



October 27, 2017

**VIA EFILE**

The Honorable Kevin Eide  
Judge of the District Court  
Carver County Justice Center  
604 East 4<sup>th</sup> Street  
Chaska, MN 55318

Re: *In re the Estate of Prince Rogers Nelson*  
Court File No. 10-PR-16-46

Dear Judge Eide:

We write on behalf of Comerica Bank & Trust, N.A., in its role as personal representative ("Personal Representative") of the Estate of Prince Rogers Nelson ("Estate"), pursuant to Minnesota General Rule of Practice 115.04(d) to request emergency interim relief in response to the Petition filed this afternoon (without any prior warning) by Sharon, John, and Norrine Nelson ("SNJ") to remove the Personal Representative as personal representative under Minnesota Statutes § 524.3-611.

The Personal Representative will address the substance of SNJ's arguments in support of removal prior to, and at the hearing on the Petition. However, because SNJ chose to bring the Petition under Section 524.3-611, the Personal Representative seeks interim relief now so that it may continue administering the Estate pending the Court's order on the Petition. Specifically, Section 524.3-611(a) provides:

Except as otherwise ordered as provided in section 524.3-607, after receipt of notice of removal proceedings, the personal representative shall not act except to account, to correct maladministration or preserve the estate.

Under Section 524.3-607, the Court may enter any orders regarding administration of the office of personal representative pending a hearing on the Petition.

While in an ordinary estate, temporary restrictions on the personal representative can sometimes be accomplished without significant disruption, as this Court and the parties have all recognized

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on multiple occasions, this Estate is far from ordinary. Currently, and among multiple other immediately necessary tasks, the Personal Representative is: (1) analyzing and negotiating at least five major entertainment transactions; (2) representing the Estate in active litigation in state and federal court in Minnesota (including on appeal), federal court in Rhode Island, and in an arbitration; (3) negotiating an amendment to a current material agreement; (4) managing the Estate's real property (including working with the insurance company to repair the Turks & Caicos property); (5) reviewing and approving/denying licensing requests on a weekly or more frequent basis; and (6) monitoring and protecting the Estate's intellectual property rights. Even temporary restrictions on the Personal Representative's ability to conduct these functions will impose substantial harm on the Estate, including by depriving the Estate of licensing revenue and prejudicing the Estate's position in pending litigation.

Moreover, the restrictions set forth in Section 524.3-607 are not necessary in this case based on the provisions of the Court's March 22, 2017 Order. Specifically, that Order, among other limitations, restricts the Personal Representative's ability to sell certain real property or enter into major entertainment transactions without court approval or approval of the Heirs. Simply stated, there is no reason that the Personal Representative, based on the purported concerns of three Heirs, should be prevented from administering the Estate for the benefit of all of the Heirs.

To protect and preserve the Estate, the Personal Representative respectfully requests that the Court enter an order authorizing the Personal Representative to continue administering the Estate, under the terms set forth in all previous orders entered by the Court, pending an order on SNJ's Petition. We also ask that the Court agree to hear this matter via a telephone conference on an expedited basis. Enclosed is a proposed order on the Personal Representative's request.

Respectfully submitted,

*/s/ Joseph J. Cassioppi*

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STATE OF MINNESOTA  
COUNTY OF CARVER

DISTRICT COURT  
FIRST JUDICIAL DISTRICT  
PROBATE DIVISION

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In the Matter of:

Court File No. 10-PR-16-46  
Judge Kevin W. Eide

Estate of Prince Rogers Nelson,  
  
Decedent.

**ORDER AUTHORIZING COMERICA  
BANK & TRUST, N.A. TO CONTINUE  
ADMINISTERING THE ESTATE**

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The above-entitled matter came before the undersigned on \_\_\_\_\_, 2017, by telephonic hearing, upon Comerica Bank & Trust, N.A.'s (the "Personal Representative's") October 27, 2017 motion pursuant to Minn. R. Gen. Prac. 115.04(d) ("Motion") to authorize the continued administration of the Estate of Prince Rogers Nelson (the "Estate").

On October 27, 2017, Sharon Nelson, Norrine Nelson, and John R. Nelson filed a Petition to Permanently Remove Comerica Bank & Trust N.A. as Personal Representative ("Petition"). Pursuant to Minn. Stat. § 524.3-611(a), the filing of such a Petition automatically restrains the Personal Representative from acting, except to "account, to correct maladministration or preserve the estate," and except as otherwise ordered by the Court as provided in § 524.3-607. Section 524.3-607 permits the Court to order the Personal Representative to perform any duties necessary to protect against actions that would unreasonably jeopardize the Estate. The Personal Representative responded to the Petition by filing the instant Motion requesting that the Court issue an order authorizing it to continue administering the Estate while the Petition remains pending, as permitted by §§ 524.3-611(a) and 607.

After reviewing the instant Motion and the Petition and supporting materials, and based upon all of the filings and proceedings herein, the Court determines that restraining the Personal Representative from acting while the Petition is pending would cause substantial harm to the Estate by, among other things, jeopardizing at least five major entertainment deals currently being negotiated by the Personal Representative, prejudicing the Estate in ongoing litigation and arbitration, interfering with the management and sale of the Estate's real property, depriving the Estate of revenue by preventing the review and approval of requests to license the Estate's intellectual property, and putting the Estate's intellectual property at risk based on the Personal Representative's inability to monitor and protect those assets. The Court further concludes that to preserve the Estate and to avoid unreasonably jeopardizing all of the Heirs' interests in the Estate, it is necessary for the Personal Representative to continue administering the Estate in accordance with Minn. Stat. §§ 524.3-711, 524.3-715 and all previous Orders and Protocols issued by this Court, including but not limited to the March 22, 2017 Order Regarding Application of Existing Orders and Protocols to the Personal Representative.

Therefore, the Court makes the following:

### **ORDER**

1. The Personal Representative shall continue administering the Estate in accordance with Minn. Stat. §§ 524.3-711, 524.3-715 and all previous Orders and Protocols issued by this Court, including but not limited to the March 22, 2017 Order Regarding Application of Existing Orders and Protocols to the Personal Representative, while the Petition to Permanently Remove the Personal Representative remains pending before the Court.

Dated: \_\_\_\_\_, 2017

BY THE COURT:

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Kevin W. Eide  
Judge of District Court

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.