

From Probate to Blight: Why Heirs' Property Stalls Development and Hollow Out Historic Communities

At a Senate hearing, attorneys and officials detailed how prolonged probate, fragmented ownership, unlocatable heirs, and administrative delays prevent repairs, financing, and redevelopment, leaving historic properties vacant and communities deteriorating

Senate / **Published On January 30, 2026 06:14 AM /**

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The Committee on Disaster Recovery, Infrastructure and Planning was the host of a robust, wide-ranging discussion on heirs property, prolonged probate, and vacant/abandoned historic properties.

Legal experts, government personnel, community leaders and residents all filed into the Legislature attempting to explain the chasms that result in the interconnected issues up for discussion.

According to committee chair Senator Marise James, the intent was not to assign blame but to identify solutions to “unlock these properties, preserve our historic communities and return land and buildings to productive use while respecting the rights of heirs.”

“Many families are watching generational assets deteriorate because property...has been trapped in probate for years,” she lamented. “Historic buildings cannot wait for probate to catch up.”

Attorney Karabo Molyneaux-Molloy began Thursday’s marathon meeting. She explained that heirs’ property refers to land passed down from generation to generation “without clear estate planning or recorded transfer.” This reality makes it difficult for property owners to borrow against property, access permits, and undertake necessary renovations.

“It is a structural condition of ownership that explains why properties become stuck, deteriorate, and especially in historic districts, become vacant and abandoned,” Attorney Molyneaux-Molloy stated. The situation in the Virgin Islands is compounded by “informal” succession practices, high rates of off-island migration, and a “dispersed population of heirs.”

Attorney Molyneaux-Malloy outlined a cycle of loss associated with heirs' property, including loss of wealth and missed opportunities to “pass on something to the next generation.” She also noted that “tax delinquency grows” and properties are no longer maintained, contributing to the blighted areas that many Virgin Islanders know so well. Squatting, the attorney said, is another “symbol of unresolved title and probate bottlenecks.”

But as Ms. Molyneaux-Malloy explained, even a successful probate process is not the be-all and end-all to heirs' property challenges. She explained that without “post probate planning,” a fractional interest in a property multiplies across generations. “Within two or three generations, a single family home can have dozens of co-owners,” she explained.

Delays in probate cases can be attributed to a “combination of legal, evidentiary, administrative and systemic barriers,” the attorney said. At the end of 2025, there were just over [800 active probate cases in the V.I. Superior Court territory-wide](#).

There are already local laws that assist in partitioning property, but they only become relevant when the probate process has started, Ms. Molyneaux-Malloy noted. The goal, she said, should be to reduce the “awareness gap” and avoid the probate process altogether.

A transfer-on-death deed, which allows real property to pass to a named beneficiary, is considered a “great solution.” Notwithstanding, she offered some more recommendations, including integrating dispute resolution within the probate process, hiring dedicated probate staff attorney positions, and using “grants or loan programs to reduce the cost of probate and estate planning.”

She maintained that “the Virgin Islands does not lack families who care about their land and their history” but instead lacks “systems that reliably convert that care into legal authority.”

Attorney Jessica Tully provided additional legal perspective. She outlined an authority gap often associated with properties that are passed down through generations. “The longer authority remains unresolved, the more likely it becomes that heirs disengage,” she stated.”

Experienced in title matters, Ms. Tully explained that heirs are often unlocatable, addresses change, and the spelling of names could be inconsistent with formal records. Like Ms. Molyneaux-Malloy, she commended the value of the local Uniform Partition of Heirs Property Act, but agreed that it is only useful if families have all the relevant documentation, and if heirs

are all known and located.

Noting the obvious challenges, Ms. Tully suggested a statutory framework that “defines reasonable diligence and provides a predictable mechanism for unknown or unlocatable heirs.” She believes that such an arrangement could protect “due process while preventing indefinite paralysis.”

For Ms. Tully, the aforementioned authority gap means repairs cannot be contracted and “preventable damage can often become permanent damage.”

Attorney Tully also characterized the transfer-on-death deed as one of the “strongest tools the territory has adopted to prevent heirs property,” but reminded listeners that they are “not legally effective until they are recorded.” That process, however, is often exposed to administrative delays, Ms. Tully lamented.

Ms. Tully recommended a “combination of targeted statutory reforms and administrative improvements.” Among them is establishing a “clear, objective pathway for recording transfer-on-death deeds quickly, without weakening the pre-death recording requirement.”

Nadja Harrigan, acting chief of staff in the Office of the Lieutenant Governor, confirmed that there has been an “influx of transfer on death deeds being recorded,” particularly in the St. Croix district.

As Ms. Harrigan noted, however, there is “no statutory requirement that a death certificate must be recorded.” Therefore, the Real Property Tax Division is often unaware that the real property owner has changed, and real property tax bills are sent to someone who may be deceased.

Also present at Thursday’s meeting was Sean Krigger, director of the State Historic Preservation Office. He lamented that “probate delay prevents applicants from coming to HPC with actionable plans.”

He, too, appealed for the wider adoption of transfer-on-death deeds. Mr. Krigger suggested that public education on these deeds can be “easily incorporated into the Virgin Islands Enterprize Zone Commission's estate planning workshops that have become very popular over the years.”

Thursday’s meeting was regarded as the beginning of a necessary conversation on one of the territory’s most vexing legal issues. Senator Marise James has promised to meet with the testifiers again to establish working groups which will examine potential solutions to the thorny problems raised during Thursday’s meeting.