

*I Mina'Trentai Kuåttro Na Liheslaturan*  
**BILL STATUS**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
344-34 (COR)	Therese M. Terlaje	AN ACT TO ADD A NEW CHAPTER 51 TO TITLE 15 OF GUAM CODE ANNOTATED, RELATIVE TO EXPEDITING DISTRIBUTION OF GUAM WORLD WAR II CLAIMS TO AWARDEES WHO DIE BEFORE RECEIVING THE AWARD.	9/7/18 11:32 a.m.	9/17/18	Committee on Culture and Justice	10/29/18 2:00 p.m.	11/19/18 11:59 am.	Fiscal Note Request 9/17/18	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW	DATE SIGNED	NOTES	
	11/28/18	AN ACT TO ADD A NEW CHAPTER 51 TO TITLE 15, GUAM CODE ANNOTATED, RELATIVE TO EXPEDITING THE DISTRIBUTION OF GUAM WORLD WAR II CLAIMS TO AWARDEES WHO DIE BEFORE RECEIVING THE AWARD.	11/30/18	11/30/18 7:55 p.m.	12/12/18	34-143	12/12/18	Received: 12/19/18 Mess and Comm. Doc. No. 34GL-18-2665.	



**EDDIE BAZA CALVO**  
Governor

**RAY TENORIO**  
Lieutenant Governor

*Office of the Governor Of Guam.*

**DEC 12 2018**

Honorable Therese M. Terlaje  
Acting Speaker  
*I Mina'trentai Kuåttro Na Liheslaturan Guåhan*  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

Vice Speaker Therese M. Terlaje

34 GL-18-2665

**DEC 19 2018**

Time: 10:42

Received by: *Chandon*

2018 DEC 19 AM 11:37

Dear Madam Speaker:

Transmitted herewith is Bill No. 344-34 (COR), "AN ACT TO ADD A NEW CHAPTER 51 TO TITLE 15, GUAM CODE ANNOTATED, RELATIVE TO EXPEDITING THE DISTRIBUTION OF GUAM WORLD WAR II CLAIMS TO AWARDEES WHO DIE BEFORE RECEIVING THE AWARD," which was signed on December 12, 2018, as **Public Law 34-143**.


*Senseramente,*

  
**EDDIE BAZA CALVO**

***I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN***  
**2018 (SECOND) Regular Session**

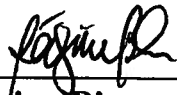
**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÅHEN GUÅHAN***

This is to certify that **Bill No. 344-34 (COR)**, "AN ACT TO *ADD A NEW CHAPTER 51 TO TITLE 15, GUAM CODE ANNOTATED, RELATIVE TO EXPEDITING THE DISTRIBUTION OF GUAM WORLD WAR II CLAIMS TO AWARDEES WHO DIE BEFORE RECEIVING THE AWARD,*" was on the 30<sup>th</sup> day of November 2018, duly and regularly passed.



**Therese M. Terlaje**  
**Acting Speaker**

Attested:



**Régine Biscoe Lee**  
**Legislative Secretary**

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This Act was received by *I Maga'låhen Guåhan* this 30 day of Nov,  
2018, at 7:55 o'clock P.M.



**Assistant Staff Officer**  
***Maga'låhi's Office***

APPROVED:



**EDWARD J.B. CALVO**  
***I Maga'låhen Guåhan***

Date: DEC 12 2018

Public Law No. 34-143

***I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN***  
**2018 (SECOND) Regular Session**

**Bill No. 344-34 (COR)**

Introduced by:

Therese M. Terlaje  
Thomas C. Ada  
FRANK B. AGUON, JR.  
William M. Castro  
James V. Espaldon  
Fernando Barcinas Esteves  
Régine Biscoe Lee  
Tommy Morrison  
Louise B. Muña  
Telen Cruz Nelson  
Dennis G. Rodriguez, Jr.  
Joe S. San Agustin  
Michael F.Q. San Nicolas  
Mary Camacho Torres

**AN ACT TO *ADD* A NEW CHAPTER 51 TO TITLE 15,  
GUAM CODE ANNOTATED, RELATIVE TO  
EXPEDITING THE DISTRIBUTION OF GUAM WORLD  
WAR II CLAIMS TO AWARDEES WHO DIE BEFORE  
RECEIVING THE AWARD.**

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

**Section 1.** A new Chapter 51 is hereby *added* to Title 15, Guam Code  
Annotated, to read as follows:

**“CHAPTER 51**

**PROBATE ADMINISTRATION OF GUAM WORLD WAR II CLAIMS**

§ 5101. Legislative Intent and Findings.

§ 5102. Scope and Applicability of Chapter.

1       § 5103.     Delivery of War Claims Award, or Share Therein, to  
2                   Nonresidents.

3       § 5104.     Summary Distribution of War Claims Awards.

4       § 5105.     Discretion of Court.

5       **§ 5101.     Legislative Intent and Findings.**

6       The Guam World War II Loyalty Recognition Act, Title XVII, Public Law  
7 114-328, signed on December 23, 2016, authorized the Foreign Claims Settlement  
8 Commission (FCSC) to conduct a supplemental war claims compensation program  
9 for victims and survivors of the attack and occupation of Guam during World War  
10 II. The Act covers claims for death, rape, personal injury, severe personal injury,  
11 forced labor, forced march, internment, and hiding to evade internment.  
12 Approximately three thousand six hundred forty (3,640) World War II survivors and  
13 their families from Guam have filed war claims with the FCSC. *I Liheslaturan*  
14 *Guåhan* finds that special amendments to the Probate Code of Guam are necessary  
15 to permit expeditious administration of war claims awards at a minimum cost for  
16 Guam's war survivors who die before receiving the award and their families.

17       **§ 5102.     Scope and Applicability of Chapter.**

18       (a)     The term "war claims award," as used in this Chapter, *shall* mean any  
19 monetary compensation paid by the United States of America pursuant to Title XVII  
20 of Public Law 114-328 or a successor statute.

21       (b)     War claims awards are subject to administration in the same manner as  
22 is directed in relation to other property, except as expressly provided in this Chapter.

23       **§ 5103.     Delivery of War Claims Award, or Share Therein, to**  
24 **Nonresidents.**

25       A war claims award, or any share therein, set aside pursuant to this Chapter  
26 or assigned or distributed upon administration of a decedent's estate to a person  
27 residing out of Guam may be delivered by registered or certified U.S. mail, postage

1 prepaid, with return receipt, to the last known address of the nonresident assignee or  
2 distributee, and upon such mailing the personal representative *shall not* be personally  
3 liable for any loss arising from nonreceipt thereof, except for willful misconduct. If  
4 the award or any share therein, after mailing as aforesaid, is returned to the personal  
5 representative unclaimed, the same *shall* be deposited with the Clerk of the Superior  
6 Court in the name of the nonresident assignee or distributee, pursuant to § 3023 of  
7 Chapter 30 of this Title, unless the Superior Court orders delivery by such other  
8 means as it deems appropriate, compliance with which *shall* also discharge the  
9 personal representative from any liability whatsoever.

10       **§ 5104.       Summary Distribution of War Claims Awards.**

11       (a) When a war claims awardee dies before receiving the award, a war  
12 claims award awarded by the Foreign Claims Settlement Commission may be set  
13 aside to a decedent's heirs at law without further administration pursuant to this  
14 Title; provided, that no probate proceedings or petition to commence such  
15 proceedings for administration upon the decedent's estate are then pending.

16       (b) A verified petition, together with a prayer that the award be set aside as  
17 provided herein, may be presented by any heir at law of the decedent or any heir at  
18 law of a deceased heir. The petition *shall* contain allegations showing that this  
19 Section is applicable, and *shall* state the names, mailing addresses, and relationships  
20 of each heir at law of the decedent, as well as each heir at law of any deceased heirs,  
21 and their respective fractional interests in the award. The petition *shall* further state,  
22 without qualification, that if the petition be granted the petitioner will distribute the  
23 award with due diligence to the persons named in the petition, according to their  
24 respective interests.

25       (c) No person to whom an award, or any portion thereof, is set aside  
26 pursuant to this Section shall be personally liable for the unsecured debts of the

1 decedent or the debts of any deceased heir whose share of the award is paid directly  
2 to his/her heirs at law.

3 (d) Not less than thirty (30) days before filing the petition with the Superior  
4 Court, the applicant *shall* send by pre-paid mail, certified or registered, return receipt  
5 requested, a copy of the petition to each person entitled to share in the war claim  
6 award for whom a mailing address is known, together with notice that if such a  
7 person objects to the proposed plan of distribution he/she *shall* file a written  
8 objection with the Superior Court before the expiration of the thirty (30)-day period;  
9 and the applicant *shall* file with such petition sworn proof of such mailing. In lieu of  
10 mailing, the applicant may submit written consent to the proposed plan of  
11 distribution signed by the person entitled to share in the war claims award.

12 (e) If the Superior Court finds the petitioners' plan of distribution to be fair  
13 and equitable, it *shall* by appropriate decree assign the war claims award to the  
14 petitioner with a directive to pay the same to the persons named in the petition  
15 according to their respective interests therein. The decree *shall* further direct that  
16 proof of compliance therewith, by affidavit or declaration under penalty of perjury,  
17 be filed by the petitioner within thirty (30) days after entry of said decree.

18 (f) A war claims award set aside pursuant to this Chapter, or any share  
19 therein, may be disbursed, in accordance with the Superior Court's decree, to  
20 nonresident persons as provided in § 5103 of this Chapter.

21 (g) No person shall be liable for nondelivery of any war claims award set  
22 aside pursuant to this Section, or of a share therein, except for willful misconduct,  
23 unless an action at law or proceeding in equity or in probate to recover the same is  
24 commenced within three (3) years from entry of the decree setting aside the award.

25 (h) No person delivering an award exempt from administration under this  
26 Section shall be liable for any loss or damage whatsoever to anyone, or be  
27 responsible for seeing to the proper distribution of the award, or is required to inquire

1 into the truth of any statement in the petition. Any person to whom an award is  
2 delivered pursuant to this Section is answerable and accountable therefor to any  
3 personal representative of the decedent's estate or to any other person having a right  
4 to the award or any portion thereof.

5 (i) If any award set aside pursuant to this Section, or share therein, cannot  
6 be paid or delivered in accordance with the Superior Court's decree, for lack of  
7 information as to the identity, location, or mailing address of the person entitled  
8 thereto, the same *shall* be deposited in the name of such person with the Clerk of the  
9 Superior Court; and, such deposit is a full discharge of the petitioner as to any  
10 liability whatsoever in relation to the sum so deposited.

11 (j) No administrator's fees shall be allowed, nor shall any court fees be  
12 assessed, with respect to an award set aside pursuant to this Section. If a private  
13 attorney has been retained, the Superior Court may award reasonable attorney's fees  
14 out of the estate in lieu of statutory attorney's fees pursuant to § 2811 of Chapter 28  
15 of this Title, without regard to the size of the award. Such reasonable fees *shall* be  
16 based on verified statements of time and charges filed with the court by the attorney,  
17 and *shall not* exceed Three Hundred Dollars (\$300.00).

18 (k) The Public Defender is directed to assist the decedent's heirs at law in  
19 obtaining distribution of war claims awards pursuant to this Chapter, but nothing  
20 shall prevent such heirs from using private attorneys for such purpose.

21 **§ 5105. Discretion of Court.**

22 Notwithstanding the provisions of this Chapter, any judge of the Superior  
23 Court may determine and order, at his or her discretion, that a particular estate with  
24 war claims awards be administered under the provisions of this Code applicable to  
25 other estates without war claims awards."

26 **Section 2. Effective Date.** This Act *shall* become effective upon enactment.