

STATE OF MINNESOTA
COUNTY OF CARVER

DISTRICT COURT
FIRST JUDICIAL DISTRICT
PROBATE DIVISION

In Re:

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

Estate of Prince Rogers Nelson,
Decedent,

And

**PETITION FOR APPOINTMENT OF
SUCCESSOR SPECIAL
ADMINISTRATOR**

Tyka Nelson,

Petitioner.

The undersigned, Omarr Baker (“Baker”), hereby states:

1. Baker is an interested person as defined by Minnesota law because Baker is the Decedent Prince Rogers Nelson’s heir at law. Baker brings his Petition as stated below.
2. The Decedent was born on June 7, 1958 in Minneapolis, State of Minnesota.
3. The Decedent died on April 21, 2016 in Chanhassen, State of Minnesota.
4. At the time of death, the Decedent was domiciled in Carver County, State of Minnesota at 7801 Audubon Road, Chanhassen, Minnesota, 55317.
5. At best as Baker knows or can ascertain with reasonable diligence, the names, relationships of the Decedent’s heirs, all of whom are adults, and others interested in this proceeding are attached to Petitioner Tyka Nelson’s Petition for Appointment of Successor Special Administrator as Exhibit A, filed in the underlying proceeding on December 6, 2016.
6. All persons described as heirs have survived the Decedent by at least 120 hours.

7. Negative Allegation Statement – The Decedent left no surviving spouse; issue; parents; brothers; sisters; or issue of deceased brothers or sisters other than those named in this petition.

8. Baker does not know of the existence of a Will and has no reason to believe that the Decedent executed testamentary documents in any form.

9. Bremer Trust, National Association, was appointed as the Special Administrator of the Estate by the Court on April 27, 2016 because no Personal Representative had been appointed in Minnesota or elsewhere.

10. Venue for this proceeding is in Carver County, State of Minnesota, because the Decedent was domiciled in this county at the time of death and was the owner of property located in Carver County, in addition to other property he owned in the State of Minnesota.

11. Baker estimates the Decedent's assets and indebtedness are correctly documented in Petitioner Tyka Nelson's Petition for Appointment of Successor Special Administrator as Exhibit B, filed in the underlying proceeding on December 6, 2016.

12. The appointment of a successor Special Administrator is necessary because the current Special Administrator, Bremer Trust, has indicated its desire to immediately resign as Special Administrator. There are deadlines related to the filing of the Form 706 Estate Tax Return and other estate litigation that require the immediate appointment for a successor Special Administrator. A successor Special Administrator may be necessary to ensure proper and sufficient transition time to address the pending issues facing this administration, which transition time will not be available if the matter is delayed for the appointment of a Personal Representative. Pending the appointment of a Personal Representative, a Special Administrator remains necessary because: (a) No Personal Representative has been appointed in Minnesota or elsewhere; (b) The Decedent

had substantial assets consisting of personal and real property that requires protection; (c) The Decedent owned and controlled business interests that require ongoing management and supervision; and (d) The current Special Administrator has initiated litigation and is defending claims that requires the continued participation of a Special Administrator. Because of this, Baker is not opposed to Petitioner Tyka Nelson's request for appointment of a successor Special Administrator.

13. An emergency exists to the extent that the appointment of a successor Special Administrator should be made without notice, or with limited notice, because immediate action and decisions need to be made to continue the ongoing management and supervision of Decedent's business interests and the currently pending litigation. In addition, the current Special Administrator, Bremer Trust, has informed the Court they wish to immediately resign and these decisions should be made by the successor to Bremer Trust.

14. Baker and his counsel, directly alongside Petitioner Tyka Nelson and other members of the family and their counsel, have conducted an exhaustive and comprehensive two month search process for a Personal Representative to replace Bremer Trust. Over a dozen national financial institutions have been vetted, several rounds of in-person interviews have been conducted and each institution's qualifications, staffing levels and plans for administering this Estate surveyed in exhaustive detail. Hundreds of pages of written proposals from the various institutions have been received, reviewed and analyzed by counsel, with additional follow up questions and responses prepared by counsel and answered by the various institutions.

15. Based on that process, Baker seeks the appointment of Comerica Bank & Trust N.A. ("Comerica") as successor Special Administrator and/or as interim co-Special Administrator during Bremer Trust's transition. Comerica is a national trust company, exceptionally well-

qualified, and has a rapport with the family and will excel at the job of Personal Representative. Comerica is willing and ready to accept the appointment of successor Special Administrator. Comerica is also willing and ready to accept the appointment as interim co-Special Administrator during Bremer Trust's transition. The proposals of Comerica are attached to the Affidavit of Robert Barton in support of Petitioner Tyka Nelson's Petition for Appointment of Successor Special Administrator, filed in the underlying proceeding on December 6, 2016. It is Baker's understanding that all non-excluded heirs also support the appointment of Comerica.

WHEREFORE, the undersigned requests the Court:

1. Appoint Comerica as successor Special Administrator and/or interim co-Special Administrator of the Estate, with no bond, in a supervised administration;
2. Authorize issuance of Letters of Special Administration to Comerica on qualification and acceptance; and
3. Grant such other relief as may be proper.

Under penalties for perjury, the undersigned declares and affirms that the undersigned has read this document and knows or believes its representations are true and complete.

Dated: December 13, 2016



Omar Baker

COZEN O'CONNOR

By /s/Thomas P. Kane
Steven H. Silton (#260769)
Thomas P. Kane (#53491)
Armeen F. Mistry (#397591)
33 South Sixth Street, Suite 4640
Minneapolis, MN 55402
Telephone: (612) 260-9000
ssilton@cozen.com
tkane@cozen.com
amistry@cozen.com

Jeffrey Kolodny, *pro hac vice*
277 Park Avenue
New York, NY 10172
Telephone: (212) 883-4900
jkolodny@cozen.com

ATTORNEYS FOR OMARR BAKER