



*Eddie Baza Calvo*  
Governor of Guåhan

*Ray Tenorio*  
Lieutenant Governor of Guåhan

Commission Members

*Michael J.B. Borja*  
Acting Chairman

*David J. Matanane*  
Vice-Chairman

*Amanda L.G. Santos*  
Commissioner

*(Vacant)*  
Commissioner

*(Vacant)*  
Commissioner

*Monte Mafnas*  
Administrative Director

# Chamorro Land Trust Commission

*(Kumision Inangokkon Tano' Chamoru)*

P.O. Box 2950 Hagåtña, Guåhan 96932

Phone: 649-5263 ext. 651 Fax: 649-5383

## REGULAR BOARD MEETING AGENDA

Department of Land Management Conference Room  
3<sup>rd</sup> Flr. ITC Building, Tamuning  
Thursday, January 17, 2013; 1pm

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MINUTES
  1. December 20, 2012
- IV. PUBLIC COMMENTS
- V. OLD BUSINESS
  1. Bert Jacosalem status
  2. Layao status – utilities terminated; awaiting filing of motion to finalize eviction
  3. International Bridge & Construction Marianas – In-kind consideration using concrete panels for schools
- VI. NEW BUSINESS
  1. John Rios – Request to lease portion of Lot 7150, Yigo for an antennae site
  2. Guam Auto Sports – Request to lease facilities at Guam International Raceway Park for auto sports
  3. JMD Global Micronesia Corporation – Request to lease CLTC property for manufacturing purposes and to construct a model house on Tract 10123, Yigo
  4. KoKo Recycling – status of commercial license in Barrigada
- VII. DIRECTOR'S REPORT
  1. CLTC's subdivision of 83 (929sqm or 164 - 5,000sqft) house lots tentatively approved by GLUC
  2. Legal Counsel Contract
- VIII. EXECUTIVE SESSION
- IX. ADJOURNMENT



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**COMMISSION MEETING MINUTES**  
**Department of Land Management Conference Room**  
**3<sup>rd</sup> Flr., ITC Building, Tamuning**  
**Thursday, December 20, 2012; 1:10pm – 3:18pm**

**I. CALL TO ORDER**

Meeting was called to order at 1:10pm by Acting Chairman Michael Borja.

**II. ROLL CALL**

Present were Acting Chairman Michael Borja, Vice-Chairman David Matanane, Commissioner Amanda Santos, Acting Commissioner Oscar Calvo and Administrative Director Monte Mafnas.

**III. APPROVAL OF MINUTES**

**1. November 15, 2012**

Acting Chairman Michael Borja made the correction on the last line of page 33 where the speaker was misidentified. Instead of Oscar Calvo it should read Monte Mafnas.

**Vice-Chairman David Matanane moved to approve the minutes of November 15, 2012 with corrections. Commissioner Amanda Santos seconded the motion. There were no objections, MOTION PASSED.**

**2. December 6, 2012**

Vice-Chairman David Matanane made the correction on page 5, 5<sup>th</sup> paragraph to strike out the word "not". Sentence should read "Even if you change the name you're still a separate individual because a corporation is an individual".

**Vice-Chairman David Matanane moved to approve the minutes of December 6, 2012 with corrections. Commissioner Amanda Santos seconded the motion. There were no objections, MOTION PASSED.**

**IV. PUBLIC COMMENTS** – None.

**V. OLD BUSINESS**

**1. Approval of Okkodo Resolution**

Administrative Director Monte Mafnas – They're adding the conditions that the Board requested. Mr. Chairman and Vice-Chairman will be signing that resolution okay.

**2. Feliciano Layao and Jesus Quintanilla Eviction Notice**

Administrative Director Monte Mafnas – That's just to present to the Board that we have done our due diligence and we signed it off and in addition to

Rev. 09/21/2012

that I requested that GPA and GWA terminate their utilities because we own the land and we have the right to do it.

Acting Chairman Michael Borja – So that has already been done?

Administrative Director Monte Mafnas – That's been done.

Acting Commissioner Oscar Calvo – There was a legal issue on that and they're still confronting that right?

Administrative Director Monte Mafnas – Yes and we'll be addressing the legal issue very soon.

## **VI. NEW BUSINESS**

### **1. Ignacio F. Santos – Request to provide public access easement**

Representatives present: Bill Beery (developer) & Ike Santos (representing the applicant)

Administrative Director Monte Mafnas – Is that Golden Gate?

Ike Santos – Yes.

Administrative Director Monte Mafnas – That's a corporate name, right?

Ike Santos – Yes. Actually we've been here before actually to request for a widening of this 40 foot entrance and also to include an area for a bus stop. This area is part of our project which is the SongSong Subdivisions and the Guam Land Use Commission had actually based on other future growth in this area I think we kind of touch a little bit on providing an access road up here. The Guam Land Use Commission required us now and it's also part of the conditions. After the hearing the Chairman of the Guam Land Use Commission required that we have a round table meeting and this is back again in March regarding the future growth of this area. We sat down with the Department of Public Works, the Mayor of Yigo and also the developer to the north TRI and I guess other Government agencies to meet that. Since after that round table meeting it was included that we put this 40 foot easement in and actually this map was prepared by Frank Castro who also prepared the 60 foot that was granted by you guys also to support this group this development back here. So we're now at this position where it is now not only a part of the required conditions of this project but also that we need to come in and request that we sort of put this 40 foot easement that connects this one here to here.

Acting Commissioner Oscar Calvo – That's from the Land Use Commission?

Ike Santos – Yes from the Land Use Commission and also from the round table meeting that we had.

Vice-Chairman David Matanane – We have discussed this before right? That particular easement is encumbering CLTC property right?

Acting Commissioner Oscar Calvo – To my understanding on that Mr. Santos was okay we gave you to widen the road up there which is the upper portion and that was basically and if I'm not mistaken I think you said that you guys were going to go ahead and widen that straight down.

Ike Santos – Although it was not part of our initial request when we came in here but during discussions while we were talking we thought about why not put this in here because of the waste water line, sewer and water were all at this point. So it made great sense to bring it in and of course to help service this area as well.

Acting Commissioner Oscar Calvo – But that was initial if I'm not mistaken that that was the whole concept was to run that to service that because it also helps the Chamorro Land Trust in the upper portions. And that was the rational thing that we at least in the Board we approved that.

Bill Beery – We discussed it but we hadn't mapped it so now we've mapped it and we need the, we're kind of wanting to make it official.

Vice-Chairman David Matanane – Very good so we're not on the same page right?

Administrative Director Monte Mafnas – What's the width that you guys propose?

Ike Santos - This is 40 feet.

Vice-Chairman David Matanane – So the one on top is that also an egress?

Ike Santos – This was approved by you guys.

Administrative Director Monte Mafnas – For Paradise Meadows.

Vice-Chairman David Matanane – That's not an egress is it?

Ike Santos – This is access easement to service these lots back here.

Vice-Chairman David Matanane – But your request was to get the utilities from the bottom there.

Acting Commissioner Oscar Calvo – It goes out into the Marine Drive area and also that was but I know that we discussed on that also to provide the infrastructure there at the same token to provide for the Chamorro Land Trust in the upper portion in that way in the future.

Administrative Director Monte Mafnas – So this is 40 and what is this 60?

Ike Santos – Yes, the 60 was for the bus stop so that there is added protection for improvements.

Acting Commissioner Oscar Calvo – So what do you actually need from the Board today if I may ask?

Ike Santos – The reason I guess why we're here is to get approval for this actually this easement. We talked about I know but this is just to reconfirm it.

Administrative Director Monte Mafnas – Yes we basically tentatively agreed on it hypothetically but Ed (DLM staff) can we show them our drawing. We're still a work in progress we haven't finalized it but it's good that they bring their concern in. What we had drawn from DLM side is this. When we relocate the road we can service two lots. The way it's designed now it serves one lot to the eastern side. But if we tweak the road where the utilities will be installed it will serve back to back to back.

Bill Beery – We're here to accommodate you guys admittedly. No sense doing something that's not going to help because that was the agreement before.

Administrative Director Monte Mafnas – Right and will that affect your subdivision if we tweak it to that?

Vice-Chairman David Matanane – Whose property is that?

Administrative Director Monte Mafnas – On the ingress to the right is eastern portion, CLTC. From the easement to the left western portion is theirs.

Acting Chairman Michael Borja – Is this eventually going to be a road?

Administrative Director Monte Mafnas – Yes.

Acting Commissioner Oscar Calvo – Mr. Director, when you tweak that out basically quote me if I'm wrong on this is that is quite a big piece of property and once you subdivide that property it will serve on the inner part is that the whole concept?

Administrative Director Monte Mafnas – That's the intent yes. Because see the highest and best use for us is we put this access here a little bit more easterly that way when the road is in place it serves two lots. Today as you look at this it only affects this lot. That is my fault for redesigning but..(interrupted).

Vice-Chairman David Matanane – No but the spacing also would accommodate lots that..(interrupted).

Administrative Director Monte Mafnas – That's exactly why.

Vice-Chairman David Matanane – Most of it is ours.

Acting Commissioner Oscar Calvo – What it prevents us here is in the future it's almost like it's a landlocked issued.

Acting Chairman Michael Borja – What are we trying to do here today? Just get this concept of land and it would be a right of way easement?

Administrative Director Monte Mafnas – A road.

Bill Beery – And we've agreed to do that 40 foot wide at our expense put in a road.

Administrative Director Monte Mafnas – Does it include sewer?

Bill Beery – Not sewer but we were going put in a stub.

Administrative Director Monte Mafnas – We can all work collaboratively we can reduce the expense number two. Number one, provide CLTC with the stub ups.

Ike Santos – I have another question actually on the layout of the map and this is to no offense I know this is just a concept did land survey have any review of this?

Administrative Director Monte Mafnas – That's where it came from.

Ike Santos – So survey has no problems with it?

Administrative Director Monte Mafnas – Yes.

Bill Beery – Now our intent is to run this 40 feet inside Chamorro Land Trust next to our property but in your property.

Administrative Director Monte Mafnas – Okay but your commitment is from point A to point B.

Bill Beery – That's right.

Administrative Director Monte Mafnas – Regardless if we tweak it and brought it in you're still committed.

Bill Beery – We're still committed.

Administrative Director Monte Mafnas – Very good.

Bill Beery – The only thing that would be nice is to do something besides the double 90 there but you know if that's possible. It kinds of soften that..(interrupted).

Edgar Taguiam (DLM staff) – I have a concern on that one where it's going to be on the Government side because this one here is already a documented easement so that becomes 80 feet if we're going give another 40.

Bill Beery – We were going to eliminate that part.

Administrative Director Monte Mafnas – It will be up to the Commission in their wisdom to implement whatever they want. Today that's a tentative drawing as provide by Golden Gate Services and the other alternative is what I propose. So whatever is clever, whatever the Board wants to implement.

Acting Commissioner Oscar Calvo – Actually I like the one where you tweak in there because it serves its purpose in the future.

Administrative Director Monte Mafnas – It saves money Commissioner Calvo as opposed to a straight line. I can understand Chairman Borja you know it may cause an accident I don't know. I'm just saying that it's a secondary if not a thirdly road therefore people should reduce their speed. If anything we can put a fence at the end of the property line.

Acting Chairman Michael Borja – It's a thoroughfare that's not going to be wide enough. You're going to see people park in there outside their houses or lots on the narrow roads. What you're doing on this map on what I see is you're connecting that easement that we're looking at its connecting two major roads coming off of Marine Drive into these subdivisions.

Bill Beery – That's correct.

Acting Chairman Michael Borja – I just see it simply as a clean plan and put it straight forth as far as accessing the area. Now I understand where we're coming from here where we want to be able to provide some sort of the infrastructure into those lots but if that road is going to service let's say underground utilities like sewer and water and you said the connections you're going to have we're going to have the ability to connect into it can then force it out. And let's say there's another road you do have a road coming off of there and it comes through the back or do it some other way. But what that ends up happening here I believe is that you have a thoroughfare going through housing area and that becomes especially if this place is going to be as built up as I think it could be you have two major inputs coming in and for the thoroughfare to drive through a narrow residential street is going to be pretty risky.

Administrative Director Monte Mafnas – Ed what's the distance and approximately from that major thoroughfare of ingress, egress to here? Six hundred so it's about maybe a 150, 200 feet.

Bill Beery – Well this is 200 and this is 150.

Administrative Director Monte Mafnas – Okay so 350 feet so one-half. It's only 350 feet long that's why the impact is not as great although I recognize Mr. Chairman what you're saying.

Bill Beery – Land Management was pushing this for safety and access and all that. I'd be a little bit concerned about the thoroughfare going through Chamorro Housing then. I'm a little worried about that. It may be it does the same thing that we're trying to do but I think maybe this can get used a lot.

Acting Chairman Michael Borja – You'll have school busses trying to transit through housing is going to be pretty tough, emergency vehicles and stuff because those are two major inputs right off Marine Drive. I believe in one case you can't even make a left turn out of one of these exits.

Bill Beery – They can here, we need to tie into this because we only have right turn out and right turn in.

Administrative Director Monte Mafnas – They're working on the light right up there.

Bill Beery - Up here this is going between Paradise Meadows and ourselves.

Acting Chairman Michael Borja – So there's a plan for a light up there then it will become a major thoroughfare.

Administrative Director Monte Mafnas – Point well taken Mr. Chairman, I'm just saying my fiduciary responsibility is trying to save the money because it will be incurred by us.

Acting Chairman Michael Borja – But it's feeding through, it's feeding up to the edges of the lot where they can kind of feed in where there wasn't anything before. I just don't think having the road go through there is wise.

Bill Beery – And because you guys are helping us the developer we agreed to help with water service and sewer up to this point at our expense. You know just to aid and abet the development so we're here to help.

Administrative Director Monte Mafnas – We appreciate that Mr. Beery.

Acting Commissioner Oscar Calvo – The assistance on that water line on what they're doing will be easier for this portion in the future to interconnect to where the next lots.

Administrative Director Monte Mafnas – But Mr. Chairman Borja is zoned in and confident that that's the right thing to do then it will be up to the wisdom of the Board.

Acting Commissioner Oscar Calvo – Just hypothetically if we did this you guys were tweaking in how many feet?

Administrative Director Monte Mafnas – 250 feet approximately.

Ike Santos – From here to here is 131 feet.

Acting Commissioner Oscar Calvo – No but the width of the road.

Administrative Director Monte Mafnas – The same.

Ike Santos – It would be 40 feet.

Acting Commissioner Oscar Calvo – And that includes also the easements on the utilities.

Administrative Director Monte Mafnas – But again this is a tentative map that we're presenting at DLM's collaborative effort. We're just trying to save money as we go forward.

Acting Chairman Michael Borja – So that lot, that strip is called Lot 7128-REM-2R/W is that what it's called?

Administrative Director Monte Mafnas – Yes. It's all tentative now it's not finalized.

Bill Beery – Oh no we need, somewhere in here you guys get to sign too.

Administrative Director Monte Mafnas – You know eventually I want to connect all roads into our lots so you guys you know I want to start connecting road to road not leave gaps anymore. You know that's in the future.

Bill Beery – This is really good for you guys here. I think this is very good for you too because it allows access.

Acting Chairman Michael Borja – I think so too. Looking long range if anyone has driven on the back roads of that area in Yigo it's really, it was just bull cart trails that were paved and so as a result you got all these dog legs everywhere and you just kind look at the sun as a reference point to see which way you're going to end up turning too.

Ike Santos – In terms of utilities as well too it's cost wise it's better to go straight..(interrupted).

Acting Chairman Michael Borja – Straight and then you can feed off of it.

Acting Commissioner Oscar Calvo – I would rather go with that straight road too anyway.

Vice-Chairman David Matanane – Which part of the infrastructure the water, power, which side of the road are you going to run it?

Acting Commissioner Oscar Calvo – If this is going to run down here the infrastructure the water and power for example okay would it be possible for you guys to do a T here?

Bill Beery – We're going to give you the stub outs in the water and sewer. Power, no we can't do power. For water and sewer we'll have stub outs so you can tie into it.

Administrative Director Monte Mafnas – So gravity flow, no pressure.

Ike Santos – No lift station.

Bill Beery – No force main, no pump.

Acting Chairman Michael Borja – So the discussion here is on Lot 7128-REM-2R/W which is an easement stretching through Lot 7128. Do we have a motion to approve this piece of property as a public easement for this project?

Vice-Chairman David Matanane – Let me get it straight Mr. Chairman, we're discussing two (inaudible), one straightaway and the other one is for an angle on this proposal.

Acting Chairman Michael Borja – But the discussion is focused back to just what had just happened.

Vice-Chairman David Matanane – What is being presented with us.

Administrative Director Monte Mafnas – On dash 1R/W and dash 2R/W okay so we just might as well quantify both rights of way.

**Acting Chairman Michael Borja – The motion will be to approve the Lot 7128-REM-1 and -2R/W to approve this lot for easement access.**

**Vice-Chairman David Matanane – So moved Mr. Chair.**

**Commissioner Amanda Santos – I second it.**

**Acting Chairman Michael Borja – The motion is to approve Lot 7128-REM-2R/W to allow this piece of property for easement use for this construction project by the SongSong Hills Subdivision Developers. Any other discussions or objections to the motion? Since there is no objection to the motion the motion is passed.**

Administrative Director Monte Mafnas – Mr. Beery and Mr. Santos the question is this we are not going to see a Gil Baza and Gil Breeze subdivision, correct?

Bill Beery – No of course not.

Administrative Director Monte Mafnas – I just want to go on record.

## **2. Land Exchange on Oka Point with Del Carmen and Sauget**

Administrative Director Monte Mafnas – Because of the public necessity of Guam Memorial Hospital this is the map okay, this is our subject lot that belongs to Chamorro Land Trust which contains an area of 22 acres or roughly 90,000 square meters fronting Ferdinand Magellan all the way to the cliff line. What we're trying to get and I apologize for not having the map is four house lots adjacent to this road here the Ferdinand Magellan and across the emergency area so there's like 13,000 square meter lots. Lot number 1 on that block belongs to Dr. Sauget. Lots 2, 3 and 4 belongs to Eddie Del Carmen. So it consists about 1 acre of property.

Acting Chairman Michael Borja – Those vacant lots?

Administrative Director Monte Mafnas – The vacant lots that has big boulders where it's been trashed and illegal parking and most of all possible nuisance suit because sometimes the patients walking around with the IVs go inside there, traverse in there to smoke. I've met with Del Carmen kids and they hypothetically agreed for the relocation and Dr. Sauget's representative. So I did inform the family that the purpose of this exercise is to help the people of Guam. We're going to clear and grade it and fence it in and gate and charge for parking, that's A. B is eventually build a parking garage. Why? Because we have working drawings already completed by the architectural firm of Tanaguchi Ruth that was designed for the Department of Land Management building. So it's a three parking garage, three story containing 160 parking stalls. The length of this is this perfect the footprint with work with the three or four lots. Therefore we can increase it if we get the four lots and if we don't just get the three lots we'll put it in. Fronting this lot at the end of the boundary is Healing Hearts that used to be CLTC property containing an area of 2,000 meters. Behind that towards the cliff line is the proposed land exchange but I have to put in a road. So basically we do not diminish our land inventory because my exercise is meter for meter. Except the highest and best use of our property right now is really a residential home, executive home but for their lot the parking garage will fit perfectly.

Acting Commissioner Oscar Calvo – And it also and I talked to you in there on this Monte because I was called and asked on this what it does because it's close by to the hospital it's just you know walking across from the emergency I mean the expansion of the ER the new building coming up that's the bigger expansion. So hypothetically when I was called on that on that issue what they wanted to do is because of the public parking out there and now being that the hospital giving that all that employees are going to be given I guess a slot and I think they only have about 150 parking slots. But I think only 50 would be available for the public and the rest will be all given to you know doctors, nurses and so forth and during the day the only way this parking will be vacant is during the evening when you know other half of the employees of the GMH would have been gone. And then of course during the day and of course you still have the night nurses and so forth coming in but it'll be less of a so and I was talking to him I said even if you were to build there the only way that we're going to resolve that is to build their own parking in the front. But that's going to take time for them because then you have to concentrate one portion of the parking lot build up the two story whatever and then come to the other side.

Acting Chairman Michael Borja – How did this all get started? Did we have these owners come to us or we were seeking some property to improve the parking?

Administrative Director Monte Mafnas – That is correct. It started with GMH stating to the public that 450 stalls possibly looking at opening up 100 parking stalls for the public because the public has inadequate parking because the design is pursuant to the building code. Now the culture of Guam is when someone is sick the whole family comes. In the states it's one or two patients. In Guam maybe try 10 or 20 people will come you know. But GMH has an employee count of 1,050 employees so it'll be very difficult to squeeze anymore parking. There's just no way okay. So I met with Senator Aline Yamashita who wants to assist us in driving this legislatively to fast track this land exchange. Now I went through with Margaret our Land Administrator the litany of why they should exchange. Like number one, there's noise pollution because it's an emergency room you're always going to have ambulance, 24/7, 365. Now unless you design your house to be soundproof which is extremely expensive you're going to hear the ambulance and that is really a noise pollution besides the possible litigations, besides the trash there, besides the illegal trespassing. What we're proposing is to relocate them on the cliff line with a better advantage for it, better view and maybe about 100 feet away from water, power and sewer. Because of the zoning R2 they can build a duplex or single family.

Acting Chairman Michael Borja – How do they get access in there?

Administrative Director Monte Mafnas – This is the access from Ferdinand Magellan back this way so we have to provide a 40 foot access. But also they can build a condominium so they can redefine the horizontal property regime so it will work for them because it could be a family subdivision, it could be a business condominium and sell it based on the allowable units per 1250 square feet. So we're looking at that. The consensus with the children of Del Carmen is they're okay but they do want me to meet with Mr. Eddie Del Carmen himself so I'm ready. Government in the past has been very cooperative with Mr. Carmen because they gave him an acre of property over at Holiday Resort when he had it the hotel was called Suhiro and he was supposed to do many things but only provide a parking lot for Matapang Beach but ended up using more of that parking lot than the hotel itself. So part of that area that entity belongs to Chamorro Land Trust. Because of the necessity, because of the public convenience and because of public safety this is what I propose. Now if we build, I would like to build a 5 story parking garage simply because I already talked to the architects asking their propriety rights. What we have to do are two things, do a boring test and then do some structural analysis so that when we build the building it can sustain the weight. Now the reason why I want to go 5 storey is because it will be higher than the hospital and what an advantage point, what a view from Agana Bay to Tumon Bay with the rolling coast from Urunao, Ritidian and Hinapsan. On the top of the roof on the 5<sup>th</sup> floor I want to do two things and I've talked to Dr. Maria Okada to assist us in getting a grant for solar panels and that way when we put the solar panels it becomes covered parking. Number two, I want to put a restaurant on the 5<sup>th</sup> floor so we can have an income stream so we can rent it out at the highest possible bidder.

Acting Chairman Michael Borja – So who is going to own this parking garage?

Administrative Director Monte Mafnas – The garage will belong to us. The only way to effectuate this bill is to do a public private partnership, do an RFP, look for a developer who's willing to finance it build it and wait for their money. However, I've also talked to GEDA if we can float a bond to pay them outright and upon the completion we go turn key. Here's your money and the lien on the property will be a lease. Or they get 90% or 95% of the income stream from the parking stall until the cost of their money, their profit, their cost is paid off.

Acting Chairman Michael Borja – Do you think people are going to pay for the parking?

Administrative Director Monte Mafnas – That's a very good question. In my mind I think yes. Simply because it's a need, simply because people pay an hour, \$3 an hour, simply because our cost would be driven down and as former Chairman Calvo said the concern is from 8 to 5 then you have 1,050 employees all fighting for and the public for that time constraint. So that's where the bulk of the parking is. But I believe if we put a fence just on a cheapest scale, fence it and gate it and put a person there..(interrupted).

Commissioner Amanda Santos – How much are you going to charge?

Administrative Director Monte Monte – I'm still looking at the cost. We'll its \$3 an hour but maybe we can reduce that. Maybe if we put somebody on site it will be secured.

Acting Commissioner Oscar Calvo – With that concept of doing that is first you know that we have to get approval from the legislature which is already going to be. The other issue that I foresee in there is and that's a good point and question is would be remember we're looking at this is a public parking and a public hospital itself and I think we need to get the sentiments also of the hospital's position on this. They want to solve this problem there's no question about it.

Administrative Director Monte Mafnas – Yes we have met with Gordon Misawa or something like that and a June Perez they are representing GMH.

Acting Chairman Michael Borja – If we've got Senator Yamashita working on it on the legislative end towards trying to fund I guess fund for the improvement to be a parking lot but do we need anybody else's approval to make this land exchange?

Administrative Director Monte Mafnas – Let me ask my expert Land Administrator Margaret Borja. What do you think Margaret?

Margarita Borja (DLM Staff) – Well it was brought to our attention that there are covenants on the Perezville subdivision but Andrew is looking into it to find out whether or not we might have to get the homeowners association's approval. I'm not sure.

Acting Chairman Michael Borja – And then we got to make sure there are no liens on the property as well.

Administrative Director Monte Mafnas – Correct. Well at this point in time there is none encumbered of record it's free and clear. The covenant also says that any hospital related activity. Now that should quantify itself because the parking garage is for the hospital the only difference is we own it now. That's our land and we're going to generate our own income you know and we're not building a clinic as the GLUC filed a resolution they are not going to approve any more clinics within Pereville any type of clinic or any schools. Because today there is the Sisters of Mercy Day Care and there is Doctor's Clinics and other clinics that popped up but GLUC has gone on record not to approve any more clinics. So maybe Dr. Sauget and Mr. Del Carmen were thinking of putting a clinic but I told them I informed them it isn't going to happen. So the only two possibilities are a house or a condo or duplex so three opportunities.

Acting Commissioner Oscar Calvo – Which the condo they already have problems with that condo right next to the hospital that towers.

Administrative Director Monte Mafnas – That's what I'm saying, no but a family condo.

Acting Chairman Michael Borja – Okay so what do we need to do on this?

Administrative Director Monte Mafnas – I formally request from the Board that they give me the blessing to proceed with the negotiation and upon meeting of the minds then we'll effectuate a deed of exchange together with Land Management. Land Management is also going to prepare the deed and finalize the map.

Acting Commissioner Oscar Calvo – Monte on that land exchange this just pound for pound, inch for inch.

Administrative Director Monte Mafnas – Meter for meter.

Vice-Chairman David Matanane – 2,000 square meters?

Administrative Director Monte Mafnas – Technically we're going for 4,000.

Acting Chairman Michael Borja – They're going from a landlocked piece of property to a cliff line property.

Administrative Director Monte Mafnas – Well behind that subject lot the four lots is CLTC property on the cliff line.

Acting Chairman Michael Borja – Well I have no objection for allowing this I don't know if we need to do a motion on it.

Administrative Director Monte Mafnas – I would like to. I want to effectuate this bill the first quarter of 2013 and if Senator Yamashita is willing to prepare the bill and run it through the legislature and the Governor is ready to codify it into law you know their passage he concurs. So we're moving on fast track expeditiously. If you look at this already we carved out the front end of the road giving it to Healing Hearts so behind that really it doesn't flow into future development you know it's outside already. So if we develop northerly we'd be okay.

Acting Chairman Michael Borja – Do we have to carve all the way down?

Administrative Director Monte Mafnas – No just their four lots, four lots and the four lots is roughly of the same size.

**Acting Chairman Michael Borja – Do I have a motion on the floor to allow the CLTC Administrative Director to proceed with discussions to relocate properties owned by Del Carmen and Sauget to switch lands in the proximate area, square foot for square foot so we can allow the properties they currently own to become part of the Guam Memorial Hospital parking facilities?**

**Vice-Chairman David Matanane – So move Mr. Chairman.**

**Commissioner Amanda Santos – I second it.**

Acting Chairman Michael Borja – Any objections, or questions or comments?

Vice-Chairman David Matanane – On that motion I would prefer the Executive Director keep us apprised of that.

Acting Commissioner Oscar Calvo – And also too on that comment too that I share with the Vice-Chairman I know that you keep us up to power to speed and what really is transpiring on the issues and also I think I would like to also maybe give us heads with the GMH to you know with their new Director and their what they you know whether they're in agreeable to the issues of what we just discussed now. As for me to go with that I have no problem with that because we do need that parking lot hypothetically.

Acting Chairman Michael Borja – He's just going to be doing the discussions to begin the process and if the land exchange is agreed upon by the current owners then I guess we need to have final approval. We're not approving for the land exchange we're saying go ahead and proceed with it and once it's fine then we'll sign off.

Administrative Director Monte Mafnas – And we also need legislative concurrence.

**Acting Chairman Michael Borja – Okay motion is carried.**

**3. John Rios – Request to lease portion of Lot 7150, Yigo for an antennae site**

Administrative Director Monte Mafnas – That subject lot is next to the water tank. Mr. Rios called in and requested to push this back to our January agenda because his partner is not here at this point in time.

Acting Chairman Michael Borja – Okay so we'll just table that. But what kind of antennae site is he looking at putting? Where is this in Yigo?

Administrative Director Monte Mafnas – Going towards Andersen the last water tank you see on the right side.

Acting Chairman Michael Borja – Right before Andersen?

Administrative Director Monte Mafnas – You're talking about at least a quarter of a mile away.

Acting Chairman Michael Borja – What is the antennae for?

Administrative Director Monte Mafnas – Obviously they need some signals you know broadband signals in that area.

Acting Chairman Michael Borja – Oh like a cellphone site?

Administrative Director Monte Mafnas – Yes cellphone.

**VII. DIRECTOR'S REPORT**

**1. Designation of Lot 328, Inarajan for farm, educational, medicinal and holistic purposes**

Administrative Director Monte Mafnas – This is CLTC property which contains an area of 200 plus acres, 304 acres to be exact as being qualified into law for our residential subdivision and it isn't going to happen. It's extremely expensive. A lot of this land is erroneous as in cliff line and valleys and some ocean fronts. I mean you know affordable homes doesn't have to have ocean view. If we build affordable homes with ocean view it isn't going to be that cheap I can assure you that.

Acting Chairman Michael Borja – Is this Malojloj?

Administrative Director Monte Mafnas – Yes sir.

Acting Chairman Michael Borja – Where is the Exxon gas station at?

Administrative Director Monte Mafnas – After this. You see this stretch this is where the hole is where there's a pump station and a water tank. Commissioners we did approve one request at this point in time to do a holistic healing remember Pastor Melvin Duenas. So we have to figure out how to best use this property and that's why I'm formally requesting the Board to consider a lot of farm land to be utilized here because

infrastructure is really inadequate and extremely far away. Again it's clearly very exorbitant. So there's been request for more farming activities, there's request from a couple of guys that want to plant a thousand coffee trees. So we've been getting a lot of requests and there's a Chinese church group that want to grow durian and mangosteen which is the queen fruit a high source of free radicals. So we need to work with Land Management how we can carve it out. It looks flat on paper but not physically. So I want us to review this as a possible farm..(interrupted).

Acting Chairman Michael Borja – Really I thought that's all rocky out there.

Administrative Director Monte Mafnas – Well we don't know until we walk it but I assume that it's pristine.

Acting Chairman Michael Borja – Where is the nun convent?

Administrative Director Monte Mafnas – Further south.

Acting Chairman Michael Borja – I've been on that lot and that's pretty rugged. That's pretty a lot of coral I don't know how you can grow anything on it.

Administrative Director Monte Mafnas – The Sisters used to grow for self-subsistence.

Acting Commissioner Oscar Calvo – Basically all you're going to have to grow here is trees.

Administrative Director Monte Mafnas – The fact is its pristine and a lot of limbs and leaves and perhaps now part of the dirt is decomposed and then now it's good soil. For the area that have soil there's a lot of nutrients in the soil. It's never been farmed so you never extracted and over time it's giving you a lot of ingredients. So it's extremely difficult to access this property and extremely costly so I formally request from the Board to consider this as farming area. I put a question to USDA and NRCS to see if they would agree with it you know and support our farmers.

Acting Chairman Michael Borja – Doesn't the University have a..(interrupted).

Administrative Director Monte Mafnas – Extension agent yes they do Dr. Bob Barber.

Acting Chairman Michael Borja – They can determine if that's good land?

Administrative Director Monte Mafnas – Yes.

Acting Chairman Michael Borja – I don't have a problem with that I agree with that.

Administrative Director Monte Mafnas – I'm just trying to clearly define the highest best use.

Acting Chairman Michael Borja – Well if we do designate this as agricultural for the purpose of agriculture we really need to make sure that we don't have some of the past performances like we've had with some of the agriculture.

Acting Commissioner Oscar Calvo – And then it becomes a residential.

Acting Chairman Michael Borja – Yes it becomes a residential or herb growing or just misused. I don't know if there's a water table underneath that area.

Administrative Director Monte Mafnas – No it doesn't. Over at Talofofu Ugum river goes through Bubulao and Dandan and Kapone but not this side of the road.

Commissioner Amanda Santos – How big is the Land Trust there?

Administrative Director Monte Mafnas – 304 acres that's almost 1.3 million square meters of land but usable who knows.

Acting Chairman Michael Borja – But weren't we going to allow that one group those guys that came in doing the holistic?

Administrative Director Monte Mafnas – Yes.

Acting Commissioner Oscar Calvo – Because the property you can use it both ways you can still make a residential here but it's costly for the developer.

Acting Chairman Michael Borja – Well it's to bring in the utilities and the infrastructure. So do we have a motion to allow this property?

Vice-Chairman David Matanane – Are you planning on probably giving the other entity that was requesting for medicinal?

Administrative Director Monte Mafnas – Yes.

Vice-Chairman David Matanane – In what area and how much? The whole area?

Acting Chairman Michael Borja – We haven't designated that we just want to designate the whole area to be agricultural.

Administrative Director Monte Mafnas – By law it's an acre up north and an acre down south. Basically we can cut it up to four 100 by 100.

Acting Commissioner Oscar Calvo – If we cut this up for strictly for farming I think we should set a precedence for how much of an acre to be given to every individual. Adjacent to that particularly because let's say a company comes in there and say I want 10 acres or 10 lots for that matter and only uses maybe 2 out of that okay I think we need to address that part otherwise and that's been the problem in the Chamorro Land Trust

being held by other people for the longest time. And you give me 10 acres and I'm only going to use .5 or an acre.

Vice-Chairman David Matanane – I think if anyone comes in and ask for the use of that property we should give them piece meal as they go along and they improve and they request for an additional acre then we could probably provide but minimal amount for whatever he's going to do or plant or whatnot.

Acting Commissioner Oscar Calvo – And they have to have a plan of action.

Acting Chairman Michael Borja – I think we can discuss those kinds of things in the future.

Vice-Chairman David Matanane – It's just that the Executive Director wants all this area as designated..(interrupted).

Acting Commissioner Oscar Calvo – Dedicated as a farming.

**Vice-Chairman David Matanane – So moved Mr. Chair.**

**Acting Chairman Michael Borja – So the motion is to allow Lot 382 in the municipality of Malojloj, Inarajan to be designated for farming, educational, medicinal and holistic purposes.**

**Commissioner Amanda Santos – I second it.**

**Acting Chairman Michael Borja – No objections the motion is carried.**

Administrative Director Monte Mafnas – I assure the Commissioners, Mr. Chairman that rule number one we're going to have bonafide farmers. Number two the sins of the past don't work today. There's a different era, different time, different Commissioners and different Director and because of that I want to go to the next item it's called the professionals services agreement for legal services. We are now on the one yard line. When Mr. Robert Cruz sign and I sign we're on the 8 inches line because the CFO has to sign and the Governor has to sign and that's it. The Attorney General Fred Nishihira guaranteed that this contract is a template for all future attorneys for whatever department and number two he will sign off immediately.

Acting Chairman Michael Borja – In January?

Administrative Director Monte Mafnas – No December.

## **2. GWA**

Administrative Director Monte Mafnas – Guam Waterworks has been given some acreage in the past by CLTC. What has happened pursuant to the consent decree has given GWA more power so they started a ground breaking ceremony without our approval. They initiated the conversation with us and we have recognized the necessity for this

additional land. The problem is this property is unregistered and it's encumbered by them inherit by them to register the property and prepare all the maps, serving due process and hiring an attorney and going through the legal..(interrupted).

Acting Chairman Michael Borja – Is this the same location where that existing water tank that burst?

Administrative Director Monte Mafnas – Yes that's gone one of them is gone.

Vice-Chairman David Matanane – Are we fighting for the same property or what?

Administrative Director Monte Mafnas – No.

Vice-Chairman David Matanane – We haven't registered yet?

Administrative Director Monte Mafnas – No we haven't registered it.

Vice-Chairman David Matanane – For Chamorro Land Trust, why not?

Acting Chairman Michael Borja – This is Chamorro Land Trust property?

Administrative Director Monte Mafnas – Can we begin at the point of beginning? When was Chamorro Land Trust?

Acting Commissioner Oscar Calvo – 94.

Vice-Chairman David Matanane – 95.

Administrative Director Monte Mafnas – Okay from 95 to 2010 I apologize for the sins of the past. As of 2011 and now 2012 we have 85 lots that we're fast tracking. Part of the problem is getting all this land but there's a total of 200 Land Management Government of Guam lands that needs to be registered. We need land registration maps, abstracts of title, process serving, an Attorney General to file on our behalf which we're going to use our counsel to help prepare the package and get calendared in court and present our case and fight with our neighbors.

Vice-Chairman David Matanane – In the past I recommended that because when the former Directors presented those maps and documents where unregistered land was showing up I said then why aren't we moving on it. I mean anybody can come in and register a piece of property.

Administrative Director Monte Mafnas – And the map is dominant to the neighbors that is unregistered so any maps thereafter becomes sub-serving to the dominant map. So in other words if they claim this boundary the courts sanction it to be legal then that boundary holds whether we're government or not I'm sorry.

Acting Commissioner Oscar Calvo – To quote to that on what Mr. Matanane stated is back then when Joe Borja was the Director we did confront the Legislature on this and Joe Borja but the problem they kind of slammed us on that because Joe said we need to do this. But because the Legislature didn't support us in giving the financial for that because Joe did tell them Mr. Borja at the time that you know we need money to get all these land because why wasn't was it registered. Like Mr. Borja said at the time hey we need to get this property registered but we don't have the money and we confronted them at the Legislature at the time and whatever transpired after that they chose not to and that's why like you said the sins of the past was you know it's still being the sins of the past. But the Legislature was fully aware of this because we did confront that I know with Mr. Borja.

Vice-Chairman David Matanane – Since we are all in one then that's the reason why I asked that question but not being cynical on that but I'm saying we have encountered this back then about maybe 8, 10 years ago. I mentioned that but I guess nobody wanted to move on it.

Administrative Director Monte Mafnas – I appreciate that comment Commissioner Matanane that because of the Resolution No. 9 now the consolidation and merging with Department of Land Management, CLTC and Ancestral is the right path to move forward. Right now we have Land Administration and Survey that helps Chamorro Land Trust in our mapping, in our leasing, in the whole exercise to assist the beneficiaries of the Trust. This has been a problem in the past because everyone is territorial, everyone has their domain, all departments were having a hard time with money. But because we're merging we have merged into one department we're multi-tasking. We're really working beyond the norm. Now everyone is really working as assiduously to assist all of us. But Department of Land Management in all fairness is in charge of the Government land. Back then in 1959 it was given birth okay so now 53 years later there is still a lot of Government land to register. That is my long term goal and I believe I'm going to get it done.

Vice-Chairman David Matanane – Mr. Chair and Mr. Mafnas back then when I asked how much land does Chamorro Land Trust have..(interrupted).

Administrative Director Monte Mafnas – Initially 10,000 acres.

Vice-Chairman David Matanane – What was the amount of land that was transferred over to CLTC?

Administrative Director Monte Mafnas – 10,000 acres.

Vice-Chairman David Matanane – There's a lot of land that was unregistered. Why is it when you transfer property from one entity to the other you have an inventory and I've been referring to the inventory back then and I still haven't gotten the inventory. Now that we're all in one I would appreciate what was the total amount of land that was

transferred over to CLTC at that point in time in 95 so we can work from our inventory and see how many have we given out and so we'll know what we have.

Administrative Director Monte Mafnas – Well I do know Commissioners that the initial law transferred 10,000 acres from Land Management inventory to Chamorro Land Trust. I do also know that we tested several subdivisions and tracts. I also know that the end result was there are more land leases signed than acreage on the land. For example this is 100 acres well there's probably 150 leases. So we do have a huge concern here. A lot of this exercise has been quantified quantitatively by Land Management because now we're piecing and putting everything together from GIS and maps and everything. In the past the Directors and the staff were trying to accommodate the applicants. To date we have almost 10,741 so we have signed almost 3,000 leases. We're way behind but there were a lot of leases that were signed on unregistered land so that's why we have to do the fast track.

Acting Chairman Michael Borja – Where does that come down to this Waterworks request?

Administrative Director Monte Mafnas – We need the Board to approve effectuating the deeding out of this property, conveying our interest to GWA pursuant to the District Court consent decree.

Acting Chairman Michael Borja – So GWA is going to own the land?

Administrative Director Monte Mafnas – That is correct.

Acting Chairman Michael Borja – So what's the difference between them owning the land and Okkodo leasing the land?

Administrative Director Monte Mafnas – Big difference but because of the consent decree.

Acting Commissioner Oscar Calvo – So they walk scot-free?

Administrative Director Monte Mafnas – Yes they get free land and they don't even say thank you.

Acting Chairman Michael Borja – No they get free land for 99 years.

Administrative Director Monte Mafnas – No their mandate say fee simple rights not long term lease.

Acting Chairman Michael Borja – Fee simple rights well then put a value on it.

Administrative Director Monte Mafnas – I like that Mr. Chairman.

Acting Chairman Michael Borja – No I am serious. I mean they're not a condemning agency to come in and condemn the lands for their use. The Federal courts are mandating this because of the ineptness of their performance in the past and it doesn't have anything to do with the Chamorro Land Trust. It's just that they are going to be using properties or reusing properties they already currently use and by building this piece of property you know they want to own the land forever and it'll be their property?

Administrative Director Monte Mafnas – Yes.

Acting Chairman Michael Borja – I don't agree. I think that they can have it like everybody else can that needs the land. Okkodo High School is leasing the land at a significantly nominal amount..(interrupted).

Administrative Director Monte Mafnas – But the end result is we don't diminish our inventory. Eventually after 99 years the property reverts back to our inventory.

Acting Chairman Michael Borja – Right but here you would diminish it.

Administrative Director Monte Mafnas – If we give fee simple rights correct.

Acting Chairman Michael Borja – If they think that they have to have it fee simple rights then they get it fee simple price.

Vice-Chairman David Matanane – I agree with you Mr. Chair.

Acting Chairman Michael Borja – But we're not going to have a fee simple price for nothing. If they can't work around their mandate like that then that's not our problem.

Vice-Chairman David Matanane – That's what our argument in the previous meeting and this is GWA as you mentioned Mr. Executive Director GWA and GPA is one of the same I believe that's what I heard and they're going to build their going to build infrastructure for nothing.

Acting Chairman Michael Borja – Did we give them the land for GPA?

Vice-Chairman David Matanane – No.

Acting Chairman Michael Borja – We leased it right the GPA building?

Vice-Chairman David Matanane – No.

Administrative Director Monte Mafnas – They cleverly went under the auspices of payment in lieu of taxes. We're supposed to be getting \$800,000 per annum from them from the GWA, GPA.

Acting Chairman Michael Borja – But we haven't.

Administrative Director Monte Mafnas – No.

Acting Chairman Michael Borja – I don't move on this at all under these conditions. Only if they want fee simple they get fee simple price and we have to determine what that price would be.

Administrative Director Monte Mafnas – I do want to forewarn the Board here that I took the same position you took Mr. Chairman. Right, Margaret? And they told us we'll sue you guys.

Acting Chairman Michael Borja – Who is they?

Administrative Director Monte Mafnas – GWA's counsel.

Acting Chairman Michael Borja – Let them.

Administrative Director Monte Mafnas – But I don't mind that because let's bring it on but the thing is they're stating and referencing the three hundred million dollar demand from EPA.

Acting Chairman Michael Borja – Yes because they're not doing their job properly. That is not my problem. I don't have any control over them getting fined by the EPA and it has nothing to do with this it has everything to do with clean water. This is just providing water facilities this is not hindering us from allowing them to do their job. 99 year lease or fee simple price and perhaps it should be negotiable. There are some nice homes up there and here he is degrading the piece of property in his letter its unusable land. Their money didn't wash off all those other houses when they failed to maintain their facilities properly when the collapse occurred.

Administrative Director Monte Mafnas – That's what I was saying that because if the tank fell and dropped there's a million gallons of water flowing and it can destroy your house. So they're saying we're liable. Can we consider the 99 year lease?

Acting Chairman Michael Borja – At a dollar. That's what we do we're not going to be unfair to them. We should treat them like we've treated some others. In the case of a not for profit organization for building schools on our island you know we got an extra dollar because they talked and we subdivided the piece of property and we still own the land. But it's the same kind of thing that goes. In 99 years from now if they don't think this thing is going to last 99 years then I don't think they're building the right tank.

Acting Commissioner Oscar Calvo – On the dollar issue are we talking just the entire lot or are we going to break it down?

Acting Chairman Michael Borja – Well it looks to me like they're using two pieces of property already.

Acting Commissioner Oscar Calvo – That's what I'm trying to say I think..(interrupted).

Acting Chairman Michael Borja – But they're asking specifically for Lot 5380-12 which that tank looks like they need to rebuild. What's the deal with 5380-1 the one just south of it? What's that piece of property where existing water tanks are already..(interrupted).

Administrative Director Monte Mafnas – It's existing. A lot of these have already been removed so the other tank is straddling the other lot line.

Acting Chairman Michael Borja – It's straddling two lots and then they're going to build it just on one lot.

Administrative Director Monte Mafnas – Yes as shown and annotated on the new map.

Acting Commissioner Oscar Calvo – So what's the size of the new lot?

Acting Chairman Michael Borja – It's a pretty large piece of unusable property.

Acting Commissioner Oscar Calvo – If it's unusable then the question in line if you ask this if it's unusable then why are you going to build a tank there when the piece of property is lopsided and it cannot be used because then you know the endangerment of that.

Acting Chairman Michael Borja – It's for the benefit of everyone we need to have drinking water and we need to have water storage facilities that are safe and long lasting. I think what I've read from the articles the way they're going to build this it sounds like to me like the same kind they built on the top of the hill by the airport. I think that perhaps you know if we can just proceed and let them know that we're behind them we don't want to impede this progress or impede their court mandates however, they can't just have the property because it's going against all the..(interrupted).

Administrative Director Monte Mafnas – Mr. Chairman I formally request that that concern be in motion that it be for 99 years with a dollar payment and its leasehold not fee simple.

**Acting Chairman Michael Borja – So the motion on the floor is to have the piece of property designated as Lot 5380-12 in the municipality of Mangilao formerly the municipality of Barrigada for the use to build a water tank for Guam Waterworks Authority that this piece of property be leased to the Guam Waterworks Authority for a 99 year term at a cost of one dollar.**

**Vice-Chairman David Matanane – So moved Mr. Chair that's the motion.**

**Commissioner Amanda Santos – I second it.**

**Acting Chairman Michael Borja - Any objections to this? All I have to say is if there is any ramifications of this that comes down we need to probably look at having a need to immediately meet to discuss it because I don't want to hold them up on these things. There's certain timelines that they have and I don't want to be the ones that are the hold up on the progress.**

**There were no objections, MOTION PASSED.**

### **3. Quantifying CLTC applicants for assistance**

Administrative Director Monte Mafnas – These numbers here that I prepared are from A to Z. I've quantified how many half cast people. For example letter A, Chamorro Land Trust begins with Abad down to Z, Zamora. So they're all half cast Chamorro with other ethnicity we call half breed. The letter A in itself is 741. There's a total of 10,741 applicants at this point in time so what I did based on CLTC's database is I quantified the A's all the way to Z who I think are Chamorros and that can be further validated checking the birth certificate. Notwithstanding like for example there's some Borjas that are Palauans, there are some Santos, some Cruz, some Reyes are Filipinos, I didn't go there because that would necessitate for me to go back into their files. But I purposely did this exercise to meet with GHURA if need be to the Board and I already sent an email to their acting Director and Deputy Director if there is a way and they assist us because unconditionally and unequivocally don't agree with HUD that CLTC does not qualify. As far as I'm concerned my opinion I don't care what other Directors did, do, or did not do I want to ensure that we look for all possible assistance, grants, money for the beneficiaries of the Trust. Now for them to say that we don't qualify and that former two Directors told me that every time. The first Director that was forced to resign happens to be my God brother and he said no you can't do that because CLTC is not friendly to other ethnicity. Well as you can see what I did from A to Z the number of people at the end of the day when I did the math and got 3,576 mixed Chamorros over 10,741 equates to .333, one-third. So if we have 3,000 some half breeds then we add another 3,000 Chamorros that's about 7,000 people. Now even if HUD works with us and gives us 10% financing to build apartments we will help 700 plus beneficiaries of the Trust and that's what I'm trying in that. I only think it's fair that HUD help us because we're not just Chamorros now but that doesn't mean they should not accept Chamorros. It should be Chamorros and whatever half breeds because the half breeds are Micronesians, Japanese, Chinese, Koreans a totally different ethnicity. Haoles, Hawaiians, Filipinos I mean you name it. Guam is a mesh well of other ethnicities. So I just wanted to show the Board what I'm doing, what I'm trying to do, what I'm trying to quantify. So I initiated the discussion with the Director and Deputy Director but if need be I'm going to go before the Board with birth certificates if they want it to request their reconsideration. So they can help get more vouchers for us to build apartment complexes.

Acting Chairman Michael Borja – So what happened here HUD..(interrupted)?

Administrative Director Monte Mafnas – All these times says no, no, no or I don't think the Directors ever tried to appeal to GHURA but I don't care about that I just want to try to move forward. Just because they say no I don't want to assume that it's final and

absolute. I want to go through the exercise and really reject it or approve. So I'm just showing the Board that 32% of our applicants are half cast, that's substantial. That means that there's only 67% Chamorro or less. We have the birth certificate to support this.

Acting Chairman Michael Borja – Can I just suggest on this form if you're going to be submitting it to anybody can we just take the term half breed and use maybe instead mixed ethnicity. And then your percentage here the number itself .337 but if you use the percentage then it becomes even a small number so really the number should be like 33.7%. (note: Document was returned back to Director and not for the record)

Administrative Director Monte Mafnas – I'm just looking for another way of funding so we could build affordable apartments so we can help our fellow beneficiaries of the Trust and constituents and I don't like to assume.

#### **4. Revenue collection**

Administrative Director Monte Mafnas – As of this Fiscal Year October 31<sup>st</sup> to December we have collected \$199,145.00.

Acting Chairman Michael Borja – Good job but I know there are still a lot of folks out there who are sort of dragging their feet on paying.

Administrative Director Monte Mafnas – That's right which includes lessees.

#### **5. GICC**

Acting Commissioner Oscar Calvo – We talked about on the issue of the golf course. What's the status on that?

Administrative Director Monte Mafnas – I've written a demand letter in the amount of \$400,000 plus and I gave them till January 31<sup>st</sup> to make good on the delinquency.

Acting Chairman Michael Borja – How did you deliver it?

Administrative Director Monte Mafnas - By hand I met with the General Manager Mr. Koike. So he's aware he's put on notice and I told him if you don't make good you don't clear the delinquencies then we are forced to litigate and if we begin that there is no backing down and remember your lease expires 2014. So that means you will never get a renewal unless you clean up all the delinquencies to include payment of \$175,000 to Department of Revenue and Tax for property taxes.

Acting Chairman Michael Borja – So is that part of the \$400,000?

Administrative Director Monte Mafnas – No in addition to that so we're talking about \$600,000 plus. He said that he's going to do it.

## **6. JR Mateo**

Acting Commissioner Oscar Calvo – Monte how about the one in Barrigada by Revenue and Tax.

Administrative Director Monte Mafnas – JR Mateo, he's good he paid the \$20,000 that we requested. He has removed maybe 4,950 cars. I think there's about 50 cars up there so he's moving.

Acting Chairman Michael Borja – We even took away some of the property right? I mean we reduced his property.

Administrative Director Monte Mafnas – Yes but we haven't given him a lease yet we did give him a survey authorization to work on it. But eventually we want to relocate his business to and will be relocated to the CLTC property fronting Batulo Street within the Global Recycling Center Incorporated next to the golf course.

## **7. Guam Raceway Park**

Acting Commissioner Oscar Calvo – One more on this Guam Raceway Park issue for the firing range have you been approached by anything on that by any chance?

Administrative Director Monte Mafnas – I have submitted the answers to the questionnaire required by the scoping work and the JPO and I told him that from our point of view we have no objections to the military buildup however Guam Raceway Federation is loudly and clearly protesting the buildup on their site. The firing range being located situated in their site.

Acting Commissioner Oscar Calvo - If I can reiterate on that issue I think because I was approached by the Guam Racing you know I'm not going to lie to you guys I'm very close to that organization you know I started out with that with the Guam Motorcycle Club and so forth. They did confronted me on the issues where I really stand and you know but one of the lingering issue that they're really looking at is they're fine if that's what's the case what they want. But in terms of that what they want back from the military is also provide us a place too at the same place because they literally have spent hundreds of thousands of dollars to build that place up to where it was now for a car strip and everything. A lot of it is for the young kids because if you take that away really Mike okay then where are these guys going go now to really race for the weekends?

Acting Chairman Michael Borja – They'll be doing like they were doing before all in the streets and endangering everyone.

Acting Commissioner Oscar Calvo – They're not saying that they don't want the firing range it's just that the fact remains is they're looking at too is where do we go from here okay? This was granted by the Chamorro Land Trust back then. It took the Legislature to actually push that issue to be given that and it's just overnight because they were told by the buildup committee that that's your problem. They're not even willing to free and simple pay a price for what they you know and what they're saying is okay we're going to

you know if it needs to go that direction then but provide us a place. I mean the military there's property over there in the northwest area that they can provide or you know just give us what back evens, even-even. But just don't leave us in the middle of nowhere of everything we built. I support the buildup too but in reality of that too I support them. I just want to let that known to you guys because I think that's a worthwhile thing for the people of Guam. It's really for the young generations today. I've been up there many of times.

Administrative Director Monte Mafnas – I salute you Commissioner Calvo. A life is precious, it really has no value but of two words we're really in quandary at this point in time and that two words is national security.

Acting Commissioner Oscar Calvo – Yeah I have no qualms with that but that can you and I know Mike you're in the military I've served myself in terms of that but what I think it boils down I think we need to really I mean gee they said already what 40% belongs already to the military here on the island and the people of Guam. You take that that's another 5%, 10%, that they're going to be 50% of that next thing you know. So I'm saying we're being bombarded.

Acting Chairman Michael Borja – Nothing is final. By this time it should have already been done the way they vision it when they first announced it but it hasn't and it's gone from a fast track to a snail pace. A lot of it is well beyond you know anything anyone on this island even has anything to do with because it's all in the national level. But I think when the time comes when they finally do make their decisions because you know they recognize I believe that..(interrupted).

Acting Commissioner Oscar Calvo – Even Congress right now can't really on the cut back. I mean just a couple of nights I heard on the radio that the buildup will be cut back on some of these areas.

Acting Chairman Michael Borja – But anyway I understand I agree with you there needs to be a place for the young people to do the motor sporting that they like to do. Otherwise they'll be out there stripping the soils on Channel Ten and then you get a lot of soil run offs into the rivers and the water through the rainy seasons. I think in time when that point comes there's discussions that be had again but for now it's a lot of speculations. But it's just you know..(interrupted).

Acting Commissioner Oscar Calvo – This has been you know since the last administration and yes it hasn't really been ratified from where it is. But they just wanted to really you know if it's going to happen Oscar it's going to happen.

#### **8. Payment of all future off island travel and per diem cost**

Administrative Director Monte Mafnas – I formally and humbly request consideration from the Board to look at financing a trip for me to go to Japan because there's two leases I want to attempt to bring to Guam. There are three companies that I will be visiting in the Tokyo stock exchange. They're making money, they're real, they have hundreds if not thousands of employees. One is to grow turnip because that's what they do. The other is

to farm balati, sea urchins and they call that black diamond because they'll pick it up dissect it remove certain things boil it and sell it to China. And China has a voracious appetite that they cannot quench. They just don't have enough balati for the Chinese.

Acting Commissioner Oscar Calvo – Don't they come in season for that? You don't eat balati everyday out there.

Administrative Director Monte Mafnas – No so look at that subject lot you know that's where we're talking about maybe three, four thousand feet of (inaudible) that's Chamorro Land Trust property.

Acting Chairman Michael Borja – Where's this at? Malojloj?

Administrative Director Monte Mafnas – Yeah. So number three there's a company that does hybrids with seeds and it guarantees a 100% that it will grow and it's again a multimillion dollar operation. I'm hoping to bring these three companies and help educate our GCC students or high school students on Chamorro Land Trust property and also do business with. Do a public private partnership with them. We provide the land or the ocean and then they create the business. If we bring the hybrid seedling business it'll only help our farmers. We have a thousand plus agricultural leases and probably another thousand people that would like to farm. So that's the purpose of this exercise, income stream, educational and because next to GWA and GPA site that's from CLTC property off Route 15 that's a possible site for a solar school. I don't know if I mentioned it to the Board but basically I've talked to quantum already and they're interested and I have three leads from the Republic of Taiwan to build the school at their expense.

Acting Chairman Michael Borja – What kind of school?

Administrative Director Monte Mafnas – To teach kids how to make solar panels. The game for them to come to Guam is they can produce and sell the products based on our needs because of typhoon, salt and wind conditions and rain. But the major gain for this company is that they can qualify themselves for all military bases because the product will be made on Guam USA. It's a USA project and only that brand will be accepted at all military bases so they have a new market to sell. Guam being a US soil will always provide stability. We're mandated to have scholarship programs right Commissioners? That's part of our mandates of law but I'm hoping that we can put schools to get the funding. Like UOG for example they built the buildings and now the endowment fund is generating all kinds of funding for University of Guam.

Acting Chairman Michael Borja – So this trip is to Japan to go talk with three different companies.

Administrative Director Monte Mafnas- Those three companies as much as I can.

Acting Chairman Michael Borja – I just want to make sure for full disclosure that nobody has any interest whatsoever in any of these companies at all so there's no personal interest involved just to make sure nobody is lining their pockets.

Administrative Director Monte Mafnas – Right and I would like to ask Senator Ben Pangelinan to approve it that way we will get legislative concurrence.

Acting Chairman Michael Borja – Where is the money coming from? You said within the budget?

Administrative Director Monte Mafnas – I think it will be out of the budget or the last one for consideration is uniforms. How I expect to fund these trips or the uniforms for example is Commissioners Matanane and Calvo were here prior to making a deal with Younex as a staging area during that exercise gentlemen correct me if I'm wrong there's no actual funds monetary numbers in place.

Acting Commissioner Oscar Calvo – Right.

Administrative Director Monte Mafnas – The deal was for Younex to use the area for a staging area and increase the capacity of the sewer line and the water line and to put the property back to its original state with the fence and rocks. Correct gentlemen?

Acting Commissioner Oscar Calvo – Right.

### **Uniforms**

Administrative Director Monte Mafnas – Well I came on Board and I did the math and I demanded monetary compensation. So the end result is Younex agrees to pay \$100,000 so that was never ever identified that that's money. That's new found money for CLTC. It was never ever. It was my tenacious that made that happen, my tenacity. But all I'm saying is I would like to request the Board to consider to provide us the access of that money so we can buy uniforms for all the DLM workers, employees. Now we'll put our logo and stitch DLM/CLTC/ALC. Number one, the litany I wanted to propose is this we improve the working conditions by having a dress code so we emulate professionalism. Number two, when the beneficiaries of the Trust walk in they know who they're talking too. If they go to Land Administration they know that that is the real DLM/ALC/CLTC employee. Number three, the employees will be cognizant that they are wearing the uniforms. They're more likeable to perform. In other words if a customer comes in they're not going to turn around and walk away. Now they're obligated to make sure and ensure providing service. Number four, it's a savings for the employees.

Acting Commissioner Oscar Calvo – GPA does that, I think Public Works does that they wear uniforms too and it just represents the agency.

Acting Chairman Michael Borja – And Department of Administration.

Acting Commissioner Oscar Calvo – I have no problems with that I think to me that's a good thing it's for us because then it identifies the person now because you can be sitting in an office and saying well go see Terese or I don't want to use that word but at least that it's okay that she wears a uniform. I don't foresee any problem in having a dress code. Even banks now they do it now and maybe on Friday they can still do Chamorro day.

Administrative Director Monte Mafnas – Most of all too our agents go and do field inspections so they're required to wear their badges but not everybody does that. Right from the get go they know that they're talking to an official capacity by seeing their uniform. That's another purpose. We're going to have to do a lot of inspections for residential and agricultural and actually all our leases, physical inspections. That's why I'm saying the beneficiaries of the Trust will gain from this too.

Acting Commissioner Oscar Calvo – The only thing I have here Monte is remember that this a one-time shot that we're going to get money from that organization okay. Now hypothetically uniforms tend to tear and wear and what not.

Administrative Director Monte Mafnas – We propose to buy 5 sets for everybody.

Acting Commissioner Oscar Calvo – But as the time goes down the years I mean 2, 3 years that clothes is going to be either wear and tear or lose or fade. Now do we put that as part of our funding every year now to be part of the dress code? Another thing is if the employees say their shirt is torn and everything there's a replacement on that which like okay bring the old one in or whatever for that matter. I'm just foreseeing that portion there is you can't wear that uniform I mean even in school every year I buy all my grandkids uniforms every year because they've out grown. So that's my specs there is \$100,000 maybe we can provide all that for the first year or put whatever we're going to on the later part of the years.

Administrative Director Monte Mafnas – That's a very good point Commissioner I did not think that much forward. But I was thinking there are 56 employees at 5 units for them that's roughly 280 pieces at allowing \$100 at 20, 20, 20, 20, 20 per outfit that's \$100 times 280 is \$28,000. I'm asking to get \$30,000 for example and if we do an RFP and Paul's Taylor wins the contract and it only comes out at \$28,000 the \$2,000 goes back to CLTC.

Acting Commissioner Oscar Calvo – The only thing that I foresee here is because once we wear that uniform that is going to be the dress code okay and on the next Administration or further down the line I don't what the change of it but in the meantime as we're in here I think we also got to look into the future what because like I said everyday employees tend to be either some of them might be losing weight, some of them might be getting bigger.

Acting Chairman Michael Borja – I think we can look at the details of these thing further down but..(interrupted).

Acting Commissioner Oscar Calvo – I think Mike we got to look at it in that direction because if we're going to go with that concept.

Acting Chairman Michael Borja – Let's just see what these other departments are doing and who's actually paying for the uniforms. You know if it's a cost sharing or if it's a full on by the, I just know that if anyone is making minimum wage for example or close to it you cannot make them pay for their uniforms.

Administrative Director Monte Mafnas – I propose a one-time deal for now at this point in time Mr. Chairman at five pieces without them expending anything. So I don't know about the following year but right now I've identified a source of funding. This is new found money.

Acting Chairman Michael Borja – Well if you can get it. That money is paid to Department of Administration and put towards the interest of the general fund.

Administrative Director Monte Mafnas – I propose that Younex pays 70/30 to the Association of Department of Land Management. They get tax credit.

Acting Chairman Michael Borja – I'd be careful about that.

Administrative Director Monte Mafnas – I did question this approach to Assistant AG Fred Nishihira and Cathy Foulkus and they said as long as we get legislative concurrence we're okay. I did also drop this on Napu and he said he likes the idea and he's going to recommend it to Senator Pangelinan.

Acting Chairman Michael Borja – Is he still going to remain the oversight for this?

Acting Commissioner Oscar Calvo – He is.

Administrative Director Monte Mafnas – I don't know most likely.

Vice-Chairman David Matanane – The money that is coming in from Younex then how are you going to do this? Are you going to deposit it towards our checking account?

Administrative Director Monte Mafnas – We don't have a checking account.

Vice-Chairman David Matanane – Yes we do.

Administrative Director Monte Mafnas – They took it away. I've been asking since January of 2011 for our money back. I've been asking the front office, Chief Financial Officer, BBMR, Attorney General, OPA.

Vice-Chairman David Matanane – Then how can this be a Trust when all receivables goes right to the General Fund and everybody gets a the piece of the pie?

Administrative Director Monte Mafnas – I pleaded with the OPA to give us that capacity to write a check.

Vice-Chairman David Matanane – And what did she say? Did she mention anything?

Administrative Director Monte Mafnas – She said we'll look into that.

Vice-Chairman David Matanane – We don't want to get into a snag where they question that. The Senators you know will wonder to see how we get a fund where we can tap on it then we'll be okay on it but it's how we're going you know put that funding right close to where the Executive Director and the Board Chair can tap on it. That I don't know how we're going to go about that.

Commissioner Amanda Santos – Oh so you need Doris's approval?

Vice-Chairman David Matanane – But we need to check first to see how, maybe come up with a certain where we can deviate that money put it there for use of Chamorro Land Trust.

Acting Commissioner Oscar Calvo – We just want to make sure that the money is being used to where it's supposed to be and accountable into that. So if they do allow it that itself shows that the audits says yes this xx amount of money was used last year whether it be \$1,000 or \$2,000 or whatever.

Administrative Director Monte Mafnas – When I get the concurrence maybe we can go forward after that after the fact.

Vice-Chairman David Matanane – Check into it and see how we can and see what as long as we make apprise all the officials.

Administrative Director Monte Mafnas – No that will go through GSA because it's over \$15,000.

Vice-Chairman David Matanane – If we do still have that checking account we can always deposit it in there.

Administrative Director Monte Mafnas – But it will help Younex too because our employees association is a nonprofit.

Acting Chairman Michael Borja – Well I hope we get it, I don't know about those guys.

Administrative Director Monte Mafnas – Yes that's true. Well it's new found money if we do ever get it. But with our Attorney on board maybe things can happen.

## **9. Land Exchange/One-Stop Building**

Administrative Director Monte Mafnas – The final thing I forgot to mention to you guys was a land exchange right? I mentioned the parking garage but by law Land Management has to give up 3,000 square meters to a Rosario family and I asked her if we can do a land exchange she says no but whatever land I get I want to sell it. You know where DISID is at next to Kmart there's a triangular portion right back there. The original condemnation was for a court house. So by law Land Management is going to give them the land. The problem is we're trying to collectively build a government building because there are several agencies that are paying close to 3 million dollars why not build our own building. So that's the site we tentatively agreed on and I want to protect as much land as we can.

Vice-Chairman David Matanane – So we can kiss the one in Agana goodbye or what?

Administrative Director Monte Mafnas – No I made an offer to the Attorney General to we'll build your building you just pay us for it. Agana eventually we'll be maxed out in our 50,000 square feet. This way if we build 200,000 square feet we can build a one stop center for everybody to come and do all their business.

Acting Commissioner Oscar Calvo – Monte on this land issue in Agana that we were originally to build for Land Management is that still on the drawing board?

Administrative Director Monte Mafnas – We cannot borrow at this point in time because the Governor borrowed at 100% in capacity. However we can engage in a public private partnership and bid it out like that.

Acting Commissioner Oscar Calvo – Because if I'm not mistaken and you were there that that was one of the issues that Land Management at the time was pushing because they had that money to build that building.

Vice-Chairman David Matanane – I thought they said they got a loan.

Acting Commissioner Oscar Calvo – Yeah.

Administrative Director Monte Mafnas – Well the loan was approved and I had it extended. The problem was USDA did not guarantee the loan because the Title One they called expired. We entered into Title Two which necessitated an environmental report and traffic study. So we gave them after completion the environmental report and the traffic study although they never approved it.

Acting Commissioner Oscar Calvo – But at the time Paul Santos and at the time Land Management they because they were really pushing hard on that remember Dave because they really wanted to build this.

Administrative Director Monte Mafnas – The property is there the building drawings are complete. Bank of Guam can book the loan but we need USDA's guaranty otherwise Bank of Guam will not give us the loan.

Acting Commissioner Oscar Calvo – Well that's not what they were at the time and that's why we went ahead and authorized to release that piece of property from Ricardo Salas and also Cristobal.

Administrative Director Monte Mafnas – We still own it it's about 4,100 square meters of land it is fronting Obrien Drive.

Acting Commissioner Oscar Calvo – One of the issues there at the Land Management that I opposed at the time was they wanted us to be the tenant.

Administrative Director Monte Mafnas – But in the spirit of one Government providing the public with one stop I think we should look in building here in Tamuning. Gas is expensive, time is expensive, everybody's time is expensive and why drive all around Guam. Just go to one place and then that's it. So that is what I'm working on. Yes we can build but we'll be maxed out in no time. That's why I said we can build a parking garage because we have a working drawing already for the parking garage.

Acting Commissioner Oscar Calvo – One question Tamuning, that farm that food stand.

Administrative Director Monte Mafnas – Oh yeah I asked them to come and he did call me but I didn't return his call. I told him I wanted to inspect his operation in Dededo before we move forward if it's real. I have questions and reservations about that.

**VIII. EXECUTIVE SESSION** - None.

**IX. ADJOURNMENT** – Meeting adjourned at 3:18pm.

Transcribed by: Teresa Topasna: Teresa Topasna Date completed: January 3, 2013

**Approved by Board motion in meeting of:** Jan. 17, 2013

Administrative Director, Monte Mafnas:

Date:

Chairman (Acting), Michael Borja:

Date:



The Ultimate Drive Experience

Henry M. Simpson  
General Manager  
Guam International Raceway  
967-Cross Island Rd.  
Santa Rita, GU 96915

Dear Henry,

Thank you very much for the opportunity to present you with the proposal for Guam Auto Sports. (G.A.S.) - Guam's Ultimate Driving Experience. Please find enclosed the presentation for G.A.S. as well as a Bio and proposed lease terms.

As you know I have over 20 years experience in Guam Tourism. Operating Guam's largest entertainment complex; The Sandcastle, as well as BIG Media, BIG Cruises and Sandcastle Saipan, I have developed very good relationships with the Guam Tour Agencies. These close relationships have educated me on their business standards and requirements, that I am confident will be useful in promoting G.A.S.

I am a board member of the Guam Visitors Bureau (GVB) and the Guam Hotel and Restaurant Association (GHRA). Through my combined 14 years of experience with these organizations I have discovered that Guam is in dire need of world class attractions, especially in sport tourism. Recently, I visited Singapore to scout their Ultimate Drive Experience optional tour and learned that it is operated on public roads. I am very confident that G.A.S. will be more exciting and successful with the Guam International Raceway facility as it provides various driving options where as a public road course limits the thrill that G.A.S. strives to offer its customers.

I hope that the Board Members of the Chamorro Land Trust Commission will look favorably on my proposal. Together I know that we will provide the Community and Guam visitors with the safe, new and exciting driving experience that only G.A.S and the Guam International Raceway facility can offer.

Sincerely,

Rizk Saad  
Owner /Operator

New and Most Exciting  
Experience on Guam

**G.A.S.**

You won't think about family, friends or work.  
You won't worry about updating your Facebook  
page or missing any Tweets.

**You won't daydream.**

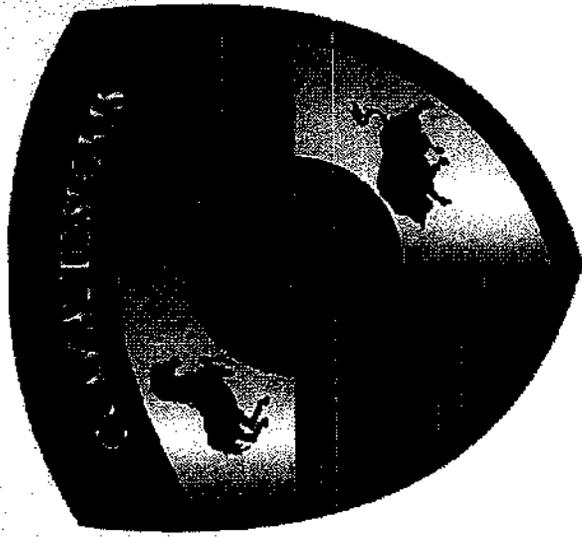
The reward is one extraordinary adrenaline  
rush.

**Are you ready?**



**Meet your Ultimate Fantasy! Ferrari**

Get behind the wheel. Take a deep breath, savor the moment and give in  
to your true self.



The Ultimate Drive Experience



**Don't limit your Fantasies - Lamborghini**

Who says you can experience it all the G Power!

... sports car fanatic has  
... dreamed of driving a  
... for a Lamborghini. The  
... of driving one of the  
... sportiest and most  
... vehicles available in the  
... is truly incredible.

## EXPERIENCE

As the driver, you'll be in full  
command and feel the thrill of  
the engine revving, as you  
push the pedal down. It's the  
best way to discover the full  
capabilities of these performance  
cars while a professional driver  
sitting beside you will advise  
you to achieve the ultimate  
safe driving experience.

## SAFETY

- A professional Exotic Car track operator has been contracted to provide pre opening and post opening consulting with their main focus being on safety procedures, training and track set up.

Urban International Raceway Park will be the home track.

The course will be enhanced to meet the safety standards.

Facility/Grounds will be upgraded to meet the needs of the operation to ensure the experience from the start.

## TRAINING FIRM

Contact with Exotics  
Las Vegas.

Bob Bondurant School of  
High Performance Driving,  
Phoenix, Arizona

## PROFESSIONAL DRIVERS

- A crew of professional drivers from off island will be brought in to assist in the set up, train local drivers and host professional marketing events.

## Economic Forecast 2012-2013 Guam – CNMII

The overall picture is favorable and promising. Tourism rebounded remarkable with Guam welcoming 13.16% more visitors between January and August of 2012 than it did during the same period last year.



# FY2012 Guam Visitor Arrivals, By Air and Sea

Verified figures for October 2011 - September 2012

Company	November	December	January	February	March	April	May	June	July	August	September
ARMED FORCES AIR	197	295	343	828	772	240	519	460	413	597	1,070
ARMED FORCES NAVY	347	1	30	58	4	-	138	3	14	36	144
ARMED FORCES MARINE CORPS	36	-	-	-	-	-	-	-	-	-	-
ARMED FORCES AIR FORCE	1,166	991	901	776	1,063	699	1,307	473	865	807	2,163
ARMED FORCES MARINE CORPS	182	104	148	81	148	178	129	183	155	84	191
ARMED FORCES AIR FORCE	2	10	2	2	1	-	40	2	2	-	-
ARMED FORCES MARINE CORPS	-	-	1	-	-	-	-	-	-	-	-
ARMED FORCES AIR FORCE	-	-	-	-	-	-	-	1	-	-	-
ARMED FORCES MARINE CORPS	-	-	-	-	-	-	-	-	-	-	-
ARMED FORCES AIR FORCE	3	3	6	-	10	13	6	7	4	4	6
ARMED FORCES MARINE CORPS	37	26	-	317	60	51	19	15	58	58	80
ARMED FORCES AIR FORCE	-	-	-	-	-	-	-	-	-	-	-
ARMED FORCES MARINE CORPS	-	-	-	-	-	-	2	-	5	-	-
ARMED FORCES AIR FORCE	-	-	-	-	-	-	-	-	-	-	-
ARMED FORCES MARINE CORPS	-	-	-	-	-	-	-	17	18	-	-
ARMED FORCES AIR FORCE	6	15	-	14	23	7	19	6	9	4	11
ARMED FORCES MARINE CORPS	-	-	-	-	-	-	-	-	-	-	-
ARMED FORCES AIR FORCE	10	24	22	41	51	11	19	7	17	53	170
ARMED FORCES MARINE CORPS	1,280	1,469	1,460	2,117	2,166	1,197	2,186	1,154	1,583	1,637	3,634

ARMED FORCES AIR Force, Customs Declaration Forms, Customs & Quarantine Agency.

Company	November	December	January	February	March	April	May	June	July	August	September
ARMED FORCES AIR	97,572	102,134	114,986	109,988	123,152	86,273	80,034	93,786	110,297	90,315	105,291
ARMED FORCES NAVY	51	81	452	14	1,058	336	310	28	80	38	114
ARMED FORCES MARINE CORPS	1,722	1,489	1,450	2,117	2,166	1,197	2,186	1,154	1,583	1,637	3,634
ARMED FORCES AIR FORCE	0	12	0	0	0	0	157	0	0	0	0
ARMED FORCES MARINE CORPS	99,294	103,603	116,136	112,115	125,318	87,470	82,230	94,920	111,890	131,962	108,426
ARMED FORCES AIR FORCE	51	83	452	14	1,058	336	467	28	80	38	114
ARMED FORCES MARINE CORPS	99,345	103,686	116,588	112,129	126,376	87,806	82,697	94,948	111,970	131,990	108,540

ARMED FORCES AIR Force, Customs Declaration Forms, Customs & Quarantine Agency.



**GUAM HOTEL & RESTAURANT ASSOCIATION**

**SUMMARY STATISTICAL REPORT OCTOBER 2012 (Released December 9, 2012)**

Number of Rooms Available for Sale: 23  
 Number of Rooms Available for Sale: 7,420  
 Number of Rooms Available for Sale: 84  
 Number of Rooms under Construction: 0  
 Capacity in Room Nights: 175,522  
 Room-Employee Ratio: 1.70 (Room to 1 Employee)  
 Rev Par 2012: \$90.52  
 Rev Par 2011: \$70.22

	2011 YTD	2012 YTD	YTD CHANGE	Oct-11	Oct-12	CHANGE
<b>NUMBER OF HOTELS REPORTING</b>				14	14	0
Room Nights Available for Sale	1,922,396	1,591,597	-17%	177,475	175,522	-1%
Room Nights Sold	1,372,532	1,276,196	-7%	118,332	139,081	18%
<b>HOTEL OCCUPANCY RATES</b>						
Low Average	30%	43%	13 pts.	20%	19%	(1 pt.)
Mean Average	68%	77%	9 pts.	63%	73%	10 pts.
Weighted Average	71%	81%	9 pts.	67%	79%	12 pts.
High Average	93%	92%	(1 pt.)	100%	91%	(9 pts.)
<b>HOTEL ROOM RATES</b>						
Low Average	\$45	\$48	7%	\$45	\$43	-4%
Mean Average	\$102	\$110	8%	\$96	\$104	9%
Weighted Average	\$125	\$123	-2%	\$105	\$114	9%
High Average	\$161	\$166	3%	\$149	\$160	7%
<b>GROSS RECEIPTS TAX PAID</b>	\$11,567,238	\$12,099,727	5%	\$998,188	\$1,272,307	27%
<b>ROOM OCCUPANCY TAX PAID</b>	\$15,937,037	\$16,003,882	0%	\$1,240,253	\$1,597,701	28%
<b>ARRIVAL COUNT - JGTA</b>	678,254	770,840	14%	61,786	70,812	14%
<b>ARRIVAL COUNT - KOREA</b>	122,176	143,969	18%	10,696	16,122	51%
<b>ARRIVAL COUNT - TAIWAN</b>	38,282	42,657	11%	4,078	3,688	-10%
<b>ARRIVAL COUNT - CHINA, P.R.C</b>	6,247	8,064	29%	1,242	1,087	-12%
<b>ARRIVAL COUNT - RUSSIA</b>	460	3,048	563%	72	361	401%
<b>TOTAL ARRIVAL COUNT</b>	956,737	1,081,178	13%	90,276	104,334	15%

A 1% decrease in the number of room nights available for sale and increased 16% in the number of room nights sold compared to the same period in 2011. The Weighted Average Room Rate increased 9% at \$114. Preliminary arrival numbers from the Guam Visitor Bureau for October 2012 reflected a 14% increase while the Korea market increased by 51% and the Taiwan market reflects a 10% decrease for the month of October 2012 as compared to the same period in 2011.

Total number of Room Nights Sold divided by total number of Room Nights Available for Sale by Reporting Hotels  
 Total number of Room Nights Sold divided by sum of all Room Nights Sold by Reporting Hotels  
 Total number of Room Nights Sold divided by total number of Room Nights Sold by Reporting Hotels  
 Total number of Room Nights Sold divided by total number of Room Nights Sold by Reporting Hotels

## TOURIST OUTLOOK

Tourist growth arrivals

Unique experience – only

one on Guam

New Market

Car rental history for sports

Cars

## LOCAL CAR CLUBS - *Enthusiasts*

- Guam Region Sports Car Club of America
- Drag Racing Association Guam
- Guam Drifting Association
- Guam Hot Rods
- Precision Concepts
- Toys R Us

## **OPERATOR**

- Rizk Saad -- Owner

## **MANAGEMENT STAFF**

- Marketing Manager
- Operations Manager
- Business Development  
Manager
- Safety and Training  
Manager

## TRAINING LOCAL JOBS

Local drivers

Mechanics

Admin Staff

Operational Staff

Provide GCC on the job  
training opportunities for

TRADES ACADEMY

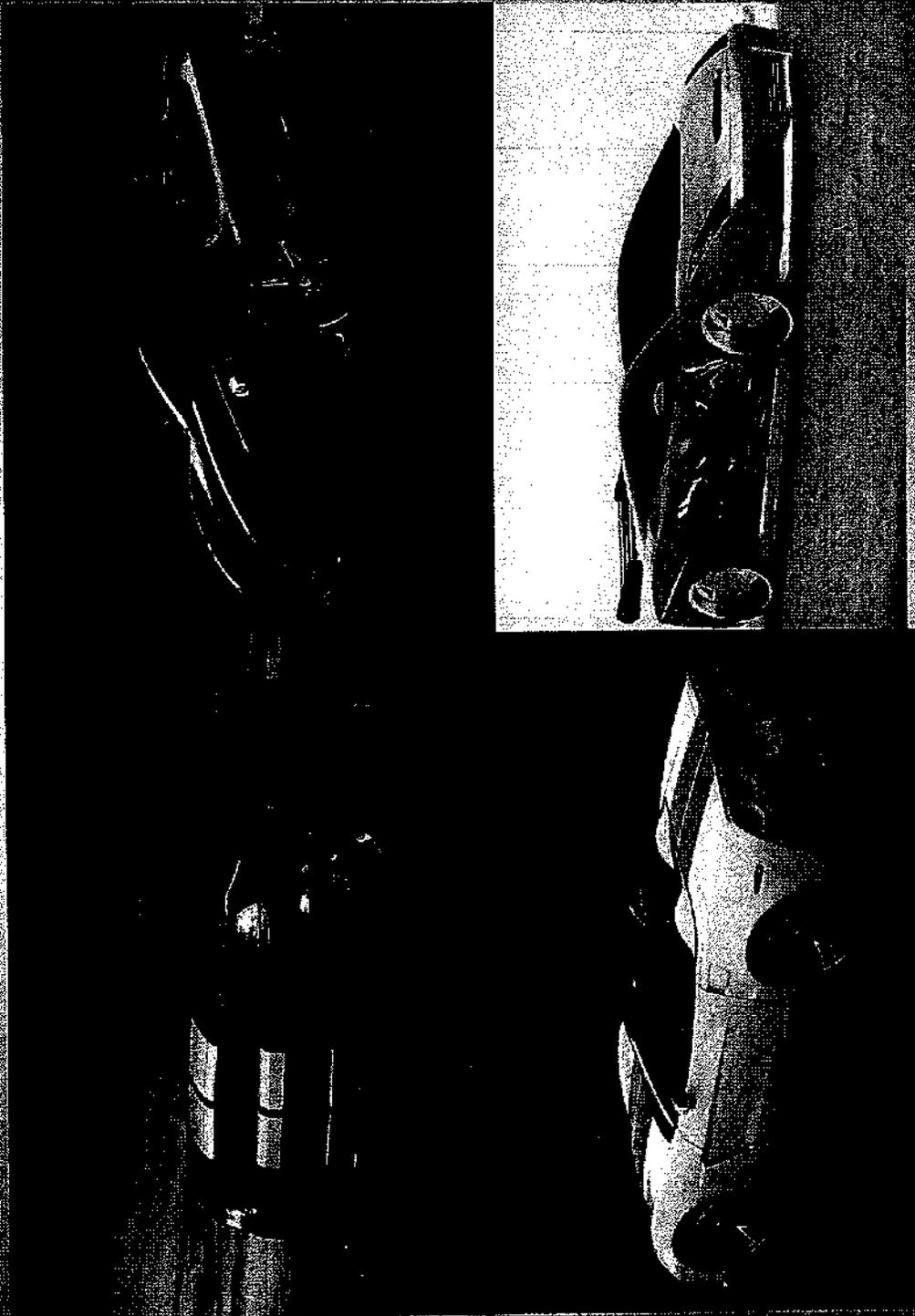
## CONTRIBUTION TO LOCAL ECONOMY

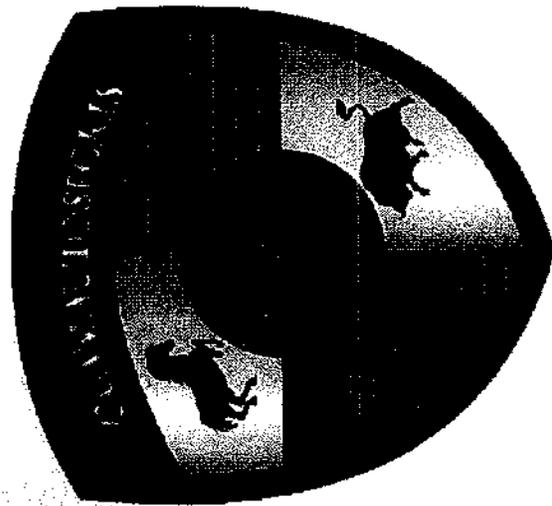
- Enhancement to improve track
- Media buys
- Support of buy Local campaign
- Enhance the Tourist experience
- Provide additional income to the Guam Raceway Park, non-profit organization

# FINANCIAL PROJECTION

## SUMMARY

	YEAR ONE			YEAR TWO		YEAR 3	
	low	Medium	High	25%	Growth	50%	GROWTH
Revenues	\$ 424,736	\$ 738,816	\$ 1,021,686	\$ 530,920	\$ 923,520	\$ 1,234,064	\$ 1,408,224
Agent commission	\$ 43,150	\$ 74,623	\$ 102,586	\$ 663,650	\$ 1,154,400	\$ 1,915,680	\$ 1,915,680
Net revenues	\$ 381,586	\$ 664,193	\$ 919,110	\$ 597,285	\$ 1,038,960	\$ 1,574,872	\$ 1,661,952
Total Payroll	\$ 340,280	\$ 340,280	\$ 340,280	\$ 375,214	\$ 375,214	\$ 375,214	\$ 375,214
Total expenses	\$ 245,489	\$ 285,141	\$ 323,246	\$ 300,290	\$ 801,777	\$ 675,504	\$ 434,795
Total operating expenses	\$ 585,769	\$ 625,422	\$ 663,527	\$ 675,504	\$ 1,176,990	\$ 1,050,718	\$ 810,009
Net operating income	\$ (204,183)	\$ 38,772	\$ 255,584	\$ 255,584	\$ 255,584	\$ 255,584	\$ 255,584
Debit Services: 700 k @ 5% 6 yr	\$ (98,509)	\$ (98,509)	\$ (98,509)	\$ (98,509)	\$ (98,509)	\$ (98,509)	\$ (98,509)
Depreciation: 500k over 7 year	\$ 71,400	\$ 71,400	\$ 71,400	\$ 71,400	\$ 71,400	\$ 71,400	\$ 71,400
Operating profit	\$ (177,074)	\$ 65,880	\$ 282,633	\$ (107,255)	\$ 166,630	\$ 818,692	\$ 686,281





The Ultimate Drive Experience

# Rizk Saad

122 Redondo De Francisco  
Tamuning GU 96913  
671-687-6800  
rizksaad@americanwatertek.com

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## Experience

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### **President/Managing Owner**

American WaterTek  
August 2011 – Present

Exclusive distributorship for Kinetico water treatment line in Micronesia and non exclusive in the Philippines. Providing complete service which includes selling, servicing and repairing water softeners, reverse osmosis and water filtration systems for residential and commercial markets. Services also include training and warranty support for large commercial accounts.

### **Owner**

NuForm Fitness  
May 2004 - Present

Pilate and fitness studio which focuses on balanced body with reformer equipment. Personalized sessions which focus on individual physical conditions and ways to enhance body toning.

### **Executive Vice President/Chief Operating Officer**

Baldyga Group International, Tumon, Guam  
August 1996 – March 2011

Responsible for the financial and operations performance of Baldyga International Group ventures, which encompasses 18M dollars annual revenue with 200 employees. BIG ventures include; SandCastle Guam & Saipan; a multi-faceted entertainment complex that features a 500 seat capacity Las Vegas style dinner theatre, a 1000 person capacity multi-level Night Club. BIG Cruises –Day and night dinner cruise. BIG Services – Food services management; specializing in large scale workforce food services. BIG Media - which encompasses VTN (Visitors Television Network), a 5 multilingual tourism information and advertising channel, Guam Visitors Channel, Airport Digital media.

Member of startup team for GameWorks Guam and contracted by LVMH/DFS to oversee management of GameWorks operations.

### **General Manager**

SandCastle Inc., Tumon, Guam  
August 1992 – August 1996

Directed the day to day operations of SandCastle Guam which encompasses a 500 seat dinner theater,

multilevel night club and the Manhattan Lounge with a total of 240 team members.

**Vice President of Resort Operations**

Enchantment Resort, Sedona Arizona

May 1990 – February 1992

Managed the operation of an exclusive 5 diamond, 162 villa tennis resorts. Successfully implemented Nick Bolitay tennis institute and Body by Jake Fitness Spa, which became vital attractions to the resort.

**Vice President of Golf Host Inc.**

Tamarron Resort, Durango Colorado

January 1985 – May 1990

Responsible for all conference facilities, as well as food and beverage operations of a 450 condominium golf and ski resort. Implemented national purchasing program for all Golf Host properties.

**Education**

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- *Bachelor of Science, Computer Science and Mathematics. Texas State University, San Marcos Texas*
- *Hospitality course, Cornell University Hotel School*
- *Professional courses and certifications, American Hotel and Motel Association and the International Food Services Executives Association*

**Professional and Community Affiliations**

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- *Currently serving as Board of Director for the Guam Visitors Bureau; and the Chairman of the Destination Enhancement and Management Committee.*
- *Currently serving as Board of Director of the Guam Hotel & Restaurant Association.*
- *Founder of the Guam Community College Jeff Hill Scholarship Foundation*
- *Served on the Northern Marianas Economic Development Council*
- *Member of the Vision 2001, Governor Carl Gutierrez's strategic initiative aimed at doubling Guam's tourism arrivals.*



The Ultimate Drive Experience

## Proposed Lease Terms

### Facility use by Guam Auto Sports (G.A.S.):

- Drag race course
- Drag race parking lot
- Drifting circle / course
- Main parking area
- Building adjacent to the Drag race course - First & second floor space
- Rest rooms
- Future attraction: Off wheeling course for Trexx

### Upkeep\*: Guam Auto Sports (G.A.S.) will:

- Enhance the Drag course entrance with signage and flags, Drag race course, wall graphics, flags, various other racing elements.
- Grounds upkeep to include water blasting, grass cutting, tree trimming, and trash collection generated from its own operation and clean the rest room.

### Tenant Improvement\*: Guam Auto Sports (G.A.S.) will:

- Renovate interior space to suit its operation i.e. partitions.
- Install shade/rain covering over part of the bleachers.
- Repair of deteriorated chained link fencing around the Drag race course.

\*Prior to any changes G.A.S. will obtain approval from GIR.

### Lease Terms:

- Non Compete: Guam International raceway will not enter into lease or allow similar business to operate or to compete with GAS.
  - Co-operation: G.A.S. operation will not hinder existing races and annual events.
  - Insurance: gas will obtain proper & sufficient insurance and will name Guam International Raceway & Government of Guam as second Insured.
  - Covenants: Gas will operate within Guam International Raceway guidelines and regulation.
  - Term: 7 year with option to renew if Guam International race way gets lease extension
- 
- ✓ Year 1: \$1500 / month + \$1000 / month for utilities, water, power, trash pickup, sewer and use of the laser sensors.
  - ✓ Year2: \$1500 / month + \$1000 / month for utilities, water, power, trash pickup, sewer and use of the laser sensors. + 3% of revenues supported by GRT filing.
  - ✓ Year3: \$1500 / month + \$1000 / month for utilities, water, power, trash pickup, sewer and use of the laser sensors. + 3% of revenues supported by GRT filing
  - ✓ Year4: \$1500 / month + \$1000 / month for utilities, water, power, trash pickup, sewer and use of the laser sensors. + 3% of revenues supported by GRT filing
  - ✓ Year5: \$1500 / month + \$1000 / month for utilities, water, power, trash pickup, sewer and use of the laser sensors. + 5% of revenues supported by GRT filing
  - ✓ Year6: \$1500 / month + \$1000 / month for utilities, water, power, trash pickup, sewer and use of the laser sensors. + 5% of revenues supported by GRT filing
  - ✓ Year7: \$1500 / month + \$1000 / month for utilities, water, power, trash pickup, sewer and use of the laser sensors. + 5% of revenues supported by GRT filing

# **JMD** GLOBAL MICRONESIA CORPORATION

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January 14, 2013

**Monte Mafnas**  
Executive Director  
Department of Land Management  
Government of Guam  
590 S. Marine Corps Dr., ITC Bldg.  
Tamuning, Guam 96913

**RE: Letter of Intent to Lease Chamorro Land Trust (CLT) Lands**

Dear Mr. Mafnas:

For 7 months, our company has gathered information on Guam's housing demands, affordable housing programs and on the military buildup to ascertain whether it will be feasible to manufacture Insulating Concrete Forms (ICFs) and to assemble energy efficient windows (double-pane and triple-pane), insulated panel doors and mechanical ventilation system on Guam to be used in construction of low-energy efficient homes. We had made presentations to Governor Calvo and Lt. Governor Tenorio, the 31<sup>st</sup> Guam Legislature leadership, Mr. Martin Benavente of Guam Housing Corporation, GHURA, GEDA, Guam Energy Office, Mr. Joe Diego of USDA, SBA, Guam Contractors Association President, Guam Trades Academy, GCC, UOG, and to the Guam Contractors License Board Executive Director. We also participated in the 2012 Affordable Housing Expo and the UOG 2012 Career in Energy Efficient Expo. Our findings and feedback from our presentations encouraged us to pursue our business intent for Guam.

On October 22, 2012, JMD Global Micronesia Corporation was incorporated. On December 10, 2012, JMD Global Micronesia Corporation obtained its Contractor's License with classification A, B, C13 & C37. The mission of JMD Global Micronesia Corporation is to build a low-energy efficient model house, to engage in affordable housing development projects, to facilitate the establishment of a manufacturing and assembling plants, and to provide OJT to local workforce in ICF construction.

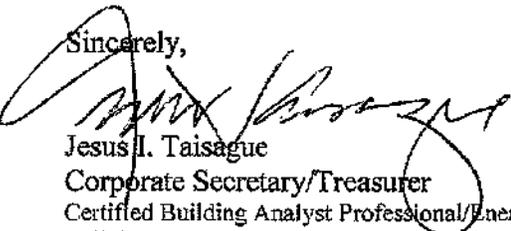
The manufacturing and assembling plants will require about 3 – 5 acres of land with available off-site infrastructure such as power, water, and sewer within proximity. The estimated investment is about \$10 Million which will provide local employment of about 200-300 workers at 100% operation. The manufactured and assembled products can also be Guam's export products to other regions such as to the CNMI, FSM, Republic of the Marshall, Republic of Palau, and as far as Hawaii and the Philippines. We also planned to build our operation offices adjacent to the model house, therefore, about 3,000 square meters of land is needed. Six (6) containers already arrived and are still at the seaport, containing ICFs and tools to immediately commence construction of the model home and our operation offices.

We have been searching for suitable land to construct the model house, operation offices, and for the manufacturing & assembling plants but we have not found any yet. We have been informed that CLT may have available lands for lease that may be suitable for our purpose. For this reason, on behalf of our company board members, I humbly submit our Letter of Intent expressing our interest to lease CLT lands for our above stated purposes. Since our containers are already at the seaport, we would like to lease available CLT lands as staging area for our containers and at the same will be the site for the manufacturing and assembling plants.

We appreciate your assistance to provide us with your information package to include requirement checklist and application for leasing CLT lands.

Si Yu'os ma'ase and we look forward for your favorable consideration of our Letter of Intent. Should there be any questions, I may be contacted directly by dialing 670-287-0494 or via email at [jmdisorast@gmail.com](mailto:jmdisorast@gmail.com).

Sincerely,



Jesus I. Taisague  
Corporate Secretary/Treasurer  
Certified Building Analyst Professional/Energy Auditor  
Building Professional Institute ID #5043208  
Expiration Date: 09/21/15

XC: Jaeyong "Joseph" Kim, Corporate President  
Jaejun Kim, Corporate Vice President  
JMD Global Co., Ltd. (Korea Office)  
File

Enclosures:

1. Contractor's License
2. Products Brochure

# CONTRACTORS LICENSE

EDDIE BAZA GALVO  
Governor of Guam

RAY TENORIO  
Governor of Guam

Pursuant to the provisions of 21 USC Real Property, Contractors and the Rules and Regulations of the Contractors License Board, the Executive Director of Contractors hereby issues this license to

Armando Millagan  
RME For: JMD Global Americas Corporation

to engage in the business or acquire the capacity of a contractor in the following classifications

A.B, C13 & C37

This license is the property of the Executive Director of Contractors and shall be returned to the Executive Director on demand when suspended, revoked or invalidated for any reason. It becomes void if not renewed on or before the expiration date.

Signature of RME  
RME # 1668

Signature of LICENSEE  
license

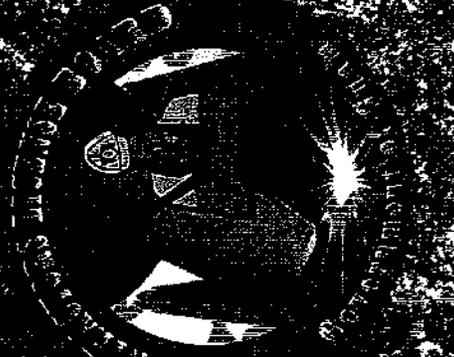
GRIT # 20201648

Certificate # R-1212-1418

Issued December 10, 2012 Expires June 30, 2013

EDUARDO R. ORDONEZ  
EXECUTIVE DIRECTOR

RICHARD QUIAMBAO  
BOARD CHAIRMAN



## Native American Direct Loan Program

1. Program Title Native American Direct Loan Program
2. Program Benefits (ie; 100% financing, no payment during construction, and others) Minimal closing fees: no escrow fee, no points, no origination fee. Servicing retained in Hawaii. No prepayment penalty.
3. Maximum Loan \$625,500
4. What are the Debt to income ratios? 41%
5. What minimum FICO scores are required? Not applicable - VA does not look at FICO scores.
6. Other than land, infrastructure and vertical cost can loan include other items such solar or wind energy for each home. Energy efficiency improvements up to \$6,000 may be added to the loan.
7. Does the 10 month rule apply in small debts? Under Freddie Mac any loan that has a pay off schedule below 10 months will not be included in the debt ratio All debts may impact an applicant's ability repay the loan. Debts which can be paid off in 10 months or less must be looked at on a case by case basis.
8. If there is equity in the purchase can small loans be included to consolidate with purchase to improve debt ratio? Under Freddie Mac debts cannot be included in financing the home. No. The loan is limited to the purchase price/actual cost of construction or the reasonable value, whichever is less.
9. Can closing cost be included in the purchase? No. Except for the VA funding fee, closing costs cannot be included in the loan.
10. Can the potential Homeowner receive down payment grants to lower its final financing cost? Grants and gifts for downpayment/closing costs are allowed.

They may be other questions while we build the "Frequently ask Questions" we will start with these for now. I look forward in the creations on the FAQ and Fact sheet.

## HOME LOAN GUARANTY

## NATIVE AMERICAN VETERAN DIRECT HOME LOAN PROGRAM



### KEY FACTS

Since 1992, the Native American Veteran Direct Loan (NADL) program has provided eligible Native American Veterans and their spouses the opportunity to use their Department of Veterans Affairs (VA) home loan guaranty benefit on Federal trust land. Prior to the creation of this program, Native American Veterans could use this benefit only if a mortgage lender was willing to make a VA home loan on Federal trust land.

### HOW DOES THE NADL PROGRAM WORK?

By statute, before VA may make a loan to any Native American Veteran, the Veteran's tribal or other sovereign governing body must enter into a Memorandum of Understanding (MOU) with VA. Native American Veterans who are eligible for VA home loan benefits and whose sovereign governments have signed an MOU, may then apply directly to VA for a loan to purchase, build, or improve a home located on Federal trust land. They may also refinance a direct loan already made under this program to lower their interest rate. If the property is not located on Federal trust land, the Veteran can use the VA Home Loan program.

### WHAT ARE THE LOAN LIMITS AND INTEREST RATES?

Direct loans made under this program are indexed to the conventional mortgage limits set annually by Freddie Mac and Fannie Mae. Please visit [http://www.benefits.va.gov/homeloans/loan\\_limits.asp](http://www.benefits.va.gov/homeloans/loan_limits.asp) to see the current list of loan limits and current interest rates for NADLs. Interest rates for loans made under this program have, historically, trended lower than those available to Veterans elsewhere.

### HOW CAN I CONTACT VA TO LEARN MORE ABOUT GETTING A NADL?

VA has eight Regional Loan Centers (RLCs) and an office in Honolulu. Please contact the RLC in your area of jurisdiction. You can locate your RLC of jurisdiction at <http://www.benefits.va.gov/homeloans/rlcweb.asp>.

For More Information, Call Toll-Free 1-800-827-1000 or Visit Our Web Site at <http://www.benefits.va.gov/homeloans>.



Disabilities determined by VA to be related to your military service can lead to possibly non-taxable compensation, enrollment in the VA health care system, a 10-point hiring preference for federal employment and other important benefits. Ask your VA representative or Veterans Service Organization representative about Disability Compensation, Pension, Health Care, Caregiver Program, Career Services, Educational Assistance, Home Loan Guaranty, Insurance and/or Dependents and Survivors' Benefits.



U.S. Department  
of Veterans Affairs

**MEMORANDUM OF UNDERSTANDING BETWEEN  
THE TERRITORY OF GUAM  
AND  
THE SECRETARY OF VETERANS AFFAIRS, AN OFFICER OF THE UNITED STATES  
RELATING TO THE PROCESSING, UNDERWRITING, AND SERVICING OF VA DIRECT HOME LOANS  
FOR ELIGIBLE PACIFIC ISLANDER GUAM CHAMORRO VETERANS**

**I. PURPOSE**

This Memorandum (MOU) defines the basic responsibilities of the Secretary of Veterans Affairs and the Territory of Guam. VA has proceeded to implement a Native American Veterans Direct Loan Pilot Program (Program) to qualified Guam Pacific Islander veterans under Public Law 101-517 of October 28, 1991, Title 38 U.S.C. Code §§ 3761-3764. The Guam Housing Corporation (GHC) has agreed to assist VA in implementing this Pilot Program, so have the Chamorro Land Trust Commission (CLTC) and the Guam Territorial Office of Veterans Affairs. The GHC and the CLTC will determine who qualifies as a Pacific Islander borrower and the CLTC will determine what GNC and CLTC properties in Guam qualify as Chamorro Land Trust Act properties.

**II. EFFECTIVE DATE OF AGREEMENT**

This Agreement is effective upon the date last signed by the signatories after review and approval by VA.

**III. CONSIDERATION**

In consideration of the priorities and other good and valuable consideration, the parties do agree and establish as follows a pilot program of direct home loans for qualified Pacific Islander veterans on eligible trust lands in Guam, as defined by 48 U.S.C. Code § 1421, the Organic Act of Guam, as amended, the Chamorro Land Trust Act, 21 GCA Chapter 75, § 25101 et seq., and 1985 regulations (hereafter, as interpreted by the Government of Guam, *In re Angel Santos and the Chamorro Malina vs. Joseph F. Aia*, Guam Superior Court, Case No. S.P. 0083-92 (1993), and by Title 38 U.S.C. Code §§ 3764 and Title 38, CFR, §§ 36.45D) and 36.45Z.

**IV. AGREEMENT**

A. VA will make direct home loans available for qualified Pacific Islander veterans on eligible trust lands to the extent funds are appropriated and subject to such terms and conditions as may be established by VA. VA will process loan applications from the GHC upon verification of qualified Pacific Islander status on eligible trust lands in accordance with GHC and VA underwriting criteria. VA will fund loans to qualified Guam native veterans for the purchase, construction, improvement of a home or for the purpose of lowering the interest rate on existing direct home loans completed by GHC. If VA utilizes GHC or other Territory of Guam Offices to perform loan disburse, construction inspections, compliance inspections, loan servicing and property management, the veterans may pay a fee of up to \$300 to GHC or other entity performing the work. VA will order appraisals and appraisals in accordance with statutory or other rules and guidelines. Appraisal services will be paid by veterans or beneficiaries using only VA certified or named appraisers on Guam. Fees and costs will be finally determined in the sole discretion of VA. VA approved condominium, subdivision, zero lot lots, or planned unit communities or other types of residential developments, including commercial properties, may be utilized for direct home loans, in the discretion of VA, if certified as upon Chamorro lands for Chamorro Chamorro veterans may not by marriage alone establish eligibility for the Pilot Program. At least one party to a VA direct loan must be a qualified veteran Chamorro/qualified non-veterans and non-Chamorro may sign as co-borrowers and mortgages if permitted to do so by GHC.

B. The Territory of Guam hereby certifies that it has established standards, forms, reports and procedures that result in the conveyance of a valid and meaningful leasehold or fee interest in real property by a Pacific Islander veteran or beneficiary (hereinafter, as VA, or priority for the VA direct home loan, including such procedures for the power of sale, foreclosure without redemption or one action/one deficiency limitations upon said federal VA interests, and also including such procedures to locate the possession of said interests for resale of the lot or dwelling or both, as provided by federal law, said interests have been purchased, constructed, and improved or affected by rate reduction loans using the proceeds of the VA direct home loan, lawfully and timely assigning such lease or deed interests by warranty to the Secretary of Veterans Affairs, his or her designee, successors or assigns. The Government of Guam (to include CLTC) will be responsible for power of sale foreclosure, lease cancellation, and resale or lease of delinquent loans, so long as VA is given a timely and accurate accounting of the proceeds of the direct loan monies affected.

C. The Territory of Guam also certifies that it has established that a leasehold or fee interest, duly recorded as required by Guam law in the Guam Department of Land Management, Office of the Recorder, without and for VA, shall have priority over any and all third party assignments, judgments, community property interests, UCC security interests, equitable mortgages, hook-up fees, partitions, party wall encumbrances, assessments, local taxes, short term lease interests, members' fees, or possessory or other adverse interests not perfected at the time of such recording and any and all subsequent liens or claims as provided by law.

D. The Territory of Guam, upon VA's written or other notice of default for more than ninety (90) days by the borrower(s) under a leasehold or fee simple mortgage, shall assist and assist (hereinafter, as VA, or priority for the VA direct home loan, including such procedures for the power of sale, foreclosure without redemption or one action/one deficiency limitations upon said federal VA interests, and also including such procedures to locate the possession of said interests for resale of the lot or dwelling or both, as provided by federal law, said interests have been purchased, constructed, and improved or affected by rate reduction loans using the proceeds of the VA direct home loan, lawfully and timely assigning such lease or deed interests by warranty to the Secretary of Veterans Affairs, his or her designee, successors or assigns. The Government of Guam (to include CLTC) will be responsible for power of sale foreclosure, lease cancellation, and resale or lease of delinquent loans, so long as VA is given a timely and accurate accounting of the proceeds of the direct loan monies affected.

E. The Territory of Guam certifies to VA that a qualified Pacific Islander veteran on eligible trust land to whom VA will make a direct home loan holds, possesses or will obtain a valid leasehold or other acceptable interest in a lot that is located upon eligible and qualified trust land and will purchase, construct, or improve a dwelling on said lot, or reduce the existing interest (rate loans), with the proceeds of the VA direct home loan.

F. The Territory of Guam will utilize mortgage liens or other forms acceptable to VA for direct home loans. Each and every eligible qualified veteran will convey the above described interest to the Secretary of Veterans Affairs by an appropriate federal mortgage or construction loan and promissory note for a later mortgage instrument, as security for the loan, in accordance with 38 U.S.C. Code §§ 3762-3764. VA will collect applicable VA funding fee by including them in loan payments, or collected separately.

G. The Territory of Guam will certify to VA names of qualified veterans on GNC waiting lists with priority for eligible trust lands from CLTC lists or combined GNC/CLTC lists.

H. The Territory of Guam and each veteran who obtains a loan from VA under this agreement will permit VA, its agents, contractors, inspectors, or employees, and GHC and Government of Guam agents, contractors, inspectors, or employees to enter upon the land of the veteran for the purpose of carrying out such actions as the Secretary and/or the Territory of Guam determines is necessary to monitor, inspect or ensure compliance with the loan or any aspects of purchase, construction, improvement or other action, including power of sale foreclosure less 18 Guam Code Annotated (GCA) § 56123, or discharge in lieu of foreclosure, reassignment, refund, cure, compromise, or recording. Events of bankruptcy, governmental, tax action, casualty loss, storm damage, or insurable damage affecting the proceeds of the loan will also alert for entry by the Territory and/or VA.

I. The Territory of Guam will to the maximum extent possible assist VA in its efforts to manage this Program in a prudent and cost effective manner, including but not limited to assisting VA in finding qualified substitute purchasers if the initial borrower(s) is unable or unwilling to fulfill his or her obligations under loan and in ensuring that mortgages and other legal instruments are properly and timely recorded for VA without consequence or other fees or costs or delays, and in ensuring that this Program is operated in a responsible and prudent manner. If VA determines that its recording efforts are unsuccessful and adverse possession, VA hereby certifies that the Territory of Guam to begin power of sale foreclosure and/or other action/one deficiency limitations or other procedures to remedy default under wrongful and adverse possession. VA hereby certifies that the Territory of Guam will issue a reasonable time set by VA to complete same; if, however, the Territory of Guam is unable to complete said procedures in a reasonable time and period, the Territory and VA may seek or offer short-term loans on properties returned to VA without regard to VA's interest in the status quo of the properties. The Territory and VA may seek or offer short-term loans on properties returned to VA without regard to VA's interest in the status quo of the properties by other than Chamorro or veterans, if permitted by Guam law and GNC/CLTC.

J. VA agrees that hazard insurance meeting Guam law and VA requirements must be provided by the borrower(s) on or before closing, if available. Earthquake, wind, or other casualty insurance coverage is encouraged by VA if not cost prohibitive. Flood insurance must be obtained, if available.

K. VA agrees to close the loan and timely provide the Territory of Guam with copies of appropriate loan documents. Direct home loans may be made by VA in the high cost area of Guam for up to \$220,000 for each loan, in accordance with 38 U.S.C. § 3762.

L. The Territory of Guam agrees that if a loan will be encumbered because of an unpaid default, the GHC will give VA timely advance written notice of such pending and/or completed cancellation, together with a full accounting of direct loan monies affected.

M. The Territory of Guam will apply any collection actions, first to loan interest of the VA loan, next to interest as allowed by Guam law, and last to any principal due. VA agrees that the Territory of Guam is not guaranteeing or obligated to pay VA for any deficiency or indemnity due to the amount collect on foreclosure sale or resale. VA has written and comprehensive procedures for such debts of borrower(s) after foreclosure that may be applied to protect veterans and VA.

N. The GHC agrees to timely notify VA of any loan transfers made by death, disability, divorce, trust agreement, agreement of sale, bankruptcy, forfeiture for illegal activity, or conveyance purposes. All transfers will be in accordance with VA assumption limitations requiring conspicuous notice of such limitations on the face of mortgage and note forms. (See 38 CFR § 36.4500).

O. VA and the Territory of Guam agree that this agreement will be flexibly construed and implemented to expeditiously protect the interests of the parties as well as to assist qualified and eligible Pacific Islander Guam veterans on eligible trust land to obtain decent, safe, sanitary, and habitable dwellings. Nothing in this paragraph however, will be deemed to constitute a warranty by VA to any party as to the condition of any property.

P. VA agrees to carry out an outreach program to inform and educate Guam veterans of this program and to offer VA training for GHC technicians in the extent funding is available to VA.

Q. VA reserves the right to suspend or terminate this pilot program in its sole discretion to protect the interests of the U.S. Government.

R. This VA program involves loans and not grants.

S. This agreement may be amended by written memorandum signed by the parties.

IN WITNESS WHEREOF, the parties hereto have signed this agreement as follows:

JESSE BROWN, SECRETARY OF VETERANS AFFAIRS

By: *[Signature]* Date: 5/6/97

His Excellency Carl T. E. Gutierrez, Governor of the Territory of Guam

By: *[Signature]* Date: 5-6-97

Guam Housing Corporation

By: *[Signature]* Date: 5/6/97

As authorized by us

Office of Territory of Guam Department of Veterans Affairs

By: *[Signature]* Date: 5/6/97

Territory of Guam Chamorro Land Trust Commission

By: *[Signature]* Date: 5/6/97