

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

The Honorable Doyet A. Early, III, Circuit Court Judge

RECEIVED

APR 10 2014

SC Court of Appeals

Case No. 2008-CP-02-1647
Case No. 2013-CP-02-2849
Case No. 2013-CP-02-2850
Case No. 2013-CP-02-2851

MICHAEL DEON BROWN, JAMES CURTIS, AND JANE DOE and JOHN DOE Numbers I, II, III and IV, by their proposed Guardian *ad Litem*, and Adele Pope, as Creditor/Proponent of Will of James Brown dated June 15, 1999 and on behalf of Others under S.C. Trust Code § 62-7-405.....Appellants,

v.

James B., Terry Brown, Tommie Rae Hynie and David Sojourner, Jr.,.....Respondents,

IN RE:

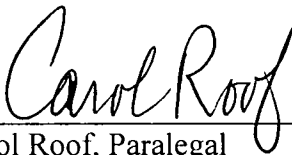
THE ESTATE OF JAMES BROWN, A/K/A JAMES JOSEPH BROWN

PROOF OF SERVICE

I, the undersigned paralegal of the law offices of Adams and Reese, LLP., attorney for David C. Sojourner Jr. (the "LSA"), as Limited Special Administrator of the Estate of James Brown a/k/a James Joseph Brown (the "Estate") and as Limited Special Trustee of the James Brown August 1, 2000 Irrevocable Trust Agreement (the "Trust"), do hereby certify that I have served all counsel in this action with a copy of the Motion to Dismiss via electronic and first-class mail service this 10th day of April, 2014:

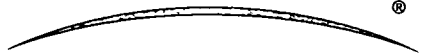
Counsel Served:

| | |
|---|--|
| Robert N. Rosen, Esq. Rosen Law Firm, LLC 18 Broad Street, Suite 201 Charleston SC 29401 | Albert Peter Shahid, Jr., Esq. Shahid Law Office, LLC 89 Broad Street Charleston SC 29401 |
| Louis Levenson, Esq. Levenson & Associates 125 Broad Street, SW Atlanta GA 30303 | David B. Bell, Esq. David Bell Law Firm 619 Greene Street Augusta GA 30903 |
| Matthew Day Bodman, Esq. Matt Bodman, PA 1500 Calhoun Street Columbia SC 29201 | William Joseph Barr, Esq. Barr Law LLC 108 N. Academy Street Kingstree SC 29556-3422 |
| James Mixon Griffin, Esq. Lewis Babcock & Griffin, LLP PO Box 11208 Columbia SC 29211 | S. Alan Medlin 1713 Phelps Street Columbia SC 29205 |



Carol Roof, Paralegal

Columbia, South Carolina
April 10, 2014



April 10, 2014

Attorneys at Law
Alabama
Florida
Louisiana
Mississippi
South Carolina
Tennessee
Texas
Washington, DC

VIA HAND-DELIVERY

The Honorable Jenny Abbott Kitchings
Clerk of Court, South Carolina Court of Appeals
1205 Pendleton Street, Brown Building
Columbia, South Carolina 29201


John F. Beach
Direct: 803.343.1269
E-Fax: 803.343.1224
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RE: *Michael Deon Brown, James Curtis, and Jane Doe and John Doe Numbers I, II, III, IV, by their proposed Guardian ad Litem and Adele Pope, as Creditor/Proponent of Will of James Brown dated June 15, 1999 and on behalf of others under S.C. Trust Code §62-7-405 v. James B., Terry Brown, Tommie Rae Hynie and David Sojourner, Jr. -
In Re: the Estate of James Brown a/k/a James Joseph Brown
A&R File No.: 022853-000001*

Dear Ms. Kitchings:

Enclosed herewith for filing, please find the original and six (6) copies of the Motion to Dismiss filed by David C. Sojourner, Jr., in his capacity as Limited Special Trustee and Limited Special Administrator of the James Brown Trust and Estate in the above-referenced matter. Please file the original and return the clocked copy via the bearer of these documents.

By copy of this letter, we are serving this document upon all parties in this action, and enclose our Proof of Service to that effect.

Sincerely,

John F. Beach *by cr*

JFB/cr

Attachments

cc: The Honorable Liz Godard
The Honorable Doyet A. Early, III
Adele J. Pope, Esq.
Mary Frances Jowers, Esq.
J. David Black, Esq.
David C. Sojourner, Jr., Esq.
All parties of record

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SC Court of Appeals

Exhibit A

The South Carolina Court of Appeals

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.

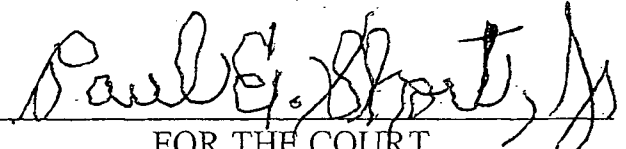
Appellate Case No. 2013-002582

ORDER

Appellant has filed a notice of appeal from an interim order of Judge Doyet A. Early III.¹ Because "[o]nly a *party aggrieved* by an order, judgment, sentence or

¹ The interim order appointed Russell L. Bauknight as the personal representative of the estate of James Brown and trustee of the James Brown August 1, 2000 irrevocable trust agreement. Additionally, the order appointed David C. Sojourner as the limited special trustee for the sole purpose of defending the trust in will and trust challenges. The order also established the temporary nature of the

decision may appeal" and an appeal may only be taken "as provided by law[] from final judgment, appealable order or decision," this appeal is dismissed. See Rule 201, SCACR (emphasis added); see also *Nance v. Nationwide Ins. Co.*, 273 S.C. 617, 619, 258 S.E.2d 105, 106 (1979) ("An appeal filed by one who has ceased to be a party to a suit is a mere nullity." (internal quotation marks and citation omitted)).


FOR THE COURT

Columbia, South Carolina

- cc:
Adele J. Pope
Albert P. Shahid, Jr., Esquire
David B. Bell, Esquire
Matthew Day Bodman, Esquire
Eugene C. Covington, Jr., Esquire
Robert N. Rosen, Esquire
William W. Wilkins, Esquire
J. David Black, Esquire
Fred Lewis Kingsmore, Jr., Esquire
Burl F. Williams, Esquire
David G. Cannon

FILED
1/30/14

appointments, stating fiduciary appointments would be revisited upon the conclusion of estate litigation.