



UNITED STATES VIRGIN ISLANDS

Economic Development Authority

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VIRGIN ISLANDS ECONOMIC DEVELOPMENT AUTHORITY

TESTIMONY BEFORE THE COMMITTEE ON RULES AND JUDICIARY

**An act enacting a comprehensive probate code for the Virgin Islands to
govern intestate and testate succession, administration of decedents' estates, and related
procedures**

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1 Good day Senator Carla J. Joseph, Chairwoman, Committee members,
2 senators of the 36th Legislature, the legislative staff, the Virgin Islands Economic
3 Development Authority team, and the listening and viewing public. I am Wayne
4 Biggs, Jr., Chief Executive Officer of the U.S. Virgin Islands Economic Development
5 Authority (hereafter referred to as “USVIEDA” or “the Authority”). Here with me
6 today is Dwayne Benjamin, Assistant Chief Executive Officer.

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8 I would like to thank the Committee Chair and members of the Committee
9 on Government Operations, Veterans Affairs, and Consumer Protection for inviting
10 us to provide testimony regarding Bill No. 36-0277: “An act enacting a
11 comprehensive probate code for the Virgin Islands to govern intestate and testate
12 succession, administration of decedents’ estates, and related procedures”.

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14 **Virgin Islands Economic Development Authority (USVIEDA)**

15 The USVIEDA is the umbrella organization which assumes, integrates, and
16 unifies the functions of the following subsidiary entities: the Economic
17 Development Bank (EDB), the Economic Development Commission (EDC), the
18 Enterprise Zone Commission (EZC), and the Economic Development Park
19 Corporation (EDPC). It is a semi-autonomous governmental instrumentality

responsible for the development, promotion and enhancement of the economy of the U.S. Virgin Islands.

Enterprise Zone Commission (EZC)

The EZC Team conducts an Estate Planning Conference (EPC) annually with the goal of assisting families throughout the Territory resolve estate planning issues. This year's EPC was a multimedia event that garnered exposure to approximately 2,000 individuals which indicates the strong interest Virgin Islanders have in preserving generational wealth, protecting their assets, controlling how their property is distributed, providing for their loved ones, and reducing the legal, financial, and emotional burdens on their family when they die or become incapacitated.

Bill No. 36-0277

The VIEDA is in full support of Bill No. 36-0277 which enacts a comprehensive probate code for the Virgin Islands by establishing procedures for the administration of decedents' estates, including testate and intestate succession,

37 appointment and duties of personal representatives, supervised and unsupervised
38 administration, the handling of creditors' claims, and closing of estates.

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40 I have seen firsthand how the lack of estate planning and the length of time
41 it takes to resolve probate issues through the courts directly affect families. The set
42 of laws proposed in this Bill are designed to simplify, modernize, and standardize
43 the legal process for handling a person's estate after death. This Bill addresses
44 matters such as wills, inheritance, probate administration, and certain transfers of
45 property outside probate.

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47 It is my understanding from reviewing the Bill and taking part in the Bill's
48 Working Meetings discussions, the Bill is a comprehensive, policy-sound
49 modernization of Virgin Islands probate law. The advantages of implementing a set
50 of laws along Universal Probate Code (UPC) as proposed in this Bill will result in:

- 51 1. Faster Estate Administration – The system of uniform statutes will allow
52 simpler, uncontested estates to proceed with less court supervision,
53 reducing unnecessary procedural delays and helping beneficiaries receive
54 their inheritances sooner.

55 2. Lower Probate Costs – Simplified procedures can reduce legal fees, court-
56 related expenses, paperwork, and administrative burdens for families and
57 personal representatives.

58 3. Clearer and More Consistent Rules – Standardized provisions for wills,
59 intestate succession, and estate administration can make the law easier to
60 understand and apply.

61 4. Greater Flexibility for Personal Representatives – Executors and
62 administrators will have more authority to settle routine estate matters
63 without seeking court approval for every action, subject to the applicable law
64 and their fiduciary duties.

65 5. Better Protection for Heirs and Surviving Spouses – Depending on the
66 provisions adopted, the code will clarify inheritance rights, provide
67 protections for surviving spouses, and establish procedures for protecting
68 minors and individuals who cannot manage their own affairs.

69 6. Better Handling of Property in Multiple Jurisdictions – Standardized rules
70 can help when a deceased person owned real estate or other assets in more
71 than one state or territory, although separate proceedings may still be
72 necessary.

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74 These benefits make estate administration more efficient while maintaining
75 appropriate legal safeguards.

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77 For the U.S. Virgin Islands, an enactment of a UPC-based set of laws as
78 proposed in this Bill could be particularly relevant to residents who own homes,
79 inherited land, rental properties, or other assets that must be transferred to heirs.
80 However, adopting the Bill would not automatically eliminate probate, resolve title
81 disputes, or guarantee that every estate is settled quickly. The actual benefits
82 would depend on which provisions the Legislature adopts and how they fit with
83 existing Virgin Islands law.

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85 For the reasons highlighted above, USVIEDA is in full support of the Bill. No.
86 36-0277: An act enacting a comprehensive probate code for the Virgin Islands to
87 govern intestate and testate succession, administration of decedents' estates, and
88 related procedures. Thank you to the Committee on Rules and Judiciary for the
89 opportunity to provide testimony on Bill No. 36-0277. I am available to answer any
90 questions you may have related to my testimony.