

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
Judge Kevin W. Eide

Estate of Prince Rogers Nelson,

Decedent.

**PERSONAL REPRESENTATIVE AND
TYKA NELSON'S OBJECTION TO
PETITIONS OF JENNIFER JEFFERS**

Comerica Bank & Trust, N.A., as Personal Representative of the Estate of Prince Rogers Nelson (the "Personal Representative"), and Tyka Nelson ("Ms. Nelson") respectfully object to Jennifer Jeffers' ("Ms. Jeffers'") "Claimant's Petition for Allowance of a Claim Previously Disallowed" and "Petition for Enforcement of Slayer Rule on Tyka Nelson," filed on January 24, 2017.

The Personal Representative and Ms. Nelson object to the Petitions, including on the grounds summarized below. Unless specifically admitted herein, the Personal Representative and Ms. Nelson deny each and every allegations, claim, and request in Ms. Jeffers' Petitions. The Personal Representative and Ms. Nelson specifically deny the allegations, claims and requests for relief contained in Ms. Jeffers' prayer for relief.

Ms. Jeffers' Claim Is Barred as Untimely

1. On May 10, 2016, the Court issued a Notice to Creditors that all claims against the Estate of Prince Rogers Nelson (the "Estate") must be presented within four months of the Notice or else the claims would be barred.

2. The four-month period for creditors to present their claims against the Estate closed on September 10, 2016.

3. More than one month later, on October 21, 2016, Ms. Jeffers filed correspondence with the Court, alleging, among other things, that Prince Rogers Nelson (the “Decedent”) promised her an unspecified amount of his estate.

4. On November 3, 2017, Bremer Trust N.A., then special administrator of the Estate (the “Special Administrator”), mailed Ms. Jeffers a Notice of Disallowance of Claim, informing Ms. Jeffers that her October 21, 2016 claim was disallowed because it “has no basis in law or fact and was filed after the expiration of the creditors’ claim period.” (Nov. 3, 2016 Notice.)

5. Because Ms. Jeffers failed to present a claim against the Estate within four months of the Notice to Creditors, her claim for payment, which allegedly arose before the Decedent’s death, is barred as untimely. *See* Minn. Stat. § 524.3-803(a) (barring claims presented more than four months after notice to creditors); *In re Paulson’s Estate*, 293 N.W. 607, 609 (Minn. 1940) (holding that court lacks jurisdiction to allow claims presented outside of statutory period); *In re Estate of Kotowski*, 704 N.W.2d 522, 531 (Minn. Ct. App. 2005) (untimely claims are barred unless the petitioner presents a significant reason for delay).

Ms. Jeffers’ Petition for Allowance of Previously Disallowed Claim Is Barred as Untimely

6. The Notice of Disallowance of Claim also informed Ms. Jeffers that her claim would be barred unless she filed a petition for allowance within two months after the mailing of the Notice. (Nov. 3, 2016 Notice.)

7. Neither the Special Administrator nor the Personal Representative agreed to extend the time for filing a petition for allowance of the claim.

8. The two-month period for Ms. Jeffers to file a petition for allowance of her claim ended on January 3, 2017.

9. Three weeks later, on January 24, 2017, Ms. Jeffers filed the instant Petition for Allowance of a Claim Previously Disallowed, again claiming that the Decedent had “hired” her and agreed to pay her an unspecified amount of money after his death.

8. Because Ms. Jeffers failed to file her Petition for Allowance of a Claim within two months after the Notice of Disallowance of Claim was mailed on November 3, 2016, her Petition is barred as untimely. *See* Minn. Stat. § 524.3-804(3) (“If a claim is presented under subsection (1), no proceeding thereon may be commenced more than two months after the personal representative has mailed a notice of disallowance.”).

Ms. Jeffers Lacks Standing to Petition for Enforcement of Minn. Stat. § 524.2-803

9. In her “Petition for Enforcement of Slayer Rule on Tyka Nelson,” Ms. Jeffers alleges that Ms. Nelson was somehow involved in the Decedent’s death¹ and requests that the Court omit Ms. Nelson from inheriting any portion of the Estate pursuant to Minn. Stat. § 524.2-803(a).

10. Minn. Stat. § 524.2-803(a) provides, “A surviving spouse, heir or devisee who feloniously and intentionally kills the decedent is not entitled to any benefits under the will or under this article, including an intestate share, an elective share, an omitted spouse’s or child’s share, homestead, exempt property, and a family allowance, and the estate of decedent passes as if the killer had predeceased the decedent.”

¹ The Personal Representative and Ms. Nelson note that, based on the information obtained during the administration of this Estate including the investigation of the Decedent’s death, Ms. Jeffers’ allegations regarding Ms. Nelson are without any factual basis.

11. To petition for enforcement of § 824.2-803, Ms. Jeffers must first establish that she has standing to bring the petition. *See In re Estate of Mealey*, 695 N.W.2d 143, 146 (Minn. Ct. App. 2005) (The requirement of standing is jurisdictional and “cannot be waived.”). “Standing is a requirement that a party has a sufficient stake in a justiciable controversy to seek relief from a court.” *Id.* (internal quotation omitted).

12. Ms. Jeffers has not asserted any interest in the Estate that would be affected by the relief she seeks in her Petition—enforcement of § 524.2-803. She does not claim to be an heir of the Decedent or a creditor of a non-excluded heir. As set forth above, Ms. Jeffers does not have a valid claim against the Estate because it is time-barred. Even setting this aside, however, Ms. Jeffers’ only alleged interest in this proceeding is a claim for money against the Estate that, if allowed, would be paid regardless of who the Court determines the beneficiaries to be.

13. Because Ms. Jeffers has no financial or other stake in the Court’s determination of whether Ms. Nelson should benefit from the Estate under § 524.2-803, and because none of Ms. Jeffers’ legal or other rights would be affected by such a determination, Ms. Jeffers does not have standing to petition for enforcement of § 524.2-803. *C.f. In re Estate of Congdon*, 309 N.W.2d 261, 263 (Minn. 1981) (Todd, J., concurring) (reasoning that the beneficiaries of the decedent’s trust, but not the trustees, have standing to petition for an order restraining disbursement under § 524.2-803); *Mealey*, 695 N.W.2d at 147 (appellant lacked standing to appeal order on accounting because he was not a beneficiary of estate, had no financial stake in the estate, and the accounting affected none of his legal or other rights).

WHEREFORE, the Personal Representative and Ms. Nelson request an order of this Court as follows:

1. Denying Ms. Jeffers' Petitions and dismissing the Petitions with prejudice; and
2. Granting such further relief as the Court may deem, just, equitable and proper.

Dated: March 31, 2017

/s/ Joseph J. Cassioppi

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