

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
PROBATE DIVISION
FIRST JUDICIAL DISTRICT

Court File No. 10-PR-16-46

In Re: Estate of
Prince Rogers Nelson,
Deceased.

AFFIDAVIT OF SERVICE OF
LETTER FOR RECONSIDERATION DATED
OCTOBER 27, 2016

COUNTY OF RICHLAND)
) ss.
STATE OF SOUTH CAROLINA)

Cassie J. Selin, being first duly sworn on oath deposes and says that on November 5, 2016, in Columbia, in said County and State, she mailed a copy of the **AFFIDAVIT OF SERVICE OF LETTER FOR RECONSIDERATION DATED OCTOBER 27, 2016**, hereto attached to each interested party whose name and address are known to affiant, after exercising due diligence in ascertaining the correctness of said name and address, by placing a true and correct copy thereof in a sealed envelope, postage prepaid and depositing the same in the U.S. Mails at Columbia, South Carolina and addressed to the following named persons:

Name	Address
Jeffrey P. Consolo, McDonald Hopkins LLC	600 Superior Ave. E, Suite 2100 Cleveland, OH 44114
Eighth Day Sound Systems, Inc., Catherine Bellante, Treasurer	5450 Avion Park Drive Highland Heights, OH 44143
Lorraine M. Huddleston	2709 Keating Street Temple Hills, MD 20748
James Brandon	3600 Red Road, Suite 407 Miramar, FL 33025
Jonette M. Carter	24523 Pierce Street Southfield, MI 48075
Martha L. Samuels	1806 North 8th Avenue Pensacola, FL 32503
Anthony Jones	PO Box 27517 Los Angeles, CA 90027-0517
Nicholas Granath	2915 Wayzata Boulevard Minneapolis, MN 55405
Ricky Barron	11505 37th Avenue N011h Plymouth, MN 55441
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Rev. Dennis W. Earle	100 Limehouse Beach Road Columbia, SC 29210
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Karie Clay	746 North Locust Street Reedsburg, WI 53959
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Maleika S. Mosley, aka Gen. Dr. K.K. Ferrara	3350 Bobolink Circle SW Atlanta, GA 30311
Roskco A. Motes	P.O. Box 23 15 North Babylon, NY 11203
Claire Elisabeth Nelson aka Claire, Elisabeth Elliott aka Claire Boyd	280 I Washington Rd, Ste 107, #339 Augusta, GA 30909
Dana Samuels Nettles	103 Holly Street South Mobile, AL 36608
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Michael W. Samuels	1806 North 8th Avenue Pensacola, FL 32503
April Lashaun Seward	129 Enclave Avenue Calera, AL 35040
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Nicole P. White	490 Myrtle Avenue, #2J Brooklyn, NY 11205
Priscilla S. Williams	600 Wooddale Blvd, Apt.2668 Baton Rouge, LA 70806
James Austin Womack	2310 West McNichols Road Detroit, MI 48221
Elaine Williams	2700 Buford Highway Atlanta, GA 30324

Cassie J. Selin

Cassie J. Selin

Subscribed and sworn to before me this November 4, 2016.

J. M. Selin

Notary Public



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November 4, 2016

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Estate of Prince Rogers Nelson
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RE: Estate of Prince Rogers Nelson
Ct. File No.: 10-PR-16-46

Please find enclosed and herewith served upon you the following: **Letter for Reconsideration dated October 27, 2016.**

Sincerely,



Cassie Selin, Legal Assistant
Lehner Law Office

encls.

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October 27, 2016

District Court
Carver County Justice Center
604 E. Fourth St.
Chaska, MN 55318

Re: Estate of Prince Rogers Nelson
Court File: 10-PR-16-46
Attn. District Court Judge Kevin W. Eide

Your Honor,

Corey Simmons respectfully requests permission to make a motion for reconsideration regarding the "Order & Judgment Denying Heirship Claims Of Brianna Nelson, V.N., And Corey Simmons", issued October 26th. Pursuant to Rule 115.11 Minn. Gen. R. Prac., we seek a reconsideration of the Court's apparent decision to determine and deny Corey Simmons' claim as an heir of the decedent to the extent that it denies him any further genetic testing. The Court's Order reclassifies him as "Excluded" rather than allowing him to proceed to genetic testing as previously ordered by the Court. Although Brianna Nelson and V.N. declined genetic testing, Corey Simmons has never declined to participate and has consistently sought genetic testing as a means to resolve his relationship to the decedent.

Corey Simmons, was never served with notice in these proceedings. He obtained counsel and filed his motion for relief under Rule 60 on Sept. 26, 2016. In that motion, our request was for Corey Simmons to be included in the class of persons that this Court established in the Court's July 29th Order, as an applicant "claiming to be a descendant of Duane Nelson." We specifically moved "that the Court amend its Order to include him among the class of purported heirs *who should participate on the Court's ordered genetic testing.*" [emphasis added]

Although the Court included him in the Amended Scheduling Order, this Court has not yet ruled to Amend its July 29th Order to allow him to submit to genetic testing.

In oral argument on October 21st, we reasserted our request to also be allowed to proceed to genetic testing.¹ We have never refused it.

Corey Simmons' motion to seek genetic testing has never been opposed.

¹ The Court's Order filed October 26th does not recite the existence of Corey Simmons' brief filed on October 20, 2016. Our brief was a timely-filed response to the Non-Excluded Heirs' brief filed October 17th and should be considered in the record for the Court's October 26th Order.

This Court has previously Ordered genetic testing (July 29th Order), clearly recognizing genetic testing as a means to present a case for heirship. The Court also ordered approval of the Special Administrator's Protocol. Corey Simmons followed that Protocol by promptly filing the required documents with the Special Administrator and the Court. The Special Administrator also promptly responded, making the "determination that, unless such evidence of a presumption under Minn. Stat. §257.55 can be produced, *the alleged parent-child relationship between John and Duane will also need to be established through genetic testing*, in a manner determined by the Court."² [emphasis added]

There is no technical reason why it is not possible that genetic testing will in fact result in a determination, with some degree of certainty, of the relationship between Corey Simmons, John L. Nelson, and the decedent. The descriptive memorandum of DNA Diagnostic Center, attached to the Special Administrator's Protocol on file with the Court, states that

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.* [emphasis added]

This understanding was demonstrated by this Court's Order of July 29th, which Ordered, in paragraph 3, that genetic testing should occur, including John Nelson, Norrine Nelson, Sharon Nelson and Tyka Nelson. The disposal of the *Palmer* and *Jotham* case doctrine by this Court and the Court's Exclusion of Brianna Nelson and V.N., who declined the testing, should not preclude the genetic testing sought by Corey Simmons, as it clearly remains the same legally supported and accepted procedure already ordered by the Court.

Sincerely,
Dammeyer Law Firm, P.A.
Attorney for Corey Simmons

/s/ Eric C. Dammeyer

Eric C. Dammeyer, Attorney
c: Counsel of Record, Self-represented Parties, Corey Simmons
encl.

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² The two-page limit under Rule 115 precludes a copy of the Special Administrator's response or any affidavit. However, if the Court grants our request to file a motion for reconsideration, we will properly document the letter from the Special Administrator and the proper chain of submissions which this Court requires for persons claiming heirship with the decedent.