

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
PROBATE DIVISION
FIRST JUDICIAL DISTRICT
Court File No.: 10-PR-16-46
Judge Eide

Estate of

Prince Rogers Nelson,

VENITA JACKSON LEVERETTE'S
MEMORANDUM IN OPPOSITION TO
MOTION TO DETERMINE HEIRS

Decedent.

INTRODUCTION

Ms. Venita Jackson Leverette (“Jackson Leverette”) submits this memorandum in opposition to the motion to determine heirs filed recently by Omarr Baker, Alfred Jackson, Sharon Nelson, Norrine Nelson, John R. Nelson, and Tyka Nelson (the “moving parties”) and scheduled for hearing before the above-named court on May 10, 2017.

ARGUMENT

Jackson Leverette contends that this motion is premature. As the moving parties acknowledge in their memorandum, several other parties – *i.e.*, Jackson Leverette, along with Darcell Gresham Johnston, Loya Janel Wilson, Loyal James Gresham III, Orrine Gresham, Brianna Nelson, and V.N. – are currently appealing prior orders of this court that effectively precluded them from proving heirship. *See* moving parties’ memorandum, at pages 1, 6, 15, and 16 (references to pending appeals). The moving parties further acknowledge that the court previously declined to rule on their request for heirship determination because of the pendency of the appeals. *See id.*, at page 6 (“However, the court declined to determine the heirs at the January 12 hearing because of appeals pending before the Minnesota Court of Appeals”).

In spite of recognizing these facts, nothing in the moving parties’ memorandum explains

the facts or circumstances that changed since January 12th that would necessitate a reversal of the court's prior decision. Moreover, nothing in the memorandum offers a compelling argument as to why an heirship determination cannot be deferred until after the current appeals have been exhausted. Instead, the moving parties' memorandum asserts - essentially by fiat - that "[t]he time has come for that [heirship] determination." *See id.*, at page 1.

While the moving parties' memorandum refers, generally, to the idea that a probate court has broad authority and discretion over all matters relating to estate administration (*see id.*, at page 7), the moving parties never explain why this discretion should be exercised and how the interests of justice would be served by issuing a binding order, at this time, that they are "the" exclusive heirs to the Prince Estate, while burdening Jackson Leverette and the other appellants with the task of seeking reconsideration of that order under the procedures set forth in Section 524.3-412(2) in the event that they succeed in their appeals (*see id.*, at page 13). Despite the moving parties' representations that an heirship determination issued at this time will not prejudice any other parties, Jackson Leverette remains understandably skeptical.

There are a number of scenarios under which the Court of Appeals or Supreme Court may direct that Jackson Leverette and/or the other appellants be afforded the opportunity to prove they are legitimate heirs of the decedent.. Nothing in the moving parties' memorandum or proposed order satisfactorily accounts for these scenarios, or how Section 524.3-412(2) would be applied in the event of reversal and remand. Subpart (2) of the statute allows a party to request vacation of a prior heirship determination if certain conditions are met:

If intestacy of all or part of the estate has been ordered, the determination of heirs of the decedent may be reconsidered if it is shown that one or more persons were omitted from the determination *and it is also shown that the persons were unaware of their relationship to the decedent, were unaware of the death or were given no notice of any proceeding concerning the estate, except by publication.*

Section 524.3-412(2) (emphasis added). It is unclear how this would apply to Jackson Leverette and/or the other appellants, who were aware of their relationship to Prince, aware of his death, and on notice of the probate proceeding, but nevertheless “omitted” from the heirship determination by the Court’s previous judgment. At a minimum, the statute does not contemplate a situation where, as here, potential heirs appeared in the case, but had their claims dismissed before being offered an opportunity to establish heirship.

No one disputes that this is a complex probate matter. In light of the complexities of this case – as referenced in multiple prior filings, as well as the moving parties’ memorandum – it follows that this court made the correct decision when it declined to rule on the previous request to determine heirs. Issuing an heirship determination in favor of some parties while other parties are simultaneously appealing judgments that effectively precluded them from claiming heirship would not advance the goal of a “speedy and efficient system” of estate administration. The better approach, instead, is to defer the heirship determination until after the pending appeals have run their course.

CONCLUSION

Based upon the arguments and authorities set forth above, Venita Jackson Leverette respectfully requests that the court deny the current motion to determine heirs, and issue an order deferring this decision until after the pending appeals have been exhausted.

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Dated: May 3, 2017

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