

FILED

March 29, 2022 04:10 PM
SCT-Civ-2021-0178
VERONICA HANDY, ESQUIRE
CLERK OF THE COURT

IN THE SUPREME COURT OF THE VIRGIN ISLANDS

**S. Ct. Civ. App. No. 2021 - 0178
Re: Super. SX -2021-RV-00009**

**IN THE MATTER OF ESTATE:
FELIPE GARCIA**
deceased

**On Appeal from a Interlocutory Order
of the Superior Court of the Virgin Islands**

JOINT APPENDIX

JOINT APPENDIX

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**Superior Court of the Virgin Islands
Docket Sheet**

Case #	SX-2021-RV-00009	Judge	Hon. Jessica Gallivan
Case Title	IN THE MATTER OF THE ESTATE OF FELIPE GARCIA, Deceased.	Case Type	Appeal - Appeal - Magistrate Appeal

#	Filed Date	Docket Entry Type	Status	Outcome	Description	Submitted By
11	02-14-2022 01:35 PM	Notice - Notice From The Supreme Court Regarding Appeal Received	Official		Notice of Interlocutory Appeal and Supreme Court Docketing Order Received. Appeal Docketed as SCT-Civ-2021-0178.	Supreme Court of the VI
10	02-14-2022 01:34 PM	Appeal - Case On Appeal	Official		Case On Appeal in the Supreme Court of the Virgin Islands	
9	02-07-2022 10:14 AM	Notice - Notice Of Service	Official		Amended Certificate of Service of Notice of Appearance	Yvette Ross Edwards, Esq.
8	02-07-2022 10:13 AM	Notice - Notice of Appearance	Official		Notice of Appearance	Yvette Ross Edwards, Esq.
7	12-28-2021 11:23 AM	Action - Closed by Clerk	Official		Case Closed by Clerk	
6	12-28-2021 10:17 AM	Notice - Notice of Entry of Judgment/Order	Official		Notice of Entry of Order of Dismissal With Prejudice	Annalisa M. Prince Probate Officer II
5	12-26-2021 10:15 AM	Order - Dismissed With Prejudice	Official		Order Signed by Jessica Gallivan. Ordered that the Notice of Interlocutory Appeal is DISMISSED WITH PREJUDICE; that the matter is REMANDED to the Magistrate Court for further proceeding.	
4	10-08-2021 12:13 PM	Notice - Notice of Filing	Official		Notice of Filing Case Information and Litigant Data Form for Julia G. Sergeant.	Mark L. Milligan On Behalf of JULIA G. SERGENT
3	10-07-2021 03:08 PM	Initiating Document - Docket Letter Processed	Official		Docket Letter Issued to the Parties	
1	10-05-2021 05:31 PM	Financial - Payment Received	Official		Receipt #: 211501 Payor: Mark L. Milligan, Amount: \$50.00	
2	10-05-2021 05:31 PM	Initiating Document - Petition Received	Official		Notice of Interlocutory Appeal filed by Mark L. Milligan, Esq.	Mark L. Milligan On Behalf of JULIA G. SERGENT

CERTIFIED TO BE A TRUE COPY

This 16th day of Feb. 2022

TAMARA CHARLES
CLERK OF THE COURT

By [Signature] Court Clerk [Signature]

Superior Court of the Virgin Islands

Docket Sheet

Case #	SX-2020-PB-00084	Judge	Hon. Ernest Morris
Case Title	In the Matter of the Estate of Felipe Garcia, deceased	Case Type	Probate - Probate - Administration of Testamentary Estates

#	Filed Date	Docket Entry Type	Status	Outcome	Description	Submitted By
81	01-04-2022 11:59 AM	Notice - Notice of Entry of Official Judgment/Order			Notice of Entry of Order Dismissing Appeal	Annalisa M. Prince, Probate Officer II
80	01-04-2022 11:56 AM	Order - Order	Official		Ordered Notice of Interlocutory Appeal is DISMISSED WITH PREJUDICE; further Ordered this matter is REMANDED to the Magistrate Court for further proceedings; further Ordered a copy of the Order shall be directed to Attorney Mark L. Milligan, Esq. and Attorney Yvette Ross-Edwards.	Hon. Jessica Gallivan
79	09-24-2021 10:52 AM	Service - Certified Registered Mail W/ Return Receipt Issued	Official		Certified Registered Mail W/ Return Receipt Issued to Julia G. Sergent P.O. Box 222862 Christiansted, VI 00822 7017 3380 0000 3939 4869	Annalisa M. Prince, Probate Officer II
78	09-23-2021 12:22 PM	Notice - Notice of Entry of Official Judgment/Order	Official		Notice of Entry of Order Disqualifying Mark L. Milligan, Esq.	Annalisa M. Prince, Probate Officer II
77	09-23-2021 12:13 PM	Order - Order	Official		Ordered that Mark L. Milligan, Esq. is disqualified from further representation of Julia G. Sergent in all matters related to the Will Contest proceeding, including discovery; further Ordered that Julia G. Sergent shall, on or before Oct 31, 2021, either retain new counsel and have said counsel enter an appearance in this matter, or advise the Court that she intends to represent herself pro se in the Will Contest proceeding; further Ordered that the Scheduling Order entered on July 14, 2021 is hereby STAYED; further Ordered a copy of this Order be directed to Mark L. Milligan, Esq. and Yvette D. Ross-Edwards, Esq., and shall be served by certified mail, return receipt	Hon. Ernest Morris

**Superior Court of the Virgin Islands
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Case #	SX-2020-PB-00084	Judge	Hon. Ernest Morris
Case Title	In the Matter of the Estate of Felipe Garcia, deceased	Case Type	Probate - Probate - Administration of Testamentary Estates

#	Filed Date	Docket Entry Type	Status	Outcome	Description	Submitted By
					requested, on Julia G. Sergeant.	
76	09-21-2021 09:04 AM	Response - Response	Official		Opposition to Motion for Costs	Yvette D. Ross-Edwards On Behalf of Felipa Blamonte
75	09-16-2021 09:28 AM	Motion - Opposition Motion	Official		Opposition to Motion for Disqualification	Mark L. Milligan On Behalf of Julia G Sergeant
74	09-10-2021 01:53 PM	Notice - Notice of Filing	Official		Petitioner's [Supplemental] Rule 26(a) Self-Executing Initial Disclosures	Mark L. Milligan On Behalf of Julia G Sergeant
73	09-09-2021 10:53 AM	Notice - Proposed Order	Official		Proposed Order	Yvette D. Ross-Edwards On Behalf of Felipa Blamonte
72	09-09-2021 10:53 AM	Motion - Motion Received	Official		Response to Opposition to Motion to Compel	Yvette D. Ross-Edwards On Behalf of Felipa Blamonte
71	09-05-2021 08:12 PM	Notice - Notice Of Service	Official		Notice Of Service of Contestant's Interrogatories, Request for Production of Documents and Request of Admissions	Yvette D. Ross-Edwards On Behalf of Felipa Blamonte
70	09-01-2021 03:24 PM	Notice - Notice of Filing	Official		Notice of Filing and Service of Petitioner's Request for Admission on Felipa G. Blamonte	Mark L. Milligan On Behalf of Julia G Sergeant
69	09-01-2021 12:19 PM	Notice - Notice of Filing	Official		Notice of Filing and Service of Petitioner's Interrogatories and Request for Production of Documents to Felipa G. Blamonte	Mark L. Milligan On Behalf of Julia G Sergeant
68	08-30-2021 03:57 PM	Motion - Motion Received	Official		Motion for Cost	Mark L. Milligan On Behalf of Julia G Sergeant
67	08-26-2021 10:06 AM	Response - Response	Official		Opposition to Motion to Compel Disclosures and for Cost with - Ex [A] copy of email dated 08-25-2021 - proposed Order	Mark L. Milligan On Behalf of Julia G Sergeant
66	08-25-2021 01:15 PM	Notice - Notice of Filing	Official		Notice of Filing Supplemental Voluntary Disclosures	Yvette D. Ross-Edwards On Behalf of Felipa Blamonte
65	08-25-2021 01:14 PM	Notice - Proposed Order	Official		Proposed Order	Yvette D. Ross-Edwards On Behalf of Felipa Blamonte
64	08-25-2021 01:13 PM	Motion - Motion Received	Official		Motion to Disqualify	Yvette D. Ross-

**Superior Court of the Virgin Islands
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Case #	SX-2020-PB-00084	Judge	Hon. Ernest Morris
Case Title	In the Matter of the Estate of Felipe Garcia, deceased	Case Type	Probate - Probate - Administration of Testamentary Estates

#	Filed Date	Docket Entry Type	Status	Outcome	Description	Submitted By
					Attorney Milligan as Counsel for Julia G. Sergent In the Will Contest Proceeding	Edwards On Behalf of Felipa Biamonte
63	08-25-2021 01:12 PM	Notice - Proposed Order	Official		Proposed Order	Yvette D. Ross-Edwards On Behalf of Felipa Biamonte
62	08-25-2021 01:12 PM	Motion - Motion Received	Official		Motion to Compel	Yvette D. Ross-Edwards On Behalf of Felipa Biamonte
61	08-25-2021 09:25 AM	Notice - Exhibit	Official		Notice of Filing Proposed Scheduling Plan	Yvette D. Ross-Edwards On Behalf of Felipa Biamonte
60	08-25-2021 09:24 AM	Notice - Notice to the Court	Official		Proposed Joint Scheduling Plan	Yvette D. Ross-Edwards On Behalf of Felipa Biamonte
59	08-23-2021 09:21 AM	Notice - Notice of Compliance with Court's Order	Official		Notice in Compliance with Order re Billing with Ex [A] copy of Invoice	Mark L. Milligan On Behalf of Julia G Sergent
58	08-20-2021 04:23 PM	Notice - Original Death Certificate Received	Official		Original Death Certificate Received	Mark L. Milligan On Behalf of Julia G Sergent
57	08-19-2021 04:13 PM	Notice - Notice of Compliance with Court's Order	Official		Notice of Compliance	Mark L. Milligan On Behalf of Julia G Sergent
56	08-04-2021 09:26 AM	Notice - Notice Of Service	Official		Renewed Notice Of Service of Rule 26 Disclosures	Yvette D. Ross-Edwards On Behalf of Felipa Biamonte
55	08-02-2021 08:34 AM	Notice - Notice Of Service	Official		Notice Of Service - Petitioner's Rule 26(a) Self-Executing Initial Disclosures	Mark L. Milligan On Behalf of Julia G Sergent
54	07-14-2021 12:35 PM	Notice - Notice of Entry of Judgment/Order	Official		Notice of Entry of (3) Orders	Annalisa M. Prince, Probate Officer II
53	07-14-2021 12:27 PM	Order - Order Granting	Official		Ordered that the Motion for Reconsideration is GRANTED IN PART, and the Court's two Orders entered June 16, 2021 are VACATED; further Ordered that the Proponent and Contestant shall each provide Initial disclosures to the other on or before 07/30/2021; ... counsel for Proponent and Contestant shall conference ... on or before 08/13/2021; ... counsel for Proponent and Contestant shall submit a joint discovery plant to the	Hon. Ernest Morris

**Superior Court of the Virgin Islands
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Case #	SX-2020-PB-00084	Judge	Hon. Ernest Morris
Case Title	In the Matter of the Estate of Felipe Garcia, deceased	Case Type	Probate - Probate - Administration of Testamentary Estates

#	Filed Date	Docket Entry Type	Status	Outcome	Description	Submitted By
					Court ... on or before 08/20/2021; ... all written discovery shall be propounded and served by 09/03/2021; ... all factual depositions shall be completed by 10/01/2021; ... mediation can be held at any time, but shall be scheduled to take place on or before 10/08/2021; ... Contestant's and Proponent's experts shall be named and copies of their opinions ... shall be served upon Contestant and Proponent on or before 10/29/2021; ... all expert depositions shall be completed by 11/30/2021; ... all discover pertaining to the will contest shall be completed on or before 11/30/2021; ... all dispositive motions shall be filed on or before 12/31/2021; further Ordered that this scheduling order shall not be amended except for extraordinary and/or exigent circumstances; further Ordered a copy of this Order be directed to Mark L. Milligan, Esq. and Yvette D. Ross-Edwards, Esq.	
52	07-14-2021 12:21 PM	Order - Order To Comply	Official		Ordered that the Petitioner shall file not later than Aug. 20, 2021 (1) an original or an original certified copy of the decedent's death certificate; (2) the deed or other instrument of title for each of the several parcels of real property listed in the amended petition ...; (3) the latest Real Property Tax bill for each of the parcels reflecting the assessed value for each parcel; (4) a	Hon. Ernest Morris

**Superior Court of the Virgin Islands
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#	Filed Date	Docket Entry Type	Status	Outcome	Description	Submitted By
					copy of the latest vehicle registration for each of the vehicles listed in the amended petition; (5) a copy of the monthly bank statement for each of the bank accounts listed in the amended petition ...; and (6) documentary evidence reflecting the nature of the decedent's ownership interest in CMG Caribbean Music ...; further Ordered a copy of this Order be directed to Mark L. Milligan, Esq. and Yvette D. Ross-Edwards, Esq.	
51	07-14-2021 12:18 PM	Order - Order	Official		Ordered that Atty. Mark Milligan shall file with the Court not later than Aug. 20, 2021, his billings for the \$3,410.00 claimed in the Amended Petition for Probate of Will and Appointment of Executrix; further Ordered that both Atty. Mark Milligan and Atty. Yvette D. Ross-Edwards shall file quarterly, for each calendar quarter ending the last day of May, June, Sept. and Dec., a motion for approval of attorneys fees and costs supported by detailed billings; further Ordered that no attorneys fees or costs shall be allowed to be paid out of Estate funds without prior Court approval; further Ordered a copy of this Order be directed to Mark L. Milligan, Esq. and Yvette D. Ross-Edwards, Esq.	Hon. Ernest Morris
50	07-08-2021 10:28 AM	Response - Reply Motion	Official		Response to Motion for Reconsideration	Yvette D. Ross-Edwards On Behalf of Felipa Biamonte
49	07-08-2021 08:54 AM	Notice - Notice of Entry of Judgment/Order	Official		Notice of Entry of Order of Reassignment	Annallsa M. Prince, Probate Officer II

**Superior Court of the Virgin Islands
Docket Sheet**

Case #	SX-2020-PB-00084	Judge	Hon. Ernest Morris
Case Title	In the Matter of the Estate of Felipe Garcia, deceased	Case Type	Probate - Probate - Administration of Testamentary Estates

#	Filed Date	Docket Entry Type	Status	Outcome	Description	Submitted By
48	07-08-2021 08:53 AM	Order - Order	Official		Ordered that . . . this matter Is Reassigned to the Honorable Magistrate Judge Ernest Morris for all further proceedings.	Hon. Harold W. L. Willocks
47	06-23-2021 08:41 AM	Motion - Motion Received	Official		Motion for Reconsideration of the Ex-parte Order converting the Evidentiary Hearing, set for July 2, 2021, to a Scheduling Conference and Granting Contestant's Motion to Compel Discovery with - Ex [A] Letter dated June 8, 2021	Mark L. Milligan On Behalf of Julia G Sergent
46	06-16-2021 04:25 PM	Notice - Notice of Entry of Judgment/Order	Official		Notice of Entry of (2) Orders	Annalisa M. Prince, Probate Officer II
45	06-16-2021 04:24 PM	Order - Order Granting	Official		Ordered that the hearing scheduled for July 2, 2021 will not be an evidentiary hearing but for purposes of argument on all pending motions and establishing a scheduling order.	Hon. Miguel A. Camacho
44	06-16-2021 04:22 PM	Order - Order Granting	Official		Ordered that the Motion to Compel is GRANTED; further Ordered that Julia Sergent and the Estate of Felipe Garcia shall (1) within three (3) days of this Order serve Rule 26 disclosures on the Contestant, Felipa P. Garcia- Blamonte; and (2) respond within 30 days of the date of this Order to all discovery demands propounded of the Contestant Felipa P. Garcia-Blamonte.	Hon. Miguel A. Camacho
43	06-16-2021 09:37 AM	Notice - Proposed Order	Official		Proposed Order re Motion to Reschedule Evidentiary Hearing set for July 2, 2021	Yvette D. Ross- Edwards On Behalf of Felipa Blamonte
42	06-16-2021 09:36 AM	Motion - Motion To Continue	Official	Granted	Motion To Reschedule Evidentiary Hearing set for July 2, 2021	Yvette D. Ross- Edwards On Behalf of Felipa Blamonte
41	06-16-2021 09:28 AM	Notice - Proposed Order	Official		Proposed Order re Motion to Compel	Yvette D. Ross- Edwards On Behalf of Felipa Blamonte
40	06-16-2021 09:27 AM	Notice - Exhibit	Official		Exhibit [C] copy of First Set	Yvette D. Ross-

Superior Court of the Virgin Islands

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#	Filed Date	Docket Entry Type	Status	Outcome	Description	Submitted By
					of Interrogatories to Julia G. Edwards On Behalf Sergent c/o Mark L. Milligan, of Felipa Blamonte Esq.	
39	05-16-2021 09:26 AM	Notice - Exhibit	Official		Exhibit [D] copy of First Set of Requests for Production of Documents to Julia G. Sergent c/o Mark L. Milligan, Esq.	Yvette D. Ross- Edwards On Behalf of Felipa Blamonte
38	06-16-2021 09:26 AM	Notice - Exhibit	Official		Exhibit [B] Affirmance signed by Yvette D. Ross- Edwards, Esq.	Yvette D. Ross- Edwards On Behalf of Felipa Blamonte
37	06-16-2021 09:24 AM	Notice - Exhibit	Official		Exhibit [A] Letter dated June 8, 2021 to Yvette D. Ross- Edwards, Esq. from Mark L. Milligan, Esq.	Yvette D. Ross- Edwards On Behalf of Felipa Blamonte
36	06-16-2021 09:24 AM	Motion - Motion Received	Official	Granted	Motion to Compel	Yvette D. Ross- Edwards On Behalf of Felipa Blamonte
35	05-16-2021 09:22 AM	Notice - Notice Of Service	Official		Notice Of Re-Service of Contestant's First Set of Interrogatories and Requests for Production of Documents	Yvette D. Ross- Edwards On Behalf of Felipa Blamonte
34	06-16-2021 09:19 AM	Notice - Notice to the Court	Official		Notice of Service of Rule 26 Initial Disclosures	Yvette D. Ross- Edwards On Behalf of Felipa Blamonte
33	06-16-2021 09:16 AM	Notice - Notice to the Court	Official		Notice of Withdrawal of Discovery	Yvette D. Ross- Edwards On Behalf of Felipa Blamonte
32	06-01-2021 04:14 PM	Notice - Notice Of Service	Official		Notice Of Service of Contestant's First Set of Interrogatories and Request for Production of Documents	Yvette D. Ross- Edwards On Behalf of Felipa Blamonte
31	05-20-2021 04:16 PM	Notice - Notice of Entry of Judgment/Order	Official		Notice of Entry of Order Granting Motion to Continue	Annalisa M. Prince, Probate Officer II
30	05-20-2021 04:14 PM	Order - Order Granting	Official		Ordered that the Citation Hearing scheduled for May 21, 2021 is hereby CANCELLED; further Ordered that the evidentiary hearing matter on the Declaration of Will Contest shall be heard before this Court on Friday, July 2, 2021 at 10:00 am; further Ordered a copy of this	Hon. Miguel A. Camacho

**Superior Court of the Virgin Islands
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Case #	SX-2020-PB-00084	Judge	Hon. Ernest Morris
Case Title	In the Matter of the Estate of Felipe Garcia, deceased	Case Type	Probate - Probate - Administration of Testamentary Estates

#	Filed Date	Docket Entry Type	Status	Outcome	Description	Submitted By
					Order be directed to Yvette D. Ross-Edwards, Esq. and Mark L. Milligan, Esq.	
29	05-17-2021 01:53 PM	Answer - Answer	Official		Answer	Mark L. Milligan On Behalf of Julia G Sergent
28	05-13-2021 02:24 PM	Response - Response	Official		Reply to Opposition to Motion to Reschedule May 21, 2021 Hearing	Yvette D. Ross-Edwards On Behalf of Felipa Blamonte
27	05-13-2021 02:22 PM	Motion - Opposition Motion	Official		Opposition to Motion for Continuance without date with proposed Order	Mark L. Milligan On Behalf of Julia G Sergent
26	05-12-2021 04:18 PM	Notice - Proposed Order	Official		Proposed Order to Reschedule Hearing set for May 21, 2021	Yvette D. Ross-Edwards On Behalf of Felipa Blamonte
25	05-12-2021 04:17 PM	Motion - Motion To Continue	Official	Granted	Motion To Reschedule Hearing set for May 21, 2021	Yvette D. Ross-Edwards On Behalf of Felipa Blamonte
24	05-12-2021 04:05 PM	Initiating Document - Litigant Personal Data Form	Official		Civil Litigant Personal Data Form for Felipa Blamonte	Yvette D. Ross-Edwards On Behalf of Felipa Blamonte
23	05-12-2021 02:31 PM	Service - Summons Received	Official		Summons to: Julia G. Sergent 33 Est. Welcome Flamboyant, Christiansted VI 00820	Yvette D. Ross-Edwards On Behalf of Felipa Blamonte
22	05-12-2021 02:30 PM	Notice - Notice Of Service	Official		Summons to: Estate of Felipe Garcia c/o Attorney Mark Milligan	Yvette D. Ross-Edwards On Behalf of Felipa Blamonte
21	05-12-2021 02:25 PM	Initiating Document - Petition Received	Official		Declaration of Will Contest	Yvette D. Ross-Edwards On Behalf of Felipa Blamonte
20	03-24-2021 11:16 AM	Notice - Notice of Appearance	Official		Notice of Appearance on behalf of Felipa Blamonte	Yvette D. Ross-Edwards On Behalf of Felipa Blamonte
18	02-11-2021 09:40 AM	Notice - Notice of Entry of Judgment/Order	Official		Notice of Entry of Order Granting Extension of Time	Edna Hamilton-Cirilo, Probate Officer II
17	02-11-2021 09:38 AM	Order - Order Granting	Official		Order Granting Extension of Time - The 2/12/2021 citation hearing is continued to May 21, 2021	Hon. Miguel A. Camacho
19	02-11-2021 02:25 PM	Motion - Motion To Continue	Official		Opposition to Motion for Continuance	Mark L. Milligan On Behalf of Julia G Sergent
16	02-09-2021 12:18 PM	Notice - Letter/Document Received	Official		Letter dated February 5, 2021 received	FELIPE GARCIA

**Superior Court of the Virgin Islands
Docket Sheet**

Case #	SX-2020-PB-00084	Judge	Hon. Ernest Morris
Case Title	In the Matter of the Estate of Felipe Garcia, deceased	Case Type	Probate - Probate - Administration of Testamentary Estates

#	Filed Date	Docket Entry Type	Status	Outcome	Description	Submitted By
15	02-05-2021 12:14 PM	Notice - Letter/Document Received	Official		Letter received stating Declaration of Will Contest with - copy of Jan 12, 2021 letter	Felipa Biamonte
14	01-27-2021 01:13 PM	Notice - Notice of Entry of Official Judgment/Order			Notice of Entry of Order Scheduling Citation Hearing	Edna Hamilton-Cirilo, Probate Officer II
13	01-27-2021 01:10 PM	Order - Order Scheduling Hearing	Official		Order Scheduling Citation Hearing. The 1/15/2021 hearing continued to February 12, 2021 at 10:00a	Hon. Miguel A. Camacho
12	01-15-2021 11:28 AM	Hearing - Record Of Proceeding	Official		Record Of Proceeding	Annalisa M. Prince, Probate Officer II
11	01-12-2021 04:09 PM	Notice - Letter/Document Received	Official		Letter to Court received from Felipe Garcia Biamonte	Felipa Biamonte
10	12-29-2020 10:59 AM	Notice - Notice Of Service	Official		Proof of Publication and Mailing of Citation with - Ex [A] Publisher's Affidavit from the St. Croix Avis - Ex [B] Certified mail receipt and Return executed by Felipa Biamonte	Mark L. Milligan On Behalf of Julia G Sargent
9	11-18-2020 01:59 PM	Notice - Notice of Entry of Official Judgment/Order	Official		Notice of Entry of Citation	Annalisa M. Prince, Probate Officer II
8	11-18-2020 01:56 PM	Order - Citation To Hear	Official		Citation To Hear Felipa Biamonte to appear before the Superior Court on Jan. 15, 2021 at 10:00 am Courtroom No. 103 to show cause why such application should not be granted; Ordered that the Estate shall cause this Citation to be duly published once a week for (3) consecutive weeks.	Hon. Miguel A. Camacho
7	10-29-2020 09:00 AM	Notice - Notice of Filing	Official		Notice of Filing of Proof of Wills with original Last Will and Testament of Felipe Garcia	Mark L. Milligan On Behalf of Julia G Sargent
6	10-27-2020 04:07 PM	Motion - Motion Received	Official		Motion for Issuance of Citation with - Attorney Certificate and Exhibits - proposed Citation to Felipa Biamonte	Mark L. Milligan On Behalf of Julia G Sargent
5	10-27-2020 03:52 PM	Motion - Amended Motion	Official		Amended Petition for Probate of Will and	Mark L. Milligan On Behalf of Julia G

**Superior Court of the Virgin Islands
Docket Sheet**

Case #	SX-2020-PB-00084	Judge	Hon. Ernest Morris
Case Title	In the Matter of the Estate of Felipe Garcia, deceased	Case Type	Probate - Probate - Administration of Testamentary Estates

#	Filed Date	Docket Entry Type	Status	Outcome	Description	Submitted By
					Appointment of Executrix	Sergent
4	10-26-2020 03:43 PM	Initiating Document - Docket Letter Processed	Official		Docket Letter Processed	Edna Hamilton, Probate Officer II
3	10-26-2020 03:23 PM	Initiating Document - Litigant Personal Data Form	Official		Civil Litigant Personal Data Form for Julia G. Sergent	Mark L. Milligan On Behalf of Julia G Sergent
2	10-26-2020 03:15 PM	Financial - Payment Received	Official		Receipt #: 197712 Payor: Mark L. Milligan, Amount: \$150.00	
1	10-26-2020 03:15 PM	Initiating Document - Petition Received	Official		Petition for Probate of Will and Appointment of Executrix Ex 1- Death Certificate Ex 2- Last Will & Testament Ex 3- Oath of Administrator Ex 4 - Attorney Declaration	Mark L. Milligan On Behalf of Julia G Sergent

CERTIFIED TO BE A TRUE COPY
This 16th day of Feb. 20 22
TAMARA CHARLES
CLERK OF THE COURT

By  Court Clerk ETC

FILED

October 27, 2020
SX-2020-PB-00084
TAMARA CHARLES
CLERK OF THE COURT

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

IN THE MATTER OF THE ESTATE OF: FELIPE GARCIA, deceased)))))	SX – 2020 – PB -00084 PROBATE: TESTATE
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**AMENDED PETITION
FOR PROBATE OF WILL AND APPOINTMENT OF EXECUTRIX**

COME NOW Petitioner, **JULIA G. SERGENT**, by and through this undersigned counsel, and for her amended¹ *petition for probate of will and appointment of executrix* states:

JURISDICTION

1. This Court has jurisdiction over the action pursuant to *Title 4 V.I.C. § 76(a), as amended*, and *Title 15 V.I.C. § 161(1)-(4), et. seq.*
2. This action for probate is maintained in accordance with and *Title 15 V.I.C. 232, et. seq. and Rule 1 V.I. R. Prob.*
3. Petitioner, Julia G. Sergent, a resident of # 33 Flamboyant, Welcome, Christiansted St. Croix, U.S.V.I.
4. Petitioner files this action as the *next-of-kin* and the individual named as *Executrix* in Decedent's *Last Will and Testament*, executed April 13, 2020, in Atlanta, Georgia.
5. Felipe Garcia, [hereinafter "Decedent"], SSN: XXX-XX-6653 a domiciliary of 146 Peters Rest, St. Croix, Virgin Islands, died April 14, 2020, in Atlanta, Georgia, as is more particularly shown and set forth in the *Georgia Death Certificate* marked as *Exhibit "1"*, attached to the petition, of record, and incorporated herein by reference.
6. Decedent died *testate*; his *Last Will and Testament* executed April 13, 2020, in Atlanta, Georgia, is marked "Exhibit 2", attached to the petition, of record, and incorporated herein by reference.

66. 001

¹ In the original *petition*, ¶ 8 was inadvertently omitted, and or incomplete, and the *wherefore clause* is revised.

FACTS UPON WHICH RELIEF IS SOUGHT

7. Upon information and belief, Decedent died possessed of the following assets, located at the addresses shown below, with the following estimated values:

I. REAL PROPERTY	LOCATION	VALUE	
# 146 Peter's Rest,	St. Croix, VI	172,900.00	
Plot No. 1cu Diamond, Ruby	St. Croix, VI	248,600.00	
Plot No. 1ci Diamond, Ruby	St. Croix, VI	208,900.00	
# 9 Hafensight	St. Croix, VI	39,000.00	
# 32 of 3 Estate Orange Grove	St. Croix, VI	51,000.00	
Plot No. 7 Seven Hills,	St. Croix, VI	25,000.00	
Plot No. 1BA-1BB Beeston Hill	St. Croix, VI	40,700.00	
Plot No. 1-B Beeston Hill	St. Croix, VI	<u>35,200.00</u>	821,300.00

II. PERSONAL PROPERTY	LOCATION	VALUE	
1 ^{First} Bank 252- Saving [A/No XXX-XX85364]	Sunny Isles	5,752.62	
1 ^{First} Bank Checking [A/No XXX-XX48852]	Sunny Isles	6,752.33	
1 ^{First} Bank Saving [A/No XXX-XX13441]	Sunny Isles	1,472.16	
Oriental Account	Sunny Isles	UKWN	
Bank of St. Croix Checking [A/No XXX-XX8434]	Peters Rest	6,611.66	
Bank of St. Croix Saving [A/No XXX-XX6414]	Peters Rest	74,757.44	
CMG Caribbean Music (Music Authority, Inventory etc.)	1cu Diamond, Ruby	UKWN	
2002 Toyota RAV [TEJU4GN0AZ692618]	St. Croix, V.I	3,768.00	
2010 Toyota TAC [TEJU4GN0AZ692618]	St. Croix, VI	<u>9,314.00</u>	108,428.21
Total Estimated Value		\$	929,728.20

8. The name and address of the heir and next of kin of Decedent, known to Petitioner, who may be entitled to a share of the Estate under the laws of *intestacy* and descent and distribution of this jurisdiction, if Decedent left no will, is:

<u>NAME</u>	<u>RELATIONSHIP</u>	<u>ADDRESS</u>	<u>SHARE</u>
Felipa Biamonte	Daughter	8 Dana Place Hyde Park, NY 12538	100%
		Total	100%

9. Felipa Biamonte, the sole heir-at-law have not executed the required *waiver and consent*, therefore it is necessary that of citation be issued to her.

10. To the best of Petitioner's knowledge, the outstanding debts for which Decedent's estate may be obligated are enumerated as follows

• Government of The VI	[Real Property Taxes]	\$ 5,026.84
• James Memorial Funeral Home	[Funeral Expenses]	17,611.00
• Bill (Numerous)	[MISC]	UKWN
• Mark L. Milligan, Esq.	[L&P fees]	<u>3,410.00</u>
	Total	\$ 26,047.84


11. Decedent, in his *Last Will and Testament*, has named Petitioner, Julia G. Sergent, as *Executrix*, to serve without bond.

12. Julia G. Sergent, has executed an accompanying *Consent to Serve as Executrix*.

WHEREFORE Petitioner prays for the following relief:

- For issuance of citation to Felipa Biamonte
- Entry of an Order admitting Decedent's Last Will and Testament to probate;
- That Petitioner be appointed *Executrix* of the Estate to serve without bond;
- That *letters testamentary* be issued to Petitioner; and
- That the Court grants such other and further relief as the Court may appear necessary and appropriate in the premises.

DATED: This 27th day October 2020.


Mark L. Milligan, Esq.
Attorney for the Estate
PO Box 223031
Christiansted, VI 00822
340-773-7121

GEORGIA DEATH CERTIFICATE

State File Number **2020GA000024522**

1. DECEDENT'S LEGAL FULL NAME (First, Middle, Last) FELIPE GARCIA		1a. IF FEMALE, ENTER LAST NAME AT BIRTH		2. SEX MALE	2a. DATE OF DEATH (Mo., Day, Year) ACTUAL DATE OF DEATH 04/14/2020	
3. SOCIAL SECURITY NUMBER 1-6663		4a. AGE (Years) 72	4b. UNDER 1 YEAR Mo. Days Hours Mins.	5. DATE OF BIRTH (Mo., Day, Year) 02/24/1948		
6. BIRTHPLACE US VIRGIN ISLANDS		7a. RESIDENCE - STATE US VIRGIN ISLANDS	7b. COUNTY ST. CROIX	7c. CITY, TOWN CHRISTIANSTED		
7d. STREET AND NUMBER 145 PETERS REST		7e. ZIP CODE 00820		7f. INSIDE CITY LIMITS? YES	8. ARMED FORCES? NO	
8a. USUAL OCCUPATION BUSINESS OWNER		8b. KIND OF INDUSTRY OR BUSINESS MUSIC				
9. MARITAL STATUS DIVORCED		10. SPOUSE NAME		11. FATHER'S FULL NAME (First, Middle, Last) JUAN GARCIA VELEZ		
12. MOTHER'S MAIDEN NAME (First, Middle, Last) FELICITA JAMES		13a. INFORMANT'S NAME (First, Middle, Last) TERESA GASKINS		13b. RELATIONSHIP TO DECEDENT SISTER		
13c. MAILING ADDRESS 6054 OAK HOLLOW DR. NW ACWORTH GEORGIA 30102		14. DECEDENT'S EDUCATION MASTER'S DEGREE				
15. ORIGIN OF DECEDENT (Italian, Mex., French, English, etc.) NO, NOT SPANISH/HISPANIC/LATINO		16. DECEDENT'S RACE (White, Black, American Indian, etc.) (Specify) BLACK OR AFRICAN-AMERICAN				
17a. IF DEATH OCCURRED IN HOSPITAL		17b. IF DEATH OCCURRED OTHER THAN HOSPITAL (Specify) DECEDENT'S HOME				
18. HOSPITAL OR OTHER INSTITUTION NAME (If not in other give street and no.) 6054 OAK HOLLOW DR. NW		19. CITY, TOWN or LOCATION OF DEATH ACWORTH		20. COUNTY OF DEATH COBB		
21. METHOD OF DISPOSITION (Specify) REMOVAL FROM STATE		22. PLACE OF DISPOSITION CHRISTIANSTED CEMETERY - CHRISTIANSTED US VIRGIN ISLANDS 00802		23. DISPOSITION DATE (Mo., Day, Year) 04/23/2020		
24a. EMBALMER'S NAME TERRY WATSON		24b. EMBALMER LICENSE NO. 5195	25. FUNERAL HOME NAME AIRPORT MORT SHIPPING SVC			
25a. FUNERAL HOME ADDRESS 744 S CENTRAL AVENUE ATLANTA GEORGIA 30354		26a. FUN. DIR. LICENSE NO. 5306		26b. AMENDMENTS		
27. DATE PRONOUNCED DEAD (Mo., Day, Year) 04/14/2020		28. HOUR PRONOUNCED DEAD 10:52 AM		29. DATE SIGNED 04/14/2020		
29a. PRONOUNCER'S NAME CHELSEY SMITH		29b. LICENSE NUMBER 292941		30. TIME OF DEATH 10:52 AM		
31. WAS CASE REFERRED TO MEDICAL EXAMINER NO		32. Part I. Enter the chain of events, disease, injuries, or complications that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or multi-organ failure without showing the etiology. DO NOT ABBREVIATE. IMMEDIATE CAUSE (Final disease or condition resulting in death) A. STAGE IV PROSTATE CANCER METASTATIC TO EDNIS, LIVER AND LYMPH NODES Due to, or as a consequence of B. Due to, or as a consequence of C. Due to, or as a consequence of D.				
33. WAS AUTOPSY PERFORMED? NO		34. WERE AUTOPSY FINDINGS AVAILABLE TO COMPLETE THE CAUSE OF DEATH?				
35. TOBACCO USE CONTRIBUTED TO DEATH NO		36. IF FEMALE (range 10-54) PREGNANT NOT APPLICABLE		37. ACCIDENT, SUICIDE, HOMICIDE, UNDETERMINED (Specify) NATURAL		
38. DATE OF INJURY (Mo., Day, Year)		39. TIME OF INJURY	40. PLACE OF INJURY (Home, Farm, Street, Factory, Office, Etc.) (Specify)		41. INJURY AT WORK? (Yes or No)	
42. LOCATION OF INJURY (Street, Apartment Number, City or Town, State, Zip, County)		43. DESCRIBE HOW INJURY OCCURRED				
45. To the best of my knowledge death occurred at the time, date and place and due to the cause(s) stated. Medical Certifier (Name, Title, License No.) MICHAEL O'NEILL, MD, 030176		46. On the basis of examination under investigation, in my opinion death occurred at the time, date and place and due to the cause(s) stated. Medical Examiner/Coroner (Name, Title, License No.)				
45a. DATE SIGNED (Mo., Day, Year) 04/21/2020		45b. HOUR OF DEATH 10:52 AM		46a. DATE SIGNED (Mo., Day, Year)		46b. HOUR OF DEATH
47. NAME, ADDRESS, AND ZIP CODE OF PERSON COMPLETING CAUSE OF DEATH MICHAEL O'NEILL 476 DICKSON AVENUE NW AVENUE NW MARIETTA GEORGIA 30064						
48. REGISTRAR (Signature) /S/ CHRISTOPHER JP HARRISON		49. DATE FILED - REGISTRAR (Mo., Day, Year) 04/22/2020				

FILED

October 26, 2020

SX-2020-PB-00084

TAMARA CHARLES

CLERK OF THE COURT

LAST WILL AND TESTAMENT OF FELIPE GARCIA

I, **FELIPE GARCIA**, of Plot 146, Estate Peter Rest, Christiansted, St. Croix, US Virgin Islands, 00820, which I consider my place of domicile, being of sound mind, memory and disposing disposition, and not acting under duress or undue influence, do make, publish and declare this to be my **Last Will and Testament**, thereby revoking any and all previous Wills and their codicils, I may have made.

Article I

[Status]

I am single, not married, and am the father of one (1) child, **FELIPA GARCIA BIAMONTE**, of New Jersey.

Article II

[Nomination of Executrix and Powers]

I hereby nominate, constitute and appoint, my sister, **JULIA SERGENT**, of St. Croix, V.I., executrix of my Will and Estate, to serve, without bond.

If Julia Sergent does not survive me, or if she does not, otherwise, qualify as the executrix, I appoint my niece, **MELISSA BENJAMIN**, of Acworth, GA, the executrix of this Will and my Estate, to serve without bond.

My executrix shall have full power and authority to carry out the provisions of this Will, including the power to manage and operate, during the probate of my Estate, any property and any business belonging to my Estate.

At her sole discretion, my executrix may retain any real property, bank account, or other investment and continue to hold, manage and operate any property, business or enterprise, that I may own, in whole or in part at the time of my death, with, or without order of the court; and the profits or losses therefrom, if any, are to inure to and be chargeable against my Estate and not my executrix.

Article III

[Payment of Debt and Expenses]

I direct my executrix to pay the expenses of my last illness, funeral and burial expenses, out of my Estate, as soon as it is legally possible to do so.

I direct that my body be buried in accordance with the rites of the *Holy Cross Roman Catholic Church*, Christiansted, St. Croix, VI, of which I am a member.

_____ Initials



00. 005

Exhibit "2"

Any additional instructions, or requests, regarding these arrangements may further be outlined in my *Statement of Wishes*, if one is attached to this document, and , if so, it is my request that the executrix of my Estate abide by my wishes.

Article IV
[List of Estate Assets]

It is my intention by this Will to dispose of all my property, real, personal, and mixed, including any and all properties, of whatever nature acquired after the execution of this Will, wherever situated, which includes:

1. Plot No. 146, Estate Peter's Rest, Christiansted, St. Croix, VI.
2. Plot No. 1cu, Estate Diamond, Ruby Christiansted, St. Croix, VI.
3. Plot No. 1ci, Estate Diamond, Ruby Christiansted, St. Croix, VI.
4. Plot No. 9, Estate Hafensight, Christiansted, St. Croix, VI.
5. Plot No. 32, of 3, Estate Orange Grove, Christiansted, St. Croix, VI.
6. Plot No. 7, Estate Seven Hills, Christiansted, St. Croix, VI.
7. Plot No. 1B, Estate Beeston Hill, Christiansted, St. Croix, VI
8. Plot No. 1c, Estate Beeston Hill, Christiansted, St. Croix, VI.
9. Bank of St. Croix account No. 286371663.
10. Bank of St. Croix account No. 08008434.
11. Music Authority
12. Two (2) grand pianos,
13. Household furnishings,
14. My Toyota truck, and
15. My Rav-4 SUV.

Article V
[Real Properties - Devises]

I give and devise to my sister, **JULIA SERGENT**, if she survives me, **Plot 146 Estate Peters Rest**, Christiansted, St. Croix, U.S Virgin Islands, in fee simple absolute; and if she does not survive me, to **MELISSA BEJAMIN**, if she survives me.

00. 006

[Initials]
[Handwritten Signature]

I give and devise to my sister, **JULIA SERGENT**, if she survives me, **Plot 1ci Diamond Ruby**, Christiansted, St. Croix, U.S Virgin Islands, in fee simple absolute; and if she does not survive me, to **MELISSA BEJAMIN**, if she survives me.

I give and devise to my sister, **JULIA SERGENT**, if she survives me, **Plot 1ce Diamond Ruby**, Christiansted, St. Croix, U.S Virgin Islands, in fee simple absolute; and if she does not survive me, to **MELISSA BEJAMIN**, if she survives me.

I give and devise to my niece, **MELBA MOORE**, if she survives me, **Plot 9 Hafensight**, Christiansted, St. Croix, U.S Virgin Islands, in fee simple absolute; and if she does not survive me, to her daughter, **LAUREN BARNES**, if she survives me.

I give and devise to my great-nephew, **JARRED BENJAMIN**, if he survives me, **Plot 32 of # 3 Estate Orange Grove**, Christiansted, St. Croix, U.S Virgin Islands, in fee simple absolute; and if he does not survive me, to **MELISSA BEJAMIN**, if she survives me.

Finally, I give and devise to my daughter, **FELIPA GARCIA-BIAMONTE**, my one half (1/2) interest in **Plot No. 7 Seven Hills**, Christiansted, St. Croix, VI, in fee simple absolute.

Article VI

[Properties to be Sold - Bequest]

I direct that my executrix shall sell, as soon as practicable, my interest in the following properties in which I hold an interest, namely:

- Music Authority;
- Plot No. 1cu Diamond Ruby, Christiansted, Croix, U.S. Virgin Islands;
- Plot No. 1cf Diamond Ruby, Christiansted, Croix, U.S. Virgin Islands;
- Plot No.1B Beeston Hill, Christiansted, Croix, U.S. Virgin Islands;
- Plot No. 1C Beeston Hill, Christiansted, Croix, U.S. Virgin Islands;
- Two (2) grand pianos; and
- My RAV-4 SUV.

Out of the proceeds of such sale, my executrix shall first pay all debts of the Estate, together with funeral expenses and the cost of administrating the Estate, and the net proceeds shall be escrowed by my executrix for my Estate.

OC: 007


[Initials]

I give and devise to my sister, **JULIA SERGENT**, if she survives me, **Plot 1ci Diamond Ruby**, Christiansted, St. Croix, U.S Virgin Islands, in fee simple absolute; and if she does not survive me, to **MELISSA BEJAMIN**, if she survives me.

I give and devise to my sister, **JULIA SERGENT**, if she survives me, **Plot 1ce Diamond Ruby**, Christiansted, St. Croix, U.S Virgin Islands, in fee simple absolute; and if she does not survive me, to **MELISSA BEJAMIN**, if she survives me.

I give and devise to my niece, **MELBA MOORE**, if she survives me, **Plot 9 Hafensight**, Christiansted, St. Croix, U.S Virgin Islands, in fee simple absolute; and if she does not survive me, to her daughter, **LAUREN BARNES**, if she survives me.

I give and devise to my great-nephew, **JARRED BENJAMIN**, if he survives me, **Plot 32 of # 3 Estate Orange Grove**, Christiansted, St. Croix, U.S Virgin Islands, in fee simple absolute; and if he does not survive me, to **MELISSA BEJAMIN**, if she survives me.

Finally, I give and devise to my daughter, **FELIPA GARCIA-BIAMONTE**, my one half (½) interest in **Plot No. 7 Seven Hills**, Christiansted, St. Croix, VI, in fee simple absolute.

Article VI
[Properties to be Sold - Bequest]

I direct that my executrix shall sell, as soon as practicable, my interest in the following properties in which I hold an interest, namely:

- Music Authority;
- Plot No. 1cu Diamond Ruby, Christiansted, Croix, U.S. Virgin Islands;
- Plot No. 1cf Diamond Ruby, Christiansted, Croix, U.S. Virgin Islands;
- Plot No. 1B Beeston Hill, Christiansted, Croix, U.S. Virgin Islands;
- Plot No. 1C Beeston Hill, Christiansted, Croix, U.S. Virgin Islands;
- Two (2) grand pianos; and
- My RAV-4 SUV.

Out of the proceeds of such sale, my executrix shall first pay all debts of the Estate, together with funeral expenses and the cost of administrating the Estate, and the net proceeds shall be escrowed by my executrix for my Estate.

OC: 007

 
_____[initials]

Until these properties have been sold, my executrix shall receive the rents and revenues therefrom and apply the same to the payment of taxes and insurance, and other expenses incurred in keeping the improvements on the properties in proper order.

Article VII
[Specific - Bequest]

I give and bequeath to my sister, **JULIA SERGENT** the remaining balances in my **BANK OF ST. CROIX** accounts Nos. 286371663 and 08008434.

I give and bequeath to my sister, **JULIA SERGENT**, of St. Croix, VI., my *household furnishings* at Plot 146 Estate Peters Rest, Christiansted, St. Croix, V.I.

I give and bequeath to my tenant, **ABEL MEDINA**, of St. Croix, VI., my *Toyota truck*.

Article VIII
[Residuary Estate]

I give and bequeath to my niece, **MELISSA BENJAMIN**, all of the rest, residue, and remainder of my estate, real, personal, or mixed, of whatever nature and wherever situated, which shall belong to me, escrowed for my Estate, or be subjected to my disposal by Will, and which has not been, heretofore, disposed of in this Will.

Article IX
[Disinheritance]

I have, except as otherwise provided in this Will, intentionally and with full knowledge, omitted to provide for any other of heirs-at-law or next-of-kin who may be living at the time of my death, including any person who may become my heir by reason of marriage, or otherwise, after the date of the execution of this Will.

Article X
[Estate Tax and Inheritance]

I have, except as otherwise provided in this Will, intentionally and with full knowledge, omitted to provide for any other my heirs who may be living at the time of my death, including any person who may become my heir by reason of marriage, or otherwise, after the date of the execution of this Will.



[Initials]

Article XI
[Inheritance taxes]

All estate, inheritance, succession or other death taxes, duties, charges or assessments, imposed on, or in relation to any property by reason of my death, whether passing under this Will, or otherwise, shall be paid by my executor out of the Estate, without proration of any charges therefor, against any person who receives such property under the terms of this Will, or otherwise.

Article XII
[Interpretation]

In the event, any provision of this Last Will and Testament is held to be invalid by a court of competent jurisdiction, then such finding shall invalidate only that provision leaving the balance of this Last Will and Testament enforce.

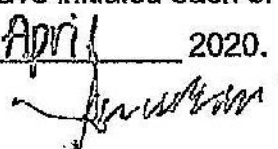
Article XIII
[Nomination of Attorney]

I hereby appoint my attorney, **MARK L. MILLIGAN, ESQ.** of 28-A King Street, Christiansted, St. Croix, V.I., as the attorney for my executrix.

Article XIV
[Interpretation]

In the event, any provision of this Last Will and Testament is held to be invalid by a court of competent jurisdiction, then such finding shall invalidate only that provision leaving the balance of this Last Will and Testament enforce.

IN WITNESS WHEREOF, I have initialed each of the preceding pages and signed this document this 13 day of April 2020.



FELIPE GARCIA



001 009

[Initials]



ACKNOWLEDGMENT

STATE OF ~~ATLANTA~~ Georgia)
COUNTY OF Cobb) /ss/

On this 13 day of April 2020, before me, the undersigned, a notary public in and for State of Atlanta, personally appeared **FELIPE GARCIA**, who proved to me, on the basis on satisfactory evidence, to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the foregoing instrument for the purposes therein contained.

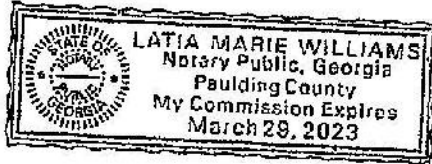
WITNESS my hand and official seal.

Latia Marie Williams

Notary Public

My Commission Expires: 3/29/2023

[Seal]



ATTESTATION CLAUSE

On the date hereof, **FELIPE GARCIA**, known to us to be the person whose signature appears at the end of this Will, make, publish and declare to us, the undersigned, that the foregoing instrument, is his Will.

The Testator, **FELIPE GARCIA**, thereupon, signed this Will in our presence and in the presence of each of us and we, at the same time at his request in his presence and in the presence of each other, have hereunto signed our names and addresses as attesting witnesses.

We declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on April , 2020.

Janice E. Miller
Witness # 1 Signature

5049 OAK HOLLOW DR.

JANICE E. MILLER
Witness Name (Printed)

ACWORTH, GA 30102
Witness Address

Donna M. Manning
Witness # 2 Signature

5602 Swanson Rd

Donna M. Manning
Witness Name (Printed)

Ellenwood GA 30294
Witness Address

ACKNOWLEDGMENT

STATE OF ATLANTA ¹³ Georgia)
COUNTY OF Cobb) /ss/

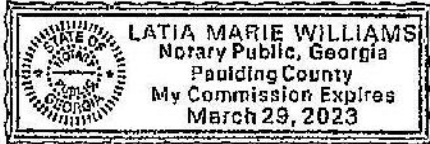
On this 13 day of April 2020, before me, the undersigned, a notary public in and for State of Atlanta, GA, personally appeared Janice E. Miller and Donna M. Mourina who proved to me, on the basis on satisfactory evidence, to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the foregoing instrument for the purposes therein contained.

IN WITNESS my hand and official seal.

Latia Marie Williams

Notary Public

My Commission Expires: 3/29/2023



(.) 011

_____ [Initials]

FILED

October 27, 2020

SX-2020-PB-00084

TAMARA CHARLES
CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX

IN THE MATTER OF THE ESTATE OF:	)	SX - 2020 - PB - 00084
FELIPE GARCIA, deceased)	
	)	PROBATE: TESTATE
_____)	

MOTION FOR THE ISSUANCE OF CITATION

COMES NOW Petitioner, by and through the undersigned attorney, and pursuant to *Rule 5, V.I. R. Prob.* request issuance a **citation** to the Decedent's daughter, **Felipa Biamonte**, who has failed to execute the required *waiver and consent* to the petition, herein.

In support of this motion, Petitioner relies on the accompanying *Attorney's Certification* which asserts that pre-filing:

- (i) On October 1, 2020, the Estate delivered to Decedent's daughter, Felipa Biamonte, via electronic e-mail, a cover letter, enclosed with copies of the proposed *petition*, death certificate, Decedent's *Last Will & Testament*, dated April 13, 2020, and proposed *waiver and consent* for timely execution and filing with the petition.
- (ii) As of even date, Felipa Biamonte has failed to honor the Estate's request.

WHEREFORE, in accordance with *Rule 5, supra*, Petitioner request that a *citation* be issued requiring **Felipa Biamonte** to personally appear and *show cause* why the prayers in the petition should not be granted.

Dated: This 27 day of October 2020

1st Mark L. Molligan, Esq.
Attorney for the Estate

FILED

November 18, 2020
SX-2020-PB-00084
TAMARA CHARLES
CLERK OF THE COURT

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

IN THE MATTER OF THE ESTATE OF:	)	SX - 2020 - PB - 00084
FELIPE GARCIA, deceased)	
	)	PROBATE: TESTATE
_____)	

CITATION

GREETINGS:

TO: Felipa Biamonte
8 Dana Place
Hyde Park, NY
New York 12538

APPLICATION HAVING BEEN MADE to the Superior Court for probate of the Estate of Felipe Garcia, deceased, and for issuance of letters of administration to Julia G. Sergent, IT IS

ORDERED that Felipa Biamonte and all others concerned are directed to appear before the Superior Court of the Virgin Islands, Kingshill, St. Croix, V.I., Courtroom No. 103 on the 15 day of January 2021 at 10:00 am/pm to show cause why such application should not be granted.

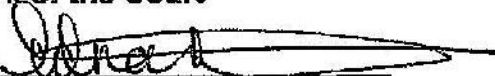
ORDERED that the Estate shall cause this Citation to be duly published once a week for three (3) consecutive week, all in accordance with Rule 5 V.I.R Prob.

DONE AND SO ORDERED this 18 day of November 2020



**MIGUEL A. CAMACHO, MAGISTRATE
SUPERIOR COURT OF THE VIRGIN ISLANDS**

ATTEST:
TAMARA CHARLES
Clerk of the Court

BY: 

Dated: 18 day of November 2020

FILED

January 12, 2021

SX-2020-PB-00084

TAMARA CHARLES

CLERK OF THE COURT

Place, Hyde Park, NY 12538 | 914-204-6151 | felipa.biamonte@gmail.com

January 12, 2021

Magistrate Judge Miguel A. Camacho
Superior Court of the Virgin Islands

Subject: Probate Hearing 1-15-2021 for Felipe Garcia

Dear Magistrate Judge Miguel A. Camacho:

I am Felipa Garcia Biamonte, the only child of Felipe Garcia, and the mother of Julia Biamonte and Ava Biamonte, the only grandchildren of Felipe Garcia. I reside in NY and work in a Public School in a classroom with young children. Unfortunately, I am unable to attend your subject hearing as we are operating with a greatly strained and reduced staff due to the Covid pandemic. I hope documenting my position will meet the needs of the court. In addition, my father-in-law Robert A. Biamonte is able to participate on the call and can answer any questions you may have on my behalf.

I have been asked to sign a waiver & consent decree for the Will and Probate Petition to your court as well as for the naming of Julia Sargent as the Executor of my father's Estate.

I am declining to sign these waivers and consent. The basis for my decision is that I feel in my heart that the Will which was created merely hours before my father's passing does not represent his true wishes. Some background is appropriate.

I did not know my father for the first 21 years of my life. My mother refused to discuss him or to share any information about him when I was a child. In 1999, when I was 21, I sought to find and discover my father. After an extensive search I was delighted to find him in the spring of 1999. My father was equally happy to discover that he had a daughter, who was actually named after him, but whom he never knew existed. We both enjoyed a new beginning and loving relationship. Every time my father came to NY he visited and got to know his two granddaughters. He treated the family to a trip to Disney Land in California and one day, unexpectedly, a brand new piano arrived at our home in NY. My father wanted his love of music to be something he could pass on to his granddaughters. I was so thankful to get to know my father over the next 20 years, something I had longed to do.

Sadly, when my father passed away on April 14, 2020, no one informed me. I discovered he died nearly 2 months later, ironically on Father's Day when my husband came across his obituary on the internet. I was shocked and dismayed. I had heard my father speak fondly of his siblings. He often spoke about Julia. Though I do not really know Julia, I searched and reached out to her to find out what had happened. Julia scolded me for not attending my father's memorial service but her tone changed when she was told no one in the family contacted me.

When I was contacted by Mark Milligan seeking me to sign a waiver & consent, I was once again broken hearted to see that the Will essentially disavowed me and my father's only grandchildren. I did not then, nor do I now, believe the Will is an accurate representation of my father's wishes. I enlisted the support of BOLTNAGI law firm to negotiate a family friendly change to the distribution of my father's assets. Last week Mr. Milligan declared that his client was not interested in negotiating anything.

It is for these reasons that I will not sign the waiver & consent that is being asked for at your hearing. I

remain broken hearted about the loss of my father. I had an empty feeling in my heart for the first 21 years of my life and this apparent rejection in the Will and by my family to even discuss this is what led to my decision to not sign the waiver. I currently do not have any council to represent me at the hearing and I cannot attend for the above stated reasons.

Sincerely,

A handwritten signature in black ink, appearing to read "Felipa Garcia Biamonte". The signature is written in a cursive style with some flourishes.

Felipa Garcia Biamonte

FILED

January 27, 2021
SX-2020-PB-00084
TAMARA CHARLES
CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

IN THE MATTER OF THE ESTATE OF	)	PROBATE NO. SX-2020-PB-00084
)	
FELIPE GARCIA,	)	PETITION
	)	TESTATE ADMINISTRATION
Deceased.)	

ORDER

THIS MATTER came before the Court on January 15, 2021, for a citation hearing to Felipa Biamonte, on the Estate's Petition for Issuance of Letters Testamentary to Julia G. Sergent. Attorney Mark L. Milligan appeared on behalf of the Estate. Ms. Biamonte communicated to the Court her inability to attend to object to the Petition. The citation hearing will be continued to February 12, 2021.

The premises considered, it is hereby

ORDERED the citation hearing in this matter is hereby continued to **February 12, 2021, at 10:00 a.m.**; and it is finally

ORDERED a copy of this Order be directed to Attorney Mark L. Milligan.

Dated: January 27, 2021

Miguel A. Camacho
MIGUEL A. CAMACHO
Superior Court Magistrate Judge

ATTEST:
TAMARA CHARLES
Clerk of the Court

By: [Signature]
Probate Officer 1/27/21

FILED

February 05, 2021

SX-2020-PB-00064

TAMARA CHARLES
CLERK OF THE COURT

GARCIA BIAMONTE

o David Place, Hyde Park, NY 12538 | 914-204-6151 | felipa.biamonte@gmail.com

February 1, 2021

Magistrate Judge Miguel A. Camacho
Superior Court of the Virgin Islands

Subject: Probate Hearing 2-12-2021 for Felipe Garcia and Declaration of Contest
Reference: My Letter Dated January 12, 2021 to Magistrate Judge Miguel A Camacho
regarding January 15, 2021 Probate Hearing for Felipe Garcia

Dear Magistrate Judge Miguel A. Camacho:

I am writing to inform the Court that I am formally contesting the Will of my father, Felipe Garcia. I am the only child of Felipe Garcia, and the mother of Julla Biamonte and Ava Biamonte, the only grandchildren of Felipe Garcia. I am currently seeking counsel to represent me at the subject hearing.

The basis for contesting the Will is my belief that the purported Will does not represent the true testamentary wishes of my father. After reviewing all the documentation provided to me by Mr. Mark Milligan I have made the following observations:

1. That my father executed the purported will on April 13, 2020, a matter of hours before death on April 14, 2020.
2. That, according to the death certificate, my father suffered late-stage cancer and other major medical conditions. In particular, the death certificate notes that there was "ADULT FAILURE TO THRIVE", suggesting serious and acute loss of physical and mental ability.
3. That my father was under the direct supervision and control of family members, some of whom would inherit under the purported will, in Acworth, Georgia. It is also important to point out that no one notified me of the circumstances immediately prior to my father's death nor was I notified after he passed. Sadly, I learned of his death 2 months later when my husband googled my daughters' names and found my father's obituary online.
4. My father's signature is not legible on the purported will.

The foregoing circumstances collectively raise major concerns (i) that my father did not have the requisite testamentary capacity to execute the purported will hours before his death and/or (ii) that he was under undue influence by certain individuals who arranged for the preparation and execution of the purported will. I know my father loved me and his only grandchildren very much and simply do not believe the purported will represents his wishes.

I am confident that additional facts and evidence from doctors and other healthcare professionals, testamentary witnesses, and others will fully support assertions that the purported will fails and should be deemed null and void.

Additionally, it is important to point out that the attesting witnesses failed to execute affidavits necessary to prove execution of the purported Will in accordance with V.I. R. Prob. 8(b)).

I will notify the Court when I have secured counsel to represent me. As I work in a Public School in a classroom with young children, I am unable to attend the 2/12 hearing as we are operating with a greatly strained and reduced staff due to the Covid pandemic. Should I not be able to secure counsel in a timely manner I will notified the Court immediately.

Sincerely,



Felipa Garcia Biamonte

FILED

January 12, 2021

8X-2020-PB-00004

TAMARA CHARLES

CLERK OF THE COURT

Place, Hyde Park, NY 12538 | 914-204-6151 | felipa.biamonte@gmail.com

January 12, 2021

Magistrate Judge Miguel A. Camacho
Superior Court of the Virgin Islands

Subject: Probate Hearing 1-15-2021 for Felipe Garcia

Dear Magistrate Judge Miguel A. Camacho:

I am Felipa Garcia Biamonte, the only child of Felipe Garcia, and the mother of Julia Biamonte and Ava Biamonte, the only grandchildren of Felipe Garcia. I reside in NY and work in a Public School in a classroom with young children. Unfortunately, I am unable to attend your subject hearing as we are operating with a greatly strained and reduced staff due to the Covid pandemic. I hope documenting my position will meet the needs of the court. In addition, my father-in-law Robert A. Biamonte is able to participate on the call and can answer any questions you may have on my behalf.

I have been asked to sign a waiver & consent decree for the Will and Probate Petition to your court as well as for the naming of Julia Sargent as the Executor of my father's Estate.

I am declining to sign these waivers and consent. The basis for my decision is that I feel in my heart that the Will which was created merely hours before my father's passing does not represent his true wishes. Some background is appropriate.

I did not know my father for the first 21 years of my life. My mother refused to discuss him or to share any information about him when I was a child. In 1999, when I was 21, I sought to find and discover my father. After an extensive search I was delighted to find him in the spring of 1999. My father was equally happy to discover that he had a daughter, who was actually named after him, but whom he never knew existed. We both enjoyed a new beginning and loving relationship. Every time my father came to NY he visited and got to know his two granddaughters. He treated the family to a trip to Disney Land in California and one day, unexpectedly, a brand new piano arrived at our home in NY. My father wanted his love of music to be something he could pass on to his granddaughters. I was so thankful to get to know my father over the next 20 years, something I had longed to do.

Sadly, when my father passed away on April 14, 2020, no one informed me. I discovered he died nearly 2 months later, ironically on Father's Day when my husband came across his obituary on the internet. I was shocked and dismayed. I had heard my father speak fondly of his siblings. He often spoke about Julia. Though I do not really know Julia, I searched and reached out to her to find out what had happened. Julia scolded me for not attending my father's memorial service but her tone changed when she was told no one in the family contacted me.

When I was contacted by Mark Milligan seeking me to sign a waiver & consent, I was once again broken hearted to see that the Will essentially disavowed me and my father's only grandchildren. I did not then, nor do I now, believe the Will is an accurate representation of my father's wishes. I enlisted the support of BOLTNAGI law firm to negotiate a family friendly change to the distribution of my father's assets. Last week Mr. Milligan declared that his client was not interested in negotiating anything.

It is for these reasons that I will not sign the waiver & consent that is being asked for at your hearing. I

005 019

remain broken hearted about the loss of my father. I had an empty feeling in my heart for the first 21 years of my life and this apparent rejection in the Will and by my family to even discuss this is what led to my decision to not sign the waiver. I currently do not have any council to represent me at the hearing and I cannot attend for the above stated reasons.

Sincerely,



Felipa Garcia Biamonte

FILED

February 10, 2021

SX-2020-PB-00084

TAMARA CHARLES
CLERK OF THE COURT

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

IN THE MATTER OF THE ESTATE OF:	)	SX - 2020 - PB - 00084
FELIPE GARCIA, deceased)	
	)	PROBATE: TESTATE
_____)	

OPPOSITION TO MOTION FOR CONTINUANCE

COMES NOW the Estate, by and through the undersigned, and opposes the *letter-motion* filed by Felipa Biamonte ("Ms. Biamonte") for a sixty (60) day continuance for the reasons stated herein.

I. Factual Predicate:

Decedent, Felipe Garcia, died April 14, 2020. By the contents of the *petition*, Decedent died possessed of a multiple assets Estate, of value, which must be preserved.

The *citation* specifically mandates that Ms. Biamonte "appear and show cause why the prayers in the petition should not be granted".

To date, Ms. Biamonte has had over four (4) months to prepare for the re-schedule citation hearing and present "evidence", if any, why the prayers in the petition should not be granted.

At the January 15th hearing, Ms. Biamonte, failed to personally appear. In so doing, sent a non-legal representative, while she opted to remain in her classroom. As a result, the Court continued the show cause hearing to February 12, with the admonition that she personally appear.

Now, by her *letter-motion*, Ms. Biamonte, essentially represents that she is not prepared to do so go forward with the *hearing* to show cause. Instead, Ms. Biamonte has requested that the Court allow her another sixty (60) days to retain counsel.

II. Argument

While in her letter-motion Ms. Biamonte informs the Court of her **concerns and desire** to contest the validity of *Decedent's Last Will & Testament*, her letter-motion is no substitute for the formal pleading known as a "*Declaration of Contest*", as set forth in Rule 7, V.I. Prob. Rules, which in pertinent part, provides:

- (a) Any person claiming any interest in an estate may, at any time before final order of distribution, file in the probate proceeding a pleading designated "*Declaration of Contest*" setting forth an interest in the estate and ***the nature and basis of objection*** to the document or documents offered as the will of the testator...[emphasis added]

Rule 7 further mandates that the *declaration of contest* be served on the Estate, and for the Estate to then prepare and file an "*answer*", in accordance with the rules of the court. Thereafter, the *contest* shall be placed on the calendar within 30 days and shall come on for an *evidentiary hearing*, as other civil action.

Altogether, by her letter of February 5, Biamonte has, fails to proffer any form of *evidentiary proof* in support of her general claims, or concerns. For example, Ms. Biamonte does not claim to have *personal knowledge* as to the competency of the testator, or the formalities employed during the Testator's execution of his Will. Moreover, Ms. Biamonte does not suggest that she is prepared to call and offer relevant testimony by any other eyewitness, *e.g.* such as a *healthcare provider*, that may have been attending to the Testator at the time of his death. Moreover, Ms. Biamonte has not identified a single *document* which she intends to rely upon to support her claims or concerns.

Equally important, Ms. Biamonte does not claim that Julia Sergent is unfit or unqualified to serve as the Executrix of Decedent's Estate, as prayed for in the petition.

III. Conclusion:

ACCORDINGLY, to avoid protracted delays, the Estate urges the Court to order the following:

- 1 DENY Ms. Biamonte *motion for continuance* the show cause hearing due to her lack of preparedness to comply with the *citation* to "show cause" why the prayers in the petition should not be granted.
- 2 GRANT the Estate's request for the admission of the Will, of record.
3. GRANT the Estate's request for issuance of an *order of probate* and *letters testamentary* to **Julia G. Sergent**, as prayed for in the petition.
4. APPOINT Julia G. Sergent to serve as Executrix, as prayed for in the petition.
5. In the alternative,
 - (i) DENY, without prejudice, Ms. Biamonte motion for continuance of the show cause hearing.
 - (ii) GRANT Ms. Biamonte another 30 days to retain counsel, and
 - (iii) Pursuant to *Rule 7, V.I. Prob R*, allow Biamonte, "at any time before final order of distribution" to file a pleading designated 'Declaration of Contest' setting forth the nature and basis of her objections, if any, to the documents offered as the Will of Decedent.

Dated: This _10__day of February 2021

/s/ Mark L Milligan
Mark L Milligan, Esq.
P. O. Box 223030
Christiansted, St. Croix VI
(340) 773-7121
<mcmlgnlawvi@gmail.com>

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing Opposition to Motion for Continuance was served, via the Court's EFS on the People addressed to:

- Felipa Biamonte <felipa.biamonte@gmail.com>

this _10_ February 2021

/s/ Mark L Milligan

FILED

February 11, 2021
SX-2020-PB-00084
TAMARA CHARLES
CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

IN THE MATTER OF THE ESTATE OF	)	PROBATE NO. SX-2020-PB-00084
)	
FELIPE GARCIA,	)	PETITION
	)	TESTATE ADMINISTRATION
Deceased.)	

ORDER

THIS MATTER came before the Court on letters from Felipa Garcia Biamonte dated February 1, 2021 and February 5, 2021. The February 1, 2021 letter contests the Will of Decedent and the February 5, 2021 letter requests a 30-60-day extension of time in which to secure legal counsel. The premises considered, it is hereby

ORDERED the February 12, 2021 citation hearing in in this matter is hereby continued to May 21, 2021, at 10:00 a.m.; and it is finally

ORDERED a copy of this Order be directed to Attorney Mark L. Milligan and Felipa Garcia Biamonte.

Dated: February 11, 2021

Miguel A. Camacho
MIGUEL A. CAMACHO
Superior Court Magistrate Judge

ATTEST:
TAMARA CHARLES
Clerk of the Court

By: [Signature]
Probate Officer 2/11/2021

FILED

May 12, 2021

SX-2020-PB-00084

TAMARA CHARLES

CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

IN THE MATTER OF THE ESTATE OF:)

FELIPE GARCIA,

Deceased.

)
)
)
)
)

SX-2020-PB-0084

DECLARATION OF WILL
CONTEST

DECLARATION OF WILL CONTEST

COMES NOW, FELIPA P. GARCIA BIAMONTE ("Contestant"), by and through the undersigned attorney, Yvette Ross Edwards, Esq., and pursuant to Rule 7 of the Virgin Islands Rules for Probate and Fiduciary Proceedings, Part A, she contests the purported Last Will and Testament of FELIPE GARCIA dated April 13, 2020. In support of this petition, Contestant states and alleges as follows:

1. Felipa P. Garcia Biamonte is the only biological child of Felipe Garcia, deceased, and resides at No. 8 Dana Place, Hyde Park, NY 12538.
2. On April 14, 2020, Felipe Garcia, the decedent, died in Georgia.
3. At the time of the decedent's death, the decedent was a resident of Peter's Rest, St. Croix, Virgin Islands.
4. On or about February 1, 2021, Felipa P. Garcia Biamonte notified the Court by Letter to Magistrate Judge Miguel Camacho of her intent to contest the purported Last Will and Testament of her father. (Exhibit "A", incorporated herein by reference).
5. The purported Last Will and Testament of Felipe Garcia substantially disinherits his only child, Felipa Garcia, leaving her with a disproportionately smaller

**ESTATE OF FELIPE GARCIA
SX-2020-PB-00084
WILL CONTEST PETITION**

interest in the Decedent's Estate in total contradiction to the relationship of the Decedent and his daughter, Felipa P. Garcia Biamonte.

6. The Last Will and Testament was purportedly executed on April 13, 2020, less than 24 hours before the passing of Felipe Garcia.

7. At the time of the execution of the Will, Felipe Garcia was ill/ mentally incompetent and not able to make decisions for himself.

8. The Last Will and Testament was not executed in accordance with the formalities required by law.

9. Felipe Garcia was suffering with diminished mental capacity and was easily subject to coercion and undue influence executed a Will orchestrated and prepared on his behalf.

10. Felipe Garcia and Felipa P. Garcia Biamonte had a loving and supportive father-daughter relationship late in Felipa's life, but their relationship had blossomed to frequent visits, regular phone calls, family vacations and home visits by Felipe with his daughter and grandchildren.

11. At the time the Felipe Garcia took ill, Felipa P. Garcia Biamonte was not notified.

12. Felipa P. Garcia Biamonte learned of her father's passing weeks after he died by happenstance, while researching her daughter's family lineage on the internet.

13. As Felipe Garcia was known to take trips to other places, Felipa P. Garcia Biamonte was not concerned when she was unable to reach her father prior to his death.

14. That Julia G. Sergent, the sister of Felipe Garcia, and others acting on her behalf, at her directive and for the benefit of themselves, used Julia's influence and

ESTATE OF FELIPE GARCIA
SX-2020-PB-00084
WILL CONTEST PETITION

persuasion over Felipe Garcia to coerce him into signing a Will granting to her and others most of his Estate.

15. On information and belief, Contestant alleges that the probate of the purported Will should be denied on the following grounds:

a. The purported Will was not executed by the decedent, in the manner and form required by law on one or more of the following grounds:

i Ensuring the Testator/ the Decedent was making a knowing and voluntary acknowledgment and understanding of the scope of his Estate, heirs at law and the contents of his Will;

ii Ensuring that the Will was executed in the presence of two subscribing witnesses who witnessed the Testator and each other sign the Will; and/ or

iii Ensuring that the Testator's signature on the Will was uncoerced; and/or

iv Verifying the mental competency of the Testator given his terminal condition and weakened intellect.

16. The name, age, and residence of the only heir at law of decedent had he left no will are:

Name of Heir	Age, Relationship & Interest at law	Address of Heir
Felipa P. Garcia Biamonte	Adult Daughter 100% Interest	No. 8 Dana Place, Hyde Park, New York, NY 12538

WHEREFORE, Contestants request that the court Order that the above-described purported Will be denied probate; that Felipe P. Garcia Biamonte be

ESTATE OF FELIPE GARCIA
SX-2020-PB-00084
WILL CONTEST PETITION

recognized as the heir at law of Felipe Garcia; that the hearing scheduled for May 21, 2021 be continued to allow for service of the Declaration of Will Contest in accordance with Rule 7 of V.I.R. Prob.; and grant Contestant such other and further relief as the court deems just and proper.

DATED this 10 day of May 2021.

Respectfully submitted,

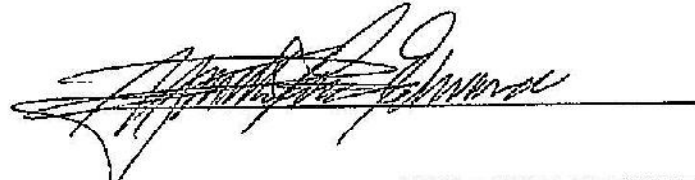
YVETTE ROSS EDWARDS PC
Attorney for Felipa P. Garcia Biamonte



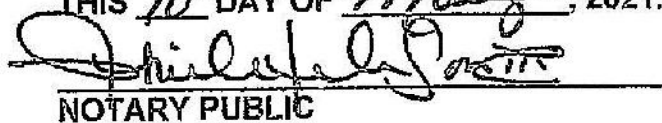
Yvette Ross Edwards, Esq.
Bar No. 450
613 / 39 A Prince St., Ste 2
Frederiksted, VI 00840
Telephone: 340-514-6848
Email: Yvette@rossedwardspc.com

AFFIDAVIT OF SERVICE

I HEREBY AFFIRM that on this 10th day of May 2021, I caused to be served the foregoing Declaration of Will Contest, in accordance with the provisions of Rule 7 of the Virgin Islands Probate and Fiduciary Proceedings (V.I. Pro. Rule 7)



SUBSCRIBED AND SWORN TO BEFORE ME
THIS 10 DAY OF May, 2021.



NOTARY PUBLIC

Emile A. Henderson III, Esq., Notary Public
St. Croix, U.S. Virgin Islands
LNP-73-19
Commission Expires December 12, 2023

FELIPA GARCIA BIAMONTE

8 Dana Place, Hyde Park, NY 12538 | 914-204-6151 | felina.biamonte@gmail.com

February 1, 2021

**Magistrate Judge Miguel A. Camacho
Superior Court of the Virgin Islands**

**Subject: Probate Hearing 2-12-2021 for Felipe Garcia and Declaration of Contest
Reference: My Letter Dated January 12, 2021 to Magistrate Judge Miguel A Camacho
regarding January 15, 2021 Probate Hearing for Felipe Garcia**

Dear Magistrate Judge Miguel A. Camacho:

I am writing to inform the Court that I am formally contesting the Will of my father, Felipe Garcia. I am the only child of Felipe Garcia, and the mother of Julia Biamonte and Ava Biamonte, the only grandchildren of Felipe Garcia. I am currently seeking counsel to represent me at the subject hearing.

The basis for contesting the Will is my belief that the purported Will does not represent the true testamentary wishes of my father. After reviewing all the documentation provided to me by Mr. Mark Milligan I have made the following observations:

1. That my father executed the purported will on April 13, 2020, a matter of hours before death on April 14, 2020.
2. That, according to the death certificate, my father suffered late-stage cancer and other major medical conditions. In particular, the death certificate notes that there was "ADULT FAILURE TO THRIVE", suggesting serious and acute loss of physical and mental ability.
3. That my father was under the direct supervision and control of family members, some of whom would inherit under the purported will, in Acworth, Georgia. It is also important to point out that no one notified me of the circumstances immediately prior to my father's death nor was I notified after he passed. Sadly, I learned of his death 2 months later when my husband googled my daughters' names and found my father's obituary online.
4. My father's signature is not legible on the purported will.

The foregoing circumstances collectively raise major concerns (i) that my father did not have the requisite testamentary capacity to execute the purported will hours before his death and/or (ii) that he was under undue influence by certain individuals who arranged for the preparation and execution of the purported will. I know my father loved me and his only grandchildren very much and simply do not believe the purported will represents his wishes.

I am confident that additional facts and evidence from doctors and other healthcare professionals, testamentary witnesses, and others will fully support assertions that the purported will fails and should be deemed null and void.

CC: 029

EXHIBIT
A

Additionally, it is important to point out that the attesting witnesses failed to execute affidavits necessary to prove execution of the purported Will in accordance with V.I. R. Prob. 8(b)).

I will notify the Court when I have secured counsel to represent me. As I work in a Public School in a classroom with young children, I am unable to attend the 2/12 hearing as we are operating with a greatly strained and reduced staff due to the Covid pandemic. Should I not be able to secure counsel in a timely manner I will notified the Court immediately.

Sincerely,



Felipa Garcia Biamonte

FILED

May 12, 2021

SX-2020-PB-00084

TAMARA CHARLES

CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

IN THE MATTER OF THE ESTATE OF:

FELIPE GARCIA,
Deceased.

Case No. SX-2020-PB-00084

TESTAE PROBATE

MOTION TO RESCHEDULE HEARING SET FOR MAY 21, 2021

COMES NOW Yvette Ross Edwards, Esq., on behalf of Felipa P. Garcia Biamonte, legal heir to the Estate of Felipe Garcia, and moves the honorable court to reschedule the hearing set for May 21, 2021.

In accordance with Rule 7 of the V.I. Probate Rules, Contestant filed a formal Declaration of Will Contest on May 12, 2021. Rule 7 provides that service must be made in accordance with the civil rules for filing civil complaints. Additionally, in accordance with the VI Probate Rules, the respondent has 20 days from the date of service of the Declaration of Will Contest. Then, the court is to set the matter on the calendar within 30 days of the filing of the Answer. The case will then proceed as does a regular civil matter, with scheduling orders, full discovery under the civil rules and appropriate motion practice. Counsel believes that the hearing set for May 21, 2021, without the formal filing of an answer to the Declaration of Will Contest, violates Rule 7.

A proposed Order is being filed herewith.


ACCORDINGLY, counsel requests that the hearing set for May 21, 2021 is reschedule to a date following the filing of a formal Answer in the Will Contest Matter.

FILED 021

Respectfully Submitted,

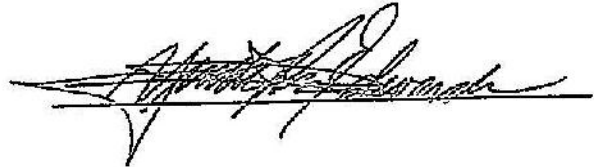
YVETTE ROSS-EDWARDS PC
Attorney for the Felipa P. Garcia Biamonte

DATED: May 12, 2021

By: 
Yvette D. Ross-Edwards, Esq.
613 / 39A Prince Street, Suite 2
Frederiksted, St. Croix V.I. 00840
Tel (340) 772-4444
yvette@rossedwardspc.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of May, 2021, a true and correct copy of the foregoing Motion and proposed Order was served upon Attorney Mark Milligan via email at mcmillgnlawvi@gmail.com; U.S. Mail at 28-A King Street, Christiansted, St. Croix, VI 00822; and by electronic service by the Court's electronic filing system.



FILED

May 13, 2021

SX-2020-PB-00084

TAMARA CHARLES

CLERK OF THE COURT

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

IN THE MATTER OF THE ESTATE OF:	)	SX - 2020 - PB - 00084
FELIPE GARCIA, deceased)	
	)	PROBATE: TESTATE
<hr/>)	

OPPOSITION TO MOTION FOR CONTINUANCE WITHOUT DATE

COMES NOW the Estate, by and through the undersigned, and strenuously opposes the *motion* filed by Felipa Biamonte ("Biamonte") for a continuance, without date, of the May 21, Citation Hearing, which has been previously continued, at her request, twice by this Court.

I. Procedural Predicate

Decedent, Felipe Garcia, died April 14, 2020.

Upon the filing of the Amended Petition and the issuance of *citation*, an order was issued November 18, 2020, for Biamonte to appear on **January 15th 2021** and show cause why the prayers in the petition should not be granted.

At that January 20th hearing, Biamonte failed to appear. Instead, her father-in-law, one Robert A. Biamonte, appeared. The Court re-scheduled the citation hearing for February 12, 2021, and ordered Biamonte to personally appear.

Upon a February 5 letter-motion filed by Biamonte, and before the Estate was given an opportunity to be heard, the Court continued the citation hearing to May 21, 2021, giving her time to retain an attorney. The order reads:

ORDERED the February 12, 2021 citation hearing in in this matter is hereby continued to May 21, 2021, at 10 00 a m.

On March 24, 2021, Attorney Ross-Edwards filed a notice of appearance on behalf of Biamonte.

About seven (7) weeks later, and ten (10) days before the citation hearing, Biamonte has filed what purports to be a **Declaration of Will Contest** and a ***motion to continue, without date.***

In support of the motion to continue, without date, Biamonte ***incorrectly*** represents to this Court that after service of the Declaration of Will Contest,

“[t]he case then proceed as does a regular civil matter, with scheduling orders, full discovery under the civil rules and appropriate motion practice.”

without citing any authority for these representations, all in violation of *Rule 11, V.I.R. CIV PRO*¹.

Hornbook law teaches and *Rule 7, V.I. R. Prob* provides, in pertinent part, that *Rule 7. Will Contests; Procedure*

- (a) *Any person claiming any interest in an estate may, at any time before final order of distribution, file in the probate proceeding a pleading designated “Declaration of Contest,” setting forth an interest in the estate and the nature and basis of objection to the document or documents offered as the will of the testator. A copy the declaration of contest shall be properly served on the proponent of the will ...in accordance with the applicable rules of civil procedure...*
- (b) *(b) An answer to the declaration of contest shall be made in the same manner and within the same time period as a complaint in a civil action. ...*
- (c) *(c) The contest shall be placed on the calendar within 30 days and shall come on for an evidentiary hearing in the same manner as a civil action.*

¹ **(b) Representations to the Court.** By presenting to the court a pleading, written motion, or other paper — whether by signing, filing, submitting, or later advocating it — an attorney or self-represented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances: (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information. (5) **that the applicable Virgin Islands law has been cited, including authority for and against the positions being advocated by the party. (emphasis added)**

Rule 7, Id, does make a single reference to “full discovery” or “appropriate motion practice”.

ACCORDINGLY, to avoid protracted delays, the Estate objects to the pending motion to continue and, instead, urges the Court to order the following:

- 1 **DENY** Ms. Biamonte *motion for continuance*, **without date**;
- 2 Provide that 20 days of service of the Declaration of Will Contest, the Estate shall file an answer theret
- 3 Pursuant to *Rule 7, V.I. Prob R*, within thirty (30) days after service of the Declaration of Will Contest, by Biamonte, an “**evidentiary hearing**” on the contest, thereof, shall be set on say, about **July 9th 2021**.

A proposed Order accompanies this opposition.

Dated: This 13th day of May 2021

/s/ Mark L Milligan
Mark L Milligan, Esq.
P. O. Box 223030
Christiansted, St. Croix VI
(340) 773-7121
<mcmilgnlawvi@gmail.com>

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing Opposition to Motion for Continuance was served, via the Court’s EFS on the People addressed to:

- Attorney Yvette Ross-Edwards

this 13 May 2021

/s/ Mark L Milligan

FILED

May 13, 2021

SX-2020-PB-00084

TAMARA CHARLES

CLERK OF THE COURT

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

IN THE MATTER OF THE ESTATE OF:	)	SX - 2020 - PB - 00084
FELIPE GARCIA, deceased)	
	)	PROBATE: TESTATE
<hr/>)	

OPPOSITION TO MOTION FOR CONTINUANCE WITHOUT DATE

COMES NOW the Estate, by and through the undersigned, and strenuously opposes the *motion* filed by Felipa Biamonte ("Biamonte") for a continuance, without date, of the May 21, Citation Hearing, which has been previously continued, at her request, twice by this Court.

I. Procedural Predicate

Decedent, Felipe Garcia, died April 14, 2020.

Upon the filing of the Amended Petition and the issuance of *citation*, an order was issued November 18, 2020, for Biamonte to appear on **January 15th 2021** and show cause why the prayers in the petition should not be granted.

At that January 20th hearing, Biamonte failed to appear. Instead, her father-in-law, one Robert A. Biamonte, appeared. The Court re-scheduled the citation hearing for February 12, 2021, and ordered Biamonte to personally appear.

Upon a February 5 letter-motion filed by Biamonte, and before the Estate was given an opportunity to be heard, the Court continued the citation hearing to May 21, 2021, giving her time to retain an attorney. The order reads:

ORDERED the February 12, 2021 citation hearing in in this matter is hereby continued to May 21, 2021, at 10 00 a m.

On March 24, 2021, Attorney Ross-Edwards filed a notice of appearance on behalf of Biamonte.

About seven (7) weeks later, and ten (10) days before the citation hearing, Biamonte has filed what proports to be a **Declaration of Will Contest** and a ***motion to continue, without date***.

In support of the motion to continue, without date, Biamonte ***incorrectly*** represents to this Court that after service of the Declaration of Will Contest,

"[t]he case then proceed as does a regular civil matter, with scheduling orders, full discovery under the civil rules and appropriate motion practice."

without citing any authority for these representations, all in violation of *Rule 11, V.I.R. CIV PRO*¹.

Hornbook law teaches and *Rule 7, V.I. R. Prob* provides, in pertinent part, that

Rule 7. Will Contests; Procedure

- (a) *Any person claiming any interest in an estate may, at any time before final order of distribution, file in the probate proceeding a pleading designated "Declaration of Contest," setting forth an interest in the estate and the nature and basis of objection to the document or documents offered as the will of the testator. A copy the declaration of contest shall be properly served on the proponent of the will ...in accordance with the applicable rules of civil procedure...*
- (b) *An answer to the declaration of contest shall be made in the same manner and within the same time period as a complaint in a civil action. ...*
- (c) *The contest shall be placed on the calendar within 30 days and shall come on for an evidentiary hearing in the same manner as a civil action.*

¹ (b) **Representations to the Court.** By presenting to the court a pleading, written motion, or other paper — whether by signing, filing, submitting, or later advocating it — an attorney or self-represented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances: (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information. (5) that the applicable Virgin Islands law has been cited, including authority for and against the positions being advocated by the party. (emphasis added)

Rule 7, Id, does make a single reference to "full discovery" or "appropriate motion practice".

ACCORDINGLY, to avoid protracted delays, the Estate objects to the pending motion to continue and, instead, urges the Court to order the following:

- 1 **DENY** Ms. Biamonte *motion for continuance, without date*;
- 2 Provide that 20 days of service of the Declaration of Will Contest, the Estate shall file an answer theret
- 3 Pursuant to *Rule 7, V.I. Prob R*, within thirty (30) days after service of the Declaration of Will Contest, by Biamonte, an "**evidentiary hearing**" on the contest, thereof, shall be set on say, about **July 9th 2021**.

A proposed Order accompanies this opposition.

Dated: This 13th day of May 2021

/s/ Mark L Milligan
Mark L Milligan, Esq.
P. O. Box 223030
Christiansted, St. Croix VI
(340) 773-7121
<mcmllgnlawvi@gmail.com>

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing Opposition to Motion for Continuance was served, via the Court's EFS on the People addressed to:

- Attorney Yvette Ross-Edwards

this 13 May 2021

/s/ Mark L Milligan

FILED

May 17, 2021

SX-2020-PB-00084

TAMARA CHARLES

CLERK OF THE COURT

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

IN THE MATTER OF THE ESTATE OF:)
FELIPE GARCIA, deceased)
)
)
_____)

SX - 2020 - PB - 00084

PROBATE: TESTATE

ANSWER

COMES NOW the Estate and Julia Sergent, by and through the undersigned attorney, and pursuant to Rule 8, V.I.R. CIV. P, for their *Answer* to the petition of the Declaration of Will Contest, correspondently state:

1. Admitted.
2. Admitted.
3. Admitted.
4. The assertions call for a legal conclusion, moreover, Respondents lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in ¶ 4 of the petition, **DENY** the same and leave Petitioner to her proof, if any.
5. Decedent's Last Will and Testament dated April 13, 2020 speaks for itself. Moreover, these allegations asserted calls for a legal conclusion, therefore, Respondents **DENY** the same and leave Petitioner to her proof, if any.
6. **DENIED**, as stated.
7. **DENIED** due to the falsehoods contained in ¶ 7 of the petition, leaving Petitioner to her proof, if any.
8. **DENIED** due to the falsehoods contained in ¶ 8 of the petition, leaving Petitioner to her proof, if any.
9. **DENIED** due to the falsehoods contained in ¶ 9 of the petition, leaving Petitioner to her proof, if any.
10. **DENIED** because the allegations contained in ¶ 10 are totally irrelevant, as a matter of law, to the proceeding before this Court, are made in violation of the "dead man's statute" and are, otherwise, improperly designed to provoke sympathy from the finders of fact, or this Court.

11. Respondents lack knowledge or information sufficient to form a belief about the truth of the allegation contained in ¶ 11 of the petition, **DENY** the same and leave Petitioner to her proof, if any.

12. Respondents lack knowledge or information sufficient to form a belief about the truth of the allegations contained in ¶ 12 of the petition, **DENY** the same and leave Petitioner to her proof, if any.

13. Respondents lack knowledge or information sufficient to form a belief about the truth of the allegations contained in ¶ 13 of the petition, **DENY** the same and leave Petitioner to her proof, if any.

14. **DENIED** due to the falsehoods of the allegations in ¶ 14 of the petition, leaving Petitioner to her proof, if any.

15. **DENIED** due to the repetitious and cumulative falsehoods of the allegations in ¶ 15 of the petition, leaving Petitioner to her proof, if any.

16. Admitted.

Affirmative Defenses

Respondents for their affirmative defenses jointly state:

1. The petition *fails to state a claim* upon which relief may be granted. *V.I.R.Civ.P 12(b)(6)*.
2. There is *no good faith factual basis* for any of the allegations that are being made by Petitioner.
3. The claims being made are without proper factual basis, or investigation, all in violation of *Rule 11 V.I.R.Civ. Pro.*
4. The claims are all being made in bad faith, or improper purposes.
5. The claims made by Petitioner violate the "*dead man's statute*" doctrine.
6. Respondents reserves her right to amend these affirmative defenses to conform to the evidentiary sources produced during the course of discovery or the trial of this case.

Answer to Declaration of Will Contest

3 | Page

WHEREFORE, Respondents, pursuant to *Rule 7, V.I. PRO R.* pray and request:

- (A) An evidentiary hearing within thirty (30) days.
- (B) That Petitioner's *Declaration of Will Contest* be dismissed, for failure to state a claim upon which relief may be granted,
- (C) That Respondents be granted the relief sought in petition for probate, and
- (D) Plus, legal cost and attorney's fees for instituting and advancing false claims, without a good faith basis.

Dated: this 17 day of May 2021

/s/ Mark L. Milligan, Esq.
Attorney for Petitioner
VI Bar No. 0338
P. O. Box 223031
Christiansted, St. Croix
U.S. Virgin Islands 00822
(340) 773 7121
mcmllgnlawvi@gmail.com

Certificate of Service

I, **HEREBY CERTIFY**, on even date, that a date-stamped electronic copy of the foregoing Notice of Conflict was delivered to opposing counsel: to

- Yvette Ross-Edwards, Esq., via EFS email

this 17th day of May 2021.

/s/ Mark L. Milligan, Esq.

FILED

May 20, 2021

SX-2020-PB-00084

TAMARA CHARLES
CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

IN THE MATTER OF THE ESTATE OF:

FELIPE GARCIA,
Deceased.

Case No. SX-2020-PB-00084

TESTAE PROBATE

ORDER

THIS MATTER is before the Court on the Motion of Yvette Ross Edwards, Esq., on behalf of Felipa P. Garcia Biamonte, legal heir to the Estate of Felipe Garcia, to reschedule the Citation Hearing scheduled for May 21, 2021. Rule 7 of the V.I. Probate Rules governs will contest proceedings.

In accordance therewith, Contestant filed a formal Declaration of Will Contest petition on May 12, 2021. Respondents filed their Answer to the Will Contest on May 17, 2021. The premises considered, and the Court being otherwise fully advised, it is hereby,

ORDERED that the Citation Hearing scheduled for May 21, 2021 is hereby **CANCELLED**; and it is further

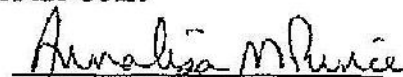
ORDERED that the evidentiary hearing matter on the Declaration of Will Contest shall be heard before this Court on **Friday, July 2, 2021 at 10:00 am in Courtroom No. 103**; and it is finally

ORDERED a copy of this Order be directed to Yvette D. Ross-Edwards, Esq. and Mark L. Milligan, Esq.

DONE and SO ORDERED this 20 day of May, 2021.


MIGUEL A. CAMACHO
Superior Court Magistrate Judge

ATTEST:
TAMARA CHARLES
Clerk of the Court

By: 
Probate Officer II

Date: 5/20/21

042

FILED

June 01, 2021

SX-2020-PB-00084

TAMARA CHARLES

CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

IN THE MATTER OF THE ESTATE OF:

FELIPE GARCIA,
Deceased.

Case No. SX-2020-PB-00084

WILL CONTEST/ TESTATE PROBATE

**NOTICE OF SERVICE OF CONTESTANT'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

PLEASE TAKE NOTICE that on June 1, 2021, Plaintiffs served her First Set of Interrogatories and Requests for Production of Documents on Julia Sergent through her attorney, Mark Milligan Esq. at P.O. Box 223031, Christiansted, Virgin Islands 00820.

Dated this 1st day of June 2021.

Respectfully submitted,

YVETTE D. ROSS-EDWARDS PC

By: 

YVETTE D. ROSS-EDWARDS, ESQ.

613/ 39A Prince Street, Suite 2

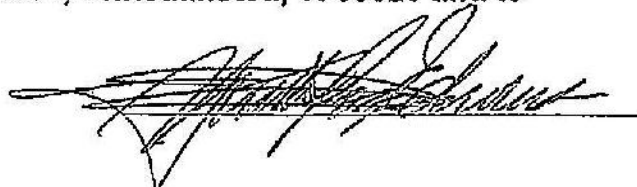
Frederiksted, St. Croix 00840

Telephone: (340) 772-4444

Email: yvette@rossedwardspc.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 1st day of June 2021, I caused a true and exact copy of the foregoing **NOTICE OF SERVING CONTESTANT'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO JULIA SERGENT** was served via US Mail and Email upon the following: **MARK MILLIGAN, ESQ., P.O. Box 223031, Christiansted, VI 00820** and to mlmpc@viaccess.net.



FILED

June 16, 2021

SX-2020-PB-00084

TAMARA CHARLES

CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

IN THE MATTER OF THE ESTATE OF:

FELIPE GARCIA,
Deceased.

Case No. SX-2020-PB-00084

WILL CONTEST/ TESTATE PROBATE

NOTICE OF WITHDRAWAL OF DISCOVERY

COMES NOW Felipa P. Garcia Biamonte ("Contestant"), by and through the undersigned counsel, and gives Notice of her withdrawal her Interrogatories and Requests for Production of Documents notice to this court on June 1, 2021.

At the request of Attorney Mark Milligan, a Rule 37 Conference was held on June 14, 2020, relative to Attorney Milligan's contention that discovery could not be served in a Will Contest proceeding. Attorney Milligan's basis for his objection was that a Rule 26 conference and the exchange of voluntary disclosures had not been made, and that under the Civil Rules of Procedure, the exchange of initial disclosures should precede the serving of any discovery demands. (See **Exhibit A**, Letter dated June 8, 2021 from Attorney Mark Milligan) During the conference, Attorney Milligan expressed his opinion that no form of discovery was permitted in a Will Contest. Counsel for Contestant disagree.

Counsel agreed that Contestant will withdraw the Interrogatories and Requests for Production earlier served since the parties did not have a Rule 26(f) conference, and hereby gives notice of such withdrawal based solely on a defect in process. Upon the filing of her initial disclosures, counsel intends to re-file discovery demands, as contestants maintain that not only is the information sought necessary to her preparation of her case, but that the Virgin

Islands Rules of Civil Procedure specifically permit such an exchange. Additionally, Attorney Milligan specifically refused to participate in a Rule 26(f) conference.

WHEREFORE Contestant request that the court deemed her filing of Interrogatories and Requests for Production as noticed on June 1, 2021, withdrawn without prejudice.

Respectfully Submitted,

YVETTE ROSS-EDWARDS PC
Attorney for the Felipa P. Garcia Biamonte

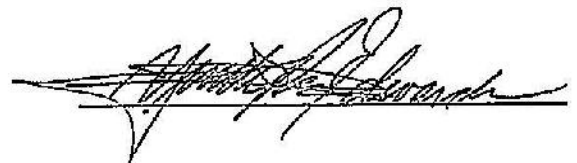
DATED: June 16, 2021

By: 

Yvette D. Ross-Edwards, Esq.
613 / 39A Prince Street, Suite 2
Frederiksted, St. Croix V.I. 00840
Tel (340) 772-4444
yvette@rossedwardspc.com

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 16th day of June 2021, a true and correct copy of the foregoing was served upon Attorney Mark Milligan via email at mcmllgnlawvi@gmail.com; U.S. Mail at 28-A King Street, Christiansted, St. Croix, VI 00822; and by electronic service by the Court's electronic filing system.



FILED

June 16, 2021

SX-2020-PB-00084

TAMARA CHARLES

CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

IN THE MATTER OF THE ESTATE OF:

FELIPE GARCIA,
Deceased.

Case No. SX-2020-PB-00084

WILL CONTEST/ TESTATE PROBATE

NOTICE OF SERVICE OF RULE 26 INITIAL DISCLOSURES

COMES NOW Felipa P. Garcia Biamonte ("Contestant"), by and through the undersigned counsel, and hereby gives notice of having caused to be served upon Attorney Mark Milligan her to Rule 26 Initial Disclosures on this 16th day of June 2021.

Respectfully Submitted,

YVETTE ROSS-EDWARDS PC
Attorney for the Felipa P. Garcia Biamonte

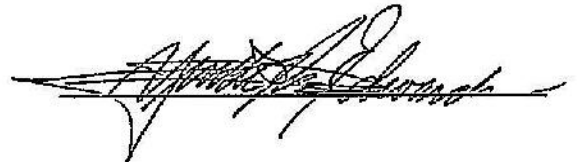
DATED: June 16, 2021

By: 

Yvette D. Ross-Edwards, Esq.
613 / 39A Prince Street, Suite 2
Frederiksted, St. Croix V.I. 00840
Tel (340) 772-4444
yvette@rossedwardspc.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of June 2021, a true and correct copy of the foregoing was served upon Attorney Mark Milligan via email at mcmillgnlawvi@gmail.com; U.S. Mail at 28-A King Street, Christiansted, St. Croix, VI 00822; and by electronic service by the Court's electronic filing system.



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FILED

June 16, 2021

SX-2020-PB-00084

TAMARA CHARLES

CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

IN THE MATTER OF THE ESTATE OF:

FELIPE GARCIA,
Deceased.

Case No. SX-2020-PB-00084

WILL CONTEST/ TESTATE PROBATE

**NOTICE OF RE-SERVICE OF CONTESTANT'S FIRST SET OF
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

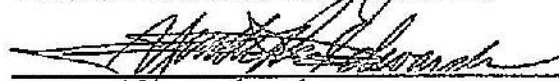
PLEASE TAKE NOTICE that on June 15, 2021, Plaintiffs re-serves her First Set of Interrogatories and Requests for Production of Documents on Julia Sergent through her attorney, Mark Milligan Esq. at P.O. Box 223031, Christiansted, Virgin Islands 00820.

Dated this 16th day of June 2021.

Respectfully submitted,

YVETTE D. ROSS-EDWARDS PC

By:



YVETTE D. ROSS-EDWARDS, ESQ

613/ 39A Prince Street, Suite 2

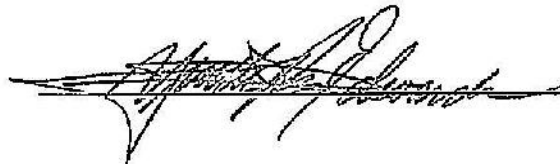
Frederiksted, St. Croix 00840

Telephone: (340) 772-4444

Email: yvette@rossedwardspc.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of June 2021, I caused a true and exact copy of the foregoing NOTICE OF RE-SERVING CONTESTANT'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS TO JULIA SERGENT and CONTESTANT'S INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DCOUMENTS were served via US Mail and Email upon the following: MARK MILLIGAN, ESQ., P.O. Box 223031, Christiansted, VI 00820 and to mlmpc@viaccess.net.



FILED

June 16, 2021

SX-2020-PB-00084

TAMARA CHARLES

CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

IN THE MATTER OF THE ESTATE OF:

FELIPE GARCIA,
Deceased.

Case No. SX-2020-PB-00084

WILL CONTEST/ TESTATE PROBATE

MOTION TO COMPEL

COMES NOW Felipa P. Garcia Biamonte ("Contestant"), by and through the undersigned counsel, and pursuant to Rule 37(a) of the Virgin Islands Rules of Civil Procedure, moves this honorable court to compel the Proponent to (1) participate in a Rule 26(f) planning conference and (2) to cooperate with the exchange of discovery as mandated by Rules 26 – 36 of the Virgin Islands Rules of Civil Procedure by providing full and complete responses to the Contestant's duly served discovery.

Contestant initially served the proponent of the Will, Julia Sergent ("Proponent"), with Interrogatories and Requests for Production of Documents on June 1, 2021. Following a request for a Rule 37(f) conference, the parties met on June 14, 2021, and Contestant agreed to withdraw her discovery demands without prejudice since, as advanced by Proponent, the parties had not had a Rule 26(f) planning conference. (See **Exhibit A**, June 8, 2021, Letter from Attorney Mark Milligan.) During the conference on June 14, 202, Attorney Milligan made clear that he was not participating in a Rule 26(f) planning conference (although he relied upon it for his objection) because he does not believe it is applicable to a Will Contest proceeding. He reiterated that he would not be participating in such a conference. (**Exhibit B - Affirmance of Counsel**) Attorney Milligan further explained that he would not be

evidentiary hearing shall be scheduled and heard in the same manner as a civil action. Grammar instructs that subsection (c) should be read as two independent clauses: (1) The contest shall be placed on the calendar within 30 days; and (2) the contest shall come on for an evidentiary hearing in the same manner as a civil action. Only this reading makes sense, otherwise, a thirty-day evidentiary hearing can have none of the protections as a civil action where a party does not benefit from the exchange of discovery information. If a contrary intent was meant, the drafter would simply have written "the contest must come on for an evidentiary hearing within 30 days". It does not state that.

A 30- day hearing allows the court to meet with the parties and implement a (expedited) scheduling order that would ensure the parties fair exchange of discovery as contemplated by the civil rules and within the discretion of the court. The Declaration of Contest filed in this case not only alleges undue influence but declining mental capacity and a failure to comply with the rules for execution of a Will. These are all factually intensive. Establishing a close confidential relationship goes to undue influence thereby shifting the burden to the proponent, but the same cannot be said as to the testator's mental capacity and the manner of execution of the Will. Discovery from the proponent and other sources is necessary to prosecute the contestant's claim(s) and defend against the proponent's case. It flies in the face of reason that the drafters intended to prejudice one party's defense or prosecution of her case.

The issue of discovery in probate cases has not been squarely addressed by our Virgin Islands Courts. Hence, a look at how other jurisdictions handle the issue is necessary. *In Estate of Watson, 127 Ill.App. 3d 186, 292 -293, 468 N.E.2d 836, 839-840 (App. Ct., 2d Dist. 1984)*, the Illinois Appellate court held that seeking information relative to the mental


direction and of certain individuals whose names appear in the Will of the deceased, to the exclusion of his only child. Contestant does not know the name of the doctors, hospital, hospice worker or any other person who was in contact with the deceased from which discovery may be sought to further prosecute her claims. It is imperative that Contestant not be denied discovery on these issues.

WHEREFORE, Contestant requests that this honorable court compel the Julia Sergent to answer discovery and otherwise meaningfully participate in the discovery process, and that the court enter a scheduling order that ensures against unnecessary delays with the matter coming on for an evidentiary hearing. (Filed simultaneously herewith is a motion to reschedule the evidentiary hearing set for July 2, 2021).

Respectfully Submitted,

YVETTE ROSS-EDWARDS PC
Attorney for the Felipa P. Garcia Biamonte

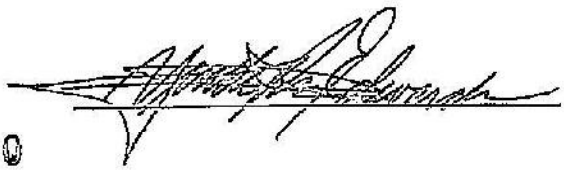
DATED: June 16, 2021

By: 
Yvette D. Ross-Edwards, Esq.
613 / 39A Prince Street, Suite 2
Frederiksted, St. Croix V.I. 00840
Tel (340) 772-4444
yvette@rossedwardspc.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of June 2021, a true and correct copy of the foregoing was served upon Attorney Mark Milligan via email at mcmllgnlawvi@gmail.com; U.S. Mail at 28-A King Street, Christiansted, St. Croix, VI 00822; and by electronic service by the Court's electronic filing system.

0006650



FILED

MARK L. MILLIGAN, ESQ.

June 16, 2021

SX-2020-PB-00684

TAMARA CHARLES

CLERK OF THE COURT

28-A [1232] King Street, Ste. 1
P.O. Box 223031
Christiansted, St. Croix
U.S. Virgin Islands - 00822
[340] 773 7121
smcmliganlawvi@gmail.com

June 8, 2021

Yvette Ross-Edwards, Esq.
Yvette Ross Edwards, PC
613 / 39A Prince Street, Suite 2
Frederiksted, St. Croix
U.S. Virgin Islands 00840

Re: In the Matter of the Estate of Felipe Garcia, deceased: SX-17-PB-18
Discovery Demands of Felipa Biamonte, Heir, dated 06-01-21

Dear Attorney Ross-Edwards:

Pursuant to *Rule 37-1(b), V.I.R. Civ. P.*, **NOTICE IS HEREBY GIVEN** of the Estate's demand that you withdraw the above reference discovery demand, **forthwith**, because those demands are in violation of *Rue 26 (d)(1) V. I. R. Civ. P.*, which directs that:

A party may not seek discovery from any source before the parties have conferred as required by *Rule 26(f)*, except in a proceeding exempted from initial disclosure under *Rule 26(a)(1)(B)*, or when authorized by these rules, by stipulation, or by court order.

You know: (i) there has been **no** *Rule 26(f)* conference, (ii) your client **has not** provided initial disclosures, (iii) these discovery demands **are not** authorized by the rules of civil procedure, (iv) there is **no** stipulation in effect, and (v) there is **no** court order which authorizes these demands. Moreover, the matter is set for "Will Contest" on July 2.

Finally, be advised that, pursuant to *Rule 37-1, Id.*, as the attorney for the Estate, I stand ready to "meet and confer" in good faith within the next five (5) business days --- with the aim of resolving this matter without the necessity of a court action, for protective order, sanctions, and for cost.

Cordially,


Mark L. Milligan, Esq.

MLM/file

cc: Julia Sargent
Named Executrix

0001-51

EXHIBIT
A

FILED

June 15, 2021

SX-2020-PB-00084

TAMARA CHARLES

CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

IN THE MATTER OF THE ESTATE OF:

FELIPE GARCIA,
Deceased.

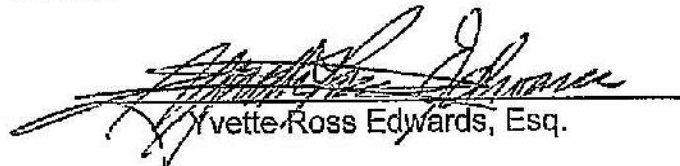
Case No. SX-2020-PB-00084

WILL CONTEST/ TESTATE PROBATE

AFFIRMANCE

I, **Yvette Ross Edwards, Esq.**, hereby affirms and states as follows:

1. I am an attorney duly licensed to practice law in the U.S. Virgin Islands.
2. I represent Felipa Garcia Biamonte in the Will Contest proceedings in the above captioned probate.
3. I had a Rule 37 conference with Attorney Mark Milligan on June 14, 2021 at Attorney Milligan's request due to a violation of Rue 26(f) requirement before serving discovery and his refusal to respond to discovery previously propounded.
4. As a result of the meeting, the parties agreed that the First Set of Interrogatories and Requests for Production of Documents that were served on Attorney Mark Milligan as the attorney for the Estate and Julia Sergent, and noticed to the court on June 1, 2021, would be withdrawn.
5. Notice of Withdrawal was filed on June 16, 2021, as well as Rule 26 disclosures.
6. Contestant Felipa Garcia Biamonte has re-served her Interrogatories and Requests for Production of Documents since she has now complied with the voluntary disclosure requirements, and considering Attorney Milligan's statements of refusal to engage a Rule 26(f) conference or to otherwise meaningfully participate in discovery or respond to discovery.
7. Contestant requires discovery to properly prosecute her case and defend the claims of the proponents of the Will.


Yvette Ross Edwards, Esq.

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EXHIBIT
B

FILED

June 16, 2021

SX-2020-PB-00084

TAMARA CHARLES

CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

IN THE MATTER OF THE ESTATE OF:

FELIPE GARCIA,
Deceased.

Case No. SX-2020-PB-00084

WILL CONTEST/ TESTATE PROBATE

FIRST SET OF INTERROGATORIES

TO: **Julia Sergent**
c/o Mark Milligan, Esq.
P.O. Box 223031
Christiansted, VI 00820

Contestant, **FELIPA GARCIA-BIAMONTE**, hereby request that Proponent, **JULIA SERGENT**, answer, under oath, within thirty (30) days after service, in accordance with Rule 33 of the Virgin Islands of Civil Procedure the following interrogatories which shall be deemed continuing so as to require supplemental responses and additional information as such become available. If insufficient space exists on this original for insertion of responses, the answering party shall retype the question and answer to ensure that each answer follows the question or subsection thereof in accordance with Local Rule 22.

Except where otherwise indicated, each one of these interrogatories shall be deemed to be addressed to Proponent, **JULIA SERGENT**, and the response thereto shall reflect the cumulative knowledge of Proponent, Proponent's agents, representatives, and, unless privileged, Proponent's attorney.

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INSTRUCTIONS

1. Each Interrogatory shall be answered separately and fully in writing, under oath, unless it is objected to, in which event the objecting party shall specifically state on the grounds for objection, including, but not limited to, any privilege or other immunity upon which you are relying, and shall answer to the extent the Interrogatory is not objectionable.
2. In answering each Interrogatory, identify each document, communication, or act:
 - (a) Relied upon in the preparation of each answer;
 - (b) Which forms all or part of the basis for that answer;
 - (c) Which corroborates the answer; or
 - (d) The substance of which forms all or part of the answer.
3. You may, in lieu of identifying any document or written communication, attach a true copy of such document or communication as an exhibit to the answers to these Interrogatories, including an explicit reference to the Interrogatory to which each such attached document or written communication relates.
4. Where in an answer to an Interrogatory, it is plain that there is or was communication or notice that substantiates or relates to said answer, state whether each such communication or notice was oral or written. If written, attach a true copy thereof to your answers. If oral, identify, (as defined herein) each such communication.
5. If the answer to all or any part of the Interrogatory is not presently known, or available, include a statement to that effect, furnish the information known or available, specify the nature and extent of your inability to answer to remainder, and respond to the entire Interrogatory by supplemental answer, in writing, under oath. Also state whatever information you have concerning the unanswered portions and identify the person(s) who may have additional knowledge or information regarding the subject.
6. For each Interrogatory, please identify the person(s) from whom the information contained in the answer was obtained and the person who swears to the truth of that information.
7. Where an individual Interrogatory calls for an answer which involves more than one part, each part of the answer should be clearly set forth and numbered or lettered to correspond with the appropriate subpart of that Interrogatory.
8. Each of the following Interrogatories is to be regarded as continuing to the extent permitted under the Federal Rules of Civil Procedure. If, subsequent to serving an answer to any Interrogatory and prior to the trial of this action, you obtain or become

aware of additional information pertaining to that Interrogatory, you shall serve a supplemental sworn answer setting forth such information.

DEFINITIONS

- (a) The words "**you**", "**your**", "**yours**" and/or "**yourself**" means Proponent **JULIA SERGENT** and any representatives or other persons acting, or purporting to act, on behalf of **JULIA SERGENT**.
- (b) The singular shall include the plural and vice versa; the terms "**and**" or "**or**" shall be both conjunctive and disjunctive; and the term "**including**" means "including without limitation".
- (c) "**Communication(s)**" means every manner or means of disclosure, transfer or exchange of information, whether in person, by telephone, mail, personal delivery or otherwise.
- (d) "**Date**" shall mean the exact date, month and year, if ascertainable or, if not, the best approximation of the date (based upon relationship with other events).
- (e) **Describe, state the basis for, or on which**, shall mean a statement of the complete factual and conceptual premise for the particular conclusion, action, omission, default, recommendation, or determination referred to in the request for discovery that used such term or its substantial equivalent. It shall include all factors considered by the person taking such action, including factors arising from consultation with others, either orally or in writing, or both.
- (f) The word "**document**" shall include everything within the scope of Fed. R. Civ. P. 34, including, but not limited to electronically stored information and tangible things.
- (g) "**Person**" shall mean any individual, corporation, proprietorship, partnership, trust, association or any other entity.
- (h) The term "**action**" shall mean the above-captioned lawsuit.
- (i) "**Identify**" or "**state the identity of**", when referring to a natural person, shall mean to state or describe such individual's full name, present or last known address, telephone number, present or last known business affiliation and location, job title and job responsibilities, together with a statement as to such person's relationship with any party, if any and not if related at present, a statement as to whether any such relationship ever existed and the inclusive dates thereof.
- (j) "**Identify**" when used in reference to a document, means and includes the name and address of the custodian of the document, the location of the document, and a general description of the document, including: (1) the type of document (*i.e.*, correspondence, memorandum, facsimile, etc.); (2) the general subject matter of the document; (3) the

date of the document; (4) the author of the document; (5) the addressee of the document; and (6) the relationship of the author and addressee to each other.

INTERROGATORY NO. 1:

Please identify the jurisdiction and state the laws upon which you intend to rely to support that the Last Will and Testament of Felipe Garcia was prepared and executed in accordance with the laws of the respective jurisdiction.

RESPONSE:

INTERROGATORY NO. 2:

Please describe in detail the relationship of each of the below-named persons to Felipe Garcia and to each other:

- 1) Julia Sergent
- 2) Janice E. Miller
- 3) Donna M. Manning
- 4) Latia Marie Williams
- 5) Felipa Garcia
- 6) Mark Milligan
- 7) Melissa Benjamin
- 8) Abel Medina
- 9) Jarred Benjamin
- 10) Melba Moore
- 11) Lauren Barnes

RESPONSE:

12) INTERROGATORY NO. 3:

Please explain what knowledge you have and intend to rely upon regarding the procurement of a Will for Felipe Garcia, its preparation and its execution, including but not limited to the names and address of the person who prepared the Will; the circumstances resulting in the preparation of a Will; the location the Will was executed.

RESPONSE:

INTERROGATORY NO. 4

If you have ever held Power of Attorney or any written instrument authorizing you to make medical and other decisions for Felipe Garcia, please describe the instrument and authority granted in detail; state when you were given power of attorney and/or the other instrument; and produce a copy of each instrument.

RESPONSE:

INTERROGATORY NO. 5:

Please provide the name(s) and address(es) with whom Felipe Garcia stayed within three months prior to his death, and provide the first and last date of his stay at that address.

RESPONSE:

INTERROGATORY NO. 6:

Please state the name and specialty and address of every physician, nurse, therapist, counselor or other treating practitioner with whom you spoke regarding Felipe Garcia's medical (physical and mental) condition within three days prior to his passing and state the nature of your communication.

RESPONSE:

INTERROGATORY NO. 7:

State the name and address of all persons who assisted Felipe Garcia during his final days (up to 10 days prior to his demise), including any case worker, hospice worker, medical care provider, nurse, therapist, senior care provider, friend and family, whether or not you intend to call them to trial.

RESPONSE:

INTERROGATORY NO. 8:

Describe all communications that you had with Felipa Garcia within two weeks of Felipe Garcia's death, including the date and substance of each communication.

RESPONSE:

VERIFICATION OF RESPONSES

I declare under penalty of perjury that the foregoing statements made by me to the foregoing interrogatories are true, correct and complete to the best of my knowledge, information and belief.

Dated:

By:

Print Name

Signature

Title

Sworn and Subscribed to
before me this ____ day
of _____, 2021.

Notary Public

Dated this ____ day of _____ 2021.

Submitted by her Attorney:

Mark Milligan Esq.

Date

P.O. Box 223031

Christianssted, VI 00820

Respectfully submitted,

YVETTE D. ROSS-EDWARDS PC
Attorney for Felipa Garcia-Biamonte

By: 

YVETTE D. ROSS-EDWARDS. ESQ
618 / 39A Prince Street, Suite 2
Frederiksted, St. Croix 00840
Telephone: (340) 772-4444
Email: yvette@rossedwardspc.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of June 2021, I caused a true and exact copy of the foregoing **CONTESTANT'S FIRST SET OF INTERROGATORIES TO JULIA SERGENT** was served upon the following:

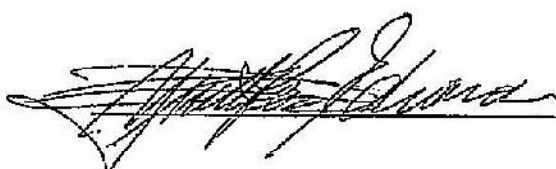
VIA U.S. MAIL

And EMAIL: mlmpc@viaccess.net

MARK MILLIGAN, ESQ.

P.O. Box 223031

Christiansted, VI 00820



FILED

June 16, 2021

SX-2020-PB-00084

TAMARA CHARLES
CLERK OF THE COURT

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

IN THE MATTER OF THE ESTATE OF:

FELIPE GARCIA,
Deceased.

Case No. SX-2020-PB-00084

WILL CONTEST/ TESTATE PROBATE

FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS

TO: **Julia Sergent**
c/o Mark Milligan, Esq.
P.O. Box 223031
Christiansted, VI 00820

COMES NOW Contestant, **FELIPA GARCIA-BIAMONTE**, by and through her undersigned counsel, and hereby submit the following request for production of documents to Proponent **Julia Sergent**, pursuant to Rule 34 of the Federal Rules of Civil Procedure, production to be made at **YVETTE D. ROSS-EDWARDS, PC**, 613 / 39A Prince St, Suite 2, Frederiksted, St. Croix 00840, thirty (30) days from the date hereof.

GENERAL INSTRUCTIONS

1. You are reminded that, pursuant to Virgin Islands Rules of Civil Procedure 26(e)(2), this request for production shall be deemed continuing so as to require supplementation of responses with any additional or corrective information that may become known to you or your representatives prior to the trial of this action if the information has not otherwise been made known to the other parties during the discovery process or in writing.
2. You are to produce the requested documents (a) as they are kept in the usual course of business, or (b) you shall organize and label them to correspond to the categories in the request.
3. This request for production requires production of all documents and records in the possession, custody or control of **Julia Sergent**, her legal counsel, investigators, agents, consultants, expert witnesses, and other representatives.

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DEFINITIONS

1. **"You"** or **"your"** means **JULIA SERGENT** and any person or organization, such as an attorney, acting on behalf of Proponent for purposes of the matter under inquiry.
2. **"And"** and **"or"** and **"and/or"** shall be construed conjunctively or disjunctively as necessary to make the request inclusive rather than exclusive, and thus to bring within the scope of the request any information that might otherwise be construed outside its scope. The words **"include(s)"** and **"including"** shall be construed to mean **"without limitation"**.
3. **"Person(s)"** means individuals or entities, including, without limitation, natural persons, corporations, partnerships, proprietorships, trusts, estates, associations, agencies, offices, officers, employees, firms, companies, joint ventures, groups of natural persons or legal, business or governmental entities or other entities of any nature whatsoever.
4. **"Document"** or **"record"** means any written, recorded or graphic material of any kind, whether prepared by you or any other person, that is in your possession, custody or control, including:
 - a. All writings of any kind, including the originals and all non-identical copies, whether different from the originals by reason of any notation made on such copies or otherwise, including, without limitation, correspondence, memoranda, notes, diaries, pencil notations, daily calendar entries, statistics, letters, telegrams, minutes, contracts, agreements, reports, studies, checks, bank records, financial statements, receipts, returns, summaries, pamphlets, books, interoffice and intra-office communications, facsimiles, reports, recommendations, computer generated records, and information stored on a computer; notations of any sort of events, conversations, telephone calls, meetings or other communications; records, transcripts, bulletins, printed matter, computer printout, teletypes, telefaxes, invoices, worksheets; and all drafts, alterations, modifications and amendments of any of the foregoing;
 - b. All graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotapes, recordings, motion picture(s); and
 - c. All electronic mechanical or electrical records or representations of any kind (including, without limitations, tapes, cassettes, discs, recordings, e-mails and computer memories).

5. Copies of all medical records in your possession for Felipe Garcia.

RESPONSE:

6. Copies of all written communication in your possession between Felipe Garcia and Felipa Garcia-Biamonte, including cards, letters, notes, etc.

RESPONSE:

7. Copies of any power of attorney or other instrument signed by Felipe Garcia giving you authority to make decisions on his behalf and transact his affairs.

RESPONSE:

VERIFICATION OF RESPONSES

I declare under penalty of perjury that the foregoing statements made by me to the foregoing **FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**, as resubmitted, are true, correct and complete to the best of my knowledge, information and belief.

Dated this _____ day of _____, 2021.

By:

Print Name

Signature

Title

SUBSCRIBED and SWORN to
before me this _____ day
of _____, 2021.

Estate of Felipe Garcia, SX-2020-PB-00084
Will Contest
Page 6

Notary Public

Dated this 1st day of June 2021.

Respectfully submitted,

YVETTE D. ROSS-EDWARDS PC

By: 

YVETTE D. ROSS-EDWARDS, ESQ
613/ 39A Prince Street, Suite 2
Frederiksted, St. Croix 00840
Telephone: (340) 772-4444
Email: yvette@rossedwardspc.com