

CHAPTER 42
SALES, MORTGAGES, LEASES AND CONVEYANCES

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§ 4201. Purposes of Sale.

If the income of an estate under guardianship is insufficient for the support, maintenance and education of the ward and of such members of his family as he is legally obligated to support and maintain, including his care, treatment and support, if confined in a hospital, or if the personal estate and the income from the real estate is insufficient to pay his debts, his guardian may sell any of his real or personal property or mortgage any of his real property for that purpose, subject to confirmation or direction by the court as hereinafter provided.

SOURCE: Probate Code of Guam (1970), § 1530.

§ 4202. Conversion of Property for Purposes of Investment.

When it will benefit a ward to sell any of his real or personal property and to put out the proceeds at interest or invest the same in some productive stock or bonds, or in the improvement or security of any other real property of the ward, his guardian may sell the same for that purpose, subject to confirmation by the court as hereinafter provided. The particular investment or investments to be made must be specified in the order confirming the sale or authorizing the sale of stocks or bonds.

SOURCE: Probate Code of Guam (1970), § 1531.

§ 4203. Terms of Sale.

All sales must be for cash or for part cash and part deferred payments, the credit in no case to exceed three (3) years from the date of sale, and the terms being subject to the approval of the court. When real

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property is sold upon deferred payments, the guardian must demand and receive from the purchasers, notes and a mortgage on the property sold, with such additional security as the court deems necessary and sufficient to secure the prompt payment of the amounts so deferred, and the interest thereon.

SOURCE: Probate Code of Guam (1970), § 1532.

§ 4204. Borrowing Money; Refinancing and Repairing Property.

A guardian may borrow money, with or without giving security, when it will benefit his ward, and in addition to the contingencies mentioned in § 4201 of this Title, may mortgage real or personal property of the ward in order to pay, reduce, extend or renew some lien or mortgage already subsisting on property of the ward or to erect, alter or repair buildings or other structures upon or otherwise to improve the property proposed to be mortgaged or some part thereof.

SOURCE: Probate Code of Guam (1970), § 1533.

§ 4205. Sales Governed by Provisions Concerning Administrators.

Sales by guardians may be at public auction or private sale, as the guardian deems best. All proceedings concerning sales by guardians, giving notice of sale, reselling the same property, return of sale and application for confirmation thereof, notice and hearing of such application, making orders rejecting or confirming sales and reports of sales, ordering and making conveyances of property sold, and allowance of commissions, must conform, as nearly as may be, to the provisions of this Title concerning sales by administrators, unless otherwise specially provided in this Chapter.

SOURCE: Probate Code of Guam (1970), § 1534.

§ 4206. Ward in a Hospital [For Insane].

When the ward is or has been, during the guardianship, confined in a hospital [for insane] in Guam, notice of the hearing of the return must be given to the Attorney General at least five (5) days before the hearing.

SOURCE: Probate Code of Guam (1970), § 1535.

§ 4207. Application of Proceeds of Sale.

The guardian must apply the proceeds of the sale to the purposes for which it was made, as far as necessary, and put out the residue, if any, at interest, or invest it in the best manner in his power, until needed for the

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support, maintenance or education of the ward or his family, or the payment of debts, at which time the capital may be used for that purpose, as far as necessary, in like manner as if it had been personal estate of the ward.

SOURCE: Probate Code of Guam (1970), § 1536.

§ 4208. Conveyance to Comply With Contract.

When an incompetent ward is bound by a contract in writing to convey any real property, executed by him while competent or executed by his predecessor in interest, the court may authorize and direct his guardian to convey the property to the person entitled thereto. The proceedings to obtain such a decree and the proceedings thereunder must conform as nearly as may be, to the provisions of this Title concerning conveyances by administrators of property contracted to be sold by their decedents.

SOURCE: Probate Code of Guam (1970), § 1537.

§ 4209. Promissory Notes; Order of Court Required.

Promissory notes for money borrowed, mortgages, leases and agreements for the sale of, or for options to purchase real property worked as mines, may be executed by guardians, with respect to the property of their wards, only upon obtaining an order of court authorizing the same. The proceedings to obtain any such order and the proceedings thereunder must conform, as nearly as may be, to the provisions of this Title concerning similar proceedings by administrators.

SOURCE: Probate Code of Guam (1970), § 1538.

§ 4210. Limitation Period on Sales by Guardians.

No action for the recovery of any property sold by a guardian can be maintained by the ward or any person claiming under him, unless commenced within three (3) years after the termination of the guardianship, or, when a legal disability to sue exists by reason of minority or otherwise at the time the cause of action accrues, within three (3) years after the removal thereof.

SOURCE: Probate Code of Guam (1970), § 1539.
