Office of the Attorney General of Guam

590 S. Marine Corps Dr., Ste. 802, Tamuning, Guam 96913

December 10, 2018

Vice Speaker Therese M. Terlaje
34GL-18-2045
DEC 13 2018
Time: 9:24 am
Received by:

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

Re: *Government of Guam v. 162.40 square meters of land more or less situated in the Municipality of Agana and unknown owners, et. al.*; Superior Court Case No. CV0863-81

Dear Madam Acting Vice Speaker:

The Office of the Attorney General hereby brings to your attention the attached judgment in the original amount of $273,726.24 from a 1981 land condemnation case, CV0863-81. This judgment was entered on June 23, 2016 and is accumulating interest at the rate of six percent (6%) per year, which comes to $16,423.57 per year. The government now owes this money to the Estate of Artemio M. Ilagan.

2018 DEC 13 PM 12:02

As of October 31, 2018, the amount owed to the Ilagan Estate was $312,107.90. This increases by $45.00 per day.

We strongly suggest that I Liheslaturan Guåhan enact a law appropriating the amount due and owing to the Estate in order to avoid a considerable future increase in government liability and the possibility that the court will reverse the condemnation for lack of payment. The condemnation was performed in 1981 and the Ilagan family has been waiting many years for compensation. As you know, both the United States constitution and the Organic Act require payment of just compensation for land condemnation.

We are ready to answer any questions you may have and to provide whatever assistance you require.

Sincerely yours,

ELIZABETH BARRETT-ANDERSON
Attorney General

cc: Seth Forman, Esq.

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Seth Forman
Dooley Roberts Fowler & Visosky LLP
865 S. Marine Corps Dr., Ste. 201
Tamuning, Guam 96913
Telephone (671) 646-1222
Facsimile (671) 646-1223
E-mail Forman@guamlawoffice.com

Attorneys for Defendant Artemio B. Ilagan,
In His capacity as the Special Administrator
Of the Estate of Artemio M. Ilagan

FILED
SUPERIOR COURT
OF GUAM

2016 JUN 23 PM 3:38

CLERK OF COURT
BY_____

IN THE SUPERIOR COURT OF GUAM

THE GOVERNMENT OF GUAM, Plaintiff, vs. 162.40 square meters of land more or less situated in the municipality of Agana and unknown owners, et. al., Defendants.	CIVIL CASE NO. CV0863-81 **JUDGMENT**

Dooley Roberts & Fowler LLP

JUN 24 2016

451 Nik.

The above-entitled eminent domain proceeding and the issues raised by the pleadings herein having been tried before the Honorable Vernon P. Perez, Judge of the Superior Court of Guam, without a jury in a three-day trial beginning January 20, 2009 and ending January 22, 2009, and the matter having been remanded to the Court for a determination of just compensation inclusive of prejudgment interest, and the Court having heard the testimony and having examined the proofs offered by the respective parties, and the Court having reviewed the briefing submitted by the parties on the issue of just compensation,

ORIGINAL

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Estate of Artemio M. Ilagan, represented herein by its Special Administrator Artemio B. Ilagan, have judgment against the Government of Guam in the amount of $273,726.24, and post-judgment interest at the statutory rate.

Date: JUN 2 1 2016

Original Signed
HON. VERNON P. PEREZ
HONORABLE VERNON P. PEREZ
JUDGE, SUPERIOR COURT OF GUAM

Submitted by:

DOOLEY ROBERTS & FOWLER LLP

By: Seth Forman
SETH FORMAN
Attorney for defendant Artemio B. Ilagan in his capacity as Special Administrator of the Estate of Artemio M. Ilagan

Date: June 14, 2016

I do hereby certify that the foregoing is a full true and correct copy of the original on file in the office of the clerk of the Superior Court of Guam.

JUN 23 2016

Alfred A. Santos
Deputy Clerk, Superior Court of Guam

Approved as to form:

OFFICE OF THE ATTORNEY GENERAL
Elizabeth Barrett-Anderson, Attorney General of Guam

By: David J. Highsmith
DAVID J. HIGHSMITH
Assistant Attorney General

Date: 6/15/16

THE LAW OFFICES OF MARK S. SMITH

By: _____
MARK S. SMITH
Attorney for defendant Felix F. Ungacta

Date: _____

Dooley Roberts & Fowler LLP

JUN 27 2016

FILED
SUPERIOR COURT
OF GUAM

2016 JUN 24 AM 9:17

CLERK OF COURT
BY:_____

IN THE SUPERIOR COURT OF GUAM

THE GOVERNMENT OF GUAM, Plaintiff(s), *Vs.* 162.40 square meters of land more or less situated In the municipality of Agana and And unknown owners, et al., CONSTRUCTION, Defendant(s).	)	CIVIL CASE NO.: CV0863-81

NOTICE OF ENTRY ON DOCKET

TO: OFFICE OF THE ATTORNEY GENERAL (David Highsmith) – Plaintiff(s), Government of Guam
DOOLEY ROBERTS FOWLER & VISOSKY (Seth Forman) – Defendants, 162.40 square meters of land more or less situated in the Municipality of Agana and unknown owners, et al.

On June 24, 2016 the "JUDGMENT", filed on June 23, 2016, was entered on the Docket in this matter.

June 24, 2016

DANIELLE T. ROSETE
Clerk of Court

By: Alfred A. Santos
Deputy Clerk II

DECLARATION OF MAILING

On June 24, 2016, after I had enclosed and sealed a copy of the Notice of Entry of Docket in an envelope addressed to the individual(s) in said notice, I caused the same envelope(s) with postage affixed to be placed in the U.S. mailbox.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

June 24, 2016

Alfred A. Santos
Declarant