


I MINA'TRENTAI TRES NA LIHESLATURAN GUAHAN
2015 (First) Regular Session

Bill No. 29-33(COR)

Introduced by:

B.J.F. Cruz 

2015 JAN 22 PM 3:47



**AN ACT TO APPROVE THE SETTLEMENT BETWEEN THE
GOVERNMENT OF GUAM AND THE ESTATE OF JOSE
MARTINEZ TORRES.**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section One. Legislative Findings.** Attached hereto and hereby
3 incorporated herein is a Memorandum of Understanding executed in 2012 by
4 attorneys representing the Government of Guam and attorneys representing the
5 Co-Administrators of the Estate of Jose Martinez Torres. Said Memorandum of
6 Understanding is intended to resolve Superior Court CV1093-06, a civil suit
7 between the government and said Estate regarding ownership of Lot No. 5007,
8 Dededo, Guam, Estate No. 2531, Suburban, a small parcel of land near the
9 Micronesian Mall in Dededo, Guam. Said Memorandum of Understanding is
10 self-explanatory and constitutes the legislative findings for this enactment.

11 **Section Two.** Said Memorandum of Understanding is hereby accepted
12 and approved by I Liheslaturan Guahan as required by Title 21 G.C. A. § 60112.

13 **Section Three.** The Guam Ancestral Lands Commission shall execute and
14 release a quitclaim deed transferring all of the Government of Guam's right, title

15 and interest in Lot No. 5007, Dededo, Guam, Estate No. 2531, Suburban, to
16 Goodwin Development Corporation upon the terms stated in said Memorandum
17 of Understanding, and subject to the current public access and utility easement as
18 described in said Memorandum of Understanding.


MEMORANDUM OF UNDERSTANDING

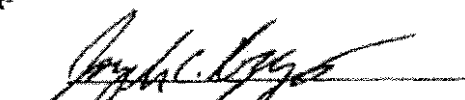
This memorandum of understanding sets out the material terms of the settlement between the Government of Guam ("Government") and the Estate of Jose M. Torres ("Estate") as a result of the mediation in Superior Court of Guam Civil Case No. CV 1093-06 (CV1093-06).

1. The funds in escrow from the sale of Lot 5007, Dededo, Guam to Goodwind Development Corporation ("Goodwind") in the approximate amount of \$468,000.00 are to be split equally between the Estate and the Government. The Estate shall execute escrow instructions reflecting this equal split of these escrow funds, which instructions shall be submitted for approval to the Government.
2. Following approval from the Guam Legislature, pursuant to 21 GCA section 60112, and the execution by the Estate of the escrow instructions for the equal division of the escrow funds, the Government shall quitclaim its interest in Lot 5007, Dededo, Guam to Goodwind.
3. The transfer of Lot 5007 to Goodwind shall be subject to the current public access and utility easement as shown on the Relocation Survey Sketch of Part of Tract 100, attached hereto.
4. The Estate shall transfer its interest in Lot 5007 to Goodwind.
5. In entering into this MOU, there is no admission or concession by either party of any ownership or any other right, title or interest of any kind in Lot 5007 or any other real property that is or may be involved in any dispute with the Government, including any and all agencies of the Government, and this settlement cannot be pled as a defense or used in any way in any other current, future or pending litigation between the parties.
6. Each party is to bear its own costs and attorneys fees. Each party waives any right to collect, enforce, or assign, in any manner, any order regarding sanctions or attorneys fees awarded against the other party or its attorneys in CV1093-06.
7. Each party agrees to cooperate with the other party, and to use its best efforts, to effectuate the settlement set out in this MOU. The parties agree to execute any other documents reasonably necessary to effectuate this settlement including, but not limited to, any releases, releases of lis pendens, a more formal settlement agreement, and deeds to Lot 5007.
8. Following the legislative approval of the Government's interest in Lot 5007, the conveyance thereof to Goodwind, and the equal distribution of the above-described funds from escrow, the parties shall then execute and file a stipulation for dismissal with prejudice of CV 1093-06.

GOVERNMENT OF GUAM

ESTATE OF JOSE M. TORRES

WHL - (13) [unclear], AAL
6-12-2012

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