

STATE OF MINNESOTA
CARVER COUNTY

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In Re:

Court File No. 10-PR-16-46

Estate of Prince Rogers Nelson,
Deceased.

**OBJECTION TO ORDER REGARDING CLAIMS
PURSUANT TO THE PARENTAGE ACT
AND PROBATE CODE**

Carlin Q. Williams ("Williams"), through his undersigned counsel, makes the following comments and objections to the proposed Order Regarding Claims Pursuant to Parentage Act and Probate Code (the "Proposed Order"), filed by the Special Administrator on May 13, 2016, and as amended thereafter by the Court on May 17, 2016.

1. The Proposed Order contains some, but not all, relevant subparagraphs in Minnesota Statute Section 524.1-201. Williams submits that the Proposed Order should include reference to the definitions set forth in subparagraphs (6) as to "child," (11) as to "descendant," and (27) as to "heirs." Said definitions will aide in the interpretation and construction of the Court's final order by the Special Administrator and all Claimants.

2. In addition, it is apparent the Proposed Order follows the Court's Order dated May 6, 2016, that directed the Special Administrator to collect and preserve a sample of the deceased's blood and directed the Special Administrator to submit the same for DNA testing in anticipation of future claims from claimants who would claim to be a "descendant" or "child" of the deceased, as those terms are defined in Section 524.1-201.

3. Williams submits that the Proposed Order should direct the Special Administrator to establish and implement genetic testing of any and all claimants who submit a

claim in this proceeding pursuant to Section 524.2-117 and who claim a “parent-child relationship” exists by reason of a genetic relationship. Williams submits that testing of such claims should be conducted on an expedited and priority basis to determine if a “parent-child relationship” between a claimant and the deceased is presumed by the results of DNA testing conducted in the manner consistent with and as provided in Minnesota Statute Section 257.62. Williams submits that the Special Administrator be directed to refrain from arranging or conducting DNA testing of more remote “heirs” of the deceased until and unless the results of DNA testing of any and all claimants who claim to be a “child” are completed and reported. A parent-child relationship to the deceased confirmed by DNA testing may become dispositive in accordance with the statutory presumptions established in Section 257.62 of any and all claims made in this proceeding by other, more remote “heirs” to the deceased, in accordance with the statutory priorities for participation by intestate succession laws provided in Sections 524.2-101, *et seq.*

4. Williams submits that testing on a priority and “as necessary” basis serves the best interests of the Estate, avoids needless expenses and costs to the Estate by non-dispositive testing and administration of such testing by the Special Administrator, and serves to preserve the assets of the Estate for the benefit of the heirs who are determined to be legally entitled to participate in the deceased’s estate pursuant to the priority of claimants set forth in Section 524.2-101, *et seq.*

5. Williams further requests that the Court reject any objections to the form of the Proposed Order where the objection is submitted by a Claimant who is, as a matter of law, a more remote heir of the deceased than is a claimant who claims a “parent-child relationship” to

the deceased. Any such objections are not relevant before a determination has been made of whether a "parent-child relationship" is established pursuant to Section 524.2-117 by a claimant claiming to be a "child" of the deceased. Such objections serve only to delay the testing of claimants who claim a lineal relationship to the deceased, which by law, if established, serves to annul any participation in the Estate by siblings of the deceased. Williams therefore requests that the Court enter the Proposed Order forthwith to enable the Special Administrator to commence immediate and expedited testing related to the priority claims referenced herein, subject to any motions or objections that may be made by an interested person at the hearing scheduled for June 27, 2016.

RESPECTFULLY SUBMITTED,

May 18, 2016.

/s/Paul F. Shoemaker

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ACKNOWLEDGMENT

The undersigned does hereby acknowledge that reasonable attorneys and witness fees, costs and disbursements may be awarded to the party against whom the allegations in this pleading are asserted pursuant to Minnesota Statutes section 549.211 and that the foregoing pleading is signed in accordance with the Minnesota Rules of Civil Procedure as required by Rule 403(d) of the Rules of Practice – District Court, Probate Rules.

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Dated: 5/18, 2016.

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