

**SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS/ST. JOHN & ST. CROIX**

IN RE:) **MISCELLANEOUS NO. ST-18-MC-41**
)
PETITIONS FOR APPOINTMENT OF)
PERSONAL REPRESENTATIVES,)

ORDER

IT IS ORDERED that effective July 27, 2015 the Clerk's Office **SHALL NO LONGER ACCEPT** requests for appointment of a personal representative by petition. The practice of filing and accepting such petitions as miscellaneous probate matters designated by case type "MP" is hereby **DISCONTINUED**.

The Virgin Islands Code allows a personal representative to substitute himself in a civil action in place of a plaintiff or a defendant who died while the lawsuit was pending. *See* 5 V.I.C. § 78. Similarly, a personal representative can file a lawsuit, or be sued, on behalf of someone who died before the lawsuit was filed. *See id.* § 37(a)-(b); *accord* 15 V.I.C. § 601. But in each instance an estate should be opened because any monies recovered (whether through settlement or judgment) form part of the decedent's estate. *See, e.g.,* 5 V.I.C. §§ 76(e)(6), 77. Similarly, any monies owed by a decedent would have to be paid out of that person's estate. *See id.* § 37(b). Accordingly, the Clerk's Office is **ORDERED** not to accept any petition for appointment of a personal representative unless such request is submitted in conjunction with a petition for probate or a petition for administration. It is further

ORDERED that a copy of this order shall be directed to the Clerk of the Court, the Executive Director of the Virgin Islands Bar Association, and the IT Division for uploading to the

Superior Court's website.

JUNE 20, 2018, NUNC PRO TUNC

Dated: July 27, 2015.

ATTEST:


ESTRELLA H. GEORGE


HON. MICHAEL C. DUNSTON
JUDGE OF THE SUPERIOR COURT
THE VIRGIN ISLANDS