

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

FIRST JUDICIAL DISTRICT

Court File No. 10-PR-16-46

In Re Estate of:

Prince Rogers Nelson,

Deceased.

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW & ORDER DENYING PETITION  
TO ALLOW A LATE CLAIM**

The above entitled matter came before the Court without a hearing pursuant to Jacqueline Nicholson's Petition to Allow a Late Claim filed August 19, 2019.

The Court, having been duly advised in the premises, and based upon the pleadings and all files and records herein, makes the following:

**FINDINGS OF FACT & CONCLUSIONS OF LAW**

1. Decedent Prince Rogers Nelson died intestate on April 21, 2016.
2. On April 27, 2016, upon the Petition of Tyka Nelson, the Court appointed Bremer Trust National Association (hereafter "Bremer") as Special Administrator of Decedent's Estate on an emergency basis and set the matter for hearing on May 2, 2016. The Court confirmed Bremer's appointment after the May 2<sup>nd</sup> hearing in the "Order Confirming Appointment of Special Administrator" filed May 2, 2016.
3. On May 10, 2016, the Court issued an "Amended Notice of Formal Appointment of Special Administrator and Notice to Creditors (Intestate)" (hereafter "Notice to Creditors"). The Notice to Creditors stated, in relevant part, "Notice is also given that (subject to Minn. Stat. §524.3-801) all creditors having claims against the Estate are required to present the claims to the Special Administrator or to the Court Administrator within four months after the date of this Notice or the claims will be barred."
4. If not barred after four months from the Notice to Creditors, any other claims against Decedent's Estate which arose before his death are barred unless filed within one year of his death. Minn. Stat. §524.3-803 (2018).
5. While the Court may allow a claim for cause shown which would otherwise be barred under Minn. Stat. §524.3-803 (*See* Minn. Stat. §524.3-803(c)(4)(ii) (2018)), Ms. Nicholson's Petition to Allow a Late Claim fails to include any factual support for either her entitlement to the

claimed property or her inability to assert her claim within the time frames provided by Minn. Stat. §524.3-803. As a result, it is appropriate that her petition be denied.

**ORDER**

1. Ms. Nicholson's Petition to Allow a Late Claim is respectfully DENIED.

BY THE COURT:

Dated: August 26, 2019

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The Honorable Kevin W. Eide  
Judge of District Court

NOTICE: A true and correct copy of this Order/Notice has been served by EFS upon the parties. Please be advised that orders/notices sent to attorneys are sent to the lead attorney only.

## MEMORANDUM

Jennifer Jeffers filed two petitions with the Court on January 24, 2017, a “Claimant’s Petition for Allowance of Claim Previously Disallowed,” and a “Petition for Enforcement of Slayer Rule on Tyka Nelson.”

### **I. Claimant’s Petition for Allowance of Claim Previously Disallowed**

On May 10, 2016, the Court issued a Notice to Creditors in this matter that all claims against the Estate must be presented within four months or the claims would be barred. Ms. Jeffers first filed correspondence with the Court alleging she had a claim against the Estate on October 21, 2016. Because her Petition for allowance of claim was filed after the four month deadline set forth in the Notice to Creditors, her claim is time barred. *See* Minn. Stat. § 524.3-803(a) (barring claims presented more than four months after notice to creditors); *In re Paulson’s Estate*, 293 N.W. 607, 609 (Minn. 1940) (holding that court lacks jurisdiction to allow claims presented outside of statutory period).

### **II. Petition for Enforcement of Slayer Rule on Tyka Nelson**

Ms. Jeffers Petition for Enforcement of Slayer Rule on Tyka Nelson alleges Ms. Nelson was involved in Decedent’s death, and therefore should take nothing from his Estate. Minn. Stat. § 524.2-803(a) provides, “A surviving spouse, heir or devisee who feloniously and intentionally kills the decedent is not entitled to any benefits under the will or under this article, including an intestate share, an elective share, an omitted spouse’s or child’s share, homestead, exempt property, and a family allowance, and the estate of decedent passes as if the killer had predeceased the decedent.” In order to petition for enforcement of Minn. Stat. § 524.2-803, however, Ms. Jeffers must first establish that she has standing to bring the petition. *See In re Estate of Mealey*, 695 N.W.2d 143, 146 (Minn. Ct. App. 2005) (The requirement of standing is jurisdictional and “cannot be waived.”). Standing is a requirement that a party has a sufficient stake in a justiciable

controversy to seek relief from a court. *Id.* She has failed to do so. Ms. Jeffers has failed to establish she has either a financial or other interest in the Estate, therefore she lacks standing to petition for enforcement of Minn. Stat. § 524.2-803.

### **Conclusion**

Ms. Jeffers has failed to timely file a claim against the Estate pursuant to Minn. Stat. § 524.3-803(a). In addition, she lacks standing to petition for enforcement of Minn. Stat. § 524.2-803. As a result, her petitions are DISMISSED WITH PREJUDICE.

K.W.E.