

**FILED**

July 20, 2017

**OFFICE OF  
APPELLATE COURTS****STATE OF MINNESOTA  
IN COURT OF APPEALS**

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In the Matter of the Estate of:  
Prince Rogers Nelson, Decedent

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**ORDER  
A17-1102****BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND BECAUSE:**

1. This appeal was filed on July 17, 2017. Appellants Brianna Nelson and V.N., through her guardian Jeannine Halloran, seek review of a May 18, 2017 order in the underlying probate matter. The May 18, 2017 order declares that the decedent, Prince Rogers Nelson, died intestate. The order also determines the heirs of the estate.
2. The May 18, 2017 order specifies that it is not the court's intention to prejudice in any way the claim of any person who has made a claim of heirship before the court, has previously been excluded as an heir by order of the court, and has either filed an appeal with the Minnesota Court of Appeals or is similarly situated to a person who has commenced an appeal.
3. On December 22, 2016, appellants filed an appeal (A16-2042) from an October 26, 2016 order that excludes appellants as heirs to the estate of Prince Rogers Nelson. Oral arguments in appeal A16-2042 are scheduled on July 26, 2017.
4. Appellants' statement of the case in appeal A17-1102 states that the May 18, 2017 order does not dispose of all claims by and against all parties. Appellants' statement

of the case also indicates that the May 18, 2017 order is not appealable under any exception to the finality rule.

5. An appeal may be taken from such orders or decisions as may be appealable by statute or under the decisions of the Minnesota appellate courts. Minn. R. Civ. App. P. 103.03(j).

6. The probate statute authorizes appeals of certain types of interlocutory orders and judgments. Minn. Stat. § 525.71(a) (2016).

7. Appellants' statement of the case does not identify a basis for an interlocutory appeal of the May 18, 2017 order under Minn. Stat. § 525.71(a).

8. Appellants state that they are filing the appeal of the May 18, 2017 order in view of the time limitations for a motion to vacate a formal testacy order under Minn. Stat. § 524.3-412 (2016).

9. Appellants' timely appeal (A16-2042) of the October 26, 2016 order excluding appellants as heirs as still pending. The May 18, 2017 order from which appeal A17-1102 is taken specifies that if the appellate court reverses the district court as to any claim of heirship, or remands the matter back to the district court for further proceedings, the district court shall fully consider the claims of those heirs consistent with the direction of the appellate court.

10. In effect, the May 18, 2017 order acknowledges that it is not a final testacy order with respect to the claims of heirship properly before the appellate court.

11. Because the May 18, 2017 order is not appealable under Minn. R. Civ. App. P. 103.03 or Minn. Stat. § 525.71(a), dismissal of this appeal is warranted.

**IT IS HEREBY ORDERED:**

1. This appeal is dismissed as taken from a nonappealable order.
2. The clerk of the appellate courts shall provide copies of this order to the Honorable Kevin W. Eide, the parties to this appeal or their counsel if represented, and the district court administrator.

**Dated:** July 20, 2017

**BY THE COURT**



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Edward J. Cleary  
Chief Judge