

IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS & ST. JOHN

IN THE MATTER OF THE ESTATE OF)	
JEFFREY E. EPSTEIN,)	PROBATE NO. ST-19-PB-80
)	
Deceased.)	ACTION FOR TESTATE
_____)	ADMINISTRATION

SUPERIOR COURT
20 FEB 10 PM 1:11

EMERGENCY MOTION
FOR ORDER RELEASING FUNDS
FOR ADMINISTRATION OF ESTATE

COME NOW the Co-Executors of the Estate of Jeffrey E. Epstein (the "Estate"), **DARREN K. INDYKE AND RICHARD D. KAHN**, and hereby move on an emergency basis for an Order releasing funds in the Estate account held by FirstBank in order to allow the Estate to pay its administrative expenses and preserve its assets.

Violating her counsel's express representations to the Court only last week, the Attorney General of the Virgin Islands (the "Attorney General") has now brought the administration of the Estate to a screeching and potentially disastrous halt. No bills will be paid, no employees compensated, no properties maintained, no civil litigation defended, no regular administrative duties fulfilled, all because the Attorney General refuses to do what the Court clearly directed her to do: allow the Co-Executors to continue the administration of the Estate.

As explained in the Co-Executors' Supplemental Brief dated January 31, 2020, addressed before the Court at the February 4, 2020 hearing, and further explicated below,

the Criminal Activity Lien Notices issued by the Attorney General on January 16, 2020 (the "Liens") are improper and unsupportable under Virgin Islands law. The Court should immediately vacate the Liens; to the extent the Court leaves them in place, it should (again) direct the Attorney General and FirstBank that the Co-Executors are permitted to use Estate funds to pay the administrative expenses of the Estate and preserve its assets.

Factual Background

A. The Attorney General's Issuance of the Criminal Activity Lien Notices

On January 15, 2020, more than five months after Jeffrey Epstein's death, the Attorney General publicly announced that she had that day filed a Complaint (the "Complaint") against the Estate and related entities under the Criminally Influenced and Corrupt Organization Act, 14 V.I.C. §600 *et seq.* ("CICO").¹ The Government's action for forfeiture of assets of a decedent who was not charged with (much less convicted of) underlying alleged CICO violations is without precedent in the Virgin Islands.

More than two weeks later (on January 31, 2020), the Attorney General issued the Liens against each of the defendants named in the CICO Action. The Liens, each addressed to "FirstBank, #11A-11B Curacao Gade, St. Thomas, VI 00802," purport to attach the vast bulk of the Estate's assets, without any attempt to show the slightest connection between that property and its use in purported criminal activity, as follows:

1. The Complaint, filed in the Superior Court as Case No. ST-2020-CV-14 (the "CICO Action"), names as defendants the "Estate of Jeffrey E. Epstein; The 1953 Trust; Plan D, LLC; Great St. Jim, LLC; Nautilus, Inc.; Hyperion Air, LLC; Poplar, Inc.; and John and Jane Does."

1. Any personal or real property located in the U.S. Virgin Islands in the name of, or under the signatory authority of, the named defendants, including "The Estate of Jeffrey E. Epstein."
2. Any "beneficial interest" of the named defendants in "any personal or real property" located in the U.S. Virgin Islands, including "The Estate of Jeffrey E. Epstein."
3. "Any and all bank accounts, certificates of deposits or any other accounts in the name of, or under the signatory authority of" the named defendants, including "The Estate of Jeffrey E. Epstein."

The Liens warn that "[a]ny trustee, executor, person or institution who moves, transfers or conveys title to personal or real property upon which a Criminal Activity Lien Notice has been filed ... shall be liable to the Attorney General in accordance with Title 14 V.I.C. § 610 (1)(1)(2) or (3)." That statute provides for civil penalties in the amount of the proceeds received as a result of the transfer.

B. The Attorney General's Representations at the February 4 Hearing

On February 4, 2020, the Court held a roughly three and a half hour long hearing (the "February 4 Hearing") in this probate proceeding on all then-pending motions. During that hearing, the Court denied the Attorney General's motion to intervene and specifically addressed the Liens filed by the Attorney General against the Estate. Acknowledging the Liens' potentially disastrous effect if they were to freeze the Estate's funds, the Court made clear that, despite the Liens, the Co-Executors are entitled to pay those costs associated with the administration of the Estate and preservation of its assets.²

2. The Co-Executors requested an expedited transcript of the February 4 Hearing, and will provide it to the Court and all parties as soon as it becomes available.

Counsel for the Attorney General represented, on the record, that the Attorney General, acting on behalf of the Government of the Virgin Islands (“GVI”), did not intend by the Liens to prohibit the Co-Executors from paying the Estate’s administration expenses or preserve its assets.³

C. FirstBank’s Freeze of the Estate’s Account in Reliance on the Liens

Regrettably, the Attorney General’s promise to the Court did not last long. Immediately after the February 4 Hearing, before they had returned to their office, counsel for the Co-Executors received formal notification from FirstBank — where the Estate’s bank account is located — stating that, as a result of the Attorney General’s Liens, it has “placed a hold” on certain accounts, including the Estate account. (See Exhibit A hereto.) FirstBank informed the Co-Executors that, absent a court order, it would not unblock the Estate’s account:

“This hold will remain in place until FirstBank receives an Order from a court of appropriate jurisdiction releasing the [GVI’s] lien claims upon these accounts set forth in the Notices.”

(*Id.*)

Without access to its account, the Co-Executors’ ability to manage the Estate has ground to a complete halt, exposing the Estate’s property to irreparable damage. The Co-Executors now cannot pay the Estate’s bills or meet its financial obligations; among other things, they cannot pay the Estate’s employees or third-party service providers; they

3. Assistant Attorney General Ariel M. Smith, who represented the GVI at the February 4 Hearing, is the signatory on each of the Liens.

cannot maintain the Estate's real estate holdings; and they cannot defend civil litigation, including the 20+ civil lawsuits against them in New York, Florida and Minnesota.

D. The Attorney General's Refusal to Lift the Liens to Allow the Estate to Pay Its Administrative Expenses or Preserve its Assets

On February 5, 2020, counsel for the Co-Executors contacted the Attorney General regarding the hold placed on the Estate account, and urgently requested that the Attorney General, in accordance with the Court's direction, immediately direct FirstBank to restore the Estate account to active status. (See Exhibit B hereto.) Incredibly, the Attorney General declined to do so.

Instead, the Attorney General proposed a meeting with counsel for the Estate on February 7, 2020. The Attorney General met with counsel for the Estate on that day and indicated that she will not release the hold on the Estate account unless and until she can first review and approve each of the Estate's proposed payments to administer the Estate. On February 9, 2020, the Attorney General confirmed her position, asserting her willingness to accommodate an immediate release of funds sufficient to pay the Estate's "day-to-day maintenance expenses," provided that she first preview and approve each of those proposed expenditures on a going forward basis. **Exhibit C**

That is not what the Court directed, nor what the Attorney General told the Court she would do. Rather, it is an unreasonable attempt by the Government to substitute itself as inspector, referee and adjudicator — all at once — for the Co-Executors who serve as an arm of the Court. That is improper. The Estate's account remains frozen and, as a consequence, its assets are already being irreparably harmed.

Argument

I. CONTINUED IMPOSITION OF THE LIENS IS CONTRARY TO THE ATTORNEY GENERAL'S REPRESENTATIONS TO THE COURT

It is the Court, not the Attorney General, who "has jurisdiction and the power to administer justice in all matters relating to the affairs of decedents" 15 V.I.C. § 161.

It is the Court, not the Attorney General, who is empowered to "determine all questions, legal or equitable, arising between any or all of the parties to any proceeding, or between any party and any other person having any claim or interest therein who voluntarily appears in such proceeding, or is brought in by citation, as to any and all matters necessary to be determined in order to make a full, equitable, and complete disposition of the matter by such order or decree as justice requires" *Id.* It is the Court, not the Attorney General, whose authority includes the power to "direct and control the conduct, and settle the accounts, of executors and administrators" 15 V.I.C. § 161(3). Thus, there is no legal justification for the GVI's attempt to control aspects of estate administration, without standing, thereby usurping the Court's exclusive authority in this area.

At the February 4 Hearing, the Court exercised its statutory powers by directing that the Estate's administration expenses be paid and the Estate's assets preserved, regardless of the existence of the Liens. The Attorney General, through her counsel, expressly acknowledged that those expenses must be paid and those assets protected. Notwithstanding those representations at the February 4 Hearing, the Attorney General

now refuses to lift the Liens without her prior review and approval of the Estate's expenses.

There is only one Estate account; the Attorney General has now frozen it. As the Court knows, the Estate has properties that must be managed, employees who must be paid, and a multitude of tasks to carry out to keep the administration of the Estate moving forward and to preserve the Estate's assets. Without ready access to these funds, the Estate cannot function and the Co-Executors are unable to carry out their fiduciary responsibilities.

II. THE LIENS LACK PRIORITY

In addition to the freeze on the Estate's account at FirstBank being directly contrary to the Attorney General's representations at the February 4 Hearing, the Liens do not have priority over expenses of Estate administration. Pursuant to 14 V.I.C. § 610, the Liens, assuming, *arguendo*, they were properly issued, would have priority only over "the interest of any other person in the personal or real property or beneficial interest in it, if the interest is acquired *subsequent to* the filing of the [Criminal Activity Lien Notices]." 14 V.I.C. § 610(f) (emphasis added). In other words, the Liens have priority only over *subsequently acquired* interests. However, this Court's interest in the *res* precedes the liens. The Court acquired original jurisdiction and custody of the decedent's property, the *res*, on August 15, 2019, when the Petition for Probate and for Letters Testamentary was filed. The Attorney General filed the Liens *more than five (5) months after the Court acquired custody of the decedent's property*. Accordingly, even if the Liens

were valid — which they are not — they do not have priority over expenses of Estate administration and preservation of the Estate’s assets.

III. THE LIENS ARE INVALID

As detailed above, the Liens wrongfully prevent the Co-Executors and the Court from discharging their legal duties to preserve and protect the Estate’s assets. They are also fatally flawed in three additional respects: (a) they are unconstitutionally overbroad; (b) they have no proper application to the Co-Executors; and (c) they rest on an underlying CICO claim that is itself fatally defective under the laws of the Virgin Islands.

A. The Liens are Unconstitutionally Overbroad

In its seminal decision in *In re Najawicz* (“*Najawicz*”), 52 V.I. 311, 328 (V.I. 2009), the Virgin Islands Supreme Court “examine[d] the statutory framework of CICO and the interplay of its various pre-trial asset restraint provisions,” noting that “a person convicted of violating CICO ‘may be required to criminally forfeit ... to the Government ... any real or personal property *used in the course of, intended for use in the course of, derived from, or realized through, conduct in violation of [CICO].*” (Emphasis in original).⁴ Thus, on its face, CICO restricts pre-trial restraints to *property used in the course of criminal activity* in violation of CICO; “CICO does not permit pre-trial restraint of substitute assets.” *Id.*, at 343, 345.⁵

4. Unlike the Liens, in which the GVI seeks the pre-trial restraint of assets pursuant to the *civil* forfeiture statute (14 V.I.C. § 607), in *Najawicz* the GVI sought pre-trial restraints pursuant to CICO’s *criminal* forfeiture provision, 14 V.I.C. 606.

5. “Substitute assets become germane only (1) after conviction, (2) after a special verdict which names the property subject to forfeiture, and (3) after the trial court has determined that the forfeitable property

The Supreme Court's holding that CICO does not permit the pre-trial restraint (e.g., a lien) of substitute assets, but only of those assets used in the course of criminal activity under CICO, underscores that only property directly related to the alleged offense may be subject to a criminal lien. Thus, "the government is required to trace the seized property directly to the offense giving rise to the forfeiture." *Najawicz, supra* 52 V.I. at 347 (internal quotation and citation omitted). See also *United States v. Twenty Thousand Three Hundred & Ninety Two Dollars*, 546 F Supp. 2d 302, 304-305 (D.V.I. 2008) (citations omitted) (under CAFRA, "the Government shall establish that there was a substantial connection between the property and the offense") (emphasis added); *United States v. One 1988 White Jeep Cherokee*, 1994 U.S. Dist. LEXIS 6813, at *13 (D.V.I. Apr. 25, 1994) (with respect to the civil drug forfeiture statute, the court declined "to accept the government's apparent contention that the Constitution permits forfeiture of property ... in the absence of any indication that the property had been used to facilitate" the criminal offense) (emphasis added).

Here, the Complaint alleges that Little St. James Island and Great St. James Island were used for criminal conduct in violation of CICO. (Complaint ¶¶ 63, 64, 95.)⁶ Beyond this, there is absolutely no connection — nor is any connection pleaded — between any

named in the special verdict is no longer available to satisfy the forfeiture judgment." *Najawicz*, 52 V.I. at 345.

6. The GVI's overreach in asserting forfeiture rights is evident in its logic-and-reality-defying assertion that the decedent purchased Great St. James Island in 2016 — some 18 years after acquiring Little St. James Island — in order to prevent Great St. James Island from "becoming a base from which others could view their activities" on Little St. James Island or to create "additional barriers" of escape from Little St. James Island. (Complaint, ¶64.)

accounts of the Estate that have been attached by the Liens or the use of such assets in purported criminal activities. Assuming *arguendo* it was permissible for liens to be imposed on the Co-Executors (it is not - see discussion re 14 V.I.C. § 604(r), *infra*), at most the Liens would attach to Little St. James Island and Great St. James Island. The Attorney General's attempt to impose Liens on all of the other property of the Estate, including the Estate's account at FirstBank, is unconstitutional.

B. The Liens Cannot Apply to the Co-Executors

The Attorney General served the Liens on the Co-Executors in violation of applicable law — 14 V.I.C. § 604(r) — which expressly excludes executors of estates from the reach of Criminal Activity Lien Notices.⁷ Virgin Islands law is designed to prevent precisely what the Attorney General has done here. The property of the decedent attached by the GVI is in the custody of the Court and remains subject to the Court's exclusive authority. The Virgin Islands Legislature created the mandatory claims processing rules to prevent a creditor, such as the Attorney General here, from undermining and usurping the Court's exclusive authority of control over the disposition of a decedent's property.

7. While a civil Criminal Activity Lien Notice may be served on *trustees* pursuant to 14 V.I.C. § 610, CICO defines a trustee as expressly excluding an *executor* who is appointed by, or under the control of or accountable to, a court. 14 V.I.C. § 604(r). Thus, a Section 610 Criminal Activity Lien Notice may not be served on an executor by virtue of 14 V.I.C. § 604(r).

C. The Underlying CICO Action is Invalid

(a) **The Government failed to follow procedures required before a valid claim can be made against the Co-Executors**

As the Court emphasized at the hearing in denying the Attorney General's motion to intervene, it is established Virgin Islands law that a claimant may not commence an action against an estate until it has first presented its claim to the executors, and they have disallowed it. 15 V.I.C. § 606 (b); *Ottley v. Estate of Bell*, 61 V.I. 480, 491 (V.I. 2014). The claim must be verified by affidavit of the claimant or someone with personal knowledge of the relevant facts. 15 V.I.C. § 393. Once the claim is presented to an executor in proper form, the executor is then required to examine the claim, consider it and either accept or reject it. 15 V.I.C. § 394. The claim is "effectively denied," if not acted on within three months. *Ottley, supra*, 61 V.I. at 496.

The Virgin Islands Code (the "Code") contains non-waivable, claims processing rules. *Ottley, supra*, 61 V.I. at 495. A claimant must follow the provisions set forth in the Code before it may file a claim against an executor. Failure to follow these rules "requires the court to dismiss [the claim] for failure to state a cause upon which relief may be granted." *Id.* The procedural requirements are "mandatory and unless the statute has been fully complied with, the claim is declared invalid and must be rejected." *Wells Fargo, N.A. v. Estate of Pond*, 2012 Dist. LEXIS 45366, at *7 (D.V.I. Mar. 30, 2012) (internal quotation omitted); *Steffey v. Estate of Savain*, 15 V.I. 260, 265-266 (V.I. Super. Ct. 1978) (dismissing debt claim against estate for failure to properly present claim: "Many courts hold that the legislative requirement as to form and content of the claim is

mandatory and unless the statute has been fully complied with, the claim is declared invalid and has to be rejected); *Oat v. Sewer Enters.*, 46 V.I. 286 (D.V.I. 2004) (lawsuit dismissed where creditor sought foreclosure of notes secured by real property without first presenting his claim to the estate's administrator as required by Section 606(b)).

Section 606 is a claims processing rule that cannot be waived. *Ottley*, 61 V.I. at 493. The language of Section 606(b) is absolute: "It forbids a creditor from commencing an action against [the] Estate until she has first presented her claim to [the executor] ... and he has disallowed the claim." *Oat, supra*, 46 V.I. at 290. That is not surprising: the claims processing rules ensure that a creditor cannot bypass the probate process and relieve the executors of simultaneously defending the estate's rights in both civil actions and through probate proceedings. *Ottley, supra*, at 496. It also ensures that a creditor will not serve the executor with a summons to gain priority over estate assets to the detriment of other creditors who properly follow the probate process enacted by the Legislature. *Id.*

Here, it is undisputed that the Government did not present its claim to the Co-Executors before filing its Complaint. Yet the Government, as a claimant, may not validly file a complaint against the Co-Executors unless and until it complies with the mandatory claims processing rules set forth in the Code. Because the Government's claim is invalid, so are the Liens issued in reliance on that defective claim.

(b) The Government may not file a complaint against the Co-Executors until twelve (12) months after the Court's issuance of Letters Testamentary

In the event the Government's claim is rejected by the Co-Executors, after it has been presented in proper form, the Government would be required to prosecute its claims pursuant to 15 V.I.C. § 606(a). However, the Government may not commence such an action against the Co-Executors until twelve (12) months after the Court issues letters testamentary. 15 V.I.C. § 606 (a).

"Section 606(a) clearly authorizes a plaintiff to commence an action against an estate's executor or administrator in the Superior Court, and mandates that at the time of commencement ... the estate have been open for a minimum of twelve months" *Ottley, supra*, at 491-492 (citing 15 V.I.C. § 606(a)). Thus, an action may not be commenced against an executor until after the expiration of twelve (12) months from the date letters testamentary are issued. *Id.* These "mandatory" rules apply to all claimants, including the GVI, and were designed by the Virgin Island Legislature to ensure the fair and efficient resolution of estates. *See id.*, at 494.

Here, the Court issued Letters Testamentary on September 6, 2019. Accordingly, no complaint may be validly filed against the Co-Executors until September 6, 2020. Because the Complaint prematurely filed by the Government violates the Virgin Islands' statutory requirements, it is invalid and the Liens issued thereunder are invalid as well.

(c) The Government sued the wrong party in interest

Finally, the Government improperly named "The Estate of Jeffrey E. Epstein" and "The 1953 Trust" as defendants in its CICO action. That was improper. An estate is

not a legal entity; it cannot be sued. *See, e.g.,* 31 AM. JUR. 2D EXECUTORS AND ADMINISTRATORS § 1141 (2016) (“Since estates are not natural or artificial persons, and they lack legal capacity to sue or be sued, an action against an estate must be brought against an administrator or executor as the representative of the estate.”). The same holds true with respect to The 1953 Trust, which also cannot be sued. “It is a widely recognized principle that “[a] trust is not a legal entity. A trust is not an entity distinct from its trustees and capable of legal action on its own behalf... .” AM. JUR. 2D TRUSTS § 3 (2013).⁸

Here, the Government’s Complaint and the accompanying Liens improperly name as defendants “The Estate of Jeffrey E. Epstein” and “The 1953 Trust,” neither of which are juridical entities.⁹ Because the Complaint is facially defective, the Liens issued with respect to those entities that do not have separate legal existence are invalid as well.

IV. THE COURT SHOULD VACATE THE LIENS

The Court has original jurisdiction “to supervise and administer estates and fiduciary relations.” 4 V.I.C. § 76(a). In the exercise of its original jurisdiction, the Court

8. *See also* Amy Morris Hess, George Gleason Bogert & George Taylor Bogert, *Bogert’s Trusts and Trustees* § 712 (2012) (“A trust is not a legal person, nor is the trust property.”); *Greenspan v. LADT, LLC*, 191 Cal. App. 4th 486, 521 (Cal. Ct. App. 2010) (“because ‘[a] trust is not a legal entity,’ it ‘cannot sue or be sued’”); *Sec. Life of Denver Ins. Co. v. Shah*, No. CV411-008, 2011 WL 2181485, at *1 (S.D. Ga. June 2, 2011) (“The trustee is the real party in interest in such a claim, not the trust itself. In fact, if the trust itself were joined to the action and attempted to assert such claims against SBN and Howie, the Court would be required to dismiss them.”).

⁹ In addition, the 1953 Trust is an unfunded pour over trust. The trustees of the 1953 Trust do not currently hold legal or beneficial title to any personal or real property and will not do so until administration of the Estate is complete. Any attempt to subject it or its designated trustees to civil forfeiture is inherently futile.

has the authority to determine all actions that impact property subject to the Court's *in rem* jurisdiction:

"[T]he Superior Court 'has jurisdiction and the power to administer justice in all matters relating to the affairs of decedents, ... to try and determine all questions, legal or equitable, arising between any or all of the parties to any proceeding, ... as to any and all matters necessary to be determined in order to make a full, equitable, and complete disposition of the matter by such order or decree as justice requires.' 15 V.I.C. § 161. The court is unrestricted in its power to dispose of such cases 'as justice requires' and is explicitly authorized to grant letters of administration, direct and control an executor or administrator's conduct, distribute assets, and order the sale of the deceased person's property. *Id.*"

Ottley, supra, 61 V.I. at 489-490.

Here, the decedent's property is in the Court's custody; the Co-Executors simply act as an arm of the Court. *Ottley, supra*, 61 V.I. at 493. Thus, the Court has the authority to issue orders and take whatever action is necessary, including to cancel notices that place a cloud on title to assets under its control and to declare liens to be invalid. *See Smith v. All Persons Claiming a Present or Future Interest in Estate 13*, 2017 U.S. Dist. LEXIS 46797, at *14-16 (D.V.I. Mar. 14, 2017) (and cases discussed therein) (discussing, among other things, the court's authority to release notices of *lis pendens*, declare liens to be invalid and award damages for impairing the marketability of property).

By improperly filing the Liens, the Government usurped the Co-Executors' and the Court's ability to administer, preserve and dispose of the Estate's assets. Because the Court retains the exclusive right to control the assets and property of the decedent, and has the authority to make such orders "as justice requires" with respect to property in its custody, the Court should vacate the Liens pursuant to 4 V.I.C. § 610(t)(1).

As set forth above, this Court has the absolute authority to declare the Liens invalid and to make such other orders with respect to the decedent's property as justice requires. Additionally, the four factors for injunctive relief, precluding the Attorney General from attaching the decedent's property, which is under the exclusive control of this Court, have been satisfied. Those factors are:

(1) whether the movant has shown a reasonable probability of success on the merits; (2) whether the movant will be irreparably injured by denial of the relief; (3) whether granting preliminary relief will result in even greater harm to the nonmoving party; and (4) whether granting the preliminary relief will be in the public interest.

3RC & Company, Inc. v. Boynes Trucking System, Inc., 63 V.I. 544, 550, 2015 WL 4485448, at *2 (V.I., 2015) (citing *Marco St. Croix, Inc.*, 2015 WL 1650464, at *2). Regarding probability of success, the fact that the liens issued have no merit as set forth above and even if they did, they would not attach Estate funds nor would they have any priority clearly shows a high probability of success on the merits. Here, the Estate's inability to pay administrative expenses and to defend itself in the numerous lawsuits brought against it will clearly cause irreparable harm. The Government cannot be harmed as it has every right to pursue any valid claim through the mandatory probate claims process, getting whatever priority its claims deserve. Lastly, the public's interest is to have decedents' estates administered so that taxes and claims are paid and so that beneficiaries rights are preserved as determined by this Court and not by the Attorney General through extra-judicial, ultra vires attachments that undermine the Court's original jurisdiction. Neither

the Government nor the public is harmed from this Estate being probated as the law requires.

WHEREFORE, the Co-Executors seek an Order immediately vacating the Criminal Activity Lien Notices issued by the Attorney General on January 31, 2020. To the extent the Court leaves those Liens in place, it should direct the Attorney General and FirstBank that the Co-Executors are permitted to use Estate funds to pay the administrative expenses of the Estate and preserve its assets.

Respectfully,

Dated: February 10, 2020



CHRISTOPHER ALLEN KROBLIN, ESQ.

ANDREW W. HEYMAN, ESQ.

WILLIAM L. BLUM, ESQ.

SHARI N. D'ANDRADE, ESQ.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 10th day of February 2020, I caused a true and exact copy of the foregoing Emergency Motion for Order Releasing Funds for Administration of Estate to be served upon:

Via Electronic Mail by Agreement of the Parties:

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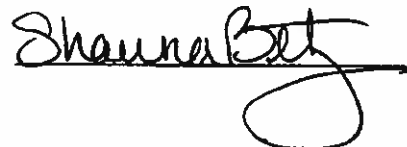
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February 4, 2020

VIA EMAIL AND U.S. POST

Darren K. Indyke
Richard D. Kahn
The Estate of Jeffrey E. Epstein
Great St. Jim LLC
Nautilus, Inc.
c/o Kellerhals Ferguson Kroblin PLLC
9053 Estate Thomas #101
St. Thomas, VI 00802

Re: Criminal Activity Lien Notices
DNF File No. 4100-36

Dear Mr. Indyke and Mr. Kahn:

This letter is being sent to notify you that, as a result of the attached Criminal Activity Lien Notices (ST-2020-CV-14) (the "Notices") served upon FirstBank on January 31, 2020, a hold has been placed on the following accounts:

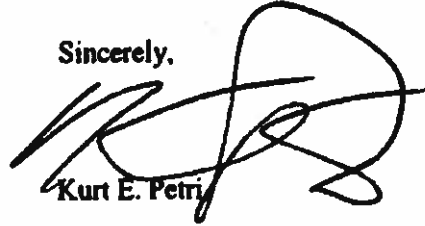
<u>Account Name</u>	<u>Account Number</u>	<u>Address</u>
Great St. Jim LLC	██████████7802	6100 Red Hook Quarter B3 St. Thomas, VI 00802
Nautilus, Inc.	██████████6783	6100 Red Hook Quarter B3 St. Thomas, VI 00802
Estate of Jeffrey E. Epstein	██████████5901	9053 Estate Thomas #101 St. Thomas, VI 00802



The Estate of Jeffrey E. Epstein and Related Entities/Criminal Activity Lien January 15, 2020
Page 2

This hold will remain in place until FirstBank receives an Order from a court of appropriate jurisdiction releasing the lien claims upon these accounts set forth in the Notices.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt E. Petri", written over a large, stylized circular flourish.

Kurt E. Petri

cc: Christopher A. Kroblin, Esq.



Kellerhals Ferguson Kroblin PLLC

Royal Palms Professional Building, 9053 Estate Thomas, Suite 101, St. Thomas, V.I. 00802
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 COPY

February 5, 2019

Via Email and Hand Delivery

The Honorable Denise N. George, Esq.
Attorney General
V.I. Department of Justice
34-38 Kronsprindsens Gade
GERS Building, 2nd Floor
St. Thomas VI 00802
Denise.George@doj.vi.gov

RE: Notice of Criminal Activity Lien

Dear Attorney General George:

While we are aware that you were not present at the Estate of Jeffrey E. Epstein (the "Estate") hearing before Judge Percell yesterday, Civil Chief Ariel Smith, Esq. appeared on behalf of the Government and the issue of the impact of the Notice of Criminal Activity Lien ("Lien") on the Estate arose. Attorney Smith clarified on the record that the V.I. Department of Justice, with the filing of the Criminal Activity Lien in the probate case, has no intention of prohibiting the co-Executors from paying expenses associated with the administration of the Estate and that the Estate could continue to function, pay employees, and pay attorneys, among other things. The Court echoed that sentiment and directed from the bench that the Lien does not interfere with the estate administration, as contemplated by the Decedent's Last Will and Testament, V.I. Code Ann. tit. 15, §§ 421, 568, and the Virgin Islands Rules for Probate and Fiduciary Proceedings.

Unfortunately, that is exactly what has occurred. Immediately following the hearing, and in stark contrast to the Government's explicit representation made on the record and the Court's instruction, the Estate received notification from Dudley Newman Feuerzeig, counsel to First Bank, that a hold has been placed on certain accounts, including, most importantly, the Estate of Jeffrey E. Epstein account. *See* attached correspondence. We demand that you immediately direct First Bank, through its counsel, that a lien of the Estate account is inappropriate and the account should be restored to active status. Your failure to do so will result in our filing an emergency motion with the Court seeking a declaration that the lien does not attach to the Estate account, as well as sanctions for acting in direct contravention to your office's representations to the Court and the Court's statement that administrative expenses must and should be paid by the Estate.

Sincerely,

Christopher A. Kroblin

cc: Carol Thomas-Jacobs, Esq., Deputy Attorney General (carol.jacobs@doj.vi.gov)
Ariel Smith, Esq., Civil Chief, Assistant Attorney General (ariel.smith@doj.vi.gov)





KURT E. PETRI
Partner
D: 340 715 4446
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File # 2020-00000
No. of Pages 1
No. of Exhibits 0
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No. of Comments 0
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No. of Notices of Hearing 0
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No. of Notices of Contempt 0
No. of Notices of Dismissal 0
No. of Notices of Voluntary Dismissal 0
No. of Notices of Settlement 0
No. of Notices of Judgment 0
No. of Notices of Appeal 0
No. of Notices of Petition 0
No. of Notices of Application 0
No. of Notices of Request 0
No. of Notices of Hearing 0
No. of Notices of Entry 0
No. of Notices of Default 0
No. of Notices of Contempt 0
No. of Notices of Dismissal 0
No. of Notices of Voluntary Dismissal 0
No. of Notices of Settlement 0
No. of Notices of Judgment 0
No. of Notices of Appeal 0
No. of Notices of Petition 0
No. of Notices of Application 0
No. of Notices of Request 0

February 4, 2020

VIA EMAIL AND U.S. POST

Darren K. Indyke
Richard D. Kahn
The Estate of Jeffrey E. Epstein
Great St. Jim LLC
Nautilus, Inc.
c/o Kellerhals Ferguson Kroblin PLLC
9053 Estate Thomas #101
St. Thomas, VI 00802

Re: Criminal Activity Lien Notices
DNF File No. 4100-36

Dear Mr. Indyke and Mr. Kahn:

This letter is being sent to notify you that, as a result of the attached Criminal Activity Lien Notices (ST-2020-CV-14) (the "Notices") served upon FirstBank on January 31, 2020, a hold has been placed on the following accounts:

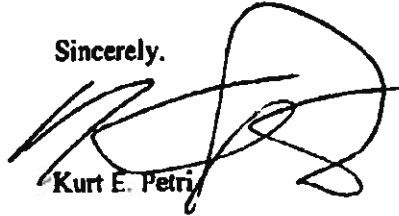
<u>Account Name</u>	<u>Account Number</u>	<u>Address</u>
Great St. Jim LLC	██████████802	6100 Red Hook Quarter B3 St. Thomas, VI 00802
Nautilus, Inc.	██████████5783	6100 Red Hook Quarter B3 St. Thomas, VI 00802
Estate of Jeffrey E. Epstein	██████████6901	9053 Estate Thomas #101 St. Thomas, VI 00802

DUDLEY NEWMAN FEUERZEG
L L P

The Estate of Jeffrey E. Epstein and Related Entities/Criminal Activity Lien January 15, 2020
Page 2

This hold will remain in place until FirstBank receives an Order from a court of appropriate jurisdiction releasing the lien claims upon these accounts set forth in the Notices.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt E. Petri", written over a large, stylized circular flourish.

Kurt E. Petri

cc: Christopher A. Kroblin, Esq.

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Chris Kroblin

From: Denise George <Denise.George@doj.vi.gov> on behalf of Denise George
Sent: Sunday, February 9, 2020 8:15 AM
To: Chris Kroblin
Cc: Pamela Tepper; Ariel Smith; Carol Jacobs
Subject: GVI v. Epstein Estate et al

Good day Attorney Kroblin,

It was great meeting with you Friday afternoon as we discussed the importance to all concerned for the estate to meet its day to day maintenance expenses and our willingness to accommodate for an immediate release of funds sufficient to pay these expenses so that the executors may continue to manage and preserve estate assets. We eagerly await your response regarding those expenses are costs so we can expeditiously move forward.

You can also expect written correspondence from me on the victims' program fund as a follow up to our brief discussion.

Denise N. George, Esq.
Attorney General
Virgin Islands Department of Justice
Office of the Attorney General
34-38 Kronprindsens Gade
GERS Complex, 2nd Floor
St. Thomas, VI 00802-5749
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