

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

Court File No. 10-PR-16-46
Judge Kevin W. Eide

In the Matter of:

Estate of Prince Rogers Nelson,
Decedent.

**DECLARATION OF SARAH M. OLSON
IN SUPPORT OF COMERICA BANK &
TRUST, N.A.'S RESPONSE TO FILINGS
BY OGEDA PATRICK AND REQUEST
THAT HE BE EXCLUDED AS AN HEIR**

I, Sarah M. Olson, declare and state as follows:

1. I am an attorney at Fredrikson & Byron P.A., counsel for Comerica Bank & Trust, N.A. (“Comerica”), the Personal Representative of the Estate of Prince Rogers Nelson (the “Decedent”).

2. I submit this Declaration in support of Comerica’s Response to Filings by Ogeda Patrick and Request that He Be Excluded as an Heir.

3. Attached hereto as EXHIBIT A is a copy of an email dated September 7, 2017, from Mr. Patrick to Comerica’s counsel requesting genetic testing.

4. Attached hereto as EXHIBIT B is a copy of a letter dated September 8, 2017, from Comerica’s counsel to Mr. Patrick regarding his request for genetic testing.

5. Attached hereto as EXHIBIT C is a copy of a letter dated November 28, 2017, from Comerica’s counsel to Mr. Patrick informing him that Comerica had determined that he did not qualify for genetic testing.

6. Throughout December 2017 and January 2018, Mr. Patrick contacted me, indicating that he intended to object to Comerica’s determination, but that he needed additional time to prepare his objection. Given Comerica’s delayed response to Mr. Patrick’s Motion and

the Patrick Affidavit, I indicated that Comerica would not object on timing grounds, provided that the objection was filed within a reasonable time. I also asked for facts or other information regarding the basis of his belief that the Decedent is his genetic father, but Mr. Patrick declined to provide that information.

I declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information, and belief.

Dated: March 14, 2018

/s/ Sarah M. Olson
Sarah M. Olson

63510742

Olson, Sarah

From: Ogeda Patrick <ogeda.patrick@outlook.com>
Sent: Thursday, September 07, 2017 12:51 PM
To: Cassioppi, Joseph
Subject: Ogeda Patrick: Request For DNA Testing/RE: Prince Nelson Estate

Hello again, My name is Ogeda Patrick, and in follow-up to our phone call, I have reason to believe that I am the biological descendant of Prince Rogers Nelson. I have only known this for about a week, which is why I am only now contacting to you. I appreciate your cooperation in allowing me this opportunity.

I am a 38 year old African-American male (with possibly some Native American ancestry or another).

I was born on July 15, 1979.

I currently reside in Decatur GA.

My phone number and email are listed below. I am able to travel to be tested and do believe it would be more effective and conducive in resolving this matter.

Again thanks for this opportunity and I look forward to meeting with you soon.

Kindest Regards,

Ogeda Patrick
ogeda.patrick@outlook.com
404-839-3888



September 8, 2017

Mr. Ogeda Patrick
Email: ogeda.patrick@outlook.com

Re: *In re the Estate of Prince Rogers Nelson*
Court File No. 10-PR-16-46

Dear Mr. Patrick:

Our office represents Comerica Bank & Trust N.A., the Personal Representative for the Estate of Prince Rogers Nelson. This letter is being sent in response to your email dated September 7, 2017, requesting DNA testing.

Pursuant to the Court's Order dated May 18, 2017, which I have enclosed herewith, the Court has determined Prince Rogers Nelson's heirs. To the extent you are seeking to challenge that Order and claim heirship, you were required to file an affidavit setting forth the factual basis for your claim within one week of filing your appearance in this case. Please file an affidavit providing answers to the questions in the enclosed questionnaire labeled "Request for Parentage Information," as well as any supporting documentation for your claim, so that the Personal Representative may make a determination regarding your claim of heirship.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily A. Unger", written in a cursive style.

Emily A. Unger
Attorney at Law
Direct Dial: 612.492.7470
Email: eunger@fredlaw.com

EAU/js
Enclosures

Attorneys & Advisors
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Page 4 of 27

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EXHIBIT B

STATE OF MINNESOTA
COUNTY OF CARVER

FIRST JUDICIAL DISTRICT
DISTRICT COURT
PROBATE DIVISION

Court File No. 10-PR-16-46

Estate of Prince Rogers Nelson,
Decedent.

**ORDER DETERMINING
INTESTACY, HEIRSHIP &
M^CMILLAN MATTERS**

The above entitled matter came on before the Court on May 10, 2017, upon various parties' motions for a determination of heirs and intestacy. Appearances were noted on the record.

Now, based upon the arguments of counsel, the file and proceedings, the Court makes the following:

ORDER

Decree of Intestacy

1. Decedent Prince Rogers Nelson died intestate.

Determination of Heirs

2. The heirs of the Estate are determined to be Omarr Baker, Alfred Jackson, Sharon Nelson, Norrine Nelson, John R. Nelson and Tyka Nelson. These are the same individuals that have previously been referred to as the Non-Excluded Heirs.
3. The intent of this Order is to commence the running of the statutory one-year periods pursuant to Minn. Stat. §524.3-412.
4. 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 this Court, has previously been excluded as an heir by order of this Court, and either has filed an appeal with the Minnesota Court of Appeals or is similarly situated to a person who has commenced an appeal.
5. As to any such claim of heirship properly before the Minnesota Court of Appeals, should the Minnesota Court of Appeals or the Minnesota Supreme Court reverse this Court, or remand the matter back before the District Court for further proceedings, this Court shall

fully consider the claims of those heirs consistent with the direction of the appellate court(s).

6. No distribution of assets of the Estate to the heirs shall be permitted without a formal order of this Court, and no distribution to the heirs will be allowed that may adversely affect the claims of heirship properly before the Court of Appeals or the claims of those similarly situated to a person who has commenced an appeal.

Motion to Quash the Subpoena Duces Tecum served on L. Londell McMillan

7. The motion to quash the Subpoena Duces Tecum served on L. Londell McMillan is GRANTED in all respects except as affirmatively ordered in this Order.
8. On or before June 16, 2017, L. Londell McMillan shall provide to the Personal Representative the following:

All documents in the possession or control of L. Londell McMillan sent by L. Londell McMillan to any Music Business Entity or received by L. Londell McMillan from any Music Business Entity on or after April 21, 2016 relating to Prince Rogers Nelson or any business owned, or partially owned by, Prince Rogers Nelson or his Estate. For the purpose of this Order, terms shall be defined as in Exhibit A to Subpoena Duces Tecum filed as Document 1326 in this proceeding.

L. Londell McMillan to serve as a business advisor to John R. Nelson, Norrine Nelson and Sharon Nelson

9. Comercia Bank & Trust is permitted to disseminate information regarding entertainment industry agreements with L. Londell McMillan, in the scope of his advising one or more of the heirs, regarding any such agreement which is not an amendment or renegotiation of any entertainment industry agreement entered into by the Prince Rogers Nelson Estate prior to January 31, 2017. L. Londell McMillan shall enter into an acceptable non-disclosure agreement before being provided the proposed entertainment industry agreement.

L. Londell McMillan's motion to intervene

10. By letter dated May 2, 2017, L. Londell McMillan moved informally to intervene in the portions of this matter relating to the discharge of the Special Administrator and matters relating to the UMG contract. That motion is respectfully denied.

L. Londell McMillan's motion to remove document from Court record

11. By letter dated May 11, 2017, counsel for L. Londell McMillan moved informally for removal from the Court file of a confidential document attached to the May 3, 2017 Affidavit of Thomas P. Kane. That motion is granted in part. The Affidavit of Thomas P. Kane filed May 3, 2017 as document number 1618 shall be SEALED. Mr. Kane shall refile his Affidavit, without Exhibit 5, as a public document.

BY THE COURT:

May 18, 2017

 Eide, Kevin
2017.05.18 13:34:35 -05'00'

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.

REQUEST FOR PARENTAGE INFORMATION

Personal Representative Comerica Bank & Trust N.A. requests that you provide answers to the following questions and requests for information by affidavit signed under oath.

1. What is your full name?
2. What is your birth date?
3. Where were you born?
4. Please provide a certified copy of your birth certificate?
5. What are the full names of your biological parents?
6. Were your biological parents married when you were born? (If yes, answer the subparts below.)
 - a. When were your parents married?
 - b. Where were your parents married?
 - c. What was your biological mother's maiden name?
 - d. Please provide a certified copy of your parents' marriage certificate or other proof of marriage.
 - e. Were your parents divorced? If so, please provide the date of the divorce and a certified copy of the divorce decree or other proof of divorce.
7. Were your biological parents married after you were born? (If yes, answer the subparts below.)
 - a. When were your parents married?
 - b. Where were your parents married?
 - c. What was your biological mother's maiden name?
 - d. Did the man who married your biological mother acknowledge his paternity of you in writing filed with a state registrar of vital records?
 - e. Was the man who married your biological mother named as your father on your birth record with his consent?

- f. Was the man who married your biological mother obligated to support you under a written voluntary promise or by court order?
 - g. Please provide a certified copy of your parents' marriage certificate or other proof of marriage.
 - h. Were your parents divorced? If so, please provide the date of the divorce and a certified copy of the divorce decree or other proof of divorce.
8. If your parents were not married when you were born, had they attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable or otherwise invalid? (If yes, answer the subparts below.)
 - a. What was the date of the attempted marriage?
 - b. Where did the attempted marriage take place?
 - c. Please provide proof of the attempted marriage.
 - d. If the invalid marriage was terminated by death, annulment, declaration of invalidity, dissolution or divorce, please provide the date of the termination and any proof of such termination.
9. If your parents did not marry or attempt to marry, did any man receive you into his home and openly hold you out as his biological child? If yes, please name the man and provide details and other evidence (e.g. sworn statements, photographs, documents) to support your answer.
10. If your parents did not marry or attempt to marry, did any man and your biological mother acknowledge the man's paternity of you in a writing signed by both of them under Minn. Stat. § 257.34 (copy attached) and filed with the state registrar of vital records? If yes, please provide a certified copy of such writing.
11. If your parents did not marry or attempt to marry, did any man and your biological mother execute a recognition of parentage of you pursuant to Minn. Stat. § 257.75 (copy attached)? If yes, please provide a certified copy of such recognition of parentage.
12. Is any other man presumed to be your father under any of the presumptions found in Minn. Stat. § 257.55 (copy attached)? If yes, please provide details, and also whether the other man signed a written consent if your father and mother signed a written acknowledgment of paternity under Request No. 10 above.

13. Was your biological mother married to any man other than your biological father when you were born or within 280 days before your birth?
14. Does a judgment or order exist determining a parent and child relationship between you and one or more parents? If so, please provide details and a certified copy of such judgment or order.
15. Detail the actions taken by you to confirm that the responses to the above requests are true and accurate.
16. If you contend additional information is needed or should be considered by the Personal Representative to support your claim to be an heir, please provide such information.

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257.34 DECLARATION OF PARENTAGE.

Subdivision 1. **Acknowledgment by parents.** The mother and father of a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born may, in a writing signed by both of them before a notary public, declare and acknowledge under oath that they are the biological parents of the child. The declaration may provide that any such child born to the mother at any time before or up to ten months after the date of execution of the declaration is the biological child of the signatories. Execution of the declaration shall:

(a) have the same consequences as an acknowledgment by the signatories of parentage of the child for the purposes of sections 62A.041 and 62C.14, subdivision 5a;

(b) be conclusive evidence that the signatories are parents of the child for the purposes of sections 176.111, 197.75, and 197.752;

(c) create a presumption that the signatory is the biological father of the child for the purposes of sections 257.51 to 257.74;

(d) when timely filed with the Department of Health as provided in section 259.52, qualify as an affidavit stating the intention of the signatories to retain parental rights as provided in section 259.52 if it contains the information required by section 259.52 or rules promulgated thereunder;

(e) have the same consequences as a writing declaring paternity of the child for the purposes of section 524.2-109; and

(f) be conclusive evidence that the signatories are parents of the child for the purposes of chapter 573.

Subd. 2. [Repealed, 1987 c 403 art 3 s 98]

Subd. 3. **Effect of declaration.** The declaration authorized by subdivision 1 shall not affect the rights or duties arising out of a parent-child relationship of any person not a signatory to the declaration claiming to be the parent of the child nor shall the declaration impair any rights of the child arising out of a parent-child relationship against any person not a signatory to the declaration.

Subd. 4. **Expiration of authority for declarations.** No acknowledgment of parentage shall be entered into on or after August 1, 1995, under this section. The mother and father of a child born to a mother who was not married to the child's father when the child was conceived nor when the child was born may before, on, or after August 1, 1995, sign a recognition of parentage under section 257.75.

History: 1980 c 561 s 3; 1981 c 349 s 1; 1983 c 7 s 7; 1983 c 243 s 5 subd 7; 1985 c 250 s 23; 1987 c 384 art 2 s 64; 1987 c 403 art 3 s 45; 1994 c 631 s 31; 1995 c 257 art 4 s 3; 2000 c 260 s 31

257.75 RECOGNITION OF PARENTAGE.

Subdivision 1. **Recognition by parents.** The mother and father of a child born to a mother who was not married to the child's father nor to any other man when the child was conceived nor when the child was born may, in a writing signed by both of them before a notary public and filed with the state registrar of vital records, state and acknowledge under oath that they are the biological parents of the child and wish to be recognized as the biological parents. The recognition must be in the form prepared by the commissioner of human services under subdivision 5, except that it may also include the joinder in recognition provisions under subdivision 1a. The requirement that the mother not be married when the child was conceived nor when the child was born does not apply if her husband or former husband joins in the recognition under subdivision 1a.

Subd. 1a. **Joinder in recognition by husband.** A man who is a presumed father under section 257.55, subdivision 1, paragraph (a), may join in a recognition of parentage that recognizes that another man is the child's biological father. The man who is the presumed father under section 257.55, subdivision 1, paragraph (a), must sign an acknowledgment under oath before a notary public that he is renouncing the presumption under section 257.55, subdivision 1, paragraph (a), and recognizing that the father who is executing the recognition under subdivision 1 is the biological father of the child. A joinder in a recognition under this subdivision must be executed within one year after the child's birth and the joinder must be filed with the state registrar of vital records. The joinder must be on a form prepared by the commissioner of human services. Failure to properly execute a joinder in a recognition does not affect the validity of the recognition under subdivision 1. A joinder without a corresponding recognition of parentage has no legal effect.

Subd. 2. **Revocation of recognition.** A recognition may be revoked in a writing signed by the mother or father before a notary public and filed with the state registrar of vital records within the earlier of 60 days after the recognition is executed or the date of an administrative or judicial hearing relating to the child in which the revoking party is a party to the related action. A joinder in a recognition may be revoked in a writing signed by the man who executed the joinder and filed with the state registrar of vital records within 60 days after the joinder is executed. Upon receipt of a revocation of the recognition of parentage or joinder in a recognition, the state registrar of vital records shall forward a copy of the revocation to the nonrevoking parent, or, in the case of a joinder in a recognition, to the mother and father who executed the recognition.

Subd. 3. **Effect of recognition.** (a) Subject to subdivision 2 and section 257.55, subdivision 1, paragraph (g) or (h), the recognition has the force and effect of a judgment or order determining the existence of the parent and child relationship under section 257.66. If the conditions in section 257.55, subdivision 1, paragraph (g) or (h), exist, the recognition creates only a presumption of paternity for purposes of sections 257.51 to 257.74. Once a recognition has been properly executed and filed with the state registrar of vital records, if there are no competing presumptions of paternity, a judicial or administrative court may not allow further action to determine parentage regarding the signator of the recognition. An action to determine custody and parenting time may be commenced pursuant to chapter 518 without an adjudication of parentage. Until a temporary or permanent order is entered granting custody to another, the mother has sole custody.

(b) Following commencement of an action to determine custody or parenting time under chapter 518, the court may, pursuant to section 518.131, grant temporary parenting time rights and temporary custody to either parent.

(c) The recognition is:

(1) a basis for bringing an action for the following:

(i) to award temporary custody or parenting time pursuant to section 518.131;

257.75

MINNESOTA STATUTES 2016

2

- (ii) to award permanent custody or parenting time to either parent;
- (iii) establishing a child support obligation which may include up to the two years immediately preceding the commencement of the action;
- (iv) ordering a contribution by a parent under section 256.87;
- (v) ordering a contribution to the reasonable expenses of the mother's pregnancy and confinement, as provided under section 257.66, subdivision 3; or
- (vi) ordering reimbursement for the costs of blood or genetic testing, as provided under section 257.69, subdivision 2;
- (2) determinative for all other purposes related to the existence of the parent and child relationship; and
- (3) entitled to full faith and credit in other jurisdictions.

Subd. 4. Action to vacate recognition. (a) An action to vacate a recognition of paternity may be brought by the mother, father, husband or former husband who executed a joinder, or the child. An action to vacate a recognition of parentage may be brought by the public authority. A mother, father, or husband or former husband who executed a joinder must bring the action within one year of the execution of the recognition or within six months after the person bringing the action obtains the results of blood or genetic tests that indicate that the man who executed the recognition is not the father of the child. A child must bring an action to vacate within six months after the child obtains the result of blood or genetic tests that indicate that the man who executed the recognition is not the father of the child, or within one year of reaching the age of majority, whichever is later. If the court finds a prima facie basis for vacating the recognition, the court shall order the child, mother, father, and husband or former husband who executed a joinder to submit to blood tests. If the court issues an order for the taking of blood tests, the court shall require the party seeking to vacate the recognition to make advance payment for the costs of the blood tests. If the party fails to pay for the costs of the blood tests, the court shall dismiss the action to vacate with prejudice. The court may also order the party seeking to vacate the recognition to pay the other party's reasonable attorney fees, costs, and disbursements. If the results of the blood tests establish that the man who executed the recognition is not the father, the court shall vacate the recognition. If a recognition is vacated, any joinder in the recognition under subdivision 1a is also vacated. The court shall terminate the obligation of a party to pay ongoing child support based on the recognition. A modification of child support based on a recognition may be made retroactive with respect to any period during which the moving party has pending a motion to vacate the recognition but only from the date of service of notice of the motion on the responding party.

(b) The burden of proof in an action to vacate the recognition is on the moving party. The moving party must request the vacation on the basis of fraud, duress, or material mistake of fact. The legal responsibilities in existence at the time of an action to vacate, including child support obligations, may not be suspended during the proceeding, except for good cause shown.

Subd. 5. Recognition form. (a) The commissioner of human services shall prepare a form for the recognition of parentage under this section. In preparing the form, the commissioner shall consult with the individuals specified in subdivision 6. The recognition form must be drafted so that the force and effect of the recognition, the alternatives to executing a recognition, the benefits and responsibilities of establishing paternity, and the limitations of the recognition of parentage for purposes of exercising and enforcing custody or parenting time are clear and understandable.

(b) The form must include the following:

- (1) a notice regarding the finality of a recognition and the revocation procedure under subdivision 2;
- (2) a notice, in large print, that the recognition does not establish an enforceable right to legal custody, physical custody, or parenting time until such rights are awarded pursuant to a court action to establish custody and parenting time;
- (3) a notice stating that when a court awards custody and parenting time under chapter 518, there is no presumption for or against joint physical custody, except when domestic abuse, as defined in section 518B.01, subdivision 2, paragraph (a), has occurred between the parties;
- (4) a notice that the recognition of parentage is a basis for:
 - (i) bringing a court action to award temporary or permanent custody or parenting time;
 - (ii) establishing a child support obligation that may include the two years immediately preceding the commencement of the action;
 - (iii) ordering a contribution by a parent under section 256.87;
 - (iv) ordering a contribution to the reasonable expenses of the mother's pregnancy and confinement, as provided under section 257.66, subdivision 3; and
 - (v) ordering reimbursement for the costs of blood or genetic testing, as provided under section 257.69, subdivision 2; and
- (5) a provision for each parent to verify that the parent has read or viewed the educational materials prepared by the commissioner of human services describing the recognition of paternity.
- (c) The individual providing the form to the parents for execution shall provide oral notice of the rights, responsibilities, and alternatives to executing the recognition. Notice may be provided in audio or video format, or by other similar means. Each parent must receive a copy of the recognition.

Subd. 6. Paternity educational materials. The commissioner of human services shall prepare educational materials for new and prospective parents that describe the benefits and effects of establishing paternity. The materials must include a description and comparison of the procedures for establishment of paternity through a recognition of parentage under this section and an adjudication of paternity under sections 257.51 to 257.74. The commissioner shall consider the use of innovative audio or visual approaches to the presentation of the materials to facilitate understanding and presentation. In preparing the materials, the commissioner shall consult with child advocates and support workers, battered women's advocates and advocates for domestic abuse victims, social service providers, educators, attorneys, hospital representatives, and people who work with parents in making decisions related to paternity. The commissioner shall consult with representatives of communities of color. On and after January 1, 1994, the commissioner shall make the materials available without cost to hospitals, requesting agencies, and other persons for distribution to new parents.

Subd. 7. Hospital and Department of Health; recognition form. Hospitals that provide obstetric services and the state registrar of vital records shall distribute the educational materials and recognition of parentage forms prepared by the commissioner of human services to new parents, shall assist parents in understanding the recognition of parentage form, including following the provisions for notice under subdivision 5, shall provide notary services for parents who complete the recognition of parentage form, and shall timely file the completed recognition of parentage form with the Office of Vital Records unless otherwise instructed by the Office of Vital Records.

257.75

MINNESOTA STATUTES 2016

4

Subd. 8. **Notice.** If the state registrar of vital records receives more than one recognition of parentage for the same child, the registrar shall notify both signatories on each recognition that the recognition is no longer final and that each man has only a presumption of paternity under section 257.55, subdivision 1.

Subd. 9. **Execution by a minor parent.** A recognition of parentage executed and filed in accordance with this section by a minor parent creates a presumption of paternity for the purposes of sections 257.51 to 257.74.

History: 1Sp1993 c 1 art 6 s 40; 1995 c 216 s 3-6; 1995 c 257 art 4 s 9,10; 1997 c 203 art 6 s 26-30; 1997 c 245 art 1 s 11; art 3 s 8; 1999 c 245 art 7 s 6; 2000 c 444 art 2 s 8; 2000 c 445 art 2 s 7; 2012 c 216 art 5 s 2; 2013 c 108 art 12 s 97; 2015 c 21 art 1 s 109; 2015 c 71 art 1 s 52,53

257.55 PRESUMPTION OF PATERNITY.

Subdivision 1. **Presumption.** A man is presumed to be the biological father of a child if:

(a) he and the child's biological mother are or have been married to each other and the child is born during the marriage, or within 280 days after the marriage is terminated by death, annulment, declaration of invalidity, dissolution, or divorce, or after a decree of legal separation is entered by a court. The presumption in this paragraph does not apply if the man has joined in a recognition of parentage recognizing another man as the biological father under section 257.75, subdivision 1a;

(b) before the child's birth, he and the child's biological mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable, or otherwise invalid, and:

(1) if the attempted marriage could be declared invalid only by a court, the child is born during the attempted marriage, or within 280 days after its termination by death, annulment, declaration of invalidity, dissolution or divorce; or

(2) if the attempted marriage is invalid without a court order, the child is born within 280 days after the termination of cohabitation;

(c) after the child's birth, he and the child's biological mother have married, or attempted to marry, each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable, or otherwise invalid, and:

(1) he has acknowledged his paternity of the child in writing filed with the state registrar of vital records;

(2) with his consent, he is named as the child's father on the child's birth record; or

(3) he is obligated to support the child under a written voluntary promise or by court order;

(d) while the child is under the age of majority, he receives the child into his home and openly holds out the child as his biological child;

(e) he and the child's biological mother acknowledge his paternity of the child in a writing signed by both of them under section 257.34 and filed with the state registrar of vital records. If another man is presumed under this paragraph to be the child's father, acknowledgment may be effected only with the written consent of the presumed father or after the presumption has been rebutted;

(f) he and the child's biological mother have executed a recognition of parentage in accordance with section 257.75 and another man is presumed to be the father under this subdivision;

(g) he and the child's biological mother have executed a recognition of parentage in accordance with section 257.75 and another man and the child's mother have executed a recognition of parentage in accordance with section 257.75; or

(h) he and the child's biological mother executed a recognition of parentage in accordance with section 257.75 when either or both of the signatories were less than 18 years of age.

Subd. 2. **Rebuttal.** A presumption under this section may be rebutted in an appropriate action only by clear and convincing evidence. If two or more presumptions arise which conflict with each other, the

257.55

MINNESOTA STATUTES 2016

2

presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing paternity of the child by another man.

History: 1980 c 589 s 5; 1983 c 308 s 4; 1987 c 403 art 3 s 96; 1989 c 282 art 2 s 161; 1Sp1993 c 1 art 6 s 35; 1995 c 207 art 10 s 7; 1995 c 216 s 1; 1995 c 257 art 4 s 4; 1Sp2001 c 9 art 15 s 32; 2006 c 280 s 2; 2015 c 21 art 1 s 109

Fredrikson

& BYRON, P.A.

November 28, 2017

VIA EMAIL & U.S. MAIL

Mr. Ogeda Patrick
4156 Hanes Drive
Decatur, GA 30035
Email: ogeda.patrick@outlook.com

Re: *In re the Estate of Prince Rogers Nelson*
Court File No. 10-PR-16-46

Dear Mr. Patrick:

As you know, our office represents Comerica Bank & Trust N.A., the Personal Representative for the Estate of Prince Rogers Nelson. We received the voicemails you left at our office on November 27, 2017, and have obtained from the Court a copy of your Affidavit of Heirship and of your motion seeking genetic testing. It appears that you believe Prince Rogers Nelson may be your biological father. However, none of the information in your affidavit or motion provides any basis or support for such a relationship; indeed, you do not identify any connection to Prince Rogers Nelson. As a result, the Personal Representative has determined that you do not qualify for genetic testing.

If you disagree with this determination, you may file an objection with the Court within three business days of receiving this letter, pursuant to the Court's June 1, 2016 Order (copy enclosed).

Sincerely,



Sarah M. Olson
Attorney at Law
Direct Dial: 612.492.7452
Email: solson@fredlaw.com

62821136

Enclosure

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Page 18 of 27

EXHIBIT C

STATE OF MINNESOTA
CARVER COUNTY

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In Re:

Court File No. 10-PR-16-46

Estate of Prince Rogers Nelson,
Deceased.

**PROTOCOL PRIOR TO
POTENTIAL GENETIC TESTING**

1. The Court, in its May 18, 2016 Order Regarding Claims Pursuant to the Parentage Act and the Probate Code, ruled that that a party claiming a genetic relationship to the decedent that may give rise to heirship must file an affidavit with the Court setting forth the facts that establish the reasonable possibility of the existence of such relationship. In addition, persons having already appeared in the above action claiming to be heirs must provide the Special Administrator (c/o Laura Krishnan at Stinson Leonard Street) with answers under oath by sworn affidavit to the Request for Parentage Information attached hereto as "Exhibit A" no later than June 10, 2016.

2. In addition to complying with the May 18, 2016 Order referenced above in Paragraph 1, persons later appearing in the above action claiming to be heirs must provide the Special Administrator (c/o Laura Krishnan at Stinson Leonard Street) with answers under oath by sworn affidavit to the Request for Parentage Information attached hereto as "Exhibit A" no later than one week after filing an appearance in the action.

3. Within three (3) business days after receiving answers to the Request for Parentage Information from a person claiming to be an heir, the Special Administrator will advise the person in writing of its determination that: (a) the person's familial relationship to the Decedent

is established as a matter of law, with no need for further genetic testing; (b) genetic testing of the person (and potentially others related to the person, including the person's mother) is necessary to determine whether the person may be an heir; (c) the person is precluded from being an heir as a matter of law; (d) additional facts or information are needed; or (e) the person has failed to comply or otherwise fully cooperate with the Special Administrator.

4. To the extent that the person disagrees with the Special Administrator's determination, that person may file an objection with the Court within the later of (a) three (3) business days of receiving the Special Administrator's determination or (b) June 20, 2016. The Court will then rule upon the objection at a hearing dated June 27, 2016, or at such later time determined by the Court.

5. Genetic testing will be performed by DNA Diagnostics Center pursuant to its established procedures and protocols. (Such procedures and protocols are attached hereto as "Exhibit B".) All persons tested will be required to sign a HIPAA Privacy Authorization Form permitting DNA Diagnostics Center and the Special Administrator to release the results of genetic testing in the manner indicated below.

6. The Special Administrator will provide the results of genetic testing to the person(s) subjected to testing, and then served upon all parties and filed with the Court no earlier than three (3) business days thereafter. The genetic testing results shall also be available to be offered as evidence in any proceeding pertaining to the Estate of Prince Rogers Nelson.

Exhibit A**REQUEST FOR PARENTAGE INFORMATION**

Special Administrator Bremer Trust requests that you provide answers to the following questions and requests for information by affidavit signed **under oath**.

1. What is your full name?
2. What is your birth date?
3. Where were you born?
4. Please provide a certified copy of your birth certificate.
5. What are the full names of your biological parents?
6. Were your biological parents married when you were born? (If yes, answer the subparts below.)
 - a. When were your parents married?
 - b. Where were your parents married?
 - c. What was your biological mother's maiden name?
 - d. Please provide a certified copy of your parents' marriage certificate or other proof of marriage.
 - e. Were your parents divorced? If so, please provide the date of the divorce and a certified copy of the divorce decree or other proof of divorce.
7. Were your biological parents married after you were born? (If yes, answer the subparts below.)
 - a. When were your parents married?
 - b. Where were your parents married?
 - c. What was your biological mother's maiden name?
 - d. Did the man who married your biological mother acknowledge his paternity of you in writing filed with a state registrar of vital records?
 - e. Was the man who married your biological mother named as your father on your birth record with his consent?

- f. Was the man who married your biological mother obligated to support you under a written voluntary promise or by court order?
 - g. Please provide a certified copy of your parents' marriage certificate or other proof of marriage.
 - h. Were your parents divorced? If so, please provide the date of the divorce and a certified copy of the divorce decree or other proof of divorce.
8. If your parents were not married when you were born, had they attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable or otherwise invalid? (If yes, answer the subparts below.)
 - a. What was the date of the attempted marriage?
 - b. Where did the attempted marriage take place?
 - c. Please provide proof of the attempted marriage.
 - d. If the invalid marriage was terminated by death, annulment, declaration of invalidity, dissolution or divorce, please provide the date of the termination and any proof of such termination.
9. If your parents did not marry or attempt to marry, did any man receive you into his home and openly hold you out as his biological child? If yes, please name the man and provide details and other evidence (e.g. sworn statements, photographs, documents) to support your answer.
10. If your parents did not marry or attempt to marry, did any man and your biological mother acknowledge the man's paternity of you in a writing signed by both of them under Minn. Stat. § 257.34 (copy attached) and filed with the state registrar of vital records? If yes, please provide a certified copy of such writing.
11. If your parents did not marry or attempt to marry, did any man and your biological mother execute a recognition of parentage of you pursuant to Minn. Stat. § 257.75 (copy attached)? If yes, please provide a certified copy of such recognition of parentage.
12. Is any other man presumed to be your father under any of the presumptions found in Minn. Stat. § 257.55 (copy attached)? If yes, please provide details, and also whether the other man signed a written consent if your father and mother signed a written acknowledgment of paternity under Request No 10 above.
13. Was your biological mother married to any man other than your biological father when you were born or within 280 days before your birth?

14. Does a judgment or order exist determining a parent and child relationship between you and one or more parents? If so, please provide details and a certified copy of such judgment or order.
15. Detail the actions taken by you to confirm that the responses to the above requests are true and accurate.
16. If you contend additional information is needed or should be considered by the Special Administrator to support your claim to be an heir, please provide such information.

Exhibit B



DNA Parentage-Relationship Testing Overview

DNA Diagnostics Center (DDC) is an ISO/IEC 17025 and AABB accredited laboratory. As such, DDC follows strict testing standards including standardized procedures and quality control throughout the testing process.

DDC is responsible for maintaining chain of custody throughout all phases of the testing process from specimen collection through storage and archiving of case files and samples. DDC handles all samples in such a manner to ensure that they will not be contaminated, tampered with, or substituted.

The collection is performed and witnessed by a competent person that has no interest in the testing outcome. DDC's specimen collectors act as witnesses to the sample collection process, and their name and contact information become part of the laboratory's permanent record.

The person performing the collection will confirm the identity of the person tested and record the stated family relationship. The specimen collector is required to obtain government-issued photo identification of the parties collected to ensure that the sample is collected from the appropriate individual, or in the case of a minor child, written parental or guardian consent. If a minor child is being collected, a parent or legal guardian must sign indicating their relationship to the minor child and provide documentation of that relationship.

In addition, the collected party must verify that the label on the specimen is accurate, and all specimens are sealed in tamper-proof packaging prior to shipment to DDC's laboratory.

The chain of custody form is completed with all required information and adult parties are asked to verify the accuracy of all information prior to sample collection. DDC's chain of custody documentation has been introduced and readily accepted without challenge as an item of evidence in many paternity hearings across the country.

DDC has agreements with several national overnight courier services for the shipment of specimens to its laboratories.

Upon receipt at the laboratory, samples and chain of custody documents are examined for accuracy and completeness. The integrity of sample shipping containers is verified to ensure that no tampering has occurred between the time of sample collection and the time the package arrives at the laboratory. The accessioning technician signs and dates the chain of custody form as an affirmation that the form is complete and that all samples were correctly labeled and received intact. If the integrity of the packaging has been compromised.

When samples are deemed acceptable for testing, the samples and chain of custody forms are bar coded with a unique numerical identifier, logged into the sample tracking database, and the corresponding client data is entered by an accessioning associate. All entry of client data must pass a quality audit prior to samples being processed in the laboratory. This process involves required concordance for duplicate entry by a second individual to ensure samples meet all

acceptance criteria and to confirm accurate data entry for spelling of names, dates of birth, etc. Samples are then submitted to the laboratory for processing. DDC utilizes automated processes and equipment whenever possible.

DDC is committed to providing every client with accurate, thorough, and expedient paternity test results. DDC provides its clients with DNA testing performed using PCR (Polymerase Chain Reaction) technology and STR (Short Tandem Repeat) markers for routine analysis. DDC has been using STR technology since 1997, having conducted testing on over eight million samples (8,000,000) to date. This technology is approved by the AABB and is by far the most prevalent DNA testing methodology currently in use by AABB accredited laboratories.

DDC was commended by the AABB in 2004 for being the first laboratory to truly offer double blind testing. DNA Diagnostics Center is the only DNA testing laboratory that performs every test twice, testing every genetic system in duplicate, not just exclusions, and not just a subset of the genetic markers. Our Dual Processing™ procedures ensure that each sample is tested in duplicate. Every sample is bar coded then independently logged-in, extracted, processed, and all genetic systems are analyzed twice by two separate teams.

All STR markers employed by DDC for its routine parentage testing are commercially available, and their performance characteristics are well understood, reproducible, validated, and accepted by the scientific and legal communities. In total, DDC has thirty-six (36) validated and commercially available STR systems (including Amelogenin) which will be deployed as necessary to ensure that tests completed will achieve a guaranteed minimum probability of paternity of 99.9% for standard cases though the majority of standard cases will have an average probability of paternity of 99.999999%.

For cases that involve in-direct relationship testing including avuncular, single grandparentage and Siblingship (full –siblingship & half- siblingship) tests will provide a statistical likelihood that gives evidence to support the tested relationship. A test of this nature also will not directly exclude the relationship. However, the test can give the odds of the relationship based on the purported relationship and the systems tested. If a sufficient number of in-direct relatives (aunt/uncle, sibling, grandparent) are tested (3 or more), the alleged common relative's profile can be reconstructed and the test can be just as informative as a direct paternity test. This test is called a Family Reconstruction case.

Second degree relationship tests, Avuncular Tests (Uncle/Aunt), Single Grandparentage and Half-siblingship , are tests that can be utilized to show a relationship to the Child if there is only this one living (or available) relative of the child (the alleged father and one paternal grandparent is deceased). A true Biological Uncle (Aunt), grandparent, or half-sib, will share ¼ of their DNA with the child. Our test evaluates how frequently these two parties share alleles as compared to a random person in the population (random sharing). The results of this test tell you the strength of the evidence that would support the relationship that is evaluated. For this reason, it is essential to clearly define the relationship in question and how the tested parties are related. Testing of the Mother is always recommended when evaluating a paternal relationship. The mother helps to define the obligatory allele (the allele that must come from the Biological Father).

If a Paternal Uncle, Paternal Grandfather or Paternal (male) Half-sibling is tested with a male child, YSTR testing can also be considered. Y STR testing exams of the male-specific contribution to the child. A father will pass his Y chromosome to his son unchanged with the exception of a possible mutation. Since the Y chromosome in any paternal line will be identical, the unrelated Alleged relative can be excluded directly by this test. YSTRs can also be combined with autosomal STRs (used in our standard paternity and kinship case) to increase the likelihood odds for testing involving male relatives in the paternal line.

If there is a suspected Maternal relationship among tested relatives, Mitochondrial testing can also be considered. Mitochondrial testing exams of the maternal-specific contribution to the child. A mother will pass her mitochondria to her off-spring unchanged again with the exception of a possible mutation. Since the Mitochondria in any Maternal line will be identical, the unrelated Alleged relative can be excluded directly by this test. The Mitochondrial testing can also be combined with autosomal STRs (used in our standard paternity and kinship case) to increase the likelihood odds for testing involving maternally related relatives.