

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In re:

Estate of Prince Rogers Nelson,

Decedent.

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

**SECOND AMENDED ORDER &
MEMORANDUM GRANTING BREMER
TRUST, N.A.'S MOTION TO LIFT THE
STAY OF DISCHARGE AND APPROVE
PAYMENT OF ATTORNEYS' FEES AND
COSTS**

The above-captioned matter came on for hearing before the Honorable Kevin W. Eide of the Carver County District Court on July 19, 2018 upon the motion of Bremer Trust, N.A. ("Bremer Trust") to Lift the Stay of Discharge and Approve Payment of Attorneys' Fees and Costs ("Motion"). Counsel appearances were as noted in the record.

Based upon all of the files, records and proceedings submitted to the Court, including the Supplemental Affidavits of Julian C. Zebot and Laura E. Halferty in Support of the Motion, the Court makes the following:

ORDER

1. The April 11, 2017 stay of Bremer Trust's discharge as the Special Administrator is hereby lifted.
2. Bremer Trust, its employees, officers and directors are hereby discharged from any and all liability to the Estate of Prince Rogers Nelson associated with its Special Administration of the Estate.

3. The attorneys' fees and costs incurred by the attorneys at Maslon LLP on behalf of Bremer Trust from August 1, 2017 through the date of this Order, and detailed in Invoices #40199162, #40200154, #40202228, #40202856, #40203661, #40204169, #40205431, #40205838, and #40206475 for legal work due to the Second Special Administrator's investigation of the UMG and Jobu Presents claims and due to Bremer Trust's motion to lift stay of discharge, as reflected in the Supplemental Affidavit of Julian C. Zebot in Support of the Motion, are APPROVED in accordance with Minnesota Statutes §§ 524-720 and 525.515. The Estate is ordered to reimburse Bremer Trust for the attorneys' fees and costs detailed in those Invoices to the extent that Bremer Trust has already paid those invoices; if any such invoices have not been paid, the Estate is ordered to pay Maslon LLP for the amounts detailed in those invoices.

4. The attorneys' fees and costs incurred by the attorneys at Stinson Leonard Street LLP ("Stinson") on behalf of Bremer Trust from February 1, 2017 through the date of this Order and detailed in the invoices attached to the Supplemental Affidavit of Laura E. Halferty in Support of Bremer Trust's Request to Approve Payment of Attorneys' Fees and Costs in Relation to Discharge of Bremer Trust, are APPROVED in accordance with Minnesota Statutes §§ 524-720 and 525.515. The Estate is ordered to reimburse Stinson directly for the amounts detailed in those invoices.

5. This discharge of Bremer Trust and order for payment of attorney fees shall not serve to discharge nor preclude any potential claims the Estate may have against Stinson Leonard Street LLP; Meister Seelig & Fein; L. Londell McMillan; NorthStar Enterprises Worldwide, Inc.; Charles Koppelman; CAK Entertainment, Inc.; nor any other law firm or subcontractor engaged by Bremer in connection with its Special Administration of the Estate.

BY THE COURT:

Dated this 2nd day of January, 2019.

The 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.

MEMORANDUM

On April 5, 2017, the Court issued its Order Granting Special Administrator's Request to Approve Payment of Special Administrator's and Attorneys' Fees and Costs Through January 31, 2017 and Final Accounts and Inventory, discharging Bremer Trust and its agents from any and all liability associated with its Special Administration of the Estate. That discharge order was stayed on April 7, 2017, after the Court learned of possible litigation which may have related to actions taken by Bremer. The Court thereafter appointed a Second Special Administrator to investigate those and other possible claims on behalf of the Estate. After an extensive investigation, the Second Special Administrator found no basis on which the Estate could advance a claim against Bremer. It is therefore appropriate Bremer's motion to lift the stay of discharge be GRANTED.

In connection with its motion to lift the stay of discharge, Bremer also seeks reimbursement for its attorneys' fees and costs accruing since February 1, 2017. Minn. Stat. § 524.3-720 provides that "[a]ny personal representative or person nominated as personal representative who defends or prosecutes any proceeding in good faith, whether successful or not, ... is entitled to receive from the estate necessary expenses and disbursements including reasonable attorneys' fees incurred." Minn. Stat. § 524.3-720 (2018). Minn. Stat. § 525.515 provides that any attorney performing

services for the estate at the behest of a personal representative or special administrator should receive “just and reasonable” compensation. Minn. Stat. § 525.515(a) (2018).

The Court has carefully reviewed the invoices submitted by Bremer for which it seeks reimbursement. The Court finds those invoices were for work performed in connection with Bremer’s administration of the Estate, necessitated by the stay of discharge, ongoing related litigation, and the investigation by the Second Special Administrator. Pursuant to Minn. Stat. § 525.515(b), based upon the time and labor required; the experience and knowledge of the attorneys involved; the complexity and novelty of problems involved; the extent of the responsibilities assumed and the results obtained; and the sufficiency of assets properly available to pay for the services, the Court further finds the invoiced attorneys’ fees and costs to be fair and reasonable under the circumstances. As a result, it is appropriate that Bremer’s motion for reimbursement of its fees and costs also be GRANTED.

K.W.E.