

SETTLEMENT WITHOUT ADMINISTRATION

When a person dies intestate, leaving no debts, or such debts as his heirs choose to assume and pay, the above petition may be undertaken. However, the heirs must also accept the estate “purely, simply and unconditionally.” *See 15 V.I. Code Ann. §191. 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>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- ☐ 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.

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

- ☐ Consent(s) to petition from all the heirs at law. If testate, must also have consents from all devisees as well as heirs at law (15 V.I. Code Ann. §84) Note: *citations are not available because tacit acceptance of debts is not binding, acceptance of estate must be express.*
- ☐ 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).
- ☐ 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*)
- ☐ File proof of publication of Notice of Creditors and Debtors – once a week for four (4) consecutive weeks (15 V.I. Code Ann. §391)
- ☐ File petition for settlement and Order for Adjudication. Order must contain language that list all persons receiving assets from the estate and that those persons accept the estate **purely, simply and unconditionally** and make themselves **responsible for any debts** that may be owed. Persons not receiving any estate assets do not have to make this attestation. Also, **a detailed description must be provided for all real property.**

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