

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN RE: ORDER AMENDING)	
THE RULES OF THE SUPERIOR)	PROMULGATION ORDER
COURT OF THE U.S. VIRGIN ISLANDS)	NO. 07-00 <u>8</u>
_____)	

ORDER

Pursuant to the provisions of Section 21(c) of the Revised Organic Act of 1954, as amended, (48 U.S.C. § 1611(c)) and 4 V.I. Code Ann. §§ 32(f), 34, 76 and 83, regarding the Rules governing the practice and procedure in the Courts established by local law, it is hereby

ORDERED that the Rules of the Superior Court be amended to include in “PART VIII. PROBATE AND FIDUCIARY PROCEEDINGS” a new Rule to be titled “Rule 212. Procedure for procurement of a will held for safe keeping at the Superior Court” and placed subsequent to Superior Court Rule 211 which shall read as follows:

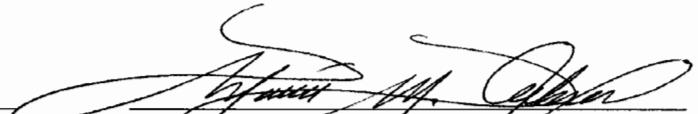
Rule 212. Procedure for Procuring a Will Held for Safe Keeping at the Superior Court

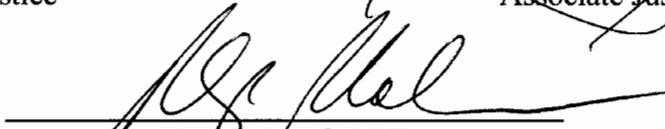
Any Last Will that has been sealed, recorded and indorsed for safe keeping at the Superior Court pursuant to Chapter 1, Title 15 V.I. Code Ann. §§ 22 and 23, and which has not already been released pursuant to Title 15 V.I. Code Ann. § 24 shall be publicly opened by an officer or clerk of the Court in accordance with Title 15 V.I. Code Ann. § 25 upon the filing of (a) a petition requesting the opening or release of the Will; (b) proof of death of the Testator; and (c) an Order from the Court granting the petition. The petition must include the name of the petitioner, the petitioner’s address, the relationship of the petitioner to the Testator and it must be signed and dated by the petitioner. If the person appearing is an attorney or agent of the petitioner, they must identify the person on whose behalf the request is made, and provide the aforementioned information about the petitioner on whose behalf they are acting. Any person who may be entitled to letters of administration under Chapter 15, Title 15 V.I. Code Ann. § 236 or their attorney may request the opening or release of the Will. The probate clerk or another officer of the Court will then publicly open and read the contents of the Will pursuant to § 25. The probate clerk will then file the original Will along

with petitioner, proof of death and Court order authorizing the release of the Will from safe keeping in his or her office. The petitioner may request that certified copies of the Will be provided.

DONE AND SO ORDERED this 9 day of August, 2007.

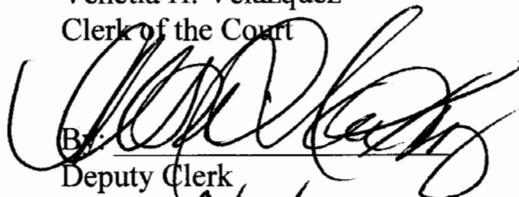

IVE ARLINGTON SWAN
Associate Justice


MARIA M. CABRET
Associate Justice


RHYS S. HODGE
Chief Justice

ATTEST:

Venetia H. Velazquez
Clerk of the Court


By: _____
Deputy Clerk
Dated: 8/9/07