

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In Re:Case Type: Special Administration
Court File No: 10-PR-16-46
Judge: Kevin W. Eide**The Estate of Prince Rogers Nelson,
Decedent.****MEMORANDUM OF LAW IN SUPPORT
OF MOTION TO RECOGNIZE THE
JOHN R. NELSON REVOCABLE TRUST
AND ITS CO-TRUSTEES AS
INTERESTED PERSONS UNDER
MINNESOTA STATUTE § 524.1-201(33)**

INTRODUCTION

On March 2, 2017, John R. Nelson (“JRN” or “John Nelson”) created by agreement the John R. Nelson Revocable Trust. On the same date, he executed an Assignment under which he transferred and assigned, *inter alia*, all title and interest in and to the Estate of Prince Rogers Nelson in his capacity as heir to that estate. Following John Nelson’s death on September 3, 2021, the designated and now acting Co-Trustees of the John R. Nelson Revocable Trust are Johnny Nicholas Nelson Torres, Allen D. Nelson and Breanna M. Nelson. As a result of the Assignment, the John R. Nelson Revocable Trust and each of Ms. Nelson, Mr. Torres and Mr. Nelson, as Co-Trustees (collectively, “Movants”) are interested persons in these proceedings under Minnesota Statute § 524.1-201(33) and are entitled to notice of any filings or proceedings related to the administration of the Estate. To avoid any uncertainty, Movants request that the Court enter an order that formally recognizes the Trust as successor to JRN’s interest in the Estate, and their status as Interested Persons in these proceedings.¹

¹ Movants have previously provided the documents attached as Exhibits A and B to Comerica, as Personal Representative of the Estate, and Comerica has requested that Movants seek formal court approval of their status as Interested Persons.

FACTS

Prince Rogers Nelson (the “decendent”) died intestate on April 21, 2016. Formal, supervised probate proceedings concerning the decendent’s estate (the “Estate”) are ongoing in this Court. John R. Nelson was one of decendent’s six legally determined heirs-at-law and had a vested interest in one-sixth of the decendent’s estate.

On March 2, 2017, John R. Nelson created by agreement the John R. Nelson Revocable Trust (the “Trust”). He also executed a General Assignment Transfer of Personal Property in which

[REDACTED]

[REDACTED]

[REDACTED] (McMillan Decl., Ex. A at 1). Nelson executed an additional Assignment of Estate Interest in which [REDACTED]

[REDACTED]

[REDACTED] (McMillan Decl., Ex. A at 2).

John R. Nelson died on September 3, 2021. Johnny Nicholas Nelson Torres, Allen D. Nelson and Brianna M. Nelson, the sole children of JRN, have each signed and notarized and submit herewith a Certificate of Trust [REDACTED]

[REDACTED]. A copy of the Certificate of Trust is annexed to the Declaration of L. Londell McMillan (“McMillan Decl.”) at Exhibit B.

ARGUMENT

I. JOHN R. NELSON TRANSFERRED AND CONVEYED HIS RIGHT, TITLE AND INTEREST IN THE ESTATE TO THE TRUST THROUGH A VALID TRANSFER AND ASSIGNMENT.

An expectancy interest in an estate is a property right that is transferable. Minnesota and other jurisdictions recognize as valid contracts in which an heir conveys or sells a portion of her vested interest in an estate to a third party. *Thaquer v. Knight*, 297 N.W. 625, 626 (Minn. 1941);

Hofmeister v. Henter, 283 N.W. 330, 331 (Wis. 1939). As heir-at-law with a vested interest in the Estate, John R. Nelson had the right to transfer his interest in the Estate to the John R. Nelson Revocable Trust, which acts through each of the Co-Trustees. A copy of the executed Assignment of Estate Interest to John R. Nelson Revocable Trust, dated March 2, 2017, is annexed to the Declaration of L. Londell McMillan, at Exhibit A. Movants also accept any and all grants, assignments and debts made by either the Trust or John Nelson (via his legal authorized agents) prior to his death. John. R. Nelson's conveyance of his interest in the Estate to the John. R Nelson Revocable Trust is valid and enforceable and should be recognized by the Court.

II. MOVANTS ARE "INTERESTED PERSONS" UNDER MINNESOTA STATUTE § 524.1- 201(33) (2018) AND ARE ENTITLED TO NOTICE OF ANY FILINGS AND ENTITLED TO ANY NOTICE OF ANY FILINGS OR PROCEEDINGS RELATED TO THE ESTATE ADMINISTRATION.

Minnesota Statute § 524.1-201(33) (2018), defines an "interested person" to include "heirs, devisees, children, spouses, creditors, beneficiaries and any others having a property right in or claim against the estate of a decedent . . . which may be affected by the proceeding."

John R. Nelson executed a valid and binding transfer of his interest in the Estate to the John R. Nelson Revocable Trust. As a result of the transfer, Movants have acquired a property right to the Estate. Movants have submitted a Certificate of Trust pursuant to the requirements of Missouri law which

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] (McMillan Decl., Ex. B). Movants accept any and all grants, assignments and debts made by either the Trust or John Nelson (via his legal authorized agents) prior to his death. Movants are entitled to fully participate in the administration of the Estate and, as the owners of a vested interest in the Estate which John Nelson retained at his time of death, must be afforded the

rights commensurate with their status including, but not limited to, notice of and access to all filings and proceedings that are part of the Estate administration.

CONCLUSION

Movants respectfully ask this Court to recognize them as interested persons in these proceedings pursuant to Minnesota Statutes § 524.1-201 (33) and order that Movants are entitled to participate fully in all proceedings on the same basis as the other heirs and Interested Persons previously recognized by this Court.

Dated: December 30, 2021

By: /s/ L. Londell McMillan
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