

NAVAL GOVERNMENT OF GUAM

Executive Order Number 3-48

TO THE PEOPLE OF GUAM:

Subject: Amendment of the Probate Code of Guam.

WHEREAS, time is of the essence in accomplishing changes in the Probate Code of Guam which are necessary to facilitate and implement the land rehabilitation program of Guam, and

WHEREAS, under the present provisions of the Probate Code of Guam adequate provision is not made for the settlement or compromise of claims by executors or administrators on behalf of the estates of deceased persons, and,

WHEREAS, there appears to be no satisfactory way for the executor or administrator to settle the claim of the estate with the Government without going through a cumbersome procedure with reference to giving notice to the public or persons who have filed appearances as heirs, devisees, legatees, creditors, or to other parties in interest, and

WHEREAS, a compromise should be authorized by the Court when it appears to be just and for the best interest of the estate without subjecting the probate of the estate to unnecessary delay in the matter of giving notice, and

WHEREAS, the takings by eminent domain on Guam are a matter of common knowledge and there appears to be no good reason for delaying the settlement of estates and for the paying to the proper parties in interest of the sums to which they are entitled by virtue of such takings, since these parties have previously been served with process, and

WHEREAS, it is estimated that there will be a total of four thousand procedures in probate, of which forty to fifty percent will involve proceedings in compromise of claims arising from land acquisition, this change is vital to the expeditious handling of the land cases. Of the 40% to 50%, an estimated 25% will involve expensive service of notice by publication, which unnecessary expense must be borne by the Government unless imposed upon the land owner. If imposed upon the land owner it would in many cases leave him practically without compensation for his claim; if borne by the Government it will reduce commensurately the amount made available for payment of claims or other services or work necessary for carrying out the land rehabilitation program, and

WHEREAS, adequate provision made for the settlement of claims against the Government by the administrator without the necessity of notice of compromise to other parties in interest will relieve Guamanian citizens of considerable expense and loss of time in making unnecessary court appearances, and

WHEREAS, the celeritous resolution of the innumerable estates in probate will expedite the resettlement of the people of Guam on their lands and enable them to utilize the payment of these claims for the immediate building of homes and businesses,

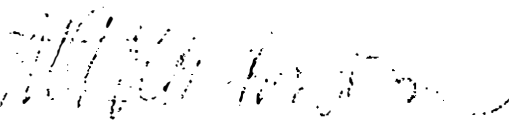
NOW THEREFORE, The Probate Code of Guam is hereby amended by the insertion therein of a new Section Number 588, Chapter VIII which reads as follows:

"Any claim of an estate against the United States, the Naval Government of Guam, or any subdivision thereof, may be compromised or compounded by the executor or administrator, with the approval of the Island Court or Superior Court. This approval may be given by the court upon application of the executor or administrator in writing showing the terms agreed upon by the parties. Approval may be granted without notice to the public or to the persons who have filed appearance as heirs, devisees, legatees, creditors, or as otherwise interested, or to other parties in interest."

Given under my hand at Agana, Guam, this 26th day of March, A. D., 1948.

/s/ C. A. POWNALL
C. A. POWNALL
Governor of Guam

AUTENTICATED:


M. H. ANDERSON
Civil Administrator

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