

STATE OF SOUTH CAROLINA
In the Court of Appeals

RECEIVED

AUG 27 2013

SC Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

The Honorable Doyet A. Early, III Circuit Court Judge
The Honorable Liz Godard, Clerk of Court

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;
Case No. 2008-CP-02-1647; Case No. 2013-CP-02-1348

Alan Wilson, in his Capacity as Attorney General of
South Carolina; and others Plaintiffs,

v.

Albert H. Dallas and others .. Defendants.

OF WHOM:

Adele J. Pope, Individually and on Behalf of Others under South Carolina Trust
Code Section 62-7-405, is.....Appellant,

AND:

Terry Brown, Forlando Brown, James B., David G. Cannon, Albert H. Dallas and
Tommie Rae Hynie are.....Respondents

AND:

Alan Wilson in his Capacity as Attorney General of South Carolina, Deanna J.
Brown Thomas and Robert L. Buchanan, Jr., are...Additional Interested Persons.

IN RE:

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

AFFIDAVIT OF ADELE J. POPE OPPOSING MOTION TO DISMISS

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

1. James Brown died on Christmas Day 2006 .
2. The following night my husband and I had dinner at Takahachi Japanese Restaurant in New York. The music was blaring. It was James Brown.
3. My husband, the music lover, told me James Brown was extraordinarily popular in Asia - perhaps more than here. I loved James Brown's music. But did not know that.
4. In the 7 years since, I have learned a lot about James Brown, and from James Brown.
5. We ate that night's special at Takahachi: The James Brown "Rest in Peace" Roll. I do not believe James Brown has rested in peace.
6. James Brown and I have several things in common:
 - a. We both love James Brown's music.
 - b. We both love education and want to educate our grandchildren.
 - c. We both work hard and strive for professional excellence.
 - e. We both have roots in Beech Island, South Carolina.
7. James Brown did not have the benefit of a good education. I did. My grandfather paid for me to go to Mary Baldwin College, and to live a year in

Spain. That gift has enriched my life for fifty years.

8. For 5 years James Brown's grandchildren have been deprived by the State, and those acting for and with the State, of the \$285,00 education fund James Brown wanted them to have. Many were deprived just as they were reaching college age.

9. Today The James Brown "I Feel Good" Foundation stands ready to be used for what James Brown intended – solely for scholarships for needy and deserving students.

10. It made \$10 million in 2011. Mr. Bauknight has not accounted for 2012.

11. It could be said that Robert Buchanan, Jr. ("Bob") and I are lucky creditors. Because of events since the *Wilson v. Dallas* decision on May 8, 2013, defending our claims to retain our SA fees and secure a fair commission – but for the June 13 Orders – would also help preserve and defend the James Brown 2000 Irrevocable Trust and its subtrusts:

a. Seven \$285,000 Education Trusts for certain grandchildren;

and

b. The James Brown "I Feel Good" Private Foundation.

12. The three orders of June 13, 2013 (the "June 13 Orders") take away Bob's and my right to protect and defend ourselves, and be fairly compensated, not only in the 14 Aiken County Cases in which they were issued, but in other cases, including:

a. A FOIA Suit I filed in August 2011 to obtain a copy of the

McMaster Legacy Trust, which sued Bob and me for tens of millions of dollars, and a copy of the less-than \$4.7 million appraisal and related documents which serve as the basis for the State's false accusation that Bob and I committed a federal felony by intentionally overstating the value of James Brown's worldwide music empire to the IRS by \$79 million (at about \$84 million)

[Today the State has not produced the documents under FOIA, and the Legacy Trust says it is private and not subject to FOIA.]

b. A FOIA Suit I filed in Newberry County in August 11 to obtain a copy of the Litigation Retention Agreement by which the Attorney General of South Carolina (AG) engaged the firm of Kenneth Wingate, Esq. ("Ken") to sue Bob and me; and the authorization by which Ken and Russell L. Bauknight ("Russell") asserted that Russell had authority to sue us "on behalf of Henry D. McMaster as AG"

[Today, at Ken's request, this FOIA suit has been moved to Richland County and consolidated with the tort suit described below.]

c. A frivolous suit filed by James Brown's grandson Forlando on January 2, 2008 against the 2000 Trust, Bob and me to enjoin the 2000 Trust from taking any action until David Cannon ("David") and Albert "Buddy" Dallas ("Buddy") were returned as trustees. (the "Forlando Federal Suit.")

d. My defenses and counterclaims in the Richland County suit James Brown's companion Tommie Rae Hynie ("Tommie Rae") , the AG, the McMaster Legacy Trust and others, through Ken, brought against Bob and me on May 19, 2010. (the "Wingate Suit")

13. The June 13 Orders deny me, specifically (but also Bob and others) a right to file documents and motions; have notice of hearing, and participate in any case related to the James Brown Trust and Estate. They say the Judge will not hear my filed motions. They direct the Clerk to remove my properly-filed motions from the record.

14. Judge Early not only put this in an order, he directed the Clerk not to accept any filings by me except in a case filed 3 days before the orders.

15. When I went personally to file my Motion to Alter, etc. the June 13 Orders, I was told by the Clerk that she had been instructed by Judge Early not to file anything of mine, except in the one case filed three days earlier.

16. When I explained to the Clerk that I believed that the Motion needed to be filed in the cases in which the orders were issued, she excused herself; made a phone call; and allowed me to file the Motion.

17. Had I not hand-carried my Motion and explained to the Clerk what was required, I am informed and believe it might not have been filed.

18. I am informed that there are dangerous public policy issues associated with a direction – without notice or hearing – from a circuit court judge to a clerk of court not to accept filings from me, or from anyone.

19. I am also informed and believe that a court order that directs the clerk of court to commence and control an action in which she cannot reasonably be expected to know who the parties and the claims and defenses are, is unprecedented. I believe it raises serious Due Process and public policy issues.

20. I am informed and believe that the clerk's June 13 Order allows Louis Levenson, Esq. ("Louis") and attorneys who served Russell, the Legacy Trust, Tommie Rae, Forlando, Terry and James B. in their 4-year quest to destroy The James Brown "I Feel Good" Trust and James Brown's two valid estate plans to escape any scrutiny under the *Wilson v. Dallas* remand. They appear not to have to account for the more than \$20 million the want in the reinstated McMaster Settlement, including:

Attorneys for Tommie Rae	\$10 + million
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Louis Levenson, Esq.	\$ 9 million
Attorneys for James B.	Undisclosed. [See Ord. dtd. 3/15/10]
Russell	Undisclosed, [See 3/15/10]

21. There are thousands of facts to support my right to protect myself.

22. Some of the facts are set out in my Request for Consent Order for Immediate Mediation with Daryl Brown, Lindsey Brown, Janise Brown and Adele Pope, with costs paid by Wingate Bauknight and State/AG, which I attach and incorporate.

23. I believe that if ALL the parties who sued Bob and me in 2010 – including GALS for the minors– had been in the room at the Wingate Suit mediation on October 12, 2012, the James Brown Will contest would be OVER.

24. In the early part of 2008 Louis Levenson told me he want to talk to the Attorney General's office. But he said the problem was you had to go through Tommie Rae's lawyer.

25. That's not the way it should be.

26. The State, through Mr. Bauknight and two Attorneys General, determined that Bob Buchanan and I needed to be destroyed. It was not because we did anything wrong. It was because we understood the AG was just following orders from Tommie Rae's lawyer. The settlement was outrageous.

27. Think about it. Mr. Cannon serves James Brown for years, but takes \$12 - \$17 million over 7 years. That money should have gone for scholarships to needy students. So the Attorney General remedies the problem by:

1. Taking the whole \$100 million;

2. Giving \$11+ million to the companion and \$10+ million to her lawyers;
3. Giving \$9 million to Mr. Levenson and another \$15 million or so to Mr. Levenson's clients, without even checking to see which ones they are; and
4. Destroying the \$285,000 Trusts of 7 grandchildren.

28. It's almost as strange as fabricating a spouse and then saying she and her son control the Federal Copyright Act Termination rights.

29. Federal Copyright Act Termination are not all this case is about. But they are of some importance. A fair deal would be to give most of the six children \$50,000 - \$100,000 a year for life if they drop all their challenges to the Will and 2000 Trust . [The FIRST to step forward to save Brown's "I Feel Good" Trust should get the full \$100,000.]

30. James B. should be in there if the six want him. OR, if not, if he passes DNA.

31. Tonya and Deon should be given a paid-for DNA test.

32. If the acknowledged children do not want to cooperate, cooperation as to Termination Rights should be secured from Lisa (from Brown's first marriage) or DNA-proved Jeanette, Nicole and LaRhonda and others who pass the established DNA protocol.

33. I am informed and believe that Termination Right cooperation could be secured for as little as \$10,000 a year from close to half of Brown's heirs..

34. I am informed an believe that – if it helps my creditor's claim and does not hurt the James Brown Will and 2000 Trust – I should be able to say this

to ANY Court in which James Brown matters are pending.

35. There was a time when I believed David Cannon was the worst thing that could happen to the "I Feel Good" Trust. I no longer believe that. I believe the most damage was about to be caused – and now has been stopped – by those who supported the McMaster Settlement.

36. I am informed and believe that the family should help save the "I Feel Good" Trust; and there should be three seats on the Board; one for a family trustee who will vigorously defend the Estate Plan; and that it should be taken from State control.

37. I am informed and believe that the June 13 Orders deprive me of my Due Process rights and First Amendment rights to tell this to Judge Early in the hearing he has now scheduled for September 4.

38. I am informed and believe that the Probate Code and the S. C. Trust Code give me standing and a right, as an Interested Person and a Creditor, to nominate and promote three private trustees – not myself – who will vigorously defend and save the "I Feel Good" Foundation.

39. The June 13 Order deprive me of that right, and others.

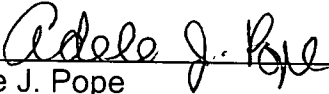
40. I attach and make a part of this Affidavit, which is based on my personal knowledge and belief, the following

Exhibit A My August 16 Request for Mediation with Daryl, Janise and Lindsey;

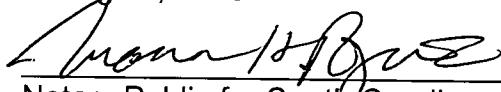
Exhibit B. The Affidavit of Stephen J. Lambert of the Graham Foundation.

Exhibit C Letter of Bob Buchanan to Judge Early dated
July 26, 2013.

FURTHER DEPONENT SAYETH NOT.


Adele J. Pope

SWORN TO BEFORE ME this 25th day
of August, 2013

 (L.S.)
Notary Public for South Carolina

My commission expires: 3-28-2022

Exhibit A

To: Attorney General Alan Wilson,, Daryl Brown, Lindsey Brown, Janise Brown, Karl Folkens, Kenneth Wingate, Esq.

From: Adele Pope

Date: August 16, 2013

Re: REQUEST FOR CONSENT ORDER FOR IMMEDIATE MEDIATION WITH DARYL BROWN, LINDSEY BROWN, JANISE BROWN AND ADELE POPE, with costs paid by Wingate, Bauknight or State/AG.

I write to request that all of you consent to an immediate Order of the Honorable Casey Manning directing that Daryl, Lindsey, Janise and I conduct a mediation in Case 2010-CP-40-4900 (the "Wingate Suit") as soon as convenient to DARYL, LINDSEY and JANISE, and at a place convenient to them..

I ask that you agree that travel costs and the cost for the mediator should be paid by the State/AG, Russell Bauknight,individually, or Kenneth Wingate, Esq..

I ask that you agree that the mediation take place before any consideration by Judge Doyet A. Early of Mr. Bauknight's request to be appointed PR/Trustee or to appoint David Sojourner, Esq. in any capacity..

I ask that you agree that no portion of your responses to this request be paid from the Estate/2000 Trust or by DARYL, JANISE, LINDSEY or me.

I ask that you consider that the actions of AG Wilson, Bauknight & Wingate between July 5, 2012 when Wingate/Bauknight asked Judge Manning to order mediation for Daryl, Lindsey, Janise and today confirm that if DARYL, LINDSEY and JANISE had been given my offers or attended mediation both *Wilson v. Dallas* decisions might have been different both with respect to my service and that of Bob Buchanan AND to the ease of ending baseless challenges to the 2000 Will and Trust.

I further ask you to consider that Bob and I worked tirelessly from December 19,

2007 until May 8, 2013 to save both The James Brown "I Feel Good" Foundation AND to provide immediate education payments to Lindsey and Janise from their \$285,000 Education Trusts James Brown gave them in the 2000 Trust.

The following partial chronology supports this request. **I will provide supporting documents to anyone who requests them..**

Background

- Jan. 9, 2007 FORLANDO and **Wingate Suit Plaintiffs** DARYL, TERRY, DEANNA & YAMMA agree to pay Louis Levenson \$150,000 + 30% of what he can get them to dismantle James Brown's plan to leave \$285,000 to 7 designated grandchildren in Education Funds and the remainder of his \$100 Million music empire for scholarships for needy students in The James Brown "I Feel Good" Private Foundation.
- Early 2007 Tommie Rae signs (according to Forlando) 45% Contingency with Robert Rosen to dismantle "I Feel Good" Foundation..
- August 10, 2008 Henry McMaster takes over Brown's music empire and agrees to give from Brown's "I Feel Good" Private Foundation:
LEVENSON - about \$9 Million
ROSEN - over \$10 Million
BELL - ordered disclosed but Bauknight is protesting
BAUKNIGHT - ordered disclosed but Bauknight is protesting
- May 18-19, 2010 AG McMaster/ Bauknight sign secret Litigation Retention Agreement with Wingate to sue Bob and Adele for tens of millions.
- May 19, 2010 AG McMaster & Bauknight for State/AG and DARYL, LINDSEY and JANICE, a minor, sue Bob and Adele for:
- i. Failing to... accept an offer to buy the estate and trust for \$100 million in November 2007...
 - j. Taking improper and adversarial positions to the [McMaster] settlement ...approved by the Court;...
 - m.fighting the [McMaster]settlement agreement...approved by the Circuit Court...
 - n. Acting in bad faith, as evidenced by such actions as
...

i. Filing a ... motion opposing the [McMaster]settlement...

p. Engaging in conflicts of interest, such as...

iii. Continuing to conduct a vicious attack on the proposed [McMaster] settlement, upon information and belief, for the purpose of padding their own fees,...

u. Artificially inflating the reported value of the estate, without any substantiation, ... for the purpose of justifying their claim for approximately \$5 Million in fees. [Complaint]

- 2010 - **Today** Wingate/Bauknight refuse to allow GAL to be appointed for minors and incarcerated Venisha.
- August 27, 2010 AG McMaster/Bauknight, DARYL, LINDSEY & JANISE agree:
... 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.**
- Sept. 10, 2010** **DARYL terminates Louis Levenson, Esq..** Confirms "I do not and will not be a party to any departure from my fathers will or trust."
- Nov. 2010 Wingate seeks relief from default as to Bob/Adele's counterclaims.
- Jan. 7, 2011 McMaster, Terry, Levenson, Rosen secretly amend Legacy Trust.
- 2011 Wingate/Bauknight for Wilson/DARYL, LINDSEY, JANISE, move to intervene in & delay FOIA cases, obtain sanctions against Adele.
- May 6, 2011-
Today **AG Wilson begins accusing Bob and Adele of the Federal Felony of intentionally overstating Brown's music empire to the IRS by \$79 Million, but Wilson/Bauknight refuse to release less-than \$4.7 Million "appraisal" they say supports false claim.**
- June or July 2012 **Daryl gives taped interview confirming:** Tommie Rae not Brown's spouse and family knew it when they made McMaster Settlement. \$4.7 Million value is wrong. Will and 2000 Trust are valid and should be followed.

Mediation-Related Events: July 5, 2012 - August 16, 2013

- July 5, 2012 Wingate/AG Wilson/Bauknight seek mediation Order for **DARYL, LINDSEY & JANICE,**

July 10, 2012 AG Wilson/Bauknight ask Jg. Early not to hold July 12 hearing on un gagging 50+ people from 2008 Hynie "diary" Gag Orders and see who is telling truth about \$100 Million or \$4.7 Million value.
Reason: Jg. Manning is ordering mediation in Wingate Suit.

July 12, 2012 Judge Early cancels July 12 hearing. Asserts lack of jurisdiction to declare 5 1/2-year-old Gag Orders void or expired.

July 2012 **Adele Makes Offer to DARYL, LINDSEY & JANISE to:**

1. Notify the Supreme Court of DARYL's support for Estate Plan;
2. Secure LINDSEY's \$285,000 Education Trust payments;
3. Secure JANICE's \$285,000 Education Trust payments;
4. If Adele and Bob reinstated, pay DARYL 1% per year for life for Federal Copyright Termination cooperation.

DARYL says he never saw offers.

July 2012 Adele makes similar offer to minors Sydney and Carrington.

July 19, 2012 Judge Manning issues Order for Mediation requested by Wingate/ Bauknight/AG Wilson.**Requires all parties to attend.**

July 23 2012- Today Venisha incarcerated. Levenson, in addition to seeking \$9 Million in McMaster Settlement, becomes Venisha's criminal lawyer.

Venisha remains co-Plaintiff with AG Wilson after pleading guilty in Georgia and while being extradited to S.C.

July 2012 Bauknight gets releases for Tommie Rae, himself, Legacy Trust from Bob with Estate/2000 Trust money by refusing to pay \$500,00 due Bob since 2009 until he gives up Wingate Suit Counterclaims.

August 2, 2012 AG Wilson (Emory Smith) confirms:

Our position is that the FOIA cases should not proceed Independently of the rest of case 4900. Former Case 379 [FOIA #2] is already consolidated with 4900 and former case 364 [FOIA #1] is the subject of a motion to consolidate with case 4900.

August 13, 2012 **Wingate/Bauknight/AG Wilson move to Strike Adele's Offers to DARYL, LINDSEY, JANICE and others.**

Sept. 28, 2012

Wingate/Bauknight/AG Wilson file Motion for Exception to Physical Presence Rule. They assert "For distance, family and for other reasons" some adults and none of the minors will be able to attend."

October 3, 2012

"However, all Plaintiffs will be represented by personal counsel who will be physically present at the mediation with full authority to act on behalf of their clients."

Adele objects to lack of Parties at Wingate Suit mediation, especially Tommie Rae and **Levenson's attempt to represent DARYL, VENISHA, JANISE, LINDSEY, Sydney & Carrington.**

AG Wilson/Bauknight/Wingate continue to refuse GALs.

Oct. 10, 2012

AG Wilson/Bauknight/Tommie Rae tell the Supreme Court in the Hynie "diary" Gag Orders appeal:

**P. 6. ... "there is no conflict of interest like self-interest."
Pope's \$2.5 Million Conflict of Interest...**

She had the "audacity to file a claim for that amount. Her claim is simply egregious when viewed against the backdrop of her actual work **and the value of the Estate and Trust.**

" Mr. Bauknight ...obtained an independent..valuation of the intellectual property....

James Brown's Estate was found to be worth \$6.5 Million at the date of his death...

"That ... valuation was... submitted to and scrutinized by the ...IRS.. refunded \$10,000 in estate taxes that Pope erroneously concluded were due..

"Haphazardly claimed the date of death value of James Brown's Estate was worth varying amounts around \$100 Million, not one of them ever provided any substantiation for that figure.

"The number was created by Cannon, Dallas and Bradley (and followed by Pope), yet never substantiated by an analytical business valuation model or methodology.

"Since late 2008 the family and the Attorney General have been in agreement that the litigation must end. "Similarly, the family and the Attorney General are in agreement that Pope's conduct must come to an end. .."

**AG Wilson/Bauknight fail to disclose to Sup. Ct.:
DARYL has asked AG to support Will/2000 Trust.**

**FORLANDO supports Will/2000 Trust; says \$4.7 Million value
"bogus" and Tommie Rae not spouse. Has owned Terry's
share since Jan. 2011.**

**Bob and Adele sought Court approval of method of valuing
Royalties and Publicity Rights for Estate Tax Return on Nov.
14-15, 2007 and neither AG McMaster nor anyone else objected,
as directed by Jg. Early in Nov. 15 hearing. \$84 Million at-death
value Bob and Adele placed on Estate Tax Return consistent with
this method AND offers.**

October 12, 2012 Based on representations of Wingate/AG Wilson/ Bauknight
Mediation without DARYL, LINDSEY & JANISE with Karl Folkens
takes place. No GALs and:

Wingate client Tommie Rae does not attend, but posts that day:

**" This mediation today is to get rid of Adelle Pope an X trustee
appointed by the state that has misappropriated and slandered
this family with her hatred."**

LEVENSON attends mediation for:

1. Minor JANICE, whose \$285,000 Education Trust he dismantled.
2. **DARYL**, who has fired him.
4. LINDSEY, whose \$285,000 Education Trust he dismantled.
3. VENISHA, who is incarcerated
4. Minors SYDNEY L. and CARRINGTON L., whose \$285,000
Education Trusts he dismantled under the McMaster Settlement.

BELL appears. Terry arrives late. BOTH fail to disclose that
FORLANDO – who opposes the McMaster Settlement – now owns
Terry's share.

**Four Taxpayer-paid attorneys from AG Wilson's office attend
mediation.**

[2 AGs and 10 Taxpayer-paid AG personnel have now worked for 5 years to
destroy Bob and Adele's reputations and careers; dismantle the "I Feel Good"
Trust; and put Brown's private property in the AG-controlled Legacy Trust which
Bauknight/AG Wilson assert is private and not subject to FOIA.]

October 2012 Adele writes Levenson after DARYL mails her (unsolicited) his
Termination Letter and Plea to AG Wilson to uphold James
Brown's Estate Plan.

- October 16, 2012 **Adele renews expired Offers to DARYL, LINDSAY, JANISE and VENISHA.**
- October - 2013 Wingate/Levenson insist DARYL, LINDSAY & JANISE are clients and make false claims about Adele's attempts to contact them.
- Time unknown** DARYL, LEVENSON, BAUKNIGHT & NP Attorney David Black, Esq. meet in Augusta. **DARYL, LINDSAY & JANISE** (still a minor) sign handwritten statement about Levenson still being their lawyer.
- No mention of Wingate as lawyer.**
- Dec. 21, 2012 DARYL attends deposition in Wingate Suit. Delivers copy of above document. Does not change story that Tommie Rae not wife; he did not hire Wingate; he did not know about Wingate/Bauknight attempts to intervene for DARYL, LINDSAY & JANISE in FOIA suits or seek sanctions against Adele. He did not get offers.
- DARYL says he and Levenson "kissed and made up."
- January 3, 2013 DARYL appears on National Television Program related to Brown's Will confirming that James Brown did what he wanted to do.
- February 27, 2013 First *Wilson v. Dallas* decision saves "I Feel Good" Trust AND \$285,000 Trusts for LINDSAY, JANISE, & 5 others from destruction by McMaster Settlement.
- March 2013 In request for Rehearing, Bauknight credits himself – not James Brown – for "untold millions" now ready to be paid in scholarships for needy students.
- Bauknight blames AG Wilson for not recovering \$1 Million Cannon Honduras mansion or \$12+ Million Cannon took.**
- March 2013 AG Wilson tells Supreme Court he is dropping out of Wingate Suit, then leaves Bauknight in "on behalf of" Attorney General in Suit & allows Wingate to request up-to-5-year delay in FOIA compliance.
- March 2013 Bauknight tells Judge Manning Legacy Trust which has sued Adele and Bob for 2 years and holds Federal Copyright Act rights of Terry/Forlando and others may not exist.
- March 2013 Adele visits AG Wilson/2 assistant AGs. Tells them of problems caused by false felony claims AND fabricated less-than \$4.7 Million devaluation of music empire.
- March - Aug 2013 **AG Wilson continues to refuse to release public documents under FOIA, and supports what may be years of delay for:**

1. Wingate Litigation Retention Agreement allowing Wingate to represent State/AG while serving Tommie Rae, etc.
2. Less-than \$4.7 million "appraisal" and related documents on which AG/State bases false felony claims against Bob & Adele;
3. Copies of the Legacy Trust which AG Wilson claims is private although created by McMaster and controlled by him.
4. Documents allowing Bauknight to speak on behalf of State/AG in Wingate Suit .

May 8, 2013

Final *Wilson v. Dallas* decision.

May 9, 2013

Bauknight obtains *ex parte* SA/ST appointments before Remittitur.

May 12, 2013

Bauknight/ Wingate ask to delay FOIA Cases until conclusion of all Aiken County Cases. Wingate/Bauknight, still purporting to speak for State, DARYL, LINDSEY, JANISE, tell Jg. Manning"

The Supreme Court, in substituting the new opinion has completely eliminated Footnote 29 from the prior opinion. Footnote 29, while only dicta in the now replaced opinion, addressed, among other items, the FOIA matters and called for them to be heard "in the first instance" without any clear definition of what that meant. Such language is totally absent from the new order. . . the court no longer puts any primacy or priority on any court hearing these matters.

...

..Therefore, Case 4900 Plaintiffs and Proposed FOIA Intervenors respectfully request that [the Wingate/FOIA Suits] be held in abeyance in its entirety until all underlying issues related to the Plaintiffs are resolved by the Aiken Court.

[Emphasis supplied.]

May 29, 2013

Levenson and Tommie Rae's lawyers asserts Bob and Adele should have no right to participate in any James Brown case. Ask Jg. Early to hold "in camera" hearing and reinstate McMaster Settlement.

Bell says Terry satisfied with Supreme Court decision.

Levenson clients Deanna/Yamma vow to media to fight for 10 years to get Brown's assets if that's what it takes.

June 2013

According to Daryl, he complains of AG Wilson's actions to Governor. Asks Governor to help reinstate Brown's 2000 Will and 2000 Trust. [See below.]

August 15, 2013

DARYL quoted on Watchdog Wire as giving taped interview

confirming renewed desire to uphold 2000 Will and Trust. He confirms his termination of Levenson and Levenson's threat threatened to place a lien on his assets.

Please let me hear from you within 5 days.

Bauknight's recent filings in Aiken County make this urgent. Saving the \$50 Million the McMaster Settlement took from the "I Feel Good" Foundation and upholding Brown's 2000 Will and Trust matters at least to Daryl, Lindsey, Janise, thousand of needy students and me.

cc: "Others" Under S.C. Trust Code

See: "SON DARYL LAUNCHES CAMPAIGN TO SAVE JAMES BROWN CHARITY"

GET INVOLVED!

Sign up as a Citizen Journalist and get involved in Information

FROM WATCHDOG WIRE

SIGN UP FOR WATCHDOG UPDATES!

SUBMIT

SON DARYL LAUNCHES CAMPAIGN TO SAVE JAMES BROWN'S EDUCATION CHARITY



Legal battles continue over dead pop star's will **August 14, 2013** by Sue Summer

Like 28 | 3 | Tweet 1 | Share | Print

Only one of James Brown's sons toured with him and came to know the music legend as a friend and a father. That son, Daryl, is now launching a media campaign to save his father's legacy, the "I Feel Good" education charity.

"My father's wishes should be respected," Daryl said in an Aug. 8 telephone interview. "James Brown did things his way, and what I'm doing, I'm doing out of respect for him."

Daryl believes the same people who previously contested his father's will are now trying to work another settlement deal in which his father's 2000 estate plan will be rewritten for their benefit. He has fired his attorneys and will appeal directly to the public for help in preventing another "closed door" deal.

In his fight to have Brown's 2000 will and trust enforced as written, Daryl is planning media appearances and a website on Indiegogo.com. He invites everyone to get involved so that his father's last wishes will be honored by the state of South Carolina.

A previous settlement deal in the Brown estate was overturned in May by the South Carolina Supreme Court. That 2009 deal was forged by former Attorney General (AG) Henry McMaster.

"The Supreme Court said to go back to the original will, and people need to listen," Daryl said.

In Brown's estate plan, his music empire was given to the "I Feel Good" education trust for needy students in South Carolina and Georgia. Brown's household effects were given to six named children, and education trusts of up to \$285,000 were set up for certain grandchildren. Brown left nothing to his companion, Tomirae Hynie, and her son.

In 2007 some of the Brown children and Hynie contested Brown's will, which included the

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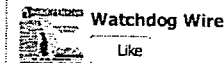
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clause: anyone who contests the will receives nothing. Under the McMaster settlement deal, however, those who contested the will were given over half of James Brown's \$100 million music empire, and the grandchildren's \$285,000 education trusts were eliminated.

The McMaster deal was appealed by former trustees, Adele Pope of Newberry and Robert Buchanan of Aiken. Arguments were heard Nov. 1, 2011. In May 2013, the Supreme Court overturned the McMaster settlement, calling the deal a "dismemberment" of Brown's estate plan.

The Supreme Court has returned the case to the Aiken Court for further proceedings. According to Daryl, his siblings and his father's companion are working on another deal in which they plan to take assets their father intended for the "I Feel Good Trust."

"What's wrong is wrong, and what's right is right....No more closed-door deals. I am taking this to the people," Daryl said.

Daryl has issued a press release that said, "(S)ince September of 2007, the South Carolina Attorney General has been causing great financial harm and mental pressures to the family by not honoring James Brown's wishes and imprisoning David Cannon, his most trusted financial advisor...."

In 2012 Cannon entered an Alford plea related to money missing from the trust, and he was sentenced to house arrest. No restitution was requested by the AG.

"We have made the governor's office aware of what's going on," Daryl said. In June, he and others met with a staff member of Gov. Nikki Haley about what went wrong with his father's estate—and what can be done to set things right. He is also considering legal action against the AG's office for damages to the estate over the past five years.

Daryl was among the Brown children who contested the will in 2007, but in 2012 he expressed major regrets. In an impassioned plea to AG Alan Wilson, he asked for Wilson to protect the needy children his father wanted to educate by enforcing his father's will as written. In the letter, Daryl wrote, "At first I just went along with my family, and this was a mistake."

Daryl claims the plan to contest his father's will originated when some family members contacted Atlanta attorney Louis Levensen. After Daryl wrote the 2012 letter, he informed Levenson that he no longer represented him. "Then he got in touch with me through my family," Daryl said.

At the time Daryl was working as a truck driver. One day on the road, Daryl received a call from his daughter's telephone. "I thought it was my daughter calling me, and it was him on the phone—over at my daughter's house. I wondered how ... he found them (his daughter and wife). It was disconcerting."

According to Daryl, his daughter said Levenson was telling her and her mother that Daryl was jeopardizing her education by speaking out and breaking away from the family.

After the call, Daryl requested a meeting at an Augusta Dunkin' Donuts, where he met with Levenson, current Brown trustee Russell Bauknight, and Bauknight's attorney David Black. "They said how important I was, blah-blah-blah. I said, let me tell you something. I'm concerned about education. That's it."

Daryl was given assurances that his daughters, who are now over 18, would be provided money for their education. "I said OK, I'll hold you to that."

For a time Daryl "played along" to protect his daughters' education benefits, but he was treated badly, he said. He asked for but did not receive an accounting from Bauknight about what was going on with the estate. In a related lawsuit, settlement offers were made to him and his daughters, but he was not informed about them.

In the end, he found the promise to fund his daughters' education was empty. Even though the estate earned \$10 million last year, he was told no tuition was available for his daughter, a May graduate, to attend college.

"I couldn't take it any more," he said.


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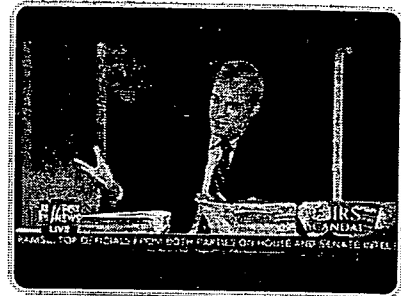
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Daryl has again fired Levenson as his attorney. "He said he would put a lien against me...but I won't be lured back."

Daryl also says there is no basis for a will contest. On a national television program, he said that his father was not unduly influenced by the original trustees to leave his music empire to charity. "Nobody told James Brown what to do."

With fresh resolve and renewed strength, Daryl is standing up and speaking out. He wants his father's 2000 will enforced. "If this could happen to my father, it could happen to anybody. People need to know," Daryl said.

Daryl's campaign will ask the public to become involved in: establishing a legal fund that will make sure James Brown's 2000 will is honored; restoring education funds for grandchildren; saving James Brown's "I Feel Good" Trust in its entirety; preventing those who contested the will before from destroying his father's estate plan yet again.

Sue Summer

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Tags: "I Feel Good" Trust, Daryl Brown, James Brown estate, South Carolina Attorney General Henry McMaster, Tomirae Hynie

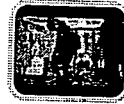
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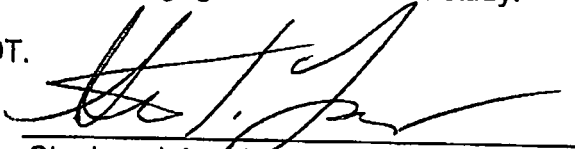
the Graham Foundation's status and Trustee configuration remain as Mrs. McIlwain and Allen J. Graham, who created the Foundation in 1985, intended.

11. After the death of Mrs. McIlwain, the Foundation engaged Mrs. Pope to assist with a self-study as it entered its third generation of family leadership.

12. When Mrs. Pope was being considered, she disclosed certain allegations made against her in connection with her handling of the James Brown matters.

13. If I had not known of Mrs. Pope's character and the quality of her work from my own experience and the recommendation of a member of the Boyce family, I am not sure I would have agreed that the Foundation should engage her for the self-study.

FURTHER DEPONENT SAYETH NOT.



Stephen J. Lambert

SWORN TO BEFORE ME THIS 23 Day of July, 2013

William A. Bridge (L.S.)
Notary Public for South Carolina

My commission expires: 10-2-2022

Exhibit C

BUCHANAN LAW OFFICE, P.A.

ATTORNEYS AND COUNSELORS AT LAW

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(803) 649-1392 (Facsimile)
rbuchananjr@atlanticbbn.net

Robert L. Buchanan, Jr.

July 26, 2013

Honorable Doyet A. Early, III

Bamberg, SC 29

Re: Robert L. Buchanan, Jr. Response to Administrative Order Dated June 13, 2013, In
Re: The Estate of James Brown A/K/A: James Joseph Brown (Cases No. 2008-CP-
02-1647; 2007-CP-02-0122; 2008-CP-02-0872; 2008-CP-02-0322; 2010-CP-02-
0721; 2012-CP-02-1059; 2008-CP-02-1426; 2008-CP-02-1712; 2008-CP-02-2127;
2008-CP-02-1556; 2008-CP-02-1557; 2008-CP-02-1758; 2008-CP-02-1759),
*In re James Brown: Review of fees paid in Case 1647 appeal of May 26, 2009
settlement agreement*

Dear Judge Early:

In March 2007 I was appointed as one of two Special Administrators of the Estate of James Brown. I did not seek the position, but at the request of the court I agreed to assist in a limited role. I did not anticipate encountering all that followed. On November 20, 2007, I was suddenly appointed as a co-Personal Representative of the Estate of James Brown and as a co-Trustee of the James Brown 2000 Irrevocable Trust at a hearing in Bamberg. I did not seek the appointment, and I did not expect it. Believing that the resignations of the former PR/Trustees would enable the estate and trust to turn the corner and seeing everyone that day, including the settling parties, unanimously recommended Mrs. Pope and me for the position, I did not anticipate what would subsequently develop. I do not believe any reasonable person, viewing matters objectively, would have anticipated at that time the course of events that followed.

In January 2008 an order was filed which specified the terms of my remuneration. See Attachment "A." This order was not appealed. There is no question that I was entitled to be paid under this order.

Also in January 2008, James Brown's grandson, then Forlando by name, sued me in federal court. This lawsuit resulted, *inter alia*, in my professional liability carrier refusing to renew my coverage. See Attachment "C."

During the period of time commencing February 27, 2008 and continuing through April 21,

2009, I was paid \$153,000.00. See Attachment "B." Those funds were deposited into my law firm operating account. The following summary of my income (and the detail is available if you wish to review it) for the three years immediately prior to my appointment and for the four successive years, including the year of my appointment, illustrates the overwhelming nature of my service under the appointment, which overtook my law practice. It also illustrates the importance of these payments to me, which are included in the gross receipts for the respective years. The summary is as follows:

<u>Practice Year</u>	<u>RLB, JR. Practice Gross Receipts</u>	<u>RLB, Jr. Salary</u>	<u>Net Practice Earnings</u>
<u>3 YEARS PRIOR TO APPOINTMENT</u>			
2004	859,630.52	164,000	496,729.36
2005	293,148.31	52,000	80,986.85
2006	1,027,680.33	176,000	593,570.51
<u>4 SUCCESSIVE YEARS, INCLUDING THE YEAR OF APPOINTMENT</u>			
2007	290,765.33	52,000	61,626.07
2008	315,111.57	53,000	87,659.67
2009	186,707.25	52,000	(36,829.07)
2010	175,617.25	52,000	(24,662.66)

Beginning in August 2008 and continuing until May 2009 some persons related to the Estate and Trust forged a settlement. I invited the settling parties to provide me with evidence to support the settlement and to include necessary persons who were not at their table. Without a meaningful response and under those circumstances, I testified that I believed the will and trust instruments and existing South Carolina law would require me to appeal "this settlement at this time." I did appeal. In the spring of 2010, I was given an ultimatum by the settling parties: dismiss the appeal or be sued. In May 2010, they sued me for \$10,000,000.00 in Case 4900 in Richland County. This lawsuit caused, *inter alia*, my successor professional liability carrier to refuse to renew my coverage and to sue me. See Attachment "C."

As I was and am the sole breadwinner in my household, through the years I utilized assets, which my wife and I owned jointly, to supplement the lost earnings. The following summaries approximate loan amounts and asset liquidations and illustrate what I did in this respect (and the details are available if you desire to review them):

Money Market Account (Jointly Owned)	Dates:	May 2007	May 2011
	Balances:	\$144,000.00	\$600.00
	Status:	Closed	

Home Equity Loan (Jointly Owned) (Secured)	Dates: May 2007 Balances: -0- Status: Interest only payments have been made, totaling \$28,870.60 as of 7/25/2013, and the principal balance has not been reduced	May 2011 \$166,000.00
Life Insurance Loan (Wife's Policy)	Dates: July 2010 September 2011 Status: Paid off with interest following settlement in Case No. 4900 (see below)	Borrowed \$35,000.00 Borrowed \$8,749.45
Life Insurance Loan (Husband's Policy)	Date: September 2010 Status: Uncertain	Borrowed \$4,700.00
Life Insurance Loan	Date: September 2011 Status: Uncertain	Borrowed \$1,900.00
MasterCard	Dates: March 2007 Summer 2011 Status: Paid off upon settlement in Case No. 4900	Balance -0- Balance \$47,270.00
Visa	Dates: March 2007 Summer 2011 Status: Paid down upon settlement in Case No. 4900	Balance nominal Balance \$23,417.00
Bank Loans (Unsecured) Status:	Dates: 2010 Rolled over 2 or 3 times and satisfied out of proceeds of real estate mortgage loan referenced immediately below	\$25,000.00
Bank Loan (Secured) (Jointly owned)	Dates: 2012 (Office) (prior to settlement) Status: Making interest-only payments, a total of \$3,522.53 through 7/25/13, and principal remains unpaid	\$62,000.00
Professional Liability Insurance Issues	See Attachment "C"	

Judge Early
Page Four
July 26, 2013

In 2012, I settled out of Richland County Case No. 4900 in which I was a defendant-counterclaimant. See Attachment "D." I had to go back to work. After this last year, I think (and hope) I am now about half way to reestablishing my law practice. I received \$500,000.00 in settlement proceeds. I paid an attorney fee and federal and state taxes out of the settlement.

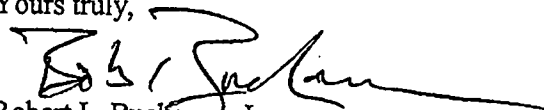
I am including herewith as Attachment "E" an itemized statement showing my time through March 31, 2012. This itemization does not include any interest (as provided for in Attachment "A") and includes my hourly rate at \$300.00. (With respect to Attachment "E," there are a few entries with minor discrepancies between "E" and the summary attached to my affidavit dated July 13, 2009. I believe Attachment "E" is more accurate because it was prepared more recently and with the assistance of my CPA. Hence, until and unless I learn differently, the summary attached to the July 13th affidavit is hereby amended to conform to Exhibit "E." (I can furnish details if you want them.)

I remain a party to the federal case (Forlando William Brown), but only as a counterclaimant. I remain a defendant-counterclaimant in another federal case in which Cincinnati Insurance Company sued me.

I am transmitting a hard copy of this correspondence and the attachments to you by FedEx so that it will be there Monday. I would appreciate your marking the hard copy "Filed." I am also sending a scanned copy of same to you and others via e-mail today. If you prefer that I file it otherwise, either in hard copy or electronically, please let me know and I will do so. And if you need anything other or further from me for your purposes in this matter, I will be happy to provide it.

With thanks and warmest personal regards, I am

Yours truly,


Robert L. Buchanan, Jr.

Cc: All persons shown on Judge Early's e-mail distribution list, via e-mail only

/rlb, Jr.

ATTACHMENT A

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

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

IN THE COURT OF COMMON PLEAS
SECOND JUDICIAL CIRCUIT

CIVIL ACTION NO. 2007-CP-02-0122

ORDER DIRECTING PAYMENT
OF FEES AND COSTS OF SPECIAL
ADMINISTRATORS AND OTHER RELIEF

2/2/08
2/2/08

This matter comes before me on Motion of Robert L. Buchanan, Jr. and Adele J. Pope, as Personal Representatives of the Estate of James Brown; Trustees of the James Brown 2000 Irrevocable Trust; and former Special Administrators of the Estate of James Brown. They seek an order approving payment of fees of \$317,000.00 and costs for their services as Special Administrators for the period from March 7, 2007 through November 20, 2007. They also seek approval of continued payments on a "time plus costs" basis while they serve as Personal Representatives and Trustees. Their unreimbursed costs for the period are \$2,415.38. They ask that the "time plus costs" payments be a deposit towards, and without prejudice to, their right to receive full commissions as Personal Representatives and Trustees.

The motion was supported by affidavits of Robert L. Buchanan, Jr. and Adele J. Pope, with detailed attachments outlining their work as Special Administrators for the period from March 7, 2007 through November 20, 2007, and as Personal Representatives and Trustees since that time. For the 8 1/2 month period they served as Special Administrators, the two attorneys worked more than 950 hours. Their staffs and law clerks worked more than 680 hours.

Since, by limitation in this Court's Rules, the Special Administrators were not fiduciaries during the period before November 20, 2007, the Court will apply the guidelines for

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN
I, Liz Godard, Clerk of Court of Common Pleas and General Sessions for Aiken County, South Carolina do hereby certify that the foregoing is a true and correct copy of the original documents which have been filed in this Court.

JAN 09 2008

Liz Godard
CLERK & C.A., Aiken County, S.C.
Alexis J. ...
Deputy Clerk

1-9
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8:30

determining reasonableness of fees for attorneys is an appropriate standard by which to measure their request as Special Administrators. The factors to be considered are:

1. The nature, extent and difficulty of the case;
2. The time necessarily devoted to the case;
3. Professional standing of counsel;
4. Contingency of compensation;
5. Beneficial results obtained;
6. Customary legal fees for similar services. See Donahue v. Donahue, 299 S.C. 353; 384 S.E.2d 741 (1989).

770E
362

Considering such factors, the Court finds that the fees and costs requested by Mr. Buchanan and Mrs. Pope are fair and reasonable. Both Mr. Buchanan and Mrs. Pope are attorneys with substantial experience. This has been an extremely difficult case, and has required that they devote a large portion of their day almost every day to the task. Their discovery of the inappropriate August, 2006 deposit of \$900,000, which should have been applied to Mr. Brown's debt at M&T Bank, alone, has been of substantial value to the Estate. With the help of family members and their counsel, the Special Administrators investigated numerous areas of concern. As Personal Representatives and Trustees, they are continuing their work.

In addition to their own work, the Special Administrators were required to use staff in a way which was not anticipated at the time of their appointment. Mr. Buchanan's office became the home address of the James Brown Estate, the James Brown 2000 Irrevocable Trust, and the Brown Entities. Mrs. Pope's office became the repository for more than 80 boxes of documents. With the assistance of the staff of former counsel for the Personal Representatives, after August 10, 2007, Mrs. Pope and her staff made documents and records available to counsel for all Interested Parties, as well as for the work of the Estate.

The payment requested by Mr. Buchanan and Mrs. Pope is also consistent with their standing and services performed by other counsel of similar standing. They are consistent with the hourly rate of other lawyers in this case, as demonstrated in various filings.

With respect to their request to receive periodic payments on a "time plus costs" basis, with right to receive full commissions as Personal Representatives and Trustees, I find that it is entirely reasonable under the circumstances. Based on their affidavits, it is clear that the work of Mr. Buchanan and Mrs. Pope has approximately doubled since they became Personal Representatives and Trustees. In less than a month of service, they have filed the Application for Recognition of the James Brown "I Feel Good" Trust as a 501(c)(3) charitable educational organization. They have also begun to address the substantial tax issues facing the Estate, the Trust, and Brown Entities. Further, they are now actively involved in both the administration of Mr. Brown's assets and entities and also the defense of his Estate Plan.

Under these circumstances this Court finds it appropriate for Mr. Buchanan and Mrs. Pope, as Personal Representatives and Trustees, to continue to receive fees and costs on an hourly basis, as a deposit only, to any full commissions to which they may be entitled as Personal Representatives and Trustees. I specifically find that such payments are reasonable and should be made without prejudice to (but as a deposit toward) their full commissions.

I find it premature to determine whether such fees should be charged to the Estate, the 2000 Irrevocable Trust, or James Brown Enterprises, Inc. A glance at the claims filed against the Estate of James Brown shows that more than twenty attorneys (in at least 4 law firms) performed services for Mr. Brown, James Brown Enterprises, Inc., and the Trust. Most did so without attempting to allocate the services among them. Further, there is litigation pending in at least three states (Illinois, New York and South Carolina) which is and must be conducted

simultaneously by the Estate and one or more of James Brown Enterprises, Inc., the 2000

Irrevocable Trust and other Brown Entities.

The Personal Representatives and Trustees under Mr. Brown's Estate Plan, have abundant authority to make a reasonable allocation, at the appropriate time, of their commissions. Should any party prevail in the challenges now pending to the Estate Plan of Mr. Brown, or any other circumstances dictate, it may become the duty of the Court to review any such allocation.

Based on the foregoing, IT IS ORDERED, ADJUDGED AND DECREED:

1. Robert L. Buchanan, Jr. and Adele J. Pope shall be paid \$317,000 plus costs, for service as Special Administrators from March 7, 2007 through November 20, 2007.
2. Robert L. Buchanan, Jr. and Adele J. Pope shall receive continuing payment on a "time plus costs" basis for themselves and their staff, commencing November 21, 2007. This shall be a deposit toward, and without prejudice to, their full commissions as Personal Representatives and Trustees.
3. To the extent not paid within 60 days, the above amounts shall be subject to interest at the legal rate.
4. Robert L. Buchanan, Jr. and Adele J. Pope shall be reimbursed for all costs as shown, and all reasonable costs in the future.

AND IT IS SO ORDERED.

January 8, 2008
[Signature], South Carolina

[Signature]
Doyet A. Early, III
Resident Judge, Second Judicial Circuit

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

The Honorable Doyet A. Early, III Circuit Court Judge
The Honorable Liz Godard, Clerk of Court

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;
Case No. 2008-CP-02-1647; Case No. 2013-CP-02-1348

Alan Wilson, in his Capacity as Attorney General of
South Carolina; and others Plaintiffs,

v.

Albert H. Dallas and others .. Defendants.

OF WHOM:

Adele J. Pope, Individually and on Behalf of Others under South Carolina Trust
Code Section 62-7-405, is.....Appellant,

AND:

Terry Brown, Forlando Brown, James B., David G. Cannon, Albert H. Dallas and
Tommie Rae Hynie are.....Respondents

AND:

Alan Wilson in his Capacity as Attorney General of South Carolina, Deanna J.
Brown Thomas and Robert L. Buchanan, Jr., are...Additional Interested Persons.

IN RE:

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

PROOF OF SERVICE

I certify that on the 25th Day of August, 2013, I have served the AFFIDAVIT OF ADELE J. POPE OPPOSING MOTION TO DISMISS on Respondents and counsel for Russell L. Bauknight by depositing a copy of same in the United States Mail, postage prepaid, addressed to their attorneys of record as follows:

ATTORNEYS OF RECORD FOR RESPONDENTS OR RESPONDENTS

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Matthew D. Bodman, Esquire
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Barnwell, SC 29812

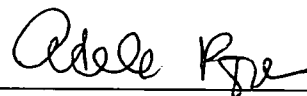
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Telephone: 803-413-0753
Email: adele@popelawfirm.com

Pro Se

August 25, 2013