

**21 GCA REAL PROPERTY
CH. 100 GENERAL PROVISIONS**

**DIVISION 3
REAL ESTATE LAW**

- Chapter 100. General Provisions.
- Chapter 102. Administration.
- Chapter 104. Real Estate Regulations.

**CHAPTER 100
GENERAL PROVISIONS**

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§ 100101. Short Title.

This Division may be cited as the *Real Estate Law*.

SOURCE: GC §58000. Entire Division was enacted by P.L. 11-65 (6/30/71) and has been amended since that time. The original effective date was 90 days after its approval (9/28/71); and all prior licensed real estate salespersons, agents and brokers were "permitted to renew their licenses and operate under such licenses for a period not to exceed four years and until they shall qualify under the provisions of this Division." If any failed to qualify after the four-year period, the Commissioner was to have revoked their licenses. P.L. 11-65. The Compiler has changed the term Act to Law or Division, as appropriate to conform the law to its position within the Guam Code Annotated. References to Island and District Courts have been changed to Superior Court in conformance to P.L. 12-84 (Court Reorganization Act of 1974).

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Title has been changed to Division to conform to this law's placement in Title 21 of the Guam Code Annotated.

§ 100102. Applicability of Definitions.

The definitions in this Chapter apply to the provisions of this Division only and do not affect any other provision of this Code.

SOURCE: GC §58001.

§ 100103. Commission.

Commission refers to the Real Estate Commission.

SOURCE: GC §58002.

§ 100104. Member.

Member refers to a member of the Real Estate Commission.

SOURCE: GC §68003.

§ 100105. Commissioner.

Commissioner refers to the Real Estate Commissioner.

SOURCE: GC §68004.

CROSS-REFERENCES: § 10201 of this Division makes the Director of Revenue & Taxation the Real Estate Commissioner.

§ 100106. Department.

Department refers to the Department of Revenue & Taxation.

SOURCE: GC §58005.

§ 100107. Person.

Person includes copartnership, corporation, company and firm.

SOURCE: GC §58006.

§ 100108. Provisions of this Division relating to Real Estate.

Provisions of this Title relating to real estate refers to the provisions of Chapters 100 [this Chapter - General Provisions], 102 [Administration], and 104 [Real Estate Licenses] of this Division

SOURCE: 58007.

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NOTE: Government Code §58007 refer to "Chapters 1, 2, 4 and 6 of this Title [now Division]". Chapters 4 and 6 have never existed within Title LXIII (LXI) of the Government Code and the Compiler has no idea as to what these Chapter numbers refer.

§ 100109. Provisions relating to Hearings.

Provisions of this Division relating to hearings refers to the provisions of Article 3 of Chapter 102 of this Title.

SOURCE: GC §58008.

§ 100110. Licensee.

Licensee, when used without modification, refers to a person, whether broker or salesman, licensed under any of the provisions of this Division.

SOURCE: GC §58009.

§ 100111. Broker.

Broker, when used without modification, refers to a person licensed as a broker under any of the provisions of this Division.

SOURCE: GC §58010.

§ 100112. Salesman.

Salesman, when used without modification, refers to a person licensed as a salesman under any of the provisions of this Division.

SOURCE: GC §58011.

§ 100113. Real Estate Licensee.

Real Estate Licensee refers to a person, whether broker or salesman, licensed under Chapter 104 (Real Estate Regulations) of this Division.

SOURCE: GC §58012.

§ 100114. Real Estate Broker.

Real Estate Broker refers to a person licensed as a broker under Chapter 104 (Real Estate Regulations) of this Division.

SOURCE: GC §58013.

§ 100115. Real Estate Salesman.

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Real Estate Salesman refers to a person licensed as a salesman under Chapter 104 (Real Estate Regulations) of this Division.

SOURCE: GC §58014.

§ 100116. Advance Fee.

The term *Advance fee* as used in this Division is a fee claimed, demanded, charged, received, collected, or contracted for a listing, advertisement, or offer to sell or lease property, other than in a newspaper of general circulation, issued primarily for the purpose of promoting the sale or lease of business opportunities or real estate or for referral to business opportunity or real estate brokers or salesmen, or both, or soliciting borrowers or lenders for, or to negotiate loans on, business opportunities or real estate.

SOURCE: GC §58015.

§ 100117. Listing.

The term *listing* as used in this Division includes, but is not limited to:

(a) A name, or a list of the names, of the owners, landlords, exchangers, or lessors, or the location or locations, or property, or of an interest in property, offered for rent, sale, lease or exchange.

(b) A name, or a list of the names, or the location or locations at which prospective or potential purchasers, buyers, lessees, tenants or changers of property may be found or contacted.

(c) An agreement by which a person who is engaged in the business of promoting the sale or lease of business opportunities or real estate agrees to render to an owner or lessee of such property any services, to promote the sale or lease of said property.

(d) An agreement by which a person who is engaged in the business of finding, locating or promoting the sale or lease of business opportunities or real estate, agrees to circularize, notify or refer business opportunities or real estate brokers or salesmen, or both, to said property which is offered for sale or lease.

SOURCE: GC §58016.
