

19 GCA PERSONAL RELATIONS
CH. 41 TRANSFER OF PERSONAL PROPERTY

CHAPTER 41
TRANSFER OF PERSONAL PROPERTY

- Article 1. Mode of Transfer.
- Article 2. What Operates as a Transfer.
- Article 3. Gifts.

ARTICLE 1
MODE OF TRANSFER

- § 41101. When must be in Writing.
- § 41102. Transfer by Sale, etc.

§ 41101. When must be in Writing.

An interest in a ship, or in an existing trust, can be transferred only by operation of law, or by a written instrument, subscribed by the person making the transfer, or by his agent.

SOURCE: CC §1135.

§ 41102. Transfer by Sale, etc.

The mode of transferring other personal property by sale is regulated by Titles 13 and 18 of this Code.

SOURCE: CC §1136.

NOTE: The original reference was to the law on *Sales* in Division III of the Civil Code. That Division, with respect to *Sales*, was repealed and replaced by Title 13, *Uniform Commercial Code of Guam*. Other sundry references to *sales* not repealed are found in Title 18 of this Code.

No CC §§ 1137 through 1139 existed.

ARTICLE 2
WHAT OPERATES AS A TRANSFER

- § 41201. Transfer of Title Under Sale.
- § 41202. Transfer Under Execution Agreement.
- § 41203. When Buyer Acquires Better Title Than Seller Has.

§ 41201. Transfer of Title Under Sale.

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The title to personal property, sold or exchanged, passes to the buyer whenever the parties agree upon a present transfer, and the thing itself is identified whether it is separated from other things or not.

SOURCE: CC §1141.

§ 41202. Transfer Under Execution Agreement.

Title is transferred by an executory agreement for the sale or exchange of personal property only when the buyer has accepted the thing, or when the seller has completed it, prepared it for delivery, and offered it to the buyer, with intent to transfer the title thereto, in the manner prescribed by 18 GCA Chapter 82.

SOURCE: CC §1141.

NOTE: Original reference was to "Chapter on Offer of Performance". As recodified, that Chapter of the Civil Code is found in Title 18 as indicated.

§ 41203. When Buyer Acquires Better Title Than Seller Has.

Where the possession of personal property, together with a power to dispose thereof, is transferred by its owner to another person, an executed sale by the latter, while in possession, to a buyer in good faith and in the ordinary course of business, for value, transfers to such buyer the title of the former owner, though he may be entitled to rescind, and does not rescind the transfer made by him.

SOURCE: CC §1142.

NOTE: No CC §§ 1143 through 1145 existed.

ARTICLE 3
GIFTS

- § 41301. Gift Defined.
- § 41302. Gift, How Made.
- § 41303. Gift not Revocable.
- § 41304. Gift in View of Death.
- § 41305. Gift, When Presumed in View of Death.
- § 41306. Revocation of Death Bed Gift.
- § 41307. Effect of Will Upon Gift.
- § 41308. When Treated as a Legacy.

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§ 41301. Gift Defined.

A *gift* is a transfer of personal property, made voluntarily, and without consideration.

SOURCE: CC §1146.

§ 41302. Gift, How Made.

A verbal gift is not valid, unless the means of obtaining possession and control of the thing are given, nor, if it is capable of delivery, unless there is an actual or symbolical delivery of the thing to the donee.

SOURCE: CC §1147.

CROSS-REFERENCES: See 19 GCA Chapter 12, *Uniform Gifts to Minors Law*.

§ 41303. Gift not Revocable.

A gift, other than a gift in view of death, cannot be revoked by the giver.

SOURCE: CC §1148.

§ 41304. Gift in View of Death.

A gift in view of death is one which is made in contemplation, fear, or peril of death, and with intent that it shall take effect only in case of the death of the giver.

SOURCE: CC §1149.

CROSS-REFERENCES: See 15 GCA (Estates & Probate) §2901 and §2211 further dealing with the subject of this section. See also 10 GCA Chapter 83, §83101, *Guam Uniform Anatomical Gift Act*.

§ 41305. Gift, When Presumed in View of Death.

A gift made during the last illness of the giver, or under circumstances which would naturally impress him with an expectation of speedy death, is presumed to be a gift in view of death.

SOURCE: CC §1150.

§ 41306. Revocation of Death Bed Gift.

A gift in view of death may be revoked by the giver at any time, and is revoked by his recovery from the illness, or escape from the peril, under the presence of which it was made, or by the occurrence of any event which would operate as a revocation of a will made at the same time, but when the gift has been delivered to the donee, the rights of a bona fide purchaser from the donee before the revocation shall not be affected by the revocation.

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SOURCE: CC §1151.

§ 41307. Effect of Will Upon Gift.

A gift in view of death is not affected by a previous will; nor by a subsequent will, unless it expresses an intention to revoke the gift.

SOURCE: CC §1152.

CROSS-REFERENCES: See 15 GCA §2901 for treatment of such gifts when interpreting wills and estates.

§ 41308. When Treated as a Legacy.

A gift in view of death must be treated as a legacy, so far as relates only to the creditors of the giver.

SOURCE: CC §1153.

CROSS-REFERENCES: See 15 GCA §2211 for law governing enforcement of this section and how such gifts are recovered for creditors.

NOTE: No CC §§ 1154 through 1156 existed.
