

Jessica Tully Testimony

Good afternoon, Chairwoman Joseph and members of the Committee. My name is Jessica Tully and I thank you for inviting me.

Probate reform is urgently needed, and I strongly support this effort. I thank Senator Novelle E. Francis, Jr., his staff, and every participating stakeholder for advancing Bill 36-0277 on behalf of Virgin Islands families.

My August 13, 2026 white paper was submitted to the Senator's office and circulated for the September 15 working meeting. I am grateful that Amendment 36-926 adopts its recommendations to preserve nonprobate-transfer protections, transfer-on-death deeds, and electronic wills; expand simplified procedures for modest estates; and allow additional implementation time. Its separate \$150,000 thresholds for affidavit and summary administration are welcome improvements.

That progress demonstrates the value of collaboration. I respectfully recommend building on the existing stakeholder process through standing implementation teams. These teams should include designated representatives from the Judiciary, the Legislature, the Clerk's Office, the Recorder of Deeds, the Bar, lenders, title insurers, real estate professionals, and community organizations such as AARP. Defined assignments and report-back dates would keep the work focused, and the teams should continue after passage to recommend corrections as practical issues emerge.

The Superior Court's existing public probate forms provide a strong foundation. Updating and expanding them, with clear instructions and practitioner input, would support the new law. Volunteer attorneys and industry professionals can help test procedures and provide training, while adoption of court rules and forms remains with the Judiciary.

Stakeholder review should also resolve several practical questions before final passage.

For surviving spouses, retained Title 15, section 10(g) measures the six-month election period from issuance of letters, while proposed section 3-316 permits admission of a will without appointing a personal representative.

Where no letters issue, the start of the election period is unclear, so the final text should specify when that period begins.

For families receiving real property, the amendment's section 3-1009 recording requirement is welcome. Read with sections 3-907 and 3-910, it calls for coordination on the evidence of ownership and authority required at conveyance, including sales before an estate closes. Drafting counsel should also clarify purchaser protection when heirs receive property through a judgment of possession without a personal representative.

These transactions also depend on clear creditor deadlines. The one-year creditor-lien period, measured from the filing of the settlement petition, should be reconciled with section 3-803's general one-year outer deadline for predeath claims, measured from death. Express clarification would help families, creditors, and title examiners determine which claims remain enforceable.

Finally, implementation should account for recent developments in case law. Yesterday, the Superior Court issued a memorandum opinion announcing a new procedural requirement in matters of settlement without administration: this new rule states that gross litigation recoveries obtained by representatives of unprobated estates and payable to those estates be deposited into the court registry, with attorneys fees and costs reviewed and approved by the court before any disbursement.

I respectfully ask the Committee to invite a Judiciary-led review of generally applicable procedures for inclusion in published rules and guidance, so that practitioners need not reconstruct basic requirements from individual decisions.

The objective of collaboration is to preserve judicial safeguards while reducing avoidable uncertainty, expense, and delay. I support advancing this bill with targeted refinements and a continuing implementation partnership, and I would welcome the opportunity to assist.

Thank you.

Sincerely,

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