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MAY 29 2013

**STATE OF SOUTH CAROLINA
In the Supreme Court**

S.C. Supreme Court

**APPEAL FROM AIKEN COUNTY
Court of Common Pleas**

The Honorable Doyet A. Early, III Circuit Court Judge

Appellate Case No. 2012-212917

IN RE: THE ESTATE OF JAMES BROWN A/K/A JAMES JOSEPH BROWN

Adele J. Pope Appellant,

v.

Alan Wilson, Attorney General of South Carolina,
Russell Bauknight as Trustee of the Legacy Trust
and in other fiduciary capacities, and Tommie
Rae Hynie Brown..... Respondents.

**REPLY AND MEMORANDUM OF ADELE J. POPE, *PRO SE*, TO RETURN OF
MOTION OF ATTORNEY GENERAL ALAN WILSON TO MOTION TO
DISMISS PARTIES**

Appellant submits this Reply and Memorandum in response to the Return of Attorney General Alan Wilson ("AG Wilson") to Appellant's Motion seeking his dismissal as a party to this appeal.

While Appellant applauds the Attorney General for requesting that he be removed as a party to this appeal, she respectfully asserts that AG Wilson's Return makes statements which, if not corrected, may damage her, The James Brown "I

Feel Good" Trust and citizens of South Carolina seeking documents under the South Carolina Freedom of Information Act ("FOIA").

The "Diaries" are Not Diaries; are Public; and are Not Confidential.

AG Wilson asserts that this appeal concerns the "confidentiality of Tommie Rae Hynie Brown's personal diaries." As stated in detail in Appellant's affidavit which is filed herewith and incorporated herein, the "diaries" which are the subject of the Gag Orders are neither "diaries" nor confidential or private. When the Gag Orders were issued in 2008 scores of people had seen, copied, quoted, discussed and disseminated not only the writings but a typed transcript of them.

AG Wilson, as a public official subject to FOIA, has held a copy of the "diaries" since 2007. He received yet another copy of the documents in 2009, after the Gag Orders – and in violation of them if not void or expired.

AG Wilson's 2012 Response to this Appeal was not "Limited."

Attorney General Wilson asserts that he "filed a limited response to Mrs. Pope's appeal concerning the circuit court orders involving the diaries." AG Wilson actually joined in and supported a vitriolic Motion to Dismiss of Tommie Rae which – among other things – sets out the argument for the false allegation that Appellant and Robert Buchanan, Jr. committed the federal felony of overstating Brown's music empire by \$79 Million for the improper purpose of obtaining a \$5 Million commission.

The myth that Buchanan's and Appellant's valuation was improper and unsupported is simply that – a myth. AG McMaster's senior assistant and counsel

for Tommie Rae were both present before Buchanan and Pope were named PR/Trustees when they moved the Court to allow a formula valuation of Brown's music empire for the Estate Tax Return based on a multiple of Brown's approximately \$3 Million annual Royalties and more than \$5 Million annual road revenues.

At the November 15 - 20, 2007 hearing Judge Doyet A. Early, III gave both AG McMaster's Senior Assistant and Tommie Rae's counsel 10 days to pose any objection to the valuation formula. Neither did.

The \$85 Million valuation – \$100 Million LESS the TIAA Debt – which Buchanan and Appellant presented to the IRS under penalties of perjury is entirely consistent with the formula that both AG McMaster and Tommie Rae had not opposed during the year since it was presented to them in a motion and by the Court.

In joining in Tommie Rae's Motion to Dismiss this appeal of September 2012, AG Wilson adopted the following allegations, among others

- a. "...Pope clings to *her* frivolous allegation that there was an impediment to the marriage of James and Tommie Rae." [P.6.]
- b. " James Brown's Estate was found to be worth \$6.5 million at the date of his death. See Exhibit O."
- c. "...the federal government refunded \$10,000 in estate taxes that Pope erroneously concluded were due. [Emphasis supplied.] [pp.7-8]
- d. "...past fiduciaries haphazardly claimed ...James Brown's Estate was worth varying amounts around \$100 Million...she never did anything to verify this amount. " [p. 9]
- e. "Pope ... includes the IRS...with the outrageous assumption that it would not have investigated even though the IRS would have been

due millions more in taxes if the marriage was invalid and Pope's unsubstantiated valuation stayed the same. [Emphasis supplied.] [p.9]

f. "...[Pope's] claim for approximately \$2.5 million might appear less outrageous if the estate were valued at the higher amount..."

g. "Since late 2008 the family and the Attorney General have been in agreement...that Pope's conduct must come to an end." [Emphasis supplied.]

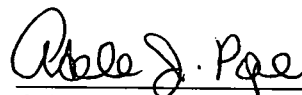
h. "Pope's version of the facts is at odds with reality..." [P.15.]

Conclusion

Appellant respectfully submits that characterizing the very public writings which are the subject of the Gag Orders which are the subject of this appeal as private diaries and asserting that AG Wilson's 2012 statements constitute a "limited response" to this appeal may create the impression that AG Wilson still supports Tommie Rae's claims; wants to keep Appellant and others gagged; and does not want the public to see documents which he has held for five years in direct violation of the Gag Order unless they are void or expired.

The May 8 decision of *Wilson v. Dallas* should, instead, give the Attorney General of South Carolina a clean slate to be ready to help enforce The James Brown "I Feel Good" Foundation.

Respectfully submitted,



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May 25, 2013

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PROOF OF SERVICE

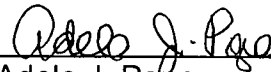
I certify that on the 25th day of May, 2013 I have served the REPLY AND MEMORANDUM RESPONDING TO ATTORNEY GENERAL ALAN WILSON'S RETURN TO MOTION TO DISMISS PARTIES on Respondents by depositing a copy of same in the United States Mail, postage prepaid, addressed to their attorneys of record as follows:

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May 25, 2013