIVIL DIVISION, OFFICE OF THE ATTORNEY GENERAL: Madam Chairman, this particular bill is strictly Real Property.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Real property.

LEE MILLER, DEPUTY ATTORNEY GENERAL, CIVIL DIVISION, OFFICE OF THE ATTORNEY GENERAL: You have a title to your car, you have a title to a boat, and there are similar laws, but not this one, that would allow you to transfer those types of assets upon your death.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Okay, so that being said, when you talk about you are now going to inherit any kind of debt that comes along with that property, we can assume that, let's say the individual, this is real property, somebody has a car they just bought. They had passed away; they have a TODD on their house their real property and the individual who passed away also has a vehicle and there's a \$30,000 more on that vehicle. The individual just because they receive the home doesn't mean that they have the debt on that vehicle just because they receive the home doesn't mean that they have the debt on that vehicle. Right? Because we're talking about, you're inheriting real property and the debts of the real property. You're not inheriting a car that was, you know, still has a payment on cars or maybe even a motorcycle or something else that that is different from the real property is that what I'm assuming here that this bill will only deal with debt of what you inherited from the TODDD.



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LEE MILLER, DEPUTY ATTORNEY GENERAL, CIVIL DIVISION, OFFICE OF THE ATTORNEY GENERAL: Madam Chair, no.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Okay, so it's different.

LEE MILLER, DEPUTY ATTORNEY GENERAL, CIVIL DIVISION, OFFICE OF THE ATTORNEY GENERAL: The Subsection A of §3384 says that, and car debt is an excellent example, perhaps an even better example, is final medical bills. You know, if your loved one had a long illness, those final medical bills could be extraordinary. And the doctors and the hospitals and the pharmaceutical companies, they all expect to get paid. And so, when you pass there is a one way or another either because you picked somebody to be responsible for your estate or the law picks somebody for you somebody becomes responsible for cleaning up and closing out.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: The Administrator. Basically, the Administrator.

LEE MILLER, DEPUTY ATTORNEY GENERAL, CIVIL DIVISION, OFFICE OF THE ATTORNEY GENERAL: The Administrator all sort of the last issues that remained on your passing and to the extent that there isn't enough there aren't enough resources in the estate to pay the final bills whatever those final bills might be, the administrator of the estate has under 3384A can inform the child, best friend, whomever that received the property via the TOD deed, sorry, we need some of the money that that proceeds, that that property represents in order to clear the.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: And then Mr. Miller, or Attorney Miller, then who would be responsible to sell that property in which these heirs of the TODD receive the property? Who's responsible to sell it and then provide the additional funding needed to pay off the debts? Is it the administrator's responsibility of the estate or would it be the heirs of the TODD?

LEE MILLER, DEPUTY ATTORNEY GENERAL, CIVIL DIVISION, OFFICE OF THE ATTORNEY GENERAL: Madam Chair, it is the responsibility of the administrator to resolve and close out all the final claims of the estate and to the extent as the estate

administrator to the extent that the transferee of the TODD asset doesn't want to be cooperative whatever cooperative means in those instances and I you know I've had to do it myself and then frankly you have to want to be cooperative, whatever cooperative means, in those instances, and I've had to do it myself, and frankly you have to go to court and compel the TODD beneficiary to make a contribution.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Okay, that could be a lawsuit all in itself too if the heirs of the TODD do not cooperate in itself. The other question I have, that being said, is the time, let's say my father had signed a TODD with giving all my siblings a portion, well, you know, equal shares, but then there was a mistake with the name of one of them. It was, for some reason, there was a mistake with the name of one of them. For some reason, there was a mistake. How can you correct that on a TODD? Do you just cancel out, file it at Department of Land Management that this TODD has been canceled and then you provide a new one?

LEE MILLER, DEPUTY ATTORNEY GENERAL, CIVIL DIVISION, OFFICE OF THE ATTORNEY GENERAL: Madam Chair, yes. That would be best practice. Okay. The legal rule is last in time wins. However, the best practice is that when you're making any change for any reason in a TOD deed, you should first record a piece of paper that says, I'm hereby canceling the TOD deed I executed on this day. And then right after they stamp that at DLM, then I hand them the new deed. So that years down the road when all this becomes real and the property ownership has to actually transfer, it's unequivocally clear to anybody and everybody exactly what mom's intentions were, dad's intentions were. And again, that's why nobody likes paying legal fees, but it might be worth just a little bit of money to make sure you do it right when you're cleaning this stuff up so that we avoid the big fight in the future.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: So, it's as simple as that. And my last question regarding taxes, is there an inheritance tax or does TODD avoid any kind of taxes from any of the heirs receiving from a TODD?

LEE MILLER, DEPUTY ATTORNEY GENERAL, CIVIL DIVISION, OFFICE OF THE ATTORNEY GENERAL: Madam Chair, full disclosure, I don't know if Guam has an estate tax or a transfer tax, but the general rule is no. To the extent that the jurisdiction has a transfer tax its due and owing.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Just have to look it up then okay well thank you so much for the opportunity to answer some of my questions I had and yes this I



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think this is something as someone who's gone through you know probate you know with my father's estate and issues that came about without any will, without any, you know, TODD, it did make it very difficult for my family to go through, so this is one step closer to providing simplicity and its almost sometimes when I'm going through this is ask myself it cost me more that he passed away to handle all these things than what he intended for, all his hard work to be passed over to his children. And all that funding that he did should go directly to the children of that person who worked so hard to ensure some kind of inheritance. But we're finding that in the process on Guam, you're paying more out of the heirs' own personal pocket sometimes just to get things settled. And this is a step closer to providing less cost to those who are already grieving the loss of a loved one. So, I thank you again. And at this time, if there's no further questions from my colleagues, okay, then I would like to end this by having a closing from the author of the legislation. Senator Calvo, you're recognized.

SENATOR SHELLY V. CALVO: *Si Yu'os ma'åse* again, Madam Chair. Before I deliver my closing remarks, I just wanted to clarify, point out a few of the concerns I caught up from my colleagues. So, you know, beneficiary may refuse the inheritance. It states in Section 3383, if a beneficiary does not want the property, they can formally disclaim their interest. So that probably answers one of your questions, Madam Chair. And there's one here when we were talking about how this supersedes Senator Sean's concern.

I just wanted to clarify that in §3373, it says there that the TOD deeds do not replace other transfer methods. The Act does not eliminate or override existing property transfer laws in Guam. It adds an alternative option for estate planning, but does not interfere with traditional property transfers such as wills, trusts, or joint ownership arrangements. Another thing I wanted to point out is the liability. The liability for estate debt, which is in Section 3284. If the owner's estate cannot cover debts, creditors may enforce claims against the TODD property, which technically already happens in now with any property holder that has mortgages or lien on it. If multiple TODD properties exist, that liability is proportionally distributed among the beneficiaries.

So, creditors also must file claims within 18 months of owner's debt. So, these are the things that I kind of caught, and I just wanted to clarify it for the record, so anybody who's

watching can actually get an immediate answer towards the concerns. I'm going to do my closing remarks now.

As we come to the close of our discussion on Bill number 23-38(COR), the Uniform Real Property Transfer on Death Act, I want to reiterate why this measure is so important for the people of Guam. We have a responsibility to remove unnecessary barriers that burden families when they are already dealing with the loss of a loved one. We have all seen or heard of cases where probate court proceedings drag on for months, even years, even decades, leaving heirs without access to their family homes, facing legal fees they cannot afford, and in some cases, being forced to sell inherited property just to settle disputes or pay legal costs.

This bill provides a simple, effective, efficient, and legally sound solution, provides a simple effective efficient and legally sound solution a transfer on death deed TODD it allows property owners to pass their real estate to their chosen beneficiaries without probate while still refining while still retaining full control over their property during their lifetime it is flexible revocable and straightforward, ensuring that individuals can adjust their estate plans as their circumstances change.

This legislation is about protecting homeownership, preserving generational wealth and ensuring that families are not caught in legal limbo after losing a loved one. It brings fairness, clarity, and efficiency to Guam's property inheritance process and aligns our laws with best practices in estate planning across the country. By passing this bill, we are providing peace of mind to homeowners, a clear path to inheritance for beneficiaries, and a better legal framework that benefits our entire island community.

I humbly ask everyone and my colleagues for your support on Bill No. 23-38 (COR). Let us give our people the tools they need to protect their homes and secure their families' future. Thank you very much and *Si Yu'us Ma'aase*.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: You're very welcome, Senator Calvo. That being said, we have concluded the hearing on Bill 23-38 COR, and it has been duly heard.

Public Hearing Adjourned at: 2:59 p.m.



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory
Affairs, Technology, Justice, Elections, and Retirement

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III. FINDINGS & RECOMMENDATIONS

The Committee finds that the intent of Bill 23-38 (COR), titled the *Uniform Real Property Act*, is to simplify the process of transferring real property to beneficiaries without the need for probate, aiming to reduce legal hurdles, delays and financial burdens for families. The bill proposes the use of a Transfer on Death Deed (TODD), to allow property owners to designate beneficiaries who automatically inherit real estate upon death, preserving full ownership rights during the owner's lifetime and remaining revocable.

Bill NO. 23-38 (COR) received support from the Office of the Attorney General, and the Public Defender Service Corporation, highlighting the bill's potential to simplify property transfers and reduce probate-related challenges. The Department of Land Management submitted testimony in support of the bill and stated that should the bill be enacted; the agency will seek assistance and legal advice from the Attorney General's on its implementation.

Deputy Attorney General Lee Miller appeared before the Committee and senate panel, emphasizing its effectiveness in other U.S. states and recommending legal advice for individuals using TODD to understand nuances such as joint tenancy, equal ownership among beneficiaries, and potential conflicts with wills.

Deputy AG Miller further highlighted the importance of legal advice for complex cases, such as families with special needs children or multi-generational households, and suggested trusts as an alternative for more complicated estate planning, and clarified that a TODD supersedes last wills and testaments, operates as a non-testamentary instrument, and transfers property inclusive of all encumbrances, liens, and debts tied to the property.

Beneficiaries may disclaim inheritance if they do not wish to assume financial obligations tied to the property, and administrators are responsible for resolving estate debts, including selling TODD property if necessary.

Deputy AG Miller suggested including a legally sufficient TODD form in the statute to make the process easier for Guam residents.

Chairperson Telo Taitague raised concerns about correcting errors in TODD forms, which can be addressed by canceling and re-recording the deed, and questioned whether TODD avoids inheritance taxes, which remains unclear.

During the April 28, 2025 Bill Markup Meeting, public hearing testimony and additional feedback from Elizabeth Dueñas of the Guam Association of Realtors, and Attorney Jacqueline Terlaje was considered. Both Dueñas and Terlaje expressed concerns for potential fraud, noting that the Department of Land Management is a recording office and does not verify the legal validity of transactions, resolve disputes over ownership or authenticate the authority of sellers. They recommended involving a licensed Title Insurance Underwriter from Security Title in the process as they are more equip to verify the validity of land ownership.

Bill No. 23-38 (COR) was amended by the Committee as follows:

- A new (b) was added to §3372 adding and defining a “Contingent Beneficiary” who is a “a person designated in a Transfer on Death Deed to receive property in the primary beneficiary does not survive the transferor.”
- Proposed §3378(c) relative to TODD requirements before the transferor’s death, was amended to specify that a TODD shall be notarized and recorded with the Department of Land Management specifically, removing the option of the Superior Court of Guam for this option.
- Per the recommendations of the OAG, the bill was amended to add a new §3386 which includes an Optional Form of Transfer on Death Deed that may be used to create a Transfer on Death Deed.
- Other minor technical changes to the bill title and body were made during the markup meeting.

The Committee on Rules to the Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement hereby reports our Bill No. 23-38 (COR)- As Amended- Introduced by Senator Shelly V. Calvo-



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory
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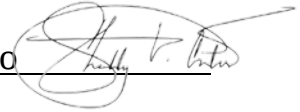
“AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 33 TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING THE UNIFORM REAL PROPERTY TRANSFER ON DEATH ACT, AND TO ADOPT A STANDARDIZED FORM FOR THE TRANSFER ON DEATH DEED”, with the recommendation To Report Out Only.

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

Bill No. 23-38 (COR)

Introduced by:

Shelly V. Calvo



**AN ACT TO ADD A NEW ARTICLE TO CHAPTER 33
TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE
TO ESTABLISHING THE UNIFORM REAL PROPERTY
TRANSFER ON DEATH ACT.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 4 is *added* to Chapter 33 Title 15 of the Guam
Code Annotated, to read as follows:

“ARTICLE 4

Uniform Real Property Transfer on Death Act

§ 3371. Short Title. This Act *shall* be known as the “*Uniform Real Property
Transfer on Death Act.*”

§ 3372. As used in this Chapter:

(a) “Beneficiary” means a person who receives property under a transfer
on death deed.

(b) “Designated beneficiary” means a person designated in a transfer on
death deed to receive property.

(c) “Joint owner” means an individual who owns property concurrently
with one or more individuals with a right of survivorship. The term includes

1 a joint tenant and a tenant by the entirety but does not include a tenant in
2 common.

3 (d) “Person” means an individual, corporation, business trust, estate, trust,
4 partnership, limited liability company, association, joint venture, public
5 corporation, government or governmental subdivision, agency, or
6 instrumentality, or any other legal or commercial entity.

7 (e) “Property” means an interest in real property located on Guam that is
8 transferable on the death of the owner.

9 (f) “Subject property” means real property or an interest in real property
10 that is subject to a transfer on death deed.

11 (g) “Transfer on death deed” means a deed authorized under this chapter.

12 (h) “Transferor” means an individual who executes a transfer on death
13 deed.

14 **§ 3373. Nonexclusivity.** This chapter does not affect any method of
15 transferring property otherwise permitted under the laws of Guam.

16 **§ 3374. Transfer on death deed authorized.** An individual may transfer
17 property, effective at the transferor's death, to one or more beneficiaries by a transfer
18 on death deed.

19 **§ 3375. Transfer on death deed revocable.** A transfer on death deed is
20 revocable even if the deed or another instrument contains a contrary provision.

21 **§ 3376. Transfer on death deed nontestamentary.** A transfer on death deed
22 is nontestamentary.

23 **§ 3377. Capacity of transferor.** The capacity required to execute or revoke a
24 transfer on death deed is the same as the capacity required to execute a will.

25 **§ 3378. Requirements.** A transfer on death deed:

26 (a) Except otherwise provided in §3378 (b), shall contain the essential
27 elements and formalities of a properly recordable inter vivos deed;

1 (b) Shall state that the transfer to the beneficiary is to occur at the
2 transferor's death; and

3 (c) Shall be notarized and recorded with the Department of Land
4 Management or the Superior Court of Guam as applicable, before the
5 transferor's death.

6 **§ 3379. Notice, delivery, acceptance, consideration not required. A**
7 transfer on death deed shall be effective without notice or delivery to or acceptance
8 by the designated beneficiary during the transferor's life, and without consideration.

9 **§ 3380. Revocation by instrument authorized; revocation by act not**
10 **permitted.**

11 (a) Subject to § 3380 (b), an instrument is effective to revoke a recorded
12 transfer on death deed, or any part of it, only if the ins:

13 (1) A subsequently recorded or filed transfer on death deed that
14 revokes all or a part of the recorded or filed transfer on death deed either
15 expressly or because of inconsistency;

16 (2) An instrument of revocation that expressly revokes all or a part
17 of the recorded or filed transfer on death deed; or

18 (3) An inter vivos deed that expressly revokes all or a part of the
19 transfer on death deed.

20 (b) If a transfer on death deed is executed by more than one transferor:

21 (1) Revocation by one transferor does not affect the deed as to the
22 interest of another transferor; and

23 (2) A deed executed by joint owners is revoked only if it is revoked
24 by all living joint owners.

25 (c) After a transfer on death deed is recorded or filed, as applicable, it may
26 not be revoked by a revocatory act on the deed. For purposes of this

1 subsection, "revocatory act" includes burning, tearing, canceling, obliterating,
2 or destroying the transfer on death deed or any part of it.

3 (d) This section shall not limit the effect of an inter vivos transfer of the
4 subject property.

5 **§ 3381. Effect of transfer on death during transferor's life. During a**
6 **transferor's life, a transfer on death shall not:**

7 (a) Affect an interest or right in the subject property of the transferor or
8 any other owner, including the right to transfer or encumber the
9 subject property;

10 (b) Affect an interest or right in the subject property of a transferee,
11 regardless of whether the transferee has actual or constructive notice
12 of the deed;

13 (c) Affect an interest or right in the subject property of a secured or
14 unsecured creditor or future creditor of the transferor regardless of
15 whether the creditor has actual or constructive notice of the deed;

16 (d) Affect the transferor's or designated beneficiary's eligibility for any
17 form of public assistance;

18 (e) Create a legal or equitable interest in the subject property in favor of
19 the designated beneficiary; or

20 (f) Subject the subject property to claims or process of a creditor of the
21 designated beneficiary.

22 **§ 3382. Effect of transfer on death deed at transferor's death.**

23 (a) Except as otherwise provided in the transfer on death deed or this
24 section, on the death of the transferor, the following shall apply to the
25 subject property owned by the transferor at death:

26 (1) Subject to §3382(a) (2), the interest in the subject property
27 shall be transferred to the designated beneficiary in

1 accordance with the deed; provided that, for property of
2 which any portion is registered in the Department of Land
3 Management, the interest in the property is transferred to the
4 designated beneficiary in accordance with the deed;

5 (2) The interest of a designated beneficiary is contingent on the
6 designated beneficiary surviving the transferor. The interest
7 of a designated beneficiary that fails to survive the transferor
8 lapses;

9 (3) Subject to §3382(a) (4), concurrent interests are transferred
10 to the beneficiaries in equal and undivided shares with no
11 right of survivorship; and

12 (4) If the transferor has identified two or more designated
13 beneficiaries to receive concurrent interests in the subject
14 property, any share that lapses or fails for any reason shall
15 be transferred to the other beneficiaries in proportion to the
16 interest of each in the remaining concurrently-held subject
17 property.

18 (b) A beneficiary shall take the subject property subject to all
19 conveyances, encumbrances, assignments, contracts, mortgages, liens,
20 and other interests to which the subject property is subject at the
21 transferor's death. For purposes of this subsection, the filing or
22 recording of the transfer on death deed is deemed to have occurred at
23 the transferor's death.

24 (c) If a transferor is a joint owner and is survived by one or more other
25 joint owners, the subject property shall belong to the surviving joint
26 owner or owners with the right of survivorship and the transfer on
27 death deed shall have no effect. If a transferor is a joint owner and is

1 the last surviving joint owner, the transfer on death deed shall be
2 effective.

- 3 (d) A transfer on death deed transfers the subject property without
4 covenant or warranty of title even if the transfer on death deed contains
5 a contrary provision.

6 **§ 3383. Disclaimer.** A beneficiary may disclaim all or part of the beneficiary's
7 interest.

8 **§ 3384. Liability for creditor claims and statutory allowances.**

- 9 (a) To the extent the transferor's probate estate is insufficient to satisfy an
10 allowed claim against the estate or a statutory allowance to a surviving
11 spouse or child, the estate may enforce the liability against the subject
12 property transferred at the transferor's death by a transfer on death
13 deed.

- 14 (b) If more than one property is transferred by one or more transfer on
15 death deeds, the liability under § 3384 (a) shall be apportioned among
16 the subject properties in proportion to their respective net values at the
17 time of the transferor's death.

- 18 (c) A proceeding to enforce liability under this section shall be
19 commenced not later than eighteen months after the transferor's death.

20 **§ 3385. Uniformity of application and construction.** In applying and
21 construing this chapter, consideration shall be given to the need to promote
22 uniformity of the law with respect to its subject matter among the states that enact
23 similar uniform legislation."

24 **Section 2. Effective Date.** This Act shall be effective upon enactment.

25 **Section 3. Severability.** If any provision of this Act or its application to any
26 person or circumstance is found to be invalid or inorganic, such invalidity shall not
27 affect other provisions or applications of this Act that can be given effect without

- 1 the invalid provision or application, and to this end the provisions of this Act are
- 2 severable.

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

Bill No. 23-38 (COR)

As Amended by the Committee on Economic Investment
Military Buildup, Regional Relations, Technology,
Regulatory Affairs, Justice, Elections, and Retirement

Introduced by:

Shelly V. Calvo

**AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 33
TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE
TO ESTABLISHING THE UNIFORM REAL PROPERTY
TRANSFER ON DEATH ACT, AND TO ADOPT A
STANDARDIZED FORM FOR THE TRANSFER ON
DEATH DEED**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 4 is *added* to Chapter 33 Title 15 of the Guam
Code Annotated, to read as follows:

“ARTICLE 4

Uniform Real Property Transfer on Death Act

§ 3371. Short Title. This Act *shall* be known as the “*Uniform Real Property
Transfer on Death Act.*”

§ 3372. As used in this Chapter:

(a) “Beneficiary” means a person who receives property under a transfer
on death deed.

1 (b) “Contingent Beneficiary” means a person designated in a transfer on
2 death deed to receive property if the primary beneficiary does not survive the
3 transferor.

4 (c) “Designated beneficiary” means a person designated in a transfer on
5 death deed to receive property.

6 (d) “Joint owner” means an individual who owns property concurrently
7 with one or more individuals with a right of survivorship. The term includes
8 a joint tenant and a tenant by the entirety but does not include a tenant in
9 common.

10 (e) “Person” means an individual, corporation, business trust, estate, trust,
11 partnership, limited liability company, association, joint venture, public
12 corporation, government or governmental subdivision, agency, or
13 instrumentality, or any other legal or commercial entity.

14 (f) “Property” means an interest in real property located on Guam that is
15 transferable on the death of the owner.

16 (g) “Subject property” means real property or an interest in real property
17 that is subject to a transfer on death deed.

18 (h) “Transfer on death deed” means a deed authorized under this chapter.

19 (i) “Transferor” means an individual who executes a transfer on death
20 deed.

21 **§ 3373. Nonexclusivity.** This chapter does not affect any method of
22 transferring property otherwise permitted under the laws of Guam.

23 **§ 3374. Transfer on death deed authorized.** An individual may transfer
24 property, effective at the transferor's death, to one or more beneficiaries by a transfer
25 on death deed.

26 **§ 3375. Transfer on death deed revocable.** A transfer on death deed is
27 revocable even if the deed or another instrument contains a contrary provision.

1 **§ 3376. Transfer on death deed nontestamentary.** A transfer on death deed
2 is nontestamentary.

3 **§ 3377. Capacity of transferor.** The capacity required to execute or revoke a
4 transfer on death deed is the same as the capacity required to execute a will.

5 **§ 3378. Requirements.** A transfer on death deed:

6 (a) Except otherwise provided in §3378 (b), shall contain the essential
7 elements and formalities of a properly recordable *inter vivos* deed;

8 (b) Shall state that the transfer to the beneficiary is to occur at the
9 transferor's death; and

10 (c) Shall be notarized and recorded or filed with the Department of Land
11 Management before the transferor's death.

12 **§ 3379. Notice, delivery, acceptance, consideration not required.** A
13 transfer on death deed shall be recorded or filed with the Department of Land
14 Management and shall be effective without notice or delivery to or acceptance by
15 the designated beneficiary during the transferor's life, and without consideration.

16 **§ 3380. Revocation by instrument authorized; revocation by act not**
17 **permitted.**

18 (a) Subject to § 3380 (b), an instrument is effective to revoke a recorded
19 transfer on death deed, or any part of it, only if the instrument:

20 (1) A subsequently recorded or filed transfer on death deed that
21 revokes all or a part of the recorded or filed transfer on death deed either
22 expressly or because of inconsistency;

23 (2) An instrument of revocation that expressly revokes all or a part
24 of the recorded or filed transfer on death deed; or

25 (3) An *inter vivos* deed that expressly revokes all or a part of the
26 transfer on death deed.

27 (b) If a transfer on death deed is executed by more than one transferor:

1 (1) Revocation by one transferor does not affect the deed as to the
2 interest of another transferor; and

3 (2) A deed executed by joint owners is revoked only if it is revoked
4 by all living joint owners.

5 (c) After a transfer on death deed is recorded or filed, as applicable, it may
6 not be revoked by a revocatory act on the deed. For purposes of this
7 subsection, "revocatory act" includes burning, tearing, canceling, obliterating,
8 or destroying the transfer on death deed or any part of it.

9 (d) This section shall not limit the effect of an *inter vivos* transfer of the
10 subject property.

11 **§ 3381. Effect of transfer on death during transferor's life.** During a
12 transferor's life, a transfer on death shall not:

13 (a) Affect an interest or right in the subject property of the transferor or
14 any other owner, including the right to transfer or encumber the
15 subject property;

16 (b) Affect an interest or right in the subject property of a transferee,
17 regardless of whether the transferee has actual or constructive notice
18 of the deed;

19 (c) Affect an interest or right in the subject property of a secured or
20 unsecured creditor or future creditor of the transferor regardless of
21 whether the creditor has actual or constructive notice of the deed;

22 (d) Affect the transferor's or designated beneficiary's eligibility for any
23 form of public assistance;

24 (e) Create a legal or equitable interest in the subject property in favor of
25 the designated beneficiary; or

26 (f) Subject the subject property to claims or process of a creditor of the
27 designated beneficiary.

1 **§ 3382. Effect of transfer on death deed at transferor's death.**

2 (a) Except as otherwise provided in the transfer on death deed or this
3 section, on the death of the transferor, the following shall apply to the
4 subject property owned by the transferor at death:

5 (1) Subject to §3382(a) (2), the interest in the subject property
6 shall be transferred to the designated beneficiary in
7 accordance with the deed; provided that, for property of
8 which any portion is registered in the Department of Land
9 Management, the interest in the property is transferred to the
10 designated beneficiary in accordance with the deed;

11 (2) The interest of a designated beneficiary is contingent on the
12 designated beneficiary surviving the transferor. The interest
13 of a designated beneficiary that fails to survive the transferor
14 lapses;

15 (3) Subject to §3382(a) (4), concurrent interests are transferred
16 to the beneficiaries in equal and undivided shares with no
17 right of survivorship; and

18 (4) If the transferor has identified two or more designated
19 beneficiaries to receive concurrent interests in the subject
20 property, any share that lapses or fails for any reason shall
21 be transferred to the other beneficiaries in proportion to the
22 interest of each in the remaining concurrently-held subject
23 property.

24 (b) A beneficiary shall take the subject property subject to all
25 conveyances, encumbrances, assignments, contracts, mortgages, liens,
26 and other interests to which the subject property is subject at the
27 transferor's death. For purposes of this subsection, the filing or

1 recording of the transfer on death deed is deemed to have occurred at
2 the transferor's death.

3 (c) If a transferor is a joint owner and is survived by one or more other
4 joint owners, the subject property shall belong to the surviving joint
5 owner or owners with the right of survivorship and the transfer on
6 death deed shall have no effect. If a transferor is a joint owner and is
7 the last surviving joint owner, the transfer on death deed shall be
8 effective.

9 (d) A transfer on death deed transfers the subject property without
10 covenant or warranty of title even if the transfer on death deed contains
11 a contrary provision.

12 **§ 3383. Disclaimer.** A beneficiary may disclaim all or part of the beneficiary's
13 interest.

14 **§ 3384. Liability for creditor claims and statutory allowances.**

15 (a) To the extent the transferor's probate estate is insufficient to satisfy an
16 allowed claim against the estate or a statutory allowance to a surviving
17 spouse or child, the estate may enforce the liability against the subject
18 property transferred at the transferor's death by a transfer on death
19 deed.

20 (b) If more than one property is transferred by one or more transfer on
21 death deeds, the liability under § 3384 (a) shall be apportioned among
22 the subject properties in proportion to their respective net values at the
23 time of the transferor's death.

24 (c) A proceeding to enforce liability under this section shall be
25 commenced not later than eighteen (18) months after the transferor's
26 death.

§ 3385. Uniformity of application and construction. In applying and construing this chapter, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact similar uniform legislation.”

§ 3386. Optional Form of Transfer on Death Deed. The following form may be used to create a transfer on death deed. The other sections of this act govern the effect of this or any other instrument used to create a transfer on death deed:

(front of form)

REVOCABLE TRANSFER ON DEATH DEED

NOTICE TO OWNER

You should carefully read all information on the other side of this form. You May Want to Consult a Lawyer Before Using This Form. This form must be recorded or filed with the Department of Land Management before your death, or it will not be effective.

IDENTIFYING INFORMATION

Owner or Owners Making This Deed:

Printed name _____ Mailing address _____

Printed name _____ Mailing address _____

Legal description of the property:

DESIGNATED BENEFICIARIES:

I designate the following beneficiary if the beneficiary survives me.

Printed name

Mailing address, if available

CONTINGENT BENEFICIARY – Optional

If my primary beneficiaries does not survive me, I designate the following
designated beneficiary if that beneficiary survives me.

Printed name

Mailing address, if available

TRANSFER ON DEATH

At my death, I transfer my interest in the described property to the beneficiaries as
designated above. Before my death, I have the right to revoke this deed.

SIGNATURE OF OWNER OR OWNERS MAKING THIS DEED

[(SEAL)] _____

Signature
Date

[(SEAL)]_____

Signature _____ Date _____

(back of form)

COMMON QUESTIONS ABOUT THE USE OF THIS FORM

What does the Transfer on Death (TOD) deed do?

When you die, this deed transfers the described property, subject to any liens or mortgages (or other encumbrances) on the property at your death. Probate is not required. The TOD deed has no effect until you die. You can revoke it at any time. You are also free to transfer the property to someone else during your lifetime. If you do not own any interest in the property when you die, this deed will have no effect.

How do I make a TOD deed?

Complete this form. Have it acknowledged before a notary public or other individual authorized by law to take acknowledgments. Record the form with the Department of Land Management. The form has no effect unless it is acknowledged and recorded before your death.

Is the “legal description” of the property necessary?

Yes.

1
2 How do I find the “legal description” of the property?

3 This information may be on the deed you received when you became an owner of
4 the property. This information may also be available at the Department of Land
5 Management. If you are not absolutely sure, consult a lawyer.

6
7 Can I change my mind before I record the TOD deed?

8 Yes. If you have not yet recorded the deed and want to change your mind, simply
9 tear up or otherwise destroy the deed.

10
11 How do I “record” the TOD deed?

12 Take the completed and acknowledged form to the Guam Department of Land
13 Management. Follow the instructions given by the Guam Department of Land
14 Management to make the form part of the official property records.

15
16 Can I later revoke the TOD deed if I change my mind?

17 Yes. You can revoke the TOD deed. No one, including the beneficiaries, can prevent
18 you from revoking the deed.

19
20 How do I revoke the TOD deed after it is recorded?

21 There are three ways to revoke a recorded TOD deed:

- 22 1. Complete and acknowledge a revocation form, and record it at the Guam
23 Department of Land Management.
- 24 2. Complete and acknowledge a new TOD deed that disposes of the same
25 property, and record it at the Guam Department of Land Management.

1 3. Transfer the property to someone else during your lifetime by a recorded
2 deed that expressly revokes the TOD deed. You may not revoke the TOD
3 deed by will.

4
5 I am being pressured to complete this form. What should I do?

6 Do not complete this form under pressure. Seek help from a trusted family member,
7 friend, or lawyer.

8
9 Do I need to tell the beneficiaries about the TOD deed?

10 No, but it is recommended. Secrecy can cause later complications and might make
11 it easier for others to commit fraud.

12
13 I have other questions about this form. What should I do?

14 This form is designed to fit some but not all situations. If you have other questions,
15 you are encouraged to consult a lawyer.

16
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19 ACKNOWLEDGMENT

20 (insert acknowledgment for deed here)

21
22 § 3387. Optional Form of Revocation. The following form may be used to
23 create an instrument of revocation under this act. The other subsections of this act
24 govern the effect of this or any other instrument used to revoke a transfer on death
25 deed:

26 (front of form)

27 REVOCATION OF TRANSFER ON DEATH DEED

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NOTICE TO OWNER

This revocation must be recorded before you die or it will not be effective. This
revocation is effective only as to the interests in the property of owners who sign this
revocation

IDENTIFYING INFORMATION

Owner or Owners Making This Revocation:

Printed name _____ Mailing address

Printed name _____ Mailing address

Legal description of the property:

REVOCATION

I revoke all my previous transfers of this property by transfer on death deed.

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[(SEAL)] _____

Signature _____ Date

[(SEAL)] _____

Signature _____ Date

ACKNOWLEDGMENT

(insert acknowledgment for deed here)

(back of form)

COMMON QUESTIONS ABOUT THE USE OF THIS FORM

How do I use this form to revoke a Transfer on Death (TOD) deed?
Complete this form. Have it acknowledged before a notary public or other individual
authorized to take acknowledgements. Record the form in the public records with

the Guam Department of Land Management. The form must be acknowledged and recorded before your death or it has no effect.

How do I find the “legal description” of the property?

This information may be on the TOD deed. It may also be available at the Guam Department of Land Management. If you are not absolutely sure, consult a lawyer.

How do I “record” the form?

Take the completed and acknowledged form to the Guam Department of Land Management. Follow the instructions given by the Guam Department of Land Management to make the form part of the official property records.

I am being pressured to complete this form. What should I do?

Do not complete this form under pressure. Seek help from a trusted family member, friend, or lawyer.

I have other questions about this form. What should I do?

This form is designed to fit some but not all situations. If you have other questions, consult a lawyer.”

Section 2. Effective Date. This Act shall be effective upon enactment.

Section 3. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or inorganic, such invalidity shall not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

COMMITTEE MARKUP

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

Bill No. 23-38 (COR)

As Amended by the Committee on Economic Investment
Military Buildup, Regional Relations, Technology,
Regulatory Affairs, Justice, Elections, and Retirement

Introduced by:

Shelly V. Calvo

AN ACT TO *ADD* A NEW ARTICLE **4** TO CHAPTER 33
TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE
TO ESTABLISHING THE UNIFORM REAL PROPERTY
TRANSFER ON DEATH ACT, AND TO ADOPT A
STANDARDIZED FORM FOR THE TRANSFER ON
DEATH DEED

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 4 is *added* to Chapter 33 Title 15 of the Guam
Code Annotated, to read as follows:

“ARTICLE 4

Uniform Real Property Transfer on Death Act

§ 3371. Short Title. This Act *shall* be known as the “*Uniform Real Property
Transfer on Death Act.*”

§ 3372. As used in this Chapter:

(a) “Beneficiary” means a person who receives property under a transfer
on death deed.

1 (b) “Contingent Beneficiary” means a person designated in a transfer on
2 death deed to receive property if the primary beneficiary does not survive the
3 transferor.

4 (bc) “Designated beneficiary” means a person designated in a transfer on
5 death deed to receive property.

6 (ed) “Joint owner” means an individual who owns property concurrently
7 with one or more individuals with a right of survivorship. The term includes
8 a joint tenant and a tenant by the entirety but does not include a tenant in
9 common.

10 (de) “Person” means an individual, corporation, business trust, estate, trust,
11 partnership, limited liability company, association, joint venture, public
12 corporation, government or governmental subdivision, agency, or
13 instrumentality, or any other legal or commercial entity.

14 (ef) “Property” means an interest in real property located on Guam that is
15 transferable on the death of the owner.

16 (fg) “Subject property” means real property or an interest in real property
17 that is subject to a transfer on death deed.

18 (gh) “Transfer on death deed” means a deed authorized under this chapter.

19 (hi) “Transferor” means an individual who executes a transfer on death
20 deed.

21 **§ 3373. Nonexclusivity.** This chapter does not affect any method of
22 transferring property otherwise permitted under the laws of Guam.

23 **§ 3374. Transfer on death deed authorized.** An individual may transfer
24 property, effective at the transferor's death, to one or more beneficiaries by a transfer
25 on death deed.

26 **§ 3375. Transfer on death deed revocable.** A transfer on death deed is
27 revocable even if the deed or another instrument contains a contrary provision.

1 **§ 3376. Transfer on death deed nontestamentary.** A transfer on death deed
2 is nontestamentary.

3 **§ 3377. Capacity of transferor.** The capacity required to execute or revoke a
4 transfer on death deed is the same as the capacity required to execute a will.

5 **§ 3378. Requirements.** A transfer on death deed:

6 (a) Except otherwise provided in §3378 (b), shall contain the essential
7 elements and formalities of a properly recordable *inter vivos* deed;

8 (b) Shall state that the transfer to the beneficiary is to occur at the
9 transferor's death; and

10 (c) Shall be notarized and recorded or filed with the Department of Land
11 Management ~~or the Superior Court of Guam as applicable~~, before the
12 transferor's death.

13 **§ 3379. Notice, delivery, acceptance, consideration not required.** A
14 transfer on death deed shall be recorded or filed with the Department of Land
15 Management, and be effective without notice or delivery to or acceptance by the
16 designated beneficiary during the transferor's life, and without consideration

17 **§ 3380. Revocation by instrument authorized; revocation by act not**
18 **permitted.**

19 (a) Subject to § 3380 (b), an instrument is effective to revoke a recorded
20 transfer on death deed, or any part of it, only if the instrument:

21 (1) A subsequently recorded or filed transfer on death deed that
22 revokes all or a part of the recorded or filed transfer on death deed either
23 expressly or because of inconsistency;

24 (2) An instrument of revocation that expressly revokes all or a part
25 of the recorded or filed transfer on death deed; or

26 (3) An *inter vivos* deed that expressly revokes all or a part of the
27 transfer on death deed.

1 (b) If a transfer on death deed is executed by more than one transferor:

2 (1) Revocation by one transferor does not affect the deed as to the
3 interest of another transferor; and

4 (2) A deed executed by joint owners is revoked only if it is revoked
5 by all living joint owners.

6 (c) After a transfer on death deed is recorded or filed, as applicable, it may
7 not be revoked by a revocatory act on the deed. For purposes of this
8 subsection, "revocatory act" includes burning, tearing, canceling, obliterating,
9 or destroying the transfer on death deed or any part of it.

10 (d) This section shall not limit the effect of an *inter vivos* transfer of the
11 subject property.

12 **§ 3381. Effect of transfer on death during transferor's life.** During a
13 transferor's life, a transfer on death shall not:

14 (a) Affect an interest or right in the subject property of the transferor or
15 any other owner, including the right to transfer or encumber the
16 subject property;

17 (b) Affect an interest or right in the subject property of a transferee,
18 regardless of whether the transferee has actual or constructive notice
19 of the deed;

20 (c) Affect an interest or right in the subject property of a secured or
21 unsecured creditor or future creditor of the transferor regardless of
22 whether the creditor has actual or constructive notice of the deed;

23 (d) Affect the transferor's or designated beneficiary's eligibility for any
24 form of public assistance;

25 (e) Create a legal or equitable interest in the subject property in favor of
26 the designated beneficiary; or

1 (f) Subject the subject property to claims or process of a creditor of the
2 designated beneficiary.

3 **§ 3382. Effect of transfer on death deed at transferor's death.**

4 (a) Except as otherwise provided in the transfer on death deed or this
5 section, on the death of the transferor, the following shall apply to the
6 subject property owned by the transferor at death:

7 (1) Subject to §3382(a) (2), the interest in the subject property
8 shall be transferred to the designated beneficiary in
9 accordance with the deed; provided that, for property of
10 which any portion is registered in the Department of Land
11 Management, the interest in the property is transferred to the
12 designated beneficiary in accordance with the deed;

13 (2) The interest of a designated beneficiary is contingent on the
14 designated beneficiary surviving the transferor. The interest
15 of a designated beneficiary that fails to survive the transferor
16 lapses;

17 (3) Subject to §3382(a) (4), concurrent interests are transferred
18 to the beneficiaries in equal and undivided shares with no
19 right of survivorship; and

20 (4) If the transferor has identified two or more designated
21 beneficiaries to receive concurrent interests in the subject
22 property, any share that lapses or fails for any reason shall
23 be transferred to the other beneficiaries in proportion to the
24 interest of each in the remaining concurrently-held subject
25 property.

26 (b) A beneficiary shall take the subject property subject to all
27 conveyances, encumbrances, assignments, contracts, mortgages, liens,

1 and other interests to which the subject property is subject at the
2 transferor's death. For purposes of this subsection, the filing or
3 recording of the transfer on death deed is deemed to have occurred at
4 the transferor's death.

5 (c) If a transferor is a joint owner and is survived by one or more other
6 joint owners, the subject property shall belong to the surviving joint
7 owner or owners with the right of survivorship and the transfer on
8 death deed shall have no effect. If a transferor is a joint owner and is
9 the last surviving joint owner, the transfer on death deed shall be
10 effective.

11 (d) A transfer on death deed transfers the subject property without
12 covenant or warranty of title even if the transfer on death deed contains
13 a contrary provision.

14 **§ 3383. Disclaimer.** A beneficiary may disclaim all or part of the beneficiary's
15 interest.

16 **§ 3384. Liability for creditor claims and statutory allowances.**

17 (a) To the extent the transferor's probate estate is insufficient to satisfy an
18 allowed claim against the estate or a statutory allowance to a surviving
19 spouse or child, the estate may enforce the liability against the subject
20 property transferred at the transferor's death by a transfer on death
21 deed.

22 (b) If more than one property is transferred by one or more transfer on
23 death deeds, the liability under § 3384 (a) shall be apportioned among
24 the subject properties in proportion to their respective net values at the
25 time of the transferor's death.

(c) A proceeding to enforce liability under this section shall be commenced not later than eighteen (18) months after the transferor's death.

§ 3385. Uniformity of application and construction. In applying and construing this chapter, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among the states that enact similar uniform legislation.”

§ 3386. Optional Form of Transfer on Death Deed. The following form may be used to create a transfer on death deed. The other sections of this act govern the effect of this or any other instrument used to create a transfer on death deed:

(front of form)

REVOCABLE TRANSFER ON DEATH DEED

NOTICE TO OWNER

You should carefully read all information on the other side of this form. You May Want to Consult a Lawyer Before Using This Form. This form must be recorded or filed with the Department of Land Management before your death, or it will not be effective.

IDENTIFYING INFORMATION

Owner or Owners Making This Deed:

Printed name

Mailing address

1 _____

2 _____

3 Printed name Mailing address

4

5 Legal description of the property:

6

7

8 _____

9

10 DESIGNATED BENEFICIARIES:

11 I designate the following beneficiary if the beneficiary survives me.

12

13

14 _____

15 Printed name Mailing address, if available

16

17 CONTINGENT BENEFICIARY – Optional

18 If my primary beneficiaries does not survive me, I designate the following

19 designated beneficiary if that beneficiary survives me.

20

21 _____

22 Printed name Mailing address, if available

23

24 TRANSFER ON DEATH

25 At my death, I transfer my interest in the described property to the beneficiaries as

26 designated above. Before my death, I have the right to revoke this deed.

27 SIGNATURE OF OWNER OR OWNERS MAKING THIS DEED

1
2
3 _____

4 [(SEAL)] _____

5 Signature _____ Date

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9 _____

10 [(SEAL)] _____

11 Signature _____ Date

12
13 (back of form)

14 COMMON QUESTIONS ABOUT THE USE OF THIS FORM

15
16 What does the Transfer on Death (TOD) deed do?

17 When you die, this deed transfers the described property, subject to any liens or
18 mortgages (or other encumbrances) on the property at your death. Probate is not
19 required. The TOD deed has no effect until you die. You can revoke it at any time.
20 You are also free to transfer the property to someone else during your lifetime. If
21 you do not own any interest in the property when you die, this deed will have no
22 effect.

23
24 How do I make a TOD deed?

25 Complete this form. Have it acknowledged before a notary public or other individual
26 authorized by law to take acknowledgments. Record the form with the Department

of Land Management. The form has no effect unless it is acknowledged and recorded before your death.

Is the “legal description” of the property necessary?

Yes.

How do I find the “legal description” of the property?

This information may be on the deed you received when you became an owner of the property. This information may also be available at the Department of Land Management. If you are not absolutely sure, consult a lawyer.

Can I change my mind before I record the TOD deed?

Yes. If you have not yet recorded the deed and want to change your mind, simply tear up or otherwise destroy the deed.

How do I “record” the TOD deed?

Take the completed and acknowledged form to the Guam Department of Land Management. Follow the instructions given by the Guam Department of Land Management to make the form part of the official property records.

Can I later revoke the TOD deed if I change my mind?

Yes. You can revoke the TOD deed. No one, including the beneficiaries, can prevent you from revoking the deed.

How do I revoke the TOD deed after it is recorded?

There are three ways to revoke a recorded TOD deed:

- 1 1. Complete and acknowledge a revocation form, and record it at the Guam
2 Department of Land Management.
- 3 2. Complete and acknowledge a new TOD deed that disposes of the same
4 property, and recorded it at the Guam Department of Land Management.
- 5 3. Transfer the property to someone else during your lifetime by a recorded
6 deed that expressly revokes the TOD deed. You may not revoke the TOD
7 deed by will.

8
9 I am being pressured to complete this form. What should I do?

10 Do not complete this form under pressure. Seek help from a trusted family member,
11 friend, or lawyer.

12
13 Do I need to tell the beneficiaries about the TOD deed?

14 No, but it is recommended. Secrecy can cause later complications and might make
15 it easier for others to commit fraud.

16
17 I have other questions about this form. What should I do?

18 This form is designed to fit some but not all situations. If you have other questions,
19 you are encouraged to consult a lawyer.

20
21
22
23 ACKNOWLEDGMENT

24 (insert acknowledgment for deed here)

25
26 § 3387. Optional Form of Revocation. The following form may be used to
27 create an instrument of revocation under this act. The other subsections of this act

govern the effect of this or any other instrument used to revoke a transfer on death deed:

(front of form)

REVOCATION OF TRANSFER ON DEATH DEED

NOTICE TO OWNER

This revocation must be recorded before you die or it will not be effective. This revocation is effective only as to the interests in the property of owners who sign this revocation

IDENTIFYING INFORMATION

Owner or Owners Making This Revocation:

Printed name _____ Mailing address

Printed name _____ Mailing address

Legal description of the property:

1 _____

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3 REVOCATION

4 I revoke all my previous transfers of this property by transfer on death deed.

5

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9 _____

10 [(SEAL)] _____

11 Signature _____ Date

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15 _____

16 [(SEAL)] _____

17 Signature _____ Date

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22 ACKNOWLEDGMENT

23 (insert acknowledgment for deed here)

24

25 (back of form)

26 COMMON QUESTIONS ABOUT THE USE OF THIS FORM

27

1 How do I use this form to revoke a Transfer on Death (TOD) deed?

2 Complete this form. Have it acknowledged before a notary public or other individual
3 authorized to take acknowledgements. Record the form in the public records with
4 the Guam Department of Land Management. The form must be acknowledged and
5 recorded before your death or it has no effect.

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8 This information may be on the TOD deed. It may also be available at the Guam
9 Department of Land Management. If you are not absolutely sure, consult a lawyer.

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12 Take the completed and acknowledged form to the Guam Department of Land
13 Management. Follow the instructions given by the Guam Department of Land
14 Management to make the form part of the official property records.

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17 Do not complete this form under pressure. Seek help from a trusted family member,
18 friend, or lawyer.

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20 I have other questions about this form. What should I do?

21 This form is designed to fit some but not all situations. If you have other questions,
22 consult a lawyer.”

23 **Section 2. Effective Date.** This Act shall be effective upon enactment.

24 **Section 3. Severability.** If any provision of this Act or its application to any
25 person or circumstance is found to be invalid or inorganic, such invalidity shall not
26 affect other provisions or applications of this Act that can be given effect without

1 the invalid provision or application, and to this end the provisions of this Act are
2 severable.



COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature

January 30, 2025

To: **Rennae V. C. Meno**
Clerk of the Legislature

From: **Vice Speaker V. Anthony Ada** 
Chairperson, Committee on Rules

Subject: **Fiscal Note Waiver for Bill No. 23-38 (COR)**

Håfa Adai!

Find the attached, Fiscal Note Waiver for the following bill:

Bill No. 23-38 (COR).

I also request that the same be sent to the respective Chairperson of the Standing Committee, to which this bill has been referred. Kindly forward the same to Management Information Services (MIS) for posting on our website.





BUREAU OF BUDGET & MANAGEMENT RESEARCH



OFFICE OF THE GOVERNOR

Post Office Box 2950, Hagåtña Guam 96932

LOURDES A. LEON GUERRERO
GOVERNOR

LESTER L. CARLSON, JR.
DIRECTOR

JOSHUA F. TENORIO
LIEUTENANT GOVERNOR

JAN 30 2025

Vice Speaker, V. Anthony Ada
Chairperson, Committee on Rules
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Hafa Adai Vice Speaker Ada:

The Bureau requests that Bill No. 23-38 (COR) be granted a waiver pursuant to Public Law 12-229, as amended for the following reason(s):

Bill No. 23-38 (COR) is an act to *add* a new Article to Chapter 33 Title 15 of Guam Code Annotated, relative to establishing the Uniform Real Property Transfer on Death Act.

Based on comments received regarding Bill No. 23-38 (COR), the Judiciary of Guam (JOG) notes that based on the proposed language of the bill, the JOG does not anticipate a fiscal impact at this time.

As such, the bill is administrative in nature and poses no immediate fiscal impact upon any of the funds of Government of Guam.

Senseramente,

LESTER L. CARLSON, JR.