

STATE OF MINNESOTA
CARVER COUNTY

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In Re:

Court File No. 10-PR-16-46

Estate of Prince Rogers Nelson,
Deceased.

**OBJECTION TO SPECIAL ADMINISTRATOR REQUEST
FOR ORDER REGARDING CLAIMS PURSUANT TO PARENTAGE ACT AND PROBATE CODE**

Heirs Brianna Nelson and V.N., by her mother and guardian Jeannine Halloran, hereby object to the proposed Order of Special Administrator Bremer Trust regarding claims pursuant to the Parentage Act and the Probate Code for the following reasons:

1. Brianna Nelson is the niece of Decedent. V.N. is the grand-niece of Decedent.
2. As drafted, the Order proposed by the Special Administrator Bremer Trust would grant it complete unfettered discretion to determine when to require parties claiming genetic relationship to Decedent to submit to and pay for blood and genetic tests in order to determine if a genetic relationship to Decedent exists.
3. By granting such complete and unfettered discretion to the Special Administrator, the Order fails to acknowledge and incorporate the legal requirements of the Parentage Act, including the presumption of paternity set forth at Minn. Stat. § 257.55.
4. The Parentage Act presumption of paternity applies in Probate Actions such as the one at bar. *See In re Estate of Jotham*, 722 N.W.2d 447, 455-6 (Minn. 2006). As the Minnesota Supreme Court held in *Jotham*, any action in probate to establish the absence of paternity must comply with the legal requirements of the Parentage Act.

5. In *Jotham*, the Minnesota Supreme Court rejected a widow's challenge to the paternity of an heir on whose birth certificate the decedent was identified as father. The heir was born within 280 days of the entry of the decedent's judgment of divorce ending a prior marriage. *Id.* at 449. The Minnesota Supreme Court reinstated the lower court's order concluding that the decedent was the heir's father as a matter of law, and thus entitled to inherit from the decedent's estate. *Id.*
6. An Order of the Court requiring parties to submit to genetic testing must exempt those individuals for whom there is a presumption of paternity under the Parentage Act.

For the foregoing reasons, Brianna Nelson and V.N. object to the Order proposed by Bremer Trust concerning the Parentage Act and Probate Code.



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