

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

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 AMELIA  
WODEHOUSE'S COMPLAINTS**

---

**INTRODUCTION**

Amelia Wodehouse ("Plaintiff") filed three complaints against the Estate of Prince Rogers Nelson (the "Estate") to collect what she alleges are amounts owed either as a beneficiary or creditor of the Estate. Because all claims Plaintiff is attempting to assert are barred 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 Chanhassen, Minnesota. (7/3/21 Notice of Change of Address.) Plaintiff alleges that she is either a beneficiary or creditor of the Estate. (6/24/21 Compls.)

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

## II. PLAINTIFF FILED THREE COMPLAINTS IN AN ATTEMPT TO ASSERT CLAIMS AGAINST THE ESTATE.

On June 24, 2021, Plaintiff filed three civil complaints against the Estate. (6/24/21 Compls.)<sup>1</sup> The complaints are difficult to comprehend, but Plaintiff appears to be asserting claims for negligence, unjust enrichment, “intentional interference with advantage,” and breach of contract arising out of a “Will Contract for ‘Charitable Gifting Legacy.’” (6/24/21 Compls.) Plaintiff alleges that she had a “Valid Digital Will Contract,” that arose during or around the year 1996. (6/24/21 10:44 Compl.) According to Plaintiff, she has been attempting to obtain relief from the Estate for “over 2 years regarding this matter.” (*Id.*; *see also* 6/24/21 10:41 Compl. (alleging that claims arose from actions taken by the special administrator before or during 2017).)<sup>2</sup>

### ARGUMENT

It is unclear whether Plaintiff is asserting that she is, as a result of her “Will Contract,” a beneficiary of the Estate or if she is instead asserting claims as a creditor. In the case of the former, any claim that Plaintiff is a beneficiary of the Estate is barred by the statute of limitations set forth in Minnesota Statutes § 524.3-412. In the case of the latter, because Plaintiff alleges that her claims arose prior to the death of Prince Rogers Nelson (the “Decedent”) during 2016, or sometime at least two years prior to the filing of her complaints, all such claims are time-barred under Minnesota Statutes Section 524.3-803.

---

<sup>1</sup> Plaintiff has not attempted to personally serve the Estate or the Personal Representative with summonses or copies of the complaints. Instead, Plaintiff states that she served at least some of her documents by U.S. mail on the undersigned. (7/3/21 Aff. of Service.) Rather than seek dismissal under Minnesota Rule of Civil Procedure 12.02(d), the Personal Representative is filing this motion to dismiss the complaints on the merits.

<sup>2</sup> Because Plaintiff filed three complaints on June 24, 2021, citations to individual complaints use the time-stamp of the filing to differentiate between the complaints.

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

In reviewing whether a complaint 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 BENEFICIARY OF THE ESTATE IS BARRED UNDER THE PROBATE CODE.**

Minnesota Statutes § 524.3-412 provides that, subject to appeal (the time for which has long passed) 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 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, the Court entered an order finding that the Decedent died intestate and identifying the six heirs of the Decedent. (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. As a result, Plaintiff may not assert a claim that she is a beneficiary of the Estate.

**III. ANY CLAIM THAT THE PLAINTIFF IS A CREDITOR OF THE ESTATE IS BARRED BY THE PROBATE CODE.**

Under Minnesota Statutes Section 524.3-803(a), all claims against a decedent’s estate which arose *before* the death of the decedent are barred against the estate unless a creditor files a claim within four months of the first publication of notice. Minn. Stat. § 524.3-803(a). Additionally, Minnesota Statutes Section 524.3-803(b) provides that all claims against a

decedent's estate which arose *at or after* the death of the decedent are barred against the estate unless the claim is filed within four months from when the claim arose, or in the case of a contract, within four months of when performance by the personal representative is due. Minn. Stat. § 524.3-803(b).

The decedent died on April 21, 2016, and on May 10, 2016, Bremer Trust, N.A., in its capacity as special administrator for the Estate, filed an "Amended Notice of Formal Appointment of Special Administrator and Notice to Creditors (Intestate)." (5/10/2016 Notice.) That notice was first published in the Chaska Herald on May 19, 2016. (6/23/2016 Aff. of Pub.) Plaintiff appears to be asserting claims arising out of an alleged contract from 1996. Setting aside any statutes of limitations that may have applied prior to the Decedent's death, any claims arising out of that alleged contract needed to be filed, at the latest, by September 19, 2016. Minn. Stat. § 524.3-803(a). Because Plaintiff failed to timely file such a claim, it is time-barred.

Alternatively, Plaintiff references having attempted to obtain relief from the Estate for "over 2 years regarding this matter." (6/24/21 Compls.) Plaintiff also alleges that her claims arise from actions taken by the Estate that were referenced in Court filings made in connection with the Roc Nation litigation during 2017. (6/24/21 10:41 Compl.) As a result, even if Plaintiff's claims are construed as having arisen after the death of the Decedent, they are time-barred under the Probate Code because Plaintiff failed to assert them within four months of when they arose, either during 2017 or "over 2 years" prior to the filing of her complaints. Minn. Stat. § 524.3-803(b).

### **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: July 26, 2021

/s/ Joseph J. Cassioppi

Mark W. Greiner (#0226270)

Joseph J. Cassioppi (#0388238)

FREDRIKSON & BYRON, P.A.

200 South Sixth Street

Suite 4000

Minneapolis MN 55402-1425

612-492-7000

612-492-7077 fax

mgreiner@fredlaw.com

jcassioppi@fredlaw.com

*Attorneys for Comerica Bank & Trust, N.A.*

73431147 v7