

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF CARVER

FIRST JUDICIAL DISTRICT

Court File No. 10-PR-16-46

In Re Estate of:

Prince Rogers Nelson,

Deceased.

**ORDER & JUDGMENT
DISMISSING JEFFERS' PETITIONS**

On January 24, 2017, Jennifer Jeffers filed two petitions with the Court, the "Petition for Enforcement of Slayer Rule on Tyka Nelson" and "Claimant's Petition for Allowance of Claim Previously Disallowed." In the Order for Submissions on Jeffers Petitions filed January 27, 2017, the Court ordered that Ms. Jeffers and the parties submit any additional factual record and legal argument on Ms. Jeffers' Petitions by no later than February 28, 2017, and specifically asked the parties to address whether Ms. Jeffers' financial claim is time barred and whether she has standing to assert her Petition for Enforcement of the Slayer Rule. The submission date was subsequently amended to March 31, 2017, and then to May 31, 2017, at which point the Court ordered that the matter would be taken under advisement as of May 31, 2017 and no further continuances would be granted. The Personal Representative and Tyka Nelson's Objection to Petitions of Jennifer Jeffers was filed with the Court on March 31, 2017. Ms. Jeffers did not submit any additional legal argument or factual record.

The Court, having been duly advised in the premises, and based upon the pleadings, arguments, and all files and records herein, makes the following:

ORDER

1. Ms. Jeffers' "Petition for Enforcement of Slayer Rule on Tyka Nelson" and "Claimant's Petition for Allowance of Claim Previously Disallowed" are **DISMISSED WITH PREJUDICE**.
2. The attached Memorandum is incorporated herein by reference.

LET JUDGMENT BE ENTERED ACCORDINGLY.

BY THE COURT:

Dated: June 9, 2017

The Honorable Kevin W. Eide
Judge of District Court

I do hereby certify that the foregoing Order constitutes the Judgment of this Court.

Mary Dalbec
Court Administrator

Dated: June ____, 2017

Deputy

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

Jennifer Jeffers filed two petitions with the Court on January 24, 2017, a “Claimant’s Petition for Allowance of Claim Previously Disallowed,” and a “Petition for Enforcement of Slayer Rule on Tyka Nelson.”

I. Claimant’s Petition for Allowance of Claim Previously Disallowed

On May 10, 2016, the Court issued a Notice to Creditors in this matter that all claims against the Estate must be presented within four months or the claims would be barred. Ms. Jeffers first filed correspondence with the Court alleging she had a claim against the Estate on October 21, 2016. Because her Petition for allowance of claim was filed after the four month deadline set forth in the Notice to Creditors, her claim is time barred. *See* Minn. Stat. § 524.3-803(a) (barring claims presented more than four months after notice to creditors); *In re Paulson’s Estate*, 293 N.W. 607, 609 (Minn. 1940) (holding that court lacks jurisdiction to allow claims presented outside of statutory period).

II. Petition for Enforcement of Slayer Rule on Tyka Nelson

Ms. Jeffers Petition for Enforcement of Slayer Rule on Tyka Nelson alleges Ms. Nelson was involved in Decedent’s death, and therefore should take nothing from his Estate. Minn. Stat. § 524.2-803(a) provides, “A surviving spouse, heir or devisee who feloniously and intentionally kills the decedent is not entitled to any benefits under the will or under this article, including an intestate share, an elective share, an omitted spouse’s or child’s share, homestead, exempt property, and a family allowance, and the estate of decedent passes as if the killer had predeceased the decedent.” In order to petition for enforcement of Minn. Stat. § 524.2-803, however, Ms. Jeffers must first establish that she has standing to bring the petition. *See In re Estate of Mealey*, 695 N.W.2d 143, 146 (Minn. Ct. App. 2005) (The requirement of standing is jurisdictional and “cannot be waived.”). Standing is a requirement that a party has a sufficient stake in a justiciable controversy to seek relief from a court. *Id.* She has failed to do so. Ms. Jeffers has failed to establish she has either a financial or other interest in the Estate, therefore she lacks standing to petition for enforcement of Minn. Stat. § 524.2-803.

Conclusion

Ms. Jeffers has failed to timely file a claim against the Estate pursuant to Minn. Stat. § 524.3-803(a). In addition, she lacks standing to petition for enforcement of Minn. Stat. § 524.2-803. As a result, her petitions are **DISMISSED WITH PREJUDICE**.

K.W.E.