I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
93-36 (LS) As amended by the Committee on Health, Land, Justice, and Culture; and further amended on the Floor.	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.	3/22/21 2:37 p.m.	3/26/21	Committee on Health, Land, Justice, and Culture	5/7/21 2:00 p.m.	6/18/21 12:34 p.m. As amended by the Committee on Health, Land, Justice and Culture	Request: 3/29/21 4/1/21	

SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	NOTES		
6/25/21	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.	7/8/21	7/8/21	7/20/21	36-44	7/20/2021	Received: 7/20/21 Mess and Comm. Doc. No. 36GL-21-0843

LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

July 20, 2021

Doc Type: 36GL-21-0843
OFFICE OF THE SPEAKER
THERESE M. TERLAJE
07- 20 2021
Time: 4:36 pm
Received:

HONORABLE THERESE M. TERLAJE
Speaker
I Mina'trentai Sais Na Liheslaturan Guåhan
36th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

RE: Bill No: 93-36 (LS) "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"

Buenas yan Hafa Adai Madame Speaker:

Dear Madame Speaker:

Under current law, a trustee whose duties and authorities include the power of sale with regard to real property is unable to enter into transactions for the land if the particular real property instrument itself does not include the words "with power of sale." Bill 93-36 is simple enough: it repeals Sections 29168 and 29169 of Chapter 29, Title 21 of the Guam Code Annotated. Its impact will likely be significant though as it will allow trustees to more effectively and efficiently carry out their obligations to trust beneficiaries by undertaking activities that will preserve and enhance the value of trust assets. **Bill 93-36 is now Public Law No. 36-44.**

Senseremente,

LOURDES A. LEON GUERRERO
Maga'hågan Guåhan
Governor of Guam

COMMITTEE ON RULES
RECEIVED:
July 20, 2021
5:31 P.M.

Enclosure(s): Bill No. 93-36 (LS) *nka P.L. 36-44*

cc: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*
Compiler of Laws

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

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

This is to certify that **Bill No. 93-36 (LS), "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,"** was on the 8th day of July 2021, duly and regularly passed.

Therese M. Terlaje
Speaker

Attested:

Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 8th day of July, 2021, at 5:09 o'clock P.M.

Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 7/20/2021

Public Law No. 36-44

RCVD AT CENTRAL FILES
JUL 8 '21 PM5:09

Elaine Tajalle

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2021 (FIRST) Regular Session

Bill No. 93-36 (LS)
As amended by the Committee on Health,
Land, Justice, and Culture; and further amended on the Floor.

Introduced by: Tina Rose Muña Barnes
James C. Moylan
V. Anthony Ada
Frank Blas Jr.
Joanne Brown
Christopher M. Dueñas
Telena Cruz Nelson
Clynton E. Ridgell
Joe S. San Agustin
Amanda L. Shelton
Telo T. Taitague
Jose "Pedo" Terlaje
Therese M. Terlaje
Mary Camacho Torres

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.

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

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

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

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