

STATE OF SOUTH CAROLINA
In the Court of Appeals

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JAN 31 2014

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

SC Court of Appeals

The Honorable Doyet A. Early, III Circuit Court Judge

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;
Case No. 2009-CP-02-1810;
Appellate Case No. 2013-002582

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 the.....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

REPLY TO RETURN OF DAVID C. SOJOURNER, JR.

Appellant responds to the Letter/Return of David C. Sojourner, Jr. ("Sojourner") dated January 28, 2014, received January 29, 2014, to her Memorandum Related to Appealability.

Appellant respectfully adopts both her original Memorandum and her response to the Letter/Return of Russell L. Bauknight, and supplements them with the following facts related to this extraordinary appeal and the appeal of the June 13, 2013 Orders of The Honorable Doyet A. Early, III, and the Honorable Liz Godard purporting to enjoin Appellant and others from participating in any James Brown cases. This continuing injunction and the appealed orders continue a plan endorsed by the State to punish; refuse pay to; and ruin the careers of Appellant and Robert Buchanan, Jr. Their offense: daring to challenge the authority of the Attorney General (the "State/AG") to take over James Brown's private property and "I Feel Good" Foundation and to challenge the Order of the Honorable Doyet A. Early, III approving the takeover.

Mr. Sojourner asks this Court to dismiss Appellant's appeal with actual knowledge that the appealed orders purport to prevent Appellant and Mr. Buchanan from protecting themselves and their property interests – as they did for the Estate/2000 Trust until May 8, 2013 – in the suit filed January 2, 2008 by Brown's grandson Forlando, 3:08-cv-00014-WOB-SGW (the "Forlando Federal Suit") and other suits.

The orders, with findings wholly unsupported by any record and devoid of any examination of the appointees, tout the propriety of Mr. Bauknight's service, and even the service of Mr. Bauknight 15 main attorneys and members of the firm of Kenneth Wingate, Esq. ("Wingate") he has engaged. The orders and lack of Due Process

ignore that all have been at the service of Tommie Rae Hynie, her son James B. and Terry/Forlando Brown since 2009. They ignore that Bauknight, like Ms. Hynie and Louis Levenson, Esq., is seeking to reinstate an unjust settlement which destroys the "I Feel Good" foundation; destroys the reputations and property rights of those who defended Brown's noble estate plan; and destroys the Federal Copyright Act rights of the half of Brown's real heirs who are not challenging the Estate Plan – the half with whom the Estate/"I Feel Good" Trust should be making Termination Rights agreements.

The orders also ignore the mandate of *Wilson v. Dallas*.

These orders materially damage Appellant's and Mr. Buchanan's property right to restore the reputations and careers they enjoyed on May 19, 2010. when Mr. Bauknight, claiming to speak on behalf of the the Attorney General of South Carolina ("State/AG") sued them. They damage Freedom of Information Act ("FOIA") rights in three suit where Mr. Bauknight, to benefit himself and Ms. Hynie, is seeking to intervene to prevent the release of public documents. They damage Appellant's and Mr. Buchanan's ability to protect themselves from false claims of of both Forlando Brown *and the 2000 Trust*, speaking through Mr. Bauknight, in the counterclaim trial related to his now-abandoned frivolous suit, expected to be tried in 2014.

Mr. Sojourner's Return is Not Timely

Mr. Sojourner's Return, without explanation, was filed nearly a month after the Memorandum Related to Appealability filed with this Court by Appellant at the direction of the Honorable Jenny Abbott Kitchings.

Unfortunately, it also comes after action and inaction of Mr. Sojourner, under the questionable claim of authority described below, appears to endorse the plan of Louis

Levenson, Esq., and Tommie Rae Hynie announced May 29, 2013 to *again* dismember The James Brown "I Feel Good" private foundation, taking \$50 million restored to needy and deserving students by the South Carolina Supreme Court on May 8, 2013 in the *Wilson v. Dallas* decision.

Mr. Sojourner's Claimed Standing

Mr. Sojourner claims standing under two orders:

a. An Order of the Honorable Doyet A. Early, III dated October 1, 2013, which is the subject of this appeal and names Mr. Sojourner limited special trustee. The Order was issued based on:

1. Mr. Sojourner's Petition, which had no summons itself, but was attached to a petition containing a summons directed to "All Necessary Parties," but which was not served on anyone.
2. The Petition was not served on Appellant who has standing on multiple grounds.
3. Nor was it served on acknowledged heirs La Rhonda Pettit, Nicole Parris or Jeanette Mitchell, or beneficiaries Forlando, Daryl, Jason Lewis, Janise, Lindsey, or Romunzo, as required by the SCPC, among others ;
4. Nor was it served on two claimed heirs awaiting DNA testing under the Estate's Official Peoples DNA protocol, one (Michael) incarcerated in California and awaiting testing since 2007.
5. Nor was it served on creditors, including Appellant, and/or others who had made a Demand for Notice, as required by the SCPC.
6. The appointment was then made after a hearing which violated even the most minimal Due Process standards, including that Appellant and others were enjoined from participating and even those who found out about the hearing with no service or proper notice were not allowed to question either Mr. Sojourner or Mr. Bauknight.
7. At the time of the hearing Mr. Bauknight had not accounted for 18 months and concealed from the Court critical, material

facts not revealed at the "hearing" including :

- a. He was – and is – suing Appellant as PR/Trustee, as agent for Tommie Rae Hynie and as claimed agent for the Attorney General of South Carolina in Richland County Case 2010-CP-40-4900 (the "Wingate Suit").
- b. He was – and is – interfering as PR/Trustee and as agent for Hynie in three separate suits under the S.C. Freedom of Information Act ("FOIA"), to prevent disclosure of public documents, including those which will help demonstrate she was not Brown's spouse and knew it.
- c. He secretly paid \$563,000 – in addition to a 40% contingency – to the firm of attorney Kenneth B. Wingate, Esq. in 2012 to continue the Wingate Suit, even though Wingate had made no recovery from anyone.
- d. Wingate/Bauknight settled the Wingate Suit with Robert Buchanan, Jr. with a payment from the Estate of \$500,000 to Mr. Buchanan to secure release from Buchanan's counterclaims against Hynie, Bauknight and the Legacy Trust, improperly using Estate funds for these non-beneficiaries.
- e. Wingate had no authority to name the State/AG as a Plaintiff in the Wingate Suit or to claim that he was the attorney for the State/AG, and Bauknight had no authority to claim in the Wingate Suit that he was acting "on behalf of"the State/AG.
- f. Neither Wingate nor Bauknight advised AG Wilson of the \$563,000 payment to Wingate.

8. Mr. Bauknight claims that the \$563,000 he paid Wingate's firm is not subject to review under the *Wilson v. Dallas* remand.

b. An *ex parte* Order of the Honorable Sue Roe, Probate Judge purporting to appoint Mr. Sojourner limited special administrator which was issued without a summons, without service on anyone, without notice, and without a hearing.

The extraordinary *ex parte* order was then delivered to Mr. Bauknight's lawyer to be served on all Interested Parties, but was not served on anyone. The *ex parte* Probate Court Order was discovered by Appellant – an Interested Person – in a review of the public records.

There is a substantial question whether the Probate Court and Judge Early lacked jurisdiction to issue the above appointments since SCPC §62-1-302 (a) limits the jurisdiction of the probate court to “the full extent of the Constitution.

Mr. Sojourner may have standing in the appeal to assert that his own appointments are constitutional and proper. His right to challenge the standing of another – especially one who has faithfully protected the Estate/”I Feel Good” Trust for seven years – is questionable.

Appellant’s and Mr. Buchanan’s Property Rights in the Wingate Suit

The Estate/2000 Trust is suing Appellant and Mr. Buchanan for tens of millions of dollars for, among other allegations, conducting the *Wilson v. Dallas* appeal. The Attorney General is a named Plaintiff in the Wingate Suit. As shown on Exhibit A, an assistant to AG McMaster, Havird Jones, Esq. attended hearings as a client, and allowed Mr. Wingate to introduce him as a client.

In the pleadings, in addition to representing the Estate/2000 Trust, Mr. Bauknight is pursuing the Wingate Suit as agent for Terry Brown, Tommie Rae Hynie, her son James B. He also claims in the Complaint to be speaking “on behalf of Henry McMaster as Attorney General of South Carolina.”

As shown on Exhibit A, Mr. Wingate claimed for three years to be the sole law firm representing the State/AG and a dozen private clients, most non-residents of South Carolina.

The claims of Mr. Wingate and Mr. Bauknight they they were suing, and settling with Mr. Buchanan, in the name and on behalf of the State/AG began to unravel with AG Wilson’s Petition for Rehearing in *Wilson v. Dallas* filed in March 2013. AG Wilson

asserted his predecessor AG did not want to bring the suit. He said the suit was authorized *for the Estate/2000 Trust*. He said:.

In this instance, the [AG] was particularly hesitant to sue because Appellants Pope and Buchanan enjoy a superb reputation throughout the legal community. Appellant Buchanan serves as a part-time federal magistrate judge and is a long time member of the South Carolina Bar. ... Appellant Pope has, for more than thirty years in South Carolina, been an outstanding attorney in the field of trust and estate matters. She is considered by the legal community to be an exceptional attorney. [p.25]

By December 2013 it was known that neither Mr. Bauknight nor Wingate was ever properly authorized to sue or settle with Mr. Buchanan in the name of the State/AG. Yet \$500,000 was paid from the Estate to buy releases from Mr. Buchanan for Tommie Rae Hynie, Terry Brown and Mr. Bauknight himself. And Mr. Bauknight secretly paid \$563,000 to Wingate in addition to the 40% contingency.

In both the June 13, 2013 orders, issued without notice or hearing, and the October 1 order, there is no exploration of these material issues.

Mr. Sojourner Reliance on the Agent and Co-Plaintiff of Hynie and James B.

On May 29, 2013 Tommie Rae Hynie and attorney Louis Levenson, Esq., asked Judge Early to go in chambers and hear why he should put in place *again* the 2008 settlement which dismembered The James Brown "I Feel Good" Trust as established in two successive Estate Plans of James Brown executed in 1999 and 2000.

The settlement was justified to the Court by a false "stipulation" that Tommie Rae Hynie was Brown's spouse; a "stipulation" that her son, who refuses testing under the Estate's official Peebles DNA Protocol, was Brown's son; and a false claim that Hynie

and her son control the Termination Rights under the Federal Copyright Act related to Brown's 800+ songs, about half the value of his music empire.

The claim has been generally known to be false since at least 2011. The Estate/"I Feel Good" Trust can secure its royalties to the 800+ songs for decades through Termination Rights agreements for a fraction of the nearly 25% of the "I Feel Good" Trust the 2008 settlement proposed to transfer to Tommie Rae.

The process is straightforward. The Estate/2000 Trust completes the Peoples DNA Protocol begun in 2007 for non presumed heirs. Then the Estate/2000 Trust makes modest but fair Termination Rights agreements with the necessary half of Brown's *real* heirs who are not challenging the Estate Plan.

Mr. Sojourner asserts that it is his duty to defend the Trust against the Will and Trust Challenges until they are resolved." The challenge of Louis Levenson, Esquire filed December 26, 2007 seeks an "administration in intestacy" (the "Levenson Suit"),

The proper heirs determination of heirs is critical to protecting the royalties under the Copyright Act. It would also be used to dilute the amount James B. would try to take from the "I Feel Good" Trust IF he passed the DNA test; and IF the Court did not find that he was intentionally excluded by the Will.

By Order of the Honorable Doyet A. Early, III dated March 8, 2008, the determination of heirs was approved even though the Estate/2000 Trust has two valid Wills. The Estate/2000 Trust consented to this Order so that it could protect the royalties with a correct heirs determination.

For Mr. Sojourner to be adopting the position taken by Mr. Bauknight is troublesome because:

- a. Mr. Bauknight currently serves as both agent for and Co-Plaintiff with Tommie Rae Hynie and James B. in 4 separate lawsuits.
- b. In one of the suits, Richland County Case 2010-CP-40-4900 (The "Wingate Suit") a primary issue is that Robert Buchanan, Jr. and Appellant owed Ms. Hynie no duty because she was not Brown's spouse, and Mr. Bauknight has been attempting for nearly a year, since the first *Wilson v. Dallas* decision, to prevent Ms. Hynie's deposition or summary judgment that she is not Brown's spouse.
- c. In the same suit, Mr. Bauknight serves as agent for Ms. Hynie's son, a minor with no GAL, and claims he is a son even though he is not presumed to be Brown's child; has refused the Peoples DNA Protocol; and is the only claimed child born during the 22 years between Brown's vasectomy and his death.
- d. Mr. Bauknight has bitterly fought – and continues to right – to keep 6-year old Gag Orders in place to prevent discussion of Ms. Hynie's handwritten notes which will do irreparable harm to her claims.
- e. Mr. Bauknight, as agent for both Ms. Hynie and James B., neither of whom is a resident of South Carolina, is trying to intervene in three S. C. Freedom of Information Act ("FOIA") Suits to prevent release of public documents which will damage Ms. Hynie's claims.

Appellant's Standing as an Interested Person

While the Memorandum sets out Appellant's standing on multiple grounds, her interest as an Interested Person under § 62-1-302 because she is a creditor is clear. It rests on the following:

- a. Appellant has not been fully paid for her 2007 SA service, even though it was an allowed claim; approved by the Court; and ordered to be paid, with interest at the legal rate on all unpaid amounts, by Order of Judge Early dated January 8, 2008 [the "Jan. 8 Order"].
- b. Appellant has not received a penny of PR/Trustee commissions for her service, even though \$1.4 million with interest was allowed and approved in the Jan. 8 Order.
- c. Appellant and Mr. Buchanan were sued by the Estate/2000 Trust on May 19, 2010 for, among other claims, not accepting a \$100 million offer

to purchase Brown's music empire and conducting the *Wilson v. Dallas* appeal. They counterclaimed for damages and offset; Wingate failed to timely respond; and all Plaintiffs are now seeking relief from default. Material issues in that case include:

1. Is it correct Buchanan/Appellant owed no duty to Ms. Hynie because she was neither a spouse nor beneficiary?
 2. Is it correct that Buchanan/Appellant properly served the Estate/2000 Trust and conducted the *Wilson v. Dallas* appeal?
 3. Is it correct that Mr. Bauknight, Ms. Hynie and Terry Brown made false representations to the court about the value of Brown's assets; the heirs of James Brown; and their rights under the federal copyright act?
 4. Has Mr. Bauknight breached his duty of loyalty to the Estate/"I Feel Good" Trust by his relationship with and service to Ms. Hynie and her son.?
- d. The Estate/2000 Trust as well as Mr. Bauknight as agent for Ms. Hynie and James B., have moved to intervene in two FOIA Suits to prevent Appellant from obtaining public documents, including the recently-released Wingate 40% contract.

As an Interested Person under the SCPC, and as a creditor with a right to propose the 1999 backup Will for probate, Appellant has a right to participate in all actions which affect her property interest .

Mr. Bauknight, claiming to speak on behalf of the S.C. Attorney General, has for three years accused Mr. Buchanan and Appellant of the federal felony of overstating Brown's music empire by \$79 million to the IRS for the purpose of obtaining a \$5 million commission. He has told the Supreme Court that there were no offers to buy Brown's music empire. At the same time he sued Mr. Buchanan and Appellant for not accepting a \$100 million offer. As Exhibit A shows, on August 30, 2010 Mr. Bauknight's counsel told the Richland County Court:

MR. KENDALL: Your Honor, the – they talk about a failure to – our allegation of their failure to accept a hundred million dollar offer. They may have lots of good reasons that they want to put to the Court for not having accepted that. We have lots of good reasons we're going to argue, but that's a fact question.

The Orders affect the lawsuits and the false felony claim. They damage Appellant's property interest in being able to practice her profession and be properly paid for her PR/Trustee service.

The June 13 Orders and the October 1 appointment Order which is the subject of this appeal, without proper notice or hearing – and after enjoining Appellant from participating – make wholly unsupported claims that Bauknight and his counsel have performed properly. This directly, and adversely, affects Appellant's ability to protect herself. She is aggrieved by such orders. She is particularly aggrieved when the false claims have been made by Bauknight under color of State authority. They deny her property right. They threaten her ability to be able to practice law.

Appellant's and Mr. Buchanan's Property Rights in the Forlando Suit

Forlando and father Terry ("Terry/Forlando") – for whom Mr. Bauknight serves as agent in four separate lawsuits – knew when James Brown died that his leaving his \$100 million music empire "I Feel Good" Trust and setting up \$285,000 education trusts for Forlando and six other grandchildren was exactly what James Brown wanted.

But two weeks after Brown's death Terry/Forlando contracted to pay Atlanta lawyer Louis Levenson 30% of what he could get them to dismantle the "I Feel Good" Trust. Terry/Forlando have since changed attorneys, but retained their plan.

Today Mr. Levenson wants to reinstate a settlement which will give him \$9 million from the "I Feel Good" Trust; Tommie Rae wants \$11+ million; her attorneys

\$10+ million; and Forlando a right of first refusal to buy the music empire (the "ROFR").

The ROFR was given by the AG in 2009 to Terry. The AG's senior assistant oversaw a secret 2011 amendment to the Legacy Trust and Terry's secret transfer of the ROFR to Forlando. As a result of the Bauknight's FOIA interference, this transfer was concealed for two years from State and Federal Courts.

Forlando/Terry *today* want to acquire the music empire based on Terry's and Bauknight's claimed less-than \$4.7 million at-death value. Forlando, however, has confirmed under oath that the less-than \$4.7 million was "bogus," and that \$150 million offers were available at the time of the 2008 settlement.

The June 13, 2013 order and the appointment orders were issued without a single question posed – or allowed to be posed – about these secret dealings. During the time, Forlando has been telling the Federal Court he was a peniless student, with no assets or expectation of assets from Brown's estate, and only wishing to carry out the noble estate plan of his famous grandfather.

The orders which enjoin any exploration of these secret transactions and make finding that Bauknight has no conflict and his attorneys have all acted properly, materially damage the "I Feel Good" Trust and the property rights of Appellant; all heirs who have been ignored; and all creditors who properly worked to uphold Brown's estate plan.

Mr. Sojourner's Failure to Seek to Set Aside the Hynie "Diary" Gag Orders

From early 2012 until today Mr. Bauknight has declared that Ms. Hynie was Brown's spouse; that her elective share was a "slam dunk;" and that she should be

given nearly 25% of the assets Brown gave to needy students. He has fought bitterly to prevent un gagging more than a dozen of his own witnesses in the Wingate Suit, and Appellant and Mr. Buchanan, all of whom are familiar with Ms. Hynie's own widely-disseminated handwritten notes; have openly asserted that she is not Brown's spouse and knew it; but are now gagged by 2008 Gag Orders. The Gag Orders are clearly a First Amendment prior restraint on free speech.

Mr. Bauknight, through Wingate even sought to subpoena the notes of a journalist regarding an interview she had with a longtime friend of Brown about the so-called Hynie "Diary" contents. This was a direct violation of the Shield Law. Wingate withdrew the subpoena only after negative national attention was focused on the issue.

In his short tenure Mr. Bauknight has done nothing to undo the Gag Orders so that he, himself, can evaluation whether, as her attorney confirms, they will do irreparable harm to Ms. Hynie's claims against Brown's Estate. Nor has he asked to be heard on the Estate/2000 Trust's motions to Ms. Hynie's claims as both improper and filed in the wrong court.

Mr. Sojourner's Lack of Concern for Continuing FOIA Violations

In Footnote 29 of its first *Wilson v. Dallas* decision nearly a year ago, on February 27, 2013, the S.C. Supreme Court directed that FOIA matters be taken up and resolved in "the first instance." It expressed similar concerns about the Wingate Suit.

The Wingate Suit, based on rulings obtained by Wingate while purporting to speak for the State/AG, now has exclusive jurisdiction over certain critical matters. They include whether Buchanan and Appellant, or Bauknight, breached their fiduciary

duty. They also include whether Ms. Hynie was Brown's spouse and whether her child was his child. The Aiken Court, based on State action and that of the Estate/2000 Trust, must, under the SCPC, hold these issues in abeyance until concluded.

The Footnote 29 was removed from the final *Wilson v. Dallas* decision based on AG Wilson's assurance he was getting out of the Wingate Suit and that he expected the FOIA matters to be resolved in the near future.

Two days after the decision, Wingate and Mr. Bauknight told the Richland County Court that the Supreme Court no longer had an interest in seeing these matter concluded. They asked to delay until the conclusion of all Aiken County matters – possibly for years:

a. FOIA # 1 - Where Plaintiff has since August 3, 2011 been seeking the AG's copy of any amendments to the Legacy Trust/Settlement Entity which sued her in the Wingate Suit and the AG's copy of the less-than \$4.7 million Appraisal of Brown's music empire which was the basis of a false felony claim lodged against Buchanan and Pope by AG Wilson's office, the Estate, the 2000 Trust, and Bauknight, claiming to be agent for the AG and others.

[Bauknight, for the Estate/2000 Trust, Tommie Rae, James B. and others, had been attempting to intervene in FOIA # 1 since 2011, and is still attempting to intervene on their behalf to stop FOIA compliance.]

b. FOIA #2: - Where Plaintiff has been seeking since August 10, 2011 a copy of the public Wingate Litigation Retention Agreement by which private attorney Wingate sued Buchanan and Pope naming the State/AG as Plaintiff and Bauknight as agent for the State/AG.

[Bauknight, for the Estate/2000 Trust, Tommie Rae and others, had been trying to intervene in FOIA #2 to prevent release of the Wingate Agreement since 2011, and obtain sanctions against Plaintiff for exercising her FOIA rights.]

The June 13 orders, October 1 Order and ex parte Sojourner SA order were

all issued in a manner which purports to prevent Appellant and others from exercising FOIA rights; Due Process rights; First Amendment rights; and all related property rights.

Had Mr. Sojourner's and Mr. Bauknight's appointments not been *ex parte* and without Due Process or in compliance with the SCPC, these issues could have been explored. These are important issues of Constitutional rights and public policy.

Mr. Sojourner's Lack of Authority to Protect the "I Feel Good" Trust.

Mr. Sojourner's appears to lack concern for assuring that he has proper authority to try to protect the noble estate plan and vigorously defend it, as required by James Brown in two successive, carefully planned Estate Plans executed over two years. This suggests that he is not familiar with Mr. Brown's own voice tape made nearly 15 years ago on February 24, 1999 expressing the importance of the gift of his music empire for needy students of all races.

In that voice tape Mr. Brown asks that many duplicates be made; and that his own voice, free of any "hanky panky," be used to confirm his intention to give back and "stabilize what we are trying to do today." Mr. Brown attributes his success "despite all obstacles" to God. He confirms his intention to help poor students of all races – not just black students. Of directing funds to one race, he says "we've had enough of that in America already."

After making the February 24, 1999 tape Mr. Brown delayed signing to be sure he understood the documents. He signed the first Will creating the "I Feel Good" Trust on June 15, 1999 – 4 days after completing a \$26 million transaction in New York. He made the "I Feel Good" Trust's creation irrevocable, and funded his irrevocable trust a year later, on August 1, 2000. Two of his children and Ms. Hynie were there; witnessed

the documents; and Ms. Hynie and daughter Venisha witnessed a related Advisory Board document.

Mr. Sojourner's *ex parte* SA appointment, for which reconsideration is being sought in the Probate Court, and his ST appointment procured in violation of the Constitution, SCPC and *Wilson v. Dallas* remand, cast a permanent shadow on his ability to protect the "I Feel Good" Trust even if he elects to do so.

Revelations Made During and Since the October 1 Orders

Because of Mr. Bauknight's 2 ½ year ongoing fight to prevent release of documents under FOIA, it was not known until October 2013 that AG McMaster amended the Legacy Trust in 2011; that Bauknight's lawyers prepared the amendment; and the AG's office oversaw the transfer of Terry's interest in the ROFR to Forlando.

For the same reasons, it was not fully understood until late 2013 that the State/AG never authorized Wingate to sue in the State's name; never authorized Bauknight to assert that he had authority to speak for the State; and never authorized or knew about the 2012 \$563,000 payment to Wingate.

In 2014 the Federal Court will decide in the Forlando Federal Suit whether Forlando's share of the 2000 Trust, and the share of the Estate he secretly acquired from Terry in 2011 should be charged with the legal costs of Forlando's now-dismissed frivolous complaint to enjoin the 2000 Trust from taking any action until Brown's original trustee David Cannon and his co-trustees were reinstated.

Mr. Bauknight, knowing the intent of Terry/Forlando to destroy the "I Feel Good" Trust and acquire the assets for themselves, now says that Forlando did nothing wrong. He says Buchanan's and Appellant's action in the Forlando Suit to prevent the

2000 Trust from being enjoined until a felon former trustee and co-trustees, the 3 seeking \$16 million in commissions and options or a “kickback” from an IPO to be formed, were reinstated was not necessary. Bauknight says of the protection of the Estate Plan in the *Wilson v. Dallas* appeal:

That's poppycock. Pure speculation from your client [Pope]. Fantasy...I'm the person who actually looked at this. And I said it was a fair and reasonable settlement. I don't know where this fantasy is that \$50 million was gone away. Number one, your client made up that number. Your client did that in a self-serving fashion so that she could take \$5 million out of this estate for her retirement.

So to say that this would have diminished is a load. A total load. I looked at this. I say. You have no clue how termination rights where [sic]. You don't know the value. . . She has no clue what she was dealing with and put stuff in the paper that it's just totally fabricated untrue. It blows me away that someone with a law degree can be so dishonest and get away with it. ...You know, what? That's set aside by the Supreme Court. That's fine. I've got a new roadmap, and I'm going to follow this new roadmap to a T....

...[Y]our client raped this estate taking every dime out of it for her own fees and for Bob's fees and her lawyer's fees leaving it insolvent....Your client didn't even try. Your client didn't know the numbers. I know the numbers. There was no diminished Legacy Trust. That's fabrication from your client. [Emphasis . Supp.]

Mr. Bauknight made these intemperate remarks in August 2013. Since May 8, 2013, he and Mr. Sojourner have acquired six or more *ex parte* orders, or orders which violated Due Process, and which continue the State/AG's 2008 plan to trample on the “I Feel Good” Trust's right to contract the half of Brown's heirs not challenging the estate plan to protect its royalties; to confirm that Brown had no spouse; to make a proper heirs determination, with Peeples DNA Protocol testing and acknowledgment for non-presumed heirs who pass. The *ex parte* orders, and the injunction of June 13

Order which subsequent orders continue, also trample on the property rights of Mr. Buchanan and Appellant in four pending lawsuit in which Mr. Bauknight is protecting the interests of Tommie Rae, James B. and Terry/Forlando Brown.

Bauknight Appears to Speak for Sojourner

In her response to the Return of Mr. Bauknight, Appellant suggested that Mr. Bauknight might not speak for Mr. Sojourner. To the extent that Mr. Sojourner now allows Mr. Bauknight to speak for him, both Appellant and the "I Feel Good" Trust, along with the real heirs, need one or more *pro bono publico* "others" to help enforce the "I Feel Good" Trust.

Mr. Sojourner has recently taken the unprecedented step – to the detriment of the Estate/"I Feel Good" Trust --of trying to undo the acknowledged heir status of three of Brown's children – Nicole, La Rhonda and Jeanette. The three had undergone the Estate's official heirs-adjudication procedure and all been acknowledged by the Estate in 2007 before any heirs proceeding was commenced.

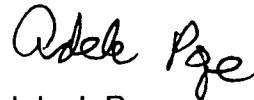
Mr. Sojourner has also done nothing to continue the Peoples DNA Protocol by making James B. take the DNA test paid for in 2008. James B is not a presumed heir, and is the only claimed child to be born after James Brown's vasectomy. At the same time, Mr. Sojourner is fighting a GAL and DNA testing for Brown's incarcerated son Michael.

These actions, the filing suggests, may have been intentional rather than inadvertent or from lack of knowledge.

Conclusion

The Orders which are the subject of this appeal continue, without Due Process, the injunction begun June 13, 2013. They threaten to dismember – again -- what should be the State's largest-ever private foundation for scholarships for needy students. They are immediately appealable. This appeal deals with the continuation of an injunction. It involves important constitutional concepts and public policy. The appeal should proceed.

Respectfully submitted,



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January 30, 2014

Exhibit A
[Emphasis Supplied]

STATE OF SOUTH CAROLINA) IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND) 2010-CP-40-4900

Russell Bauknight, et al.,)

Plaintiffs,)

vs.)

Henry Dargan McMaster, et al.,)

Defendants.)

TRANSCRIPT OF RECORD

August 30, 2010
Columbia, South Carolina

B E F O R E:

HONORABLE L. CASEY MANNING, JUDGE.

A P P E A R A N C E S:

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Attorneys for Plaintiffs

DARYL L. WILLIAMS, ESQUIRE
J. CALHOUN WATSON, ESQUIRE
Attorneys for the Defendants

Crystal Holmes

1 MR. WINGATE: May it please the Court, Your
2 Honor. Ken Wingate along with my partner, Rhett
3 Kendall.

4 THE COURT: Yes, sir.

5 MR. WINGATE: And we are before you today in
6 connection with the Irrevocable Charitable Trust
7 established by the entertainer James Brown.

8 As Your Honor is aware from the pleadings,
9 our firm represents the 15 or so Plaintiffs listed on
10 the caption of the case which include globally all of
11 the beneficiaries of this Irrevocable Trust, both the
12 charitable and private individuals.

13 I would ask that Your Honor -- well, first,
14 let me introduce -- we're here representing, as you're
15 aware from the caption, an array of folks. I believe
16 Your Honor knows Sonny Jones ---

17 THE COURT: Yes.

18 MR. WINGATE: --- an attorney with the South
19 Carolina Attorney General's office, one of our
20 clients. Also we represent Russell Bauknight who is
21 very critically, Your Honor, the professional Trustee
22 of this Trust. I'll just come back and address that
23 in a moment. His counsel, Freddie Kingsmore is here
24 with us today. And then one of the family members,
25

1 didn't say ---

2 MR. KENDALL: --- run into the wall and we're
3 going to show that they did.

4 Your Honor ---

5 THE COURT: Burt Lancaster, thank you, very
6 much. Go ahead. Burt Lancaster.

7 MR. KENDALL: Your Honor, the -- they talk
8 about a failure to -- our allegations of their failure
9 to accept a hundred million dollar offer. They may
10 have lots of good reasons that they want to put to the
11 Court for not having accepted that. We have lots of
12 good reasons we're going to argue but that's a fact
13 question. That issue's never been disposed of, just
14 because we've heard about it before. The refusal to
15 sign a consent and similar things.

16
17 One of the things, Your Honor, that -- that
18 we need to -- I want to bring to the Court's attention
19 as I know you're going to have to consider this
20 carefully, is a lot of this has been addressed. In
21 fact, a lot of the challenges they've raised are
22 addressed, in fact in the Settlement Agreement and the
23 Order approving the Settlement Agreement. Not the
24 issues that we raised as allegations of negligence in
25 the breach of trust of fiduciary duty but rather the

STATE OF SOUTH CAROLINA
In the Court of Appeals

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APPEAL FROM AIKEN COUNTY
Court of Common Pleas

SC Court of Appeals

The Honorable Doyet A. Early, III Circuit Court Judge

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;
Case No. 2009-CP-02-1810;
Appellate Case No. 2013-002582

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 the.....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 30th day of January, 2014, I have served the REPLY TO RETURN OF DAVID C. SOJOURNER, JR. on Respondents and others as shown below by depositing a copy of same in the United States Mail, postage prepaid, addressed to their attorneys of record as follows:

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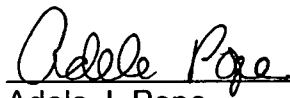
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Attorney for Appellants

December 30, 2013

Law Office of Adele J. Pope, P.C.
1228 Walnut Street
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803-413-0753

January 30, 2014

The Honorable Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
1015 Sumter Street
Post Office Box 11629
Columbia, South Carolina 29211

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SC Court of Appeals

Re: Wilson and Others v. Dallas and Others,
Aiken County Case No. 2008-CP-02-1647 and others
Appellate Case No. 2013-002582

Dear Ms. Kitchings:

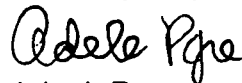
Enclosed please find an original and one copy of:

1. Reply to Return of David C. Sojourner, Jr.
3. Proof of Delivery of the Reply.

Kindly return a file-stamped copy of each in the stamped envelope which is provided.

Thank you for your assistance.

Yours very truly,

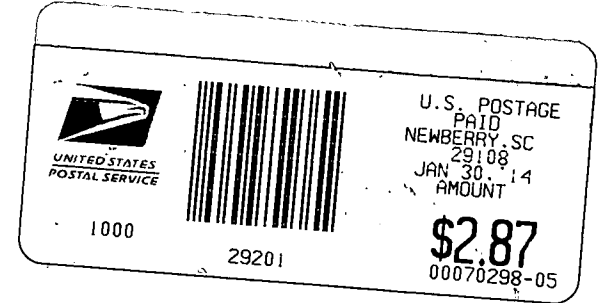


Adele J. Pope

cc:

John Beach, Esq.
David B. Bell, Esquire
Matthew D. Bodman, Esquire
Robert N. Rosen, Esquire
Louis Levenson, Esquire
J. David Black, Esquire
The Honorable Alan Wilson
Peter Shahid, Jr., Esquire
David G. Cannon
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Eugene C. Covington, Jr.

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SC Court of Appeals

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