



VIRGIN ISLANDS
BAR ASSOCIATION

Legislation & Law Reform Committee

October 22, 2026

The Honorable Carla J. Joseph
Chair, Committee on Rules and Judiciary
36th Legislature of the Virgin Islands
St. Thomas, U.S. Virgin Islands 00804

Re: Oral Testimony on Bill No. 36-0277 (Comprehensive Probate Code)

Honorable Chair Senator Joseph, Vice Chair, and distinguished Members of the Committee:

Good afternoon. I am Karabo Molyneaux-Molloy, Managing Attorney of the Karabo Molyneaux-Molloy Law Firm, specializing in estate planning and probate representation.

I appear as a Virgin Islands Bar Association (VIBA) Board of Governors member and designee of President Shari D'Andrade. These are the Legislation and Law Reform Committee's positions, not formally adopted positions of VIBA's Board. My detailed written comments are submitted for the record.

The Committee recommends targeted amendments to the existing Probate Code rather than adopting Bill No. 36-0277 in its current form.

The proposed legislation draws from the Uniform Probate Code, adopted by approximately 18 states and no U.S. territory. The Virgin Islands enacted it in 2010, only to repeal substantial portions within two years.

Our existing Code, originating in New York law, has already been adapted to Virgin Islands needs. It requires improvement, not necessarily replacement.

We must distinguish deficiencies in the law from deficiencies in its administration. Delays arise from a generalist bar with limited probate specialization; magistrates handling seven categories of cases; and disparate treatment of deceased heirs between the St. Thomas and St. Croix divisions, exposing a statutory gap.

Judicial staffing shortages compound these problems. A new Code cannot substitute for dedicated probate magistrates, adequate personnel, and uniform procedures.

Attorney Stylish Willis's thirty-five years of probate practice demonstrate that summary estates can close within months and administered estates in an average of two years under existing law. The Supreme Court has also improved oversight and procedural rules.

The Committee proposes the following reforms.

First — Expand Court-Supervised Summary Administration to \$400,000.

A \$100,000 threshold excludes many ordinary Virgin Islands family homes. The Committee recommends an expedited, court-supervised procedure incorporating notice, valuation, creditor protections, and judicial review—not an increase of the unsupervised personal-property affidavit ceiling to \$400,000.

Second — Give Heirs an Informed Ownership Election When Probate Closes.

Permit heirs to elect joint tenancy with right of survivorship, transfer interests into a trust, or retain tenancy in common. Standardized forms must explain the consequences, require informed consent, and produce legally sufficient, recordable instruments.

This is the single most direct means of stopping fractionated ownership before it restarts.

Third — Establish an Expedited Vehicle-Only Probate Procedure.

Authorize a short-form transfer requiring proof of death, an affidavit of heirship, title and lien information, and necessary consents or assignments, coordinated with the Bureau of Motor Vehicles. An uncontested vehicle should not require full probate administration.

Fourth — Establish Standardized Probate Forms That Improve Access to Justice and Judicial Efficiency.

The Supreme Court should consider forms with clear instructions, completed examples, and checklists identifying required heirs, assets, debts, and attachments. These would enable self-represented litigants to file straightforward matters correctly, reduce deficient filings, and facilitate timely judgments. Procedural rulemaking must remain within the Supreme Court's independent authority.

Fifth — Preserve Section 84 and Protect Generational Property From Partition and Forced Sale.

Proposed Section 2-102 gives surviving spouses a \$150,000 preferential entitlement in certain circumstances before the remaining estate passes to children or stepchildren.

In the Virgin Islands, the family home is frequently the estate's principal asset. Without sufficient liquid assets, this fixed-dollar entitlement creates competing interests and payment pressures that may precipitate partition litigation and judicial sale.

A provision intended to protect a surviving spouse should not become the mechanism through which a family loses its generational home.

Existing Section 84 distributes proportional shares where children inherit, without imposing that \$150,000 obligation. Although fractional ownership does not eliminate partition rights, it avoids the additional liquidation pressure.

If the preference is retained, provide a homestead election allowing the spouse to receive the home at appraised value toward their inheritance, and, where children from a prior relationship inherit, a protected right to remain in the home with an option to purchase at appraised value.

Sixth — Provide Emergency Family Protection During Probate.

Examine whether existing law protects surviving spouses and dependent children before a personal representative is appointed. Where protections are insufficient, authorize narrowly tailored emergency court relief for housing and essential expenses, subject to notice, judicial findings, and creditor safeguards—not automatic estate withdrawals.

Seventh — Establish Uniform Territorial Procedures for Deceased and Missing Heirs.

Resolve the statutory gap producing disparate treatment between judicial divisions. Permit deceased-heir interests to be addressed within the principal proceeding where legally appropriate, distinguishing heirs who predeceased the decedent from those who died during administration, while protecting successors and creditors.

For missing heirs, require documented diligent searches, legally sufficient notice, and protection of their shares without indefinitely delaying estate closure.

Finally — Examine the Proposed Change in Intestate Distribution.

Before replacing per stirpes with per capita at each generation, study how the different methods affect inheritance shares in Virgin Islands multigenerational estates. The Committee recommends further analysis before adopting that change.

Members of the Committee, probate reform must be measured not by the number of provisions enacted, but by whether families can administer estates efficiently, preserve generational property, and obtain marketable title.

Our goal should not simply be a new Probate Code. It should be a probate system that works for the people of the Virgin Islands.

Thank you for the opportunity to testify.

Respectfully,

Karabo Molyneaux-Molloy, Esq.
Member, Board of Governors
Virgin Islands Bar Association
Designee of President Shari D'Andrade