

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION
Case Type: Special Administration

In the Matter of:

Court File No. 10-PR-16-46

Estate of Prince Rogers Nelson,

Decedent,

And

Tyka Nelson,

Petitioner.

**MEMORANDUM IN SUPPORT OF
ORDER IMPOSING PRECONDITIONS ON
SUBMISSIONS BY CLAIRE BOYD (a/k/a
CLAIRE ELISABETH ELLIOT a/k/a
CLAIRE ELISABETH NELSON)**

On August 22, 2016, this Court entered an Order Restricting Submissions finding that Claire Boyd (a/k/a Claire Elisabeth Elliot, a/k/a Claire Elisabeth Nelson) (hereinafter "Ms. Boyd") was excluded as an heir of the Decedent's Estate as a matter of law, and prohibiting her from filing any further demands, motions or other requests in connection with this matter except a motion for reconsideration pursuant to Minn. Gen. R. Pract. 115.11. On September 16, 2016, the Court issued an Order Regarding Submissions inviting Ms. Boyd or any other party to submit written argument regarding whether the Court should deem further filings by Ms. Boyd as frivolous litigation and impose sanctions or preconditions on her service or filing of any new submissions pursuant to Rule 9 of the Minnesota Rules of General Practice for District Court.

The Special Administrator believes it is in the best interest of the Estate for the Court to declare Ms. Boyd to be a frivolous litigant and impose preconditions on future filings that should otherwise be rejected. Absent an order of this nature, Ms. Boyd will likely continue to take a toll on the Court's limited administrative resources and cause additional delay and expense in this

matter, as the Court and the Estate will otherwise remain obligated to process, review and respond to Ms. Boyd's unsubstantiated claims.

FACTUAL BACKGROUND

Ms. Boyd has filed Affidavits and Demands for Notice and/or Affidavits of Heirship in five separate sets of filings dated July 1, 2016, July 23, 2016, August 30, 2016, September 26, 2016 and October 3, 2016. Although her filings contain numerous interesting allegations,¹ those relevant to potential claims against the Estate are limited to two factual assertions: (1) that Ms. Boyd was married to Mr. Nelson at the time of his death, making her the sole legal heir of the Estate²; and (2) that Ms. Boyd is a named devisee in the last will of Prince Rogers Nelson³. *See* Aff. and Demand for Notice filed July 4, 2016, ¶¶ 3-5. Ms. Boyd claims a rabbi named Ross Dreiblatt secretly married her to Mr. Nelson on January 14, 2002 in Las Vegas. *Id.*, ¶ 2; *see also*

¹ Ms. Boyd also asserts that Mr. Nelson's alleged will is deemed "Top Secret" by the CIA and cannot be released by her without service of a subpoena on Ross Dreiblatt, whom she alleges is a lawyer who secretly married her to Mr. Nelson, and with whom Ms. Boyd co-planned numerous worldwide enterprises when she was eight years old. *See* Aff. of Heirship of Claire Boyd filed July 4, 2016; ¶¶ 2-6. Ms. Boyd also claims that Mr. Dreiblatt is the famous musician George Michael. *See* Claire Elisabeth Nelson's Memorandum Regarding the Matter of her Name And in Response to the Order For Submissions filed October 3, 2016. Ms. Boyd also claims to have been born a CIA sex slave who was considered devoid of legal rights, the first-born of triplets (although her mother put her disabled siblings up for adoption and pressured hospital staff to falsify her birth certificate to conceal their existence) a prodigy and the world's only non-disabled savant. *See* Aff. of Heirship of Claire Elizabeth Nelson filed September 26, 2016, ¶¶ 7, 8, 10.

² This is not the first time Ms. Boyd has attempted to insert herself into a celebrity Estate. Using the name "Claire Elisabeth Fields Cruise," Ms. Boyd petitioned for guardianship of Michael Jackson's children, claiming that she gave birth to them, and that she and Michael Jackson had a son who was adopted by Tom Cruise and Nicole Kidman. *See* Woman claims she and Jackson had Cruise's adopted son; <http://www.newshub.co.nz/entertainment/woman-claims-she-and-jackson-had-cruises-adopted-son-2009081117> (last visited October 6, 2016).

³ Ms. Boyd also claims she co-wrote and co-produced numerous movies, shows, songs, videos and literary works for Mr. Nelson beginning when she was eight years old, but she does not appear to be making a claim to the Estate's assets based on any independent ownership rights nor has she provided proof of such ownership. *See* Aff. and Demand for Notice filed July 20, 2016, ¶ 6.

Aff. of Heirship of Claire Elisabeth Elliot filed September 26, 2016, ¶ 2. Ms. Boyd has failed to produce a marriage certificate or other documentary evidence of her alleged marriage to Mr. Nelson, and has not produced a copy of Mr. Nelson's alleged will or any documentation supporting its existence.

In response to Ms. Boyd's original Affidavit of Heirship and Affidavit and Demand for Notice filed July 4, 2016, the Special Administrator, through its counsel, requested that Ms. Boyd provide any corroborating evidence that she is Decedent's spouse or a named devisee in Decedent's will. *See* July 6, 2016 Letter from David R. Crosby to Claire Boyd filed July 20, 2016. Subsequent filings by Ms. Boyd, however, repeat her claims but fail to provide the requested evidence. Unless accompanied by the evidentiary support for her claims that she was married to Mr. Nelson or a devisee in a valid will executed by Mr. Nelson, Ms. Boyd's future submissions to this Court should be considered frivolous and should be rejected.

ARGUMENT

A. Ms. Boyd Lacks Standing To Submit Further Claims, Motions or Requests To the District Court.

Ms. Boyd lacks standing to submit further claims against the Estate. In the Court's Amended Order Regarding Genetic Testing Protocol and Heirship Claims Following the June 27, 2016 Hearing and Judgment, the Court determined that Ms. Boyd is excluded as an heir of Decedent's Estate as a matter of law unless she is "able to provide further proof of the marriage or the will," at which time the Court may reconsider her exclusion (pg. 19, ¶ 1). Following this order, Ms. Boyd submitted another Demand for Notice claiming that the unsealing of Mr. Nelson's 2006 divorce records would "finally reveal" her as the legal wife of Mr. Nelson. *See* Demand for Notice filed August 30, 2016. No such records were uncovered in that file, and because Ms. Boyd lacks support for her claim to be either the surviving spouse and sole heir of

Mr. Nelson's intestate estate pursuant to Minn. Stat. § 524.2-101 or a named devisee in a valid last will of Mr. Nelson, she lacks standing to pursue her claims as an heir or beneficiary of the Estate.⁴ See Affidavit of Lisa T. Spencer dated October 7, 2016 attached as Exhibit 1.

B. Continued Submissions of Claims, Motions or Requests by Ms. Boyd, Other Than Those Providing Proof of Her Marriage to the Decedent or the Existence of the Alleged Will of the Decedent Should Be Considered Frivolous Litigation.

Ms. Boyd's unsubstantiated claims should be considered frivolous litigation. Minn. R. Gen. Pract. 9.01-.07 addresses frivolous litigation and allows the district court to sanction a frivolous litigant by requiring her to furnish security or imposing preconditions on future filings. See Minn. R. Gen. Pract. 9.01. A "[f]rivolous litigant" includes a person who "repeatedly serves or files frivolous motions, pleadings, letters or documents . . . that are frivolous or intended to cause delay . . . or a "person who institutes and maintains a claim that is not well grounded in fact and not warranted by existing law or a good faith argument for the extension, modification or reversal of existing law" Minn. R. Gen. Pract. 9.06(b)(2) and (3).

Ms. Boyd continues to assert claims that are not well-grounded in fact. She has filed affidavits in support of her alleged claims on five separate occasions, with each filing largely repeating the same assertions, adding additional, even less probable assertions (many of which are largely irrelevant to her claims)⁵, and providing no corroborating evidence of her status as an

⁴ Because she has provided no credible evidence of her claims, other than her written affirmations, Ms. Boyd is not an heir or an interested person, as those terms are defined in Minn. Stat. § 524.1-201(27) and (32). Having presented no proof of a financial or property interest in the Estate, Ms. Boyd is not entitled to notice of future filings under Minn. Stat. § 524.3-204.

⁵ As examples, Ms. Boyd claims that she wrote Mr. Nelson's famous song "I Would Die 4 U" and that it is evidence that Mr. Nelson did, indeed, die for Ms. Boyd. See Aff. of Heirship filed July 23, 2016, ¶ 9. She also claims that her grandmother also had a secret will and that she was wrongfully denied a never-ending income stream from that estate when her mother failed to take her to the bank. *Id.* at ¶ 11. Without providing any documentation to support it, Ms. Boyd claims to be a joint owner of an account of Mr. Nelson's at Bremer Bank that receives income from her

heir or devisee. Ms. Boyd cites sealed documents in a divorce filing she has never seen as conclusive proof of her right to the entirety of a multi-million dollar estate. *See* Affidavit of Heirship filed July 23, 2016, ¶ 5. Ms. Boyd claims a Minnesota law firm has possession of Mr. Nelson's "secret will" and alleged marriage certificate but apparently fail to produce them until Ms. Boyd "becomes a party" to this matter.⁶ *Id.* Instead of providing third-party support or documentary evidence that should be readily available to her, Ms. Boyd fixates on the manner and spelling of her name in her filings as a probable source of the Court's failure to deem her the lawful heir. These claims are not remotely credible and Ms. Boyd should be considered a frivolous litigant.

C. The Court Should Impose Preconditions on Ms. Boyd's Service Or Filing of Any New Claims, Motions or Requests in This Matter.

A court may require the furnishing of security or impose other conditions on a frivolous litigant, but no determination or ruling made by a court upon a Rule 9 motion "shall be, or be deemed to be, a determination of any issue in the action or proceeding or of the merits thereof." Minn. R. Gen. Pract. 9.02(d); *see also* Phelps v. State of Minnesota 823 N.W.2d 891 (Minn. Ct. App. 2012). When determining whether to require security or impose sanctions on a frivolous litigant, a district court is to consider several factors, including the frequency and number of claims, whether there is a reasonable probability that the frivolous litigant will prevail on her claim, and whether less severe sanctions are sufficient to protect other litigants, the court and the public. Minn. R. Gen. Pract. 9.02(b)(1), (2) and (7).

"Mother Account" at J. P. Morgan. *Id.* at ¶ 10. Despite apparent access to the funds, however, Ms. Boyd claims she lives in a state of poverty and cannot afford a lawyer. *Id.* ¶ 11.

⁶ It is incredible to claim a reputable law firm would knowingly keep hidden the last will in any estate, particularly one as widely known and publicized as Mr. Nelson's. Failure to produce the will upon request and to file it with the district court would subject the will's custodian to damages and contempt of court. Minn. Stat. § 524.2-516.

Here, it appears unlikely that Ms. Boyd will discontinue her filings despite specific requests from the Special Administrator that she supply additional evidence and a Court order specifically restricting her submissions unless she has further evidence. Ms. Boyd wholly disregarded the Court's Order Restricting Submissions and instead declared in her most recent filing that she "merely tolerates the label, 'Non-Excluded Heir'" and expects the Court to declare her the "Legal Wife and Sole Heir" of the Estate at its next-scheduled hearing now that she has clarified that "Claire Boyd" is not her legal name and "Claire Elisabeth Nelson" is her legal name. It has been five and one-half months since Mr. Nelson's passing, and Ms. Boyd has been unable to provide any evidence of her claims separate from her own sworn statements. Requiring Ms. Boyd to provide corroborating evidence before filing additional pleadings is the least restrictive sanction and serves the interests of the Court, the Estate and all of the other interested parties by allowing the Court's staff to expend its resource on the Estate's legitimate stakeholders and eliminating unnecessary processing of documentation and further taxing the over-burdened electronic filing system.

Motions sought pursuant to Minn. R. Gen. Pract. 9.01-.07 to designate and sanction frivolous litigants must be made separate from other requests for relief, and the motion cannot be filed unless, within 21 days after the motion is served (or such other time period the court prescribes), the allegedly offending claim, motion, or request is not withdrawn or properly corrected. Minn. R. Gen. Pract. 9.01; *cf.* Minn. R. Civ. P. 11.03(a)(1) (reciting a similar rule); *see Szarzynski v. Szarzynski*, 732 N.W.2d 285, 294-95 (Minn.Ct.App.2007) (reversing and remanding an award of Rule 9 sanctions because neither the moving party nor the district court followed the procedural requirements of Rule 9). The Special Administrator therefore requests that the Court serve upon Ms. Boyd notice that she must withdraw her submissions or submit to

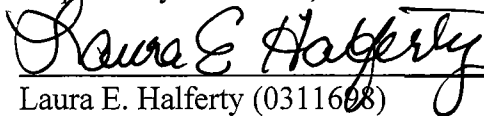
the Court, in no more than 21 days of service, valid documentary evidence supporting her claim to be a lawful heir or devisee of Mr. Nelson's Estate. If she fails to do so, the Court should issue an order rejecting Ms. Boyd's future submissions unless accompanied by a marriage certificate as proof of her alleged marriage to Mr. Nelson or a copy of Mr. Nelson's will naming her as a devisee.

CONCLUSION

For all the foregoing reasons, the Special Administrator respectfully requests that, in the event Ms. Boyd fails to either withdraw her claim(s) against Mr. Nelson's Estate or submit a valid certificate of her marriage to Mr. Nelson or Mr. Nelson's will naming her as a devisee within no more than 21 days service of the Court's notice of intent to impose preconditions, that the Court enter an order rejecting all of Ms. Boyd's future claims, motions or requests until such time as these documents are produced.

Dated: October 7, 2016.

Respectfully submitted,



Laura E. Halferty (0311608)

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*Attorneys for Bremer Trust, National
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EXHIBIT 1

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION
Case Type: Special Administration

In the Matter of:

Court File No. 10-PR-16-46

Estate of Prince Rogers Nelson,

Decedent,

AFFIDAVIT OF LISA T. SPENCER

and

Tyka Nelson,

Petitioner.

STATE OF MINNESOTA)
) ss:
COUNTY OF HENNEPIN)

I, Lisa T. Spencer, being first duly sworn upon oath, attest as follows:

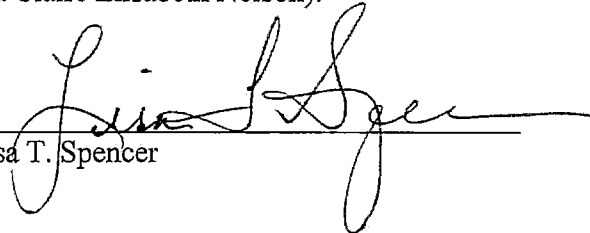
1. I am an attorney admitted to practice in the State of Minnesota, and am a shareholder and officer at the law firm Henson & Efron, P.A. with fifteen years of experience.

2. I represented Prince Rogers Nelson in his 2007 marital dissolution from Manuela Nelson, n/k/a Manuela Testolini (Court File No. 27-FA-06-3597).

3. Based upon my personal knowledge representing Mr. Nelson, and based upon my recent review of the marital dissolution file in my law firm's office, there is nothing in the file that would indicate that Mr. Nelson was ever married to or had any type of relationship with Claire Boyd (a/k/a Claire Elisabeth Elliott, a/k/a Claire Elisabeth Nelson).

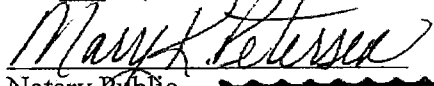
FURTHER AFFIANT SAYETH NOT.

Dated: October 7, 2016



Lisa T. Spencer

Subscribed and sworn to before me
this 7 day of October, 2016.



Notary Public

