

**15 GCA ESTATES AND PROBATE
CH. 40 OATHS, BONDS AND LETTERS**

**CHAPTER 40
OATHS, BONDS AND LETTERS**

- § 4001. Oath and Bond.
- § 4002. Issue of Letters.
- § 4003. Additional Bond on Real Property Dealings.
- § 4004. New Bond and Discharge of Sureties.
- § 4005. Powers and Duties of Testamentary Guardian.
- § 4006. Bond.
- § 4007. Filing and Remedy on Bond.
- § 4008. Limitations on Action on Bond.

§ 4001. Oath and Bond.

Before the order appointing a guardian takes effect, and before letters issue, the person appointed must take an oath, which must be attached to or endorsed upon his letters, that he will perform the duties of his office as such guardian according to law, and, except as otherwise provided in this Division, must furnish a bond to the ward, with two or more persons or an authorized surety company as surety, to be approved by the judge, and in such sum as required by the order, which sum shall be not less than twice the value of the personal property and twice the value of the probable annual rents, issues and profits of all property belonging to the ward, or, when the bond is given by an authorized surety company, not less than the value of the personal property and the probable annual rents, issues and profits of all property belonging to the ward and conditioned that the guardian will faithfully execute the duties of his trust according to law. Any duly licensed bank or trust company is not required to give oath or furnish bond as herein required. No bond need be required in any case if the value of the ward's estate is less than One Hundred Dollars (\$100).

SOURCE: Probate Code of Guam (1970), § 1480.

§ 4002. Issue of Letters.

Upon filing the bond, duly approved, letters of guardianship shall issue to the person appointed, substantially in the same form as letters of administration.

SOURCE: Probate Code of Guam (1970), § 1481.

§ 4003. Additional Bond and Real Property Dealings.

15 GCA ESTATES AND PROBATE
CH. 40 OATHS, BONDS AND LETTERS

Before any sale of real property is confirmed or any mortgage is authorized by which money is to be raised, the guardian must furnish such additional bond to the ward as shall be required by the court, with two or more persons or an authorized surety as surety, to be approved by the judge, in order to make the total penalty of the guardian's bonds to his ward equal to that required by § 4001 of this Title, taking into account the proceeds of the sale or mortgage.

SOURCE: Probate Code of Guam (1970), § 1482.

§ 4004. New Bond and Discharge of Sureties.

The court may require a new bond to be given by a guardian whenever it deems it necessary; and when it appears that no injury can result therefrom to those interested in the estate, it may discharge the existing sureties from further liability, after such notice given as the court may direct.

SOURCE: Probate Code of Guam (1970), § 1483.

§ 4005. Powers and Duties of Testamentary Guardian.

Every testamentary guardian must qualify and has the same powers and must perform the same duties with regard to the person and estate of his ward as guardians appointed by the court, except so far as his powers and duties are legally modified, enlarged or changed by the will by which he was appointed.

SOURCE: Probate Code of Guam (1970), § 1484.

§ 4006. Bond.

A testamentary guardian need not give bond unless required by the court from which the letters issue.

SOURCE: Probate Code of Guam (1970), § 1485.

§ 4007. Filing and Remedy on Bond.

Every bond given by a guardian must be filed and preserved in the office of the clerk of the court, and in case of a breach of a condition thereof, may be sued upon for the use and benefit of the ward, or of any person interested in the estate.

SOURCE: Probate Code of Guam (1970), § 1486.

§ 4008. Limitations on Action on Bond.

15 GCA ESTATES AND PROBATE
CH. 40 OATHS, BONDS AND LETTERS

No action may be maintained against the sureties on a bond given by a guardian unless commenced within three (3) years from the discharge or removal of the guardian; but if at the time of such discharge the person entitled to bring the action is under any legal disability to sue, the action may be commenced at any time within three (3) years after the disability is removed.

SOURCE: Probate Code of Guam (1970), § 1487.
