

**15 GCA ESTATES AND PROBATE
CH. 30 DISTRIBUTION AND DISCHARGE**

**CHAPTER 30
DISTRIBUTION AND DISCHARGE**

- § 3001. Preliminary Distribution: Petition; Time; Prerequisites; Notice of Hearing; Opposition.
- § 3003. Preliminary Distribution: Hearing; Order.
- § 3005. Preliminary Distribution: Costs.
- § 3007. Preliminary Distribution: Discharge.
- § 3009. Petition for Final Distribution or Report on Status of Administration; Citation; Revocation of Letters; Reduction of Fees or Commissions.
- § 3011. Final Distribution: Procedure; Objections; Inquiry by Court Concerning Distribution to Assignees or Transferees; Statement of Receipts and Disbursements.
- § 3013. Final Distribution: Decree; Contents; Conclusiveness.
- § 3015. Final Distribution: Intestate Minor; Unmarried Heir, Devisee or Legatee.
- § 3017. Final Distribution: Death of Heir, Devisee or Legatee Before Distribution.
- § 3019. Final Distribution: Distribution to Territory of Guam; Procedure; Claims; Time; Undistributed Portion.
- § 3021. Distribution in General: Payment of Taxes.
- § 3023. Distribution in General: Deposit With Clerk for Nonresidents, Absentees, Minors, etc.
- § 3025. Distribution in General: Distribution to Nonresident Fiduciaries.
- § 3027. Distribution in General: Sale of Unclaimed Personal Property; Annual Account by Personal Representative; Claim for Money Deposited With Clerk.
- § 3029. Distribution in General: Specific Legacy for Life Only; Inventory.
- § 3031. Nonresident Decedents: Delivery of Property or Proceeds to Personal Representative in Jurisdiction of Decedent's Residence.
- § 3033. Nonresident Decedents: Petition for Delivery; Hearing; Notice; Objections.
- § 3035. Nonresident Decedents: Delivery as Discharge of Local Personal Representative.
- § 3037. Discharge: Decree; Discharge for Want of Property Subject to

15 GCA ESTATES AND PROBATE
CH. 30 DISTRIBUTION AND DISCHARGE

Administration.

§ 3039. Subsequent Administration; After-Discovered Property;
Distribution to Territory of Guam; Notice to Treasurer of
Guam.

**§ 3001. Preliminary Distribution: Petition; Time; Prerequisites;
Notice of Hearing; Opposition.**

(a) When four (4) months have elapsed after the first publication of the notice to creditors required by Section 2503 of this Title, and upon bond (or with or without bond, as the Superior Court determines, when the time for filing or presenting claims has expired and all uncontested claims have been paid or are sufficiently secured by mortgage, or otherwise, but the estate is not in a condition to be finally closed):

(1) The personal representative, or any heir, devisee or legatee, or the assignee, grantee or successor in interest of any heir, devisee or legatee, may petition the Superior Court for distribution of a legacy, devise or share of the estate or any portion or portions thereof to which he is entitled or a payment on account of the legacies to the heirs, devisees or legatees or any assignees, grantees, or successors in interest or where there are priorities, to those of the class or classes having priorities; or

(2) If the decedent was a nonresident of the territory of Guam and left a will which has been duly proved or allowed in the State or United States territory of the decedent's residence, and such will has been admitted to probate in the territory of Guam pursuant to the applicable provisions of Chapter 15 of this Title, or if such decedent died intestate, and an administrator has been duly appointed and qualified in the State or United States territory of the decedent's residence, and it is necessary, in order that the estate or any part thereof may be distributed according to the will, or it is for the best interests of the estate, that any part of the estate in the territory of Guam should be delivered to the executor, administrator with the will annexed or administrator in the State or United States territory of the decedent's residence, the personal representative may petition the Superior Court for an order authorizing the delivery of such portion of the estate as the Superior Court shall deem safe and proper and for the best interests of the estate, to the executor,

15 GCA ESTATES AND PROBATE
CH. 30 DISTRIBUTION AND DISCHARGE

administrator with the will annexed or administrator in the State or United States territory of the decedent's residence.

(b) The Clerk of the Superior Court shall set the petition referred to in subsection (a) of this Section for hearing, and notice thereof shall be given in the manner provided in Section 3401 of this Title. Any person interested in the estate or any co-personal representative may resist the application.

SOURCE: California Probate Code, § 1000 (as amended).

COMMENT: The Probate Code of Guam (1970) contained two separate Articles of Chapter XVI ("Distribution and Discharge"), covering partial distribution and ratable distribution, respectively. Similar provisions, in similarly designated Articles, were previously contained in the California Probate Code. In 1953, however, both Articles were repealed in California, and replaced with one Article entitled "Preliminary Distribution." The repealed provisions --which were essentially the same as §§ 1000 - 1003 and §§ 1010 - 1013 of the Probate Code of Guam (1970) -- were supplanted in California as follows: the subject-matter of prior § 1000 went into new § 1000; that of prior § 1001 went into new § 1001; that of prior § 1002 was omitted; that of prior § 1003 went into new § 1002; that of prior § 1010 went into new § 1000; that of prior § 1011 went into new § 1001; that of prior § 1012 went into new § 1003; and that of prior § 1013 went into new § 1002.

Similar changes have been made in the prior Guam statutes mentioned above. The subject-matter areas covered in §§ 1000 -1003 and §§ 1010 - 1013 of the Probate Code of Guam (1970) are thus contained in §§ 3001 - 3007, as follows: the subject matter of prior § 1000 is contained in § 3001; that of prior § 1001 in § 3003; that of prior § 1002 has been omitted; that of prior § 1003 in § 3005; that of prior § 1010 in § 3001; that of prior § 1011 in § 3003; that of prior § 1012 in § 3007; and that of prior § 1013 in § 3005.

§ 3003. Preliminary Distribution: Hearing; Order.

If, at the hearing referred to in Section 3001(b) of this Title, it appears that all of the allegations of the petition are true, that the estate is but little indebted, and that the legacy, devise or share of the estate or any portion thereof may be distributed without loss to the creditors or injury to the estate or any person interested therein, the Superior Court shall make an order requiring the personal representative to deliver the share, or shares, of the estate or such portion or portions thereof as the Superior Court may direct, to the person or persons entitled thereto, upon receiving from such person or persons a bond or bonds executed and payable to the personal representative, in such sum or sums as the Superior Court may designate, conditioned on the payment whenever required of the proportion of the debts due from the estate, not exceeding the amount of the legacy or portions of the estate so ordered to be

15 GCA ESTATES AND PROBATE
CH. 30 DISTRIBUTION AND DISCHARGE

delivered, or upon receiving from such person some other form of security, such as is required of a personal representative under the provisions of Chapter 20 of this Title; or if the time for filing or presenting claims has expired and all claims are paid or sufficiently secured the Superior Court may so order distribution with or without bond or other form of security, as it may determine.

SOURCE: California Probate Code, § 1001; Guam Law Revision Commission.

COMMENT: See Comment to § 3001, *supra*.

§ 3005. Preliminary Distribution: Costs.

If the petition referred to in Section 3001(a) of this Title is made by the personal representative, the cost of the proceeding must be paid by the estate, excepting that when a partition is necessary the cost of the partition must be apportioned among the parties interested in the partition. If such petition is not made by the personal representative, the costs must be paid by the person making the petition, or if there are more than one, the costs must be apportioned among them.

SOURCE: California Probate Code, § 1002.

COMMENT: See Comment to § 3001, *supra*.

§ 3007. Preliminary Distribution: Discharge.

The delivery in accordance with the order referred to in Section 3003 of this Title is a full discharge of the personal representative in the territory of Guam in relation to all property embraced in such order, and when such order becomes final it binds and concludes all parties in interest.

SOURCE: California Probate Code, § 1003.

COMMENT: See Comment to § 3001, *supra*.

§ 3009. Petition for Final Distribution or Report on Status of Administration; Citation; Revocation of Letters; Reduction of Fees or Commissions.

(a) Within one (1) year from the date of issuance of letters testamentary, letters of administration with the will annexed or letters of administration, the personal representative must either petition for final distribution of the estate or file a verified report of the status of the administration. If such report is filed, it shall show the condition of the estate and the reasons why the estate cannot be finally distributed and closed. Notice of the hearing of such report shall be given in the manner

15 GCA ESTATES AND PROBATE
CH. 30 DISTRIBUTION AND DISCHARGE

provided in Section 3401 of this Title. Upon the hearing of such report, the Superior Court may either order that the administration of the estate continue for such time and upon such terms and conditions as it determines reasonable, provided that it finds that such continuance is in the best interests of the estate or the persons interested therein, or it may order the personal representative to file the petition for final distribution.

(b) If the petition referred to in subsection (a) of this Section is not filed by the personal representative within the time set forth therein or prescribed by the Superior Court, then, upon petition of any person interested in the estate or upon its own motion, the Superior Court may cite the personal representative to appear before it and show the condition of the estate and the reasons why the estate cannot be distributed and closed. Upon the hearing of such citation, the Superior Court may either order the administration of the estate to continue as provided in subsection (a) of this Section, or may order the personal representative to file the petition for final distribution.

(c) If, upon the hearing for final distribution or for an allowance upon the commission of the personal representative or upon the fees of the attorney, the Superior Court finds that the time taken for administration of the estate exceeds the applicable time set forth in this Section or prescribed by the Superior Court, and was caused by factors within the control of the personal representative or attorney and that such time taken was not in the best interests of the estate or the persons interested therein, the Superior Court may, notwithstanding the provisions of Chapter 28 of this Title, reduce the fees or commissions of the person or persons having control of such factors by such amount as the Superior Court deems appropriate, regardless of whether the fees or commissions otherwise allowable under the provisions of Chapter 28 of this Title would be reasonable compensation for the services rendered by such person or persons.

(d) Failure of the personal representative to comply with any order made under the provisions of this Section shall be grounds for revocation of letters.

(e) When a testator, by his will, has limited the time for administration upon his estate, such limitation is directory only, and shall not limit the power of the executor, or the administrator with the will annexed, or of the Superior Court, to continue the administration beyond the time limited where the same is necessary or convenient.

15 GCA ESTATES AND PROBATE
CH. 30 DISTRIBUTION AND DISCHARGE

SOURCE: Subsections (a) - (d): California Probate Code, § 1025.5. Subsection (e): Probate Code of Guam (1970), § 1025.

COMMENT: Section 1025.5 of the California Probate Code, added in 1976, is obviously intended to speed the closing of administrations, by causing the personal representative either to file the petition for final distribution or to submit a report concerning the status of the administration within a certain time after the letters were issued. A provision such as § 3009 is also necessary in Guam, to allow the Superior Court to keep close track of all estates in probate and move them along toward conclusion. The Commission has also included in § 3009 what was formerly included in § 1025 of the Probate Code of Guam (1970), as it deals with the same general subject-matter area as California § 1025.5, and should thus be included in the same Section.

§ 3011. Final Distribution: Procedure; Objections; Inquiry by Court Concerning Distribution to Assignees or Transferees; Statement of Receipts and Disbursements.

(a) Immediately upon the final settlement of the accounts of the personal representative, or at any subsequent time, upon the application of the personal representative, or of any heir, devisee or legatee, or of the assignee, grantee or successor in interest of any heir, devisee or legatee, and after notice given in the manner provided in Section 3401 of this Title, the Superior Court must proceed finally to distribute the residue of the estate among the persons entitled thereto. Any person interested in the estate or any co-personal representative may resist the application.

(b) The Superior Court, before making final distribution of any property of a decedent to any assignee or transferee of any heir, devisee or legatee or before making distribution to any person other than an heir, devisee, or legatee pursuant to any agreement, request or instructions of any heir, devisee or legatee or of any attorney-in-fact of any heir, devisee or legatee, may on the motion of any person interested in the estate or on its own motion inquire into the consideration for such assignment, transfer, agreement, request or instructions and into the amount of any fees, charges or consideration paid or agreed to be paid by the heir, devisee or legatee and into the circumstances surrounding the execution of such assignment, transfer, agreement, request or instructions. If the Superior Court finds, upon such inquiry, that the fees, charges or consideration paid by any such heir, devisee or legatee is grossly unreasonable or that any such assignment, transfer, agreement, request or instructions was obtained by duress, fraud or undue influence it may refuse to make distribution pursuant thereto except upon such terms as it deems just and equitable. Notice of a hearing on any motion made

15 GCA ESTATES AND PROBATE
CH. 30 DISTRIBUTION AND DISCHARGE

pursuant to this subsection shall be served personally or by registered mail, as the Superior Court may direct, at least ten (10) calendar days before the hearing upon the heir, devisee, or legatee executing any such assignment, transfer, agreement, request or instructions and upon the person or persons claiming thereunder.

(c) A statement of any receipts and disbursements of the personal representative since the rendition of his final account must be reported and filed with the Clerk of the Superior Court at the time of making the distribution referred to in subsection (a) of this Section; and a settlement thereof, together with an estimate of the expenses of closing the estate, must be made by the Superior Court and included in the order or decree, or the Superior Court may order notice to be given of the settlement of such supplementary account as in other cases of the settlement of accounts.

SOURCE: Subsection (a): California Probate Code, § 1020 (as amended). Subsection (b): California Probate Code, § 1020.1. Subsection (c): California Probate Code, § 1020.5.

COMMENT: Subsections (a) and (c) together comprise what was § 1020 of the Probate Code of Guam (1970). Subsection (b) has been taken from § 1020.1 of the California Probate Code, which was added to that Code in 1941. Note that California § 1020.1 was derived from prior §§ 530 and 530.1 of the California Probate Code, which were themselves added to the California law in 1939 -- i.e., after the version of the California Probate Code from which the Probate Code of Guam was originally adapted. A provision such as § 3011(b) is useful, to prevent fraud, duress and undue influence against heirs, devisees and legatees. The Commission is opposed, in principle, to restraints on alienation of property, and notes that to some extent § 3011(b) might so operate. On the other hand, the control that the Superior Court might take in such matters is benign, and can be exercised only after investigation. This being the case, the Commission is of the opinion that the possible problems raised by the restraints imposed by § 3011(b) are outweighed by its benefits to those persons who are legitimately the objects of a testator's bounty, or who are entitled in the eyes of the law to receive an intestate decedent's property. See § 701 of Title 1 for further provision as to what constitutes "registered mail."

§ 3013. Final Distribution: Decree; Contents; Conclusiveness.

In its order or decree of final distribution, the Superior Court must name the persons and the proportions or parts to which each is entitled, and such persons may demand, sue for, and recover their respective shares from the personal representative, or from any person having the same in possession. Such order or decree, when it becomes final, is conclusive as to the rights of heirs, devisees, and legatees.

SOURCE: Probate Code of Guam (1970), § 1021.

§ 3015. Final Distribution: Intestate Minor; Unmarried Heir, Devisee or Legatee.

If any heir, devisee or legatee who is issue of the decedent dies intestate while under age and not having been married, before the close of administration, no administration on the estate of such deceased heir, devisee or legatee is necessary, but his share of his ancestor's estate must be distributed directly to his heirs at law.

SOURCE: Probate Code of Guam (1970), § 1022.

§ 3017. Final Distribution: Death of Heir, Devisee or Legatee Before Distribution.

If an heir, devisee or legatee dies before the distribution to him of his share of the estate, such share may be distributed to the personal representative of his estate for the purposes of administration thereon, or to the estate of such decedent for the purposes of administration therein, with the same effect as if it had been distributed to him while living.

SOURCE: California Probate Code, § 1023 (as amended through 1943).

§ 3019. Final Distribution: Distribution to Territory of Guam; Procedure; Claims; Time; Undistributed Portion.

(a) If the Superior Court, at the time set for the hearing of the final account, or such time thereafter to which the matter might be continued, does not order final distribution of the entire balance of the estate remaining for distribution to known heirs, devisees or legatees entitled to succeed thereto, it must distribute to the territory of Guam that portion of the estate not distributed to such known heirs, devisees or legatees. Insofar as practical, any real property or tangible personal property so distributed shall be converted to money prior to transmittal to the Clerk of the Superior Court pursuant to the provisions of subsection (c) of this Section.

(b) If the Superior Court distributes the estate or any portion thereof to the territory of Guam pursuant to the provisions of subsection (a) of this Section, and the distributing clause contains words otherwise creating a trust in favor of certain unknown or unidentified persons as a class, such distribution shall vest in the territory of Guam both legal and equitable title to the property so distributed; saving, however, the right of claimants to appear and claim the estate or any portion thereof pursuant to the provisions of subsection (e) of this Section.

15 GCA ESTATES AND PROBATE
CH. 30 DISTRIBUTION AND DISCHARGE

(c) Upon the rendition of a final decree of distribution, any money distributed to the territory of Guam pursuant to the provisions of subsection (a) of this Section, and all other personal property so distributed, shall be delivered forthwith to the Clerk of the Superior Court. The Clerk of the Superior Court shall thereupon immediately deposit all money so distributed in an interest-bearing account in a bank or other savings institution authorized to business in the territory of Guam, and shall hold and safeguard all other personal property so distributed. If the final decree of distribution distributes any real property to the territory of Guam pursuant to the provisions of subsection (a) of this Section, the personal representative shall immediately cause a certified copy of such decree to be recorded in the Department of Land Management of the Government of Guam, and shall thereupon transmit to the Clerk of the Superior Court a verified certificate that he has complied with the provisions of this subsection as to such recordation.

(d) All property distributed to the territory of Guam pursuant to the provisions of subsection (a) of this Section shall be held for a period of five (5) years from the date of the decree or order making such distribution, within which time any person may claim such property or any part thereof in the manner provided in subsection (e) of this Section. Any person who does not appear and claim within such period as provided in subsection (e) of this Section, shall be forever barred, and such property, or so much thereof as is not claimed, shall upon the expiration of such period vest absolutely in the territory of Guam. Upon the expiration of such period, such property, or so much thereof as has not been claimed, shall be transferred to the territory of Guam as follows:

(1) The Clerk of the Superior Court shall transmit to the Treasurer of Guam money deposited in a bank or other savings institution and personal property held by the Clerk of the Superior Court pursuant to the provisions of subsection (c) of this Section, together with a certified copy of the decree or order distributing such property to the territory of Guam and a certificate setting forth that such property has vested absolutely in the territory of Guam pursuant to the provisions of this Section.

(2) The Clerk of the Superior Court shall transmit to the Department of Land Management of the Government of Guam a certificate setting forth that real property distributed to the territory of Guam pursuant to the provisions of subsection (a) of this Section

15 GCA ESTATES AND PROBATE
CH. 30 DISTRIBUTION AND DISCHARGE

has vested absolutely in the territory of Guam, whereupon the Department of Land Management of the Government of Guam shall take such steps as are necessary to effect the transfer of such real property to the territory of Guam.

(e) Within the period referred to in subsection (d) of this Section, any person may claim property which has been distributed to the territory of Guam pursuant to the provisions of subsection (a) of this Section, or any part thereof, by filing in the Superior Court a verified petition setting forth that he is entitled to such property or any part thereof, and the basis of his claim or entitlement to such property or part thereof. The Clerk of the Superior Court shall set such petition for hearing, and notice thereof shall be given in the manner provided in Section 3401 of this Title. The petitioner shall also cause a copy of the notice of such hearing to be served upon the Office of the Attorney General of the territory of Guam, such service to be effected at least ten (10) calendar days before the date of such hearing.

(f) If, at the hearing referred to in subsection (e) of this Section, the Superior Court is satisfied upon a preponderance of the evidence legally presented that the claimant is entitled to property distributed to the territory of Guam pursuant to the provisions of subsection (a) of this Section, or any part thereof, the Superior Court shall order that such property or part thereof be distributed to such claimant. If the property so distributed is money deposited in a bank or other savings institution, or personal property held by the Clerk of the Superior Court pursuant to the provisions of subsection (c) of this Section, the Clerk of the Superior Court shall immediately cause the property so distributed to be transmitted to the claimant. If the property so distributed is real property, the Clerk of the Superior Court shall immediately transmit to the Department of Land Management of the Government of Guam a certified copy of the order or decree distributing such property to the claimant, whereupon the Department of Land Management of the Government of Guam shall take such steps as are necessary to effect the transfer of such real property to the claimant.

SOURCE: California Probate Code, §§ 1027, 1028; Guam Law Revision Commission.

COMMENT: The underlying basis of § 3019 is § 1027 of the California Probate Code, which was added to the California Probate Code in 1933 and amended numerous times since. The second sentence of subsection (c) is derived from

15 GCA ESTATES AND PROBATE
CH. 30 DISTRIBUTION AND DISCHARGE

California Probate Code § 1028, and the provisions of subsections (d) through (f), inclusive, have been drafted by the Commission.

§ 3021. Distribution in General: Payment of Taxes.

Before any decree of distribution is made, all taxes due from the distributee and all personal property taxes due and payable by the estate must be paid.

SOURCE: Probate Code of Guam (1970), § 1024.

COMMENT: Section 3021 is intended to cover all distributions, both preliminary and final.

§ 3023. Distribution in General: Deposit With Clerk for Nonresidents, Absentees, Minors, etc.

When property is assigned or distributed to a person residing out of, and having no agent in, the territory of Guam, or to a distributee who cannot be found or who refuses to accept the same or to give a proper voucher therefor, or to a minor or incompetent person who has no legal guardian to receive the same or person authorized to receipt therefor, and the same or any part thereof consists of money, the personal representative may deposit the money, in the name of the assignee or distributee, with the Clerk of the Superior Court, who shall give a receipt for the same, and be liable on his official bond therefor; and said receipt shall be received by the Superior Court as a voucher in favor of the personal representative in the territory of Guam, with the same force and effect as if executed by such assignee or distributee.

SOURCE: Probate Code of Guam (1970), § 1060.

COMMENT: Under § 1060 of the Probate Code of Guam (1970), the person who was to receive the money in the situation described was the Treasurer of Guam. The Commission has given the Clerk of the Superior Court that function, on the premise that under this Title the Clerk of the Superior Court exercises many general oversight functions in probate matters, and that this function can -- and should -- be with the Clerk as well.

§ 3025. Distribution in General: Distribution to Nonresident Fiduciaries.

If the assignee or distributee is a nonresident minor or a person who has a guardian, conservator, or other fiduciary of his estate legally appointed under the laws of any State, United States territory or country, the distribution of such assignee's or distributee's share may be made to such legally appointed fiduciary, whose receipt therefor, together with a certificate of his appointment issued, under seal of the court, by the clerk

15 GCA ESTATES AND PROBATE
CH. 30 DISTRIBUTION AND DISCHARGE

of the court appointing him, when filed with the Clerk of the Superior Court, shall be deemed and received by the Superior Court as a voucher in favor of the personal representative in the territory of Guam.

SOURCE: California Probate Code, § 1061 (as amended).

§ 3027. Distribution in General: Sale of Unclaimed Personal Property; Annual Account by Personal Representative; Claim for Money Deposited With Clerk.

(a) When personal property remains in the hands of the personal representative unclaimed for one (1) year, or when the distributee refuses to accept or to give a proper receipt for the property, or is a minor or incompetent person and has no legally qualified guardian of his estate, and it appears to the Superior Court that it is for the benefit of those interested, or if the personal representative desires his discharge and it appears to the Superior Court that no injury will result to those interested, the Superior Court shall order the property to be sold. The proceeds, after deducting such expenses of sale as may be allowed by the Superior Court, must be deposited with the Clerk of the Superior Court. The receipt of the Clerk of the Superior Court shall be received by the Superior Court as a proper voucher for the deposit.

(b) Until property referred to in subsection (a) of this Section is delivered or disposed of as provided in subsection (a) of this Section, the personal representative must render to the Superior Court, annually, an account showing what income he has received, what property he has sold and at what price, and the character and value of the property remaining in his hands.

(c) When any person appears and claims the money deposited with the Clerk of the Superior Court pursuant to the provisions of subsection (a) of this Section, the Superior Court must inquire into such claim, and if satisfied of the claimant's right thereto must order the Clerk of the Superior Court to pay the money, or such part thereof as the Superior Court may order, to the claimant.

SOURCE: Subsection (a): Probate Code of Guam (1970), § 1062; Guam Law Revision Commission. Subsection (b): Probate Code of Guam (1970), § 1063. Subsection (c): Probate Code of Guam (1970), § 1064; Guam Law Revision Commission.

COMMENT: As with § 3023, supra, § 3027 places the responsibility for holding undistributed funds into the hands of the Clerk of the Superior Court (under the Probate Code of Guam (1970), that responsibility was in the hands of the Treasurer

15 GCA ESTATES AND PROBATE
CH. 30 DISTRIBUTION AND DISCHARGE

of Guam and the Department of Administration.) The Commission has also altered §§ 1062 through 1064 of the Probate Code of Guam (1970) to comport with this revised procedure.

§ 3029. Distribution in General: Specific Legacy for Life Only; Inventory.

Where a specific legacy is for life only, the life tenant must sign and deliver to the remainderman, or, if there is none, to the personal representative, an inventory of the property, expressing that the same is in the life tenant's custody for life only, and that, on the life tenant's decease, it is to be delivered to the remainderman.

SOURCE: Probate Code of Guam (1970), § 1065.

§ 3031. Nonresident Decedents: Delivery of Property or Proceeds to Personal Representative in Jurisdiction of Decedent's Residence.

Upon application for distribution after final settlement of the accounts of the personal representative, if the decedent was a nonresident of the territory of Guam and left a will which has been duly proved or allowed in the State or United States territory of the decedent's residence, and such will has been admitted to probate in the territory of Guam pursuant to the provisions of Chapter 15 of this Title, or if such decedent died intestate, and an administrator has been duly appointed and qualified in the State, United States territory or country of the decedent's residence, and it is necessary in order that the estate, or any part thereof, may be distributed according to the will, or it is for the best interests of the estate, that the estate in the territory of Guam should be delivered to the executor, administrator with the will annexed or administrator in the State, United States territory or country of the decedent's residence, the Superior Court may order such delivery to be made, and, if necessary, direct a sale of the real property and a like delivery of the proceeds. Such sale must be made in the same manner as other sales of real property of decedents.

SOURCE: Probate Code of Guam (1970), § 1040.

§ 3033. Nonresident Decedents: Petition for Delivery; Hearing; Notice; Objections.

The order referred to in Section 3031 of this Title may be made on the petition of the personal representative or of any person interested in the estate. When such petition is filed, the Clerk of the Superior Court shall set the same for hearing, and notice thereof shall be given in the

15 GCA ESTATES AND PROBATE
CH. 30 DISTRIBUTION AND DISCHARGE

manner provided in Section 3401 of this Title. Any person interested in the estate may appear and contest the petition by filing written objections thereto.

SOURCE: Probate Code of Guam (1970), § 1041.

§ 3035. Nonresident Decedents: Delivery as Discharge of Local Personal Representative.

The delivery, in accordance with the order of the Superior Court referred to in Section 3031 of this Title, is a full discharge of the personal representative in the territory of Guam, in relation to all property embraced in such order, and when such order becomes final it binds and concludes all parties in interest.

SOURCE: Probate Code of Guam (1970), § 1042.

§ 3037. Discharge: Decree; Discharge for Want of Property Subject to Administration.

(a) When the estate has been fully administered, and it is shown by the personal representative, by the production of satisfactory vouchers, that the personal representative has paid all sums of money due from him, and delivered up, under the order of the Superior Court, all the property of the estate to the parties entitled, and performed all the acts lawfully required of him, the Superior Court must make a decree discharging him from all liability to be incurred thereafter.

(b) A verified petition may be signed and filed with the Clerk of the Superior Court by or on behalf of the personal representative, at any time after his appointment and whether or not he has qualified as such, setting forth the fact that it appears that there is no property of any kind belonging to the estate and subject to administration, and praying for the termination of further proceedings and for the discharge of the personal representative. The Clerk of the Superior Court shall set such petition for hearing, and notice thereof shall be given in the manner provided in Section 3401 of this Title. If it appears to the satisfaction of the Superior Court upon such hearing that the facts stated in the petition are true it shall make an order terminating the proceeding and discharging the personal representative. The verified petition referred to in this subsection may be filed and an order may be entered thereon without the return of any inventory provided for in this Title.

SOURCE: Subsection (a): Probate Code of Guam (1970), § 1066. Subsection (b): California Probate Code, § 1068 (as amended).

15 GCA ESTATES AND PROBATE
CH. 30 DISTRIBUTION AND DISCHARGE

§ 3039. Subsequent Administration; After- Discovered Property; Distribution to Territory of Guam; Notice to Treasurer of Guam.

The final settlement of an estate, as in this Chapter provided, shall not prevent a subsequent issue of letters testamentary or of administration, or of administration with the will annexed, if other property of the estate is discovered, or if it becomes necessary or proper for any cause that letters should be again issued. The Superior Court shall issue such letters to the person or persons entitled thereto in the same order and manner as is directed in relation to original letters of administration, provided however, that the administrator who served at the time of the order of discharge shall have priority.

Whenever an estate, or any portion thereof, has been distributed to the territory of Guam, a copy of any petition for subsequent issuance of letters testamentary or of administration, or of administration with the will annexed, shall be served by the petitioner upon the Treasurer of Guam not fewer than fifteen (15) days prior to the hearing upon such petition.

SOURCE: California Probate Code, § 1067 (as amended); Guam Law Revision Commission.
