

STATE OF MINNESOTA  
COUNTY OF CARVER

DISTRICT COURT  
FIRST JUDICIAL DISTRICT  
PROBATE DIVISION

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In the Matter of:

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

Estate of Prince Rogers Nelson,  
Decedent.

**DECLARATION OF SARAH M. OLSON  
IN SUPPORT OF COMERICA BANK &  
TRUST, N.A.'S MEMORANDUM IN  
SUPPORT OF ORDER IMPOSING  
PRECONDITIONS ON SUBMISSIONS BY  
SHAWNETTA T. GRAHAM**

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I, Sarah M. Olson, declare and state as follows:

1. I am an attorney at Fredrikson & Byron P.A., counsel for Comerica Bank & Trust, N.A. ("Comerica"), the Personal Representative of the Estate of Prince Rogers Nelson.
2. I submit this Declaration in support of Comerica's Memorandum in Support of Order Imposing Preconditions on Submissions by Shawnetta T. Graham.
3. Attached hereto as EXHIBIT A is a copy of a letter dated June 28, 2017, from Comerica's counsel to Ms. Graham, regarding heirship claims and mailing of a Notice of Disallowance of Claim to Ms. Graham.
4. Attached hereto as EXHIBIT B is a copy of a letter dated July 11, 2017, from Comerica's counsel to Ms. Graham, stating that Comerica had determined that Ms. Graham was precluded from being an heir as a matter of law.

I declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information, and belief.

Dated: December 20, 2017

/s/ Sarah M. Olson  
Sarah M. Olson

62948151

## EXHIBIT A



June 28, 2017

Shawnetta T. Graham  
77 South Stolp Avenue, Apt. 209  
Aurora, IL 60506-5191

Re: *In re the Estate of Prince Rogers Nelson*  
Court File No. 10-PR-16-46

Dear Ms. Graham:

Our office represents Comerica Bank & Trust N.A., the Personal Representative for the Estate of Prince Rogers Nelson. We are in receipt of your "Notice of Objection of Closing of Case 10-PR-16-46" and your "Pro-Se Notice to Request a Hearing & Distribution of Available Funds."

Pursuant to the Court's Order dated May 18, 2017, which I have enclosed herewith, the Court has determined Prince Rogers Nelson's heirs. To the extent you are seeking to challenge that Order and claim heirship, you were required to file an affidavit setting forth the factual basis for your claim within one week of filing your appearance in this case. Please file an affidavit providing answers to the questions in the enclosed questionnaire labeled "Request for Parentage Information," as well as any supporting documentation for your claim, so that the Personal Representative may make a determination regarding your claim of heirship.

To the extent you are requesting an in-person meeting with the Personal Representative at Paisley Park, the Personal Representative must respectfully decline your request at this time. If, after receiving the additional information detailed above, such a meeting appears necessary or beneficial to the Personal Representative's administration of the Estate, we will be sure to contact you.

Finally, to the extent you are asserting a claim for money against the Estate, please find enclosed a Notice of Disallowance of your claim.

Attorneys & Advisors	Fredrikson & Byron, P.A.
main 612.492.7000	200 South Sixth Street, Suite 4000
fax 612.492.7077	Minneapolis, Minnesota
fredlaw.com	55402-1425

**EXHIBIT A**

June 28, 2017

Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Emily A. Unger", with a long, wavy horizontal line extending to the right.

Emily A. Unger

*Attorney at Law*

**Direct Dial:** 612.492.7470

**Email:** eunger@fredlaw.com

EAU/js

Enclosures

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**EXHIBIT A**

STATE OF MINNESOTA  
 COUNTY OF CARVER

FIRST JUDICIAL DISTRICT  
 DISTRICT COURT  
 PROBATE DIVISION

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Estate of Prince Rogers Nelson,  
 Decedent.

Court File No. 10-PR-16-46

**ORDER DETERMINING  
 INTESTACY, HEIRSHIP &  
 M<sup>c</sup>MILLAN MATTERS**

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The above entitled matter came on before the Court on May 10, 2017, upon various parties' motions for a determination of heirs and intestacy. Appearances were noted on the record.

Now, based upon the arguments of counsel, the file and proceedings, the Court makes the following:

**ORDER**

**Decree of Intestacy**

1. Decedent Prince Rogers Nelson died intestate.

**Determination of Heirs**

2. The heirs of the Estate are determined to be Omarr Baker, Alfred Jackson, Sharon Nelson, Norrine Nelson, John R. Nelson and Tyka Nelson. These are the same individuals that have previously been referred to as the Non-Excluded Heirs.
3. The intent of this Order is to commence the running of the statutory one-year periods pursuant to Minn. Stat. §524.3-412.
4. It is not the Court's intention to prejudice in any way the claim of any person who has made a claim of heirship before this Court, has previously been excluded as an heir by order of this Court, and either has filed an appeal with the Minnesota Court of Appeals or is similarly situated to a person who has commenced an appeal.
5. As to any such claim of heirship properly before the Minnesota Court of Appeals, should the Minnesota Court of Appeals or the Minnesota Supreme Court reverse this Court, or remand the matter back before the District Court for further proceedings, this Court shall

**EXHIBIT A**

fully consider the claims of those heirs consistent with the direction of the appellate court(s).

6. No distribution of assets of the Estate to the heirs shall be permitted without a formal order of this Court, and no distribution to the heirs will be allowed that may adversely affect the claims of heirship properly before the Court of Appeals or the claims of those similarly situated to a person who has commenced an appeal.

**Motion to Quash the Subpoena Duces Tecum served on L. Londell McMillan**

7. The motion to quash the Subpoena Duces Tecum served on L. Londell McMillan is GRANTED in all respects except as affirmatively ordered in this Order.
8. On or before June 16, 2017, L. Londell McMillan shall provide to the Personal Representative the following:

All documents in the possession or control of L. Londell McMillan sent by L. Londell McMillan to any Music Business Entity or received by L. Londell McMillan from any Music Business Entity on or after April 21, 2016 relating to Prince Rogers Nelson or any business owned, or partially owned by, Prince Rogers Nelson or his Estate. For the purpose of this Order, terms shall be defined as in Exhibit A to Subpoena Duces Tecum filed as Document 1326 in this proceeding.

**L. Londell McMillan to serve as a business advisor to John R. Nelson, Norrine Nelson and Sharon Nelson**

9. Comercia Bank & Trust is permitted to disseminate information regarding entertainment industry agreements with L. Londell McMillan, in the scope of his advising one or more of the heirs, regarding any such agreement which is not an amendment or renegotiation of any entertainment industry agreement entered into by the Prince Rogers Nelson Estate prior to January 31, 2017. L. Londell McMillan shall enter into an acceptable non-disclosure agreement before being provided the proposed entertainment industry agreement.

**L. Londell McMillan's motion to intervene**

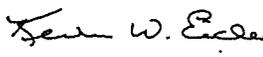
10. By letter dated May 2, 2017, L. Londell McMillan moved informally to intervene in the portions of this matter relating to the discharge of the Special Administrator and matters relating to the UMG contract. That motion is respectfully denied.

**EXHIBIT A****L. Londell McMillan's motion to remove document from Court record**

11. By letter dated May 11, 2017, counsel for L. Londell McMillan moved informally for removal from the Court file of a confidential document attached to the May 3, 2017 Affidavit of Thomas P. Kane. That motion is granted in part. The Affidavit of Thomas P. Kane filed May 3, 2017 as document number 1618 shall be SEALED. Mr. Kane shall refile his Affidavit, without Exhibit 5, as a public document.

**BY THE COURT:**

May 18, 2017

 Eide, Kevin  
 2017.05.18 13:34:35 -05'00'

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Honorable 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.

**EXHIBIT A****REQUEST FOR PARENTAGE INFORMATION**

Personal Representative Comerica Bank & Trust N.A. requests that you provide answers to the following questions and requests for information by affidavit signed **under oath**.

1. What is your full name?
2. What is your birth date?
3. Where were you born?
4. Please provide a certified copy of your birth certificate?
5. What are the full names of your biological parents?
6. Were your biological parents married when you were born? (If yes, answer the subparts below.)
  - a. When were your parents married?
  - b. Where were your parents married?
  - c. What was your biological mother's maiden name?
  - d. Please provide a certified copy of your parents' marriage certificate or other proof of marriage.
  - e. Were your parents divorced? If so, please provide the date of the divorce and a certified copy of the divorce decree or other proof of divorce.
7. Were your biological parents married after you were born? (If yes, answer the subparts below.)
  - a. When were your parents married?
  - b. Where were your parents married?
  - c. What was your biological mother's maiden name?
  - d. Did the man who married your biological mother acknowledge his paternity of you in writing filed with a state registrar of vital records?
  - e. Was the man who married your biological mother named as your father on your birth record with his consent?

**EXHIBIT A**

- f. Was the man who married your biological mother obligated to support you under a written voluntary promise or by court order?
  - g. Please provide a certified copy of your parents' marriage certificate or other proof of marriage.
  - h. Were your parents divorced? If so, please provide the date of the divorce and a certified copy of the divorce decree or other proof of divorce.
8. If your parents were not married when you were born, had they attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable or otherwise invalid? (If yes, answer the subparts below.)
- a. What was the date of the attempted marriage?
  - b. Where did the attempted marriage take place?
  - c. Please provide proof of the attempted marriage.
  - d. If the invalid marriage was terminated by death, annulment, declaration of invalidity, dissolution or divorce, please provide the date of the termination and any proof of such termination.
9. If your parents did not marry or attempt to marry, did any man receive you into his home and openly hold you out as his biological child? If yes, please name the man and provide details and other evidence (e.g. sworn statements, photographs, documents) to support your answer.
10. If your parents did not marry or attempt to marry, did any man and your biological mother acknowledge the man's paternity of you in a writing signed by both of them under Minn. Stat. § 257.34 (copy attached) and filed with the state registrar of vital records? If yes, please provide a certified copy of such writing.
11. If your parents did not marry or attempt to marry, did any man and your biological mother execute a recognition of parentage of you pursuant to Minn. Stat. § 257.75 (copy attached)? If yes, please provide a certified copy of such recognition of parentage.
12. Is any other man presumed to be your father under any of the presumptions found in Minn. Stat. § 257.55 (copy attached)? If yes, please provide details, and also whether the other man signed a written consent if your father and mother signed a written acknowledgment of paternity under Request No. 10 above.

**EXHIBIT A**

13. Was your biological mother married to any man other than your biological father when you were born or within 280 days before your birth?
14. Does a judgment or order exist determining a parent and child relationship between you and one or more parents? If so, please provide details and a certified copy of such judgment or order.
15. Detail the actions taken by you to confirm that the responses to the above requests are true and accurate.
16. If you contend additional information is needed or should be considered by the Personal Representative to support your claim to be an heir, please provide such information.

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**EXHIBIT A**

STATE OF MINNESOTA  
COUNTY OF CARVER

DISTRICT COURT  
FIRST JUDICIAL DISTRICT  
PROBATE DIVISION

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In the Matter of:

Court File No. 10-PR-16-46

Estate of Prince Rogers Nelson,  
Decedent.

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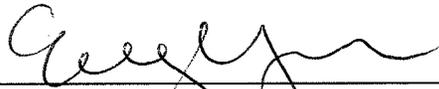
**NOTICE OF DISALLOWANCE OF CLAIM**

TO: Shawnetta T. Graham, 77 South Stolp Avenue, Apt. 209, Aurora, IL 60506-5191.

Your claim in an undisclosed amount, presented on June 5, 2017, and/or June 21, 2017, is disallowed because the claim has no basis in law or fact and was presented after the expiration of the creditors' claim period.

Your claim will be barred unless you file a petition for allowance with the Court or commence a proceeding against the Personal Representative not later than two months after the mailing of this notice to you.

Dated: June 28, 2017




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Emily A. Unger (#0393459)  
FREDRIKSON & BYRON, P.A.  
200 South Sixth Street  
Suite 4000  
Minneapolis MN 55402-1425  
612-492-7000  
612-492-7077 fax  
eunger@fredlaw.com

***Attorneys for Personal Representative  
Comerica Bank & Trust N.A.***

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July 11, 2017

**VIA EMAIL & U.S. MAIL**

Shawnetta T. Graham  
77 South Stolp Avenue, Apt. 209  
Aurora, IL 60506-5191  
gShawnetta@hotmail.com

Re: *In re the Estate of Prince Rogers Nelson*  
Court File No. 10-PR-16-46

Dear Ms. Graham:

Our office represents Comerica Bank & Trust N.A., the Personal Representative for the Estate of Prince Rogers Nelson. We are in receipt of your document entitled "Request for Parentage information: Pro Se Affidavit," received on Sunday, July 9, 2017.

In your Affidavit, you state that your parents are Maxine Graham and William Brown. You also allege that "Prince Rogers Nelson is [your] half-brother do to the fact that Prince and [you] have different mothers but the same father." Because your claim of heirship is based on your allegation that William Brown is Prince Rogers Nelson's father, the Personal Representative has determined that you are precluded from being an heir of Prince Rogers Nelson as a matter of law and that no genetic testing or additional facts or information are necessary. Pursuant to the Court's Order dated July 29, 2016 (enclosed), and Minnesota Statutes §§ 524.1-201(22), 524.2-116, 524.2-117, John R. Nelson is the father of Prince Rogers Nelson and any claims of heirship based on the allegation that a person other than John R. Nelson is Prince Roger Nelson's father (such as your claim) are barred as a matter of law.

If you disagree with this determination, you may file an objection with the Court within three business days of receiving this determination, pursuant to the Court's June 1, 2016 Order (enclosed).

Attorneys & Advisors  
main 612.492.7000  
fax 612.492.7077  
fredlaw.com

Fredrikson & Byron, P.A.  
200 South Sixth Street, Suite 4000  
Minneapolis, Minnesota  
55402-1425

Shawnetta T. Graham  
July 11, 2017  
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Sincerely,

A handwritten signature in black ink, appearing to read 'Emily A. Unger', with a long horizontal flourish extending to the right.

Emily A. Unger  
**Direct Dial:** 612.492.7470  
**Email:** eunger@fredlaw.com

Enclosures

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STATE OF MINNESOTA  
COUNTY OF CARVER

**FILED**  
**JUL 29 2016**  
**CARVER COUNTY COURTS**

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

Court File No. 10-PR-16-46

In the Matter of the Estate of:

Prince Rogers Nelson,  
Decedent.

**ORDER REGARDING GENETIC  
TESTING PROTOCOL AND HEIRSHIP  
CLAIMS FOLLOWING THE  
JUNE 27, 2016 HEARING AND  
JUDGMENT**

On May 6, 2016, this Court filed an Order Authorizing Genetic Testing of the Decedent's Blood. In a separate Order Regarding Claims Pursuant to the Parentage Act and Probate Code, filed May 18, 2016, the Court permitted the genetic testing of those claiming to be an heir of the Decedent, but subject to a genetic testing protocol that was to be developed by the Special Administrator. Finally, on June 6, 2016, the Court filed an Order Approving Protocol, where the Court approved the protocol for genetic testing. In both the May 18, 2016 and the June 6, 2016 Orders, the Court stated that any party wishing to bring a motion before the Court regarding, or wishing to object to, the Court's Order Regarding Claims Pursuant to the Parentage Act and Probate Code or the Order Approving Protocol could have those motions or objections heard before this Court on June 27, 2016 at 8:30 a.m.

On June 27, 2016, the Court conducted the aforementioned hearing. Appearances were noted on the record. Prior to the hearing, the Court had received the Objection to proposed Order Regarding Claims Pursuant to the Parentage Act and Probate Code filed on May 17, 2016 by Darcell Gresham Johnston; the Objection to Order Regarding Claims Pursuant to the Parentage Act and Probate Code filed on May 18, 2016 by Carlin Q. Williams; the Objection to

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Special Administrator Request for Order Regarding Claims Pursuant to Parentage Act and Probate Code filed on May 23, 2016 by Brianna Nelson and V.N.; the Memorandum of Law in Support of Darcell Gresham Johnston's Objection to Protocol Prior to Genetic Testing filed on June 20, 2016; the Special Administrator's Memorandum of Law in Response to Darcell Gresham Johnston's Objection to Protocol Prior to Genetic Testing filed June 24, 2016; and Sharon Nelson, Norrine Nelson, and John Nelson's Joinder in Special Administrator's Response to Darcell Gresham Johnston's Objection to Protocol Prior to Genetic Testing filed June 24, 2016.

At the close of the June 27, 2016 hearing, the Court gave the parties until July 15, 2016 to submit any additional written argument. The Court received the Objections to the Protocol Prior to Potential Genetic Testing and the Special Administrator's Determination Pursuant thereto on the Claim of Estabon Bennermon filed on July 7, 2016. On July 15, 2016, the Court received the Supplemental Memorandum of Law in Support of Venita Jackson Leverette's Objection to Protocol Prior to Genetic Testing; the Special Administrator's Supplemental Memorandum of Law Regarding Protocol Prior to Genetic Testing and Affidavit of David R. Crosby Regarding Protocol Prior to Genetic Testing; the Supplemental Memorandum of Law in Support of Darcell Gresham Johnston's Objection to Protocol Prior to Genetic Testing and Affidavit of Cameron M. Parkhurst; the Petition Heirs' Joint Memorandum of Law in Response to Objections to Protocol Prior to Genetic Testing and Affidavit of Tyka Nelson Regarding Protocol Prior to Potential Genetic Testing; and the Supplemental Objection of Brianna Nelson and V.N. to the Protocol Prior to Potential Genetic Testing Proposed by the Special Administrator.

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**FACTUAL HISTORY**

Prince Rogers Nelson was born on June 7, 1958. His Certificate of Birth lists his parents as Mattie Della (Shaw) and John L. Nelson. Mattie Della Shaw and John L. Nelson were married on August 31, 1957, and were divorced on September 24, 1968. In the Findings of Fact, Conclusions of Law and Order for Judgment in the marriage dissolution proceeding, Prince Rogers Nelson was adjudicated a child of Mattie Shaw and John L. Nelson. Tyka Nelson was also adjudicated a child of Mattie Shaw and John L. Nelson. John L. Nelson died on August 25, 2001. In the Estate of John L. Nelson, Prince Rogers Nelson was adjudicated a person of interest as an heir and was qualified to serve as the Personal Representative of the Estate. Probate records also identify Lorna Nelson, Sharon Blakely, Norrine Nelson, John R. Nelson and Tyka Nelson as the children of John L. Nelson.

The Petition for Formal Appointment of Special Administrator alleges that the following persons are the siblings or half-siblings of Prince Rogers Nelson: John Nelson, Norrine Nelson, Sharon Nelson, Alfred Jackson, Omar Baker, Lorna Nelson (predeceased, leaving no children) and Tyka Nelson. The Court is not aware of any objection or dispute with the statement that these persons are the siblings or half-siblings of Prince Rogers Nelson. This does not exclude the possibility that others may also be a sibling or half-sibling of Prince Rogers Nelson.

Several persons have come forward claiming to be a child of Prince Rogers Nelson.

Several persons have come forward claiming to be a sibling or half-sibling of Prince Rogers Nelson, claiming that John L. Nelson was not the genetic father of Prince Rogers Nelson and claiming that he or she (or his or her deceased parent) has a common father with Prince Rogers Nelson.

## CASE LAW AND STAUTORY HISTORY

### RELEVANT MINNESOTA STATUTES

#### **524.1-201 GENERAL DEFINITIONS**, provides in the relevant provisions:

Subject to additional definitions contained in the subsequent articles which are applicable to specific articles or parts, and unless the context otherwise requires, in chapters 524 and 525:

(1) "Adoptee" means an individual who is adopted.

(5) "Birth mother" means a woman who gives birth to a child, including a woman who is the child's genetic mother and including a woman who gives birth to a child of assisted reproduction. "Birth mother" does not include a woman who gives birth pursuant to a gestational agreement.

(6) "Child" includes any individual entitled to take as a child under law by intestate succession from the parent whose relationship is involved and excludes any person who is only a stepchild, a foster child, a grandchild or any more remote descendant.

(22) "Genetic father" means the man whose sperm fertilized the egg of a child's genetic mother. If the father-child relationship is established under the presumption of paternity under chapter 257, "genetic father" means only the man for whom that relationship is established.

(23) "Genetic mother" means the woman whose egg was fertilized by the sperm of a child's genetic father.

(24) "Genetic parent" means a child's genetic father or genetic mother.

#### **524.2-103 SHARE OF HEIRS OTHER THAN SURVIVING SPOUSE**, provides in the relevant provisions:

Any part of the intestate estate not passing to the decedent's surviving spouse under section 524.2-102, or the entire intestate estate if there is no surviving spouse, passes in the following order to the individuals designated below who survive the decedent:

(1) to the decedent's descendants by representation;

(2) if there is no surviving descendant, to the decedent's parents equally if both survive, or to the surviving parent;

(3) if there is no surviving descendant or parent, to the descendants of the decedent's parents or either of them by representation;

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Until its amendment in 2010, **524.2-114 MEANING OF CHILD AND RELATED TERMS**, provided in the relevant provisions:

If, for purposes of intestate succession, a relationship of parent and child must be established to determine succession by, through, or from a person:

(2) In cases not covered by clause (1), a person is the child of the person's parents regardless of the marital status of the parents and the parent and child relationship may be established under the Parentage Act, sections 257.51 to 257.74.

In 2010, this language was deleted from the statute and no other language was added to assist the Court determining the existence of a parent child relationship under the probate code.

**524.2-116 EFFECT OF PARENT-CHILD RELATIONSHIP**, provides:

Except as otherwise provided in section 524.2-119, subdivisions 2 to 5, if a parent-child relationship exists or is established under this part, the parent is a parent of the child and the child is a child of the parent for the purpose of intestate succession.

**524.2-117 PARENT-CHILD RELATIONSHIP WITH GENETIC PARENTS**, provides:

Except as otherwise provided in section 524.2-114, 524.2-119, or 524.2-120, a parent-child relationship exists between a child and the child's genetic parents, regardless of the parents' marital status.

**524.2-119 ADOPTEE AND ADOPTEE'S GENETIC PARENTS.**

Subdivision 1. **Parent-child relationship between adoptee and genetic parents**, provides in the relevant provisions:

Except as otherwise provided in subdivisions 2 to 5, unless otherwise decreed, a parent-child relationship does not exist between an adoptee and the adoptee's genetic parents.

**257.52 PARENT AND CHILD RELATIONSHIP DEFINED**, provides:

As used in sections 257.51 to 257.74, "parent and child relationship" means the legal relationship existing between a child and the child's biological or adoptive parents incident to which the law confers or imposes rights, privileges, duties, and obligations. It includes the mother and child relationship and the father and child relationship.

**257.54 HOW PARENT AND CHILD RELATIONSHIP ESTABLISHED**, provides:

The parent and child relationship between a child and:

(a) the biological mother may be established by proof of her having given birth to the child, or under sections 257.51 to 257.74 or 257.75;

(b) the biological father may be established under sections 257.51 to 257.74 or 257.75; or

(c) an adoptive parent may be established by proof of adoption.

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**257.55 PRESUMPTION OF PATERNITY**, provides in the relevant provisions:**Subdivision 1. Presumption.**

A man is presumed to be the biological father of a child if:

(a) he and the child's biological mother are or have been married to each other and the child is born during the marriage, or within 280 days after the marriage is terminated by death, annulment, declaration of invalidity, dissolution, or divorce, or after a decree of legal separation is entered by a court. The presumption in this paragraph does not apply if the man has joined in a recognition of parentage recognizing another man as the biological father under section 257.75, subdivision 1a;

**Subd. 2. Rebuttal.**

A presumption under this section may be rebutted in an appropriate action only by clear and convincing evidence. If two or more presumptions arise which conflict with each other, the presumption which on the facts is founded on the weightier considerations of policy and logic controls. The presumption is rebutted by a court decree establishing paternity of the child by another man.

**257.57 DETERMINATION OF FATHER AND CHILD RELATIONSHIP; WHO MAY BRING ACTION; WHEN ACTION MAY BE BROUGHT**, provides in the relevant provisions:**Subdivision 1. Actions under section 257.55, subdivision 1, paragraph (a), (b), or (c).**

A child, the child's biological mother, or a man presumed to be the child's father under section 257.55, subdivision 1, paragraph (a), (b), or (c) may bring an action:

(a) at any time for the purpose of declaring the existence of the father and child relationship presumed under section 257.55, subdivision 1, paragraph (a), (b), or (c); or

(b) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, paragraph (a), (b), or (c), only if the action is brought within two years after the person bringing the action has reason to believe that the presumed father is not the father of the child, but in no event later than three years after the child's birth. However, if the presumed father was divorced from the child's mother and if, on or before the 280th day after the judgment and decree of divorce or dissolution became final, he did not know that the child was born during the marriage or within 280 days after the marriage was terminated, the action is not barred until one year after the child reaches the age of majority or one year after the presumed father knows or reasonably should have known of the birth of the child, whichever is earlier. After the presumption has been rebutted, paternity of the child by another man may be determined in the same action, if he has been made a party.

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**Subd. 2. Actions under other paragraphs of section 257.55, subdivision 1.**

The child, the mother, or personal representative of the child, the public authority chargeable by law with the support of the child, the personal representative or a parent of the mother if the mother has died or is a minor, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor may bring an action:

(1) at any time for the purpose of declaring the existence of the father and child relationship presumed under sections 257.55, subdivision 1, paragraph (d), (e), (g), or (h), and 257.62, subdivision 5, paragraph (b), or the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, clause (d);

(2) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.55, subdivision 1, paragraph (e) or (g), only if the action is brought within six months after the person bringing the action obtains the results of blood or genetic tests that indicate that the presumed father is not the father of the child;

(3) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.62, subdivision 5, paragraph (b), only if the action is brought within three years after the party bringing the action, or the party's attorney of record, has been provided the blood or genetic test results; or

(4) for the purpose of declaring the nonexistence of the father and child relationship presumed under section 257.75, subdivision 9, only if the action is brought by the minor signatory within six months after the minor signatory reaches the age of 18. In the case of a recognition of parentage executed by two minor signatories, the action to declare the nonexistence of the father and child relationship must be brought within six months after the youngest signatory reaches the age of 18.

**Subd. 3. Action regarding child with no presumed father under section 257.55.**

An action to determine the existence of the father and child relationship with respect to a child who has no presumed father under section 257.55 may be brought by the child, the mother or personal representative of the child, the public authority chargeable by law with the support of the child, the personal representative or a parent of the mother if the mother has died or is a minor, a man alleged or alleging himself to be the father, or the personal representative or a parent of the alleged father if the alleged father has died or is a minor.

**Subd. 6. Adopted child.**

If the child has been adopted, an action may not be brought.

**257.66 JUDGMENT OR ORDER**, provides in the relevant provisions:

**Subdivision 1. Determinative.**

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The judgment or order of the court determining the existence or nonexistence of the parent and child relationship is determinative for all purposes.

### **CASE LAW**

Several cases were decided by the Minnesota appellate courts under Minn. Stat. § 524-2-114 prior to its amendment in 2010.

In the *Estate of James A. Palmer*, the Decedent's wife sought a declaration of the court that Michael Smith was not the son and heir of the decedent because he was not a presumed parent under the Minnesota Parentage Act. *Estate of James A. Palmer*, 658 N.W. 2d 197, 198 (Minn. 2003). The Minnesota Supreme Court determined that paternity for intestate succession purposes can be established under the Minnesota Parentage Act or by clear and convincing evidence. *Id.* at 200.

In the *Estate of Adolph L. Martignacco*, the Respondent's birth certificate declared that a Harold Reed was his father. *Estate of Adolph L. Martignacco*, 689 N.W. 2d 262, 264 (Minn. Ct. App. 2004). The Respondent grew up believing this to be true until, after the death of Harold Reed, Respondent's mother told the Respondent that his real father was the Decedent Martignacco. *Id.* The Respondent did establish a relationship with the Decedent, but the Decedent never formally declared the Respondent to be his son. *Id.* Notably, upon the filing of an affidavit of the Respondent's mother declaring that the Decedent Martignacco was the Respondent's father, the Court ordered genetic testing and the Respondent was determined to be the Decedent's son by a 99.99% degree of certainty. *Id.* at 265. The Minnesota Court of Appeals

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reaffirmed the ruling in *Palmer* and found that the presumption of paternity under the statute had been rebutted by clear and convincing evidence. *Id.* at 268.

In the *Trusteeship of Trust Created Under Trust Agreement dated December 31, 1974*, 674 N.W. 2d 222, 231 (Minn. Ct. App. 2004), the Minnesota Court of Appeals declared a judgment or order of the court determining the existence or non-existence of a parent and child relationship is “determinative for all purposes.”

In the *Estate of Leonard Jotham*, Child A sought the declaration of the court that Child B was not the child and heir of the Decedent. *Estate of Leonard Jotham*, 722 N.W. 2d 447, 449 (Minn. 2006). The Decedent was the presumed father of Child B under Minn. Stat. § 257.55 because Child B was born 279 days after the divorce of the Decedent and the mother of Child A and Child B. *Id.* The Minnesota Supreme Court ruled that, when Child B sought to be determined to be a child and heir of the Decedent under the Minnesota Paternity Act (and not by the clear and convincing evidence standard), that presumption could be rebutted only by a person who met the standing and timeliness standard of the Minnesota Paternity Act in Minn. Stat. §257.57. *Id.* at 455.

Much of the appellate analysis in the decisions cited above centered on the permissive language of Minn. Stat. § 524.2-114(2) that existed within the former Probate Code. In 2010, however, that permissive language was eliminated as part of a larger revision of the Probate Code. A new section, 524.2-117, was added, providing that a parent-child relationship exists between a child and the child’s “genetic parents.” The new Probate Code defines a child’s “genetic father” as the man whose sperm fertilized the egg of a child’s genetic mother. Minn. Stat. § 524.1-201 (22). Importantly, the definition of “genetic father” continues by giving priority to any parent-child relationship established under the Parentage Act.

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The Court will address the various applications being made by individuals claiming to be an heir of the Decedent.

**CLAIMS BY APPLICANTS WHO ARE A DISTANT RELATIVE FOR THE PURPOSES OF DETERMINING INTESTATE SUCCESSION**

There has been no credible, documented claim that any applicant is a surviving spouse of the Decedent. Assuming that there is no surviving spouse, the distribution of the Decedent's estate would be determined under the priority set forth in Minn. Stat. § 524.2-103. There are applicants who have claimed to be a child of the Decedent. Those claims will be addressed below. If there are no surviving children of the Decedent, or descendants of children that predeceased the Decedent, the estate would pass to the surviving siblings of the Decedent, or to the descendants of any predeceased siblings. The Petition for Formal Appointment of Special Administrator alleges that there are several siblings or half-siblings of the Decedent. No one has claimed that none of the siblings or half-siblings identified in the Petition are not a sibling or half-sibling of the Decedent. Therefore, pursuant to Minn. Stat. § 524.2-103, a person claiming to be an heir of the Decedent who has a lower priority than a sibling or a half-sibling would be excluded as an heir as a matter of law. Therefore, April Seward, Martha Samuels, James Womack, Priscilla Williams, Lorraine Huddleston, Dana Nettles, Jonette Carter, Michael Samuels, Nicole White, Michael Darling, Mia Dragojevich, Claire Boyd and Maurice Soledad are excluded as heirs of the Decedent's Estate as a matter of law.

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**CLAIMS BY APPLICANTS BASED UPON AN ALLEGED ADOPTION BY THE DECEDENT**

Pursuant to Minn. Stat. § 524.1-201(1) an adoptee is an individual who has been adopted. Minn. Stat. § 257.54 provides that a parent and child relationship between a child and an adoptive parent may be established by proof of adoption.

CHILD 1 claims to be a child of the Decedent by means of an adoption, but is unable to provide proof of the adoption. Because CHILD 1 has failed to provide proof of the alleged adoption, CHILD 1 has not established he has been adopted by the Decedent under the Minnesota Parentage Act or by clear and convincing evidence. As CHILD 1 is not able to meet the clear and convincing standard for proving that he is an heir of the Decedent, the Court determines as a matter of law that CHILD 1 is not an heir of the Decedent's estate. If CHILD 1 is able to provide further proof of the adoption, the Court may reconsider this Order.

**APPLICATION BASED UPON BEING A GENETIC CHILD OF THE DECEDENT, THE DECEDENTS PARENTAL RIGHTS BEING TERMINATED AND THE CHILD BEING ADOPTED BY OTHER PARENTS**

CHILD 2 claims that he was born as a result of a brief sexual relationship between his genetic mother and the Decedent. He further claims that the parental rights of his parents were terminated in a legal proceeding and he was then adopted by another family. Minn. Stat. § 524.2-119 clearly provides that a parent-child relationship does not exist between an adoptee and the adoptee's genetic parents for the purposes of intestate inheritance.

CHILD 2 has requested the Court order that genetic testing be initiated to see if he is the genetic child of the Decedent, and then stay certain proceedings to see if CHILD 2 can vacate the proceeding for the termination of his parental rights and his adoption. The Court declines to do

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so. CHILD 2 is clearly not an heir of the Decedent's estate currently under the Probate Code. There is no presumption of paternity under the Parentage Act. This Court has no jurisdiction or control over the proceedings in a foreign jurisdiction to address the termination of parental rights and adoption proceedings. CHILD 2 shall be excluded as an heir of the Decedent's estate as a matter of law.

Similarly, CHILD 3 claims that she was adopted and she has no knowledge of her biological parents, although she suspects that the Decedent is her father based upon the general description of the lifestyle of her biological parents, her fascination with the Decedent and physical similarities. As CHILD 3 has been adopted by other parents, she would no longer have a parent-child relationship with the Decedent for the purpose of intestate inheritance even if it were established that the Decedent were CHILD 3's genetic parent.

Based upon the documents submitted by CHILD 3, the Court will also find that she has not established a *prima facie* showing that she is a genetic child of the Decedent and shall be excluded as a matter of law as an heir of the Decedent's Estate.

#### **OTHER PERSONS CLAIMING TO BE A CHILD OF THE DECEDENT**

None of the other applicants claiming to be a child of the Decedent claim that there is a presumption of paternity under the Minnesota Parentage Act. The Court notes that in the *Estate of Adolph L. Martignacco*, the Decedent was not listed as the father on the applicant's birth certificate. Another person was the presumed father of the child as the child was born during the marriage of this other person and the applicant's mother. *Martignacco*, 689 N.W.2d at 264. *Id.* The Court allowed the matter to proceed to genetic testing based upon an affidavit of the mother of the applicant stating that Adolph Martignacco was actually the applicant's father. *Id.*

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*Martignacco* is distinguishable from this case in that, in *Martignacco*, the decedent and the applicant did develop a relationship prior to the decedent's death. In the claims that have been made by CHILD 4 and CHILD 5, neither of the claimants allege a relationship with the Decedent during his lifetime.

Further, neither CHILD 4 nor CHILD 5 have provided an affidavit from their mother indicating that the mother had a sexual relationship with the Decedent which resulted in their birth. They have, instead, relied on speculation or third-party conjecture as a basis for their claims. CHILD 4 refers to a statement made by a friend of his presumed father (the friend is not even identified) through which he “**inferred** from these conversations that my mother had sex with Prince.” *Emphasis added.*

CHILD 5 claims that his mother told him, at age 28, that his father “was very smart and intelligent.” No other information was provided. CHILD 5 finally claims that “[i]n late 2010, at my grandmother's funeral, I was told by my mother's best friend my name was French for Young Prince and Mr. Nelson was the reason.”

Based upon the information provided, neither CHILD 4 or CHILD 5 have established a *prima facie* showing that they are the children of the Decedent and both shall be excluded as a matter of law as heirs of the Decedent.

#### **APPLICATIONS BASED UPON A CLAIM OF BEING A DESCENDANT OF DUANE NELSON**

Brianna Nelson and V.N. allege they are the niece and grandniece, respectively, of the Decedent and are the daughter and granddaughter, respectively, of Duane J. Nelson. They allege that Duane J. Nelson is the half-sibling of the Decedent. Duane J. Nelson's birth certificate

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indicates that John L. Nelson is his birth father and Vivian Nelson is his birth mother. If this is true, Duane J. Nelson would be a full sibling of John Nelson, Norrine Nelson and Sharon Nelson, and a half-sibling of Tyka Nelson and the Decedent.

Brianna Nelson and V.N. allege that John L. Nelson held himself out to be Duane J. Nelson's father during his lifetime, was supportive of Duane's athletic accomplishments, and visited Duane a number of times in Milwaukee. It is further alleged that Duane J. Nelson was identified as the son of John L. Nelson in his own obituary, as well as the obituary of Lorna Nelson. Lorna Nelson listed Duane J. Nelson as her half-brother in pleadings in *Nelson v. PRN Productions, Inc.* 873 F.2d 1141, 1141 (8<sup>th</sup> Cir. 1989).

Brianna Nelson and V.N. allege that Duane J. Nelson had a close relationship with the Decedent during junior high school and high school. Later, it is alleged that the Decedent put Duane J. Nelson in charge of his personal security. It is alleged that Duane J. Nelson worked with the Decedent when he was at Paisley Park and when the Decedent was traveling.

The Court is satisfied that Brianna Nelson and V.N. have made a prima facie showing that they are potential heirs of the Decedent. Therefore, the Court will order the genetic testing of Brianna Nelson, V.N., John Nelson, Norrine Nelson, Sharon Nelson and Tyka Nelson.

**APPLICATIONS BASED UPON A CLAIM OF BEING A DESCENDANT OF THE FATHER OF THE DECEDENT AND ALLEGING THAT A PERSON OTHER THAN JOHN L. NELSON IS THE FATHER OF THE DECEDENT.**

Various applicants claim that they are a descendant of Loyal James Gresham, Jr., Paul Leonard Newman, Haywood Nelson, Sr., or Alfred Jackson, Sr.; and further allege that one of those persons is, in fact, the father of the Decedent.

John L. Nelson is the father listed on the Decedent's birth certificate and the Decedent was born during the marriage of John L. Nelson and Mattie Della (Shaw). John L. Nelson is the

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presumptive father of the Decedent. Minn. Stat. § 257.55 (2015). Pursuant to the Minnesota Probate Code, if the father-child relationship is established under the presumption of paternity under chapter 257, "genetic father" means only the man for whom that relationship is established. See Minn. Stat. §§ 524.1-201(22), 524.2-116 and 524.2-117. Therefore, John L. Nelson is also the genetic father of the Decedent. The Decedent was adjudicated the child of John L. Nelson and Mattie Della (Shaw) in their divorce decree. The Decedent was adjudicated an interested person in the Estate of John L. Nelson as an heir and served as Personal Representative of the Estate of John L. Nelson. John L. Nelson is the presumptive father, the genetic father and the adjudicated father of the Decedent.

These applicants argue rightfully that, under some circumstances in probate proceedings, a presumption under the Parentage Act can be rebutted, and paternity can be established, by clear and convincing evidence separately from the Parentage Act. See *In Re the Estate of James A. Palmer*, 658 N.W. 2d 197 (Minn. 2003) and *Estate of Adolph L. Martignacco*, 689 N.W. 2d 262 (Minn. Ct. App. 2004).

*In the Estate of Leonard Jotham* is also instructive. In *Jotham*, Child A sought a declaration of the court that Child B was not the child and heir of the Decedent. *Estate of Leonard Jotham*, 722 N.W. 2d 447, 449 (Minn. 2006). The Decedent was the presumed father of Child B under Minnesota Law (see additional facts from the case above). The Minnesota Supreme Court ruled that the presumption could be rebutted only by a person who met the standing and timeliness standard of the Minnesota Paternity Act in Minn. Stat. § 257.57. *Id.* at 455.

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In this proceeding, John Nelson, Norrine Nelson, Sharon Nelson and Tyka Nelson seek to be determined siblings or half-siblings of the Decedent because they have a common presumptive father in John L. Nelson. If another person sought to be determined to be an heir of the Estate through an alleged father other than John L. Nelson, the Court would need to determine that the Decedent had two fathers, or that John Nelson, Norrine Nelson, Sharon Nelson and Tyka Nelson are not heirs of the Estate.

If it is an applicant's intent that persons claiming to be the descendants of John L. Nelson and one of the other alleged fathers would all be deemed heirs to the Estate, the Court would need to find that the Decedent had a presumptive and genetic father (John L. Nelson) and a second, biological father. The Court first finds that to declare the Decedent has two fathers would be intellectually unsatisfying. Secondly, the term biological father, or something similar to it, is not defined in the Probate Code. There is no such person. The Court acknowledges that the Minnesota Probate Code is not entirely consistent with reference to the terms father, parent, genetic father or genetic parent. However, Minn. Stat. §§ 524.1-201 and 524.2-103 regarding definitions and intestate succession reference a father or parent in singular terms.

If, however, it is the applicant's intent to establish that a person other than John L. Nelson is the Decedent's father, to the exclusion of all other alleged fathers including John L. Nelson, the necessary result is that John Nelson, Norrine Nelson, Sharon Nelson and Tyka Nelson would not inherit from the Estate. This places this proceeding directly in line with *Jotham*, which requires that a presumption of paternity (that John L. Nelson is the father of the Decedent, John Nelson, Norrine Nelson, Sharon Nelson and Tyka Nelson) may be rebutted only by a person who met the standing and timeliness standards of the Minnesota Paternity Act in Minn. Stat. §257.57.

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Pursuant to Minn. Stat. § 257.57, Subd. 1, an action to declare the non-existence of the father and child relationship may only be brought by the child (here the Decedent), the child's biological mother, or the man presumed to be the father. The applicants claiming to be an heir based upon someone other than the presumed father being the actual father would not have standing to seek a declaration that John L. Nelson is not the Decedent's father.

Further, pursuant to Minn. Stat. § 257.57, the action to declare the non-existence of the parent child relationship would have to have been initiated within two years after the person bringing the action has reason to believe that the presumed father is not the father of the child, but in no event later than three years after the child's birth.

As John L. Nelson is the presumed, genetic and adjudicated father of the Decedent and, as the applicants have neither met the standing or timeliness requirements to rebut the presumption of paternity, the Court determines that Loyal James Gresham, Jr., Loya Wilson, Loyal James Gresham III, Darcell Johnston, Orrine Gresham, Paul Leonard Newman, Regina Sorenson, Haywood Nelson, Sr., Roscco Motes, Alfred Jackson, Sr. and Venita Jackson-Leverette are not, as a matter of law, intestate heirs of the Decedent.

Accordingly, based upon the record, the Court hereby makes the following:

#### **ORDER**

1. April Seward, Martha Samuels, James Womack, Priscilla Williams, Lorraine Huddleston, Dana Nettles, Jonette Carter, Michael Samuels, Nicole White, Michael Darling, Mia Dragojevich, Claire Boyd and Maurice Soledad are excluded as heirs of the Decedent's Estate as a matter of law.

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2. The following persons claiming to be a child of the Decedent are excluded as heirs of the Decedent's estate as a matter of law: CHILD 1, CHILD 2, CHILD 3, CHILD 4 and CHILD 5. If CHILD 1 is able to provide further proof of the adoption, the Court may reconsider this Order.

3. Brianna Nelson, V.N., John Nelson, Norrine Nelson, Sharon Nelson and Tyka Nelson shall undergo genetic testing pursuant to the terms of the Genetic Testing Protocol.

4. The following persons claiming to be the father of the Decedent, or the descendant of the father of the Decedent, and that the father of the Decedent is someone other than John L. Nelson, are excluded as heirs of the Decedent as a matter of law: Loyal James Gresham, Jr., Loya Wilson, Loyal James Gresham III, Darcell Johnston, Orrine Gresham, Paul Leonard Newman, Regina Sorenson, Haywood Nelson, Sr., Roskco Motes, Alfred Jackson, Sr. and Venita Jackson-Leverette.

5. If an applicant's affidavit and the response of the Special Administrator has been sealed (applicable if the applicant has sought to be determined a child of the Decedent), and that applicant has been excluded as an heir of the Decedent as a matter of law in this Order, the affidavit and response as to that applicant shall be unsealed within twenty days of the filing of this Order unless the applicant can establish legal authority for the continued sealing of the documents.

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6. As to the applicants who are hereby excluded as an heir of the Decedent as a matter of law, this Order shall be deemed a final determination on the merits of their claims. The identities of alleged children (Child 1 – Child 5) of the Decedent are identified separately in confidential addenda attached hereto.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: July 28, 2016

  
\_\_\_\_\_  
Kevin W. Eide  
Judge of District Court

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,

**PROTOCOL PRIOR TO  
POTENTIAL GENETIC TESTING**

Deceased.

1. The Court, in its May 18, 2016 Order Regarding Claims Pursuant to the Parentage Act and the Probate Code, ruled that that a party claiming a genetic relationship to the decedent that may give rise to heirship must file an affidavit with the Court setting forth the facts that establish the reasonable possibility of the existence of such relationship. In addition, persons having already appeared in the above action claiming to be heirs must provide the Special Administrator (c/o Laura Krishnan at Stinson Leonard Street) with answers **under oath** by sworn affidavit to the Request for Parentage Information attached hereto as "Exhibit A" no later than June 10, 2016.

2. In addition to complying with the May 18, 2016 Order referenced above in Paragraph 1, persons later appearing in the above action claiming to be heirs must provide the Special Administrator (c/o Laura Krishnan at Stinson Leonard Street) with answers **under oath** by sworn affidavit to the Request for Parentage Information attached hereto as "Exhibit A" no later than one week after filing an appearance in the action.

3. Within three (3) business days after receiving answers to the Request for Parentage Information from a person claiming to be an heir, the Special Administrator will advise the person in writing of its determination that: (a) the person's familial relationship to the Decedent

is established as a matter of law, with no need for further genetic testing; (b) genetic testing of the person (and potentially others related to the person, including the person's mother) is necessary to determine whether the person may be an heir; (c) the person is precluded from being an heir as a matter of law; (d) additional facts or information are needed; or (e) the person has failed to comply or otherwise fully cooperate with the Special Administrator.

4. To the extent that the person disagrees with the Special Administrator's determination, that person may file an objection with the Court within the later of (a) three (3) business days of receiving the Special Administrator's determination or (b) June 20, 2016. The Court will then rule upon the objection at a hearing dated June 27, 2016, or at such later time determined by the Court.

5. Genetic testing will be performed by DNA Diagnostics Center pursuant to its established procedures and protocols. (Such procedures and protocols are attached hereto as "Exhibit B".) All persons tested will be required to sign a HIPAA Privacy Authorization Form permitting DNA Diagnostics Center and the Special Administrator to release the results of genetic testing in the manner indicated below.

6. The Special Administrator will provide the results of genetic testing to the person(s) subjected to testing, and then served upon all parties and filed with the Court no earlier than three (3) business days thereafter. The genetic testing results shall also be available to be offered as evidence in any proceeding pertaining to the Estate of Prince Rogers Nelson.

**Exhibit A**

**REQUEST FOR PARENTAGE INFORMATION**

Special Administrator Bremer Trust requests that you provide answers to the following questions and requests for information by affidavit signed **under oath**.

1. What is your full name?
2. What is your birth date?
3. Where were you born?
4. Please provide a certified copy of your birth certificate.
5. What are the full names of your biological parents?
6. Were your biological parents married when you were born? (If yes, answer the subparts below.)
  - a. When were your parents married?
  - b. Where were your parents married?
  - c. What was your biological mother's maiden name?
  - d. Please provide a certified copy of your parents' marriage certificate or other proof of marriage.
  - e. Were your parents divorced? If so, please provide the date of the divorce and a certified copy of the divorce decree or other proof of divorce.
7. Were your biological parents married after you were born? (If yes, answer the subparts below.)
  - a. When were your parents married?
  - b. Where were your parents married?
  - c. What was your biological mother's maiden name?
  - d. Did the man who married your biological mother acknowledge his paternity of you in writing filed with a state registrar of vital records?
  - e. Was the man who married your biological mother named as your father on your birth record with his consent?

- f. Was the man who married your biological mother obligated to support you under a written voluntary promise or by court order?
  - g. Please provide a certified copy of your parents' marriage certificate or other proof of marriage.
  - h. Were your parents divorced? If so, please provide the date of the divorce and a certified copy of the divorce decree or other proof of divorce.
8. If your parents were not married when you were born, had they attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable or otherwise invalid? (If yes, answer the subparts below.)
  - a. What was the date of the attempted marriage?
  - b. Where did the attempted marriage take place?
  - c. Please provide proof of the attempted marriage.
  - d. If the invalid marriage was terminated by death, annulment, declaration of invalidity, dissolution or divorce, please provide the date of the termination and any proof of such termination.
9. If your parents did not marry or attempt to marry, did any man receive you into his home and openly hold you out as his biological child? If yes, please name the man and provide details and other evidence (e.g. sworn statements, photographs, documents) to support your answer.
10. If your parents did not marry or attempt to marry, did any man and your biological mother acknowledge the man's paternity of you in a writing signed by both of them under Minn. Stat. § 257.34 (copy attached) and filed with the state registrar of vital records? If yes, please provide a certified copy of such writing.
11. If your parents did not marry or attempt to marry, did any man and your biological mother execute a recognition of parentage of you pursuant to Minn. Stat. § 257.75 (copy attached)? If yes, please provide a certified copy of such recognition of parentage.
12. Is any other man presumed to be your father under any of the presumptions found in Minn. Stat. § 257.55 (copy attached)? If yes, please provide details, and also whether the other man signed a written consent if your father and mother signed a written acknowledgment of paternity under Request No 10 above.
13. Was your biological mother married to any man other than your biological father when you were born or within 280 days before your birth?

14. Does a judgment or order exist determining a parent and child relationship between you and one or more parents? If so, please provide details and a certified copy of such judgment or order.
15. Detail the actions taken by you to confirm that the responses to the above requests are true and accurate.
16. If you contend additional information is needed or should be considered by the Special Administrator to support your claim to be an heir, please provide such information.

**Exhibit B**



## **DNA Parentage-Relationship Testing Overview**

DNA Diagnostics Center (DDC) is an ISO/IEC 17025 and AABB accredited laboratory. As such, DDC follows strict testing standards including standardized procedures and quality control throughout the testing process.

DDC is responsible for maintaining chain of custody throughout all phases of the testing process from specimen collection through storage and archiving of case files and samples. DDC handles all samples in such a manner to ensure that they will not be contaminated, tampered with, or substituted.

The collection is performed and witnessed by a competent person that has no interest in the testing outcome. DDC's specimen collectors act as witnesses to the sample collection process, and their name and contact information become part of the laboratory's permanent record.

The person performing the collection will confirm the identity of the person tested and record the stated family relationship. The specimen collector is required to obtain government-issued photo identification of the parties collected to ensure that the sample is collected from the appropriate individual, or in the case of a minor child, written parental or guardian consent. If a minor child is being collected, a parent or legal guardian must sign indicating their relationship to the minor child and provide documentation of that relationship.

In addition, the collected party must verify that the label on the specimen is accurate, and all specimens are sealed in tamper-proof packaging prior to shipment to DDC's laboratory.

The chain of custody form is completed with all required information and adult parties are asked to verify the accuracy of all information prior to sample collection. DDC's chain of custody documentation has been introduced and readily accepted without challenge as an item of evidence in many paternity hearings across the country.

DDC has agreements with several national overnight courier services for the shipment of specimens to its laboratories.

Upon receipt at the laboratory, samples and chain of custody documents are examined for accuracy and completeness. The integrity of sample shipping containers is verified to ensure that no tampering has occurred between the time of sample collection and the time the package arrives at the laboratory. The accessioning technician signs and dates the chain of custody form as an affirmation that the form is complete and that all samples were correctly labeled and received intact. If the integrity of the packaging has been compromised.

When samples are deemed acceptable for testing, the samples and chain of custody forms are bar coded with a unique numerical identifier, logged into the sample tracking database, and the corresponding client data is entered by an accessioning associate. All entry of client data must pass a quality audit prior to samples being processed in the laboratory. This process involves required concordance for duplicate entry by a second individual to ensure samples meet all

acceptance criteria and to confirm accurate data entry for spelling of names, dates of birth, etc. Samples are then submitted to the laboratory for processing. DDC utilizes automated processes and equipment whenever possible.

DDC is committed to providing every client with accurate, thorough, and expedient paternity test results. DDC provides its clients with DNA testing performed using PCR (Polymerase Chain Reaction) technology and STR (Short Tandem Repeat) markers for routine analysis. DDC has been using STR technology since 1997, having conducted testing on over eight million samples (8,000,000) to date. This technology is approved by the AABB and is by far the most prevalent DNA testing methodology currently in use by AABB accredited laboratories.

DDC was commended by the AABB in 2004 for being the first laboratory to truly offer double blind testing. DNA Diagnostics Center is the only DNA testing laboratory that performs every test twice, testing every genetic system in duplicate, not just exclusions, and not just a subset of the genetic markers. Our Dual Processing™ procedures ensure that each sample is tested in duplicate. Every sample is bar coded then independently logged-in, extracted, processed, and all genetic systems are analyzed twice by two separate teams.

All STR markers employed by DDC for its routine parentage testing are commercially available, and their performance characteristics are well understood, reproducible, validated, and accepted by the scientific and legal communities. In total, DDC has thirty-six (36) validated and commercially available STR systems (including Amelogenin) which will be deployed as necessary to ensure that tests completed will achieve a guaranteed minimum probability of paternity of 99.9% for standard cases though the majority of standard cases will have an average probability of paternity of 99.999999%.

For cases that involve in-direct relationship testing including avuncular, single grandparentage and Siblingship (full –siblingship & half- siblingship) tests will provide a statistical likelihood that gives evidence to support the tested relationship. A test of this nature also will not directly exclude the relationship. However, the test can give the odds of the relationship based on the purported relationship and the systems tested. If a sufficient number of in-direct relatives (aunt/uncle, sibling, grandparent) are tested (3 or more), the alleged common relative's profile can be reconstructed and the test can be just as informative as a direct paternity test. This test is called a Family Reconstruction case.

Second degree relationship tests, Avuncular Tests (Uncle/Aunt), Single Grandparentage and Half-siblingship , are tests that can be utilized to show a relationship to the Child if there is only this one living (or available) relative of the child (the alleged father and one paternal grandparent is deceased). A true Biological Uncle (Aunt), grandparent, or half-sib, will share ¼ of their DNA with the child. Our test evaluates how frequently these two parties share alleles as compared to a random person in the population (random sharing). The results of this test tell you the strength of the evidence that would support the relationship that is evaluated. For this reason, it is essential to clearly define the relationship in question and how the tested parties are related. Testing of the Mother is always recommended when evaluating a paternal relationship. The mother helps to define the obligatory allele (the allele that must come from the Biological Father).

If a Paternal Uncle, Paternal Grandfather or Paternal (male ) Half-sibling is tested with a male child, YSTR testing can also be considered. Y STR testing exams of the male-specific contribution to the child. A father will pass his Y chromosome to his son unchanged with the exception of a possible mutation. Since the Y chromosome in any paternal line will be identical, the unrelated Alleged relative can be excluded directly by this test. YSTRs can also be combined with autosomal STRs (used in our standard paternity and kinship case) to increase the likelihood odds for testing involving male relatives in the paternal line.

If there is a suspected Maternal relationship among tested relatives, Mitochondrial testing can also be considered. Mitochondrial testing exams of the maternal-specific contribution to the child. A mother will pass her mitochondria to her off-spring unchanged again with the exception of a possible mutation. Since the Mitochondria in any Maternal line will be identical, the unrelated Alleged relative can be excluded directly by this test. The Mitochondrial testing can also be combined with autosomal STRs (used in our standard paternity and kinship case) to increase the likelihood odds for testing involving maternally related relatives.