

STATE OF MINNESOTA
CARVER COUNTY

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In Re: Estate of Prince Rogers Nelson,
Deceased.

Case Type: Special Administration
Judge: Kevin W. Eide
Court File No. 10-PR-16-46

**AFFIDAVIT OF LOYAL "JIMMY"
JAMES GRESHAM III RESPONDING
TO THE SPECIAL
ADMINISTRATOR'S REQUEST FOR
PARENTAGE INFORMATION**

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Loyal "Jimmy" James Gresham III, being first duly sworn under oath, deposes and states as follows:

1. What is your full name?
Loyal "Jimmy" James Gresham III
2. What is your birth date?
February 4, 1953
3. Where were you born?
Minneapolis, Minnesota
4. Please provide a certified copy of your birth certificate.
A copy of my birth certificate is attached. I have requested a certified copy.
5. What are the full names of your biological parents?
FATHER: Loyal James Gresham Jr.
MOTHER: Lynn Harriet Price Gresham
6. Were your biological parents married when you were born? (If yes, answer the subparts below.)
Yes.

a. When were your parents married?

7/1/1949

b. Where were your parents married?

Minneapolis, Minnesota

c. What was your biological mother's maiden name?

Price

d. Please provide a certified copy of your parents' marriage certificate or other proof of marriage.

e. Were your parents divorced? If so, please provide the date of the divorce and a certified copy of the divorce decree or other proof of divorce.

7. Were your biological parents married after you were born? (If yes, answer the subparts below.)

No.

a. When were your parents married?

b. Where were your parents married?

c. What was your biological mother's maiden name?

d. Did the man who married your biological mother acknowledge his paternity of you in writing filed with a state registrar of vital record?

e. Was the man who married your biological mother named as your father on your birth record with his consent?

f. Was the man who married your biological mother obligated to support you under a written voluntary promise or by court order?

g. Please provide a certified copy of your parents' marriage certificate or other proof of marriage.

h. Were your parents divorced? If so, please provide the date of the divorce and a certified copy of the divorce decree or other proof of divorce.

8. If your parents were not married when you were born, had they attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared void, voidable or otherwise invalid? (If yes, answer the subparts below.)

No.

- a. What was the date of the attempted marriage?
- b. Where did the attempted marriage take place?
- c. Please provide proof of the attempted marriage.
- d. If the invalid marriage was terminated by death, annulment, declaration of invalidity, dissolution or divorce, please provide the date of the termination and any proof of such termination.

9. If your parents did not marry or attempt to marry, did any man receive you into his home and openly hold you out as his biological child? If yes, please name the man and provide details and other evidence (e.g. sworn statements, photographs, documents) to support your answer.

See answer to Question 6.

10. If your parents did not marry or attempt to marry, did any man and your biological mother acknowledge the man's paternity of you in a writing signed by both of them under Minn. Stat. § 257.34 (copy attached) and filed with the state registrar of vital records? If yes, please provide a certified copy of such writing.

No.

11. If your parents did not marry or attempt to marry, did any man and your biological mother execute a recognition of parentage of you pursuant to Minn. Stat. § 257.75 (copy attached)? If yes, please provide a certified copy of such recognition of parentage.

No.

12. Is any other man presumed to be your father under any of the presumptions found in Minn. Stat. § 257.55 (copy attached)? If yes, please provide details, and also whether the other man signed a written consent if your father and mother signed a written acknowledgment of paternity under Request No 10 above.

No.

13. Was your biological mother married to any man other than your biological father when you were born or within 280 days before your birth?

No.

14. Does a judgment or order exist determining a parent and child relationship between you and one or more parents? If so, please provide details and a certified copy of such judgment or order.

No.

15. Detail the actions taken by you to confirm that the responses to the above requests are true and accurate.

I have made a good faith effort to collect birth and death certificates, marriage licenses and divorce decrees where relevant. I have provided copies, and am able to provide certified copies. I have spoken with my siblings, other relatives, and family friends to complete and confirm my recollections.

16. If you contend additional information is needed or should be considered by the Special Administrator to support your claim to be an heir, please provide such information.

I believe that I am Prince Rogers Nelson's natural half sibling. My father, Loyal James Gresham, Jr. had an affair with Maddie Shaw in 1957. I learned from another family member that my father is the father of Prince Rogers Nelson.

My father and Maddie Shaw knew each other all their lives. They were close friends. They collaborated musically. They often went to gigs together. They brought their families together often. I know that they saw each other regularly throughout their lives, at least once a year. I understand that my father did not openly acknowledge Prince as his son out of respect for Maddie and her then husband and my father's friend, John Nelson. My father did not want to hurt Maddie or get her "into trouble." Our father sent my sisters Orrine Gresham and Jimmar Sandifer to go to Maddie's funeral and to pay his respects for him, as he was too ill to travel.

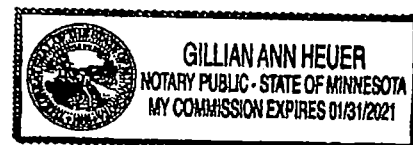
It is believed that Maddie told Prince that Loyal was his father shortly before she died. Prince visited my father in my father's home after Maddie's death. Shortly after Prince Rogers Nelson's mother passed, I was on the phone with my father. It was about 2pm. He said, "You'll never guess who's at the door." It was Prince. My father said he would call me back. At 5pm, I called him and he said he and Prince were still talking. Later, my father told me that he and Prince talked and choose to "leave things as they were" out of respect.

Further your affiant sayeth naught.

Loyal Jimmy James Gresham III
Loyal "Jimmy" James Gresham III

Subscribed and sworn to before
me this 10th day of June, 2016.

Gillian Ann Heuer
Notary Public



Form H 103

CERTIFICATE OF BIRTH

Register No. **459**

City of Minneapolis
Division of Public Health—Vital Statistics

PLACE OF BIRTH
CITY OF MINNEAPOLIS
COUNTY OF HENNEPIN

PLACE OF BIRTH
Minneapolis General Hospital
(If birth occurred in a hospital or institution, give its name, otherwise street and number)

FULL NAME OF CHILD *Loyal James Graham, Jr.*
(If child is not yet named, make supplemental report to Director)

1. Was silver nitrate used? Yes No
2. Was child deformed or physically defective? Yes No

3. Sex **Male**
4. If plural births, number in order of birth: **1**

5. From father Yes No
6. From mother Yes No

7. Date of birth **4/26/53**
(Month, day, year)

8. FATHER: Full name **James Loyal Graham**
9. MOTHER: Full name **Dessie May Miles**

10. Residence (usual place of abode) **2318 10th Ave.**
(If non-resident, give place and State)

10. Residence (usual place of abode) **Same**
(If non-resident, give place and State)

11. Color or race **Black** 12. Age at last birthday **24** (Years)

11. Color or race **Black** 12. Age at last birthday **24** (Years)

13. Birthplace (city or place) **Washington, Texas**
(State or country)

13. Birthplace (city or place) **Dallas, Texas**
(State or country)

14. Trade, profession, or particular kind of work done, as farmer, housekeeper, etc. **Porter**

14. Trade, profession, or particular kind of work done, as housekeeper, sewing, dressmaker, etc. **Housewife**

15. Industry or business in which work was done, as factory, hotel, club, etc. **Coffee Dan's Night Club**

15. Industry or business in which work was done, as factory, hotel, club, etc. **None**

16. Number of children of this mother (At time of this birth and including this child): (a) Born alive **9** (b) Born alive but now dead **0** (c) Stillborn **0**

17. If stillborn, period of gestation (in months) **9** 18. Cause of stillbirth **Before labor**

17. If stillborn, period of gestation (in months) **9** 18. Cause of stillbirth **During labor**

CERTIFICATE OF ATTENDING PHYSICIAN OR MIDWIFE

I hereby certify that I attended the birth of this child, who was **born alive** on the date above stated, and that the above facts as given are true, to the best of my knowledge, information and belief.

(Signature) **A. J. Meyer, M.D.**
Physician, Midwife, Parent or Informant
(Cross out words which do not apply)
Address **Mpls. General Hospital**

Given name added from a supplemental report **mother**
Date **4/26/53**
(Signature) **F. E. Harrington**
Address **REGISTRAR**

Filed **May 2, 1953**

I, Audrey Ostrom, Deputy Local Registrar of Vital Statistics for the City of Minneapolis, Minnesota, hereby certify that the above is a true and correct photo-copy of the record on file in the office of the Division of Public Health.

Dated: **JUN 9 1971**

Audrey Ostrom
Deputy Local Registrar

STATE OF MINNESOTA

CERTIFICATION OF VITAL RECORD

BIRTH CERTIFICATE

FULL NAME

LOYAL JAMES GRESHAM III

SEX

MALE

DATE OF BIRTH

FEBRUARY 04, 1953

CITY OR TOWNSHIP OF BIRTH

MINNEAPOLIS

COUNTY

HENNEPIN

PARENT(S)

LYNN HARRIET (PRICE)

LOYAL JAMES GRESHAM JR

AMENDMENTS MADE PRIOR TO APRIL 29, 2001 FOR THIS RECORD ARE NOT NOTED ON THE CERTIFIED COPY.

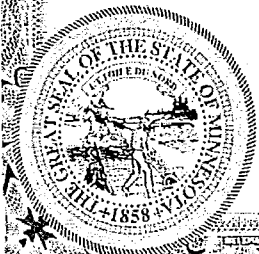
S22-000645293

THIS IS A TRUE AND OFFICIAL RECORD OF THE BIRTH REGISTERED IN THE OFFICE OF THE STATE REGISTRAR. DATE FILED: FEBRUARY 13, 1953

PLACE ISSUED: HENNEPIN

DATE ISSUED: MAY 06, 2002

Barbara A. Redman
STATE REGISTRAR





June 15, 2016

Via Email

Cameron M. Parkhurst, Esq.
Sussman & Parkhurst
222 North Second Street, Suite 300
Minneapolis, MN 55401

Re: Heirship Claim of Loyal "Jimmy" James Gresham III

Dear Mr. Parkhurst:

Thank you for submitting the Affidavit of Loyal "Jimmy" James Gresham III Responding to the Special Administrator's Request for Parentage Information.

With respect to the Protocol adopted by the Court, the Special Administrator's goal is to apply existing Minnesota law equally to all persons claiming to potentially be an heir of the Decedent. Such relevant law includes the Minnesota Probate Code (Minn. Stat. Ch. 524), the Minnesota Parentage Act (Minn. Stat. §§ 257.01 through 257.75) and Minnesota common law.

Under Minnesota law, if it is determined that Decedent is not the father of any living children (or their descendants), then Decedent's siblings and half-siblings (and descendants of any deceased siblings and half-siblings) may be determined to be heirs, in the event no Will is found. Minn. Stat. § 524.2-103(3). To be a sibling or half-sibling, a person must share at least one genetic parent with Decedent. *Id.* Because they were married when Decedent was born, Mattie Della (Shaw) ("Mattie") and John Lewis Nelson ("John") are presumed to be Decedent's genetic parents. Minn. Stat. § 257.55, subd. 1(a).⁸ Only a very limited group of persons have standing to challenge that presumption, and, in any event, the time to make such a challenge passed long ago. Minn. Stat. § 257.57, subd. 1(b). As such, there is an irrebuttable presumption that John and Mattie are Decedent's genetic parents. *Id.*; Minn. Stat. § 524.1.201(22) and (23); *see also In re Estate of Jotham*, 722 N.W.2d 447, 455-56 (2006). Thus, to potentially qualify as an heir of Decedent as a sibling or half-sibling, the claimant must be a descendant of either Mattie or John (or both).

Based on the materials submitted by your client, Mr. Gresham's claim is dependent upon another person other than John being determined to be Decedent's father. But as noted above, the presumption that John is Decedent's genetic father is conclusive and cannot be challenged at this point. As such, it

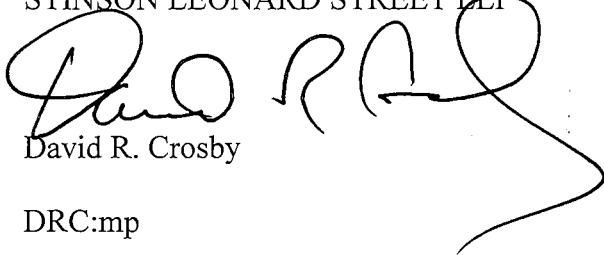
⁸ Further, as part of Mattie and John's divorce, a Minnesota court adjudicated that they were Decedent's parents.

June 15, 2016
Page 2

is the Special Administrator's determination that the evidence presented by Loyal "Jimmy" James Gresham III is insufficient to warrant genetic testing.

Very truly yours,

STINSON LEONARD STREET LLP

A handwritten signature in black ink, appearing to read "David R. Crosby", with a long, sweeping flourish extending to the right.

David R. Crosby

DRC:mp