

STATE OF MINNESOTA
COUNTY OF CARVER
DISTRICT

DISTRICT COURT
FIRST JUDICIAL

PROBATE DIVISION

In Re:

Court File No: 10-PR-16-46

Judge: Kevin W. Eide

ESTATE OF PRINCE ROGERS NELSON,
DECEDENT.

**REPLY IN SUPPORT OF
MOTION TO APPROVE
PAYMENT OF HEIR
REPRESENTATIVE FEES AND
EXPENSES**

I, Charles F. Spicer Jr. (*Pro se*) submits this reply in support of my motion to approve payment of Heir Representative Fees and Expenses from the assets of the Estate of Prince Rogers Nelson for the period from May 25, 2018 to March 31, 2020.

ARGUMENT

Comerica Bank & Trust, N.A., personal representative to the Estate (the Personal Representative) and their legal counsel J. Cassioppi filed a response to my motion, whereby Mr. Cassioppi's argument regarding my fees, my role, responsibility and the work that I do with the Personal representatives on behalf of the Heirs for the benefit of the estate expressively reflects ignorance to the facts.

Given the complexity of and the challenges of this Estate, it requires extraordinary time and expertise, expertise that Comerica falsely claimed it had prior to their appointment as Personal Representative. For the past 3 years that Comerica has been running this estate, it has done so based on trial and error, with a "let's just learn as we go" process. It wasn't until the Heirs realized that the Personal Representative did not have the competence to manage this estate, did they begin speaking up about having an advisor appointed to assist. It was not until the court appointed me as Heirs Representative to

work with the Personal Representative did Comerica and the Estate start listening and benefiting from my involvement, through ongoing communications, identifying opportunities, participating and contributing in all the various meetings, mediation sessions, and basically teaching the Personal Representatives Prince Business 101, were they able to progress. My comprehensive expertise and knowledge of the entertainment business and Prince that was provided in my submission to the court for the appointment as an heir's advisor substantiates my hourly rate, which is far below what Comerica has been paying so called experts who are only responsible for one business area of the estate.

The opposition of my fee request by the Personal Representative is another example of their misappropriation of estate funds, taking the time and effort litigating a matter in which the Heirs do not oppose is frivolous. The Personal Representative will however, submit fees for their time doing so. As reflected in my fee affidavit and exhibits, the Personal Representatives and advisors have themselves explicitly expressed support and gratitude for my involvement, working with them on behalf of the Heirs to the benefit of the Estate.

I will not burden the court with a plethora of documents to review in this reply. The facts are perspicuous and I stand on my filed affidavit, the exhibits, and the fact that none of the 5 Heirs opposed my request for fees. I am still the sole Heirs representative that continues to provide beneficial time and effort on behalf of all the Heirs, working with the Personal Representatives, their advisors and mediator on all Estate matters to the benefit of the Estate. My fee submission was presented before the court in the same format, following the same practices of the Personal Representative and therefore should be granted.

1 STANDARD ON REIMBURSEMENT OF HEIRS REPRESENTATIVE FEES.

As Mr. Cassiopi noted, the Minnesota Probate Code does not include an equivalent provision authorizing compensation to non-attorney agents or advisors retained by heirs or other interested persons and therefore Mr. Cassiopi should not attempt to influence the court to create a provision to reduce what is fair and equitable.

Mr. Cassiopi fails to acknowledge that this honorable court appointed me as an Heirs advisor because there was a need to do so, the need for the Heirs to be heard and provide the Personal Representative with information regarding Prince's business, his catalog, his real estate, etc. The purpose of my appointment of Heirs Representative was to ensure " a greater level of communication, of information to the Heirs and vice versa, allowing the Heirs input, avoiding conflicts, and ultimately helping increase the level of income to the Estate which is the result of the work I have provided and that I am still providing. Once again, this is supported by the emails of the Personal Representative, their Legal counsel, and their Entertainment advisor that I have provided as exhibits with my affidavit.

Although Mr. Cassiopi would like to narrow my role based on his interpretation limiting me to entertainment deals only, the court is aware, this Estate is complex and requires effective 2-way communications, Heirs input and desires, mediation, conflict resolution, and decisions with the result being improving progress with the intent to moving the estate to a successful transition to the heirs.

2 THE COURT SHOULD GRANT THE FEES REQUESTED

I ask this honorable court to compare my fee request to the Personal Representatives own fee submissions, fees which the court is already aware of, fee submissions which reflects the areas of business, the amount of work and communications that are required in this estate and examine the Personal Representatives, Legal and Advisor fee practices regarding their fee submissions.

Mr. Cassiopi would like for me to substantiate for the Court the amount I am charging for fees comparing to what I would charge for my services to other clients. Mr. Cassiopi, the Personal Representatives, and this honorable court are very much aware of what Troy Carter, Jason Boyarski, Mark Greiner, and David Dunn is charging the Estate for their services, normally I charge clients commensurate to what Troy Carter, David Dunn, Jason Boyarski, Mark Greiner are charging the Estate monthly. My hourly rate as a court appointed Heirs representative however, is lower than what the Personal Representative is

paying these individuals hourly, whom I work with on Estate matters for the benefit of the Estate. ***E.g. Please refer to the following filing (6/30/2020 filing - Declaration of Mark W. Greiner Regarding Attorneys' Fees from February Through May 2020 Exhibit A Invoice # 1582985 2/27/20 Mark Greiner Hourly Rate) additionally, (6/30/2020 Filing Declaration of Mark W. Greiner Exhibit F Boyarski Fritz Invoice # 24053 Invoice Date 03/02/2020 2/21/20 Jayson Boyarski Hourly Rate)***

Additionally, Mr. Cassiopi takes issue with my time being billed on the quarter hour; however, the Personal Representative by their own admission bill their professional time in quarter hour increments. ***E.g. Please refer to the following filing (May 30th, 2020 Filing Declaration of A. Aycock regarding Comerica's fees and costs from February 2020 through May 2020. Pg8 .18)***

The Personal Representative and their advisors provide general time entry details for all emails and work listed in their fee submissions, due to the abundance of emails and work associated, they also have general descriptions for which they do not have to provide greater detail but which they are granted fees.

3 THE ROLE OF HEIRS REPRESENTATIVE IN THIS ESTATE

Contrary to Comerica's desires, the Heirs of the Estate will be responsible for its administration after the Personal Representatives work is complete. From the outset, the Court has emphasized the necessity of keeping the Heirs apprised of the Estates actions and maintaining beneficial communications with the Heirs. This meant the Heirs representative having to act as a liaison between the Personal Representative, their advisors, and the Heirs in all aspects of the Estate, to protect the Heirs rights in the Estate administration and ensure that the administration was considering the Heirs voice and input on decisions.

The Court should consider the demand, responsibility and requirements placed on the Heirs. The SNJ heirs I represent are seniors, Sharon who is 80 yrs. old, Norrine 78, and Johnny 76, all of whom have expressed their concerns of not having a voice or the ability to

have decision making input, and who also have challenges with the use of today's communication technologies, as well as accessing the information Data site (Hi-Q) that the Estate uses to place estate documents for review. In fact, two of the Heirs do not utilize a computer outside of the limited capabilities of their cellphones. Considering the magnitude of communications required in this Estate, I manage to ensure that SNJ Heirs are aware of the various communications, obtain feedback required, attend meetings with and on their behalf and provide the information requested by the Personal Representative, and draft responses on their behalf. As the Personal representative is aware this responsibility is required for all estate business, not just reviewing and improving entertainment deals as Mr. Cassiopi would like to limit it to.

Mr. Cassiopi has identified and questioned a number of dates and emails in his response, all of which can be verified as Estate business. Because Mr. Cassiopi is not involved in the day-to-day responsibilities of the Estate outside of litigations, it is easy for him to generalize a list of email dates and descriptions and state that certain time entries were not applicable because he is not aware.

As evidence to Mr. Cassiopi's unfamiliarity, he singled out some of my time entries without knowing all the details of those entries. He highlights and contests time entries related to Love 4 One Another Charity, this charity was suspended prior to Prince's passing and the Personal Representative sparked the discussion with the Heirs regarding interest to restart the charity, my clients decided after our discussions that they did not want to pursue the Love 4 One Another charity at that time and moved to start The When Doves Cry Foundation. Both charities were eventually implemented and both charities participated jointly in Minnesota Twins Prince Night events, which was not only a benefit to the charities, but also the efforts of working together with the Estate to promote Prince and establish a working partnership between the Estate and the Minnesota Twins. In order for this to be successfully achieved, it resulted in meetings, emails between the heirs, myself, the Personal Representative, etc.

Mr. Cassiopi also noted my time entry regarding reviewing loan documents for the other Heirs, this was required to understand how those loans could potentially effect the Estate since there was six Heirs.

Next Mr. Cassiopi again, falsely attempts to mislead the court regarding my work associated with the Sony transaction, there were many discussions, meetings, and emails regarding the Sony transaction, and it was at the request of the Personal Representative for the Heirs and advisors to attend a meeting in Minneapolis so that the Sony Entertainment partners, could meet with the Heirs and ask questions, all to benefit the Estate and partnership with Sony.

Mr. Cassioppi also attempts to misinterpret Licensing requests, as defined, licensing music assets for a financial return, under a music license agreement or music contract agreement, in general terms is defined as a short form deal. Mr. Cassiopi's claim that the many license requests that I review and reply to almost daily on behalf of my clients are not applicable for fees is totally incorrect.

Mr. Cassioppi has attempted to take it upon himself to define what my role is and attempt to limit it after my involvement resulted in the ongoing benefits to the Estate. The Personal Representatives and I continuously work on all of the areas of responsibility of this estate. Mr. Cassiopi has simply picked date and email entries, which confirms he has no real idea outside of litigation, of what is really going on in this Estate day to day, and he should have done further research with his clients for more facts before attempting to frivolously dispute any of my time entries.

Based on the complex and extraordinary nature of this Estate and the time and effort devoted to working with the Personal representative on behalf of the heirs my compensation and expenses are fair and reasonable, and should be approved by the court.

My efforts have benefited the Estate by improving communications between the Heirs and the Personal Representative, ensuring the Heirs, who will ultimately be responsible for the estate stay informed of all that is occurring in their Estate, and that they have a voice regarding their estate, all supported by my affidavit, exhibits and with no objection by the Heirs.

Conclusion

For all the foregoing reasons and as established in it's opening Affidavit and Exhibits, I respectfully request the Court to authorize and direct the Personal Representative, Comerica to pay the fees and expenses identified in the motion filed on April, 15, 2020 from the assets of the Estate, as they benefited the Estate.

Date: July 17, 2020

RESPECTFULLY SUBMITTED,



Charles F. Spicer Jr, Pro Se