

STATE OF MINNESOTA
CARVER COUNTY

DISTRIC COURT
FIRST JUDICIAL DISTRICT

In the matter of:

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

Estate of

Prince Rogers Nelson,

Decedent

RESPONSE TO ORDER
FOR SUBMISSIONS OF
EVIDENCE IN SUPPORT
OF HEIRSHIP CLAIM
AND OBJECTIONS TO
TO BEING EXCLUDED AS HEIR

Per the instructions of the Court dated March 16, 2018 requesting submission of any evidence in support of my Heirship claim, I, Ogeda Patrick, for the purposes of this probate case, do intend to establish paternity through the Parentage Act, as well as the precedent set forth in RE: Palmer Estate probate case of "clear and convincing evidence".

In an order dated October 26, 2016 it was determined by Judge Eide that:

"The Minnesota Probate Code provides for the establishment of a parent-child relationship through genetics, adoption, assisted reproduction, or the Parentage Act. "

257.54 HOW PARENT AND CHILD RELATIONSHIP ESTABLISHED.

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.

The above Minnesota Statute (257.54) describes clearly which sections of the MPA may be used to establish paternity.

I have chosen to invoke section 257.63, which states:

257.63 EVIDENCE RELATING TO PATERNITY.

§Subdivision 1. Included evidence.

Evidence relating to paternity may include:

(1) evidence of sexual intercourse between the mother and alleged father at any possible time of conception;

(2) an expert's opinion concerning the statistical probability of the alleged father's paternity based upon the duration of the mother's pregnancy;

(3) genetic and blood test results, weighed in accordance with evidence, if available, of the statistical probability of the alleged father's paternity;

(4) medical or anthropological evidence relating to the alleged father's paternity of the child based on tests performed by experts. If a man has been identified as a possible father of the child, the court may, and upon request of a party shall, require the child, the mother, and the man to submit to appropriate tests; and

(5) all other evidence relevant to the issue of paternity of the child.

*I would like the record to reflect that in contrast to the 'Proposed Protocol' established by the Personal Representative, Minnesota Law allows several different methods to provide evidence of paternity that do not require challenging of the Protocol nor citation of The Equal Protection Clause in order to utilize.

As noted above, the Minnesota Legislature has instituted several methods in which a person can provide evidence of paternity; child, woman, or, man. I seek to establish paternity through the above Minnesota Statute which states a person is able to provide all other evidence as evidence of paternity. What may constitute this evidence, obviously would be something left up to the discretion of the Courts to decide on a case by case

basis.

I two, would like for the second time, to reference the precedent set in **RE: ESTATE OF James A. PALMER, Deceased.**

The Court of Appeals decided that:

For purposes of intestate succession, a parent-child relationship may be established by clear and convincing evidence regardless of the time limitation imposed by the Parentage Act. Respondent, having established his parent-child relationship to Palmer by clear and convincing evidence, is entitled to inherit as his descendent.

Clear and convincing evidence is a phrase that conveys a wide-scope of possibilities. I just recently learned of my relationship to Prince Nelson. I became aware of this relationship only a few weeks before filing my Affidavit for Heirship and Motion for Genetic Testing in this case. It has been approximately 7 months. I became aware of this relationship after looking through some photos and videos online of Mr. Nelson. While doing so, I began to notice some very keen, even irrefutable, resemblances between he and I. I know there are people that look alike all over the world, but nevertheless, I even observed several physical features that could only be even weightier evidence of a genetic relationship between he [Prince] and I. I present to you not only evidence of

paternity (Minn. Stat. 257.63) , but also clear and convincing evidence consistent with the precedent set forth in re Estate of Palmer, 658 N.W.2d 197 (Minn. 2003).

As the Minnesota Court of Appeals decided in the case of :

RE: Estate of Adolph L. Martignacco, 689 N.W. 2d 262,264 (Minn. Ct. App. 2004)

In this case, the district court applied Minn. Stat. § 524.2-114 (2002) of the probate code to establish parentage for purposes of intestate succession and determined that respondent met the “clear and convincing” evidence standard set out in *Palmer*, 658 N.W.2d at 197. The district court was guided by the supreme court’s decision in *Palmer*, which “specifically held that Minnesota law does not require that parentage be established by the Parentage Act . . . for purposes of intestate succession.” The district court concluded, “[i]f [respondent] is properly considered an heir of [decedent], then he, as the sole surviving son, is the sole heir and taker of [decedent’s] [e]state pursuant to [the probate code].” In making its determination, the court noted that biology – and not family relationship – was the only issue to be considered. Accordingly, summary judgment was granted for respondent, who was adjudicated to be decedent’s biological son and sole heir.

Picture 1- Ogeda (Exhibit A)



Picture 2-Prince (Exhibit B)



Picture

3-

Prince

(Exhibit

C)



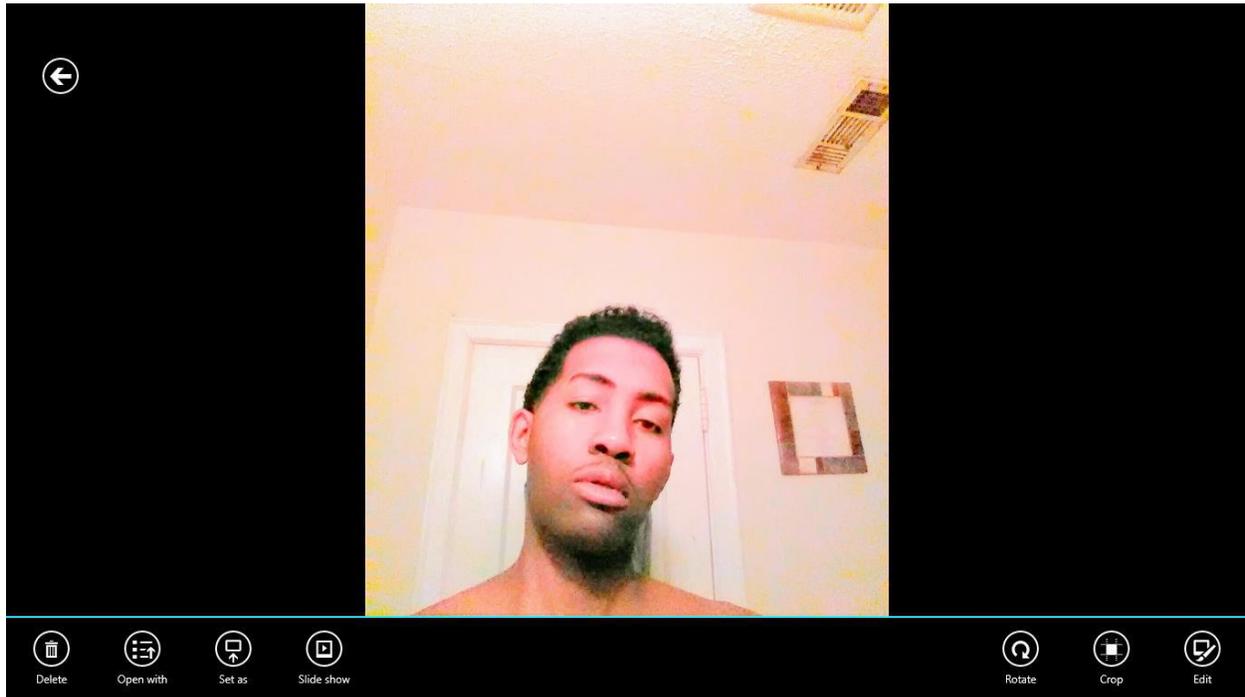
Picture

4-

Ogeda

(Exhibit

D)



Picture 5- Ogeda (Exhibit E)



Picture 6- Prince (Exhibit F)

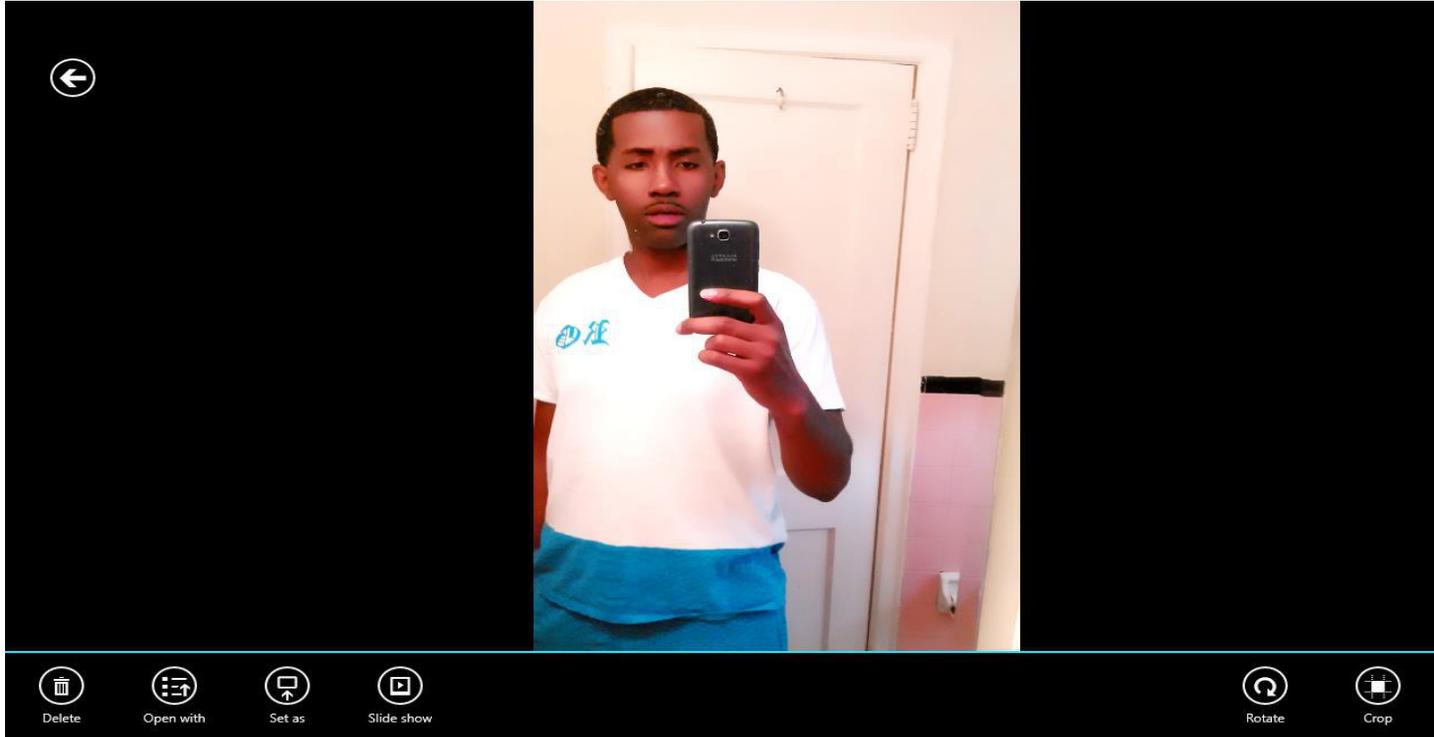


Picture

7-

(Exhibit

G)



Picture

8-Prince

(Exhibit

H)



I have found that Prince and I share very many similar genetic traits. This can be observed more apparently in person but, for now I will say that Prince and myself share a similar hairline, characteristic forehead, eyebrows that are similarly shaped and located, the same eyelashes and eyes the same color. We also have similarly shaped jawbone structure, as well as our lips and chins that are located and similarly shaped. I have observed that we have hands that are nearly the same in shape and size, and my voice and his voice sound so much alike at times I cannot tell the difference.

The Court also requested submission of any objections I, the Respondent Ogeda Patrick, might have in regards to the Personal Representative's Motion to Exclude myself as an heir to The Prince Estate. I would like to say in response that it would be a gross miscarriage of justice to award this estate to anyone other than the sole and rightful heir, denying the preempting right of a descendant and the constitutional due process owed this estate to award the estate to that person, if possible. The laws of the state of Minnesota specify that if a man dies intestate in the state of Minnesota without a spouse, then the estate shall be awarded to that man's descendants by representation.

524.2-103 SHARE OF HEIRS OTHER THAN SURVIVING SPOUSE.

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;

As the Minnesota Court of Appeals decided in the case of :

RE: Estate of Adolph L. Martignacco

"While we sympathize with the shock and surprise that appellant and his brothers understandably must have felt upon learning that their brother – the decedent – had fathered a child during his lifetime, we must nevertheless affirm the district court by concluding that the law does not provide them with a remedy here and that respondent – as decedent's biological son – remains the sole heir of decedent's estate. "

It is my believe that I have presented ample evidence that support and fulfill the qualifications of the precepts proscribed in Minn. Stat. 257.63 Evidence of Paternity, as well as satisfied the standard of clear and convincing evidence made law in *Palmer*, 658 N.W.2d at 19, and would like to move the Court to declare myself, Ogeda Patrick, sole and rightful heir of the Prince Estate.

Certificate of Service

This is to certify that I, Ogeda Patrick have this date served a true and correct copy of the above and foregoing **Motion** by U.S. Mail, postage fully prepaid, to the following counsel of record for the Special Administrator in the Prince Nelson Estate.

Post Office Box _____

This the _____ day of _____, 20_____.

Respectfully Submitted,

By: Ogeda Patrick
