

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN
PROBATE DIVISION**

SUPERIOR COURT
THE VIRGIN ISLANDS
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| IN THE MATTER OF THE ESTATE OF) JEFFREY E. EPSTEIN,)) Deceased.)) |) | Case No. ST-19-PB-80 |
|--|---|----------------------|

Claimant’s Objection to Notice of Liens Filed by the Government of the Virgin Islands

COMES NOW claimant Jennifer Danielle Araoz, through her attorneys Douglas B. Chanco, Esq. and A. Jeffrey Weiss, Esq. and hereby files this, Claimant’s Objection to Notice of Lien Filed by the Government of the Virgin Islands (“GVI”), in the above styled matter and states as follows:

1.

Claimant joins and adopts in the argument presented in the co-executors “supplemental brief” filed 31 January 2020.

2.

Claimant states the liens filed by GVI pursuant to 14 V.I.C. § 610, 14 V.I.C. § 607(a)(1), 14 V.I.C. § 607(a)(3), 14 V.I.C. § 607(a)(5) and 14 V.I.C. § 608(c)(4) are invalid.

3.

The Virgin Islands CICO Act permits “[t]he Attorney General ... to institute civil proceedings against any *person* in the Superior Court ... in order to obtain relief from conduct constituting a violation ... of any provisions of section 605 [Violations] of this chapter.” 14 V.I.C. § 605(a).

4.

A person is defined under CICO to “mean[] any individual or entity holding or capable of holding a legal or beneficial interest in property.” Govt of the US Virgin Islands v. Takata Corp, 2017 WL 3390594 (V.I. Super. June 19, 2017).

5.

In Superior Court Action St-20-CV-14, GVI brought an action after the death of Jeffrey E. Epstein against, “The Estate of Jeffrey E. Epstein; The 1953 Trust; Plan D, LLC; Great St. Jim, LLC; Nautilus, Inc.; Hyperion Air, LLC; Poplar, Inc.; John and Jane Does.”

6.

Neither The 1953 Trust nor the Estate of Jeffrey Epstein existed at the time the claims cited by the Government in Civil Action No. ST-20-CV-14 occurred. Said claims are the underlying basis of the Government’s liens.

7.

The Estate of Jeffrey E. Epstein lists shares of Plan D, LLC; Great St. Jim, LLC; Nautilus, Inc.; Hyperion Air, LLC; Poplar, Inc. as assets. However, the above listed entities themselves are not part of the Estate.

8.

“By requiring that the executor or administrator have the first opportunity to decide whether a plaintiff’s claim is meritorious, and in providing an alternative avenue for prompt summary review through the probate proceedings, it is clear that the Legislature intended creditors to file suits outside of the probate proceedings as an option of last resort.” Ottley v. Estate of Bell, 61 V.I. 480 (2014). Similarly, the two year deadline for a personal representative

to act also promotes the orderly and timely administration of probate proceedings. "Absent a clear deadline for the personal representative to act, a probate proceeding could continue indefinitely. Section 78 provides the necessary finality, including for creditors of an estate and for parties who otherwise might be called to defend an action commenced by a personal representative of a decedent." *Id.*

9.

GVI's CICO liens are governed by 14 V.I.C. § 610(f) which provides that proper liens have priority 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 notice. (emphasis added).

10.

The Virgin Islands is a race-notice jurisdiction, and the interest of the party who first records the instrument will prevail. See Brodhurst v. Frazier, 2012 WL 8123137, at *4 (V.I. Sept. 12, 2012) See also Moco Invs., Inc. v. United States, 362 Fed.Appx. 305, 309 (3d Cir. 2010).

11.

Claimant Araoz timely filed her notice of claim on October 14, 2019, and thereafter her lien, well in advance of GVI's claim. As such, she retains her first in time priority standing and GVI's subsequent assertion of CICO lien does not prime her claim or cause it to lose priority.

12.

GVI delayed in filing it's Complaint, waiting until January 15, 2020; and it's claim is therefore subject to all pre-existing claims.


13.

As of the date of this filing, neither the Executor nor the Administrator of Jeffrey E. Epstein's estate have provided notice to claimant rejecting her claim.

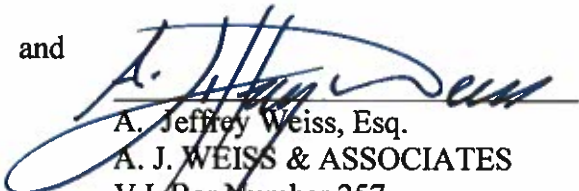
WHEREFORE Claimant Araoz prays that this Court:

- a. Declare GVI's liens invalid and extinguish same, and retain control of the assets and property of the Estate;
- b. Declare claimant's claim to be a pre-existing claim and interest acquired well before the claim asserted by GVI, and therefore with priority over GVI's lien interest; and
- c. For such other and further relief this Court deems appropriate.

This 11th day of February, 2020.


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CERTIFICATE OF SERVICE

I hereby certify that on February 11, 2020, I caused a true and accurate copy of the foregoing claimant's objection to notice of liens filed by the government to be served on the following:

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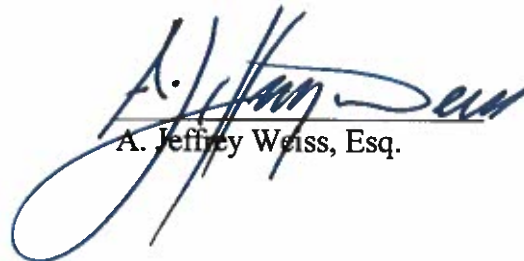
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