

# EXHIBIT C

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	<b>Civil Action No. 2008-CP-02-1647</b>
COUNTY OF AIKEN	)	: Case No. 2007-CP-02-1222
	)	Case No. 2008- CP-02-0872
Alan Wilson, in his capacity as Attorney	)	Case No. 2008-CP-02-0322
General of the State of South Carolina; and	)	Case No. 2010-CP-02-0721
others,	)	Case No. 2012-CP-02-1059
	)	Case No. 2008-CP-02-1426
	)	Case No. 2008-CP-02-1712
v.	)	Case No. 2008-CP-02-2127
Albert H. Dallas, and others,	)	Case No. 2008-CP-02-1556
	)	Case No. 2008-CP-02-1557
	)	Case No. 2008-CP-02-1758
	)	Case No. 2008-CP-02-1759
	)	Case No. 2013-CP-02-1348
IN RE:	)	
The Estate of James Brown and The	)	
James Brown 2000 Irrevocable Trust	)	MOTION TO VACATE, SET ASIDE,
u/a/d August 1, 2000.	)	ALTER OR AMEND
	)	ORDERS DATED JUNE 13, 2013

TO: ALL PARTIES NAMED ABOVE AND THEIR COUNSEL:

**YOU WILL PLEASE TAKE NOTICE** that on July 2, 2013, or as soon thereafter as she may be heard, Defendant Adele J. Pope, *pro se*, will move before the Honorable Doyet A. Early, III ("Jg. Early") , at the Aiken County Courthouse located at 109 Park Avenue S.E., Aiken, South Carolina, pursuant to Rule 59(a), (b) and (e) and 60(a) and (b) SCRCP, for an order vacating, setting aside, altering and/or amending his two Orders of Jg. Early, filed and received by Movant on June 13, 2013, and the Order of the Clerk dated that same day and received June 18, 2013 (the "June 13 Orders"). Copies of the June 13 Orders are attached hereto as Exhibits A, B and C.

**Summary of Relief Requested**

The Court failed to find, consider and order that three June 13 Orders, cast as "administrative," are not. They were issued without notice or hearing, determine and

and adversely affect substantial rights of Movant, Robert Buchanan, Jr. and every attorney and fiduciary who has worked since 2007 to defend James Brown's noble project, embodied in two valid Estate Plans<sup>1</sup> executed in 2000 and 1999, to dedicate his \$100 Million music empire solely for scholarships for needy students.

The Court failed to find, conclude and order that Russell Bauknight – after *Wilson v. Dallas*-- is continuing to serve and act on behalf Brown's companion Tommie Rae Hynie ("Tommie Rae"), her son in Richland County cases and elsewhere, and that such action is directly adverse to *Wilson v. Dallas* and the "I Feel Good" Trust.

The Court failed to find, conclude and order that by "collapsing" Case 872 - the will and trust contest –into Case 1647 without adding the beneficiaries, proponents or fiduciaries of the two Estate Plans; directing the Clerk to remove motions from the Clerk's records before they are heard; and allowing the Clerk to create a new case, the June 13 Orders place Brown's \$100 Million "I Feel Good" Trust and Movant in immediate jeopardy and violate the Due Process, First Amendment, S. C. Probate Code ("SCPC") and S.C. Trust Code ("SCTC") rights of Movant, Buchanan and fiduciaries and attorneys subject to nonpayment or disgorgement under *Wilson v. Dallas*.

The Court failed to find, conclude and order that the June 13 Orders are so

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<sup>1</sup> Four days after securing a \$26 Million loan from the N.Y. Teachers ("TIAA"), on June 15, 1999 Brown executed a revocable Trust creating \$285,000 trusts to educate 7 designated grandchildren. His worldwide music empire was given to The James Brown "I Feel Good" Trust, his private foundation dedicated solely for scholarship for needy students study at Voorhees, U.S.C. Aiken and U.S.C. Salkehatchie.

On August 1, 2000 Brown executed his final Estate Plan by executing a Will and funding an irrevocable Trust which was substantially identical. Scholarships, however, were expanded to be available to needy students studying in South Carolina and Georgia.

materially at odds with the letter and spirit of *Wilson v. Dallas* and fundamentally unfair to Movant, the incarcerated Deon and Venisha, Voorhees, the minors Sydney and Carrington and others that they should be voided. Because the State has taken control of this \$25 Million review and disgorgement which subject people to loss of property previously granted them and civil contempt, safeguards to provide fundamental fairness must be implemented.

The Court failed to find conclude and order that it lacks jurisdiction – without notice or hearing – to deny Movant or others standing the Aiken Case or cases not subject to the jurisdiction of this Court, and the June 13 Order violate Due process by attempting to destroy Movant's of property and First Amendment Rights where she has clear standing:

1. In all Aiken County James Brown estate and trust cases because she is being sued by the Estate/2000 Trust;
2. In Richland Cty. Case 4900 because she is being sued by the Estate/2000 Trust;
3. In the Richland County FOIA cases where the Estate/2000 Trust is seeking sanctions against her and attempting to intervene;
4. In the Forlando Federal Suit where she, Robert Buchanan, Jr. are seeking equitable offset from Forlando and Bauknight has failed to protect the 2000 Trust.
5. In Case 872, the will and trust contest, where she is an "other" under the Trust Code, with rights to enforce the "I Feel Good" Trust, 2000 and 1999 Wills.
6. In Case 122 where Movant's property interest in her own commission claim is directly affected by the reasonableness of her opposition to paying \$23.5 Million from the "I Feel Good" Trust to Tommie Rae, and Tommie Rae's claim were untimely, filed in the wrong court and otherwise defective – and Tommie Rae is bound by her less-than \$4.7 Million valuation, reducing her maximum elective share (even if she had been Brown's spouse) to less than \$1.5 Million.

7. In Case 122 and 872, because the issue of whether Tommie Rae was Brown's spouse is pending in Case 4900, which has exclusive jurisdiction over the issue, and if she is ousted Bauknight could attempt to circumvent jurisdiction of the Richland Court with an inconsistent finding.

8. In Case 122 because her First Amendment Rights are being denied under Five-year-old Gag Orders which are Unconstitutional and should be declared void or expired.

9. In Case 1426 and all others cases as shown in the Motion the June 13 Orders direct the Clerk to strike from the record without hearing.

### **Specific Objections**

Without limiting the above general objections Movant further asserts that the June 13 Orders should be declared void and set aside, or amended in their entirety, for the following reasons:

1. The Court failed to find, conclude and order that June 13 Orders lacked jurisdiction and violated the Due Process Rights of Movant, Buchanan and others by the incorrect assertion that *Wilson v. Dallas* denied Movant standing to participate in this and other James Brown cases where Due Process , the SCPC and SCTC confer such standing on them and:

a. The *Wilson v. Dallas* remand in Case 1647 directly affects the \$1,473,550, with interest at 8 3/4% she was awarded, and the \$500,300 with interest Buchanan was awarded under the January 8, 2008 Order of Jg. Early in Aiken Case 122.

b. The Estate/2000 Trust is currently suing Movant for not accepting a \$100 Million offer to sell Brown's assets while telling the Supreme Court there was no such offer and the music empire was worth less than \$4.7 Million.

c. The Estate/2000 Trust is currently seeking sanctions against Movant and attempting to intervene in two separate cases under the S.C. Freedom of Information Act ("FOIA")

d. Bauknight, after securing *ex parte* appointment *before* the remittitur in *Wilson*

*v. Dallas*, delivered a Notice of Disallowance intended to prevent *Wilson v. Dallas* review of the \$20 Million in fiduciary fees and commissions he has paid or proposed to pay, and to prevent release of his and Tommie Rae's fee contracts.

2. The Court failed to find, conclude and order that Movant and all persons subject to nonpayment and/or disgorgement of funds previously awarded them by Court Order have Due Process, SCPC and SCTC standing and rights to notice and hearing in all James Brown cases which might affect the outcome of the disgorgement.

3. The Court failed to find and conclude that Bauknight continues to serve the interests of Tommie Rae and her child, placing Movant and the "I Feel Good" Trust in great jeopardy as set out in the Complaint in Case 2013-CP-02-1337.<sup>2</sup>

4. The Court failed to find, conclude and order that the June 13 Orders were issued without notice or hearing; are not administrative orders, as named; deprive Movant of substantial and material rights; contain material, prejudicial and incorrect findings about *Wilson v. Dallas* and the status of the James Brown cases; exceed the jurisdiction of the Court in material particulars; exceed the jurisdiction of the Clerk, who lacks jurisdiction to commence a new case, issue a proper summons or obtain jurisdiction over attorneys subject to non-payment and possible disgorgement of \$25 Million or more; name improper parties; fail to name the persons subject to review and

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<sup>2</sup> Despite their 2010 filing in Case 4900 confirming that Brown's Estate Plan was long known to be what he wanted, at the May 29 status conference, counsel for Tommie Rae and some of Brown's children asked the Court to reinstate the settlement, with off-the-record evidence they assert demonstrates Tommie Rae and others, after *Wilson v. Dallas*, should re-take \$50 Million, securing without public review about \$19 Million in attorneys' fees for counsel for Tommie Rae, Bauknight and 4 or 5 of Brown's dozen children; and without scrutiny of their incorrect Federal Copyright Act claims; without notifying Voorhees and 1999 Estate Plan beneficiaries and proven heirs; and without allowing the Court in Case 4900 to conclude the decision pending before it that Tommie Rae was not Brown's spouse. With AG Wilson out of the case, Bauknight made no objection, abandoning both the 2000 and 1999 Estate Plans.

disgorgement; fail to establish a fair procedure to present and/or challenge payment, nonpayment and possible disgorgement of monies already earned and/or paid; exclude supporters of the "I Feel Good" Trust; and violate the Due Process, First Amendment and Equal Protections rights of Movant and fiduciaries and attorneys who have served them in support of the 2000 and 1999 Estate Plan.

5. The Court failed to find, conclude and order that no person challenging the 2000 Estate Plan or 1999 Estate Plan should be or participate in the selection of an SA/ST or the three fiduciaries to uphold the Will/2000 Trust as mandated by *Wilson v. Dallas*.

6. The Court failed to find, conclude and order that "collapsing" Case 872 into Case 1647 will violate the Due Process rights of Voorhees and other proponents, beneficiaries and fiduciaries of the "I Feel Good" Trust under both the 2000 or 1999 backup Will and Trust, and/or including the rights of incarcerated claimed heirs Deon and Venisha and minors Sydney and Carrington.

7. The Court failed to find, conclude and order that Movant and Buchanan, with others, have standing to remain in all James Brown cases referenced in the June 13 Orders - being designated as an Interested Persons – for at least the following reasons:

a. Movant and Buchanan are creditors and Interested Persons under S.C. Probate Code § 62-1-201 (20) ("SCTC") and S. C. Trust Code § 62-7-501 whose claim and property rights are affected thereby;

b. Movant and Buchanan are "others" and statutory "beneficiaries" under S. C. Trust Code §62-7-103 and § 62-7-405 and other sections. ("SCTC");

c. Under the SCTC, SCPC and the U.S. and S.C. Constitutions Movant and Buchanan have standing because Movant is being sued and has counterclaims

against, the Estate/2000 Trust in Case 4900 and Buchanan's settlement in Case 4900 is pending review as void.

d. Movant and Buchanan have standing because they are seeking equitable offset from the Estate and/or 2000 Trust in the Forlando Federal Suit, to be charged and offset against Forlando's share of the 2000 Trust and Terry's share of the Estate, which was transferred to Forlando in January 2011.

e. As a placeholder for Voorhees and other fiduciaries and beneficiaries of Brown's 1999 Estate Plan which, but for her standing, could put in jeopardy \$100 Million in scholarships if not protected against the 10-year limit of SCPC §62-3-108.

f. Movant has standing to seek removal of Bauknight, voiding of his *ex parte* actions and the other relief sought by her in the Complaint in Case 2013-CP-02-1337, the allegations of which are incorporated herein by reference.

g. Being gagged by unconstitutional 5-year old Gag Orders, Movant has standing in Case 122 to seek a declaration they are void.

h. Movant continue to have standing under the Public Interest doctrine because: AG Wilson has withdrawn from the Aiken James Brown cases and Bauknight's actions have placed the "I Feel Good" Trust in jeopardy, a matter of public importance.

8. The Court failed to find, conclude and order that the *Wilson v. Dallas* remand was intended to protect the "I Feel Good" Trust; confer all Interested Persons with standing to conduct a fair review in this case of the \$20+ Million commissions and attorneys' fees Bauknight has paid and proposes to pay; the \$6 Million commission claim of Dallas; the \$2,147,221 commission claim of Buchanan and the \$2,845,930 commission claim of Movant, and that Movant and Buchanan – having faithfully served as either appointed PR/Trustee or Statutory PRs for 5 ½ years – have a right to challenge Bauknight's claim in this proceeding that he acted in the interest of the

Estate/2000 Trust during his 4-year void claimed appointment.<sup>3</sup>

9. The Court failed to find conclude and order that since Bauknight's claimed 4-year appointment as PR/Trustee was declared void by *Wilson v. Dallas* and he was working against the interest of the "I Feel Good" Trust during the time and has valued the music empire at less than \$4.7 Million, Due Process requires that he, Movant and Buchanan must present – in the same forum and subject to cross examination– evidence of the extent and value, if any of their service as statutory "personal representatives" from May 26, 2009 - May 8, 2013 under SCPC §62-1-201 (30), and the Court should consider at the same time and in the same Case 1647:

- a. Bauknight's management of the assets; failure to account to the AG for 4 years; and failure to account to the Court for acts since 2011.
- b. Bauknight's unsupported less-than \$4.7 Million at-death value of the music empire and refusal to file the "appraisal" as required;
- c. Bauknight's misrepresentations to the Court about Brown's heirs and

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<sup>3</sup> Movant incorporates and asks the Court to take judicial notice of the Joint Affidavit of Buchanan and Pope filed in this Case, Case 872 and Case 122 on July 14, 2009 after the Court's May 26 approval of the McMaster settlement, esp. Chart 5, which shows: Buchanan was awarded \$97,059 as SA, plus interest at the legal rate until paid, by Order of Jg. Early dtd. 1/8/08. No appeal or reconsideration of the Jan. 8 Order was sought by anyone. He was fully paid this amount before May 26, 2009. Movant was awarded a SA fee of \$219,941, of which she has been not been paid \$47,972, plus interest since 5/26/2009.

Under the January 8 Order, as of May 26, 2009 Buchanan was entitled to \$500,300 as a partial PR/Trustee commission and Movant \$1,473,550. As explained in the Affidavit, the disparity resulted from Movant's greater hours and substantially larger staff, which the Order contemplated.

Under the January 8 Order interest accrued at the legal rate, which is 8 3/4%, from May 26, 2009. Movant who has not been paid any portion of the amount due as of May 26, 2009.

In 2010 the Estate/2000 Trust, by Bauknight, who also acted "on behalf of" Tommie Rae and her son, sued Movant and Buchanan in Case 4900, and defense was necessary to prevent – as the Estate/2000 Trust attempted – the abandonment of the *Wilson v. Dallas* appeal and loss of this Court-awarded payment. The Estate/Trust has told the Case 4900 Court Jg. Early's findings about Movant and Buchanan's service in the January 8, March 8 and April 8, 2008 Orders are "dicta."

the Federal Copyright Act termination provisions;

d. Bauknight's intentional rejection of acknowledged, DNA-proven heirs LaRhonda, Jeanette and Nicole, and daughter Lisa, damaging the Estate/Trust's Royalty Copyright interests;

e. Bauknight's continuing protection of Tommie Rae and attempts to prevent DNA testing of her son under the Peebles protocol.

f. Bauknight's creation, since the first *Wilson v. Dallas* of a second secret entity not presented to AG Wilson.

g. The value of Buchanan and Movant's successful defense of the "I Feel Good" Trust and the \$285,000 Trusts for the 7 grandchildren in the *Wilson v. Dallas* appeal;

10. The Court failed to find, conclude and order that Bauknight has told the Richland County Court this Court's finding in the April 8, 2008 Order and others, that Buchanan and Movant's service was ethical and appropriate are "dicta," and accused Movant and Buchanan of a federal felony in James Brown matters, giving both standing to remain and refute the false charges so long as Bauknight speaks for the Estate/2000 Trust in any capacity and so long as the value of Brown's assets affects any case.

11. The Court failed to find, conclude and order that it lacks jurisdiction to issue orders covering matters now – at the request of the Estate/2000 Trust — within the exclusive jurisdiction of the Richland County Court in Case 4900.

12 The Court failed to find, conclude and order that a Litigation SA/ST with direction to support the Will and 2000 Trust – should conclude for the Estate/2000 Trust. Case 4900, the FOIA Cases, and the Forlando Suit, all of which must be concluded to complete the *Wilson v. Dallas* mandated review.

13. The Court failed to find, conclude and order that Bauknight's *ex parte* appointments should be declared void and/or strictly limited to the protection of assets

of the Estate/2000 Trust until he has accounts for his actions since 2011 and files his less-than \$4.7 Million appraisal, as required.

14. The Court failed to find, conclude and order that Bauknight has worked against the Estate/2000 Trust and the "I Feel Good" since the May 8 decision, including attempting to prevent DNA testing of Tommie Rae's son.

15. The Court failed to find, conclude and order that Bauknight has represented to the Federal Bankruptcy Court (Dallas Bankruptcy) that all commissions must be determined in a single proceeding in which all fiduciaries are parties.

16. The Court failed to find, conclude and Order that the June 13 Orders exceed both the jurisdiction of the Court and the Clerk in that the Clerk lacks jurisdiction to create a case; issue a summons; or otherwise secure personal jurisdiction over attorneys subject to review and possible disgorgement.

17. The Court failed to find, conclude and Order that it is manifestly unjust to remove Buchanan and Movant as parties to Case 1647; deny proper notice and a hearing to James D. Bailey, Esq. , Tressa T.H. Hayes, Esq. and Harley Ruff, Esq.; refuse to grant notice and hearing, and approve, Movant's request for the Estate/2000 Trust to pay Bailey \$110,000 and Hayes approximately \$85,000 for their years of valuable service to the Estate/2000 Trust; and subject the 3 to possible disgorgement without notice or hearing.

18. The Court failed to find, conclude and order that directing the Clerk to remove from the Public Records the following properly-filed (and other) motions prior to hearing them violated the Due Process rights of Movant and others; and that the motions provide a reasonable procedure for compliance with the *Wilson v. Dallas*

remand, and should be heard and granted:

- a. Motion for Scheduling Order and Appointment of Limited SA/ST to Comply With Mandate of Supreme Court Decision in *Wilson v. Dallas*, dtd. 5/22/13, this case.
- b. Motion to Expedite Intervention; Add Parties; and Determine Commissions and Attorneys' Fees, dtd. 5/21/2013, 2008-CP-02-1426 (Dallas \$6 Million Claim)
- c. Motion for Expedited Relief to Protect The James Brown "I Feel Good" Trust, dtd. 5/21/13 Case 2008-CP-02-0872 ("Case 872");

19. The Court failed to find, conclude and order, that the Supreme Court's May 8 decision declared the settlement void; confirmed the termination of Movant and Buchanan; voided Bauknight's appointment; and remanded Buchanan's July 14, 2009 \$2,147,221 commission claim and Movant's \$2,845,930 claim of the same date, for 1 ½ years of service as appointed PR/Trustees and 4 years as statutory personal representatives under § 62-1-201 (30), securing their standing as Interested Persons and parties in this Case and every James Brown case in which their property rights or claims might be affected. SEE §62-1-201 (20).

20. The Court failed to find, conclude and order that Due Process and the SCTC require that Movant and all fiduciaries and attorneys paid or seeking payments from the Estate/2000 Trust for this or any related matter and/or subject to potential disgorgement under *Wilson v. Dallas* for service in this or any related case remain or be added as parties/Interested Persons under § 62-2-201 (20) and be able to:

- a. challenge Bauknight's less than \$4.7 Million claimed at-death value of Brown's \$100 Million music empire;
- b. challenge Bauknight's claim that he and his attorneys served the Estate/2000 Trust and backup 1999 Estate Plan;
- c. challenge the \$20 Million Bauknight proposes to pay himself and attorneys

for Tommie Rae, himself and others, including almost \$10 Million to attorneys for Tommie Rae and her son.

d. challenge the \$6 Million commission claim of Albert Dallas;

e. Challenge the \$110,000 request of Movant for James Bailey, Esq., and \$85,000 for Tressa Hayes;.

f. Challenge payment of approximately \$400,000 Movant seeks as offset from the share of Forlando/Terry in the Estate/2000 Trust for the Forlando Suit.

21. The Court failed to find, conclude and order that to "collapse" case 872 – the actual "will and trust contest" --into this Case, which was never the will and trust contest, is unnecessary; violates the Due Process Rights of Movant, the incarcerated Deon and Venisha, Voorhees and all other heirs, beneficiaries, fiduciaries and proponents of the 2000 and 1999 Estate Plans who are necessary parties to a "will and trust contest;" and that the consolidation will interfere and not comply with the mandated review required by *Wilson v. Dallas*, which held:

We direct the circuit court, upon proper application, to appoint fiduciaries to oversee these matters in accordance with the provisions of Brown's estate and trust documents, and to evaluate the propriety of all fees, as specified above, that are related to this case. [Emphasis supplied.]

22. The Court failed to find, conclude and order that the Estate/2000 Trust secured venue of Case 4900 and the FOIA cases in Richland County, which retains sole jurisdiction over those matters until conclusion or proper transfer.

This motion is based on the S. C. Rules of Civil Procedure; and the entire record of the above cases which the Court has considered in the June 13 Order; the United States Constitution, SCTC and SCPC, including Case 1337.

The undersigned certifies that consultation with opposing counsel would serve  
no useful purpose

Respectfully submitted,



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Adele J. Pope  
1228 Walnut Street  
Newberry, South Carolina 29108  
(803) 413-0753

*Pro Se*

June 23, 2013

Exhibit A

FILED 6-13-13

Liz Anderson  
D.C.C.P. & G.S. 11:30  
Arita Knoebel  
Deputy Clerk

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN  
IN THE COURT OF COMMON PLEAS  
(ON REMOVAL FROM PROBATE COURT)

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

ADMINISTRATIVE ORDER  
Case No.: 2008-CP-02-1647 - original  
Case No.: 2007-CP-02-0122 } court copy  
Case No.: 2008-CP-02-0872 }

On May 29, 2013 this Court held a status conference concerning *Wilson v. Dallas*, --- S.E.2d ---, 2013 WL 2005103 (2013), the South Carolina Supreme Court's May 8, 2013 Opinion (the "Opinion") affirming, reversing, and remanding this Court's May 26, 2009 order confirming the James Brown Estate and Trust Settlement Agreement.

In the Opinion, the Supreme Court affirmed this Court's decision to remove Ms. Adele J. Pope from her fiduciary positions. The Supreme Court noted that: "an irreconcilable conflict existed between [Ms. Pope] and the settling parties because [Ms. Pope] had expressed continuing opposition to their actions." *Wilson*, \* 19. Accordingly, the Supreme Court held that, "the circuit court had cause to remove [her] and replace [her] with a professional fiduciary." *Id.* The Supreme Court went on to note that "the extreme discord between the parties convince us that [Ms. Pope's] continued service as [a] fiduciary is not in the best interest of the estate." *Id.*

The Supreme Court also found that this Court did not violate the statutory provisions regarding the removal of Ms. Pope as she had asserted that she was removed without this court complying with procedural mandates or for justifiable reasons. The Opinion further stated that that this Court had cause to remove her as it was not in the best interest of the estate. The Justices noted that the parties remained at odds over the handling of estate matters.

*[Handwritten signature]*

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The Supreme Court referenced specific actions that it relied on in holding that Ms. Pope's service as a fiduciary was not in the best interest of the estate. The opinion specifically mentioned the \$5 million dollars in fees she sought as fiduciary for a relatively short interval of time, paying her own fees from a large portion of the funds raised from selling iconic assets, and attempting to sell a GRAMMY award. The Supreme Court found no error in this Court removing Ms. Pope from her fiduciary positions.

Despite the South Carolina Supreme Court's Opinion, Ms. Pope has now filed several documents with this Court. The documents include Motions, Memoranda, and Proposed Scheduling Orders concerning the James Brown Estate and Trust litigation. These actions and filings will not be considered by this Court. The Supreme Court of South Carolina has upheld and affirmed Mrs. Pope's removal as fiduciary, denied her motions for rehearing, and the remittitur has since been filed in this Court. It is now the law of the case that Ms. Pope has been removed from her fiduciary positions and is no longer a party to the James Brown Estate and Trust litigation. It is the Order of this Court that Ms. Pope does not have standing to proceed with the motions she has filed since the Supreme Court's opinion has issued. Accordingly, this Court hereby directs the Clerk of Court to remove Ms. Pope's filings from these cases pursuant to the Supreme Court's Opinion removing her as party to these proceedings.


This Court is aware that Ms. Pope has filed a separate fee petition for Personal Representative and Trustee commissions. If Ms. Pope's fee petition is litigated, then pursuant to past practices, the Probate Court is hereby directed to assign the case to the Circuit Court, and the Clerk of Court is hereby directed to assign Mrs. Pope's fee petition a separate case number. Ms. Pope's filings relating to her fee petition shall then be filed under that case number.

*W. J. Pope*  
#2

AND IT IS SO ORDERED.

  
~~Barnwell, South Carolina~~

June 13, 2013

  
The Honorable Doyet A. Early, III  
Chief Administrative Judge  
Second Judicial Circuit

FORM 4

STATE OF SOUTH CAROLINA  
 COUNTY OF AIKEN  
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2008CP0201647

Henry Dargan McMaster	Daryl J Brown Janise Vanisha Brown Larry Brown Jason Brown Lewis Sydney Lumar	Lindsey Delores Brown Vanisha Brown Deanna J. brow Thomas Yamma N Brown
PLAINTIFF(S)		DEFENDANT(S)

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
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DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other: \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order; (formal order to follow)  Statement of Judgment by the Court:

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk: \_\_\_\_\_

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

6/13/2013

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on 13th day of June, 2013, and a copy mailed first class or placed in the appropriate attorney's box on 13th day of June, 2013, to attorneys of record or to parties (when appearing pro se) as follows:

J. David Black PO Drawer 2426 Columbia, SC 292022426  
William W. Wilkins PO Drawer 10648 Greenville, SC  
296030648

ATTORNEY(S) FOR THE PLAINTIFF(S)

*probate*

ATTORNEY(S) FOR THE DEFENDANT(S)

*Liz Godard by [Signature] etc*

Court Reporter

Liz Godard - Clerk of Court

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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FORM 4

STATE OF SOUTH CAROLINA  
 COUNTY OF AIKEN  
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2007CP0200122

Deanna Brown Thomas Larry Brown	Terry Brown Daryl J. Brown	Albert H Dallas Tommie Rae Hynie- Brown	David G Cannon Russell L Bauknight
Lindsey Delores Brown Venisha Brown Sydney Lumar	Janise Vanisha Brown Yamma N. brown Lumar		

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
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DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order; (formal order to follow)  Statement of Judgment by the Court:

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk: \_\_\_\_\_

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge	Judge Code	Date
		6/13/2013

**For Clerk of Court Office Use Only**

This judgment was entered on 13th day of June, 2013, and a copy mailed first class or placed in the appropriate attorney's box on 13th day of June, 2013, to attorneys of record or to parties (when appearing pro se) as follows:

Louis Levenson 125 Broad St., SW Atlanta, GA 30303  
Matthew Day Bodman 1500 Calhoun St. Columbia, SC 29201  
Daryl L. Williams PO Box 7425 Columbia, SC 29202

Robert N. Rosen 18 Broad St. Ste. 201 Charleston, SC 29401  
J. David Black PO Drawer 2426 Columbia, SC 292022426  
William W. Wilkins PO Drawer 10648 Greenville, SC 296030648  
Max Nathan Pickelsimer PO Box 2628 Columbia, SC 29202  
William George Newsome III PO Drawer 2426 Columbia, SC 292022426  
Eugene C. Covington Jr. PO Box 2343 Greenville, SC 29602

ATTORNEY(S) FOR THE PLAINTIFF(S)

*probate*

ATTORNEY(S) FOR THE DEFENDANT(S)

*Liz Godard by Shannon Gou etc*  
Liz Godard - Clerk of Court

Court Reporter

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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**FORM 4**

STATE OF SOUTH CAROLINA  
 COUNTY OF AIKEN  
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2008CP0200872

Daryl J. Brown	Lindsey Delores Brown	Tommie Rae Brown	James Joseph Brown II
Janise Vanisha Brown	Vanisha Brown	Cinnamon Nicole Paris	Larhonda Pettitt
Larry Brown	Deanna J. brow Thomas	Jeanette Mitchell	Terry Brown
Jason Brown Lewis	Yamma N. Brown	Romunzo Brown	Forlando Brown
Sydney Lumar		Henry Dargan McMaster	

PLAINTIFF(S)

DEFENDANT(S)

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	<input type="checkbox"/> Self-Represented Litigant

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other: \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order. (formal order to follow)  Statement of Judgment by the Court:

**ORDER INFORMATION**

This order  ends  does not end the case.

Additional Information for the Clerk: \_\_\_\_\_

**INFORMATION FOR THE JUDGMENT INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

Circuit Court Judge	Judge Code	6/13/2013 Date
<b>For Clerk of Court Office Use Only</b>		

This judgment was entered on 13th day of June, 2013, and a copy mailed first class or placed in the appropriate attorney's box on 13th day of June, 2013, to attorneys of record or to parties (when appearing pro se) as follows:

Louis Levenson 125 Broad St., SW Atlanta, GA 30303

J. David Black PO Drawer 2426 Columbia, SC 292022426  
William W. Wilkins PO Drawer 10648 Greenville, SC  
296030648

ATTORNEY(S) FOR THE PLAINTIFF(S)

*pro se*

ATTORNEY(S) FOR THE DEFENDANT(S)

*Liz Godard by Shannon G. C. [Signature]*

Court Reporter

Liz Godard - Clerk of Court

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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STATE OF SOUTH CAROLINA )  
COUNTY OF AIKEN )

IN THE  COURT OF COMMON PLEAS  
 FAMILY COURT

Henry D. McMaster and Others, )  
 Plaintiffs )

CASE NO.  
**2008-CP-02-1647**  
Other Cases - See Attachment A

v. )

Albert H. Dallas and Others, )  
 Defendants )  
check box above indicating submitting party )

MOTION INFORMATION FORM  
AND COVER SHEET

<u>name S.C. Bar no. and address of movant</u> Adele J. Pope SC Bar # 4501 1228 Walnut Street Newberry, South Carolina 29108 telephone: (803) 413-0753 fax:	<u>name S.C. Bar no. and address of interested persons or counsel</u>  See Service List
---	---

MOTION HEARING REQUESTED (attach written motion and complete Sections I and III )  
 FORM MOTION, NO HEARING REQUESTED (complete Sections II and III)

SECTION I: Hearing Information  
Nature of Motion: Motion to Vacate, Set Aside, Alter or Amend Orders dated June 13, 2013  
Estimated Time Needed: 30 Minutes Court Reporter Needed: YES

SECTION II: Motion Type  
 Written Motion Attached  
 Form Motion -  
I hereby move for relief or action by the court as set forth in the attached proposed order.

*Adele J. Pope*  
Signature of Attorney for Movant

6/24/13  
Date Submitted

SECTION III: Motion Fee  
 PAID-AMOUNT: \$25.00  
 EXEMPT: (check reason)  
 Rule to Show Cause in Child or Spousal Support  
 Domestic Abuse or Abuse and Neglect  
 Indigent Status  State Agency v. Indigent Party  
 Sexually Violent Predator Act  Post Conviction Relief  
 Motion for Stay in Bankruptcy  
 Motion for Publication  Motion for Execution (Rule 69, SCRCP)  
 Proposed order submitted at request of the court; or,  
reduced to writing from motion made in open court per judge's instructions  
Name of Court Reporter: \_\_\_\_\_  
 Other:

JUDGE'S SECTION  
 Motion fee to be paid upon filing of the attached order  
 Other:

JUDGE \_\_\_\_\_

RECEIVED

Collected by: \_\_\_\_\_  
 MOTION FEE COLLECTED: \_\_\_\_\_  
 CONTESTED - AMOUNT DUE: \_\_\_\_\_

CLBRK'S VERIFICATION

DATE FILED: \_\_\_\_\_

JUN 25 2013

NEXSEN PRUET, LLC

## Attachment A

### Additional Cases

Case No. 2007-CP-02-1222  
Case No. 2008- CP-02-0872  
Case No. 2008-CP-02-0322  
Case No. 2010-CP-02-0721  
Case No. 2012-CP-02-1059  
Case No. 2008-CP-02-1426  
Case No. 2008-CP-02-1712  
Case No. 2008-CP-02-2127  
Case No. 2008-CP-02-1556  
Case No. 2008-CP-02-1557  
Case No. 2008-CP-02-1758  
Case No. 2008-CP-02-1759  
Case No. 2013-CP-02-1348

Service List:

J. David Black, Esquire  
Nexsen Pruet, LLC  
PO Drawer 2426  
Columbia, South Carolina 29202

Louis Levenson, Esq.  
Levenson & Associates  
125 Broad Street, SW  
Atlanta, Georgia 30303

Robert N. Rosen, Esquire  
Christopher Paton, Esquire  
S. Alan Medlin, Esquire  
David L. Michel  
18 Broad Street, Suite 201  
Charleston, South Carolina 29401

The Honorable Alan Wilson  
Attorney General of South Carolina  
P.O. Box 11549  
Columbia, South Carolina 29211

Robin A. Braithwaite, Esquire  
Braithwaite, Farmer, Boni and Timmerman  
759 Richland Avenue, West  
Aiken, South Carolina 29802-0324

Albert H. Dallas, Esquire  
304 Black Street  
Thomson, Georgia 30824

David B. Bell, Esquire  
Bell & Bell Associates  
619 Greene Street  
Post Office Box 1011  
Augusta, Georgia 30903-1011

With a Copy to:

The Honorable Doyet A. Early  
Post Office Box 90  
Bamberg, South Carolina 29003

Kenneth B. Wingate, Esquire  
Mark V. Gende, Esq.  
Sweeney, Wingate & Barrow, PA  
1515 Lady Street  
Post Office Box 12129  
Columbia, South Carolina 29211

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# Exhibit B

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

IN RE:

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

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN

I, Liz O'Connell, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina, do hereby certify that the foregoing constitutes a true and correct copy of the original documents which have been filed in my office this

JUN 13 2013

*Liz O'Connell*  
C.C.C.P. & G. A. Aiken County, S.C.  
*Anita Knoey*  
Deputy Clerk

IN THE COURT OF COMMON PLEAS  
(ON REMOVAL FROM PROBATE COURT)

## ADMINISTRATIVE ORDER

- Case No.: 2008-CP-02-1647 - original
- Case No.: 2007-CP-02-0122
- Case No.: 2008-CP-02-0872
- Case No.: 2008-CP-02-0322
- Case No.: 2010-CP-02-0721
- Case No.: 2012-CP-02-1059
- Case No.: 2008-CP-02-1426
- Case No.: 2008-CP-02-1712
- Case No.: 2008-CP-02-2127
- Case No.: 2008-CP-02-1556
- Case No.: 2008-CP-02-1557
- Case No.: 2008-CP-02-1758
- Case No.: 2008-CP-02-1759

cert/copy

6-13-13  
*Liz O'Connell*  
C.C.C.P. & G.A.  
*Anita Knoey*  
Deputy Clerk

On May 29, 2013 this Court held a status conference concerning *Wilson v. Dallas*, --- S.E.2d ---, 2013 WL 2005103 (2013), the South Carolina Supreme Court's May 8, 2013 Opinion (the "Opinion") affirming, reversing, and remanding this Court's May 26, 2009 order confirming the James Brown Estate and Trust Settlement Agreement.

At the beginning of the status conference, the Court informed all parties of the following: (1) that the parties will follow standard motions practice protocol (i.e., motion cover sheet, motion, filing fee, etc.) and that a memorandum in support of each motion must be filed contemporaneous with the filing of the motion, motions not supported by a memorandum will not be set for hearing; (2) that the Court will impose time limits for motions arguments by following the time limits set by the South Carolina Appellate Court Rules, unless otherwise noted; (3) that due to the outdated Clerk of Court records for the following thirteen (13) James

*MRE*

Brown related cases pending in Aiken County, the Court will issue administrative orders and/or scheduling orders addressing each case; and (4) that the Court intends to, and expects the parties to move all of the appropriate cases forward in an expeditious manner that provides for structured and efficient administration of the estate and trust.

At the status conference, the Court heard from the following attorneys: Louis Levenson, counsel for several of James Brown's children/grandchildren; Alan Medlin, counsel for Tommie Rae Hynie Brown; Adele Pope, former fiduciary; C. Havird Jones, Jr., Asst. Deputy South Carolina Attorney General; David Bell, counsel for Terry Brown; J. David Black and William Newsome, counsel to Mr. Bauknight, currently serving Special Administrator of the James Brown Estate and Special Trustee of the James Brown 2000 Irrevocable Trust Agreement. At the close of the conference, the Court informed the attorneys that administrative orders would be issued to ensure orderly administration of the litigation of all pending James Brown cases.

The Court has reviewed the Clerk of Court's case files for the above listed civil action numbers, and because several cases date back to 2007, the captions as well as the represented party records are no longer accurate. In order to create a proper record for the Clerk of Court as to each civil action, the Court hereby enters the following administrative orders in the following cases:

**1. 2008-CP-02-1647: James Brown Will and Trust Challenges**

On May 8, 2013, the Supreme Court of South Carolina handed down its Opinion; the Opinion remanded the will and trust challenges to this Court; hereafter Case 1647 will be used for the James Brown will and trust litigation. The will and trust litigation involves claims challenging the validity of the will and trust, spousal claims, and an omitted child claim; if the litigation of these separate types of claims proves cumbersome, the Court will entertain a motion to sever any of these claims, and assign it a separate civil action number. Pursuant to the South

*MAC*  
*FL*

Carolina Supreme Court's Opinion, the following individuals, former parties and/ or attorneys are removed from Case 1647:

- A. Adele Pope (former fiduciary, pro se)
- B. Robert Buchanan (former fiduciary, pro se)
- C. James Bailey (former counsel to Pope and Buchanan)
- D. James B. Richardson (appellate counsel to former fiduciaries Pope and Buchanan)
- E. Alfred A. Bradley (deceased)
- F. Albert H. Dallas (former fiduciary)
- G. Wayne R. Bird (former counsel to former fiduciary Albert H. Dallas)
- H. Eugene C. Covington (current counsel to former fiduciary Albert H. Dallas)
- I. David G. Cannon (former fiduciary)
- J. Jacquelyne Hollander (party to Case 1059)

The court will enter a separate scheduling order concerning the will and trust litigation.

In terms of reviewing fees paid in Case 1647, the Opinion directed that this Court undertake the following: "review the propriety of all fees, including attorneys' fees and trustees' fees, paid in relation to this action, and shall order all unearned fees or unapproved fees to be disgorged and returned to Brown's Estate." The Court further held that all other persons, firms, entities, or others who have been paid fees, including attorney's fees and Trustee fees, in relation to this action are likewise directed to submit their statement of fees paid in accordance with this Order. This Court directs the Clerk of Court to open a new civil action entitled: "*In re James Brown: Review of fees paid in Case 1647 appeal of May 26, 2009 settlement agreement.*" Once the new civil action is open, the Clerk of Court is directed to send notice of the new civil action to all current parties of record in Case 1647, and the above individuals, former parties and attorneys (see above: A-J), and direct that each submit to this Court an electronic and hard copy statement of the attorney's fees and trustees fees paid by the Estate in relation to this action. This must be done within 45 days of this order.

## **2. Will and Trust Contest Fiduciary Administration (Case 1647)**

In the *Wilson v. Dallas*, --- S.E.2d ---, 2013 WL 2005103 (2013), May 8, 2013 Opinion, ~~the majority of the South Carolina Supreme Court also directed this Court, upon proper application, to appoint fiduciaries to oversee these matters in accordance with the provisions for succession outlined in the estate and trust documents. The opinion allows this Court to consider Mr. Bauknight filling a fiduciary position. All "applications" for such appointment must be made within 45 days of this Order with supporting documentation. Until further Order of this~~



Court, Mr. Bauknight shall continue to conduct the orderly administrative duties of the estate and trust as Special Administrator and Special Trustee.

**3. 2007-CP-02-0122: Dallas, Bradley, and Cannon Matters**

Former fiduciaries Albert H. Dallas, Alford Bradley (now deceased), and David Cannon appealed their resignations/removal as fiduciaries under Case 122. On October 20, 2010, pursuant to Mr. Bauknight's Motion, the Supreme Court dismissed the Dallas and Bradley appeal wherein they sought to return to their prior fiduciary positions, leaving in place the April 8, 2008 Order confirming that the prior fiduciaries cannot return to any position of trust and confidence with respect to the Estate of James Brown or the Trust.

Other Matters concerning Case 122:

Pursuant to this Court's April 8, 2008 Order, a hearing will be scheduled to determine payment of costs and attorney fees by Cannon and Dallas. The April 8, 2008 Order provides for the payment of costs and attorney fees expended in the removal/resignations of Dallas, Bradley, and Cannon. The April 8, 2008 Order provided that the amounts owed will be "determined by affidavits and brief arguments (without testimony)."

Pursuant to the South Carolina Supreme Court's Opinion, and the South Carolina Supreme Court's October 20, 2010 Order Dismissing the Dallas and Bradley Appeal, the following individuals, former parties and/ or attorneys are removed from Case 122:

- A. Adele Pope (former fiduciary, pro se)
- B. Robert Buchanan (former fiduciary, pro se)
- C. James Bailey (former counsel to Pope and Buchanan)
- D. James B. Richardson (appellate counsel to former fiduciaries Pope and Buchanan)
- E. Alfred A. Bradley (deceased)
- F. Ca Reid Sr. Memorial Funeral Home (claim resolved)
- G. Greenberg Taurig (claim withdrawn, defendant in case 322)
- H. Rita Udom (claim resolved)
- ~~I. Peter John Nosal (claims counsel to Rita Udom)~~

For the limited purpose of the fee hearing noted above, Albert H. Dallas and David G. Cannon shall remain parties to this action in their individual capacities. Upon the conclusion of that proceeding, they will be removed as parties to Case 122.



All persons claiming the payment of fees and costs in Case 122 must submit their affidavits and briefs to this Court within 45 days of this Order. Those opposing will have 45 days to file their position.

**4. 2008-CP-02-0872: Will, Trust, and Personal Property Matters**

This action also concerns the will and trust challenges, but also includes personal property matters. Case 872 will be collapsed into Case 1647; the Clerk of Court is directed to close Case 872. Further, pursuant to the South Carolina Supreme Court's Opinion, the following individuals, former parties and/ or attorneys are removed from Case 872:

- A. Adele Pope (former fiduciary, pro se)
- B. Robert Buchanan (former fiduciary, pro se)
- C. James Bailey (former counsel to Pope and Buchanan)
- D. James B. Richardson (appellate counsel to former fiduciaries Pope and Buchanan)
- E. Alfred A. Bradley (deceased)
- F. Albert H. Dallas (former fiduciary)
- G. Eugene C. Covington (current counsel to former fiduciary Albert H. Dallas)

**5. 2008-CP-02-322: State Law Case against former James Brown Advisors**

This action was brought on behalf of the James Brown Estate and Trust by attorneys James R. Gilreath and Kendall J. Few. Mr. Bauknight has reached favorable settlements with both Morgan Stanley and Phil Farr.

Pursuant to the South Carolina Supreme Court's Opinion, the following individuals, former parties and/ or attorneys are removed from Case 322:

- A. Adele Pope (former fiduciary, pro se)
- B. Robert Buchanan (former fiduciary, pro se)
- C. Phillip G. Farr, CPA (settled with Mr. Bauknight)
- D. Keith Emge (former counsel to Mr. Farr)
- E. Morgan Stanley (settled with Mr. Bauknight)
- F. Max Pickelsimer (former counsel to David Cannon)
- G. Arthur J. Davidson (former counsel to Mr. Dallas)
- H. ~~Audra Byrd (former counsel to Mr. Dallas)~~

The Court will schedule Mr. Bauknight's Motion to Amend the Complaint during the next term of court.

Handwritten signature and initials, possibly "MCE" and "A3", in black ink.

**6. 2010-CP-02-0721: State Law Case: Severed case against Buddy Dallas post-bankruptcy**

This matter is a companion case to Case 322. It was severed from Case 322 upon Mr. Bauknight learning that Dallas was contemplating bankruptcy protection. Until this court directs otherwise, this case will continue on parallel track to Case 322.

**7. 2012-CP-02-1059: Jacquelyne Hollander VII**

This is the seventh action filed by Jacque Hollander against the James Brown Estate and Trust. The previous actions were dismissed by courts in Illinois and California. However, Mr. Bauknight's motion for sanctions based upon vexatious litigation history is currently pending in the United States District Court for the Northern District of Illinois.

On June 14, 2012, Mr. Bauknight filed a motion to dismiss the seventh action with prejudice. The Court will schedule Mr. Bauknight's motion to dismiss during the next term of court.

**8. 2010-GS-06-137; 139: David Cannon Restitution (General Sessions Proceeding)**

Mr. Bauknight moved the circuit court to reconsider restitution from Mr. Cannon. The Honorable George C. James, Jr., granted Mr. Bauknight's Restitution motion, and issued an Order providing that any presiding Circuit Judge may hear the restitution matter. It is this Court's understanding that the parties are currently communicating with Judge James regarding possible hearing dates. In the event that Judge James is unavailable, Mr. Bauknight is granted leave to request that the restitution matter be heard by this Court.

**9. 2008-CP-02-1426: Creditor's Claim of Albert H. Dallas**

Former fiduciary Albert A. Dallas filed a creditor's claim in the amount of \$624,876 for alleged unpaid legal fees as of the date of Mr. Brown's death, plus claims for PR commissions and Trustee commissions and various percentages of revenue streams from Mr. Brown's intellectual property in an amount to be determined. The court will enter a separate scheduling order concerning this matter. Pursuant to the South Carolina Supreme Court's Opinion, the following individuals, former parties and/ or attorneys are removed from Case 1426:

A. Adele Pope (former fiduciary, pro se)



B. Robert Buchanan (former fiduciary, pro se)

**10. 2008-CP-02-1712: Creditor's Claim of Rodney Peeples**

Rodney Peeples filed a creditor's claim for legal services provided to former PRs and Trustees Dallas and Bradley in the amount of \$97,851.66. The court will enter a separate scheduling order concerning this matter. Pursuant to the South Carolina Supreme Court's Opinion, the following individuals, former parties and/ or attorneys are removed from Case 1712:

- A. Adele Pope (former fiduciary, pro se)
- B. Robert Buchanan (former fiduciary, pro se)
- C. James Bailey (former counsel to Pope and Buchanan)

**11. 2008-CP-02-2127: Creditor's Claim of Internal Revenue Service**

The Internal Revenue Service filed a creditor's claim for income taxes owed by Mr. Brown for tax years 2004, 2005 and 2006 in the amount of \$177,814.85. The IRS has since acknowledged that there is no liability for 2006 and they have reduced their claim to approximately \$70,000. The court will enter a separate scheduling order concerning this matter. Pursuant to the South Carolina Supreme Court's Opinion, the following individuals, former parties and/ or attorneys are removed from Case 2127:

- A. Adele Pope (former fiduciary, pro se)
- B. Robert Buchanan (former fiduciary, pro se)
- C. James Bailey (former counsel to Pope and Buchanan)

**12. 2008-CP-02-1556: Creditor's Claim of Charles Bobbitt**

Charles Bobbitt filed a creditor's claim based on an alleged agreement by Mr. Brown to pay Mr. Bobbitt \$200,000 from the proceeds of the refinance of the Pullman bond. The court will enter a separate scheduling order concerning this matter.

**13. 2008-CP-02-1557: Creditor's Claim of Intrigue Music Management**

Intrigue Music Management filed a creditor's claim for alleged commissions as Mr. Brown's business manager due as of Mr. Brown's death and afterwards in the amount of \$175,000+. The court will enter a separate scheduling order concerning this matter. Pursuant to the South Carolina Supreme Court's Opinion, the following individuals, former parties and/ or attorneys are removed from Case 1557:

- A. James Bailey (former counsel to Pope and Buchanan)



**14. 2008-CP-02-1758: Creditor's Claim of LaRhonda Pettit**

LaRhonda Pettit filed a creditor's claim claiming to be a child of Mr. Brown and therefore owed support during her minority in an amount to be determined, and also for a share of the estate. The court will enter a separate scheduling order concerning this matter. Pursuant to the South Carolina Supreme Court's Opinion, the following individuals, former parties and/ or attorneys are removed from Case 1758:

A. Adele Pope (former fiduciary, pro se)

**15. 2008-CP-02-1759: Creditor's Claim of Nicole Paris**

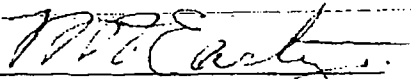
Nicole Parris filed a creditor's claim claiming to be a child of Mr. Brown and therefore owed support during her minority in an amount to be determined, and also for a share of the estate. The court will enter a separate scheduling order concerning this matter. Pursuant to the South Carolina Supreme Court's Opinion, the following individuals, former parties and/ or attorneys are removed from Case 1759:

A. Adele Pope (former fiduciary, pro se)  
B. James Bailey (former counsel to Pope and Buchanan)

**16. Other Administrative Issues:**

Mr. Bauknight is directed to coordinate with the Clerk of Court to ensure that all Aiken County civil actions comply with the Supreme Court's Opinion. To the extent that he is not already named as the currently serving court appointed Special Administrator of the James Brown Estate and Special Trustee of The James Brown 2000 Irrevocable Trust Agreement, this Court hereby directs the Aiken County Clerk of Court to list Mr. Bauknight as the responding party, in those current fiduciary capacities, until directed by further order of this court.

AND IT IS SO ORDERED.

  
The Honorable Doyet A. Early, III  
Chief Administrative Judge  
Second Judicial Circuit

Barnwell, South Carolina  
June 13, 2013

FORM 4

STATE OF SOUTH CAROLINA  
 COUNTY OF AIKEN  
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2008CP0201647

Henry Dargan McMaster	Daryl J Brown Janise Vanisha Brown Larry Brown Jason Brown Lewis Sydney Lumar	Lindsey Delores Brown Vanisha Brown Deanna J. brow Thomas Yamma N Brown
<b>PLAINTIFF(S)</b>	<b>DEFENDANT(S)</b>	

<b>Submitted by:</b>	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
----------------------	---

**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other: \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order; (formal order to follow)  Statement of Judgment by the Court:

**ORDER INFORMATION**

This order  ends  does not end the case.

Additional Information for the Clerk: \_\_\_\_\_

**INFORMATION FOR THE JUDGMENT INDEX**

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If here is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order: \_\_\_\_\_

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge	Judge Code	Date
For Clerk of Court Office Use Only		

**For Clerk of Court Office Use Only**

This judgment was entered on 6-13-13, and a copy mailed first class or placed in the appropriate attorney's box on 6-13-13, to attorneys of record or to parties (when appearing pro se) as follows:

*Probate*

Louis Levenson 125 Broad St., SW Atlanta, GA 30303  
Matthew Day Bodman 1500 Calhoun St. Columbia, SC 29201

Daryl L. Williams PO Box 7425 Columbia, SC 29202

*James M. Griffin PO Box 11308, Columbia SC 29211*

Robert N. Rosen 18 Broad St. Ste. 201 Charleston, SC 29401

J. David Black PO Drawer 2426 Columbia, SC 292022426

William W. Wilkins PO Drawer 10648 Greenville, SC 296030648

Max Nathan Pickelsimer PO Box 2628 Columbia, SC 29202

William George Newsome III PO Drawer 2426 Columbia, SC 292022426

Eugene C. Covington Jr. PO Box 2343 Greenville, SC 29602

Adele Pope, Robert Buchanan, James Bailey, James B Richardson, Alfred A Bradley, CA Reid Sr Memorial Funeral Home, Grenberg Taurig, Rita Udom, Peter John Nosal

\_\_\_\_\_  
ATTORNEY(S) FOR THE PLAINTIFF(S)

\_\_\_\_\_  
ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

\_\_\_\_\_  
Liz Godard - Clerk of Court

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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\_\_\_\_\_  
\_\_\_\_\_

**For Clerk of Court Office Use Only**

This judgment was entered on 6-13-13, and a copy mailed first class or placed in the appropriate attorney's box on 6-13-13, to attorneys of record or to parties (when appearing pro se) as follows:

*William H. Latham PO Box 11070, Columbia SC 29211*  
J. Kendall Few 95 Stillhouse Ridge Greer, SC 29650  
James R. Gilreath PO Box 2147 Greenville, SC 29602

*Leland Malchow - PO Box 460, August 30 2013*

\_\_\_\_\_  
ATTORNEY(S) FOR THE PLAINTIFF(S)

*Shawn C. Hester, 335 E Main St, Skello, Rick Hill, SC 29710*  
Stephen G. Morrison PO Box 11070 Columbia, SC 29211  
David G Cannon P O Box 865 Barnwell, SC 29812  
Eugene C. Covington Jr. PO Box 2343 Greenville, SC 29602

Adele Pope, ~~Robert Buchanan~~, Phillip G Farr, Keith Emge,  
Morgan Stanley, Max Pickelsimer, Arthur J Davidson, Audra  
Byrd. ~~Jacqueline Hester~~ *Wayne Byrd*

\_\_\_\_\_  
ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

\_\_\_\_\_  
Liz Godard - Clerk of Court

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# Exhibit C

FORM 4

STATE OF SOUTH CAROLINA  
COUNTY OF AIKEN  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2008CP0201647

Henry Dargan McMaster	Daryl J Brown Janise Vanisha Brown Larry Brown Jason Brown Lewis Sydney Lumar	Lindsey Delores Brown Vanisha Brown Deanna J. brow Thomas Yamma N Brown
PLAINTIFF(S)	DEFENDANT(S)	

Submitted by:	Attorney for: <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Self-Represented Litigant
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**DISPOSITION TYPE (CHECK ONE)**

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):**  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):**  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**  
 Affirmed;  Reversed;  Remanded;  Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

**IT IS ORDERED AND ADJUDGED:**  See attached order; (formal order to follow)  Statement of Judgment by the Court:  
**ORDER INFORMATION**

PER ADMINISTRATIVE ORDER OF JUDGE EARLY – THE NEW CIVIL ACTION NUMBER ENTITLED “IN RE; JAMES BROWN; REVIEW OF FEES PAID IN CASE 1647 APPEAL ON MAY 26 2009 SETTLEMENT AGREEMENT” – 2013CP0201348.

**PER THE ORDER – EACH IS TO SUBMIT TO THIS COURT AN ELECTRONIC AND HARD COPY STATEMENT OF THE ATTORNEY’S FEES AND TRUSTEES FEES PAID BY THE ESTATE IN RELATION TO THIS ACTION. THIS MUST BE DONE WITHIN 45 DAYS OF THIS ORDER.**

Additional Information for the Clerk: \_\_\_\_\_

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. **Note: Title abstractors and researchers should refer to the official court order for judgment details.**

6/13/2013

Circuit Court Judge

Judge Code

Date

For Clerk of Court Office Use Only

This judgment was entered on 6-13-13, and a copy mailed first class or placed in the appropriate attorney's box on 6-13-13, to attorneys of record or to parties (when appearing pro se) as follows:

J. David Black PO Drawer 2426 Columbia, SC 292022426  
William W. Wilkins PO Drawer 10648 Greenville, SC  
296030648  
Eugene C Covington Jr. (Albert Dallas), Adele Pope, Robert  
Buchanan, James Bailey, James B Richardson, Wayne R  
Byrd, David G Cannon, Oshun C Hinton (Hollander)

\_\_\_\_\_  
**ATTORNEY(S) FOR THE PLAINTIFF(S)**

\_\_\_\_\_  
**ATTORNEY(S) FOR THE DEFENDANT(S)**

*Liz Godard by Elizabeth*

**Court Reporter**

**Liz Godard - Clerk of Court**

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF AIKEN

) **Civil Action No. 2008-CP-02-1647**

Alan Wilson, in his capacity as Attorney  
General of the State of South Carolina; and  
others, Plaintiffs,

) : Case No. 2007-CP-02-1222

) Case No. 2008- CP-02-0872

) Case No. 2008-CP-02-0322

) Case No. 2010-CP-02-0721

) Case No. 2012-CP-02-1059

) Case No. 2008-CP-02-1426

) Case No. 2008-CP-02-1712

) Case No. 2008-CP-02-2127

) Case No. 2008-CP-02-1556

) Case No. 2008-CP-02-1557

) Case No. 2008-CP-02-1758

) Case No. 2008-CP-02-1759

) Case No. 2013-CP-02-1348

v.

Albert H. Dallas, and others,

Defendants

IN RE:

The Estate of James Brown and The  
James Brown 2000 Irrevocable Trust  
u/a/d August 1, 2000.

) CERTIFICATE OF SERVICE

I certify that I have served the Motion TO Vacate, Set Aside, Alter or Amend Orders Dated June 13, 2013 and Memorandum in Support of Same on the following persons by ordinary first class mail, postage prepaid, mailed June 7, 2012, addressed to them as follows:

J. David Black, Esquire  
Nexsen Pruet, LLC  
PO Drawer 2426  
Columbia, South Carolina 29202

Louis Levenson, Esq.  
Levenson & Associates  
125 Broad Street, SW  
Atlanta, Georgia 30303

Robert N. Rosen, Esquire  
Christopher Paton, Esquire  
S. Alan Medlin, Esquire  
David L. Michel  
18 Broad Street, Suite 201  
Charleston, South Carolina 29401

The Honorable Alan Wilson  
Attorney General of South Carolina  
P.O. Box 11549  
Columbia, South Carolina 29211

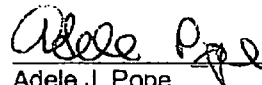
Robin A. Braithwaite, Esquire  
Braithwaite, Farmer, Boni and Timmerman  
759 Richland Avenue, West  
Aiken, South Carolina 29802-0324

Albert H. Dallas, Esquire  
304 Black Street  
Thomson, Georgia 30824

David B. Bell, Esquire  
Bell & Bell Associates  
619 Greene Street  
Post Office Box 1011  
Augusta, Georgia 30903-1011

With a Copy to:  
The Honorable Doyet A. Early  
Post Office Box 90  
Bamberg, South Carolina 29003

Kenneth B. Wingate, Esquire  
Mark V. Gende, Esq.  
Sweeney, Wingate & Barrow, PA  
1515 Lady Street  
Post Office Box 12129  
Columbia, South Carolina 29211



Adele J. Pope  
1228 Walnut Street  
Newberry, South Carolina 29108  
803-413-0753  
[adele@popelawfirm.com](mailto:adele@popelawfirm.com)

June 24, 2013

*Pro Se*

**RECEIVED**

JUN 25 2013

**NEXSEN PRUET, LLC**