

STATE OF MINNESOTA  
COUNTY OF CARVER

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

Court File No. 10-PR-16-46

In the Matter of:

Estate of Prince Rogers Nelson,

Decedent.

**ORDER ON CHARLES SPICER'S  
REQUEST FOR RECONSIDERATION**

The above entitled matter came on before the Court based upon the Motion to Approve Payment of Heir Representative Fees and Expenses filed by Charles F. Spicer, Jr on April 15, 2020. At the same time, Mr. Spicer filed the Affidavit of Charles F. Spicer Jr. which, in roughly two pages, set forth his claim for payment of fees and expenses. On June 29, 2020, Comerica Bank and Trust filed a response. On July 17, 2020, Mr. Spicer filed his reply. These documents constitute the record before the Court.

The Court filed an Order on September 18, 2020, denying Mr. Spicer's request for payment of fees from the Estate. On October 16, 2020, Mr. Spicer requested reconsideration of the Court's Order. On October 20, 2020, Comerica submitted a response.

Now, therefore, the Court makes the following:

**ORDER**

1. The Motion of Charles F. Spicer, Jr. for Reconsideration is hereby DENIED.
2. This Order shall take effect on December 18, 2020, if the parties to the motion have not reached a mediated settlement.

BY THE COURT:

Dated: November 9, 2020

\_\_\_\_\_  
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.

## MEMORANDUM

In his request for reconsideration, Mr. Spicer makes general arguments about how his work has benefited the Estate, but again does not provide argument about how specific work that he has done provided quantifiable benefit to the Estate.

Mr. Spicer specifically states, “The Court did not specify what information would satisfy establishing the specific work performed which increased income to the Estate or decreased the expenses incurred by the Estate in order to receive fees.” It is not the Court’s obligation to make Mr. Spicer’s argument for him. The Court is required to issue a ruling based upon the record before it. However, by way of illustration, the Court was looking for Mr. Spicer to provide specific detail such as how the work performed in time entries on \_\_\_\_\_, 2019, and \_\_\_\_\_, 2020, persuaded the Personal Representative to add language to the XYZ Entertainment contract, which resulted in a gain of \$\_\_\_\_\_ to the Estate. Another example would be that the work performed in time entries on \_\_\_\_\_, 2019, and \_\_\_\_\_, 2020 led to a resolution of a dispute between the Heirs and the Personal Representative and further led to the canceling of a mediation or court hearing. This saved the Estate \$\_\_\_\_\_ in legal fees that otherwise would have been expended. Mr. Spicer has failed to provide clear support for his claim that he has added value to the Estate as a whole in his Motion for fees and his request for reconsideration does not provide any further assistance to the Court. The Court must, therefore, deny the request for reconsideration.

In his request for reconsideration, Mr. Spicer also argues that is unfair that he should be paid nothing where Mr. Walker was able to mediate a settlement for some payment of fees. It is clear from the record that Mr. Spicer was given the opportunity to mediate a settlement and he refused. The Court agrees this was an error in good judgment. It is seldom the case that parties should not first make an attempt to reach a settlement or compromise before submitting a dispute to a third party decision maker. Mr. Spicer maintains his right to appeal, and there is still reason to reach a settlement in this matter: to avoid further legal fees, to avoid possible exposure on an appeal, and to reach a just result. For this reason, the Court will invite the parties to mediate a resolution if they wish to and are able to do so. This Order shall not be enforced by either party until after December 17, 2020, to provide an opportunity for mediation.

K.W.E.