

EXHIBIT D

STATE OF SOUTH CAROLINA	) IN THE COURT OF COMMON PLEAS
	) SECOND JUDICIAL CIRCUIT
COUNTY OF AIKEN)
)
	) Case No.: 2008-CP-02-1647
HENRY DARGAN McMASTER, in his)
capacity as Attorney General of the State of)
South Carolina; and others	) AFFIDAVIT OF ADELE J. POPE
	) IN SUPPORT OF VOIDING
Petitioners,	) ORDERS DATED JUNE 13, 2013
v.)
)
ALBERT H. DALLAS and others)
)
Respondents.)
IN RE:)
The Estate of James Brown and the James Brown)
2000 Irrevocable Trust u/a/d August 1, 2000)
<hr/>)
IN RE:	) Case Nos. 2007-CP-02-0122;
	) 2008-CP-02-0872; 2008-CP-02-0322;
	) 2008-CP-02-0721; 2012-02-1059;
Estate of James Brown and the James Brown	) 2008-CP-02-1426; 2008-CP-02-1712;
2000 Irrevocable Trust	) 2008-CP-02-2127; 2008-CP-02-1556;
	) 2008-CP-02-1557; 2008-CP-02-1758;
<hr/>	) 2008-CP-02-1759; 2008-CP-02-1348

PERSONALLY APPEARED BEFORE ME, ADELE J. POPE, who being duly sworn,
deposes and says:

1. This affidavit is based on my own personal knowledge and belief.
2. I am informed and believe that the Orders dated June 13, 2013 of The Honorable Doyet A. Early, III ("Jg. Early") and the Aiken County Clerk of Court should be declared void for every reason stated in my Motion and Memorandum and because they cause irreparable harm to my First Amendment Rights; my Due Process Rights; my rights as a creditor with an approximately \$2 Million allowed and Court-approved claim; threaten disgorgement without Due Process even of my partial payment for SA work in 2007; destroy my right to defend myself in Aiken County and elsewhere against the false, career-

threatening claim of the State and Russell Bauknight acting "on behalf of the Attorney General of South Carolina" (the "State" or "AG/State") that Robert Buchanan, Jr. ("Bob") and I committed a federal felony by an intentional false statement to the IRS to obtain \$5 Million; destroy my right both to defend myself and pursue counterclaims against the State and Estate/2000 Trust which sued me in 2010 in Richland County; and destroy my right to pursue proper counterclaims related to fraudulent misrepresentations of Forlando and Terry Brown in the now-abandoned frivolous Federal Suit of Forlando Brown.

3. I am informed and believe that I have standing – and the best way to prevent loss of my \$2+ Million twice-allowed and court-approved claim and protect myself from slander by Nexsen Pruet attorneys and false claims of the State/AG, and Bauknight still pending in Richland County Case 2010-CP-40-4900 ("Case 4900") and the FOIA cases – is to complete Case 4900, the FOIA suits and the Forlando Suit, the findings and results of which should be made an appropriate part of the *Wilson v. Dallas* remand.

4. I am informed and believe that Nexsen Pruet and Bauknight are trying to again pay \$20 Million from James Brown's Estate and 2000 Trust, which should go to the "I Feel Good" scholarships under BOTH the 2000 and 1999 Estate Plans to themselves, Louis Levenson, Esq., and lawyers for Tommie Rae and Terry/Forlando.

5. I am informed and believe that concluding Case 4900 and the Forlando Federal Suit will show that the Legacy Trust, which Bauknight and Nexsen Pruet have faithfully served since May 26, 2009 and Wingate since May 2010, and which holds the Federal Copyright Act Termination Rights of Terry, Larry, Deanna and Yamma – and possibly Venisha and Daryl -- [Tommie Rae and James B. have no such rights.], should be disbursed in the following order of priority:

- a. First, to pay my counterclaim judgment against the Legacy Trust, or Bauknight d/b/a The Legacy Trust, in Case 4900;
- b. Next, to pay my attorneys' fees in the FOIA suits where Bauknight and Nexsen Pruet engaged both Wingate and Lewis & Babcock to interfere with my FOIA rights, and Wingate seeks sanctions against me for exercising my FOIA rights.
- c. Next, to pay my judgment against Forlando/Terry in the Forlando Federal Suit, from Forlando/Terry's interest;
- d. Next, to pay Bob's judgment against Forlando/Terry in the Forlando Suit;
- e. Next, to pay Lewis & Babcock who, on information and belief, were engaged by Nexsen Pruet and Bauknight for the Legacy Trust without disclosure that they would be working against the interest of their former client the Estate/2000 Trust and against their clients LaRhonda and Nicole, REAL DNA-proven heirs of James Brown whom they properly acknowledged while serving the Estate in 2007.
- f. Next, to apply Bauknight's claimed commission as trustee of the Legacy Trust to pay my judgment against him in Case 4900; and
- g. Finally, if any remains, to pay such portion of the \$20 Million Bauknight, Nexsen Pruet, Levenson and Tommie Rae's attorneys are now trying to pay themselves from the "I Feel Good" Trust, taking it from scholarships for needy students.

6. I am informed and believe that this Court lacks jurisdiction to conclude my interest in the Forlando Suit or Case 4900 where the Estate/2000 Trust sued Bob and me; Estate Funds were used to buy Tommie Rae and Bauknight releases from Bob's counterclaims; the Richland County Court has sole and exclusive jurisdiction to hear and conclude Case 4900, and material issues necessary for the *Wilson v. Dallas* remand are before that Court, including: Tommie Rae Hynie is not Brown's spouse; her son is not Brown's presumed son and has rejected DNA testing; and Bauknight committed fraud on the Court by his valuation and other acts and attempted to cause \$50 Million loss to the

Estate/2000 Trust for his benefit and Tommie Rae's.

7. I am informed and believe that I have standing to show that Bauknight should not be paid by the Estate/2000 Trust because he – still speaking “on behalf of the Attorney General of South Carolina” – continues to interfere with my rights under the S.C. Freedom of Information Act (“FOIA”), damaging the Estate/2000 Trust and me; engaged 3 Law Firms – Nexsen Pruet, Wingate and Lewis & Babcock --to attempt to deny me my FOIA rights; and attempted to interfere with the State's Shield Law for Tommie Rae's benefit and to damage me.

8. I am informed and believe that I have standing to demonstrate that Bauknight and Nexsen Pruet have irreconcilable conflicts; have not; will not; and cannot properly defend the ironclad 2000 and 1999 Estate Plans of James Brown, and have been working since May 8, 2013 to try to secure funds for Tommie Rae and prevent DNA testing of her son, all of which damages not only Brown's Estate and 2000 Trust but my valid claims and the valid claims of Tressa Hayes, Esq., James Bailey, Esq., Bob and others who worked to save the \$50 Million Bauknight, Tommie Rae and Terry tried to take from the “I Feel Good” Trust.

9. I am informed that because Bauknight's actions put the “I Feel Good” Trust in jeopardy by the 10-year-probate requirement for the 1999 Will, I have the right – as both a creditor and an “other” under the Trust Code – to continue to seek formal probate of the 2000 and 1999 backup Wills and to demonstrate that “collapsing” Case 872 into Case 1647 violates my Due Process rights and those of: Voorhees; all “others” desiring to save the “I Feel Good” Trust; U.S.C. Salkehatchie; U.S.C. Aiken; the incarcerated Venisha and Deon; minors Sydney and Carrington; all named fiduciaries and beneficiaries of the 2000

and 1999 Wills who are not contesting the Estate Plan; and VALID, DNA-proven heirs LaRhonda, Jeanette and Nicole and daughter of 1st.marriage Lisa.

10. I am informed and believe that my motions should not be stricken because to do so violates my Due Process and 1st Amendment Rights and those of the persons and entities named above, and because they provide a fair process to complete the *Wilson v. Dallas* remand, which will, on information and belief, demonstrate that none of Bauknight, Nexsen Pruet or Wingate can or should speak for the Estate/2000 Trust because of:

1. The Less-than \$4.7 Million "appraisal" & related documents;
2. The Legacy Trust amendment which was not revealed to the Court;
3. Their positions as to the Gag Orders;
4. Their loyalty to Tommie Rae, her son, Terry, Tonya and others.
5. Their concealing the Wingate Litigation Retention Agreement.

11. I am informed and believe that I have standing in any case which is reviewing facts which might impair my right to demonstrate that Bob and I are not subject to any disgorgement; that Bauknight and Wingate may be; and that the correct commission for the 6 ½ years since Brown's death is:

- a. Cannon: \$0
- b. Dallas: \$0
- c. Bob: approximately \$2.1 Million as claimed;
- d. Bauknight: \$0
- e. Estate of Al Bradley: No disgorgement
- f. Adele: approximately \$2.8 Million as claimed.

12. I am informed and believe that I retain this standing in all of the above cases

until Case 4900 is concluded; the Forlando Federal Suit is concluded; Tommie Rae is determined not to be Brown's spouse; the Heirs are properly determined; the Gag Order is lifted; the less-than \$4.7 Million is determined to have been a fraud on the Court; and Case 2013-CP-02-1337 ("Case 1337") which I was forced to bring is concluded.

13. I am informed and believe that Bauknight and Nexsen Pruet acted in bad faith in obtaining the ex parte appointments before the *Wilson v. Dallas* Remittitur and delivering the purported Notice of Disallowance to me on May 29 because it was intended to require disgorgement without Due Process and circumvent court scrutiny of the \$20 Million Bauknight proposes to pay Nexsen Pruet, his other attorneys, himself, Levenson and lawyers for Tommie Rae.

14. I am informed and believe that Case 1337 should proceed in tandem with Case 4900 and be heard before completion of the *Wilson v. Dallas* remand.

15. I am informed and believe Case 4900 and the Forlando Federal Suit will also show:

a. Bob and I properly served as PR/Trustees under Brown's Will and Trust until May 26, 2009 as set out in our July 2009 claims and Affidavit, with attachments, which I incorporate herein.

b. Bob and I, with our *Pro Bono Publico* lead attorney James Richardson, Esq. and engaged counsel James Bailey and Tressa Hayes, defended and then restored to the "I Feel Good" Trust efficiently, preventing payment of \$20 Million to Bauknight, Nexsen Pruet, Wingate, Levenson and lawyers for Tommie Rae, to reward them for destroying James Brown's "I Feel Good" foundation.

c. The State/AG's support of Tommie Rae and Bauknight's outrageous and knowingly false claims to the Courts and other behavior was unprecedented, and has been stopped by *Wilson v. Dallas*; they are withdrawing from the Aiken Cases; and they should return ONLY to help defend and support the 2000 and Backup 1999 Estate Plans, if needed.

d. To the extent the Supreme Court sensed extreme discord, Nexsen

Pruet/Bauknight's media blitz the day before the Supreme Court oral arguments and the State/AG's false felony charges were the primary contributing factors and the State's retreat from the James Brown cases is a first step to restoring Bob's and my unjustly damaged reputations.

e. David Bell, Esq. who has filed a false affidavit with the Federal Court, fabricated grievances; participated in cases without *pro hac vice* admission; threatened a grievance against Bob; filed six grievances against Louis Levenson; and otherwise engaged in outrageous conduct while representing Terry and Forlando should not be paid anything from Brown's Estate/2000 Trust.

f. The 10 Nexsen Pruet Lawyers and 4 attorneys at Sweeney, Wingate have served Tommie Rae, the Legacy Trust and some of the Levenson Clients; and should not be paid by the Estate/2000 Trust.

g. Bauknight, but for the *Wilson v. Dallas* decision, would have done far more damage to the "I Feel Good" Trust and the Grandchildren's Trust than David Canon's \$12+ million takings between 1999 and 2006.

16. I am informed and believe that because Bauknight's appointment was void, Bob and I, as statutory "Personal Representatives" under the SCPC provided greater value than Russell or others or the 4 years from May 26, 2009 to May 8, 2013 where:

a.. Cannon, despite his wrongful acts, supported the Estate/2000 Trust; and tried at the trial level to stop the AG/Bauknight's settlement, which would have taken \$50 Million from the Estate Plan.

b. Dallas tried to stop the the Settlement, even filing a Petition to Remove Bauknight for recommending it, but then failed to pursue the appeal or seek admission to probate of the 1999 Estate Plan..

c.. Bob and I defended against the Settlement; conducted the appeal; and defended against the State/AG's suit to make us drop the appeal, restoring the \$50 Million Bauknight tried to take, including the \$20 Million he proposed to pay to himself, Nexsen Pruet and other attorneys.

d. Bauknight managed the assets, but hired Nexsen Pruet, Wingate, Lewis and Babcock to fight against the Will and 2000 Trust and damage the Estate/Trust; engaged in direct conflicts of interest; failed to account; concealed a the fabricated "appraisal;" and made repeated and material misrepresentations to the Courts about Bob and me, value, heirs and the Federal Copyright Act.

17. I am informed and believe that I have standing to show in Case 4900 that Estate funds should not have been used to secure releases for Tommie Rae, Bauknight and the AG/State as to Bob's counterclaims in Case 4900, damaging my claims.

18. I incorporate herein the Complaint in Case 1337 and the entire record which the Court has reviewed in issuing the June 13 Orders, as well as the transcript of arguments, ROA and decisions in *Wilson v. Dallas*, the Dallas appeal and the two Cannon appeals.

19. I ask the Court to take judicial notice and find that all former challengers of the Estate Plan have confirmed there was no basis to bring Case 872 (the "will and trust contest"), because they have admitted in Case 4900:

...the establishment of a Charitable Trust intended to provide financial assistance to deserving students who seek education in South Carolina and Georgia. This objective was the often stated and well-known desire of James Brown. [Mem. Opp. P.2, 8/27/10]

20. I am informed and believe that *Wilson v. Dallas* did not intend, and cannot be read to, deny me standing in any James Brown estate and trust case, nor can it be read to authorize any Court to direct that motions I filed be removed from the public record before hearing and/or any direction to the Clerk to commence an action; and/or any direction to the Clerk to refuse filings made by me and properly tendered to the Court.

21. I am informed and believe that the motions the Court directed the Clerk to strike were filed in accordance with Jg. Early's direction; were necessary and appropriate; and should be heard.

22. I am informed and believe that when there is a level playing field and Case 4900 concluded it will be clear that by May 18, 2010 most clients had been forgotten –

including the Estate of James Brown and the 2000 Trust --and the James Brown cases were being orchestrated by Tommie Rae's lawyers, Bauknight, Nexsen Pruet, Wingate and Levenson, expecting about \$20 Million from Brown's "I Feel Good" Trust;

23. I am informed and believe that the AG/State violated Bob's and my civil rights when the AG – because an unidentified "someone" told him he should join Tommie Rae and other out-of-state citizens in allowing Wingate to bring a frivolous suit against me for tens of millions of dollars – did so to try to stop the *Wilson v. Dallas* appeal.

24. I am informed and believe that the State's involvement in and support of Bauknight's fraudulent less-than- \$4.7 Million valuation of Brown's music empire was unprecedented and wrong, but can now be corrected with little damage if the Estate/Trust are saved, and I told this to the Attorney General before he called to tell me he would be seeking to withdraw from Case 4900.

25. I am informed and believe that the State's false accusation – based on Bauknight's \$4.7 Million claim– that Bob and I committed a federal felony, then supporting Bauknight in concealing the alleged basis for the career-threatening false criminal allegation was wrong, and told this to the Attorney General before he notified me that he was seeking to withdraw from Case 4900.

26. Some of the facts on which my standing to continue all James Brown Cases is based are:

- a. On **December 25, 2007** Brown died owning \$100 Million music empire.
- b. On **August 10, 2007** most Brown documents and files were made public, including the handwritten notes later known as the Hynie "diary."
- c. On **October 12, 2007** TJBL made 1st of 3 \$90 - \$100 Million offers for Brown's

music empire.

d. On **November 14, 2007** Bob and I, still SAs, asked Jg. Early to approve a formula for valuing Brown's Music Empire (Royalties and Publicity Rights) on the Estate Tax Return.

e. On **Nov. 15, 2007**: Bradley & Dallas I&A correctly valued the music empire at \$100 Million less the \$15 Million TIAA Debt.

f. On **November 15, 2007** - Jg. Early asked for objections to Bob's and my valuation proposal, which produced a result close to Dallas/Bradley I&A. There were none. Bob & I were appointed PR/Trustees on **November 20** with duty to "vigorously defend" Will and Trust.

g. On **Dec. 21** Bob and I asked Jg. Early to approve our own allowed claim for SA fees and ongoing PR/Trustee partial commission payments. Tommie Rae's counsel praised our work and our asking for Court approval even though we could have paid ourselves under the Will/2000 Trust without specific Court allowance of the claim.

h. On **Dec. 26, 2007** 5 of Brown's 10 acknowledged/proven/presumed children challenged the Will & Trust. Tommie Rae had also filed various defective claims, including in the wrong Court.

i. On **January 2, 2008**: Forlando, through Powell Goldstein and Bell, filed a frivolous suit to enjoin the 2000 Trust until Cannon Group returned. **Today** the frivolous suit has been abandoned; 2000 Trust and Bob have counterclaim for fees and costs, including of Forlando's \$285,000 Trust share. I have additional claim for Terry's share of Estate in Case 4900 and Forlando Suit based on fraudulent concealment of transfer to Forlando.

j. On **January 8, 2008** Jg. Early approved Bob's and my SA and PR/Trustee ongoing payments, with legal interest on unpaid amounts as follows:

1. SA Fees of \$317,000 and costs, with Bob getting about 30% and Adele about 70%, based on time and costs. [See Claim]:

2. PR/Trustee Commissions on hourly basis, for Bob, Adele & Staff, plus costs, etc.

3. Interest at the legal rate on all amounts not promptly paid.

K. On **February 5, 2008**: Estate/2000 Trust sued Cannon Group, others for \$12+ Million taken between 1999 and 2006.

l. On **Feb. 20, 2008** Jg. Early issued the first 1st Christie's sale Order, allowing family holdbacks.

m. On **March 7, 2008** Jg. Early held a hearing on the propriety of Bob's and my appointment and service at our request because the AG had challenged our appointment. That day Jg. Early also issued the last of 3 Gag Orders, without hearing, preventing all discussion of the widely-known contents of Hynie "diary" – writing she left in Brown home after they separated in 2006.

n. In **March 2008**: Jg. Early ruled Levenson's 30% contract (plus \$150,000) with Forlando contemplated the Will and Trust contest.

t. On **April 1, 2008** Jg. Early directed Bob & me to sign the Christie's contract, with "Grammy" specified. The Order found that some of Levenson's clients had taken steps to interfere with the sale, but not caused any damage to date. The Order directed that anyone interfering with the sale would be subject to pay damages.

u. On **April 8, 2008** Jg. Early found in a detailed Order that all of Bob's and my service to that day as SAs and PR/Trustees both ethical and appropriate. He incorporated the **March 7, 2008** order with additional positive findings.

v. By **April 8, 2008** Powell Goldstein was representing Forlando as a secret 39% owner of TJBL, which had made 3 offers to buy Brown's assets; with Bell, Forlando in the Federal Suit where he was posing as an impoverished student; and Terry, who made 2 of the 3 offers with TJBL; and TJBL. [Ltr. Sparks to Cox, others, 4/9/08]

w. From **2007 - 2013** Powell Goldstein has refused to deliver its file related to the defective 2007 attempt to move the 2000 Trust to Georgia. Since 2009 Bauknight has not obtained the file; worked with Powell Goldstein while it was suing the 2000 Trust; and even attempted to abandon –during his now-void service --the Trust's claim for attorneys' fees for the frivolous suit.

x. When we were replaced on **May 26, 2009** Bob's and my twice-allowed claim was:

SA Fees: Bob - paid in full; Adele owed: just over \$47,000 + interest [See claim]

PR/Trustee Commissions:

Bob paid:

Bob Due: just over \$500,000

Adele paid: \$0

Adele Due: \$1.4

Plus Interest at 8 3/4% until paid [See claim]

y. **Today** Bauknight has refused for four years to pay my twice-allowed claim, causing it to increase to more than \$2 Million. [See May 29, 2013.]

z. On **July 9, 2008**, after interference by Hammond, Dallas, Hollander, Powell Goldstein & others, Dallas filed a motion in the Ct. of Appeals to stop Christie's sale.

aa. On **July 12** AG/State joined in our request to approve sale, with Grammy listed.

ab. On **July 14, 2008**, after we filed the Christie's catalogue with the Court, with the Grammy listed as Item 168 with an estimate of \$15,000 - \$20,000, the Christie's sale was again approved, as it had been in 2 earlier orders.

ac. On **July 17, 2008**: Deanna and Rev. Al Sharpton appeared on television to try to chill the Christie's sale. According to Forlando, the family had money available to buy, but were advised by their attorneys not to.

Christie's counsel urged the sale of the Grammy despite a last-minute motion filed by the Academy to stop it. Bob & I, with Levenson present but not participating, made the decision not to incur the \$5 - \$10,000 legal fees to defend legal sale. No sale was required and other factors suggested it should be withdrawn. It was returned to the S.C. State Museum and remained there for safekeeping with other items under the February 20, 2008 Order.

ad. On **July 24** Bob & I filed a motion for costs for interference with Christie's sale by Dallas, others, under the April 1 Order. That motion has not been heard.

ae. On **July 30, 2008** AG McMaster wrote Bob and me confirming his support for our permanent appointment as Trustees of the 2000 Trust. [He had never challenged our appointment as PR s.]

af. In **August 2008** Bob and I filed Summary Jmt. motions to defeat \$15+Million Commission claims of Dallas, Cannon & Bradley. [They sued after disallowance.] **Today** Bauknight and Nexsen Pruet have not had these heard.

ag. On **August 12, 2008** – Tommie Rae's lawyer directed Bob and me to "stand down" and stop administering Estate and AG/State notified Jg.Early of settlement.

ah. By **September 1, 2008** - State/AG and Tommie Rae advised Bob & me that they "speak as one."

ai. On **September 25, 2008** - Bob and I filed the Estate Tax Return, valuing the Royalties/Publicity Rights and claims against Cannon, etc., at approximately \$100 Million less TIAA Debt. This was consistent with Court-approved formula.

- aj. On **September 27, 2008** - Forlando was deposed in Federal Suit. He confirmed offers of \$150 Million for Brown's music empire were still available.
- ak. From **Sept. - October 2008**: Bob and I defeated \$32+ Million in claims cases.
- al. In **October, 2008** Cannon gave SLED a forged "contract" with Brown, intended to cover up some of his \$12+ Million taken between 1999 - 2006.
- am. In **October 2008**: Tommie Rae – speaking for the State/AG --threatened suit if Bob and Adele did not begin immediate transition out.
- an. In **October 2008** State/AG, Tommie Rae & others filed Case 1647 to remove all prior fiduciaries & appoint Bauknight. They failed to reveal Bauknight was already planning to be Trustee of Settlement Entity/Legacy Trust.
- ao. On **January 8, 2009**: Jg. Early appointed Bauknight SA/ST, to review the settlement.
- ap. On **January 30, 2009**: Levenson threatened Bob with Rule 11 sanctions if Bob and I did not withdraw opposition to settlement and resign.
- aq. On **January 30, 2009** the State/AG offered Terry 4.79% of Brown's assets and Right of First Refusal ("ROFR") to buy Brown assets to abandon long-held support for Estate Plan. Bauknight, not knowing value, recommended taking about \$50 Million from "I Feel Good" Trust and destroying \$285,000 Education Trusts for 7 grandchildren.
- ar. On **January 30** Brown's real heirs LaRhonda, Nicole and Jeanette departed from case 1647 based on State/AG's stipulation not to interfere with any Federal Rights. State/AG immediately began to do so.
- as. In the **spring of 2009** James B. filed a Petition for Review of Bob's and my compensation. Bob & I challenged his standing. The motion is pending.
- at. In **March 2009** Bell threatened Bob with a judicial grievance if he did not resign as PR/Trustee.
- au. In **March 2009** Tommie Rae's lawyer revealed that State/AG and Legacy Trust/Settlement Entity were getting "tax advice" from Powell Goldstein, the lawyers who helped Cannon and Dallas try to move the Trust from S.C.
- av. On **March 4, 2009** the AG/State assured Jg. Early that the State was

responsible for the proper operation of the Legacy Trust and charitable trust to be created by AG as part of settlement. Settling parties asserted any sale to Terry will be at "fair market value."

aw. On **March 31, 2009** because State/AG and Bauknight proposed destruction of the "I Feel Good" Trust and \$285,000 Grandchildren's Trust Bob and I proposed a settlement that would end litigation; give children in Will and James B. 14% for abandoning all claims; and Tommie Rae 7% - but NOT acknowledge her to be spouse.

\$10,000 would be paid to Heirs Cinnamon, LaRhonda and Nicole.

If accepted, this would have been extremely generous, allowing Tommie Rae dignity while making clear she was not the spouse.

The settlement would have paved the way for decades of proper management of the Copyrights with REAL children and grandchildren.

ax. On **April 6, 2009** Jg. Early directed Tommie Rae's lawyers, Levenson, James B., Terry and other settling parties to turn in their fee and cost arrangements to Jg. Early. He later – and correctly – found they were not confidential and should be released to Bob and me by the Clerk – who does not have the

ay. **From 2009 - 2013** the State/AG made no objection as Bell simultaneously represented Terry & Forlando as they took opposite positions in two Courts, including:

- | | |
|---|---|
| 1. Terry: Music Empire \$4.7 Million | Forlando: \$4.7 Million "bogus" at least \$100 Million |
| 2. Terry: No offers to buy assets | Forlando: 3 \$90 - \$100 Million offers were made. \$150 Million avail. |
| 3. Terry: Hynie Gag Order should stay. | Forlando: Openly violated Gag |
| 4. Terry: Tommie Rae is spouse | Forlando: Tommie Rae is not spouse and knew it. James not son because of Brown's vasectomy. Father known. |
| 5. Terry: Tommie Rae & son control Fed. Copyright Termination Rights. | Forlando: Neither has any. |

6. Terry: Bauknight/ Lawyers get \$20MM Forlando: AG "treachery".
- az. On **May 26, 2009** Jg. Early issued his order approving AG's settlement.
- ba. **By May 26, 2009** Deon – imprisoned in California and supported by Brown during minority¹ sought counsel and to be part, and is a likely heir under the Copyright Act.
- bb. **May 26, 2009 - May 8, 2013** BOTH Bob/Adele and Russell fit statutory definition of PR in Probate Code:
- (1) Bauknight managed assets, but fought Will and 2000 Trust;
 - (2) Bob & Adele protected Will and Trust, but did not manage assets.
- bc. On **June 4, 2009** Nexsen Pruet and Bauknight gutted the case against Cannon and Dallas – and severely impaired the claim as to GT – by directing Messrs. Few & Gilreath not to speak with Bob and me about anything confidential in Case 322.
- bd. In **June 2009** Nexsen Pruet and Bauknight rejected the GreenLight deal after consulting with Bell, on information and belief causing at least \$2 Million damage.
- be. By **June 10, 2009** Bauknight had:
- 1. Hired 10 lawyers at NP to represent what he would later say was a less-than \$4.7 Million music empire;
 - 2. Gutted the case to recover \$12+ Million taken by Cannon by directing Messrs. Few/Gilreath not to speak confidentially to Bob and Adele, who had uncovered the takings.
 - 3. Rejected, on instruction of Bell, the Corbis/Greenlight 2-year Publicity Rights contract which would have earned at least \$1 Million per year, in addition to Royalties.

¹According to Dallas, orders to support Deon prompted Brown to secure his vasectomy in the early 80s. Although he had more than 10 claimed children before the vasectomy, Brown and last wife Adrienne (married after the vasectomy) were unable to have children and the only post-vasectomy claimant to be Brown's child is Tommie Rae's son, born in 2001 but before she had the 2001 ceremony with Brown and during her marriage to another. Through a GAL in Aiken he has refused official DNA testing and now-void settlement exempted him.

bf. By **July 14, 2009** Tommie Rae and James B's attorneys were harassing us about our full commission, which we made clear would include the known-appeal in *Wilson v. Dallas*. To avoid two appeals, on or about that day we filed our full commission request – which is for the 5 ½ years we were first Court-appointed PR/Trustees and then statutory PRs: Bob: about \$2.1 Million and Adele: about \$2.8 Million, plus counsel fees and costs.[See Claim.]

bg.. From **2009 until 2013** the State/AG and Bauknight asserted this commission was outrageous, while 5 State Lawyers and 20 Lawyers worked for the State and Bauknight to defeat the Estate Plan and proposed to pay the following from funds Brown gave to the "I Feel Good" Trust:

Tommie Rae's counsel & son's : \$10+ Million - exact requested from Jg. Early;
Levenson: Between \$7.2 Million and \$8.7 Million;
Bauknight: Undisclosed - being sought from Jg. Early
Bauknight's 20+ attorneys: [at least] \$3.5 Million
Forlando/Terry's 10 attorneys: Undisclosed - being sought from Jg. Early

bh. On **September 30, 2009** State/AG and Bauknight represented no attorneys' fees or commissions will be paid to Settling parties or counsel until successful conclusion of Case 1647 appeal.

bi. On **March 15, 2010**: Jg. Early ordered release of all Settling parties' fees, fees of GAL for Tommie Rae's son and commissions of Bauknight by Clerk. [Had been given to Court at settlement hearing in 2009.] None in Clerk's office.

bj. On **March 22, 2010**: Tommie Rae's lawyer threatened Bob's lawyer that State/AG had hired Wingate Firm and would sue if *Wilson v. Dallas* appeal not dropped.

bk. In **April 2010** : Bob and I presented a detailed proposal giving Settling Parties everything they asked for provided Supreme Court approved. No response.

bl. On **May 18, 2010** "someone" advised AG that he would breach his fiduciary duty if he did not sue Bob and me the next day – said to be the day the statute of limitations expired.

bm. On **May 19, 2010** State/AG, AND Bauknight on behalf of State/AG, as well as Estate/2000 Trust and Tommie Rae, sued Bob & me for tens of millions of dollars for alleged breach of trust, fiduciary duty, all using single private law firm ("Wingate") to include:

(1) Not accepting \$100 Million 2007 offer; and

(2) Conducting *Wilson v. Dallas* appeal.

bn. On **August 30, 2010** a Sr. Assistant to AG attended hearing and Wingate introduced him as a "client" as Bob's and my Motion to Dismiss – in part based on State/AG's improper use of private counsel – was being considered by Court. Jg. Casey Manning declined to dismiss or change venue.

bo. On **September 30, 2010** Dallas filed for bankruptcy, listing his \$6 Million commission claim as his largest asset. **Today**, almost 3 years later, Bauknight has listed Dallas as the Estate/2000 Trust's witness (along with Cannon) in Case 4900 and failed to defeat this claim.

bp. In **October 2010** Bob & I answered in Case 4900, including that Tommie Rae, Tonya and Tommie Rae's son are not heirs, devisees or beneficiaries, and Bob & I never owed them a duty; counterclaimed for Abuse of Process, Civil Conspiracy, Attorneys' fees and fraud under the Probate Code..

bq. In **November 2010** the State/AG listed Cannon and Dallas as its witnesses against Bob & me in Case 4900. 12+ of the witnesses listed by AG/State and Tommie Rae previously confirmed she was not Brown's spouse, but are now gagged by Gag Orders.

br. By **December 2010** Wingate was seeking relief from default for failing to respond to our counterclaims and delaying discovery requests..

bs. Between **Dec. 31, 2010 - Jan. 7, 2011** State/AG and Terry, with other attorneys, amended Legacy Trust/Settlement Entity and Terry assigned his interest in Estate, including ROFR to Forlando.

bt. From **2011 - 2013** Bauknight, the State/AG, Nexsen Pruet and Wingate concealed the Terry/Forlando transfer and the Legacy Trust amendments from all courts.

bu. On **January 11, 2011** AG McMaster left office and AG Wilson took office.

bv. On **January 31, 2011** the State/AG and Nexsen Pruet sought sanctions against Bob and me in the Court of Appeals for a filing a brief which would help recover \$1.2 Million costs of Case 122 from Cannon under the April 8, 2008 Order, Case 122. The Court struck the brief, but decline to impose sanctions.

bw. In **February 2011** Bob suggested to me to seek documents not being produced by Wingate in 4900 through FOIA.

bx. On **May 4, 2011** Bauknight filed an I&A asserting Brown's music empire & claims against Cannon, etc. worth less than \$4.7 Million; and PHE about \$500,000.

by. On **May 4, 2011** the State/AG, Bauknight and Tommie Rae asked the Court to supplement ROA with less-than \$4.7 Million valuation.

bz. On **June 2011** I requested a copy of Legacy Trust which sued her, with amendments, under FOIA.

ca. **July 1, 2011**, Supreme Court declines to supplement ROA in *Wilson v. Dallas*.

cb. On **July 15, 2011** Bauknight/Nexsen Pruet threatened me with sanctions or a lawsuit if I exercised myFOIA rights to get copy of Legacy Trust and amendments by the Attorney General.

cc. In **August 2011** I filed FOIA suits after State/AG refused to produce:

- (1)Wingate Litigation Retention Agreement for State/AG to sue Bob & Adele;
- (2) Legacy Trust, with amendments
- (3) Information about Less-than \$4.7 Million valuation, and appraisal;

br. In **September 2011**: Bauknight hired powerful Lewis & Babcock to fight FOIA compliance, including release of secret January 2011 amendment to the Legacy Trust.

bs. **September 30, 2011**: Based in part on Nexsen Pruet/Bauknight's representation that PR Commission is 5% and all commission claims must be heard in same proceeding, the Dallas Georgia Bankruptcy Judge released the Dallas \$6 Million claim to Aiken. From **2011 - 2013 (Today)** Bauknight/Nexsen Pruet did nothing to defeat the Dallas claim, while using Dallas as a witness against Bob and me.

bt. In the **Fall of 2011**, the State/AG condoned an unprecedented attempted entry of Bauknight, Estate/2000 Trust and non-residents, including minors, into FOIA cases and attempts to consolidate 2 FOIA cases with Case 4900. Nexsen Pruet, Lewis and Babcock and Wingate all promoted the effort to violate my FOIA rights.

bu. On **October 28, 2011**: Cannon was allowed to enter *Alford* Plea. State/AG and Bauknight sought no restitution or damage, even though he owns a \$1 Million retirement home in Carribean. The State ignored my Victim's Statement

for needy students, telling the Court there were no victim's statements.

bv. On **October 31, 2011**: Bauknight's Nexsen Pruet attorney Black was quoted in 331 news outlets saying returning Bob and Adele to PR/Trustee service would be like throwing "hand grenade" into the James Brown proceedings.

bw. On **November 1, 2011** the State/AG condoned/endorsed Nexsen Pruet/Bauknight's known incorrect statements to the S.C. Supreme Court:

(1) Nobody's trying to buy Brown's assets. [Asserts no offers to buy.]

(2) Copyright Termination Rights are "all this case is about." [The Royalties make up only about half of the \$100 Music empire, and Termination Rights do not apply to Publicity Rights.]

(3) The Estate/2000 Trust has no corpus "to speak of." [The Royalties and Publicity Rights are both corpus, and under the Principal and Income Act a substantial portion of the Royalty receipts will also be applied to principal, allowing the "I Feel Good" Trust to endure in perpetuity.]

(4) Tommie Rae's Elective Share claim was a "slam dunk."

(5) If Tommie Rae doesn't get the Termination Rights the settling children will. [Ignores that LaRhonda, Jeanette, Lisa and Nicole have Termination Rights higher than Venisha, Daryl & Tommie Rae's son, and equal to 4 others. Deon is probably child, incarcerated.]

bx. By **December 2011**: Based on Bauknight's representations re: Commissions, I had moved to intervene in Cannon/Dallas/Bradley commission claims cases. Bauknight resisted, even though Dallas and Bankruptcy Trustee consented.

by. **October 31, 2011**: Bauknight's attorneys reported in 331 new outlets as saying returning Buchanan and Pope would be like throwing a "hand Grenade" into the James Brown proceedings.

bz. From **Jan. - May 2012**: State/AG and Bauknight resist Adele's attempts to have a hearing on voiding the Hynie "diary" Gag Orders and proceeding with discovery on Dallas \$6 Million commission claim were delay by State/AG and Bauknight.

ca. On **January 10, 2012** Levenson, argued to be paid more than \$100,000 for a single motion in Case 122. Told Supreme Court he had visited Cannon's \$1 Million Caribbean home, for which the Estate/2000 Trust paid \$4,000 even though Bauknight/Nexsen Pruet did nothing in 3 years to recover mansion for

the Estate/2000 Trust.

cb. In **May 2012** Nexsen Pruet/Bauknight told Jg. Early he [Jg. Early] had already declared Tommie Rae to be Brown's spouse. I was present and corrected this false statement which would have severely damaged both the Estate/2000 Trust AND Bob's and my claims and the rights of the beneficiaries of the 2000 and 1999 Estate Plans had I not been there to correct it.

cc. From **May 2012 to 2013 (Today)** Nexsen Pruet and Bauknight have made vitriolic filings in the Supreme Court (previously joined by the AG/State) asserting Tommie Rae is Brown's spouse and attempting to prevent voiding of the 5-year-old Gag Orders that are stopping 12+ witnesses in Case 4900 from telling the full truth – that Tommie Rae was not Brown's spouse and knew it.

cd. Between **February 27, 2013 and May 8, 2013** Bauknight/Nexsen Pruet worked with counsel for Tommie Rae's son, sharing information about the less-than \$4.7 Million valuation he has refused to disclose as required by the Probate Code, in an attempt to have that minor justify his less-than \$4.7 Million valuation to the Court.

ce. On **May 8, 2013** the S.C. Supreme Court voided Bauknight's appointments and remanded this Case to appoint PR/Trustees in accordance with Brown's documents – 3 PR/Trustees who will "vigorously defend" the Estate Plan upon proper application.

cf. On **May 9** Bauknight and Wingate, both still speaking for the State/AG, asked Jg. Manning to delay my FOIA rights and Case 4900 for what may be years. They told Jg. Manning that the Supreme Court's having removed a footnote between its 2 decisions meant my FOIA rights should be delayed for years, as should Tommie Rae's deposition and all of Case 4900.

cg. On **May 9**, before the Remittitur, Bauknight obtained *ex parte* SA and ST appointments in 2 Courts.

ch. In accordance with Jg. Early's direction, I filed 3 motions in several Aiken Cases to suggest a proper procedure for the *Wilson v. Dallas* remand.

ci. On **May 29**, Levenson and Tommie Rae's lawyers – still making false representations about the Federal Copyright Act rights of their clients – asked the Court to hear in secret facts they said would support re-doing their settlement. AG Wilson withdrew. Bauknight took no action to suggest that this was entirely contrary to the 2000 Will, the 2000 Trust, the 1999 Will and the 1999 Trust.

cj. On **May 29** Nexsen Pruet/Bauknight, under the authority of *ex parte*

appointments which are, on information and belief, void, hand-delivered a Notice of Disallowance which purported to disallow my already twice-allowed PR/Trustee partial commission approved in the January 8, 2008 Order AND threaten disgorgement of my still-only-partially paid SA fee from 2007, as well as to threaten Bob and attempt to enforce the improper use of Estate funds to buy a release from Tommie Rae in Case 4900.

ck. On **June 10** I filed Case 1337.

cl. On **June 13, 2013** Jg. Early and the Clerk issued Orders which place my allowed partial commission in jeopardy; place my partially paid SA fee in jeopardy; trample on the rights of the devisees and beneficiaries who support the 1999 and 2000 Estate Plan; and otherwise threatened destruction again of the "I Feel Good" Trust and \$285,000 Grandchildren's Trusts.

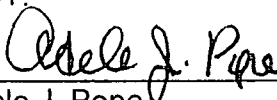
cm. In **June 2013** when I delivered my Motion to Reconsider, etc. to the Clerk I was told that Jg. Early had instructed her not to allow me to file anything in any case except 1337. When I explained that my Motion was in a number of other Cases, particularly 1637, she excused herself to make a phone call; returned; and allowed me to make the motion.

cn. On **July 2, 2013** Jg. Early suggested that he intends to allow Nexsen Pruet, a firm which has irrevocable conflicts and cannot possibly defend the Estate Plan or deal fairly with my claims, to remain as litigation counsel.

co. On **July 2, 2013** I asked Jg. Early to require the Settling parties and counsel to send to the clerk and me copies of their fee arrangements which were presented to Jg. Early in the 2009 hearings; are not confidential; and which the Clerk was ordered to give to Bob and me on March 15, 2010. They were not in the Clerk's office then, and were not there in June 2013.

28. I ask the Court to void the June 13 Orders and restore my rights, including to protect the 2000 and 1999 Estate Plans where my interest as a creditor and "other" is served by doing so.

FURTHER DEPONENT SAYETH NOT.



Adele J. Pope

SWORN TO BEFORE ME this 3rd day
of July, 2013.



(L.S.)

Notary Public for South Carolina
My commission expires:

I, Adele J. Pope, certify that on the 3rd Day of July 2013, I caused a copy of the abovee Affidavit to be served on the following or their counsel by depositing a copy in the United States mail, first-class postage prepaid, addressed to them as shown below:

NAME	ADDRESS
(Courtesy) The Honorable Doyet A. Early, III Email: dearlyj@sccourts.org dearlysc@sccourts.org	Post Office Box 90 Bamberg, South Carolina 29003
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<u>The Hon. Alan Wilson</u>	<u>Office of the Attorney General</u> <u>State of South Carolina</u> <u>P.O. Box 11549</u> <u>Columbia, SC 29211-1549</u>
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RECEIVED

JUL - 8 2013

NEXSEN PRUET, LLC