

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

FIRST JUDICIAL DISTRICT
PROBATE DIVISIONFile No.: 10-PR-16-46
(Judge Kevin W. Eide)

In re:

Estate of Prince Rogers Nelson,

Decedent.

**DECLARATION OF
KYLE R. KROLL IN SUPPORT OF
UNIVERSAL CITY STUDIOS'S
SECOND PETITION FOR AN
ORDER APPROVING DEPOSIT
OF FUNDS**

I, Kyle R. Kroll, declare and state as follows:

1. I am an attorney with Winthrop & Weinstine, P.A. I represent Universal City Studios LLC (“Universal”) in connection its Second Petition for an Order Approving Deposit of Funds (“Second Petition”) in this matter.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Court’s October 25, 2018 Order in this matter.

3. Attached hereto as **Exhibit B** is a true and correct copy of the document described as Exhibit B in the Second Petition. A redacted copy is being filed publicly. An unredacted copy is being filed under seal, accompanied by a motion to seal.

4. Attached hereto as **Exhibit C** is a true and correct copy of the Court’s January 16, 2020 Order in this matter granting Universal’s *first* Petition for an Order Approving Deposit of Funds dated January 14, 2020.

I declare under penalty of perjury that everything I have stated in this document is true and correct. Signed September 8, 2020, in Hennepin County, Minneapolis, Minnesota.

s/Kyle R. Kroll
Kyle R. Kroll, Esq.

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Exhibit A

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In the Matter of:
Estate of Prince Rogers Nelson,
Decedent.

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

**ORDER & MEMORANDUM DENYING
MOTION TO APPROVE CONSULTANT
PAYMENTS**

The above-entitled matter came on before the undersigned on October 22, 2018 based upon written submissions. Comerica Bank Trust, N.A., (“Personal Representative”) in its capacity as manager of Paisley Park Facility, LLC, an asset of the Estate, has moved the Court for an order finding that certain consultant payments due to the Heirs under Exhibition Consulting Agreements are outside the scope of attorney liens asserted by Lommen Abdo P.A. (“Lommen Abdo”), Skolnick & Joyce, P.A. (“Skolnick & Joyce”) and Barnes & Thornburg, LLP (“Barnes & Thornburg”); and authorizing the Personal Representative to disburse the consultant payments directly to the effected Heirs. Each of the law firms has objected to the Court making the requested finding, however Lommen Abdo does not object to the Court authorizing payment to the Heirs of the sums due for this year alone.

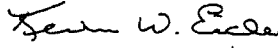
Based on the submissions of the parties, the arguments of counsel, and all of the files, records and proceedings herein, the Court makes the following:

ORDER

1. The Personal Representative’s motion for an order finding that the consultant payments due to the Heirs under the Exhibition Consulting Agreements are outside the scope of the attorneys’ liens asserted by Lommen Abdo P.A., Skolnick & Joyce, P.A. and Barnes & Thornburg, LLP, and authorizing their disbursement is respectfully DENIED.

Dated: October 25, 2018

BY THE COURT:

 Eide, Kevin
2018.10.25 14:50:44 -05'00'

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

Comerica Bank Trust, N.A., (“Personal Representative”) in its capacity as manager of Paisley Park Facility, LLC, an asset of the Estate, has moved the Court for an order finding that consultant payments due to the heirs under Exhibition Consulting Agreements are outside the scope of attorney liens asserted by Lommen Abdo P.A. (“Lommen Abdo”), Skolnick & Joyce, P.A. (“Skolnick & Joyce”) and Barnes & Thornburg, LLP (“Barnes & Thornburg”); and authorizing the Personal Representative to disburse the consultant payments directly to John, Sharon, Norrine, and Tyka Nelson. Each of the law firms has objected to the Court making the requested finding, however Lommen Abdo does not object to the Court authorizing payment to the Heirs of the sums due for this year alone.

The Exhibition Consulting Agreements at issue were entered into effective September 12, 2016 between Paisley Park Facility, LLC and each of the Heirs. Pursuant to the Exhibition Consulting Agreements, each of the Heirs agreed to provide interviews, consultation, and access to their unique information, photographs, and memorabilia for use in the museum and exhibition operated by Paisley Park Facility, LLC. In exchange, each Heir received a \$100,000 payment for the initial one-year term, plus a \$25,000 payment upon commencement of each additional year that the Exhibition Consulting Agreements are extended. The Exhibition Consulting Agreements were extended for additional one-year terms commencing September 12, 2017 and September 12, 2018. Accordingly, the \$25,000 payment to each Heir for the renewal commencing September 12, 2018 is now due.

On August 8, 2018, Lommen Abdo filed its claim for a \$214,652.11 attorneys’ lien against Sharon, Norrine and John Nelson’s interest in the Estate. On August 13, 2018, Barnes & Thornburg filed its claim for an attorneys’ lien against Tyka Nelson’s interest in the Estate without specifying the amount of its alleged lien. On August 27, 2018, Skolnick & Joyce filed its claim for a \$180,935.12 attorneys’ lien against Sharon, Norrine and John Nelson’s interest in the Estate.

Attorney's liens are governed by Minn. Stat. § 481.13 which provides:

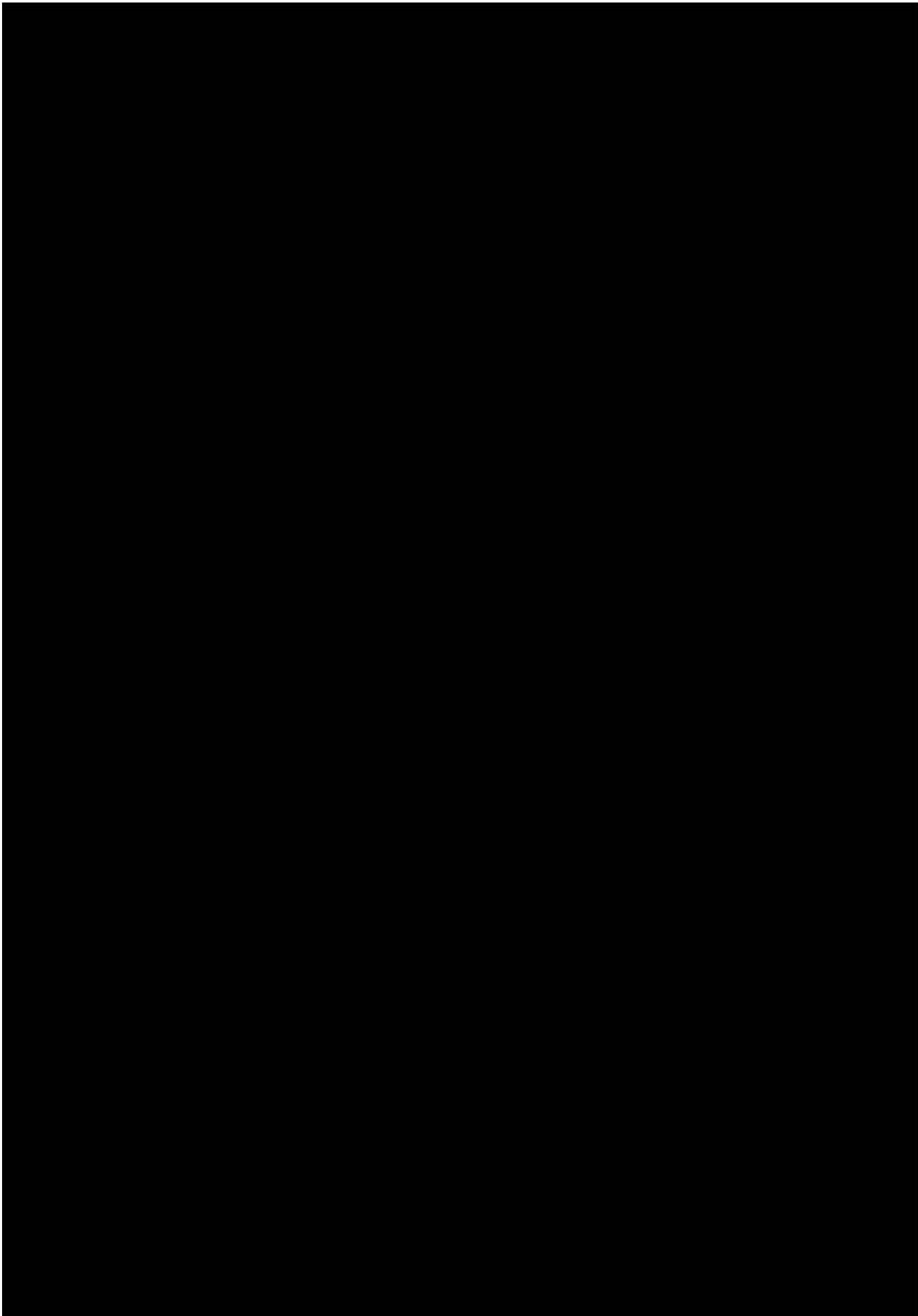
An attorney has a lien for compensation whether the agreement for compensation is expressed or implied (1) upon the cause of action from the time of the service of the summons in the action, or the commencement of the proceeding, and (2) upon the interest of the attorney's client in any money or property involved in or affected by any action or proceeding in which the attorney may have been employed, from the commencement of the action or proceeding, and, as against third parties, from the time of filing the notice of the lien claim, as provided in this section. Minn. Stat. § 481.13, subd. 1(a) (2018) (*emphasis added*).

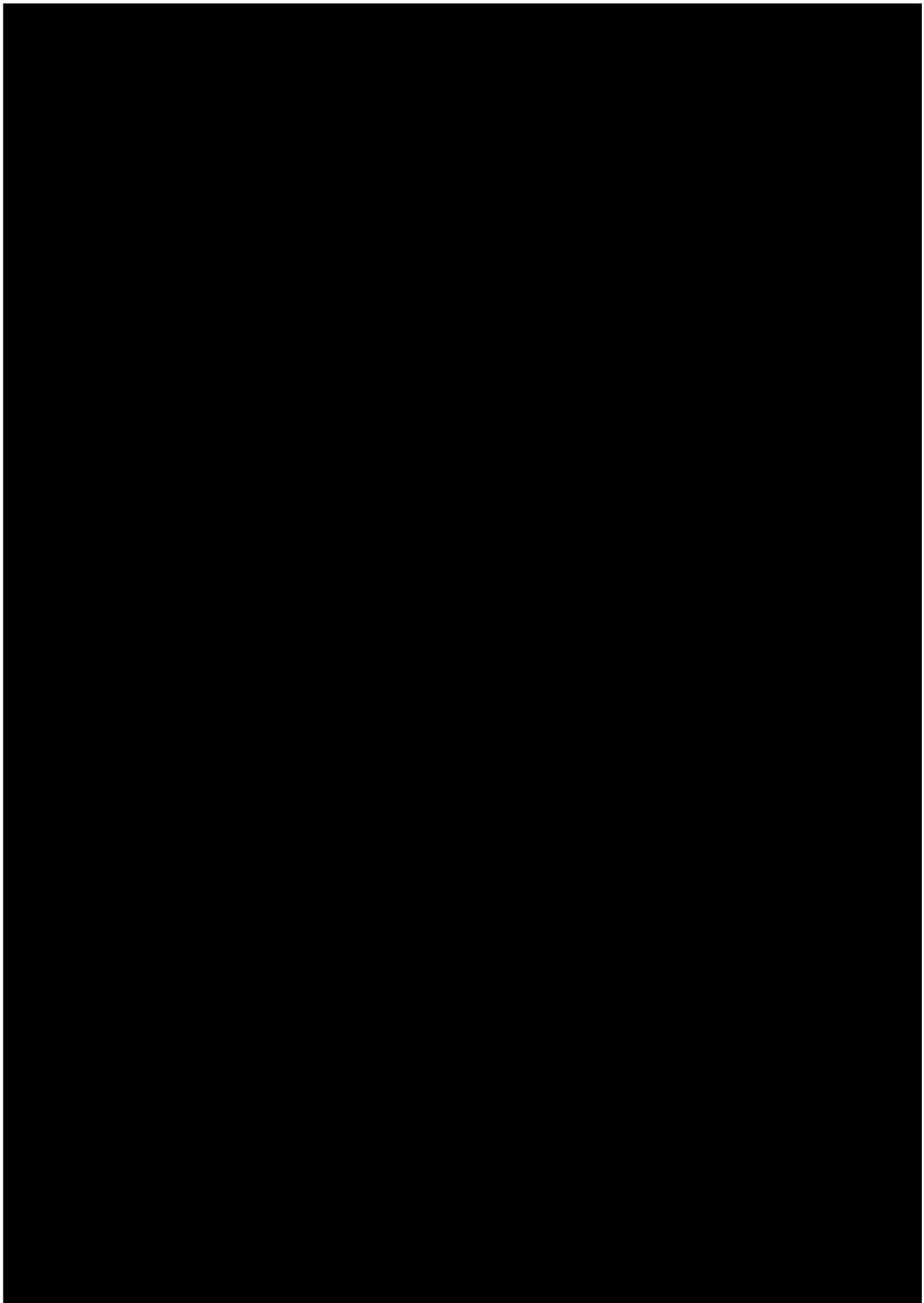
The Personal Representative argues the attorney liens do not apply to the consultant payments because the consultant payments are contractual payments between the Heirs and Paisley Park Facility, LLC, a separate entity from the Estate. The Personal Representative further argues that none of the attorney liens purport to apply to the consultancy payments. The Court is not swayed by either of these arguments. While the Exhibition Consulting Agreements may not be between the Heirs and the Estate, they are between the Heirs and an asset of the Estate, and therefore fall within the broad description of “involved in or affected by” the Estate proceeding. With this broad definition, the attorneys need not have specified in their lien notices that they intended the liens attach to the consultant payments in addition to any other of the Heir's potential interests in the Estate. As a result, the Personal Representative's motion for an order finding that the consultant payments are outside the scope of the attorneys' liens and authorizing their disbursement is respectfully DENIED.

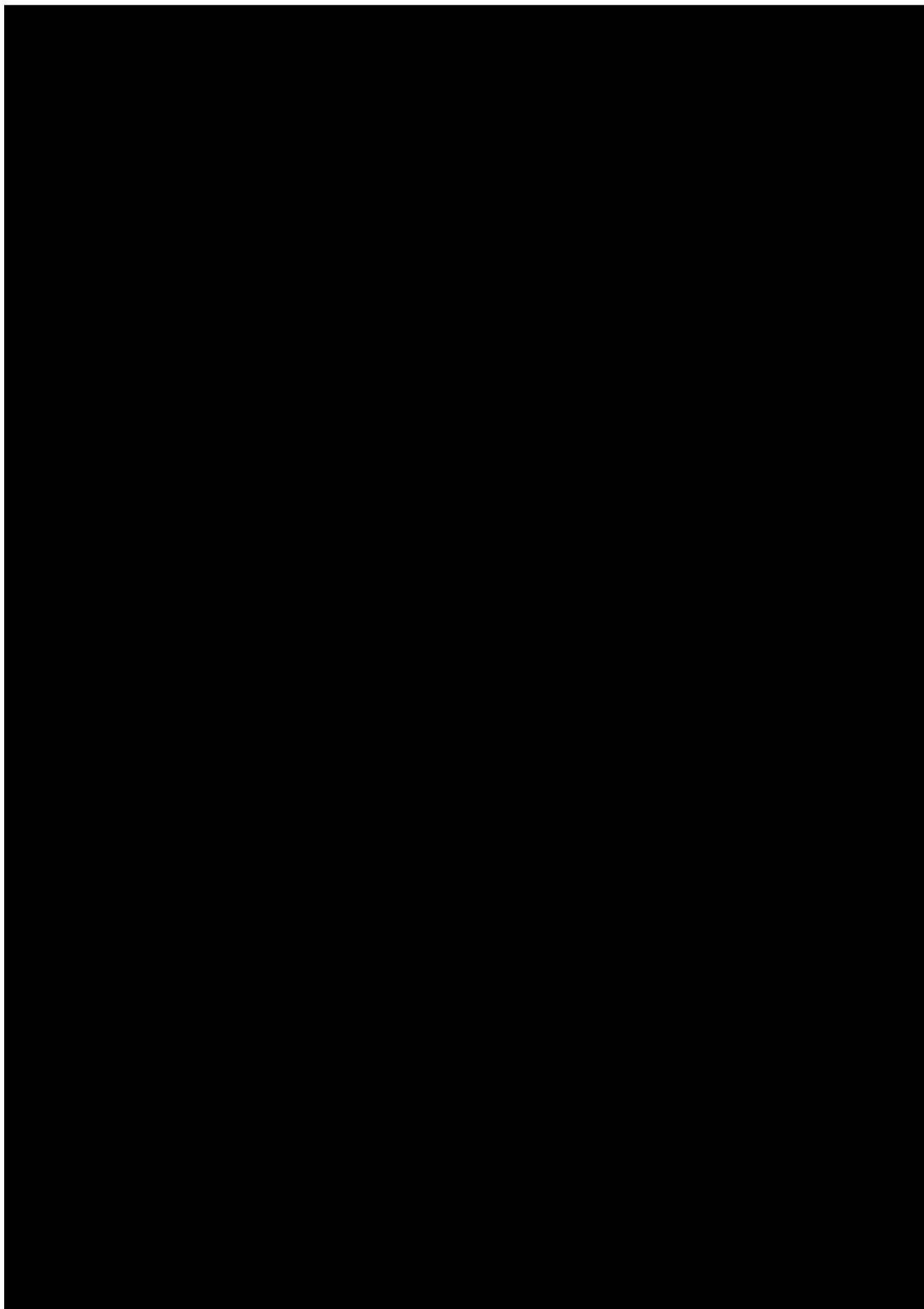
K.W.E.

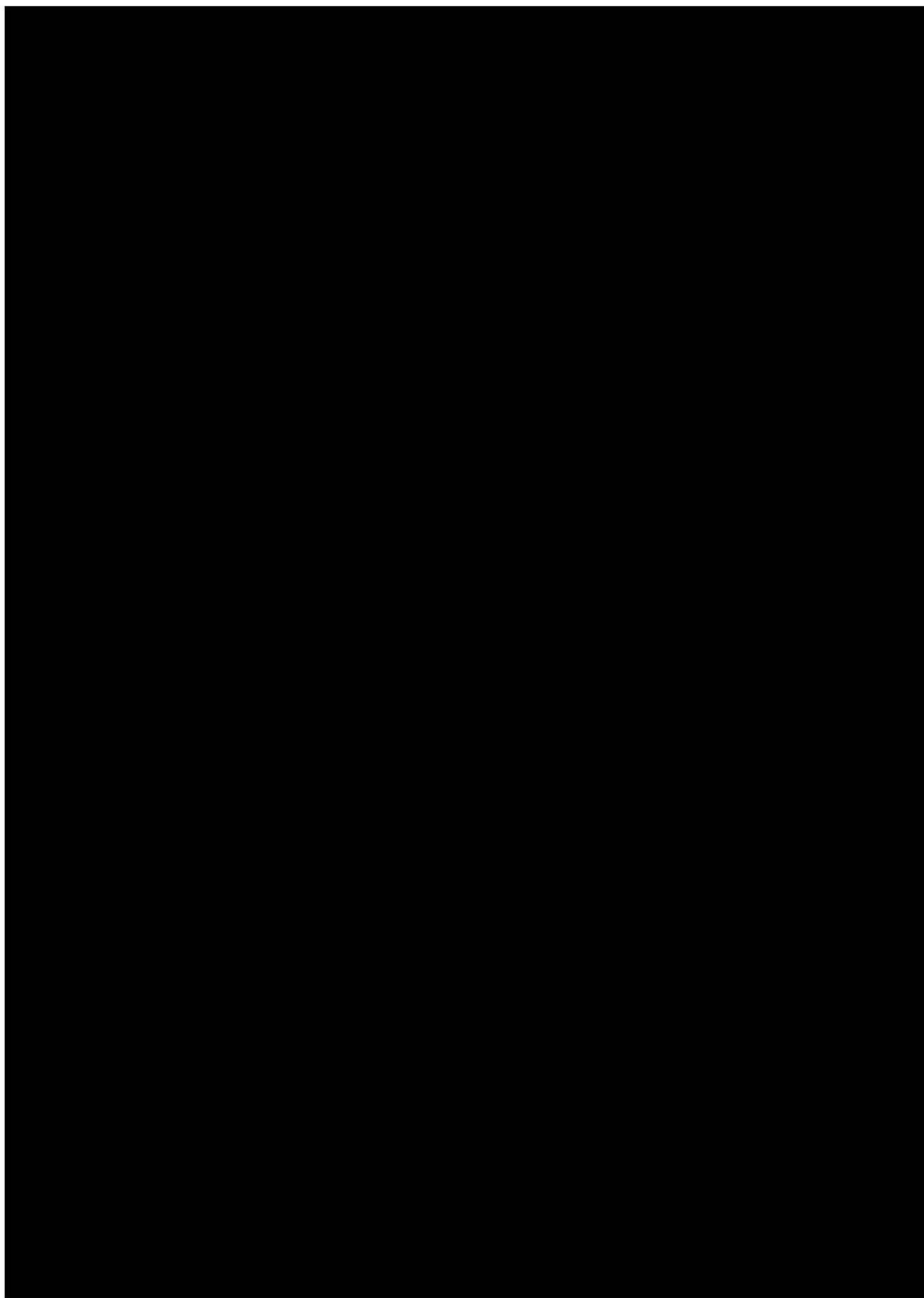
Exhibit B

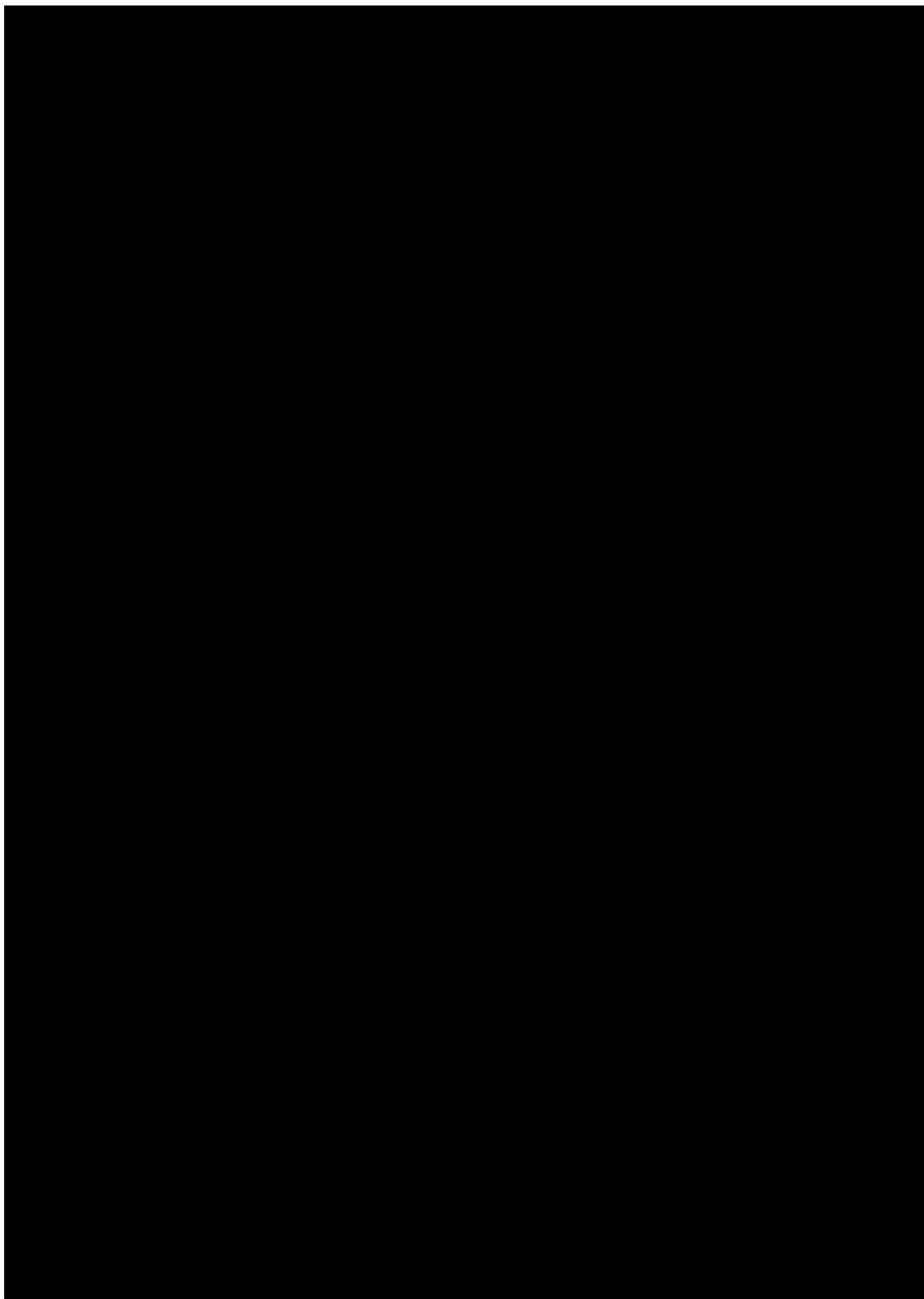
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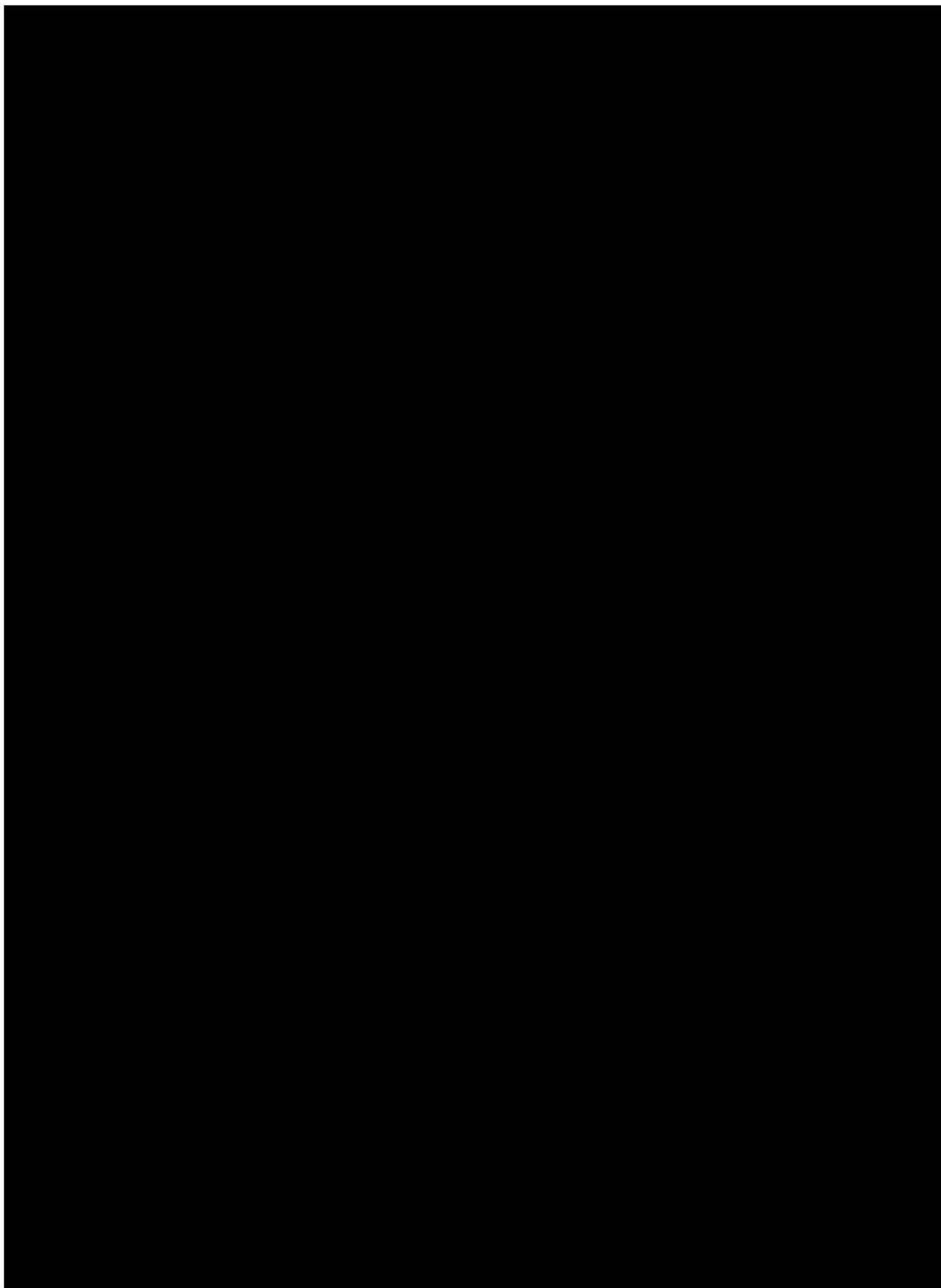


Exhibit C

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

FIRST JUDICIAL DISTRICT
PROBATE DIVISIONFile No.: 10-PR-16-46
(Judge Kevin W. Eide)

In re:

Estate of Prince Rogers Nelson,

Decedent.

**ORDER GRANTING PETITION
FOR AN ORDER APPROVING
DEPOSIT OF FUNDS**

The above-entitled matter came before the undersigned on Petitioner Universal City Studios, LLC's ("Universal") Petition for an Order Approving Deposit of Funds pursuant to Minnesota Rule of Civil Procedure 67 ("Petition"). Based on the Petition, and having reviewed all the files, records, and proceedings herein, the Court makes the following:

ORDER

1. Universal's Petition is GRANTED as set forth herein.
2. Universal is hereby authorized to deposit \$33,333.33 with the Personal Representative.
3. The Personal Representative shall maintain the funds in a segregated account consistent with the Court's Order for Segregation of Funds filed November 14, 2018. After depositing the funds with the Personal Representative, Universal shall give notice by registered mail of the Petition, deposit, and this Order to the interested parties listed in Universal's Petition.
4. Upon deposit, and upon giving notice, Universal is relieved of any and all liability for determining the rightful payee and distributing the funds to the rightful payee under the agreement attached to the Declaration of Kyle R. Kroll dated January 14, 2020 as Exhibit B.

BY THE COURT:

Eide, Kevin

Kevin W. Eide
2020.01.16 16:49:17
-06'00'Dated: January 16 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.