

Exhibit A

Ms. Pope's Motion to Vacate

STATE OF SOUTH CAROLINA)
COUNTY OF AIKEN)

IN THE COURT OF COMMON PLEAS
 FAMILY COURT

Henry D. McMaster and Others,)
 Plaintiffs)

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

v.)

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

MOTION INFORMATION FORM
AND COVER SHEET

<u>name S.C. Bar no. and address of movant</u> Adele J. Pope SC Bar # 4501 1228 Walnut Street Newberry, South Carolina 29108 telephone: (803) 413-0753 fax:	<u>name S.C. Bar no. and address of interested persons or counsel</u> See Service List
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MOTION HEARING REQUESTED (attach written motion and complete Sections I and III)
 FORM MOTION, NO HEARING REQUESTED (complete Sections II and III)

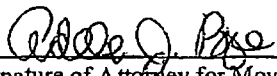
SECTION I: Hearing Information

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

SECTION II: Motion Type

Written Motion Attached
 Form Motion -

I hereby move for relief or action by the court as set forth in the attached proposed order.

 6/24/13
Signature of Attorney for Movant Date Submitted

SECTION III: Motion Fee

PAID-AMOUNT: \$25.00

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

JUDGE'S SECTION	JUDGE _____
<input type="checkbox"/> Motion fee to be paid upon filing of the attached order <input type="checkbox"/> Other:	

RECEIVED

CLERK'S VERIFICATION

Collected by: _____ DATE FILED: _____ JUN 25 2013

MOTION FEE COLLECTED: _____
 CONTESTED - AMOUNT DUE: _____

NEXSEN PRUET, LLC

Attachment A

Additional Cases

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

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

In its historic *Wilson v. Dallas* decision of May 8, 2013, the South Carolina Supreme Court restored to James Brown's \$100 Million "I Feel Good" Foundation about \$50 Million an unjust settlement proposed to take from scholarships Brown has set up for needy and deserving students in two valid Estate Plans.¹

The 2000 and 1999 Estate plans were considered virtually ironclad on August 10, 2008 when the settlement was reached. In filings in 2010 Brown's companion Tommie Rae Hynie ("Tommie Rae") and all who contested the Estate Plans and were parties to the settlement told the Richland County Court why:

...the establishment of a Charitable Trust intended to provide financial assistance to deserving students who seek education in South Carolina and Georgia. This

¹ The only major difference in the 2000 and 1999 Trusts was that scholarships under the 1999 "I Feel Good" Trust were limited to Voorhees, U.S.C. Salkehatchie and U.S.C. Aiken. Scholarships under the irrevocable 2000 Trust were more broadly available, to students in studying S. C. and Georgia.

objective was the often stated and well-known desire of James Brown. [Mem. Opp. P.2, 8/27/10]

Barely a month after the *Wilson v. Dallas* decision an *ex parte* appointment and three "administrative" orders issued on June 13, 2013 without notice or hearing (the "June 13 Orders") once again threaten to dismantle Brown's "I Feel Good" Foundation and destroy the careers, reputations and livelihood of Movant and the handful of fiduciaries and attorneys who vigorously defended the "I Feel Good" Trust and Brown's \$285,000 education trusts for 7 grandchildren for 5 ½ years, as required by his Estate Plan.

To understand how the June 13 Orders trample on First Amendment, Due Process and S.C. Probate and Trust Code² rights; why Movant has standing to be in all James Brown cases; and why fundamental fairness fiduciaries demands that they be voided, one must begin with the Christmas 2006 death of the Godfather of Soul.

James Brown's Death to the August 10, 2008 Settlement

Entertainment icon James Brown died on December 25, 2006.³ Within hours

² "SCPC" and "SCTC."

³ Brown and companion Tommie Rae Hynie ("Tommie Rae") separated in the summer of 2006. She was in California. None of Brown's children or grandchildren were present.

Brown's Heirs are: 3 children acknowledged after passing the DNA protocol established by Rodney Peeples, Esq. - (1) LaRhonda; (2) Jeanette; and (3) Nicole; Five born of his 3 marriages - (4) Terry; (5) Larry; (6) Lisa; (7) Deanna; and (8) Yamma; Six Acknowledged in the 2 Estate Plans - (9) Venisha (incarcerated) and (10) Daryl.

A possible eleventh is (11) Deon, incarcerated in California and who has asked Jg. Early to appoint a GAL for him and allow him to take the DNA test established by Peeples.

All 11 were born before Brown's vasectomy in about 1984 which attorney and Trustee Albert "Buddy" Dallas asserts was "damage control" after a California court directed that Brown support Deon when he was a teenager. Tommie Rae's son - born during her marriage to another and before the ceremony with Brown - is the only person to claim that Brown fathered him after the vasectomy.

Brown's trusted companion and trustee, David Cannon, secured for himself the last of the \$13 Million+ Million he secretly took from Brown between 1999 and 2006.⁴

Brown disposed of his \$100 Million music empire through his Last Will and an Irrevocable Trust executed and funded on August 1, 2000. The Trust had been operating for 6 ½ years; owned his Beech Island home estate; and was providing education benefits for grandson Forlando ^{and 4} others.⁵ It provided:

⁴ Cannon, Albert "Buddy" Dallas and Al Bradley, with daughter Deanna, served as Brown's fiduciaries from 1999 - 2006. In 2006 Deanna and Cannon picked up Brown's Estate Planning file which contained both the 1999 and 2000 Estate Plans; the Deed of Brown's home estate to the 2000 Trust; and Memoranda of Trust filed in Aiken County, SC and Richmond County, Ga.

The 1999 Estate Plan - creating the first version of the "I Feel Good" Trust, was signed on June 15, 1999, 4 days after Brown and his company, JBE, Inc. borrowed \$26 Million from N.Y. Teachers ("TIAA"). Much of the \$13+ Million Cannon took was from a Morgan Stanley account holding TIAA funds.

In early 2000, Brown prepared a voice tape of his wishes, but delayed signing the Estate Plan for several months to read the 2000 Will and Trust. Daughter Venisha and Tommie Rae were present and witnessed a related Advisory Board document.

⁵ All of Brown's children and past and future spouses were specifically omitted from Brown's 2000 and 1999 Trusts, which gave \$285,000 education trusts to 7 grandchildren. Both the 2000 and 1999 Wills gave personal and household effects ("PHE") to 6 children of the 10 children.

In addition, Brown's 10 children, acting by majority, have certain termination rights under the Federal Copyright Act related to Brown's 800+ songs published. (the "Termination Rights").

The Termination Rights are hard to exercise; and come only 56 years after Brown's pre-1978 songs were released and 35 years after the 1978 and later songs. SEE, for example, Gurnick & Grinblat, *Nine Ways to Avoid Copyright Termination, Part 1 and Part 2*.

To protect "I Feel Good" Trust's Copyrights from false Heirs claims and provide for appropriate negotiations with real heirs about Termination Rights, a DNA protocol was established by attorney Rodney Peeple, Esq. for the original PR/Trustees. Tommie Rae's son refused to submit to the DNA protocol even though the Estate paid his \$300.

In 2008 by Jg. Early signed an Order consented to by Bob, Adele and Levenson making a baseline Heirs-at-death determination part of Case 2008-CP-02-872 ("Case 872").

As copyright termination approaches as to each of the 800+ songs the Estate or "I Feel Good" Trust may negotiate with any 6 of the 10 to start a Termination proceeding. Congress' intent was to allow authors and their heirs to secure a better deal during the last years of Copyright protection, which had been extended by Congress. SEE Smith, W. *Private Foundations, Copyright Heirs and Musical Millionaires: why the James Brown "I Feel Good" Trust doesn't...* (Discussion Draft, April 2011).

- b. \$285,000 Education Trusts for 7 designated grandchildren; and
- c. The remainder – then about \$80 Million – to the “I Feel Good” Trust, Brown’s private foundation dedicated solely for scholarships for needy students.

A June 15, 1999 “backup” Will and Trust was substantially identical.⁶ Both Estate Plans specifically disinherited all past and future spouses and other claimed heirs; contained *In Terrorem* forfeiture clauses; and directed Brown's fiduciaries to “vigorously defend” against all challenges.

On January 8, 2007 six of Brown’s children and grandson Forlando agreed to pay Attorney Levenson \$150,000 plus 30% of what he could get them from the “I Feel Good” Trust. Tommie Rae hired attorneys and appears to have agreed to give them 45% of what they could get her.⁷

Aware of the *In Terrorem* forfeiture clauses, none filed suit for almost a year.

On March 7, 2007 Adele Pope (“Adele”) and Robert Buchanan, Jr., (“Bob”) were appointed nonfiduciary SAs of Brown’s estate.⁸

In March 2007 some handwritten notes Tommie Rae had abandoned in Brown's home were found. They were transcribed and widely disseminated and discussed for

In order to avoid the Self-dealing requirements contained in the “I Feel Good” Trust and the Internal Revenue Code, Brown’s fiduciaries must negotiate at arm’s length with the proven heirs as to copyright terminations and any family trustee would be required to abstain.

⁶ Scholarships under the “I Feel Good” Trust in the 1999 revocable Trust were for needy students at Voorhees, U.S.C. Salkehatchie and U.S.C. Aiken, while in the 2000 irrevocable Trust potential scholarship recipients were broadened to include students studying in S.C. and Georgia.

⁷ Tommie Rae's attorney's contract and those of all settling parties were presented to Jg. Early in 2009, who subsequently ordered them delivered by the Clerk to Bob and Adele. The Clerk did not have them then, and does not now have them as of June 10, 2013. The Levenson contract was produced in the Forlando Federal Suit. Forlando stated Tommie Rae told him of the 45% contingency.

⁸ Adele was nominated by Tommie Rae’s counsel and Levenson. Bob was nominated by counsel for the original trustees, (the “Cannon Group”).

almost a year.⁹

In June the Cannon Group began plans to sell the music empire for \$100 Million; be paid a \$15 Million in commissions; and get secret options or a "kickback" from the IPO to be formed.

In July 2007 Cannon and Dallas tried to move the 2000 Trust to Georgia just before Bob and Adele discovered \$900,000 Cannon took in 2006.

On August 10 Jg. Early signed an Order accepting Cannon's resignation and making 90 boxes of Brown's historical documents, including Tommie Rae's writings, public.

On October 12 TJBL made the first of three \$90 -\$100 million offers for Brown's music empire.

On October 31 daughter Deanna and grandson Forlando confirmed in depositions the Estate Plan was what Brown wanted. Forlando said he was satisfied with Bob and Adele.

On November 15, Brown's Inventory & Appraisement ("I&A") valued Brown's assets at \$100 Million less the \$15 Million TIAA debt, based on the TIAA offer¹⁰.

On November 20, 2007 Jg. Early appointed Bob and Adele PR/Trustees under the 2000 Estate Plan, which required them to "vigorously defend" the Estate Plan.

⁹ Dallas, Bradley and counsel Wayne Byrd, Esq. asserted they provide material proof Tommie Rae was not Brown's spouse.

¹⁰ Brown earned \$18 Million in road show revenues between 2003- 2006 and an *additional* \$3 Million a year in Royalties. In 2007 he was listed on Forbes' list of "Top Earning Dead Celebrities."

On December 26, 2007 5 of Brown's children contested the 2000 Estate Plan.¹¹

On January 2, 2008 Forlando sued the 2000 Trust, Bob and Adele in Federal court.¹² He sought to enjoin the 2000 Trust until the Cannon Group was reinstated.

On January 8, 2008 Jg. Early awarded Bob \$97,059 and Adele \$219,941 in SA fees for March - Nov. 20, 2007 and partial PR/Trustee commissions, with interest at the legal rate on all unpaid amounts.¹³

In January 2008 Forlando's family filed 6 grievances against Levenson in 2 states, asserting the 30% contract was forged.

On March 7, 2008 Jg. Early rejected Dallas' attempt to return as Trustee¹⁴.

¹¹ The will and trust contest became Alken County Case No. 2008-CP-02-0872 ("Case 872"). In May 2008 it was segregated from Case 2007-CP-02-0122 ("Case 122") by Jg. Early. Tommie Rae had filed a defective elective share claim in the wrong court in early 2007. On December 19, 2007 she also filed defective challenges to the Will and 2000 Trust. Motions to Dismiss are pending as to all challenges.

Under the June 13 Orders, Bauknight, who has proclaimed that Tommie Rae's elective share claim was a "slam dunk." will represent the Will/2000 Trust in Case 872, which will be "collapsed" into *Wilson v. Dallas*. Bob, Adele and all fiduciaries and beneficiaries of the 2000 and 1999 Estate Plans who oppose the dismantling of the "I Feel Good" Trust are ejected from 1647 or have never been properly made parties. The Estate/2000 Trust's (Bob's and Adele's) pre-May 26, 2009 request for alternate probate of the 1999 Will and motions to add Voorhees, Salkehatchie and other fiduciaries and beneficiaries of the 1999 Estate Plan, as well as Deon and other identified claimed heirs, to case 872 are pending. They are in jeopardy of being abandoned by Bauknight.

¹² The "Forlando Federal Suit"

¹³ As of May 26, 2009 Adele was owed about \$47,000 on her SA fee. Bob was fully paid. As of that day, Adele was owed \$1,473,550 under the January 8 Order and Bob \$500,300. The partial commission and interest under the January 8 Order was a deposit towards their full commissions. On July 14, 2009 Bob and Adele requested a commission of \$2,147,221 for Bob and \$2,845,930 for Adele. This contemplated and included the four years from May 26, 2009 until May 8, 2009 that they defended the Will and Trust, and backup 1999 "I Feel Good" Trust and \$285,000 grandchildren's trusts in accordance with their duty under the 2000 Estate Plan. The Ga. AG objected at a December 21 hearing, but no objection was made or appeal taken from the January 8 Order.

¹⁴ Deceased former trustee Al Bradley supported Cannon and Dallas and failed to uncover or seek return of the \$13+ Million Cannon took. He did, however, help uncover a document – the Dallas Schedule B – Cannon & Dallas fabricated after Brown died. In 2012 the Estate made a small settlement with Bradley's Estate.

In early 2008 Jg. Early declined Forlando's request to disqualify Levenson in the will and trust contest, confirming Levenson's 30% contract contemplated it.

On February 20 and March 7 Jg. Early, without a hearing or affidavit to support the request, signed three Gag Orders in Case 122 which purported to gag scores of people from discussing the widely-known contents of handwritten notes Tommie Rae made after Brown discovered she was married when they conducted a 2001 ceremony.

On February 27 and March 27 TJBL made additional \$90 Million - \$100 Million offers for Brown's assets. The newly-filed will and trust contests prevented serious consideration of the offers at that time.

On March 7, 2008 Terry and Forlando testified supporting the Estate Plan.

In March 2008 the Cannon Group sued for \$15 Million in commissions.¹⁵ By August 2008 Bob and Adele had moved for Summary Judgment as to the three.

In April 2008 Jg. Early ordered an Heirs determination ^{part of} part of Case 872, even though many of the 10 identified heirs were excluded from the 2000 Will and Trust.¹⁶

In filings in their will and trust contest, the Levenson clients confirmed their position that Hynie and her son are not Brown's heirs.

On April 1, 2008 Jg. Early directed Bob and Adele to sign the Christie's contract

¹⁵ By Order of Jg. Early dtd. 1/8/08 attorneys Few & Gilreath were engaged to sue to recover for the Estate/2000 Trust's losses since 1999. By March 2008 they had sued the Cannon Group to recover the \$13+ Million Cannon misappropriated, and Morgan Stanley, where Cannon had placed – then taken – \$10 Million of the TIAA proceeds.

¹⁶ Establishing the correct Heirs-at-death provides a baseline for the "I Feel Good" Trust to protect its copyrights over the coming decades. Deon 's (incarcerated) request to be DNA tested is pending, as is the Estate's paid-for request to DNA test Tommie Rae's son, the only claimed child born after Brown's vasectomy. He was born during her marriage to another, before the ceremony with Brown, and has refused a DNA test under protocol set up by Rodney Peebles, Esq. for Brown's original PRs.

to sell several hundred items of personal property.¹⁷

On April 8, 2008 Jg. Early found Bob's and Adele's service as SA s and PR/Trustees through April 8, 2008 to be both ethical and appropriate. He ordered the Cannon Group to pay all attorneys' fees and costs of Case 122¹⁸

Bob and Adele responded to the five children's will and trust contest in Case 872 seeking to uphold the Will and 2000 Trust and, in the alternative, admit the 1999 backup Will if the 2000 Estate Plan failed.¹⁹

By July 9 former PR/Trustee Dallas, Forlando's Powell Goldstein lawyers and others were interfering with the Christie's sale. Dallas filed a motion with the Court of Appeals to stop the sale.

On July 14 the Christie's sale was approved by the Court of Appeals, three days before the sale.

¹⁷ The "Grammy" was specifically listed in the selection for sale, and in later filings with the Court of Appeals. No objection was made to the sale of the Grammy until the Wingate suit on May 19, 2010 – almost 3 years after the sale. Levenson was present when the Christie's counsel urged Bob and Adele to proceed with the sale, assuring them that there was no impediment to the sale and that the Academy's filing was a baseless threat. Bob and Adele – based on the chill Dallas and others had placed on the sale and the legal costs to be involved, elected to withdraw the Grammy. It was sent to the S.C. State Museum for safekeeping, along with thousands of other items Bob and Adele place at 4 museums for safekeeping pending the outcome of Case 872, as authorized by Jg. Early's Feb. 20, 2008 Order in Case 122.

¹⁸ James Bailey, Esq. protected the Estate/2000 Trust in Case 122, 872 and 1647 for approximately 18 months. He was paid approximately \$100,000 as shown on accountings for the period before May 26, 2009. With interest since 2009 he is owed approximately \$110,000 for his valuable service. Tressa Hayes, who protected the Estate/2000 Trust in the Cannon and Dallas appeals and assisted James Richardson, Esq. on the *Wilson v. Dallas* appeal should be paid \$85,000. James Richardson, Esq., primary appellate counsel informed the Supreme Court – prior informing Bob and Adele – that his service in saving the "I Feel Good" Trust would be *pro bono publico*.

¹⁹ Because of the "incorporation by reference" clauses of Brown's 2000 and 1999 Wills, Brown's desire to leave his music empire solely to needy students through the "I Feel Good" Trust was recorded for more than 6 years before his death in four separate estate planning documents over two years; and the recorded deed placing his home estate in the 2000 Trust; and Memoranda of Trust filed in two states.

In late July the Estate/2000 Trust filed a motion to charge Dallas and others with the cost of interference with the Christie's sale. The motion is still pending²⁰.

On July 30 AG McMaster notified Bob and Adele of his support for their permanent appointment as 2 of Brown's three trustees. He confirmed the importance of the Advisory Board's involvement in the selection process²¹.

All of that would change fewer than two weeks later.

The August 10, 2008 Settlement, Hearings and Bob's and Adele's Appeal

On August 12, 2008, Tommie Rae's attorneys informed Bob and Adele they had conducted a mediation and settled the case. The settlement terms remained secret until October 2008.

On September 25, 2008 Court-appointed CPA Wm. Sellars filed the Estate Tax Return, showing Brown's assets at approximately \$100 Million less the TIAA Debt.²²

On October 25 Tommie Rae and the 5 children made public what they would take from the "I Feel Good" Trust in the August 10 settlement:

- a. Tommie Rae would get 25% – about \$25 Million, with her lawyers getting about \$10 Million of that.

²⁰ Jg. Early approved the Christie's sale in Orders dtd. Feb. 20 and April 1, 2008. The April 1 Order found certain children had interfered with the sale, but not caused any damage. It stated that anyone who delayed or damaged the Christie's sale would be liable for damages.

²¹ In 2008 Bob and Adele appointed Jg. (Ret'd) Walter Williams, Dr. Ann Carmichael (U.S. C. Salkehatchie), Dr. Leonard McIntyre (Interim President, S.C. State) and Dr. Inez Tenenbaum (former S.C. Superintendent of Education) to the Advisory Board of the 2000 Trust.

²² Bob's and Adele's valuation of the music empire was consistent with: (a) a formula presented to Jg. Early on Nov. 14, 2007 for valuation of Royalties and Publicity Rights on the Estate Tax Return, and not objected to by AG Master or any other person; (b) the 3 Letters of Intent of TJB; (c) Forlano's sworn testimony in September 2008 that \$150 Million offers were still available for the music empire; and Brown's \$5+ Million annual earnings.

b. The "Levenson Clients" would get 25% - about \$25 Million, with at least \$7.5 Million to Levenson for the 8-month-old challenge to the Estate Plan.

c. There would be no DNA testing, and all would treat themselves as Brown's heirs – ignoring real heirs La Rhonda, Jeanette, Lisa, Nicole -- possibly Deon and others.²³

The Estate's motions to add Voorhees, U.S.C. Aiken and U.S.C. Salkehatchie – with claims far superior to settling parties – and for partial summary judgment as to Tommie Rae under Lukich, the 2000 Trust and her prenuptial agreement, were stayed and are still pending.

On October 24, 2008 the settling parties filed Case 1647, which became *Wilson v. Dallas*. They asked for removal of all fiduciaries and appointment of Russell Bauknight SA/ST.

By November 2008 Bob and Adele, with Jim Bailey, had resolved \$32+ Million of claims cases in favor of the Estate/2000 Trust and prepared others for trial.²⁴

²³ It was this knowingly incorrect designation of "Heirs" – wholly at odds with the facts and law, and ignoring half of Brown's real heirs – which began to take on a life of its own. By 2011 the claims had become so exaggerated that Deanna told the media that – but for the settlement – there would be no assets in the "I Feel Good" Trust in 10 years. Bauknight made a similar claim to the Supreme Court, asserting that Copyright Termination rights are "all this case is about."

All settling parties have reported that their Termination Rights were placed in the Settlement Entity/Legacy Trust. The Legacy Trust sued Bob and Adele in 2010 in Case 4900.

Through L&B, engaged by Bauknight, the Legacy Trust has attempted to prevent release of documents under FOIA. After the May 8 decision L&B informed Jg. Manning that it may not have a client.

Whether the Legacy Trust holds Terry's Termination Rights or whether they were transferred to Forlando is at issue in both as to Bob's and Adele's counterclaims in the Forlando Federal Suit and Adele's counterclaims against Terry/Forlando and the Legacy Trust in Case 4900.

²⁴ The Estate (Bob & Adele) acknowledged that Peebles and Lewis & Babcock ("L&B") had performed valuable service in defending the Estate, 2000 Trust and Estate Plan; established stipulated facts; and agreed with Peebles and L&B for the Court to set their fees on the stipulated facts. L&B had no knowledge of the Cannon Group's attempts to transfer the 2000 Trust to Ga. or that Dallas and Cannon had fabricated a second "Schedule B" after Brown's death.

On November 18 and 19, 2008, in hearings in the Forlando Federal Suit, Bob and Adele prevented Forlando from obtaining an injunction against the 2000 Trust.

On January 8, 2009 Jg. Early appointed Russell Bauknight SA/ST for the sole purpose of considering and making a recommendation about the settlement.

On January 30 Levenson called Bob to threaten Rule 11 sanctions and other problems if Bob and Adele did not support the settlement and resign.

By January 30, 2009 Bob and Adele – as required by the Will and 2000 Trust -- objected to the settlement for numerous reasons, including:

1. It was unjust to set aside two valid Estate Plans and give \$50 Million to people who lacked even probable cause to contest the two Wills.
2. Tommie Rae was not Brown's spouse, and she and her child not Heirs.
3. The settlement intentionally excluded DNA-proven Heirs who had Termination Rights greater than a number of the settling parties.
4. Voorhees, Salkehatchie and Aiken, beneficiaries of the 1999 Will were not given notice, although their claim to the \$100 Million "I Feel Good" Trust was superior to that of the settling parties.
5. Incarcerated claimed son Deon and others were not given proper notice.
6. It dismantled \$285,000 education Trusts for minors without GALs.

On January 30, 2009 Terry joined the settlement; was given almost 5% of Brown's assets and a right of first refusal ("ROFR") to buy Brown's assets. Minutes later, Russell recommended that the Court approve the settlement.

From January 30 to March 23 Bob and Adele, represented by Bailey and Hayes, defended the Estate Plan.²⁵ The record is clear that protecting the "I Feel Good" Trust

²⁵ Bailey, Hayes and Harley Ruff, Esq. assisted the Estate/2000 Trust and

and \$285,000 Trust for Brown's 7 grandchildren was paramount.

In March 2009 Terry/Forlando's attorney wrote to threaten Bob with a judicial grievance if Bob did not resign. Bob sent it to Jg. Early²⁶.

On May 22, 2009 Bob and Adele accounted for their acts to that date and filed documents to show that they had designated attorney ^{Early} Ronald Stanley, Esq. and former Warner Music Executive Ray Gonzalez (also an attorney) as their successors as provided in the Will/2000 Trust.

On May 26, 2009 Jg. Early approved the Settlement and the *Wilson v. Dallas* appeal process began. For one year there was relative quiet.

Before Case 4900: May 2009 to May 2010

Although believing the settlement to be unjust and filing the required appeal of the May 26 Order in *Wilson V. Dallas*, Bob and Adele made enormous efforts to ease

²⁶ Attorney David Bell, Esq., has been active with Dallas, Forlando and Terry in a host of dirty tricks in State and Federal Court since 2008, to include: (1) six grievances against Levenson and the accusation that he forged the 30% contract; (2) attaching the fabricated Dallas/Cannon Schedule B to the Trust as part of the Complaint in the Forlando Federal Suit; (3) Threatening Bob, a part-time Federal Magistrate Judge, with a judicial grievance even though his service was permitted by the Federal Court; and (4) actively participating for Forlando in Case 1647 for months without seeking or obtaining *pro hac vice* status, while his sponsor in other James Brown cases asserted Forlando was never made a party to Case 1647.

Since January 2009 Bell continues to represent at the same time:

1. Terry, who supports Bauknight's less-than \$4.7 Million value of the music empire and Forlando, who has stated under oath it is "bogus."
2. Terry, who – until May 8 – supported the settlement before the Supreme Court, and Forlando, who opposed the same settlement in Federal Court.

Terry sued Bob and Adele in 2010 in Case 4900 for appealing the settlement. Then he concealed from the Federal Court, Supreme Court and Case 4900 Court for 2 years that Terry's interest in the Estate was transferred to Forlando, who opposes the Settlement.

the transition of management pending the appeal to Bauknight²⁷.

On June 2, 2009 they met with Bauknight and attorney Freddie Kingsmore;^{and} offered to meet weekly. They urged Bauknight to take up the 2-year GreenLight Publicity Rights contract which could begin immediately and was expected to bring in at least \$1 Million a year for the two years during the appeal.

Bauknight and Kingsmore made two memorable statements:

- a. Kingsmore said the GreenLight contract sounded like a good idea, but he had to check with David Bell.
- b. Bauknight said the one thing he would not do was fight to hold onto his position.

On June 4, 2009 the tone changed. Bauknight directed attorneys Few and Gilreath, who were suing Cannon, not to speak confidentially with Bob and Adele — gutting the \$13 Million case against Cannon.

In the summer of 2009 Bob and Adele opposed Tommie Rae's attempts to obtain discovery as to their commissions, but filed a detail claim, affidavit and charts clearly setting out what was owed them under the January 8 Order and what their full claim would be at the conclusion of their service to James Brown. The Court is asked to take judicial notice of the entire claim.

On November 6, 2009 the Court of Appeals made clear that effective on May 26 all responsibility and liability for management of the Estate/2000 Trust pending the *Wilson v. Dallas* appeal rested with Bauknight.

²⁷ By June 24 Bob and Adele had prepared and delivered to Bob about 150 banker's boxes of documents; and Inventory and Description of all pending cases; and other information to facilitate smooth administration.

In February 2010 Cannon was indicted for taking \$12+ Million from Brown and uttering a 2008 forgery to cover up some of the takings.

On March 19, 2010 Bob's Time Detail shows:

call Cal Watson and Betsy Gray; telephone call, Adele all re [Tommie Rae's lawyer's] threats to sue and effort to divide Adele and me.

Shortly thereafter, Bauknight's attorney also threatened suit by attorney Kenneth Wingate, Esq. if Bob and Adele did not drop the *Wilson v. Dallas* appeal and resign. Both felt that their duty to the Estate Plan did not allow it.

On May 18 "someone" told former Attorney General McMaster that the statute of limitations would expire on the following day and that he would breach his fiduciary duty as Attorney General if he did not authorize a suit against Bob and Adele.

It is still unclear whether AG McMaster did or did not properly authorize a private attorney – Wingate – to sue Bob and Adele in the name of the AG/State while simultaneously representing Tommie Rae and others who seek to destroy the "I Feel Good" Trust. But it happened on May 19, 2010 when Richland County Case 2010-CP-40-4900 ("Case 4900") was filed.

Case 4900 & Estate Funds to Secure Tommie Rae Release from Bob's Claims

On May 19, 2010 the Estate/2000 Trust sued Bob and Adele in Richland County Case 4900,²⁸ alleging they had breached their fiduciary duty and committed breaches of trust, including:

- a. Failure to accept the \$100 Million offer made to Dallas in 2007.
- b. Pursuing the *Wilson v. Dallas* appeal of the settlement.

²⁸ Richland County Case No. 2010-CP-40-4900.

In the Complaint Bauknight asserted in Case 4900 that he was acting on behalf of: the Estate; the 2000 Trust; Tommie Rae; Tommie Rae's son (who has no GAL); the Legacy Trust; the Attorney General of South Carolina; and others.

On June 19, 2013 Bauknight still purports to speak on behalf of all of those even though AG Wilson has asked to be dropped as a party.

On August 27, 2010, Tommie Rae, Bauknight and all of the Case 4900 Plaintiffs made the defense of their challenges to the 2000 and 1999 Estate Plans easier by asserting in Case 4900:

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

In October 2010 Bob and Adele answered²⁹ and counterclaimed, in part, by asserting no duty to Tommie Rae because she was not Brown's spouse, and for abuse of process.

In November 2010 Plaintiffs moved to be relieved from default after Wingate failed to timely respond to the Counterclaims.

On May 18, 2012 the Estate/2000 Trust and Tommie Rae moved to compel Bob to comply with a settlement which required Bob to release Tommie Rae and others from his counterclaims in order to get \$500,000 he had been due under the January 8

²⁹ The Answer and Counterclaims in Case 4900 asserts, in part, that Bob and Adele owed no duty to Tommie Rae, who was not Brown's spouse; Tonya; or Tommie Rae's son; that the Minor Plaintiffs need a GAL; that Bob's and Adele's duty to the adult will and trust contestants ended when they challenged the Will and Trust, and they were required to defend the Estate Plan; and that Bob and Adele protected Plaintiff Jason Lewis and Lindsey Brown. It asserts that any loss to the Estate/2000 Trust and "I Feel Good" Trust was caused by Bauknight and the settling parties, not Bob and Adele..

Order since May 26, 2009.

Adele responded that Bob should be paid the \$500,000 but the settlement with Bob should be declared void because Estate funds were used to secure a benefit for Tommie Rae.

Because the Estate/2000 Trust prevailed in attempts to change the venue of Case 4900, the The Richland Court now has exclusive jurisdiction over a number of matters, including whether Tommie Rae was Brown's spouse. Despite this *Wilson v. Dallas* requires scrutiny of how Estate funds were used to benefit Tommie Rae in Case 4900 and what Wingate expects to be paid, and from whom.

The June 13 Orders purport to control the conduct of Case 4900, the FOIA Cases and even the Forlando Federal Case by declaring that Adele lacks standing to proceed in any James Brown estate of trust case. Such a finding exceed the jurisdiction of the Court; violates Adele's Due Process rights and fundamental fairness as well as her rights as an Interested Person, "Other" "creditor" and statutory "beneficiary" under the SCPC and SCTC. The Orders should be declared void.

Bauknight Uses the \$4.7 Million Value to Accuse Bob and Adele of a Felony

In December 2010 – four years after Brown died – Bauknight told the IRS that Brown's worldwide music empire and \$13 Million claim against Cannon were both worth less than \$4.7 Million when Brown died.

In February 2011 Bob and Adele separately learned of the representation from the IRS. Each separately wrote Bauknight's attorneys asking them to insure that their names not be associated with Bauknight's claims that assets they valued at about \$84 Million should be reduced to \$4.7 Million in the Estate Tax proceeding. They did not

contact the IRS.³⁰

In May 2011 Bauknight filed a sworn I&A with the less than \$4.7 value and asked the Supreme Court to accept it as part of the *Wilson v. Dallas* ROA.

Thereafter Bauknight – purporting to speak for the Estate, 2000 Trust and State/AG began widely accusing Bob and Adele of the federal felony of overstating Brown’s music empire by \$79 Million on the Estate Tax Return– at more than 15 times what he asserted was its real value – for the improper purpose of obtaining a \$5 Million commission.

Bauknight’s egregious false allegation that Bob and Adele committed a federal crime threatens their already-awarded commissions under the January 8 Order and causes other grave damage. It is particularly troublesome that it came as Bauknight was suing Bob and Adele for not accepting a \$100 Million 2007 offer for the music empire which he told the Supreme Court was never made.

In the three years since he began making these false, career-threatening allegations, Bauknight has not filed the purported less-than \$4.7 “appraisal” or any information about it as required by the SCPC. He asserts it is under “lock and key.”³¹

The Due Process rights of those of 85 attorneys who have worked on James

³⁰ Both received copies of correspondence from the IRS with their names on it, and appearing to have agreed to a proposed adjustment.

³¹ To remove Adele and the fiduciaries and attorneys who know Bauknight’s less-than \$4.7 Million value to be false from the James Brown cases, while leaving Bauknight in them, deprives all of a the level playing field required by Due Process where their property rights and possible disgorgement are threatened, as well as their rights as creditors under the 2000 Estate Plan, SCPC and SCTC. The June 13 Orders purport to deprive Adele and others of their right to correct this false valuation – used by Bauknight under Color of State authority to try to deprive Adele and Bob of property, reputation and livelihood both in Case 4900 and in the Aiken County James Brown cases.

Brown matters and are seeking to be paid from the Estate/2000 Trust, as well as their rights under the SCPC and SCTC, will be denied if Adele and all others are not allowed to scrutinize this egregious devaluation which damages the "I Feel Good" Trust.

The Estate & 2000 Trust Seek to Enter FOIA Suits

In 2011, at the suggestion of Bob, Adele sought certain public documents under the South Carolina Freedom of Information Act ("FOIA"), to include:

- a. A copy of the Legacy Trust AG McMaster which sued Bob and Adele in 2010, and amendments.³²
- b. A copy of the Wingate Litigation Agreement and authorization for Wingate to sue in the name of the State/AG and Bauknight to claim that he acts "on behalf of the Attorney General of South Carolina " in Case 4900.

In response, one of Bauknight's 20+ attorneys advised Adele the Legacy Trust would sue her or seek sanctions if she continued to seek Legacy Trust documents under FOIA, although the Legacy Trust was created by AG McMaster.

By September 2011 Bauknight had engaged L&B to fight the Legacy Trust's FOIA compliance.

On September 23, 2011 AG Wilson informed Jg. Manning he was ready and more than willing to produce the Wingate Litigation Retention Agreement, but Russell stopped release.

From 2011 until today Wingate, the Estate/2000 Trust through Bauknight, and Tommie Rae have fought to prevent release of the Litigation Retention Agreement,

³² In 2013 Adele received AG McMaster's January 2011 Legacy Trust not under FOIA, but from Forlando's public release of it. The amendment was prepared by Bauknight's attorneys for AG McMaster. It was not disclosed by Bauknight to the Supreme Court on May 4, 2011 when he asked the Supreme Court to supplement the record ("ROA") in *Wilson v. Dallas* with his less-than \$4.7 Million value. On July 1, 2011 the Supreme Court declined to supplement the record with the less-than \$4.7 Million value.

clearly mandated for review under *Wilson v. Dallas*.

The Estate/Trust's involvement in the FOIA cases continues. The June 13 Orders purport to deprive Adele and others of their FOIA rights and condone the Estate/Trust's extraordinary attempts to intervene in FOIA cases and consolidate them with a tort case from which the Attorney General is asking to be released.

All of this may help Bauknight and Tommie Rae. It does not help the "I Feel Good" Trust. The June 13 Orders prevent proper review of these extraordinary acts under *Wilson v. Dallas*.

The Estate, 2000 Trust and Cannon's Million Dollar Mansion

While SAs, and then as PR/Trustees, Bob and Adele were interested in the *civil* issues related to Cannon's misappropriations and the claim of the Cannon Group for \$15 Million in commission and options or a "kickback" from the IPO to be created after the \$100 Million sale.

On their watch – from Nov. 20, 2007 – May 26, 2009 – the following occurred:

1. The million-dollars mansion Cannon was building in the Carribean was photographed.
2. Cannon's \$13+ Million takings were uncovered;
3. Cannon's and Dallas' combined \$11 Million commission claims were disallowed; they sued; and Bob and Adele were ready for Summary Judgment. in favor of the Estate after brief discovery.
4. Few & Gilreath filed suit against Cannon, Morgan Stanley and others to recover the \$13+ Million takings.
5. The April 8 Order directed the Cannon Group to pay the attorneys' fees and costs of the year-long litigation which ended in their resignations.

In the 4 years between May 26, 2009 and May 8, 2013 Bauknight took virtually

no action to recover anything from Cannon and allowed Dallas' \$6 Million claim to stand, including:

- a. Almost as a first act, Bauknight directed Few/Gilreath not to discuss the Cannon case with Bob and Adele.
- b. Bauknight left Cannon's 2008 forgery to cover up about \$3.5 Million of the taking virtually unmentioned.
- c. In November 2010, after Cannon's indictment, Bauknight & Wingate listed Cannon and Dallas as the Estate/2000 Trust's witnesses against Bob and Adele.
- d. On January 31, 2011 Bauknight sought sanctions against Bob and Adele for filing a brief which would help collect the \$1.2 Million Cannon owed – and still owes – for attorneys' fees and costs in Case 122.
- e. In October 2011 Bauknight failed to seek restitution from Cannon even though Cannon owns a Million Dollar mansion on Roatan.
- f. In 2012 Bauknight blamed AG Wilson for his failure to seek restitution.
- g. In 2012 Bauknight insisted that completing the Dallas \$6 Million claim was unnecessary.

Bauknight, Tommie Rae, the Shield Law and the Gag Orders

In 2012 Bauknight bitterly fought "on behalf of" Tommie Rae to prevent discussion of the widely-known contents of her writings which came to be known as the Hynie "diary." He did so in the name of the Estate/2000 Trust even though his actions were openly and directly at odds with the best interest of the "I Feel Good" Trust and the Estate.

In the first half of 2012, Bauknight and Hynie spent months trying to prevent Jg. Early from conducting a hearing on Adele's request to ungag the scores of people who have read and discussed Tommie Rae's writings and said she was not Brown's

spouse . He did so even though he and Tommie Rae had named at least 14 of them as witnesses in their Case 4900 suit against Bob and Adele.

Both Tommie Rae and Bauknight admit that discussion and dissemination of the widely-known-for-years contents of the writings will cause irreparable harm to Tommie Rae's claim to be Brown's spouse and take nearly 25% of the "I Feel Good" Trust. That is good for the "I Feel Good" Trust. It is good for the protection of Brown's Royalty copyrights to 800+ songs, about half of the \$100 Million he left to the "I Feel Good" Trust. It is good for the \$285,000 grandchildren's shares the settlement destroyed.

On May 12 Jg.Early conducted a hearing on Adele's request to declare the Gag Orders void or expired.

At that hearing Bauknight – to the dismay of everyone familiar with the James Brown cases – told Jg.Early that he [Jg. Early] had already declared Tommie Rae to be Brown's spouse.

This act of extreme disloyalty to the Estate/2000 Trust – coupled with the fact that it was both material and incorrect — alone demonstrates that Bauknight is committed to Tommie Rae and has not; cannot; and will not protect the "I Feel Good" Trust.

These matters were not before the Supreme Court. Aided by an excellent lead counsel, serving *pro bono publico* to save the "I Feel Good" Foundation, Bob and Adele took little heed of protecting themselves, desiring only to fulfill their duty to the Estate Plan.

After the May 12 hearing, Bauknight did not stop. Bauknight and Wingate – speaking for AG Wison – went on a witch hunt to try to prove that Adele was leaking the

“diary” contents to the media. Bauknight even joined Tommie Rae in accusing Adele of lying to Jg. Early, asserting that her statements were “works of fiction.”

On July 12, 2012 Jg. Early found he lacked jurisdiction to hear Adele’s motion to declare the Gag Order void or expired. On appeal, Bauknight joined Tommie Rae in her continued vitriol.

In direct violation of the S.C. Shield law – and after Jg. Early had accepted Adele’s representation that she had not disclosed the “diary” contents to anyone – Bauknight and Wingate, speaking for AG Wilson– subpoenaed a reporter’s notes in an effort to prove Adele was the “longtime friend” who revealed the “diary” contents to the reporter.

The witch hunt was called off by AG Wilson after the national media erupted in a shower of criticism over Wingate’s action.

By 2013 both grandson Forlando and Dallas had – without prompting – discussed under oath the contents of the “diary” in sworn testimony in Case 4900 and the Forlando Federal Suit. The witch hunt was over.

Following the May 8 decision, Adele’s motion to declare the Gag Orders void or expired are now before Jg. Early.

The June 13 Orders, however, violate the Due Process and First Amendment rights of Adele, Bob and all who seek to have the 5-year-old Gag Orders declared void rather than violating them at their peril remain. Fair play demands that these person not be deprived of a legal remedy to exercise their First Amendment Rights. The June 13 Orders should be voided.

Bauknight’s *Ex Parte* Appointments and the Notice of Disallowance

Before the Remittitur was handed down, Bauknight presented two courts with, and obtained, *ex parte* "emergency" appointments as SA/ST without notice or a hearing.

Instead of limiting Bauknight to actions necessary to preserve and protect the assets pending *Wilson v. Dallas* review, the *ex parte* orders gave Bauknight the authority to conduct litigation – even to ratify his own secret actions.

The *ex parte* appointments were extraordinary in light of the fact that Bauknight has not filed the required accountings for his actions since 2010; has created at least two LLC s without providing information to AG Wilson; has, without basis, openly declared Tommie Rae's elective share to be a "slam dunk;"has violated SCPC provisions related to filing requirements related to his less-than \$4.7 Million valuation of Brown's worldwide music empire; and has failed in four years to collect a dime from Cannon, who retains his million-dollar Caribbean retirement home.

Bauknight has used the *ex parte* appointments to ask Jg. Manning to stay Case 4900 and the FOIA Cases until Jg. Early concludes all matters. He did so even though Jg. Early cannot finalize the Attorneys' fee and commission issues until the Estate/2000 Trust's claims against Adele and hers – and possibly Bob's – against the Estate/2000 Trust are resolved.

At the May 29 status conference Bauknight used his secret *ex parte* appointment as SA to take two actions intended to avoid the *Wilson v. Dallas* scrutiny of the \$20 Million or more he proposes to pay himself, his 20+ attorneys and those of Tommie Rae and other settling parties. He did so by:

1. Delivering a totally unnecessary Notice of Disallowance of Bob's and Adele's claim, pending since July 2009, threatening disgorgement even of her partial SA payment for 2007; and
2. Arguing that Adele and Bob must be banned for all James Brown Cases, without presenting a single proposal for how the 2000 Estate Plan and 1999 Backup Estate Plan will be protected.
3. Acquiescing in Tommie Rae's request to go in chambers and state off the record "evidence" they assert will justify taking \$50 Million from the "I Feel Good" Foundation again , with no mention of the Due Process Rights of Voorhees and the other beneficiaries and fiduciaries of the 1999 Backup Estate Plan; the 2000 Estate Plan and others.

The June 13 Orders condoning Bauknight's actions should be voided or strictly limited to asset management and accounting. Litigation for the Estate/2000 Trust should be conducted by someone who is not aligned with Tommie Rae.

Case 1337 and Bauknight's Second *Ex Parte* Order

On June 10, 2013 – forced by the unnecessary Bauknight Notice of Disallowance – Adele filed Case 2013-CP-02-1337 seeking voiding of Bauknight's *ex parte* appointments, or limiting them so he cannot further damage the "I Feel Good: Trust and asking the Court to conclude Case 4900 and the FOIA Cases; appoint an SA/ST who will protect Brown's Will and 2000 Trust, and the backup 1999 Will and Trust in accordance with the *Wilson v. Dallas* mandate.

Bauknight was served through an authorized representative by June 13.

In response, he returned to the Probate Court on June 13 for another "emergency" *ex parte* order, as broad as the first. The June 13 Orders condone Bauknight's actions and should be vacated.

Adele's Standing to be in All James Brown Cases

As set out on page 6 of the Motion, Adele has standing to participate in this and all James Brown estate and trust cases at least until the Estate/2000 Trust's claims and her counterclaims against them are resolved in Case 4900. She is an Interested Person under the SCTC and her claims and property rights are affected by each of the cases. She and Bob qualify as "others" and statutory "beneficiaries" under the Trust Code.

Both her First Amendment and Due Process rights confer standing on Adele to remain in Case 122 until the Gag Orders are voided and her First Amendment rights restores.

Now that AG Wilson has withdrawn from the Aiken Cases, Adele has clear "other" status under §62-7-405 in relation to the "I Feel Good" Trust as embodied in the 2000 and 1999 Estate Plans. This is especially true where Bauknight has shown that he will not defend or enforce either the 2000 or 1999 Estate Plan.

Adele has standing to protect the "I Feel Good" Trust.

Relationship with the Attorney General

Where lawyers have long, unblemished careers – 35 years for Adele – and are falsely accused by the State's chief legal officer of having committed a federal felony, it is impossible to avoid discord.

The accusations made by Tommie Rae and others – had they not been backed by the mighty power of the State – would be worthy of overlooking. When made by Wingate and Russell on behalf of the Attorney General they posed a true threat to

Bob's and Adele's livelihood, reputations and property rights in the already-ordered commissions.

Immediately after the first *Wilson v. Dallas* decision Adele met with AG Wilson, and she and her counsel in Case 4900 met again with AG Wilson's staff. The substance of those conversation was Adele's relief that the Supreme Court had saved \$50 Million for the "I Feel Good" Foundation; almost nothing had been lost except the years; and it was time to move forward to protect the "I Feel Good" Foundation.

Prior to the notifying the Supreme Court of his intention to do so, AG Wilson personally called Adele to notify her of his plan to seek to withdraw from Case 4900.

AG Wilson told the Supreme Court AG McMaster did not want to sue Bob and Adele in Case 4900, but did so only because he was advised by "someone" that the statute of limitations would expire the next day and he would breach his fiduciary not to.

Releases since May 8 make clear that Bauknight was not authorized to assert that he was suing "on behalf of the Attorney General of South Carolina." It also appears that former AG McMaster never authorized Wingate to bring Case 4900 in the name of the State/AG.³³

AG Wilson has now withdrawn from the Aiken County Cases. Having previously supported Tommie Rae in the Hynie "diary" Gag Order appeal, he agreed to be dismissed as a party to that appeal before it was dismissed as moot.

While differences clearly remain, including Adele's concern that public

³³ Wingate has now moved to withdraw as counsel for the State/AG. His authority to have brought Case 4900 in the name of the State/AG is clouded. One of the AG's assistants allowed himself to be introduced at the first hearing as a client, and attended many Case 4900 hearing as a client.

documents which should have been produced under FOIA have not been produced for two years, there is no hostility.

Direction to Remove Adele's Motions from the Public Records Prior to Hearing

The June 13 Orders take the unprecedented step of directing – without a hearing – that the Clerk of Court remove from the public records three (or more) motions timely filed in accordance with the Court's directions. To do so would violate fundamental fairness and Adele's Due Process rights, as well as her rights as an Interested Party under the SCPC and creditor.

The Three Motions were:

1. Motion for Scheduling Order and Appointment of Limited SA/ST to Comply with Mandate of Supreme Court Decision, *Wilson v. Dallas*; (Case 1647);
2. Motion to Expedite Intervention; Add Parties; and Determine Commissions and Attorney's Fees (Case 1426, Dallas Claim Case)
3. Motion for Expedited Relief to Protect The James Brown "I Feel Good" Trust, dtd. 5/21/13 Case 2008-CP-02-0872 ("Case 872");

Each of the motions was timely. Each should be heard and considered.

Directing the Court to remove filed motions from the public record without notice or hearing violates fundamental Due Process Rights of Adele and those affected by the motion

Case 2013-CP-02-1348 Exceeds Clerk's Jurisdiction, Violates Due Process

The dismissal of Dallas, Bob and Adele from case 1647, coupled with creation of a new case – not just a new number – exceeds the Jurisdiction of the Court and Clerk because the Clerk lacks the authority to determine parties, issue a Summons and take other steps to acquire jurisdiction over and give proper notice to as many as 85 people

who may be subject to nonpayment or even disgorgement of \$20 Million or more.

The Clerk's June 13 Order named as the Plaintiff Henry McMaster, an AG who left office more than two years ago. Defendants include minor Sydney, who has no GAL. Also named as Defendants are Jason Brown-Lewis and Lindsey Delores Brown. These two – since achieving majority several years ago -- have never sought to be in any James Brown Aiken case except Case 4900.

Not named are the fiduciaries and attorneys who are covered by the *Wilson v. Dallas* mandate – those who have been paid or seek payment from the Estate/2000 Trust in Case 1647 or any related matter. Adele's Motion for Scheduling Order and Appointment of Limited SA/ST dated May 22, 2012 [3] [sic] in Case 1647 names about 85 lawyers who have worked on James Brown matters.

Due Process, fundamental fairness and the SCPC demand that personal jurisdiction be obtained over anyone subject to nonpayment or disgorgement.

The deficiency is not the fault of the Clerk. She cannot ascertain from the records who must be named. She cannot secure jurisdiction over them. It can, and should, be done as part of Case 1647.

The June 13 Orders violate and lack of identification of the parties, personal jurisdiction over them and other components of the June 13 Order Due Process to all attorneys subject to nonpayment and/or disgorgement. They must be added to Case 1647 as Interested Person and given adequate notice and opportunity to be heard. If they have a separate claims case pending, it should be consolidated and/or concluded.

Twenty Million dollars or more are at stake in the process, as is the possible future of the "I Feel Good" Foundation.

Bauknight's Prior Statements

On November 1, 2011 Bauknight made the following representations to the Supreme Court:

- a. Tommie Rae's elective share claim was a "slam dunk:"
- b. Copyright Termination Rights is "all this case is about."
- c. He knows the value of the assets [less than \$4.7 Million...]
- d. Brown's Estate/2000 Trust has no corpus "to speak of"
- e. If Tommie Rae doesn't get the termination rights, the settling children will.

Each of these statements must be considered and subject to scrutiny in both the appointment and payment/d disgorgement review. Failure to do so places the "I Feel Good" Trust which our Supreme Court has just saved in jeopardy.

Conclusion

Reviewing \$25 Million or more in paid or claimed fees and commissions of fiduciaries and attorneys presents a substantial challenge. Where disgorgement or nonpayment under previous order or valid contracts is threatened particular attention must be given to Due Process rights and a procedure that comports with fundamental fairness. The June 13 Orders fail to do that. Without notice or hearing, the Orders add parties; grant and deny standing and trample on the Due Process and First Amendment rights and SCTC and SCPC rights of Adele, Bob, the attorneys who served the Estate Plan under valid contracts with them and the beneficiaries of the 2000 and 1999 Estate Plans.

In addition to denying fundamental fairness, the June 13 Orders exceed the

jurisdiction of the Court and Clerk, attempting to control matter over which the Richland County and Federal Courts have jurisdiction.

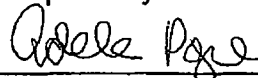
The Courts findings that Adele lacks standing to participate in cases related to the estate and trust of James Brown cannot stand where she is currently defending herself against false claims by the Estate/2000 Trust in Case 4900.

Bauknight has demonstrated that he cannot and will not protect either the "I Feel Good" Trust.

Based on the facts set out herein and in the motion the Court should:

1. Void the June 13 Orders in their entirety;
2. Confirm that Adele and all former fiduciaries have standing to remain in Case 1647, which is not the will and trust contest.
3. Confirm that Case 872, the will and trust contest will not be collapsed into Case 1647;
4. Direct that the motions filed by Adele be heard at the Court's earliest convenience
5. Voiding all appointments of Bauknight

Respectfully submitted,



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Pro Se

June 24, 2013

RECEIVED

JUN 25 2013

NEXSEN PRUET, LLC