

15 GCA ESTATES AND PROBATE
APPENDIX A OFFICIAL FORMS

APPENDIX A
OFFICIAL FORMS

OFFICIAL FORM NO. 1

IN THE SUPERIOR COURT OF GUAM

IN THE MATTER)
OF THE ESTATE OF) PROBATE CASE NO. _____
)
)
_____,) PROOF OF SUBSCRIBING
) WITNESS
Deceased.)
_____)

I, the undersigned, state:

a. I am one of the subscribing witnesses to the instrument of which Attachment 1 is a photocopy. I have examined Attachment 1 and my signature is at the end of it.

b. The name of the decedent was subscribed at the end of the instrument in the presence of the subscribing witnesses, present at the same time, by:

(1) The decedent personally

(2) Another person in the presence of, and by the direction of, the decedent.

c. The decedent acknowledged in the presence of the subscribing witnesses, present at the same time, that the decedent's name was subscribed at the end of the original instrument by:

(1) The decedent personally

(2) Another person in the presence of, and by the direction of, the decedent.

d. At the time of subscribing or acknowledging the instrument the decedent declared to the subscribing witnesses that it was decedent's will codicil. Then at the decedent's request and in the decedent's presence, the other subscribing witnesses and I, in the presence of each other, signed as witnesses at the end thereof.

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e. At that time the decedent was over eighteen (18) years of age and appeared to be of sound mind.

f. I have no knowledge of any facts indicating that the instrument, or any part of it, was procured by duress, menace, fraud, or undue influence.

I certify or declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed on the _____ day of _____, 19__, at _____, territory of Guam. [Type or print name and address of witness]:

[Signature of witness]

ATTORNEY'S CERTIFICATION

I am an attorney at law, duly admitted to the practice of law in the territory of Guam. I certify or declare under penalty of perjury that Attachment 1 hereto is a photocopy of each and every page of the [] will [] codicil presented for probate and that this declaration is executed on the ___ day of _____ 20__, at _____, territory of Guam.

[Type or print attorney's name and address]:

[Signature of attorney]

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OFFICIAL FORM NO. 2

IN THE SUPERIOR COURT OF GUAM

IN THE MATTER OF)
THE ESTATE OF) PROBATE CASE NO.
)
) [] Probate of Will and for
) Letters Testamentary.
)
) PETITION FOR:
) [] Probate of Will
) and for Letters of
_____,) Administration with the
) Will Annexed.
Deceased.)
) [] Letters of Administration.
_____)

1. Petitioner, [Name] _____, requests that:
a. [] The decedent's will and codicils if any be admitted to probate.
b. [] [Name] _____ be appointed
(1) [] Executor
(2) [] Administrator with the will annexed
(3) [] Administrator
c. [] Security for the faithful performance of _____
_____ as personal representative upon the estate
of the decedent, as required by Subchapter B of Chapter 20 of the
Probate Code of Guam, takes the following form:
and be in the following amount: \$ _____ with the following named
persons or corporation(s) as sureties (if applicable):

2. Jurisdictional facts concerning the decedent:
Decedent died on the _____ day of _____, _____:
a. [] A resident of the territory of Guam.
b. [] A nonresident of the territory of Guam and left an estate in the
territory of Guam.

3. Testacy or intestacy:

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- a. Presented herewith are decedent's will, dated the ____ day of _____, _____, and codicils, dated _____, copies of which are attached hereto.
- b. Decedent died intestate.

4. Character and estimated value of the property of the estate:

- a. Separate property:
- (1) Real property \$ _____
 - (2) Personal property \$ _____
 - (3) Annual income from real and personal property \$ _____
 - (4) Total of (2) and (3) \$ _____
- b. Community property:
- (1) Real property \$ _____
 - (2) Personal property \$ _____
 - (3) Annual income from real and personal property \$ _____
 - (4) Total of (2) and (3) \$ _____

5. Appointment of personal representative:

- a. Appointment of executor or of administrator with the will annexed:
- (1) Petitioner is named as executor in the will.
 - (2) Petitioner has been designated executor pursuant to the provisions of § 1705 of the Probate Code of Guam.
 - (3) No executor is named in the will.
 - (4) The person named as executor in the will
 - (1) Is dead
 - (2) Has renounced his right to letters testamentary
 - (3) Will not serve for other reasons, as set forth in Attachment 5.a.(4)(3).
- b. Appointment of administrator:
- (1) Petitioner is related to decedent as: _____.
 - (2) Decedent's surviving spouse has requested the petitioner's appointment, pursuant to the provisions of § 1805(a)(1) of the Probate Code of Guam (see Attachment 5.b.(2).)
 - (3) Petitioner is a creditor of the decedent.

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(4) Petitioner is a person competent to be appointed under the provisions of § 1801 of the Probate Code of Guam, and requests appointment under the provisions of § 1805(a)(9) of the Probate Code of Guam.

6. Facts concerning heirs:

a. [Complete in all cases.] Decedent is survived by:

Spouse No spouse

Child[ren] No child[ren]

Issue of predeceased child No issue of predeceased child

Parent No parent

b. No surviving child or issue of a predeceased child has been omitted from the list of heirs set forth hereinbelow.

c. [Complete only if no spouse or issue survive the decedent.]

(1) The decedent had no predeceased spouse.

(2) The decedent had a predeceased spouse whose heirs are named in the list of heirs set forth herein below.

d. [Complete only if no parent or issue survived the decedent.]

(1) The decedent is survived by a brother or sister or issue of a predeceased brother or sister, and none has been omitted from the list of heirs set forth hereinbelow.

(2) The decedent is survived by no brother or sister or issue of a predeceased brother or sister.

7. [Complete only if the admission to probate of a lost or destroyed will is sought.]

Decedent's will has been lost destroyed, and the testamentary words or the substance thereof are set forth in Attachment 7.

8. The names, addresses, relationships and ages of heirs, devisees, and legatees, so far as known to petitioner, are:

Name: Address: Relationship: Age: [List additional names, addresses, relationships and ages in an Attachment]

9. The petitioner's address is:

And his/her age is _____.

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I certify under penalty of perjury that the foregoing is true and correct and that this declaration is executed on the _____ day of _____, 20____, at _____, territory of Guam.

[Type or print name and address of petitioner, if petitioner executes petition; or of petitioner's attorney, if attorney executes petition]:

[Signature]

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OFFICIAL FORM NO. 3

IN THE SUPERIOR COURT OF GUAM
TERRITORY OF GUAM

IN THE MATTER)
 OF THE ESTATE) PROBATE CASE NO.____
)
)
 OF)
)
) NOTICE OF HEARING
) PETITION
 _____)
)
 Deceased.)
 _____)

THIS NOTICE IS REQUIRED BY LAW. YOU
ARE NOT REQUIRED TO APPEAR IN COURT
UNLESS YOU DESIRE.

1. NOTICE IS HEREBY GIVEN that _____ has filed a
petition for

- a. Probate of will and for letters testamentary
- b. Probate of will and for letters of administration with the will annexed
- c. Letters of administration upon the estate of the decedent named above, reference to which petition is hereby made for further particulars.

2. A hearing on the petition is set for the _____ day of _____, 20__, at ___ o'clock __.M. of the said date, in the courtroom of the Superior Court of Guam, Agana, Guam.

DATED this _____ day of _____, 20__:

Clerk, Superior Court of Guam

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**CLERK'S CERTIFICATE OF POSTING AND
PUBLICATION**

I certify that I am not a party to this cause and that a copy of the foregoing Notice of Hearing Petition was posted on the bulletin boards of the Superior Court of Guam, the Guam Legislature, and the Administration Building of the Government of Guam, all in Agana, Guam; in the following listed other places in Agana [list with particularity]:

and on the bulletin boards of the Commissioners in the following listed municipalities in the territory of Guam [list with particularity]:

on the ____ day of _____, 19___. I further certify that the foregoing Notice of Hearing Petition was published in the _____, a newspaper of general circulation in the territory of Guam, on the _____ day(s) of _____, 19__, all pursuant to the provisions of Section 1515 of the Probate Code of Guam.

DATED this ____ day of _____, 19__:

Clerk, Superior Court of Guam

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OFFICIAL FORM NO. 4

IN THE SUPERIOR COURT OF GUAM
TERRITORY OF GUAM

IN THE MATTER)
OF THE ESTATE) PROBATE CASE NO.
)
)
OF) ORDER FOR PROBATE,
) APPOINTING:
)
) [] Executor
)
_____,) [] Administrator
) with the Will Annexed
Deceased.)
) [] Administrator
_____)

On the ____ day of _____, 20__, a hearing was held before the Honorable _____, Judge of the Superior Court of Guam, in the matter of the estate of the decedent above named.

THE COURT FINDS:

1. That all notices required by law have _____ been given.
2. That the decedent died on the ____ day of _____, 20____,
 - a. [] A resident of Guam.
 - b. [] A nonresident of Guam leaving estate in Guam.
3. a. [] That the decedent's will dated _____ and each codicil dated _____, together constitute the decedent's last will, and as such are admissible to probate before the Superior Court of Guam.
 - b. [] That the decedent died intestate.

IT IS THEREFORE HEREBY ORDERED:

4. a. [] That the decedent's will dated _____ and each codicil dated _____ are admitted to probate before the Superior Court of

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Guam; and that _____, whose address is _____, territory of Guam, is appointed

(1) Executor

(2) Administrator with the will annexed upon the estate of the decedent. Letters testamentary of administration with the will annexed are granted to the said _____, and shall issue upon his her qualification.

b. That the decedent died intestate; and that _____, whose address is _____, territory of Guam, is appointed administrator upon the estate of the decedent. Letters of administration are granted to the said _____ and shall issue upon his qualification.

5. Security for the faithful performance of _____ as personal representative upon the estate of the decedent, as required by Subchapter B of Chapter 20 of the Probate Code of Guam, shall take the following form:

and be in the following amount: \$_____, with the following named persons or corporation(s) as sureties [if applicable]:

DATED this ___ day of _____, 19__:

Judge, Superior Court of Guam