

SUMMARY ADMINISTRATION

Any estate where the value of the assets are less than \$100,000 may be administered in a summary manner in accordance with the procedure set forth 15 V.I.C. § 191; provided, however, that where the deceased died testate, the Will shall be proved and the executor (or administrator C.T.A.) appointed as provided by law and the rules of court, except that the executor (or administrator C.T.A.) shall not be required to give a bond. *See V.I. Prob Rule 22 and 15 V.I. Code Ann. §167. Also available when a person dies testate.*

Estate of _____ Attorney _____
Probate No _____ Telephone No. _____

Petition MUST be verified by two (2) witnesses and contain the following:

- Name and resident of deceased

- Decedent's date of death (with death certificate attached)

- Names, addresses, whether adult or minor, relationship to decedent, and proportionate share entitled to decedent's heirs at law (if testate, list devisees and residuary heir)

<i>Name & Address</i>	<i>Relationship</i>	<i>Share</i>	<i>Adult/Minor</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- That there are no debts, or that the heirs choose to assume and pay such debts as there may be;
- Heirs accept the estate purely, simply and unconditionally. In a testate estate all devisees must consent in this same manner. (All heirs-at-law don't have to accept "purely, simply..." just those taking under the will).
- Prayer that the heirs be recognized as the legal heirs of the deceased and placed in full possession of the estate.

- Attachments.** The following documents shall be annexed to the petition the will of the deceased identified in the petition:
 - The will of the deceased identified in the petition if applicable;
 - an original or certified copy of the death certificate; and
 - an unsworn declaration made under penalty of perjury, or a notarized affidavit, signed by an attorney or a relative of the deceased or some other interested person

Once the petition meets the above requirements the following must also be presented:

- Waiver(s) consenting to the probate of the tendered will and to the issuance of letters testamentary or letters of administration C.T.A., which waiver(s) of consent shall be affixed to the petition.
- Request for Citation(s) against such heirs or next of kin for whom signed waivers have not been obtained prior to the filing of the petition.
- Motion for appointment of a guardian or guardian *ad litem* for such heirs or next of kin as may be minors, persons with disabilities, incapacitated persons or protected persons, if necessary.
 - Minor's consent required if fourteen (14) years or older
 - The guardian *ad litem* verified response to the original petition for probate of a will or administration. However, a guardian cannot accept on behalf of a minor until after an inventory and appraisal is filed. Nonetheless, minors cannot be bound to the debts of the estate beyond their net equity in the assets of the decedent's estate. (*Super. Ct. R. 192(e), 15 CODE ANN. §196*)
- Inventory of decedent's property, personal and real, stating the value of each item at time of decedent's death. It must be sworn to by two (2) responsible persons. (*15 V.I. Code Ann. § 192*).

If Testate:

- Offer proof that will was executed with formalities
 - _____ By sworn testimony attesting witnesses
 - _____ By deposition of attesting witnesses
 - _____ By affidavit of subscribing witnesses
 - _____ File exclusivity of will
- File order for probate and letters testamentary, or letters of administration C.T.A.
- File oath of administrator.
- File proof of publication of Notice of Creditors and Debtors – once a week for two (2) consecutive weeks (*See V.I. Prob Rule 22(b)*).
- Motion for support of widow and minor children.

Creditor's claims present

\$ _____ By: _____

\$ _____ By: _____

\$ _____ By: _____

Creditor's claims approved or rejected.

File final accounting along with a proposed distribution, where applicable, shall be filed within 30 days from the end of the period of publication or posting, and which shall reflect any expenses incurred or payments made on behalf of the estate and the persons by whom 15 they were made.

A final adjudication will be made when the final accounting has been filed and approved by the court.

NOTES;
