

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In the Matter of:

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

Estate of Prince Rogers Nelson,

Decedent.

**FINDINGS OF FACT, CONCLUSIONS OF
LAW & ORDER DENYING PETITION
TO PERMANENTLY REMOVE
COMERICA BANK AND TRUST N.A. AS
PERSONAL REPRESENTATIVE**

On October 27, 2017, designated heirs Sharon Nelson, John Nelson and Norrine Nelson (hereinafter referred to as “Petitioners”) filed a Petition to Permanently Remove Comerica Bank & Trust N.A. as Personal Representative of the Estate of Prince Rogers Nelson. The Court scheduled the matter for a hearing on November 20, 2017 and ordered that the hearing be closed because of the confidential business negotiations that would be discussed. The Court promised to summarize the claims being made in the Order following the hearing.

At the hearing, Petitioners were represented by William Skolnick; Comerica was represented by Joseph Cassioppi; Alfred Jackson by Justin Bruntjen; and Tyka Nelson and Omarr Baker by Thomas Kane and Steven Silton.

In the Petition, Petitioners allege the following concerns about the performance of Comerica Bank & Trust:

- a. Failure to Protect and Manage Assets. Comerica has moved the music and video recordings from the premises of Paisley Park. Petitioners argue that this was done without communication with, and input from, the heirs. They further allege that the recordings were safe at Paisley Park and should have been kept there as the safest depository; that they should have been stored locally so that they could easily be accessed and would be under the watchful eyes of the heirs; and that they were not properly archived and preserved before their transportation.
- b. Failure to Protect the Estate’s Music Catalog from Unauthorized Use. Comerica has utilized the services of a company known as Mark Monitor to protect the

intellectual property owned by the Estate. Petitioners allege that Mark Monitor has been ineffective in its protection of these assets.

c. **Comerica Lacks the Necessary Business Expertise.** Petitioners allege that Comerica lacks the expertise to negotiate good business deals on behalf of the Estate and otherwise navigate the needs of the Estate in the entertainment industry. Petitioners further allege that Comerica has refused to meet with, or provide information to, Petitioner's business representative, L. Londell McMillian, and has refused to negotiate in good faith in entering into a non-disclosure agreement with him.

d. **Comerica's Chosen Entertainment Industry Expert has an Inherent Conflict.** Comerica has hired Troy Carter to serve as its primary entertainment industry expert. Petitioners allege that when Mr. Carter was hired, they were not informed that he served as an officer of Spotify. Petitioners further allege that Mr. Carter's ongoing role with Spotify is an inherent conflict with his ability to serve in his role for the Estate.

e. **Inadequate Communication.** Petitioners allege, on a more basic level, that Comerica has not maintained a proper level of communication with the heirs, their attorneys or their business representatives. Further, Petitioners allege that, in its proposal to serve as personal representative, Comerica made promises to give the heirs views strong consideration or even a "vote" in making decisions on behalf of the Estate and they have since refused to follow through with those promises. Finally, Petitioners allege that Comerica representatives have, at times, been rude or even threatening to the heirs in their interactions with them.

f. **Failure to Aggressively Defend the UMG Contract.** The Court has previously authorized the rescission of the contract entered into between the Estate and UMG on January 31, 2017. Petitioners allege that Comerica lacked the business acumen to negotiate with UMG and Warner Brothers Records, giving the Court no choice but to rescind the contract.

g. **Failure to Act Impartially.** Petitioners allege that the Estate has allowed Tyka Nelson and Omarr Baker to stay in homes owned by the Estate, but has not extended the same opportunity to Norrine Nelson.

h. Refusal to Allow Partial Distributions from the Estate. Petitioners allege that they are the older heirs of the Estate and should be allowed partial distributions from the Estate before a resolution is reached with the taxing authorities.

i. Failure to Abide by Prior Court Protocols. Petitioners allege that Comerica has failed to follow prior Court orders regarding seeking input from the heirs regarding major licensing agreements involving the entertainment assets of the Estate.

This matter was heard on a motion for temporary relief and the Court issued an Order on October 31, 2017 as follows:

1. The Personal Representative shall continue administering the Estate in accordance with Minn. Stat. §§ 524.3-711, 524.3-715 and all previous Orders and Protocols issued by this Court, including but not limited to the March 22, 2017 Order Regarding Application of Existing Orders and Protocols to the Personal Representative, while the Petition to Permanently Remove the Personal Representative remains pending before the Court.

2. The hearing on the Petition for Removal of the Personal Representative shall be scheduled for November 20, 2017, at 8:30, before the undersigned. As the Court expects that a number of confidential business negotiations shall be discussed at the hearing, this hearing shall be closed to the public and to the media. Following the hearing, and in the order to be prepared by the Court, the Court shall provide a summary of the arguments presented by counsel.

3. During the time prior to the hearing, the Personal Representative shall be extra vigilant in its communication with the heirs and their counsel regarding any negotiations, settlements or important decisions to be made on behalf of the Estate.

4. The Personal Representative shall file any pleadings necessary in any appellate proceedings or any proceedings in any other jurisdiction.

The Court heard argument on the Petition on November 20, 2017. Based upon the arguments of counsel and all of the records, files and proceedings herein, the Court makes the following:

FINDINGS OF FACT & CONCLUSIONS OF LAW

1. The Court has currently identified six heirs of the Estate of Prince Rogers Nelson: Sharon Nelson, John Nelson, Norrine Nelson, Tyka Nelson, Omarr Baker and Alfred Jackson. This Petition is brought by Sharon Nelson, John Nelson and Norrine Nelson.

2. Attorneys for Tyka Nelson, Omarr Baker and Alfred Jackson spoke against the Petition.

3. Comerica Bank & Trust opposed the Petition and stated their willingness and desire to continue to serve as the Personal Representative of the Estate of Prince Rogers Nelson.

4. Minnesota Statutes § 523.3-611 provides that an interested person may petition for removal of a personal representative for cause. Cause for removal exists:

“when removal is in the best interest of the estate, or if it is shown that a personal representative...intentionally misrepresented material facts in the proceedings leading to the appointment, or that the personal representative has disregarded an order of the court, has become incapable of discharging the duties of office, or has mismanaged the estate or failed to perform any duty pertaining to the office.” Minn. Stat. §524.3-611(b) (2017).

5. When Comerica was appointed as Personal Representative, all six heirs supported the appointment. Petitioners argue that, in their presentation seeking appointment, Comerica assured the heirs that the heirs would have a “voice and a vote in important Estate matters” and that Comerica had the expertise to manage an estate involving entertainment industry assets.

6. The Court has stressed that Comerica should place a priority on effective communication with the heirs.

7. Comerica and its attorneys have conducted twice-monthly meetings with the heirs, spending approximately two hours during each session discussing administration of the Estate. The minutes of the meetings were attached to the Declaration of Andrea Bruce as Exhibits Z through QQ. These minutes are delivered to the heirs after each meeting, even if they did not attend the meeting.

8. Comerica communicates with the heirs by email, on average on a daily basis.

9. Representatives of Comerica have been available to the heirs to discuss matters from early in the morning hours, through the work day and well into the evenings.

10. Petitioners argue that the heirs have not been given essential information about the administration of the Estate, that the heir’s counsel and advisors have not been permitted at the

heirs meetings, and that the Estate has refused to allow a court reporter to make a transcript of the meetings so their attorneys and advisors can be fully informed about the discussions at these meetings. They argue that the meeting minutes do not fairly represent the discussions at the meetings.

11. Sharon and Norrine Nelson have claimed that a representative of Comerica was inappropriate or even threatening to Sharon Nelson during a meeting of the heirs on February 28, 2017 and at another meeting on an undetermined date. Sharon and Norrine Nelson further claim that during these meetings they were told that “there would be no voice for the heirs and no vote for the heirs.”

12. Comerica denies that these statements were made or that any actions of intimidation or a threatening nature occurred. In reference to the February 28, 2017 meeting, Omarr Baker states “I was present at the entire meeting in question and did not observe Bruce being physically confrontational toward Sharon Nelson.”

13. In August and September 2017, Comerica moved the audio and audio-visual recordings owned by the Estate from the Paisley Park Studio because they determined that there was inadequate security in place, that many of the recordings were stored in random locations throughout the Paisley Park facility, and that the recordings were not stored in a quality controlled environment.

14. Petitioners respond that the recordings could be better supervised in Minnesota, that improvements could have been made to the Paisley Park facility to properly protect the recordings, that the security of the recordings was jeopardized by transporting them out-of-state, and that Comerica did not adequately discuss the move with the heirs or consider their input.

15. The minutes of the meetings between representatives of Comerica and the heirs document that the relocation of the recordings out of the Paisley Park facility was discussed with the heirs on April 25, 2017, June 27, 2017, August 1, 2017 and October 10, 2017, and that Petitioners were present for three of those meetings. The minutes reflect that on August 1, 2017, representatives of Comerica responded to questions about the relocation from Sharon Nelson. The movement of the recordings was also discussed in detail at a meeting with the Court on September 29, 2017.

16. Petitioners argue that Comerica did not follow protocols previously ordered by the Court in agreeing to move the recordings to another storage facility. Those protocols are for contracts

relating to revenue streams for the Estate and not the safeguarding of assets of the Estate. Safeguarding assets of the Estate is a core responsibility of the Personal Representative.

17. Comerica used due diligence in determining that Paisley Park was not a proper long term storage facility and in selecting the current storage facility.

18. After reviewing the record, the Court is impressed with the security measures used to inventory and secure the audio and audio-visual recordings owned by the Estate. The Court is sure that transporting any unique and non-reproducible asset of this value is an extremely anxiety producing event, but the Court cannot fault the Estate in any way for the manner in which they protected the assets. The record reflects that the recordings were moved without incident and are now stored in a secure and climate-controlled environment.

19. Comerica has retained the services of Mark Monitor to protect the Estate's music catalog from unauthorized use. Comerica used due diligence in selecting Mark Monitor, properly communicated the information to the heirs and had representatives of Mark Monitor meet with the heirs to answer questions.

20. While Petitioners argue in their Petition for Removal and in their oral argument on the Petition that Mark Monitor has not been effective in preventing unauthorized use of the Estate's music catalog, the factual record submitted by Petitioners in support of this Petition, including the Affidavits of Norrine Nelson, Sharon Nelson, Alan Silver, L. Londell McMillan and William Skolnick is almost silent in this regard. During oral argument, it appeared that Petitioners were misinterpreting some of the results of Mark Monitor's efforts.

21. The Court understands that it is impossible to achieve 100% prevention of unauthorized use of the Estate's music catalog and other assets. When one infringing party is stopped, others surface to fill the void.

22. While Petitioners may have felt it premature to suggest other alternatives, the record is absolutely silent as to any person or entity that could do a better job than Mark Monitor.

23. Petitioners argue that Comerica lacks the business expertise to handle an Estate involving entertainment industry assets.

24. Since the untimely death of Prince Rogers Nelson, Bremer Trust and Comerica Bank and Trust have been entrusted with the management of the Estate. When Bremer Trust was first appointed as Special Administrator, there were many emergency measures that had to be taken to secure the assets of the Estate, begin to take control of and begin to administer the properties and

entities owned by Prince Rogers Nelson. Bremer Trust also began a deliberate search to look for a will and attempts to determine who the heirs were. Many of these activities were largely concluded by the time that Comerica took over as Personal Representative.

25. Though the nature of the activities have changed, the intensity of the work has not diminished. The Personal Representative has continued to value the real estate owned by the Estate and list it for sale. The Personal Representative has continued to secure, inventory and protect thousands of personal effects of Prince Rogers Nelson, as well as thousands of audio and video recordings. The Personal Representative has continued to manage the business affairs and royalty agreements previously owned by Prince Rogers Nelson or established after his death. The Personal Representative has attempted to negotiate the distribution rights to the recordings through records, CDs, digital streaming or use of the recordings in any sort of production. The Personal Representative has been challenged with addressing disputes that have arisen regarding prior entertainment deals reached during the life of Prince Rogers Nelson or during the administration of Bremer Trust. The Personal Representative has prosecuted or defended civil litigation proceedings in the State of Minnesota, other states in the United States, and internationally, and has responded to appellate proceedings. The Personal Representative has inventoried many of the Estate's assets (this process is ongoing) and has prepared income and estate tax returns for the Estate. The Personal Representative has communicated with the heirs, their attorneys or advisors and the Court regarding the management of the Estate.

26. Throughout the management of the Estate, Bremer Trust and then Comerica, and their attorneys, have submitted detailed billing statements to the Court for approval. Those statements establish the thousands of hours that have been spent by the Special Administrator and the Personal Representative, and their attorneys, managing the Estate.

27. No single person or small entity could manage all aspects of this Estate. No person would have the expertise necessary to manage all aspects of this Estate, and attorney and consultant specialists to assist in the administration of the Estate would reasonably be expected and required.

28. Comerica requested proposals from 15 candidates to serve as an entertainment advisor for the Estate.

29. Comerica retained the services of Troy Carter to assist in the management of royalty agreements that have previously been entered into and to negotiate new entertainment industry agreements. Based upon the information previously provided and provided in the Declaration of

Troy Carter submitted in response to this Petition, the Court finds that Mr. Carter has the education, training and experience to serve in the role he occupies for the Estate.

30. Mr. Carter lists his responsibilities to the Estate as “reviewing and analyzing synchronization license requests, managing the Estate’s relationships with record labels, UMPG, Bravado and other entertainment partners, managing public relations for the Estate, assisting with litigation and settlement discussions, specific project-based work...,vetting, evaluating, and negotiating entertainment opportunities, leading weekly status calls interspersed with daily emails with Comerica, and developing and implementing the overall entertainment strategy for the Estate. I devote daily attention to managing the entertainment assets of the Estate.”

31. Troy Carter also serves as an executive for the streaming service Spotify. Prior to his appointment as an entertainment advisor for the Estate, Mr. Carter signed an agreement which included a provision that Mr. Carter would disclose any potential or actual conflict between his roles with the Estate and with Spotify and that he would recuse himself from any potential conflicts created by the dual roles he would be performing.

32. Petitioners have claimed that they were not, prior to the appointment of Mr. Carter, made aware of his role with Spotify and his potential conflict.

33. This claim lacks credibility based upon the record, including communications between Mr. McMillan and Mr. Carter, and a simple Google Search indicating that Mr. Carter has been employed with Spotify since 2016.

34. In its supervision of this Estate, the Court has been told and has observed that the entertainment industry, though vast in its reach, is actually a very small community when considering the persons or entities that have the wealth of experience, business acumen and prestige in the industry to serve as an entertainment advisor for this Estate, considering the public interest in the music created by Prince Rogers Nelson and the need to raise extensive funds to pay for the administration of the Estate, to pay the Estate’s tax and other obligations and to properly serve the heirs of the Estate.

35. During the term of Estate administration by Bremer Trust, L. Londell McMillan and Charles Koppelman served as entertainment industry advisors.

36. In the Court’s experience though this Estate, all of the individuals possessing this level of expertise are involved in many facets of the entertainment industry and have their own businesses or are employed by others in the industry. This was certainly true of L. Londell McMillan and

Charles Koppelman who ran North Star Enterprises Worldwide, Inc. and CAK Entertainment, Inc. respectively at the same time they were advising the Estate. All such individuals have their own set of conflicts.

37. While Petitioners state a concern that Troy Carter has an inherent conflict in both being employed by Spotify and serving as an entertainment advisor to the Estate, they have not alleged any examples where an actual conflict has adversely affected the Estate.

38. Petitioners argue that Comerica did not aggressively negotiate with UMG and Warner Brothers Music to prevent the rescission of the agreement entered into between the Estate and UMG on or about January 30, 2017.

39. Within the submissions regarding this Petition and in prior submissions and hearings before this Court, the Court has learned that Comerica became aware shortly after February 6, 2017 that Warner Brothers believed that the UMG agreement conflicted with the agreement reached between Warner Brothers and Prince Rogers Nelson during his lifetime. Comerica quickly began extensive negotiations to avert the rescission of the UMG agreement, ultimately concluding that the only option other than rescission was protracted litigation, likely in the States of New York or California. Comerica therefore petitioned this Court to rescind the agreement.

40. The Court considered extensive written submissions and a one-half day hearing on whether rescission was in the best interest of the Estate. One of the options was to push for further negotiation between the parties. After hearing from all parties, including UMG and Warner Brothers, the Court concluded that further negotiation was not likely to be successful and that rescission was in the best interest of the Estate.

41. Having considered this matter in great detail, including the acts of the Personal Representative to attempt to avoid rescission, the Court will not consider the re-argument of this issue.

42. Prior to the death of Prince Rogers Nelson, siblings Tyka Nelson and Omarr Baker were residing in residences owned by Prince Rogers Nelson. They were not paying rent. The court record is not clear as to whether Ms. Tyka Nelson or Mr. Baker were paying other expenses. During the administration of the Estate by Bremer Trust, Bremer followed this intention of the decedent.

43. Subsequent to the appointment of Comerica, Petitioners raised issue with Ms. Tyka Nelson and Mr. Baker not paying rent to the Estate and Comerica reached an agreement with each of them to begin paying market level rent.

44. Norrine Nelson then sought permission of Comerica to rent a different residence owned by the Estate. Comerica declined this request, indicating that Court approval had already been granted to sell the property and the property was listed for sale.

45. Considering the need of the Estate to raise funds for administration expenses and estate taxes, and the ability of Norrine Nelson to rent elsewhere, the Court cannot find that Comerica failed to act impartially or in a manner not in the best interest of the Estate. Ms. Tyka Nelson and Mr. Baker had lived in residences owned by Prince Rogers Nelson for years and would be forced to move. They are now paying market level rent. Ms. Norrine Nelson asked to rent a property after the Court had already approved it for sale. Comerica acted reasonably under the circumstances.

46. It appears to the Court that the primary driving factors behind the Petition for Removal of the Personal Representative are the role of L. Londell McMillan and the refusal of Comerica to permit interim distributions to the heirs from the assets of the Estate.

47. Mr. McMillan worked with Prince Rogers Nelson for years before his death. Mr. McMillan served the Estate as an entertainment industry advisor resulting in the development of agreements that benefited the Estate. When the Estate was seeking an entity to serve as a corporate personal representative, L. Londell McMillan sought to be appointed as an individual co-personal representative to serve with the corporate personal representative. Mr. McMillan's experience could certainly be an asset to the Estate.

48. On the other side, Mr. McMillan was involved in two agreements which were subsequently voided by the Estate due to issues directly relating to the negotiations of Mr. McMillan and Mr. Koppelman. Mr. McMillan now advises Petitioners. In that capacity, Mr. McMillan has not been willing to enter into a non-disclosure agreement with the Estate even though he entered into a similar agreement with Bremer Trust. It appears to the Court that Mr. McMillan, using the heir status of Petitioners, is trying to usurp control of the Estate.

49. Of significant concern to the Court is the inability or unwillingness of the parties to enter into a non-disclosure agreement between the Estate and Mr. McMillan. In addition to the hardline

stance that the parties have taken regarding negotiations, it appears to the Court that there is a primary issue of underlying trust.

50. Comerica alleges in its response to this Petition that Mr. McMillan attempted to negotiate an entertainment agreement in direct competition with a negotiation contemporaneously being undertaken by the Estate. In his Declaration filed in support of this Petition, Mr. McMillan states he “neither initiated, nor conducted, any business or legal discussions” in competition with the Estate. This assertion appears to be in direct conflict with the record. In a September 21, 2017 email from Mr. McMillan to a representative of Comerica, Mr. McMillan argues that music licenses should be granted to projects being worked on by the Prince heirs, discussed specifically the competing entertainment agreement in competition with the Estate, stating “[c]ertainly, the Prince Heirs should pursue projects that will generate income for them and the Prince Estate” and stated that he was the formal exclusive business advisor to Petitioners. At the September 29, 2017 meeting with the Court, Sharon and Norrine Nelson referred to pursuing the competing entertainment agreement.

51. Due to the lack of trust, the unwillingness to enter into a written non-disclosure agreement and the possible direct conflict with the Estate due to the two voided agreements, the Personal Representative has acted properly with respect to its dealings with Mr. McMillian and the caution that it has used in negotiating the non-disclosure agreement.

52. Petitioners have also raised the issue of trust, stating that they can no longer trust the Personal Representative.

53. It is imperative that a high level of trust between Petitioners and the Personal Representative be restored.

54. This Estate has run through millions of dollars of expenses, mostly for good reason considering the complexity of the matter and the vast array of responsibilities undertaken by the Special Administrator and the Personal Representative and the appropriate level of input and participation from the heirs.

55. The administration of this Estate is much like the running of a business with real estate taxes and the expenses of running the various business activities that are the legacy of Prince Rogers Nelson.

56. Estate taxes have been projected by the Estate. However, the Internal Revenue Service may conduct an audit of the return, resulting in uncertainty as to the final amount of taxes to be paid.

57. Bremer Trust and Comerica have worked hard and successfully to meet the expenses of the Estate and to **start** to raise the funds necessary for the payment of Estate taxes as well as future administration expenses.

58. The heirs have chosen to date, to retain the legacy of Prince Rogers Nelson and not to sell off the recording collection. Certainly some memorabilia will be kept by the heirs personally or for display at Paisley Park. To the Court's knowledge, none of these items of personal property have been sold off by the Estate.

59. The retention of the recording collection and the personal property does not provide the Estate with liquidity sufficient for the administration of the Estate, payment of Estate taxes, and interim distributions.

60. If the Personal Representative would make interim distributions to the heirs and then not have the funds to pay the expenses of the Estate, the Personal Representative could be found personally liable. More likely, the Personal Representative would be required to sell off assets of the Estate to the dismay of the heirs.

61. The Court commends the level of communication that Comerica has provided to the heirs who wish to avail themselves of it, either in regular meetings or separate meeting with the heirs, their attorneys and their advisors. This case has recently seen examples where the heirs have not sought out information from Comerica.

62. However, the Court recognizes the need to make sure that Comerica is engaging in the type of communication which best serves the heirs while maintaining the integrity of their Estate administration. There are few entities that could serve in the role of Personal Representative of this Estate and the Court is convinced that another entity would be different, not necessarily better. It would cost the Estate millions of dollars to change over to a new personal representative with the necessary learning curve for the new personal representative and the transition of activities from one entity to another.

63. The Court believes it to be far more in the best interest of the Estate to attempt to improve the level or manner of communication between Comerica and the heirs, their attorneys and their

advisors so that all heirs feel they are properly advised regarding the administration of the Estate and their input is considered, as appropriate.

64. The Court has attempted, as well, to keep an open line of communication with Comerica and the heirs, to conduct informal conversations when appropriate, and the Court conducted a meeting with Comerica and the heirs on September 29, 2017. The Court acknowledges that Petitioners expressed considerable dissatisfaction with the administration of the Estate at the September 29th meeting. The Court believes it would have been more appropriate if the specific issues that needed to be addressed, including the manner of communication, the non-disclosure agreement with L. Londell McMillan and the possibility of interim distributions, had been brought to the Court in a constructive manner, seeking solutions and avoiding unnecessary expense.

65. This Petition has been brought before the Court to further Petitioners' agenda and not in the best interest of the Estate. The result has been a needless increase in the cost of this proceeding. The need to improve the level of trust and communication could have been addressed in a constructive manner without the discharge of the current Personal Representative. The Court finds that the legal contention that interim distributions be distributed to the heirs is not supported by existing law.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Court makes the following:

ORDER

1. The Petition to Permanently Remove Comerica Bank & Trust, N.A. as Personal Representative is hereby respectfully DENIED.

2. Retired Justice James H. Gilbert is hereby appointed by the Court to serve in the role of a moderator and mediator for the Personal Representative and the heirs. The moderator/mediator is appointed by the Court to provide the following services to the Estate:

- a. Ensure a high level of communication between the Personal Representative and the heirs. This includes determining when and how the heir's attorneys and advisors would be included in this communication.
- b. Attempt to negotiate an appropriate non-disclosure agreement between the Estate and Mr. L. Londell McMillan if this is determined to be in the best interest of the Estate.

- c. In the event of ongoing or future disputes between the Personal Representative and the heirs, to assist the Court as an independent third party in determining whether the Personal Representative is adequately communicating with the heirs, whether the heirs or their advisors are attempting to drive their own agenda to the detriment of the Estate, and whether the Personal Representative needs to be granted additional independence and reduce the influence of the heirs in the decision making process.

3. The Court will expand the breadth of the services to be performed by moderator/ mediator, if deemed appropriate, upon the request of the moderator/mediator, the Personal Representative, the heirs or *sua sponte* by the Court. The Court will grant the moderator/mediator the powers of a Rule 53 special master if the Court deems it in the best interest of the Estate and necessary to preserve the assets of the Estate by lowering the cost of administration.

4. The Personal Representative shall submit a statement of their attorney fees that were directly the result of responding to the Petition. The Court reserves the right to award attorney fees in favor of the Estate and against Petitioners. If the Court does award attorney fees, the Court will not require it to be paid out-of-pocket but will offset it against attorney fees that Petitioners may, in the future, request to be paid by the Estate for work that Petitioners attorneys may do in the furtherance of the administration of the Estate.

BY THE COURT:

Dated: December 18 2017

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.