

**15 GCA ESTATES AND PROBATE  
CH. 3 DEPOSIT OF WILLS**

**CHAPTER 3  
DEPOSIT OF WILLS**

- § 301. Will May Be Deposited With Clerk of Superior Court.
- § 303. Disposition of Deposited Wills.
- § 305. Duty of Presiding Judge on Receipt of Deposited Will.

**§ 301. Will May be Deposited With Clerk of Superior Court.**

The Clerk of the Superior Court of Guam is authorized to receive and deposit in a safe place in his office any will delivered to him for that purpose, and to give a written receipt therefor to the person who presents such will for such deposit. The Clerk of the Superior Court of Guam shall enclose each such will in a sealed envelope so that it cannot be read, and endorse on the said envelope the full name of the testator, the testator's municipality of residence, the date of the deposit, and the name of the person, if any, to whom the testator desires such will delivered at the testator's death. No such envelope shall be thereafter opened until the delivery of the will contained therein, as provided in this Chapter.

**SOURCE:** Probate Code of Guam (1970), § 57.

**§ 303. Disposition of Deposited Wills.**

A will deposited in the office of the Clerk of the Superior Court of Guam under the provisions of Section 301 of this Title shall be delivered only as follows:

(a) During the testator's lifetime, to the testator in person, or to some other person upon the testator's written order, duly approved by the oath of a subscribing witness; or

(b) After the testator's death, to the person, if any, named in the endorsement on the envelope in which the will is contained; or, if there be no such endorsement, or if the person named in such endorsement cannot be found after reasonable investigation, then to the Presiding Judge of the Superior Court of Guam.

**SOURCE:** Probate Code of Guam (1970), § 58.

**§ 305. Duty of Presiding Judge on Receipt of Deposited Will.**

(a) The Presiding Judge of the Superior Court of Guam, upon the delivery to him of a deposited will under the provisions of Section 303(b) of this Title, shall forthwith publicly open the envelope in which the will

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is contained, examine the will, and file the will in the office of the Clerk of the Superior Court of Guam. Such will shall remain filed in the office of the Clerk of the Superior Court of Guam until duly proved, or until jurisdiction is lawfully established in some other court as the proper venue for probate.

(b) Within ten (10) calendar days after the filing of a will in the office of the Clerk of the Superior Court of Guam as provided in subsection (a) of this Section, the Clerk of the Superior Court of Guam shall, to the extent practicable, give notice of such filing to all executors named in such will, to all devisees, legatees and trustees named in such will, and to all known heirs of the decedent, by registered mail.

**SOURCE:** Subsection (a): Probate Code of Guam (1970), § 59. Subsection (b): Guam Law Revision Commission.

**COMMENT:** The Commission is of the opinion that notice should be given to all interested parties (or at least to those interested parties whose identities can be easily ascertained) upon the filing of a will in the office of the Clerk by the Presiding Judge of the Superior Court under the provisions of subsection (a). Therefore, the Commission has added subsection (b), providing for such notice. See § 717 of Title 1 for further provisions concerning what constitutes "registered mail."

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