

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

**IN THE MATTER OF THE
ESTATE OF:
RALPH A. GEORGE Deceased.**

CASE NO. SX-99-PB-103

ORDER

THIS MATTER is before this Court on Attorney Mark L. Milligan's ("Petitioner") Petition for Review of the Final Adjudication. For the reasons which follow, this Court affirms the Final Adjudication and dismisses the Petition for Review.

First and foremost, the Court must highlight that the Petitioner is appealing the Final Adjudication drafted and filed by the Petitioner himself. Further, on January 13, 2010, Magistrate Camacho, his law clerk, the Petitioner and Attorney Samuel T. Grey had a conference meeting to finalize the terms of the Final Adjudication.

On January 28, 2010, the Petitioner filed the redrafted Final Adjudication with the court. After which, Magistrate Camacho reviewed it and found it to be compliant with the concerns raised in the January 13, 2010 meeting.

On February 8, 2010, the Petitioner emailed Magistrate Camacho's law clerk approving the Final Adjudication and asking the Magistrate "that the Court dispose of the matter immediately." In other words, the Petitioner requested that the Magistrate sign and thus make effective the Final Adjudication. The Magistrate signed the Final Adjudication on February 11, 2010.

In short, the parties had come to an agreement with respect to the Final Adjudication. The Petitioner then redrafted the Final Adjudication to comply with all final concerns. All parties, including the Magistrate, approved the Final Adjudication as redrafted by the Petitioner. The Magistrate accordingly signed the Final Adjudication. The Petitioner now appeals the Final Adjudication, which he drafted, redrafted, agreed to and approved. The Court finds this troubling to say the least.

Nevertheless, the Court will address the issues for review raised by the Petitioner: (a) "Whether the lower court erred by exceeding its judicial authority and awarding spousal support to Decedent's widow for a duration in excess of the one (1) year statutory period provided for by the Legislature in Title 15 V.I.C. § 356"; and (b) "Whether Decedent's Estate is entitled to reimbursement for all spousal support payments made by the Administrator to Decedent's widow, in excess of the one (1) year statutory period."

The Court first notes that Judge Steele of the Superior Court of the Virgin Islands signed the February 5, 2001 Order that awarded spousal support to Decedent's widow. Such spousal support was paid through May 31, 2003, in excess of one year.

On June 20, 2007, the Petitioner filed a Motion for Declaratory Judgment to recover spousal support paid in excess of one year from February 1, 2001 through May 31, 2003. In the October 27, 2007 Order, Judge Steele held that the court "has the authority to order support of widows for a timeframe and in amounts that allow for their support during the duration of an estate's administration." The Petitioner filed a Motion for Reconsideration, which Judge Steele denied by Memorandum Opinion dated February 20, 2009. The Petitioner then appealed to the Supreme Court of the Virgin Islands. The Supreme Court dismissed the case for lack of jurisdiction.

This issue of awarding spousal support in excess of one year has been fully reviewed and adjudicated by a judge of the Superior Court of the Virgin Islands before the case was transferred to the Magistrate Division. Rule 322.1(a) of the Rules of the Superior Court of the Virgin Islands provides for orders or judgments of magistrates to be reviewed immediately. There is, however, no statutory mechanism in the Virgin Islands Code that allows for a judge of the Superior Court of the Virgin Islands to review an appeal of another judge of the Superior Court of the Virgin Islands. This is exactly what the Petitioner is asking the Court to do. This is clearly an improper basis.

On the second issue, the Petitioner argues that the court erred in awarding spousal support and therefore the payments made to Mrs. George in excess of one year must be reimbursed by Mrs. George. This argument has no merit because the issue of spousal support has been fully opposed, reviewed and adjudicated by Judge Steele.

A final problem with the Petitioner's appeal stems from the fact that the Final Adjudication did not order payment of any amount of spousal support to the Respondent. Rule 322.1(a) provides, "Final orders or judgments of magistrates resolving completely the merits of cases...are immediately reviewable by judges of the Superior Court of the Virgin Islands." The Magistrate did not order spousal support in the Final Adjudication. Consequently, this is an improper basis to appeal the Final Adjudication. The Petitioner's appeal of the Final Adjudication is without merit for this reason alone.

It is notable that, twelve years ago, Ralph A. George died on October 21, 1999, and a petition for administration and letters of administration was filed on December 2, 1999. On review of the record, many contentious motions have been filed and have delayed the administration of the estate.

This appeal is without merit and has further delayed the administration of the estate and justice. The Petitioner has appealed the Final Adjudication that he agreed to, drafted and approved. The Petitioner has raised issues that were fully adjudicated by a judge of the Superior Court of the Virgin Islands to appeal the Final Adjudication improperly. Finally, the Petitioner improperly appealed based on issues that were not ordered in the Final Adjudication. There ought be no further delay in the administration of the estate. The Petition for Review will be dismissed, and the Final Adjudication will be affirmed.

The premises considered, it is hereby

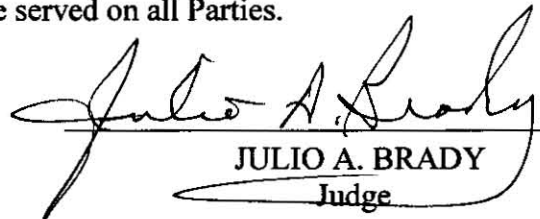
ORDERED that the Petition for Review is **DISMISSED**; it is further

ORDERED that the Final Adjudication be and the same is hereby **AFFIRMED**; it is further

ORDERED that the assets be distributed according to the Final Adjudication within 30 days of this Order; and it is finally

ORDERED that a copy of this Order be served on all Parties.

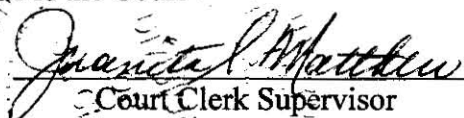
Dated: July 27, 2012


JULIO A. BRADY
Judge

ATTEST:

VENETIA H. VELÁZQUEZ, ESQ.
Clerk of the Court

By:


Court Clerk Supervisor

7/27/2012