

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
PROBATE DIVISION
FIRST JUDICIAL DISTRICT
Court File No.: 10-PR-16-46
Judge Eide

In Re:
Estate of Prince Rogers Nelson,

**AFFIDAVIT OF JAMES SELMER IN
SUPPORT OF VENITA JACKSON
LEVERETTE'S OBJECTION TO
PROTOCOL PRIOR TO GENETIC
TESTING**

Deceased.

James C. Selmer, being first duly sworn on oath, deposes and states that:

1. I am one of the attorneys representing Venita Jackson-Leverette (hereinafter "Ms. Jackson-Leverette"), potential heir to the Estate of Prince Rogers Nelson.
2. Per the Court's Order June 6, 2016, Ms. Jackson-Leverette timely filed an affidavit with respect to the genetic testing protocol questions set forth by the Special Administrator.
3. On or about June 16, 2016, I had a phone conversation with David Crosby, counsel for Bremer Trust, Special Administrator, wherein he indicated that Ms. Jackson-Leverette's heirship claim was going to be denied, and further that she would not be permitted genetic testing, based upon the Jotham case.
4. At the time of my phone conversation with attorney Crosby, neither he, nor the Special Administrator, had the benefit of reviewing Ms. Jackson-Leverette's Protocol Affidavit because it was not filed until June 17, 2016.
5. Attorney Crosby thereafter, on behalf of the Special Administrator, served its letter upon attorney Charles Brown, another one of Ms. Jackson-Leverette's attorneys, who in turn, forwarded said

6. Attached as **Exhibit 1** of Ms. Jackson-Leverette's Memorandum Objecting to the Special Administrator's Genetic Testing Protocol is a true and correct copy of our Amended Certificate of Representation.

7. Attached as **Exhibit 2** of Ms. Jackson-Leverette's Memorandum herein, is a true and correct copy of Ms. Jackson-Leverette's affidavit filed with the Special Administrator on June 17, 2016.

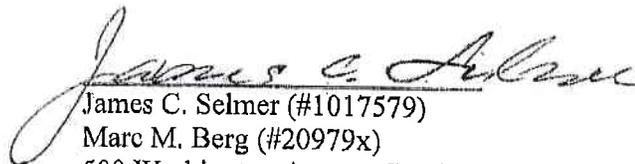
8. Attached as **Exhibit 3** of Ms. Jackson-Leverette's Memorandum herein, is a true and correct copy of Ms. Jackson-Leverette's affidavit of heirship filed with the Court under seal also on June 17, 2016.

9. Attached as **Exhibit 4** of Ms. Jackson-Leverette's Memorandum herein, is a true and correct copy of Special Administrator's denial letter from Mr. Crosby.

FURTHER YOUR AFFIANT SAYETH NOT.

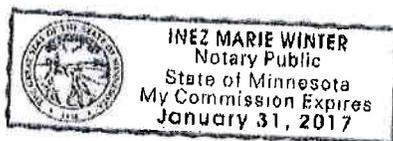
J. SELMER LAW, P.A.

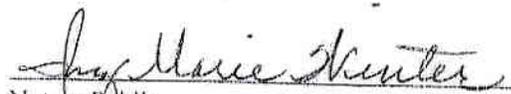
Dated: June 23, 2016


James C. Selmer (#1017579)
Marc M. Berg (#20979x)
500 Washington Avenue South
Suite 2010
Minneapolis, MN 55415
Phone: 612-338-6005
Fax: 612-338-4120

Subscribed and sworn to before me
This 23 day of June, 2016

Attorneys for Venita Jackson-Leverette




Notary Public

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
PROBATE DIVISION
FIRST JUDICIAL DISTRICT
Court File No.: 10-PR-16-46
Judge Eide

Estate of
Prince Rogers Nelson,

Decedent.

**AMENDED CERTIFICATE OF
REPRESENTATION**

PLEASE TAKE NOTICE THAT the undersigned attorneys represent Venita Jackson-Leverette, who claims heirship and an interest in the above-referenced estate.

FIELDS & BROWN, LLC

Dated: June 14, 2016

/s/Charles R. Brown
Charles R. Brown (MO #27884)
Taylor Fields (MO #21371)
J. David Bowers (MO #33469)
1100 Main, Suite 1600
Kansas City, MO 64105
Telephone: (816) 474-1700

Attorneys for Venita Jackson-Leverette

J. SELMER LAW, P.A.

Dated: June 14, 2016

/s/Marc M. Berg
James C. Selmer (Minn. #171086)
Marc M. Berg (Minn. #20979x)
Suite 2010
500 Washington Avenue South
Minneapolis, Minnesota 55415
Telephone: (612) 338-6005

Attorneys for Venita Jackson-Leverette



- c. What was your biological mother's maiden name? **Markham**
- d. Please provide a certified copy of your parents' marriage certificate or other proof of marriage. **Attached as Exhibit B**
- 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. **June 25, 1958, attached as Exhibit C**
7. Were your biological parents married after you were born? (If yes, answer below) **No**
- a. When were your parents married? **Not applicable**
- b. Where were your parents married? **Not applicable**
- c. What was your biological mother's maiden name? **Not applicable**
- d. Did the man who married your biological mother acknowledge his paternity of you in writing filed with a state registrar of vital records? **Not applicable**
- e. Was the man who married your biological mother named as your father on your birth record with his consent? **Not applicable**
- f. Was the man who married your biological mother obligated to support you under a written voluntary promise or by court order? **Not applicable**
- g. Please provide a certified copy of your parents; marriage certificate or other proof of marriage. **Not applicable**
- 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. **Not applicable**
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? **Not applicable**
- a. What was the date of the attempted marriage? **Not applicable**
- b. Where did the attempted marriage take place? **Not applicable**
- c. Please provide proof of the attempted marriage. **Not applicable**
- 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. **Not applicable**

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. **Not applicable**
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. **Not applicable**
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 § 257.34 (copy attached)? If yes, please provide a certified copy of such recognition of parentage. **Not applicable**
12. Is any other man presumed to be your father under any of the presumptions found in Minn. Stat § 257.34 (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. **Not applicable**
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? **Not applicable**
14. Does a judgment or order exist determining a parent and child relationship between you and one of more parents: If so, please provide details and a certified copy of such judgment or order. **Not applicable, See Exhibit A, Affiant's birth certificate**
15. Detail the actions taken by you to confirm that the responses to the above requests are true and accurate. **Search of vital records, court records, and knowledge of family history**
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. The following information also should be considered by the Special Administrator:

I have reason to believe that Prince Rogers Nelson (hereafter "Prince") is my half-brother based on the following. My father, Alfred Jackson, Sr. ("Alfred Sr." or "my father") was married to Mattie Shaw ("Mattie" - biological mother of Prince) on February 19, 1953, in Kansas City, Missouri (See Exhibit D, copy of Jackson-Shaw Marriage License). My half-brother, Alfred Jackson, Jr. ("Alfred Jr." or "my brother") was born in July 1953. I can find no record of Mattie and Alfred Sr. being divorced, but suspect they were at some point after my brother's birth.

Sometime after 1953, Mattie left Kansas City, Missouri and relocated to Minnesota. Mattie returned to Kansas City with Alfred Jr. and requested that my father and grandparents care for him. Mattie returned to Minnesota, and Alfred Jr.

stayed behind in Kansas City and lived primarily with my father and grandparents, Mamie and Ollie Bruce. During the time frame after Alfred Sr. and Mattie were purportedly divorced, my brother recalls seeing Mattie with Alfred Sr. on multiple occasions. Mattie would visit my brother in Kansas City, or my brother would visit Mattie in Minnesota. Alfred Sr. was always present during these visits, and many times the visits were overnight stays. From 1953 to 1992, Mattie and Alfred Sr. maintained communication with each other and saw each other.

My father, Alfred Sr., married my mother, Neil Markham ("Neil"), on December 8, 1956 (See Exhibit B, copy of Jackson-Markham Marriage Certificate) and I was born on February 2, 1958 (See Exhibit A, copy of my birth certificate). After my birth we lived with my grandmother and did not return to the family home. Alfred Sr. and my mother were divorced on June 8, 1958 (See Exhibit C, Divorce Decree). I believe to this day that the reason my parents divorced was because my mother was pregnant with me at the same time Mattie was pregnant with Prince. Prince was born a little more than three months after me on June 7, 1958. I asked my mother many times why she divorced my father, but she refused to discuss it. In the years following my birth, I recall seeing Mattie on several occasions when Mattie visited my brother; and I also recall that Alfred Sr. was always present during those occasions.

Alfred Jr. believed our father was also the biological father of Prince. Alfred Jr. commented that our father and Mattie had a long distance relationship through the years. When we were in our 40s, Alfred Jr. informed me that I needed to know something about our father. Alfred Jr. told me he finally asked Mattie if she could confirm his suspicions about our father. During the conversation, Mattie confided to my brother that our father may also be Prince's father. Mattie also told my brother that he was not to discuss the subject with anyone. Although I saw Mattie after hearing this from Alfred Jr., I never discussed the issue with her.

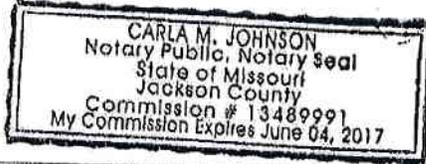
Mattie visited Kansas City and stayed with my brothers, Alfred Jr. and Bruce Jackson, even after our father and my mother died. Alfred Sr. died on August 21, 1992 (See Exhibit E, Alfred Jackson Sr. Death Certificate) and my mother died on January 25, 1997 (See Exhibit F, Neil Jackson Death Certificate). Mattie Shaw died on February 15, 2002.

Although I am very concerned with protecting my privacy, I would like to know if my father was also the biological father of Prince. Not only would it clear up a family mystery, but it would give me an explanation as to why my mother and father divorced shortly after my birth. Finally, it would also afford me the opportunity to protect my legal rights in this matter.

Further, Affiant Sayeth Not. I declare under penalty of perjury that this affidavit is true and correct.

Venita J. Leverette
Affiant- Venita Jackson Leverette

In witness whereof I have subscribed my name and affixed my official seal this 16th day
of June, 2016.



Carla M. Johnson
(Signed)

(Seal)

In the Matter of: Estate of Prince Rogers Nelson
Carver County Court File No. 10-PR-16-46 (Eide)

**PLACEHOLDER FOR AFFIDAVIT EXHIBITS FILED AS
CONFIDENTIAL DOCUMENTS**

The following exhibits to the June 16, 2016 Affidavit of Venita Jackson Leverette (itself Exhibit 2 to the Affidavit of James Selmer in Support of Venita Jackson Leverette's Objection to Protocol Prior to Genetic Testing), are confidential vital records under Missouri law (§193.245, RSMo 2016): Exhibit A (birth certificate), Exhibit B (marriage license), Exhibit D (marriage license), Exhibit E (death certificate), and Exhibit F (death certificate). These documents are being separately filed as **CONFIDENTIAL** pursuant to the above-named Court's **Order Unsealing Memorandum & Heirship Affidavits Submitted in Support of Venita Jackson Leverette's Objection to Protocol Prior to Genetic Testing** (dated 1/31/17, filed 1/14/17) and Minn. Gen. R. Prac. 11.06 (amended effective 7/1/15) and Rule 4 of the Minnesota Rules of Public Access to Records of the Judicial Branch (amended effective 1/23/17).

Exhibit C

Decree of Divorce

In the Circuit Court of Jackson County, Missouri, at Kansas City:

Case No. Richard C. Jensen Judge of Division No. 1

JUNE 2000 19 00

WILLIAM J. JACKSON Plaintiff
vs.
WILLIAM J. JACKSON Defendant
No. 400220

On this day came William J. Jensen, and by attorney and defendant appeared.

The facts and contents of the pleadings submitted to the court upon the pleadings and after having read the evidence the court finds that the allegations in the petition are true that William J. Jensen is the injured and innocent party and entitled to the relief prayed. Wherefore it is adjudged and decreed by the court that the bonds of matrimony heretofore contracted between plaintiff and defendant be and the same are hereby dissolved and terminated and William J. Jensen freed from the obligations thereof. Thus the goals herein be said by the court and the court hereby grants the petition and the court hereby grants the prayer of the petition and the court hereby grants the prayer of the petition and the court hereby grants the prayer of the petition.

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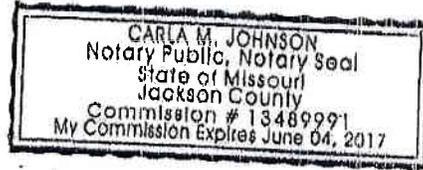
STATE OF MISSOURI
I, _____, Clerk of the Court, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the files of the Court.

Witness my hand and seal of office at Kansas City, Missouri, this _____ day of _____, 2000.

Subscribed and sworn before me this
17th day of June, 2016.

Venita Giselle Jackson Leverette
Venita Giselle Jackson Leverette

Carla M. Johnson
Notary Public





David R. Crosby
612.335.1627 DIRECT
612.335.1657 DIRECT FAX
david.crosby@stinson.com

June 22, 2016

Via Email

Charles Brown
1100 Main, Ste 1600
Kansas City, MO 64105

Re: Heirship Claim of Venita G. Jackson Leverette

Dear Mr. Brown:

Thank you for submitting the Affidavit of Venita G. Jackson Leverette responding to the Special Administrator's Request for Parentage Information.

With respect to the Protocol adopted by the Court, the Special Administrator's goal is to apply existing Minnesota law equally to all persons claiming to potentially be an heir of the Decedent. Such relevant law includes the Minnesota Probate Code (Minn. Stat. Ch. 524), the Minnesota Parentage Act (Minn. Stat. §§ 257.01 through 257.75) and Minnesota common law.

Under Minnesota law, if it is determined that Decedent is not the father of any living children (or their descendants), then Decedent's siblings and half-siblings (and descendants of any deceased siblings and half-siblings) may be determined to be heirs, in the event no Will is found. Minn. Stat. § 524.2-103(3). To be a sibling or half-sibling, a person must share at least one genetic parent with Decedent. *Id.* Because they were married when Decedent was born, Mattie Della (Shaw) ("Mattie") and John Lewis Nelson ("John") are presumed to be Decedent's genetic parents. Minn. Stat. § 257.55, subd. 1(a).¹ Only a very limited group of persons have standing to challenge that presumption, and, in any event, the time to make such a challenge passed long ago. Minn. Stat. § 257.57, subd. 1(b). As such, there is an irrebuttable presumption that John and Mattie are Decedent's genetic parents. *Id.*; Minn. Stat. § 524.1-201(22) and (23); *see also In re Estate of Jotham*, 722 N.W.2d 447, 455-56 (2006). Thus, to potentially qualify as an heir of Decedent as a sibling or half-sibling, the claimant must be a descendant of either Mattie or John (or both).

Based on the materials submitted by your client, Ms. Jackson Leverette's claim is dependent upon another person other than John being determined to be Decedent's father. But as noted above, the presumption that John is Decedent's genetic father is conclusive and cannot be challenged at this point.

¹ Further, as part of Mattie and John's divorce, a Minnesota court adjudicated that they were Decedent's parents.



Charles Brown
June 22, 2016
Page 2

As such, it is the Special Administrator's determination that the evidence presented by Ms. Jackson Leverette is insufficient to warrant genetic testing.

Very truly yours,

STINSON LEONARD STREET LLP


David R. Crosby

DRC:mp

cc: Laura Krishnan, Esq.