

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN

2021 (FIRST) Regular Session

VOTING RECORD

Bill No. 93-36 (LS) As amended by the Committee on Health, Land, Justice, and Culture; and further amended on the Floor.	Speaker Antonio R. Unpingco Legislative Session Hall Guam Congress Building July 8, 2021					
NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator V. Anthony Ada					✓	✓
Senator Frank Blas Jr.		✓				
Senator Joanne Brown		✓				
Senator Christopher M. Dueñas	✓					
Senator James C. Moylan	✓					
Vice Speaker Tina Rose Muña Barnes	✓					
Senator Telen Cruz Nelson	✓					
Senator Sabina Flores Perez		✓				
Senator Clynton E. Ridgell	✓					
Senator Joe S. San Agustin	✓					
Senator Amanda L. Shelton	✓					
Senator Telo T. Taitague	✓					
Senator Jose "Pedo" Terlaje	✓					
Speaker Therese M. Terlaje	✓					
Senator Mary Camacho Torres	✓					

TOTAL

11

3

1

1

Aye

Nay

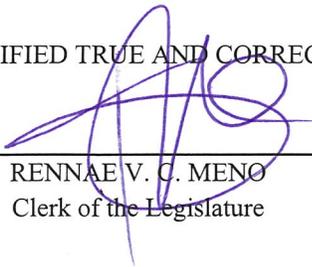
Not Voting/
Abstained

Out During
Roll Call

Absent

Excused

CERTIFIED TRUE AND CORRECT:



 RENNAE V. C. MENO
 Clerk of the Legislature

I = Pass

I MINA 'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
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Bill No. 93-36 (LS)

As amended by the Committee on Health,
Land, Justice, and Culture; and further amended on the Floor.

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Introduced by:

Tina Rose Muña Barnes
James C. Moylan

**AN ACT TO REPEAL §§ 29168 AND 29169 OF CHAPTER
29, TITLE 21, GUAM CODE ANNOTATED, RELATIVE
TO ELIMINATING THE REQUIREMENT THAT ANY
DEED OR INSTRUMENT CONVEYING REGISTERED
LAND IN TRUST UPON CONDITION OR UPON
LIMITATIONS CONTAIN THE WORDS “WITH POWER
OF SALE” IN ORDER TO EMPOWER THE TRUSTEE
OR TRANSFEREE OF SUCH REGISTERED LAND TO
DEAL WITH THE SAME WITHOUT COURT ORDER.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
that 21 GCA §§ 29168 and 29169 currently require that instruments or deeds
transferring registered land in trust, upon condition, or with limitations, contain the
words “with power of sale” in order for the trustee or the transferee to deal with said
land as the owner thereof, failing which the trustee or transferee is required to obtain
a court order that he or she be able to deal with the land as his or her own causes an
undue burden upon persons placing their property in trust. This is so despite the fact
that the trust in question unequivocally endows the trustee with the power to sell,
lease, mortgage, distribute, or otherwise deal with the property.

1 As a consequence, *I Liheslaturan Guåhan* believes that 21 GCA §§ 29168 and
2 29169 should be repealed. After such repeal, persons transferring properties into
3 trust will retain the ability to restrict the power of the trustee should they so desire;
4 they would simply need to include the restrictions in their trusts or their deeds to
5 their trust. This would eliminate court involvement in the process, conserve judicial
6 resources, and avoid the need for trustees to seek and retain legal counsel to assist
7 them in appearing before the court to obtain permission to sell, lease, or encumber
8 trust property where the deed to the trust or other instrument does not contain the
9 words “with power of sale.”

10 **Section 2.** § 29168 of Chapter 29, Title 21, Guam Code Annotated, is
11 *repealed.*

12 **Section 3.** § 29169 of Chapter 29, Title 21, Guam Code Annotated, is
13 *repealed.*

14 **Section 4. Effective Date.** This Act shall be effective upon enactment and
15 shall not apply retroactively to instruments existing prior to enactment of this Act.