

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In the Matter of:
Estate of Prince Rogers Nelson,
Decedent.

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

**ORDER REGARDING HEIRSHIP CLAIM
OF OGEDA PATRICK**

The above entitled matter came on before the Honorable Kevin W. Eide after the Court's receipt of various submissions filed by Ogeda Patrick. Previously in this matter, Mr. Patrick asserted an heirship claim based on his belief that Prince Rogers Nelson (the "Decedent") is his genetic father, and requested genetic testing. Comerica Bank & Trust, N.A. (the "Personal Representative") informed Mr. Patrick that it had determined that he did not qualify for genetic testing pursuant to the Court-approved Protocol Prior to Potential Genetic Testing (the "Protocol"). (See June 6, 2016 Order Approving Protocol). Mr. Patrick then filed two Writs of Mandamus, which appear to renew his heirship claim and request for genetic testing. In response, the Personal Representative filed a Response to Filings by Ogeda Patrick and Request that He Be Excluded as an Heir. On March 19, 2018, the Court filed its Order for Submissions, requiring Mr. Patrick to submit any evidence in support of his heirship claim and any objections to the Personal Representative's motion that he be excluded as an heir of the Estate by April 13, 2018. The Order for Submissions then provided the matter would be taken under advisement based upon the written record as of April 13, 2018. On April 16, 2018, Mr. Patrick filed with the Court his "Response to Order for Submissions of Evidence in Support of Heirship Claim and Objections to Being

Excluded as Heir.” Though untimely, the Court will receive Mr. Patrick’s submission for purposes of this decision.

Now, based on the file and proceedings herein, the Court makes the following:

FINDINGS OF FACT & CONCLUSIONS OF LAW

1. Mr. Patrick has asserted claims to the Personal Representative and the Court that he believes the Decedent is his genetic father.
2. Among other things, the Protocol requires that a party claiming a genetic relationship to the Decedent that may give rise to heirship file an affidavit setting forth the facts that establish the reasonable possibility of the existence of such relationship.
3. Mr. Patrick has had multiple opportunities to provide information supporting his assertion that the Decedent is his genetic father.
4. As with his previous assertions to the Personal Representative and the Court, Mr. Patrick’s “Response to Order for Submissions of Evidence in Support of Heirship Claim and Objections to Being Excluded as Heir” argues he is Decedent’s child because while looking through online photographs and videos of decedent, he “began to notice some very keen, even irrefutable, resemblances between he and I.” Similarities in appearance alone, however, are insufficient to establish a reasonable probability that Mr. Patrick is Decedent’s biological child.
5. Mr. Patrick has not provided facts sufficient to establish the reasonable possibility that the Decedent is his genetic father. For example, Mr. Patrick has not: (a) claimed that he is the child of the Decedent due to the presumption of paternity under the Minnesota Parentage Act; (b) alleged a relationship with the Decedent during his lifetime; or (c) provided an

affidavit from his mother indicating that she had a sexual relationship with the Decedent which resulted in Mr. Patrick's conception.

6. Based upon the information provided, Mr. Patrick has not established a *prima facie* showing that he is the child of the Decedent.

ORDER

1. Mr. Patrick is not entitled to genetic testing.
2. Mr. Patrick is excluded as an heir of the Decedent.

Dated: May 9, 2018

BY THE COURT:

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.