

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In the Matter of:

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

Estate of Prince Rogers Nelson,

Decedent.

**COMERICA BANK & TRUST,
N.A.'S MEMORANDUM IN SUPPORT OF
MOTION TO DISMISS CASSANDRA
BOYD'S LETTER AND AFFIDAVIT
REQUESTING RELIEF**

INTRODUCTION

Cassandra Boyd ("Plaintiff") filed letters and accompanying affidavits claiming to be the spouse of Prince Rogers Nelson ("Prince") and requesting an award of all the assets of the Estate of Prince Rogers Nelson (the "Estate"), among other relief. Because Plaintiff is barred from asserting any claims as Prince's putative spouse by Minnesota's Uniform Probate Code, the claims should be dismissed.

BACKGROUND

I. THE PARTIES.

Plaintiff is, according to her filings with the Court, a resident of Illinois who married Prince in 2008. (08/18/21 Letter ("First Letter"); 09/02/21 Letter ("Second Letter"), collectively, the "Letters.") She requests that this Court delay closing the Estate until it can verify her claim that she is Prince's spouse and award her possession of the Estate's assets.

Comerica Bank & Trust, N.A. is the personal representative of the Estate ("Personal Representative").

II. PLAINTIFF FILED LETTERS CLAIMING TO BE PRINCE'S SPOUSE.

On August 18, 2021, and again on September 2, 2021, Plaintiff filed the Letters and accompanying affidavits with the Court which detailed her alleged relationship with Prince. Plaintiff states that Prince told her to “wait at least a few years, until the dust settled,” and then contact various beneficiaries of the Estate. (First Letter p. 2.) Plaintiff has allegedly been waiting for two years for the former attorney for certain Heirs (Kenneth Abdo) to contact her. (First Letter p. 3.) The First Letter includes five requests for relief: (1) that the Court decline to close the probate for the Estate; (2) the Court issue a gag order to protect Plaintiff’s identity, (3) the Court order Mr. Abdo to provide a copy of Plaintiff’s marriage certificate to Prince; (4) a restraining order, and (5) setting a hearing to review the documents allegedly in Mr. Abdo’s possession so that she may “be awarded sole possession and ownership of Prince’s assets.” (First Letter pp. 8-9; *see also* Second Affidavit pp. 73-74.) Though the Letters describe many other alleged facts, the requested relief appears to be based solely on Plaintiff’s alleged status as an heir of Prince based on an alleged marriage.

Plaintiff also filed two lengthy Affidavits that included allegations which echoed those in the Letters. (8/18/2021 Affidavit (“First Affidavit”) 9/2/21 Affidavit (“Second Affidavit”), collectively, the “Affidavits”).) In particular, Plaintiff stated she was aware that Tyka Nelson filed a statement stating that Prince was intestate “shortly after Prince’s death.” (First Affidavit p. 2.) The First Affidavit also requested, and the Second Affidavit appeared to repeat, that all agreements the Estate entered after Prince died be declared null and void. (*Id.* p. 11; Second Affidavit p. 67.) The Second Affidavit also requested financial assistance from the Estate in the form of compensating her “litigation travel expenses at least.” (Second Affidavit p. 24.) Plaintiff states that

she did not previously come forward as Prince's spouse because certain celebrities were threatening her life. (First Affidavit pp. 20-22.)

ARGUMENT

Plaintiff claims that she is the sole beneficiary of the Estate as Prince's purported spouse, and requests relief based on her alleged status as an heir. Any claim that Plaintiff is an heir of the Estate is barred by the statute of limitations set forth in Minnesota Statutes § 524.3-412. Additionally, as Plaintiff is not a spouse, beneficiary, or interested person as defined in Minn. Stat. § 524.1-201, she is not entitled to the relief requested.

I. STANDARD ON MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF MAY BE GRANTED.

In reviewing whether a complaint¹ states a claim under Minn. R. Civ. P. 12.02(e), the Court analyzes whether the complaint sets forth a legally sufficient claim for relief. *Bodah v. Lakeville Motor Express, Inc.*, 663 N.W.2d 550, 553 (Minn. 2003). A legal conclusion in a complaint is not binding on the Court and the plaintiff must provide more than labels and conclusions to avoid dismissal of the complaint. *Bahr v. Capella University*, 788 N.W.2d 76, 80 (Minn. 2010).

II. ANY CLAIM THAT PLAINTIFF IS A SURVIVING SPOUSE IS BARRED UNDER THE PROBATE CODE.

The core of Plaintiff's Letters and Affidavits is the allegation that she is Prince's surviving spouse. Minnesota Statutes § 524.3-412 provides that, subject to appeal and vacation, "an order that the decedent left no valid will and determining heirs . . . is final as to all persons with respect to all issues concerning the decedent's estate" Any motion to vacate an order determining

¹ Although Plaintiff did not file and serve a formal complaint or other pleading, the Personal Representative is treating her filings as a complaint for purposes of this motion to dismiss.

intestacy and the identity of heirs must be filed, at the latest, within 12 months of entry of the order sought to be vacated. Minn. Stat. § 524.3-412(3)(iii).

On May 18, 2017, this Court entered an order finding that Prince died intestate and identifying his six heirs. (May 18, 2017 Order Determining Intestacy, Heirship & McMillan Matters.) More than 12 months have passed since entry of that order and any attempt to vacate that order is time-barred. Plaintiff's claim that Prince advised her to wait to come forward as his spouse does not toll the time limitations period in the Probate Code. (*See* First Letter p. 2). As a result, Plaintiff's assertion that she is an heir or beneficiary of the Estate is time-barred.

III. PLAINTIFF IS NOT ENTITLED TO THE RELIEF SOUGHT.

Additionally, the relief Plaintiff requests is based solely on her purported status as spouse and beneficiary of the Estate. Plaintiff asks the Court to delay closure of the Estate, award her sole possession of the Estate's assets, and rescind all contracts and deals to date. (First Letter pp. 8-9.)

Because any claim that Plaintiff is a spouse, heir, beneficiary, or otherwise an interested person is time-barred, there is no circumstance under which Plaintiff can establish that she is entitled to a share of any of the Estate's assets under Minn. Stat. §§ 524.2-102, 524.2-103, 524.2-202, 524.2-206, or other section of the Probate Code. Neither does Plaintiff have standing to challenge the Estate's conduct under Minn. Stat. § 524.3-712 and request rescission of Estate contracts or prevent closure of the Estate. Plaintiff's remaining requests for relief, namely those related to restraining orders against various individuals, are not properly asserted in this case and should be sought, if at all, in an alternative forum.

CONCLUSION

All claims Plaintiff is attempting to assert are time-barred under Minnesota's Uniform Probate Code. The Court should grant the Personal Representative's motion to dismiss.

Respectfully submitted,

Dated: September 13, 2021

/s/ Joseph J. Cassioppi

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