

FILED  
SUPERIOR COURT  
OF GUAM

2026 JUN -2 PM 3:06

CLERK OF COURT

IN THE SUPERIOR COURT OF GUAM

IN THE MATTER OF THE ESTATE

OF

RADHI P. HEMLANI,

Deceased.

Probate Case No. PR0123-13

**DECISION AND ORDER  
RE: PETITION FOR INSTRUCTIONS**

**INTRODUCTION**

This matter came before the Honorable John C. Terlaje on March 17, 2026 for a Motion Hearing regarding the Estate's Petition for Instructions. Attorney Bill Mann appeared on behalf of the Radhi Hemlani Family Trust ("Family Trust"), Attorney Rawlen M.T. Mantanona appeared on behalf of the Estate of Radhi P. Hemlani ("Estate"), Attorney Rodney J. Jacob appeared on behalf of the P. D. Hemlani Foundation, Ltd. ("PDHF"), and Attorney Rachel Taimanao-Ayuyu appeared on behalf of the Estate of Jack Hemlani. After reviewing the record, relevant law, and arguments from the parties, the Court **ORDERS** the implementation of the 2025 Proposed Closure Plan as modified by the May 11, 2026 Stipulation and the denial of the \$250,000 fees assigned to the Special Administrator's ("SA's") attorney.

**PROCEDURAL BACKGROUND**

The Estate filed its Petition for Instructions on February 2, 2026. The Family Trust filed its Objection to the Estate's Petition on February 10, 2026. The Estate filed its Reply on

1 February 20, 2026. The Court heard oral arguments for the Petition for Instructions on March 17,  
2 2026.

3 The Estate, the Radhi Puran Trust (“RPT”), PDHF, and the Estate of Jack Hemlani each  
4 filed additional responses and objections regarding the Petition for Instructions after the oral  
5 argument that took place on March 17, 2026. The Court will not consider these late objections  
6 and responses because these briefings were filed without leave of the Court and in violation of  
7 the Guam Rules of Civil Procedure.  
8

9 **FACTUAL BACKGROUND**

10 On February 7, 2025, the Estate filed a proposed closure plan. Special Administrator’s  
11 Estate [Proposed] Closure Plan (“Proposed Closure Plan”) (Feb. 7, 2025). The plan provided for  
12 claims and judgments against the Estate, Estate assets, and resolutions to the claims against the  
13 Estate and by the Estate. *See id.* The Family Trust filed an Opposition to this Closure Plan that it  
14 reasserts at this time. Objections of the Radhi Hemlani Family Trust to the Estate of Radhi  
15 Hemlani’s Petition for Instructions (“Objections”) at 6 (Feb. 10, 2026). The Family Trust has  
16 two objections to the proposed closure plan: the first is that the Estate plan claims that the Radhi  
17 Fabric Shop is part of the Estate, and the second is SA’s Counsel’s claim to \$250,000 in  
18 attorney’s fees. *Id.* The Family Trust claims that the Radhi Fabric Shop is the Family Trust’s  
19 property. *Id.* And the Family Trust claims that SA’s Counsel’s claim to \$250,000 in attorney’s  
20 fees is not in accordance with the percentage allowance, which has yet to be determined by the  
21 Court. *Id.*  
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25 The Estate claims that it cannot fund its own closure. The Estate of Radhi P. Hemlani’s  
26 Petition for Instructions (“Pet. for Instructions”) at 1 (Feb. 2, 2026). The Estate has multiple  
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1 claims against it by heirs and recipients of judgments against the Estate and the Decedent. *Id.* at  
2 2–3. The Estate also alleges that there are significant fees the Estate owes to the Special  
3 Administrator (“SA”) and the SA’s counsel. *Id.* The Estate asserts that the RPT has an obligation  
4 to the Estate to pay for the Estate’s debts. *Id.* at 5–7. The Estate asserts that the Family Trust is  
5 authorized to pay the Estate’s debts, and therefore, should pay those debts. *Id.* However, the  
6 Family Estate states that the Estate has not yet sold its assets to make that determination.  
7  
8 Objections at 6–7.

9         In its objection, the Family Trust states that they agree with the provisions of the SA’s  
10 February 7, 2025 Closure Plan, except for the Radhi Fabric Shop and the SA’s counsel’s claim to  
11 \$250,000. *Id.* The Family Trust states that the SA and her counsel should be paid a percentage of  
12 the Estate. *Id.* And the Family Trust argues that there are a large number of assets that the Estate  
13 outright owns with no contest that could be sold before the SA turns over the duty of the Estate’s  
14 costs and fees. *Id.*

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16         During the oral arguments on March 17, 2026, both PDHF and the Estate of Jack  
17 Hemlani agreed with the Family Trust’s proposed plan. Statement of Rodney J. Jacob (Mot.  
18 Hr’g, Mar. 17, 2026); Statement of Rachel Taimanao-Ayuyu (Mot. Hr’g, Mar. 17, 2026). Both  
19 parties stated that there are multiple assets still in the Estate’s possession that could be used to  
20 close out the Estate. Statement of Rodney J. Jacob; Statement of Rachel Taimanao-Ayuyu. And  
21 the Estate of Jack Hemlani pointed out that the Estate’s jewelry has yet to be sold. Statement of  
22 Rachel Taimanao-Ayuyu.  
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25         On May 11, 2026, the Estate and the Family Trust stipulated that the Estate has  
26 ownership of Radhi’s Fabric Shop. Stipulation at 1 (May 11, 2026). However, the Estate must  
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1 sell the Fabric Shop in compliance with the probate code. *Id.* at 2. Additionally, the Estate must  
2 use the proceeds from the sale to pay the Estate of Jack Hemlani the \$200,000 claim Jack  
3 Hemlani has on the Estate. *Id.* The Estate also agreed to pay \$160,164.24 to PDHF from the  
4 proceeds of the sale of the Fabric Shop for the claims PDHF has against the Estate. *Id.*

5         The Estate's Petition for Instructions alleges that some assets are at issue because the  
6 Decedent may not have been a "competent trustor". Pet. for Instructions at 4. The Family Trust  
7 disagrees. Objections at 1–4. However, the Court will not address this issue at this time because  
8 it is irrelevant to the Petition for Instructions. The SA requests that the Family Trust take on the  
9 work of selling the Estate property to pay off its debts. The Family Trust asks that the Estate sell  
10 all available property to pay off the Estate's debts before the Family Trust steps in to pay for the  
11 remaining Estate costs and fees. The Decedent's ability to be a competent trustor does not affect  
12 all the Estate's assets nor the ability of the SA to sell those assets and pay off debts the Estate  
13 owes.  
14

15         The Court agrees with the Family Trust that the SA has a duty to the Estate to sell all the  
16 assets of the Estate to pay off debts before turning to the Family Trust or RPT. Once the Estate  
17 has exhausted all assets, then RPT's obligation to pay Estate fees activates, and the Family Trust  
18 can pay off Estate costs and fees at its trustee's discretion.  
19

## 20                                   DISCUSSION

21         Before the Court at this time are two issues. First, the Court must determine whether the  
22 Estate should pay its own costs until exhausting all options or if the Family Trust and the RPT  
23 should pay the Estate's costs. Second, the Court must determine whether to adopt the Estate's 2025  
24 closure plan. The Court will first discuss that the Estate should pay its own costs until all options  
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1 are exhausted. Then the Court will discuss adopting the Estate's 2025 Closure Plan with the  
2 amendments requested by the Family Trust.

3 **I. The Estate must exhaust all resources before turning to the Radhi Puran Trust or**  
4 **the Family Trust.**

5 When a special administrator is appointed in a probate case, he or she has the duty to "take  
6 possession of all the real and personal property of the decedent, and preserve it from damage, waste  
7 and injury, and must collect all claims, rents, and other income belonging to the estate; and for any  
8 such purposes may commence and maintain or defend suits and other legal proceedings. . ." 15  
9 G.C.A. § 1907.  
10

11 Under the Declaration of Trust for the Family Trust, the Family Trust is authorized to pay  
12 the Estate's fees and costs, but is not obligated to do so. Mot. to Dissolve Order Dated Feb. 9, 2015  
13 at Ex. A (Aug. 8, 2025); Order Granting Mot. to Dissolve Order Dated Feb. 9, 2015 at 7 (Dec. 16,  
14 2025). The Declaration of Trust states:  
15

16 On Settlor's death, the Successor Trustees, in the Successor's  
17 Trustee's discretion, may pay out of the trust estate Settlor's debts  
18 outstanding at the time of her death . . . including interest and  
19 penalties attributable to the trust estate arising because of Settlor's  
20 death. . . attorney's fees, and other costs incurred in administering  
21 Settlor's probate estates.

22 Order Granting Mot. to Dissolve Order Dated Feb. 9, 2015 at 7.

23 Under the RPT, the RPT is obligated to pay the Estate's expenses in probate. Pet. for  
24 Instructions at 6. Specifically, the RPT is obligated to pay

25 expenses of probate . . . including, but not limited to payment of  
26 estate, inheritance and other death taxes (including interest and  
27 penalties), last illness expenses, funeral expenses, transfer expenses,  
28 administration costs, claims against the Settlor's estate, court  
allowance, devices and other costs and expenses authorized by the

1                   Settlor's Will. The Trustee need not see to the application of any  
2                   funds paid to any executor representative of the Settlor's estate.

3                   *Id.* This obligation is subject to another section of the RPT, section 3.05, which was not provided  
4                   to the Court. *Id.*

5                   The SA is obliged to close out as many claims as possible using the assets of the Estate.  
6                   Under the Guam Code, the SA must "commence and maintain or defend suits and other legal  
7                   proceedings . . ." that involve the Estate. 15 G.C.A. § 1907. Therefore, the SA must fulfill that  
8                   duty and see to the end the multiple claims against the Estate that the SA referred to in the Petition  
9                   for Instructions. The Estate still has assets that can be liquidated to fulfill these financial  
10                  obligations, which is made more apparent by the stipulated agreement between the Estate and the  
11                  Family Trust allowing for the Fabric Shop to be sold. The Court finds no reason to leave this duty  
12                  to the Family Trust or the RPT until the Estate's assets are exhausted.

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14                  **II.       The Court will adopt the 2025 Closure Plan with the amendments proposed by**  
15                  **the Family Trust.**  
16

17                  The Court will adopt the 2025 closure plan, but will modify it in accordance with the 2026  
18                  Stipulation and will determine the SA's and her attorney's fees at a later date. The parties are in  
19                  agreement, based on the Petition and responses, that the 2025 Closure Plan should be adopted. The  
20                  only disagreement was the ownership of the Fabric Shop and the amount to be paid to the SA's  
21                  attorney. The Fabric Shop has been resolved through the Stipulation that the Family Trust and the  
22                  Estate recently executed, so the Court will adopt the 2025 Closure Plan as it would be amended  
23                  by the 2026 Stipulation. Additionally, the Court will not address the SA's and her attorney's fees  
24                  at this time. These costs and fees must be more fully addressed by the parties before the Court can  
25                  rule on what those costs and fees should be.  
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**CONCLUSION**

Therefore, the Court **ORDERS** that the Family Trust's plan be implemented. The 2025 Closure Plan is adopted with the modifications made by the May 11, 2026 Stipulation and the denial of the \$250,000 fee to the SA's attorney, understanding that the parties will fully address the SA and her attorney's costs at a later date.

**SO ORDERED**, this 6/2/26.

  
**HONORABLE JOHN C. TERLAJE**  
Judge, Superior Court of Guam

**SERVICE VIA-EMAIL**

I acknowledge that an electronic copy  
of the original was e-mailed to:

CAROL MANTANONA, B. MANN  
THOMAS THORPEY  
R. TRIMANAO-AYKIN, R. JACOB

**JUN 02 2026** 3:18pm

Edna M. Nego  
Deputy Clerk, Superior Court of Guam