

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) As amended by the Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement; and further amended on the Floor.	Shelly V. Calvo V. Anthony Ada Vincent A.V. Borja Christopher M. Dueñas Joe S. San Agustin Jesse A. Lujan Sabrina Salas Matanane Tina Rose Muña Barnes Eulogio Shawn Gumataotao William A. Parkinson Frank F. Blas, Jr. Telo T. Taitague Sabina Flores Perez Therese M. Terlaje Chris Barnett	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.	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE ASSIGNED	NOTES	
	5/27/25	AN ACT TO <i>ADD</i> A NEW ARTICLE 4 TO CHAPTER 33, TITLE 15, 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.	6/3/25	6/5/25	6/17/25	38-13	6/17/25	Received: 6/18/25 Mess and Comm. Doc. No. 38GL-25-0735	



UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via Email to: speakerblas@guamlegislature.org

June 17, 2025

THE HON. FRANK BLAS, JR., Speaker
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

38GL-25-0735
OFFICE OF THE SPEAKER
FRANK F. BLAS JR.

JUN 17 2025
Time: 4:28 pm
Received: [Signature]

Re: Bill No. 23-38 (COR), "AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 33, TITLE 15, 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."

Bill No. 80-38 (COR), "AN ACT TO AMEND §§ 3101 AND 3103 OF ARTICLE 1, AND §§ 3109, 3111, 3113, 3115, 3117, 3119, 3121, 3123 AND 3125 OF ARTICLE 2, CHAPTER 31, TITLE 15, GUAM CODE ANNOTATED, RELATIVE TO INCREASING THE THRESHOLDS FOR ESTATES OF SMALL VALUE BY FIFTY PERCENT (50%)."

Håfa Adai Mr. Speaker,

Addressing the estate of a loved one is often the furthest from our mind when they pass. However, for many in our community, especially those without the resources to retain attorneys for complex estate planning, family is often left with the unfortunate task of handling a family member's affairs immediately upon their death, even while they grieve their loss. While various tools are available to help streamline property and asset transfer upon death, these tools are often too complicated or costly for the average person to navigate. Bill No. 23-38 (COR) seeks to provide a straightforward solution for families seeking to avoid the potentially costly and lengthy probate process.

The Transfer On Death Deed ("TOD Deed"), otherwise known as a beneficiary deed, is a cost-effective estate planning tool currently in use in over thirty (30) states in various forms. A TOD Deed would enable the automatic transfer of ownership of real property to previously designated beneficiaries upon the owner's death. The property would remain the owner's until their passing, and the owner can amend or revoke the deed at any time during their life.

Availability of the TOD Deed process does not solve all estate concerns at death. Property owners may need to amend or revoke their TOD deeds as their life circumstances change,

To: The Hon. Frank Blas, Jr., *Speaker*
Fr: The Hon. Lourdes A. Leon Guerrero, *Governor of Guam*
Date: June 17, 2025
Re: Bill No. 23-38 (COR) and Bill No. 80-38 (COR)

Page 2 of 2

including when a beneficiary predeceases the property owner, or when additional beneficiaries such as new children or grandchildren need to be added. Of course, a TOD Deed will not resolve a decedent's debts, which, if not otherwise addressed, may still subject the property to probate to pay the debt. The deed would additionally still be subject to potential challenges by other potential heirs of the estate, the same way other instruments are. For these reasons, the Office of the Attorney General still urges individuals interested in the TOD Deed process to consult with an attorney.

The potential pitfalls of this new estate-planning tool do not outweigh the potential benefit it brings to our community. For this reason, and noting the caveats discussed above, I am signing Bill No. 23-38 (COR) into law as **Public Law No. 38-13** and Bill No. 80-38 (COR) as **Public Law No. 38-14**.

Senseramente,



LOURDES A. LEON GUERRERO
I Maga'hågan Guåhan
Governor of Guam

Enclosure(s): Bill No. 23-38 (COR) nka P.L. 38-13
Bill No. 80-38 (COR) nka P.L. 38-14

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws



38GL-25-0735
Messages and Communications

RECEIVED
COMMITTEE ON RULES
June 18, 2025

10:09 a.m.
Marie Crisostomo

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

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

This is to certify that **Bill No. 23-38 (COR)**, “AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 33, TITLE 15, 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,” was on the 3rd day of June 2025, duly and regularly passed.



Frank F. Blas, Jr.
Speaker

Attested:



Sabrina Salas Matanane
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 5th day of June, 2025, at 4:56 o'clock P.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 6/17/2025

Public Law No. 38-13

2025-23875

OFFICE OF THE GOVERNOR	
CENTRAL FILES OFFICE	
Rec'd By:	Jessica Dydasco
Date:	6/15/25
Time:	4:56 PM

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;
and further amended on the Floor.

Introduced by:

Shelly V. Calvo
V. Anthony Ada
Vincent A.V. Borja
Christopher M. Dueñas
Joe S. San Agustin
Jesse A. Lujan
Sabrina Salas Matanane
Tina Rose Muña Barnes
Eulogio Shawn Gumataotao
William A. Parkinson
Frank F. Blas, Jr.
Telo T. Taitague
Sabina Flores Perez
Therese M. Terlaje
Chris Barnett

**AN ACT TO *ADD* A NEW ARTICLE 4 TO CHAPTER 33,
TITLE 15, 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 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

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

1 **§ 3374. Transfer on death deed authorized.** An individual may transfer
2 property, effective at the transferor's death, to one or more beneficiaries by a transfer
3 on death deed.

4 **§ 3375. Transfer on death deed revocable.** A transfer on death deed is
5 revocable even if the deed or another instrument contains a contrary provision.

6 **§ 3376. Transfer on death deed nontestamentary.** A transfer on death deed
7 is nontestamentary.

8 **§ 3377. Capacity of transferor.** The capacity required to execute or revoke a
9 transfer on death deed is the same as the capacity required to execute a will.

10 **§ 3378. Requirements.** A transfer on death deed:

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

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

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

17 **§ 3379. Notice, delivery, acceptance, consideration not required.** A
18 transfer on death deed shall be recorded or filed with the Department of Land
19 Management and shall be effective without notice or delivery to or acceptance by
20 the designated beneficiary during the transferor's life, and without consideration.

21 **§ 3380. Revocation by instrument authorized; revocation by act not**
22 **permitted.**

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

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

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

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

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

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

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

10 (c) After a transfer on death deed is recorded or filed, as applicable, it may
11 not be revoked by a revocatory act on the deed. For purposes of this Subsection,
12 “revocatory act” includes burning, tearing, canceling, obliterating, or destroying the
13 transfer on death deed or any part of it.

14 (d) This Section shall not limit the effect of an *inter vivos* transfer of the
15 subject property.

16 **§ 3381. Effect of transfer on death during transferor’s life.** During a
17 transferor’s life, a transfer on death shall not:

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

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

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

25 (d) Affect the transferor’s or designated beneficiary’s eligibility for any
26 form of public assistance;

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

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

5 **§ 3382. Effect of transfer on death deed at transferor's death.**

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

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

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

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

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

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

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

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

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

10 **§ 3383. Disclaimer.** A beneficiary may disclaim all or part of the
11 beneficiary's interest.

12 **§ 3384. Liability for creditor claims and statutory allowances.**

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

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

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

24 **§ 3385. Uniformity of application and construction.** In applying and
25 construing this Chapter, consideration shall be given to the need to promote
26 uniformity of the law with respect to its subject matter among the states that enact
27 similar uniform legislation.”

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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

1 _____

2 [(SEAL)] _____

3 Signature

Date

4

5 (back of form)

6 COMMON QUESTIONS ABOUT THE USE OF THIS FORM

7

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

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

15

16 How do I make a TOD deed?

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

21

22 Is the “legal description” of the property necessary?

23 Yes.

24

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

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

4

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

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

8

9 How do I “record” the TOD deed?

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

13

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

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

17

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

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

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

27

1 I am being pressured to complete this form. What should I do?
2 Do not complete this form under pressure. Seek help from a trusted family member,
3 friend, or lawyer.
4
5 Do I need to tell the beneficiaries about the TOD deed?
6 No, but it is recommended. Secrecy can cause later complications and might make
7 it easier for others to commit fraud.
8
9 I have other questions about this form. What should I do?
10 This form is designed to fit some but not all situations. If you have other questions,
11 you are encouraged to consult a lawyer.

12
13
14

15 ACKNOWLEDGMENT
16 (insert acknowledgment for deed here)

17

18 **§ 3387. Optional Form of Revocation.** The following form may be used to
19 create an instrument of revocation under this Act. The other subsections of this Act
20 govern the effect of this or any other instrument used to revoke a transfer on death
21 deed:

22 (front of form)

23 REVOCATION OF TRANSFER ON DEATH DEED

24

25 NOTICE TO OWNER

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

4

5 IDENTIFYING INFORMATION

6 Owner or Owners Making This Revocation:

7

8 _____

9 _____

10 Printed name

Mailing address

11

12 _____

13 _____

14 Printed name

Mailing address

15

16

17 Legal description of the property:

18

19

20

21

22 _____

23

24 REVOCATION

25 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.

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

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

4

5 How do I “record” the form?

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

9

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

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

13

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

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

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

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