

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

JOSEPHUS WILKINS,)

Plaintiff,)

vs.)

LINDA WILKINS-CARTY,)

Defendant.)

ST-08-CV-371

ACTION TO SET ASIDE DEED

MOTION TO JOIN CLAIMS AND PARTIES

COMES NOW the Plaintiff, JOSEPHUS WILKINS, by and through his attorney, Legal Services of the Virgin Islands, Inc., by ALEXANDER DAWSON, Esq., of counsel, and in support of his Motion hereby states the following:

The Plaintiff in the above styled case request this Court to join pursuant to Rule 18 and 19 of the Federal Rules of Civil Procedure Cases No. ST-08-CV-371 and Cases No. ST-09-CV-417. In support of this motion the Plaintiff states the following:

The Plaintiff did file a Motion to Join Case No. ST-09-CV-417 on October 16, 2009 to Case No. ST-08-CV-371.

The Defendant objected in Case No. ST-08-371 on many grounds. The Defendant in Case No. ST-09- 417 has not responded.

The Plaintiff therefore submits an identical motion in Case No. ST-08-CV-371 requesting joinder as was submitted in Case No. ST-09-417.

The Plaintiff further shows the Court the following as a basis for such motion:

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1. That both Defendants Jerry Wilkins and Linda Wilkins-Carty were involved in a common plan or scheme to defraud the Plaintiff into executing a deed conveying his home to the Defendants, Linda Carty.
2. That the defendants are son and daughter of the Plaintiff.
3. That the allegations against both defendants grew out of the same transactions, occurrences or series of transactions.
4. That questions of laws or facts common to both Defendants will arise in this action.
5. That both Defendants executed all documents necessary to complete the fraud.
6. Both Defendants know that their father can not read nor interpret a legal document.
7. Both Defendants enjoyed and continues to enjoy the benefits of their fraudulent conveyance.
8. Any right to relief is asserted against them jointly, severally, or in the alternative.

WHEREFORE, the Plaintiff respectfully request the Court to join the action against Defendant Jerry Wilkins to the Claim against Defendant, Linda Wilkins-Carty and that the caption of the case be changed to reflect the joinder of the Parties mentioned above.

Respectfully submitted,

LEGAL SERVICES OF THE VI, INC.
The Community Law Center
No. 1832 Kongens Gade
St. Thomas VI 00802
Tel: (340)774-6720 Fax: (340)777-8686

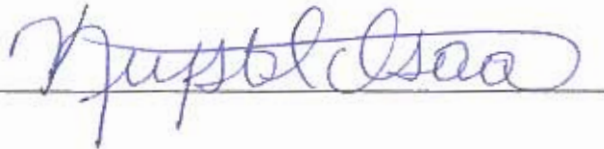
DATED: 1-12-10

BY: 
ALEXANDER DAWSON, ESQ.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I caused a true and correct copy of this Motion to Join Claims and Parties was mailed postage prepaid and by fax, to Julie German Evert, Esquire, 5143 Palm Passage, Ste. 10 A, St. Thomas, VI 00802, Fax No. 774-2803 and mailed to Jerry Wilkins, Pro Se at P.O. Box 502093, St. Thomas, VI 00805 on this 2nd day of January, 2010.



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vs.

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Defendant.

ST-08-CV-371

ACTION TO SET ASIDE DEED

ORDER

THIS MATTER coming before the Court upon Plaintiff's motion to join the Parties in a common action.

The Court finds that the Plaintiff has served the Defendant Jerry Wilkins in case No.: ST-09-417 entitled Josephus Wilkins v. Jerry Wilkins filed on September 18, 2009. The Court finds the existing case captioned as Josephus Wilkins, Plaintiff v. Linda Wilkins-Carty, Defendant, Case No. ST-08-CV-371 arises out of the same transactions and occurrences.

The Court therefore concludes that for judicial economy and the allegations in the Plaintiff's motion to join, that both Defendants should be joined in a common action.

THEREFORE, IT IS HEREBY ORDERED that Defendant Linda Wilkins-Carty in case NO. ST-08-CV-371 and Jerry Wilkins in case NO. ST-417-09 be joined and the case caption bear the names of both Defendants in case ST-08-CV-371.

DATED:

HONORABLE MICHEAL DUNSTAN

Judge of the Superior Court
of the Virgin Islands

ATTEST:

VENETIA H. VELAZQUEZ
Clerk of the Court

BY: _____

Deputy Clerk