

STATE OF SOUTH CAROLINA
In the Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

RECEIVED

The Honorable Doyet A. Early, III Circuit Court Judge
APR 21 2014

SC Court of Appeals

Case No. 2013-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

RETURN AND MEMORANDUM OF APPELLANTS IN OPPOSITION TO
LETTER/MOTION OF DAVID B. BELL, ESQUIRE

Appellants respectfully submit that the letter/motion of David B. Bell,
Esquire, dated April 15, 2014 and directed to the Honorable Jenny Abbott
Kitchings, seeking to remove Michael Deon Brown, by his proposed guardian *ad*
litem ("Michael"), as a party to this appeal [Exhibit A] should be denied, stricken
or disregarded for each of the following reasons:

1. The Letter/Motion fails to comply with Rule 240 SCACR.
2. Michael, a natural son of James Brown who has been incarcerated in California since James Brown died, is required under Rule 17(c) SCRCRCP to have a guardian *ad litem* ("GAL") in the each of the four cases which are the subject of this appeal; in Case 2008-CP-02-0872 (the "Levenson Intestacy Suit¹"); in Aiken County Case 2007-CP-02-0122 ("Case 122"); in

1

The Levenson Intestacy Suit was commenced as two separate suits in the Aiken County Probate Court on December 26, 2007 after the death of entertainer James Brown on Christmas Day 2006. Mr. Bell represents Forlando and Terry Brown in those suits, which were removed to circuit court and originally filed with Aiken County Case 2007-CP-02-0122 ("Case 122").

By Order dated March 8, 2008 the Honorable Doyet A. Early, III ("Judge Early") provided for publication and service with notice that the purpose of the Levenson Intestacy Suit was to determine all heirs of James Brown under both State and Federal Law. [See Order dtd. 3/8/08, Exhibit E to Return filed by Appellants on 4/17/13].

In May 2008 the Levenson Intestacy Suit was segregated from Case 122, and assigned Case No. 2008-CP-02-0872 ("Case 872").

Following a May 28, 2009 Order of the Honorable Jasper Cureton in an appeal by Brown's original trustees Albert Dallas and Al Bradley, Mr. Bell, for Terry and Forlando Brown, took the position that Judge Cureton's May 28 Order prevented any action related to the 2000 Trust. This prevented progress in the Levenson Intestacy Suit until July 14, 2008.

On July 14, 2008 the S. C. Court of Appeals, on recommendation of both AG McMaster and the Estate/2000 Trust, approved the Christie's sale which was to take place on July 17, 2008 after Forlando Brown and other family members had worked with Dallas and Cannon to chill the sale. The July 14 Order also clarified that Brown's PR/Trustees who succeeded Dallas and Bradley had full authority to conduct the business of the 2000 Trust pending the Dallas/Bradley appeal.

Less than a month later AG McMaster, Tommie Rae Hynie and Levenson announced the McMaster Settlement which "stipulated" that Hynie was Brown's spouse and her son, not a presumed child of Brown, would be exempted from the Estate's official Peoples DNA Protocol and treated as an heir. Hynie's son is the only claimed child born in the 22 years between Brown's vasectomy and his death. He has refused the Peoples DNA Protocol for 7 years.

By stipulating that Brown's non-wife was his wife and intentionally ignoring three DNA-proven and acknowledged children of James Brown; his daughter Lisa from Brown's first marriage – and Michael and others awaiting DNA testing –before they were served in the Hynie Claim, the James B. claim or the Levenson Intestacy Suit, the State/AG violated their Due Process, First Amendment, Equal Protection and Probate Code rights both to be acknowledged in the Levenson Intestacy Proceeding and to exercise their federal termination rights under the Federal Copyright Act as those rights mature over the coming decades. The State/AG also deprived Brown's "I Feel Good" Foundation of the right to contract with these five (or more) children who are the HALF necessary to protect the "I Feel Good" Trust's rights to more than 800 songs (the "Royalties") for decades..

On January 30, 2009 Terry Brown joined the McMaster Settlement in exchange for 4.79%

James Brown Estate proceedings in Probate Court Case No. 2007-ES-02-00056; and in all other cases affecting his property interests.

3. As a result of State action since August 10, 2008, and other improper action, Michael has been deprived of his Due Process, Equal Protection and First Amendment rights as an heir of James Brown:

a. To be made a party; served with the summons and petition; and protected by a GAL in all James Brown estate and trust cases where Tommie Rae Hynie or others may be found to be heirs.

b. To be represented in each case by a GAL who will protect his interest, not that of Forlando Brown, Terry Brown, Hynie or others.

4. A GAL is necessary even if Mr. Bell's claim to be Michael's lawyer is correct, because he and Mr. Bodman have irreconcilable conflicts and have worked against Michael for seven years.

5. Mr. Bell has a long and usavory history in the James Brown matters, including his improper acts and misrepresentations, and those of clients.

6. Mr. Bell cannot represent Michael in the more-than- six cases in which protection of Michael's rights as an heir are necessary.

7. Mr. Sojourner and Mr. Bell improperly persuaded the Honorable Doyet A. Early, III ("Judge Early") to deny Michael a *pro bono publico* GAL or a hearing on the petition for appointment, even though a GAL was required.

8. By refusing to hold a hearing on the appointment of a GAL for Michael and other Appellants, Judge Early denied Michael and the five or

of the assets Brown gave to the "I Feel Good" Trust and a right of first refusal to buy Brown's music empire (the "ROFR"). Mr. Bell joined AG McMaster, and later AG Wilson in their quest to ignore and cut off the heirs rights of Michael and others.

From January 30, 2009 until May 8, 2013 Mr. Bell and his sponsor Mr. Bodman, simultaneously represented Terry Brown as part of the McMaster Settlement and Forlando Brown who claimed to oppose it in a January 2, 2008 federal lawsuit he brought to enjoin the 2000 Trust and replace its trustees so that TJBL (of which he owned a secret 39%) could acquire the assets.

On May 19, 2010 Mr. Bell – along with Levenson, and counsel for Hynie –secretly signed a 40% contingency fee contract with the firm of Kenneth Wingate, Esquire ("Wingate") to sue Robert Buchanan, Jr. and Adele Pope to stop the appeal in Case 2008-CP-02-1647 ("Case 1647") which resulted in the May 8, 2013 in *Wilson v. Dallas* 403 S.C. 411, 743 S.C.2d 743. The decision restored Michael's rights AG McMaster had taken away.

more additional *real* heirs of James Brown who have not challenged his noble estate plan as embodied in his 2000 estate plan and 1999 backup Will their Due Process, Equal Protection, First Amendment and Probate Code rights as Interested Persons and heirs to void the Hynie "diary" Gag Orders; confirm that Hynie was not Brown's spouse; confirm that Hynie's son is not an heir; and seek dismissal of their petitions for failure to timely file; filing in the wrong court; failure to name and serve known heirs and claimed heirs; and other procedural and legal defects.

9. Mr. Bell is fighting against the HALF (or half + 1) of James Brown's *real* heirs who are not challenging the estate plan of James Brown; are willing to take, or have taken and passed, the official Peoples DNA Protocol; and are in a position to contract with the Estate/"I Feel Good" to secure mutually beneficial agreements without Hynie or any other settling party or client of Mr. Bell under which Michael and they should:

a. Be fairly paid by the Estate/"I Feel Good" Trust for their cooperation with the Estate/"I Feel Good" Trust's termination rights elections under the Federal Copyright Act;

b. Be appropriately acknowledged and respected as heirs under State law and the Federal Copyright Act as directed by Judge Early in the March 8, 2008 Order in the Levenson Intestacy Suit.

c. Protect their own property rights and the property rights of their children as heirs under the Federal Copyright Act against an improper State law determination that Brown had a spouse when he did not.

d. Be free to ask the Court to void the 2008 so-called "Hynie 'diary' Gag Orders" which, unless found void or expired, may prevent use of the widely-disseminated contents Hynie's handwritten notes to protect both the "I Feel Good" Trust and the rights of Michael and the *real* heirs.

10. Michael's unsolicited call from prison to give Appellant his prison number and thank her for what she was doing, with other facts, makes clear that Michael needs to be protected by a GAL.

11. Mr. Bell recently represented to the federal court that he is not being paid to represent Forlando Brown in his 6-year old suit to enjoin the 2000 Trust.

While Michael and other heirs are being served in this appeal by a *pro bono publico* proposed GAL, and do not seek to be punitive, they respectfully

ask that the Court consider *sue sponte* striking the letter/motion as violating both the *pro hac vice* rules and Rule 11, and directing the payment of the approximately \$50 necessary for the copying, postage and/or mileage costs of serving and filing this response.

Argument

The letter/motion of Mr. Bell and Mr. Bodman presents the following questions:

1. Where Michael is an heir supported by decedent James Brown under court orders during minority; sought *pro se* to be tested under the Estate's official Peeples DNA Protocol within eight months of Brown's 2006 death; was not served with a summons or petition in three or more cases filed in 2007 in which Hynie, her son and others sought to be determined heirs of Brown; was intentionally excluded from the State/AG's 2008 settlement, and may have an out-of-state lawyer who represents clients with direct conflicts with Michael, may that lawyer prevent the appointment of a proposed *pro bono publico* GAL for Michael?
2. Where a proposed GAL with substantial experience in the relationship between Federal Copyright Act termination rights and State Probate law has offered to serve *pro bono publico* for Michael and other claimed heirs not challenging the estate plan, did the circuit court deny Michael and others Due Process, First Amendment, Equal Protection and S.C. Probate Code rights by refusing to appoint the GAL or conduct a hearing on the proposed appointment?
3. Where the HALF of Brown's heirs who, with respect and fair contracts with the Estate/2000 Trust, will allow the "I Feel Good" Trust to protect its rights to the royalties to more than 800 songs for decades under the Federal Copyright Act, should the circuit court judge have excluded them from heirs proceedings without without service, notice or hearing?

For each of the reasons set forth herein, the Court should find that Mr. Bell's letter request should be stricken, disregarded, or denied.

In addition to failing to comply with the South Carolina Rules of Appellate Procedure, the letter/motion provides no reasonable basis for the relief requested by Mr. Bell.

Rule 17 (c) SCRPC provides in pertinent part, as follows:

A person imprisoned outside this State shall appear by guardian ad litem in an action by or against him;...

It is true that an inmate may waive the appointment of a guardian ad litem. *Green v. Boney*, 233 S.C. 49, 103 S.E. 2d 732; *Cobb v. Garlington*, 100 S.C. 51, 84 S.E. 302; *McCuen v. McCuen*, S.C. Ct. Appeals No 3434 (2002). These cases, however, make an exception to the requirement where the incarcerated party was clearly not disadvantaged. For example, *Green* recites that “an array of able counsel appeared for the defendant.” And in *McCuen* the party’s incarceration came during the proceeding *after* she had attended an earlier hearing with counsel.

Michael’s circumstances bear no relation to the cases which provide an exception to Rule 17 (c). Mr. Bell, his sponsor Mr. Bodman, and their clients Terry and Forlando Brown have a 7-year history of working against Michael and the *real* heirs of James Brown who were not acknowledged in Brown’s two estate plans. Yet Michael and the other *real* heirs who have been proven under the Peoples DNA Protocol, or are awaiting it, have the same rights under the Federal Copyright act as the claimed settling children. Their rights are higher than those of James B. and others. Among those is the right to demonstrate that the State/AG violated their rights for five years by “stipulating” that a non-wife

would be considered a wife, then giving her nearly a quarter of the assets of Brown's "I Feel Good" Foundation.

The troubled history of Mr. Bell, Forlando and Terry Brown is set out in part in the Return of Appellants to Motion to Dismiss of Mr. Sojourner filed with this Court on April 17, 2014, which is incorporated by reference. It is also set out in the Motion to Alter or Amend the Orders which are the subject of this appeal, and a related memorandum. Those documents, in part, are attached as Exhibits B and C to this Return.

The following chronology briefly outlines some of the facts which demonstrate that Mr. Bell should not be able to prevent a GAL for Michael or dismiss Michael, through his proposed GAL, as a party to this appeal:

- | | |
|------------------------|---|
| 2007 | Bell files six false grievances against Levenson in two states, including making false claim that Forlando's signature was forged on 30% fee contract. |
| 2008 | Bell attaches fabricated Post-death Schedule B to copy of 2000 Trust filed with federal court.

Bell and Forlando make false claim to federal Court that Forlando is not a party to State action to remove trustees. He is a Plaintiff in Case 122. |
| 2009 | Bell threatens Robert Buchanan, Jr. with judicial grievance if he does not resign as PR/Trustee. and abandon defense of Brown's estate plan. |
| 2009 -2013 | Bell represents parties opposing and promoting McMaster Settlement at same time. |
| May 19, 2010-
Today | Bell secretly signs Wingate Litigation Retention Agreement to sue Buchanan & Adele Pope for protecting Brown's estate plan by taking the <i>Wilson v. Dallas</i> appeal (Terry). At same time claims for |

Forlando in federal suit that Buchanan/Pope will not protect estate plan.

Jan.19, 2011 Bell, Bodman ,AG Jones oversee secret amendment of McMaster Legacy Trust and transfer of right of first refusal to buy Brown's music empire ("ROFR") from Terry to Forlando.

Concealed from Courts and under FOIA.

May 2011 Bodman, using Terry's name, but with Forlando as real party in interest, tells Supreme Court Brown's music empire worth \$4.7 million at death. Forlando asserts \$4.7 million value "bogus."

2011 Forlando and Russell Bauknight conducting secret due diligence for sale of music empire. based on false claimed value.

2011 - 2013 Bodman/Bell for Terry claim Hynie is Brown's spouse. Forlando (correctly) asserts she is not Brown's spouse and knew it.

2011 - 2014 (now) Terry, acting for Forlando, secretly attempts to intervene in three FOIA suits to stop release of Wingate Contract and other public documents.

April 2012 Forlando claims to have fired Bell. Tells federal court he has ~~no~~ assets.

May 18, 2012 Russell Bauknight asks federal court to drop 2000 Trust's claims against Forlando. Conceals collusion.

July 2012 Bell, Levenson, Hynie's lawyers use \$500,000 of Estate funds to secure releases for Hynie, Hynie's son and others in Wingate Suit from Buchanan's Counterclaims.

Nov.- Dec. 2012 Bell, Levenson, Hynie's lawyers conceal for almost a year Bauknight's \$563,000 to Wingate – in addition to 40% contingency.

May 5, 2013 While Supreme Court reconsideration pending Bauknight makes false claim – repeated in *The State* media that James Brown's Beech Island

home estate was "plundered" by the Christie's sale and "a few items remain." Withdrawn by State after explanation provided by Pope. [Exhibit E].

May 7, 2013

Forlando makes the following false statement in affidavit filed in federal suit:

On February 27, 2013, the Supreme Court of South Carolina decided that the Defendants [Buchanan/Pope] should be removed as trustees.. due to various misappropriations of property and money and acting without the best interests of the Brown trust. [Emphasis supplied.] [Exhibit F]

May 8, 2013

Final *Wilson v. Dallas* decision.

May 20, 2013

Bell rejects request of Pope to proceed with DNA testing of Michael ["Deon"], James B., Tonya and James Curtis.

June 13, 2013

Jg. Early issues June 13 Orders which cut off rights of most supporters of Estate Plan and damage Michael's rights to proceed to be determined heir. Bell does nothing to protect Michael.

June 20, 2013

Forlando claims in Doc. #262 in federal suit that "Defendants [Buchanan & Pope] were judicially removed by the Supreme Court of South Carolina for their misconduct and defalcation of the James Brown Estate - the same estate they claim they want to save." And refers to "the Supreme Court finding, conclusively, the misconduct of Defendants necessitated their removal as fiduciaries of the Trust." Attaches 13 Order of Judge Early which is now on appeal. *June*

August 2013

Bauknight asks federal court not to release Wingate Litigation Agreement. Released by Federal Court in October 2013. Shows Bell signed the Wingate Agreement to sue Buchanan/Pope for protecting "I Feel Good" Trust and rights of Michael and others to be determined heirs and have fair Termination Rights Agreements with Estate/"I FeelGood" under Federal Copyright Act.

Also shows Wingate had no legal authority to sue Buchanan & Pope or settle with Buchanan in name of State/AG. Also, Bauknight had no authority to claim he speaks on behalf of State/AG.

Bauknight claims Forlando did nothing wrong in 4-year attempt to enjoin 2000 Trust.

- September, 2013 Copyright attorney Marc Toberoff writes Warner Chappell complaining that Hynie and son –not heirs – are working with Bauknight to usurp Estate’s termination rights elections. [But letter indicates Terry/Bell doing same thing with Levenson clients.] Bauknight and Sojourner ignore letter.
- October 10, 2013 Sojourner secures *ex parte* appointment. Takes immediate action to damage both “I Feel Good” Trust and HALF of Brown’s *real* heirs, including Michael, who have not challenged estate plans, and with whom Federal Copyright Act termination rights agreements should have already been made. Bell takes not action to protect Michael.
- October 2013 Judge Early “double approves” all amounts paid to Buchanan. No disgorgement. Leaves open voiding of Wingate “settlement.” Wingate continues to try to stall Wingate Suit hearings and FOIA compliance.
- Motion to void Buchanan/Wingate settlement gains strength as AG now claims AG McMaster never authorized Wingate to sue for State/AG; Bauknight had no authority to claim that he could sue/settle on behalf of State/AG; and funds Brown gave to the “I Feel Good” Trust were used to benefit Hynie, Bauknight personally, and the Legacy Trust created by AG McMaster.
- Fall 2013 Pope applies to be *pro bono publico* GAL for Michael, James Curtis and DOE Defendants after Bauknight and court fail to protect them.
- 2013 - 2014 Sojourner/ Bauknight either working with or overlooking Bell/Levenson/Hynie attempt to usurp termination rights. Working against

"I Feel Good" Trust by attempting to defeat heir status of the following who deserve heir status and a right to contract with the Estate/ 2000 Trust: 1. Michael, 2. La Rhonda (daughters), 3. Nicole 4. Jeanette 5. James Curtis (subject to Peebles DNA Protocol)

There is simply no reason to believe that Michael does not need a GAL who is willing to serve *pro bono publico*; understands the complex relationship between State probate law and the rights of heirs under the Federal Copyright Act; knows the facts and documents necessary to demonstrate that Brown died without a spouse; and – if Mr. Bell is his lawyer – is not conflicted, as is Mr. Bell.

The lower court's refusal to either appoint the proposed GAL or conduct a hearing under the suspicious circumstance presented by the Toberoff letter was a serious violation of Michael's rights.

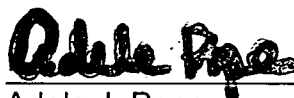
The orders on appeal finally determine substantial rights of Michael. Mr. Bell did not seek reconsideration of those orders. He did not appeal them. He has never moved for Michael to intervene in the Hynie claim, which is critical to the protection of Michael's rights under the Federal Copyright Act. Yet he has moved for Terry Brown to intervene in that suit to protect Terry's and his son Forlando's rights under the Copyright Act.

There is substantial evidence that Mr. Bell – now hovering near or over the *pro hac vice* limit with his other clients -- cannot; will not; and has not protected Michael. Mr. Bell is the person who signed the Wingate Suit contract with counsel for Hynie and Levenson to stop the *Wilson v. Dallas* appeal which restored both the "I Feel Good" Private Foundation and Michael's rights.

Conclusion

For the reasons stated herein, and in the Return to Motion to Dismiss of Sojourner, the letter/motion of Mr. Bell be stricken, disregarded or denied. This appeal should proceed. The Court should consider a small assessment of costs to Mr. Bell to prevent further harassment.

Respectfully submitted,



Adele J. Pope
1228 Walnut Street
Newberry, South Carolina 29108
Telephone: 803-413-0753
Email: adele@popelawfirm.com
S.C. Bar No. 4501
Attorney for Appellants

April 20, 2014

Attachments

[Partial Documents with Emphasis Added]

- Exhibit A: Ltr. of Mr. Bell to Hon. Jenny Abbott Kitchings dtd. 4/15/14
- Exhibit B: Memorandum Supporting Mot. to Alter, ...Vacate dtd. 3/7/14
- Exhibit C: Motion to Alter ... of Michael and Others dtd. 2/14/14.
- Exhibit D: Email of Sonny Jones [Sr. Assistant AG] to Matt Bodman, others re: Assignment Terry to Forlando, 1/2011.
- Exhibit E: Ltr. of Pope to State re: claimed "plundering" of Beech Island
- Exhibit F: Affidavit of Forlando Brown dtd. May 7, 2013, federal suit

LAW OFFICE OF
DAVID B. BELL, P.C.

619 GREENE STREET
POST OFFICE BOX 1011
AUGUSTA, GEORGIA 30903-1011

Exhibit A

DAVID B. BELL

SHARON BLAIR ENOCH

April 15, 2014

JOHN C. BELL
(1916-1967)

AREA CODE 706
TELEPHONE 724-1882
706-722-0222
FAX 706-722-2507
E-MAIL ADDRESS:
davidbell@davidbelllawfirm.com

The Hon. Jenny Abbott Kitchings
Clerk of Court
South Carolina Court of Appeals
P.O. Box 11629
Columbia, SC 29211

Re: *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

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

Dear Ms. Kitchings:

Along with Matthew Bodman of Columbia, South Carolina, I represent Michael Deon Brown.

In the captioned case, Adele Pope has filed an action in which she refers to herself as "The proposed guardian ad litem for Michael Deon Brown." It must be emphasized that no court has appointed Adele Pope guardian ad litem for Michael Deon Brown.

Michael Deon Brown is presently, and has been, represented by Matthew Bodman of Columbia, South Carolina and the undersigned.

The Hon. Jenny Abbott Kitchings
South Carolina Court of Appeals
April 14, 2014
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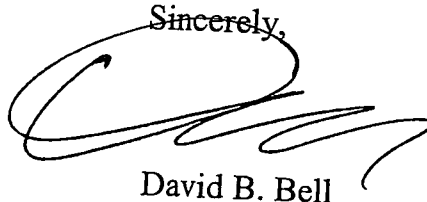
You will find enclosed a copy of the November 21, 2013 letter that I wrote to the Honorable Doyet A. Early, the presiding judge in the James Brown Estate cases. In the enclosed letter, I informed the Court that Matt Bodman and I represent Michael Deon Brown.

I can inform the Court that Michael Deon Brown does not wish to have Adele Pope appointed as his guardian ad litem. Furthermore, Adele Pope has no authority, expectation or reason to believe that she will ever be permitted to speak on behalf of Michael Deon Brown or become his guardian ad litem. He has not hired Adele Pope to act on his behalf. He desires to have his name removed from the appeal.

On behalf of Michael Deon Brown and speaking as his attorney, I would request that his name be removed from the captioned appeal, and that the Court note that Michael Deon Brown has no interest in the matter being proposed by Adele Pope.

I am,

Sincerely,



David B. Bell

DBB:chm
Enclosure: as stated
cc: Ms. Adele Pope
Mr. John Beach
Mr. Matthew Bodman
Enclosures: as stated

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DAVID B. BELL

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davidbell@davidbelllawfirm.com

November 21, 2013

The Hon. Doyet A. Early, III
Chief Administrative Judge
P. O. Box 90
Bamberg, SC 29003

Re: *James Brown Estate*

Dear Judge Early:

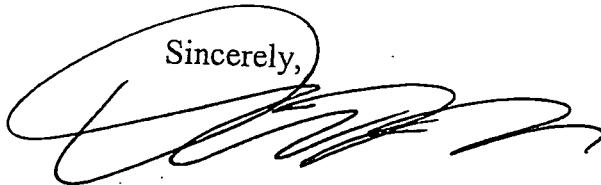
Permit this letter to respond to the November 18, 2013 letter written to Your Honor by Adele J. Pope. In her letter, Ms. Pope seeks to request Your Honor appoint her as the guardian ad litem of Michael Deon Brown.

When Ms. Pope filed the motion and wrote the letter, she must have been unaware that Matt Bodman and I represent Michael Deon Brown. Furthermore, Ms. Pope must have been unaware that Matt Bodman and I have made an appearance in the captioned case on behalf of Michael Deon Brown.

For your benefit, you will find enclosed a copy of the response filed by Michael Deon Brown opposing Ms. Pope's motion.

I am,

Sincerely,



David B. Bell

DBB:chm

cc: Ms. Adele J. Pope
All Counsel of Record

Exhibit B

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF AIKEN

) CASE NUMBER: 2008-CP-02-4647

EX PARTE:

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, 2013 and on behalf of
Others under S.C. Trust Code §62-7-405,

) Memorandum Supporting
) Motion to Alter, Amend and
) Vacate Orders Dismissing
) Heirs of James Brown and Others
) From Proceedings of James B.
) and Tommie Rae Hynie

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

Michael Deon Brown ("Michael"), by his proposed GAL and others, submit this Memorandum in response to the Form 4 Order of the Honorable Doyet A. Early, III dated February 24, 2014, filed February 26, 2014 and received on March 4, 2014, but which does not grant or deny the motion. A copy of the Form 4 Order is attached as Exhibit A.

Michael and others respectfully submit that protection of The James Brown "I Feel Good" Trust, Michael Deon Brown, the heirs of La Rhonda Waller, the DOE Defendants in the Levenson Intestacy Suit and all creditors who support the two noble estate plans of James Brown will be materially and adversely affected if this Court declines to hear the pending motion for appointment of a GAL for Michael, James Curtis and the DOE Defendants; appoint the requested GAL for the incarcerated Michael; vacate the Orders set out below; and find that the GAL, the DOE Defendants and all other identified claimed heirs awaiting DNA testing under the Peoples DNA

Protocol are necessary parties to the proceedings of Tommie Rae Hynie and James B. and the Levenson Intestacy proceeding.

The Orders to be amended and/or vacated are:

1. ORDER DETERMINING PARTIES TO SEVERED OMITTED SPOUSE CLAIM, ELECTIVE SHARE CLAIM, AND PRETERMITTED CHILD CLAIM dated February 7, 2014;
2. ORDER DISMISSING CROSS-CLAIMS OF CINNAMON NICOLE PARRIS AND LARHONDA PETTIT dated January 8, 2014;
3. ORDER SEVERING OMITTED SPOUSE CLAIM, ELECTIVE SHARE CLAIM, AND PRETERMITTED CHILD CLAIM; and
4. All Orders issued as part of, and from and after the injunction imposed by Orders of the Honorable Doyet A. Early, III and the Honorable Liz Godard dated June 13, 2013 (the "June 13 Orders") which are the subject of an appeal pending in the South Carolina Court of Appeals.

This Memorandum rests upon, and incorporates, each of the 52 matters which the Court overlooked or misapprehended in its Orders, as stated in the Motion to Alter or Amend served February 14, 2014. It also calls to the attention of the Court some of the matters which the Court should consider in appointing the requested GAL or conducting a hearing on the appointment, before the Hynie, James B. or Intestacy Matters proceed. They include:

1. Michael is entitled to a GAL under Rule 17 (c) SCRCP. The attempt of David Bell, Esquire and the LSA to prevent his having a GAL when he is incarcerated in California are improper and made in bad faith;
2. Under Rule 404 SCACR Bell may not represent the interest of Michael, Lisa and others in the approximately seven STATE matters where their status must be protected so that Forlando Brown, Hynie and Levenson will not siphon off their Federal Copyright Act rights and their right to contract with the Estate/"I Feel Good" Trust on termination issues.

3. Bell is actively working against Michael, the real heirs of James Brown and the "I Feel Good" Trust in seven or more pending actions.
4. Michael, incarcerated in California since 2007 is an essential party to any STATE case in which the heirs of James Brown are determined because an improper STATE heirs determination will cause irreparable financial harm to The James Brown "I Feel Good" Trust; Michael; all others who support the "I Feel Good" Trust; all real heirs of James Brown; and all creditors whose claims rest on the proper defense of the two noble estate plans of James Brown.
5. Michael is an heir of James Brown; from his blogpost he now appears to have confirmed his status *again* by the Official Peoples DNA Protocol;¹ but the protection of his property interest, requires that he be part of both the Hynie and James B. proceedings and able to demonstrate to the STATE Court that neither is an heir.
6. From August 10, 2008, as he awaited a GAL and the Peoples DNA Protocol, Michael was shut out of the Levenson Intestacy Suit, Case No.2008-CP-02-0872 ("Case 872")². and denied a GAL by improper State Action and a now-void alliance of the State/AG with Hynie and James B.
7. By the same improper State Action Nicole Parris; LaRhonda Waller; Jeanette Mitchell and daughter Lisa were also shut out of the Intestacy Suit.
8. But for the improper State Act, and the improper alliance of Bell, Levenson and counsel for Hynie with Russell Bauknight – which resulted in the filing of Richland County Case 2010-CP-40-4900 – Michael would have been DNA tested; by 2011 the Copyrights of the "I Feel Good" Trust would have been secured for decades for less than \$200,000 per year by giving Michael and the half of Brown's real heirs not contesting the Estate Plan the dignity they deserve and a chance for their children to receive scholarships from the "I Feel Good" Foundation.
9. But for the improper action of Bauknight, Levenson, and Bell, Daryl Brown – who has gone on national television and started a blog to save the "I Feel Good" Foundation – might now be receiving about \$50,000 per year for life for being the first family member to reject the 2008 Settlement and ask the AG to enforce the "I Feel Good" Trust; his daughters would be enjoying their \$285,000 education funds; and his daughters would have Copyright Act

¹ See michaeldeonbrown.blogspot.com as of 3/14/2014.

² Case 872 was commenced in the Probate Court for Aiken County; removed to the Circuit Court and filed in Case 2007-CP-02-0122; and assigned to be 872 in the spring of 2008.

rights after his death.

10. David Bell, Esquire, cannot; has not; and will not protect the interest of Michael because he has repeatedly violated *pro hac vice* rules and filed false grievances to obtain a civil result;

11. The filings of Bell, Bauknight and the SLA appointed by recommendation of Bauknight by an *ex parte* Probate Court Order in State and Federal Court, on information and belief, demonstrate they are working to help siphon off the Termination Rights contracts the Estate/"I Feel Good" Trust should now have with Michael and the half of Brown's heirs not challenging the Estate Plan.

12. Mr. Bell has worked directly against the interests of Michael; the real heirs of James Brown and the "I Feel Good" Trust while pretending to support the estate plan of James Brown, including:

a. By signing the 40% contingency fee contract on with Wingate to sue Buchanan and Pope for conducting the *Wilson v. Dallas* appeal in Richland County Case 2010-CP-40-4900;

b. By appearing at mediation in the Wingate Suit on behalf of Terry, but concealing that Terry's interest was owned by Forlando;

c. By attaching a fabricated Schedule B to the James Brown 2000 Trust in the Forlando Federal Suit;

d. By authorizing Wingate to intervene in two FOIA Suits without the knowledge or signature of the purported interveners;

e. By simultaneously representing Terry and Forlando/Terry before two Courts and making material and opposite representations to the two, namely:

To the Supreme Court

1. Hynie was Brown's wife
2. James B. is Brown's child
3. The music empire is worth \$4.7 million
4. There were no offers to buy Brown's music empire

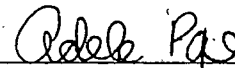
To the Federal Court

1. Hynie was not & knew it.
2. James B. is not & cannot be
3. \$100 million is conservative
4. Buchanan/Pope should have accepted the \$90 - \$100 Million offers

f. By filing six grievances against Levenson to achieve a result in the James Brown cases;

- g. By threatening Robert Buchanan with a judicial grievance;
- h. By filing two false affidavits in the Forlano Federal Suit which prolonged Forlano's baseless claims – dismissed in 2012 - for more than three years.
- i. By other acts of deception which show Michael needs the protection of a *pro bono publico* GAL.

Respectfully submitted,



Adele J. Pope
228 Walnut Street
Newberry, South Carolina 29108
(803) 413-0753
S.C. Bar No. 4501

Attorney/Proposed GAL for
Moving Parties

March 7, 2014

STATE OF SOUTH CAROLINA

) IN THE COURT OF COMMON PLEAS

COUNTY OF AIKEN

) CASE NUMBER: 2008-CP-02-1647

EX PARTE:

Exhibit C

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, 2013 and on behalf of Others under S.C. Trust Code §62-7-405,

) Motion to Alter, Amend and Vacate Orders Dismissing Heirs of James Brown and Others From Proceedings of James B. and Tommie Rae Hynie

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

TO: JAMES B., TERRY BROWN ("TERRY"), TOMMIE RAE HYNIE ("TOMMIE RAE") AND DAVID SOJOURNER, JR., AND THEIR COUNSEL

YOU WILL PLEASE TAKE NOTICE THAT ten days after service hereof, or as soon thereafter as they may be heard, Michael Deon Brown ("Michael"), James Curtis ("Curtis") and JANE DOE and JOHN DOE Numbers I, II, III, and IV (the "DOE Heirs"), by theirs proposed guardian *ad Litem* ("GAL"); Adele Pope as Creditor/Proponent of backup Will of James Brown dated June 15, 2013 ("Creditor"), and on behalf of Others under S.C. Trust Code § 62-7-405 (Special Status Party) will move before the Honorable Doyet A. Early for an Order Altering, Amending and Vacating the following Orders:

1. ORDER DETERMINING PARTIES TO SEVERED OMITTED SPOUSE CLAIM, ELECTIVE SHARE CLAIM, AND PRETERMITTED CHILD CLAIM dated February 7, 2014 (Exhibit A);
2. ORDER DISMISSING CROSS-CLAIMS OF CINNAMON NICOLE PARRIS AND LARHONDA PETTIT dated January 8, 2014 (Exhibit B)

LaRhonda, Nicole and Jeanette.

16. The Court overlooked or misapprehended that after the DNA proof and official acknowledgment of their their status, LaRhonda, Nicole and Jeanette, with Lisa, Brown's daughter acknowledged in his first divorce Order, were official heirs of James Brown and their heir status could not be taken from them by improper acts of the State/AG, Bauknight, or Bauknight's Appointee.

17. The Court overlooked or misapprehended that, but for the Court's refusal to appoint a GAL for him in 2008 and since, the heirs status of Michael, incarcerated in California since the death of James Brown, would be the same as La Rhonda, Nicole, Jeanette and Lisa – confirmed.

18. The Court overlooked or misapprehended that Michael, who was supported by Brown under Court orders during minority, is Brown's son; is a necessary party to any claim in which James B. or Tommie Rae claims to be an heir; and has been entitled to a GAL under Rule 17 (c) SCRCP which provides in relevant part:

(c) Minor or Incompetent Persons. ... A person imprisoned outside this State shall appear by guardian ad litem in an action by or against him; ...

19. The Court overlooked that in 2007 Michael first contacted Lewis and Babcock, the Estate's counsel, who did not conduct Michael's DNA test because of other turmoil within the Estate/2000 Trust and their termination; that Michael continued to contact both Judge Early and the Probate Court seeking to be a part of the James Brown proceeding; but that Judge Early has declined to appoint a GAL for him and Bauknight's appointee has fought the appointment of his *pro bono publico* GAL.

benefit of Tommie Rae and James B.

34. The Court overlooked or misapprehended that Wingate and Bauknight both claimed to be wielding the mighty power of the State to protect Tommie Rae and James B. in the Wingate Suit, even though their claim was improper.

35. The Court overlooked or misapprehended that although the current Attorney General now asserts the State never sued Buchanan and Pope, a Sr. Assistant to two AGs regularly attended hearings; allowed himself to be introduced as a Wingate client; and bolstered the Wingate/Bauknight actions taken under color of state law to make Tommie Rae and James B. heirs when they were not.

36. The Court overlooked that Bauknight paid Wingate \$563,000 in late 2012, in addition to a 40% contingency fee – from the Estate – to continue the fight *in the name of the State/AG* to prove that Tommie Rae was Brown's spouse and James B. Brown's son.

37. The Court overlooked that for nearly a full year since the first *Wilson v. Dallas* decision Bauknight has continued to wield the power of the State in the Wingate Suit while continuing to be the agent for Tommie Rae and James B.

38. The Court overlooked or misapprehended that by 2011 the Estate/2000 Trust had adequate funds after the payoff of the TIAA Debt; the time was right; and the Estate/"I Feel Good" was in a position for less than \$100,000 per year to enter into fair, arm's length termination rights cooperation agreements with any 5 or so of: Michael, Lisa, LaRhonda, Nicole, Jeanette, Curtis and others which gave them:

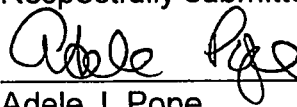
A. The Respect and Dignity they – but for the State takeover – were being given by the Estate;

B. Approximately \$10,000 per year for life, beginning in 2011;

Rae and James B. to properly name and serve the necessary parties – not that of the Court – and that parties cannot be determined/excluded where they have not been named or served.

52. The Court overlooked that the Orders which have been issued since May 8, 2013 violate the SCRPC and fundamental fairness by terminating rights of heirs, creditors and others without even naming them in the caption; noticing them; or serving them.

Respectfully submitted,



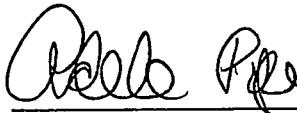
Adele J. Pope
1228 Walnut Street
Newberry, South Carolina 29108
(803) 413-0753
S.C. Bar No. 4501

Attorney/ Proposed GAL for
Moving Parties

February 14, 2014

AFFIRMATION OF COUNSEL

I certify pursuant to Rule 11, SCRPC, that consultation with opposing counsel is not required for a Motion to Alter or Amend and/or Reconsider or would serve no useful purpose as to the Motion herein.



Adele J. Pope

Exhibit D

Sonny Jones

From: Sonny Jones
Sent: Wednesday, January 19, 2011 9:50 AM
To: Matt Bodman; louis@levensonlaw.com
Cc: FKingsmore@nexsenpruet.com; amedlin@sc.rr.com
Subject: Brown: Cox- Forlando Meeting-Wed January 19, 2011 @ Nexsen Pruet
Attachments: Terry Brown Assignment.PDF; Ppt0000002.ppt

Attached please find the assignment from Terry Brown to Forlando and a power point presentation sent late yesterday from Terry Cox.

The meeting, per the power point, w/ Russell is scheduled today(Wed) @ 2 PM. Please advise if you would like to be included per conference call or in person.

Thanks.

1/18/2011

TO: Sonny Jones

FR: William Brown

803-734-3677

pages 2 including cover

S.C. Attorney General's Office
Civil Section

JAN 18 2011

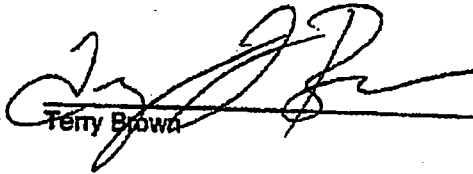
Received by W B
Reviewed by/Date _____
Referred to/Date _____
Notes: _____

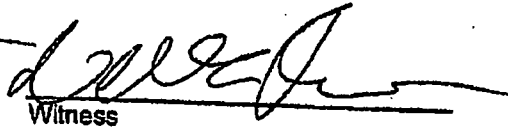
Georgia, Stephens County

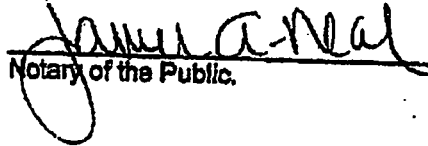
For in consideration of the sum of \$1 with love and affection and other valuable consideration, the undersigned, Terry Brown, being a biological child of James Brown the entertainer and known world-wide as the godfather of soul, and beneficiary under the Last Will and Testament of James Brown and the Irrevocable Trust of James Brown dated 8-1-2000, does hereby transfer, Irrevocably convey and assign unto William Forlando James Brown all my interest of every nature and kind in the Estate of James Brown.

To the extent that any third party may deem this transfer ineffective for any reason, I hereby designate and appoint, my son William Forlando James Brown, as my true and lawful attorney in fact hereby granting unto him a power, coupled with an interest, to execute any document in my name and stead as and to the same extent that I may execute and convey my interest in the matter of James Brown. This transfer shall be deemed irrevocable and coupled with an interest. I hereby acknowledge that I have made this transfer with due consideration, thought and design, and that I do so voluntarily and of my own accord.

Witness my hand and seal this date January 3, 2011


Terry Brown


Witness


Notary of the Public.

MY COMMISSION
EXPIRES ON:
JUNE 7, 2011

The ROFR Amendment and the Due Diligence Approach

January 19, 2011

Agenda

- The ROFR
- Our Assumptions
- Our Approach to Due Diligence
- Due Diligence Steps
- Due Diligence Structure

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The ROFR

Clarifying and Operationalizing

Confirmation and Amendment

Certain parties entered into an Addendum to Private Agreement of August 10, 2008 to include Settlement Agreement with Terry Brown Creating Restated and Amended Private Agreement (the "agreement"), that created an entity (the "Settlement Entity") to hold all of the assets related to James Brown, as described in paragraph 1 of the agreement. Capitalized terms not defined herein have the meanings set forth in the agreement. Those parties hereby confirm and amend certain provisions of the agreement, as follows:

1. TLB has the ROFR for "substantially all" ... "65% of estimated value" in the sale of one or a series of transactions ...but that right "does not apply to any other transfers"
2. 12 month exclusive due diligence that can begin immediately ...trustee can solicit and accept offers during this time ...beneficiaries or others can generate offers ...TLB's designee has exclusive rights to any work product
3. TLB's six month "right to solicit" is not contemporaneous with due diligence period ... along with a period to settle existing business
4. All parties provide TLB's representatives full access to all "documents" ...subject to safeguarding such ...and also make "documents" available to third parties who have entered into confidentiality agreements

1. Under the agreement, Terry Brown ("Terry") has a Right of First Refusal ("ROFR"). This agreement confirms that Terry's ROFR in all respects under the agreement applies only to "the sale of all or substantially all" of the "James Brown Assets" (as the term James Brown Assets is defined in paragraph 1 of the agreement). The term "the sale of all or substantially all" includes only (a) the sale of the entirety (that is, one hundred percent) of the James Brown Assets in one or a series of related transactions, or (b) the sale of at least 65% of the estimated value of the entirety of the James Brown Assets as of such time in one or a series of related transactions. Terry's ROFR does not apply to any other transfer of any of the James Brown Assets or an interest therein. For example, and notwithstanding anything to the contrary in the agreement or in the foregoing, the ROFR does not apply to the granting of one or more clearances or licenses of any duration, scope, or description for the use of any or all of the James Brown Assets, including but not limited to such purposes as movies, documentaries, video games, commercials or other advertisements, product brands, books or other publications, or theatrical productions.

2. Under the agreement, Terry has the exclusive right to conduct a due diligence review ("due diligence right") of all of the James Brown Assets as provided in Paragraph 6 of the agreement. With respect to the due diligence right, the agreement is hereby amended to the extent and only to the extent as follows: (a) Terry may commence this due diligence review immediately upon the execution of this confirmation and amendment; (b) the due diligence period will be for a period of twelve months from the execution of this confirmation and amendment; (c) there is no prohibition against the Settlement Entity, and/or Russell Bauknight as fiduciary or any agent or consultant employed by or on behalf of the Estate or Settlement Entity, soliciting, encouraging, entertaining, discussing, or accepting offers with respect to the sale, transfer, license, or other disposition or exploitation of any of the James Brown Assets (including any offer generated by a beneficiary of the Estate or such other agents or representatives as the Estate or Settlement Entity may from time to time authorize), subject in all cases to the Terry's exclusive solicitation rights clarified in paragraph 3 below; and (d) Terry Brown or his designee shall have the exclusive right to use any work product or other materials in any medium prepared by or on behalf of Terry in the course of the exercise of the due diligence right for purposes of soliciting, encouraging, entertaining or discussing offers with respect to the sale, transfer, license, or other disposition or exploitation of any of the James Brown Assets.

3. Under paragraphs 6, 7 and 8 of the agreement, Terry has the exclusive right to solicit offers for a period of six months ("right to solicit"). With respect to the right to solicit, the agreement is hereby amended to the extent and only to the extent as follows: the six-month period of the right to solicit (which was formerly contemporaneous with the Exclusivity Period of the due diligence right) shall commence three months after notice from Terry (at any time after the later of the expiration of the due diligence review period or the funding of the Settlement Entity). The three-month period is to allow the Estate/Settlement Entity a reasonable time to wind down or complete any then-ongoing discussions, but the Estate and Settlement Entity will not use such period for any purpose that is intended to defeat Terry's enjoyment of the right to solicit; provided however, that Terry's right to solicit will prohibit neither the continued granting of music clearances nor the continued performance of licenses and clearances permitted by paragraph 1 above.

4. Terry and the other parties to the agreement shall agree that, during the periods in which Terry is exercising the due diligence right and the right to solicit under paragraphs 2 and 3 above, they shall cooperate with respect to providing Terry and his representatives full access to any and all records, documents, things and information within the parties' control concerning the James Brown Assets and the value thereof, including but not limited to contracts, documents and things pertaining to or reflecting James Brown's songwriting or recording activities, royalty statements, bank records, audits, valuations, tax documents, audio master tapes, video master tapes, government filings (including but not limited to trademark and copyright filings), personal effects, artwork, writings, journals, photographs, press clippings, promotional materials, whether or not constituting "Confidential Information" for purposes of the agreement (collectively, the "Documents"), subject to an obligation to safeguard such items. Terry shall have the right to make the Documents or information therein available to third parties as he reasonably deems necessary in connection with the exercise of the due diligence right and the right to solicit, provided that such third parties first enter into confidentiality agreements in favor of the Estate and/or the Settlement Entity, as applicable, that are at least as protective of such information as the provisions of paragraph 9 of the agreement.

5. Except as confirmed and amended by this confirmation and amendment, the agreement remains in full force and effect.

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Our Assumptions

These are some assumptions that provide the foundation for our decisions

Structure	Strategic Thinking
Keeping the assets of James Brown together, in their entirety, will create the highest value	The due diligence and resulting proposals will focus on optimizing a sustainable cash flow for the Settlement Entity/Trusts
Terry L Brown and/or designee have an interest in optimizing the value of the assets in their entirety	The value of intellectual property is determined by both the asset quality and the capability to transfer and monetize
Russell Baucknight, as Trustee, has fiduciary responsibility to optimize the value of the assets	The use of business models helps to provide a unique perspective to the data that can create innovative proposals
The Settlement Entity /Trust has limited resources to maximize the value of the intellectual property	The entertainment industry is full of costs that can be captured by the Settlement Entity and designee
Terry L Brown's designee can provide resources to help maximize and sustain the value of the intellectual property for the benefit of the Settlement Entity /Trust and designee	A portion of the designee's profits will be used to support the wishes of James Brown - educate disadvantaged children

Newco

Building an organization that maximize the financial value of intellectual property by integrating emerging technologies with proprietary capabilities

US Online Video Viewers, 2006-2012 (millions)

2006	114.3
2007	137.5
2008	154.2
2009	167.5
2010	176.0
2011	183.0
2012	190.0

Note: online video viewer defined as an individual who downloads or streams video (content or advertising) at least once a month

Source: eMarketer, February 2008

091991

www.eMarketer.com

Specifically, the media content of selected intellectual property will be transformed into derivative products (online video). These products will be created by our capabilities of adding digitization and metadata to media content; and utilizing cloud computing technologies, that will make our products easily accessible to the video demand of the internet market place .

Presented by:
Terry Bradford Cox, PH.D.
James Blackwell
August, 2010

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Adele J. Pope
1228 Walnut Street
Newberry, South Carolina 29108
(803) 413-0753

Exhibit E

May 5, 2013

Editor
The State
1401 Shop Road
Columbia, South Carolina 29201

Re: Commentary, Photos of James Brown Mansion May 5, 2013

Dear Editor:

I write to ask you to correct a misstatement repeated 29 times in your May 5, 2013 online slide show of James Brown's mansion in Beech Island, South Carolina.

The mansion has been owned for almost 13 years by Mr. Brown's irrevocable trust established August 1, 2000. At Brown's death, his Will and the 2000 Trust provide that Brown's worldwide music empire goes into The James Brown "I Feel Good" Trust – Brown's private foundation dedicated solely to providing scholarships for needy students studying in South Carolina and Georgia.

Your caption to each of the 29 photos erroneously states: "The house was plundered for a Christie's auction, but several items remain..." [Emphasis supplied.]

The house was not plundered, and thousands of items from the mansion remain. Many are preserved in museums. A correct statement is:

In 2008 about 330 items from James Brown's mansion were auctioned by Christie's under orders of Jg. Doyet A. Early, III. Jg. Early also allowed items from the mansion to be placed in museums for safekeeping pending the outcome of Will contests brought in late 2007 by Brown's companion and others.

Brown's property was displayed in acclaimed exhibits at the I. P. Stanback Museum (S.C. State University) and the Augusta Museum of History. Other items were placed at the S.C. State Museum and the Lucy Craft Laney Museum (Augusta). These institutions helped preserve thousands of items which -- along with hundreds of items stored in a sound storage facility -- are still owned by Brown's Estate/2000 Trust.

Keeping up with the more than 50 orders issued in the Aiken James Brown cases alone is challenging. I am taking the liberty of enclosing a brief chronology of the Christie's sale issue, along with two 2008 orders related to the Christies sale.

Thank you for your consideration.

Sincerely,


Adele J. Pope

Enclosures

**Chronology - James Brown's Personal and Household Effects ("PHE")
Including Christie's Sale of July 17, 2008 (5/5/13)**

- Aug. 1, 2000 James Brown signs Will and 2000 Trust. Deeds mansion at Beech Island to 2000 Trust.
- 1999 - 2006 Brown Trustee David Cannon secretly plunders \$12+ million of Brown's assets.
- Dec. 25, 2006 James Brown dies.
- Nov. 15, 2007 Original PR/Trustees value Brown's value music empire & PHE at \$100 Million, less \$15 Million debt to NY Teachers ("TIAA debt")
- By Nov. 20, 2007 All Original PR/Trustees resign, leaving \$100 Million Estate with liquidity crisis.
- Dec. 19-26, '07 Brown's companion & others contest Brown's Will/2000 Trust, worsening liquidity crisis.
- Jan. 2, 2008 Grandson Forlando sues in Fed. Ct. to reinstate Cannon Group, worsening liquidity crisis.
- Feb. 5, 2008 Brown Estate/2000 Trust sue Cannon, others to recover \$12+ million taken since 1999.
- Feb. 2008 45 boxes of Masters and music memorabilia shipped to sound storage facility.
- Feb. 19, 2008 Jg. Early orders Estate Tax Valuation of PHE; Christie's sale; and other relief to provide Estate/2000 Trust with funds to defend Will contests and protect assets.
- March 2008 Son Terry Brown offers to buy PHE for \$2 Million.
- Apr. 1, 2008 Jg. Early issues 2d Christie's sale Order; directs signing of Christie's contract. [Ex.1]
- By Apr, 2008 Thousand of items from mansion placed at Augusta Museum of History; I. P. Stanback Museum (S.C. State University), Lucy Craft Laney Museum & S.C. State Museum.
- May 2008 James Brown Exhibit opens, Augusta Museum of History.
- July 1 -9, 2008 Original Trustee Dallas, grandson Forlando, try to stop Christie's sale.
- July 9, 2008 Dallas files Motion in S.C. Court of Appeals to stop Christie's sale, set for July 17.
- July 14, 2008 On request of 2d PR/Trustees, AG McMaster and Christie's Judge Jasper Cureton issues Order directing Christie's auction to take place as scheduled.
- July 17, 2008 Christie's sale takes place. Grosses approximately \$850,000.
- Aug. 10, 2008 AG Henry McMaster reaches settlement with some Will contestants ("McMaster Settlement")
- Sept. 25, 2008 PR/Trustees value PHE (including Christie's items) \$2 Million on Estate Tax Return.
- Feb. 20, 2009 "James Brown: Preserving the Legacy," with assets from the mansion, opens at I.P. Stanback Museum. Daughter Deanna takes media on tour of exhibit.
- May 26, 2009 Jg. Early approves McMaster Settlement. Appoints Bauknight 3d PR/Trustee. 2d PR/Trustees appeal.
- February 2010 Cannon indicted for taking \$12+ million and forgery.
- Dec. 2010 3d Trustee values PHE (including Christie's items) at \$500,000+/- and music empire at under \$4.7 Million in IRS filings.
- June 2011 3d Trustee tells Supreme Court value of PHE (including Christie's items) about \$500,000.
- Oct. 2011 Cannon enters *Afford* plea to some of \$12+ Million he plundered.
- Feb. 27 2013 S. C. Supreme Court voids McMaster settlement. Directs removal of 3d PR/Trustee. Estate/2000 Trust owns most of PHE.

STATE OF SOUTH CAROLINA

) IN THE PROBATE COURT
) PROBATE COURT #~~2007-ES-02-0056~~

COUNTY OF AIKEN

2007.C.P. 02 122

Robert L. Buchanan, Jr. and Adele J. Pope
as Trustees of the James Brown 2000 Irrevocable
Trust and as Personal Representatives of the
Estate of James Brown, deceased

Plaintiffs,

v.

) ORDER APPROVING SALE OF
) TANGIBLE PERSONAL PROPERTY
) AND REAL ESTATE AND
) GRANTING RELATED RELIEF

Deanna J. Brown Thomas, Yamma N. Brown Lumar
Venisha Brown, Daryl J. Brown, Larry Brown, and
Terry Brown, each individually and as parent and
natural guardian of his and her minor and unborn
issue; Romunzo Brown, Forlando Brown, Tonya
Brown, Sydney Lumar, Carrington Lumar, Jason
Brown-Lewis, Lindsey Delores Brown and Janise
Vanisha Brown; Henry Dargan McMaster, in his
capacity as Attorney General for the State of South
Carolina; Tommie Raye Hynie Brown; and James
Brown II, a minor, by Stephen Slotchiver, his
guardian ad litem,

Defendants.

MRE #5

This matter was commenced with the filing on November 27, 2007 and service of a
Summons and Complaint by Plaintiffs as Personal Representatives of the Estate of James Brown;
and Trustees of the James Brown 2000 Irrevocable Trust (the "PR/Trustees"). It was duly
removed to the Circuit Court on motion of the Honorable Sue Roe, Probate Judge.

All named defendants have answered or appeared herein. Defendants Terry Brown,
Romunzo Brown and Forlando Brown, through their counsel, have demanded a jury trial as to all

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

Present at the hearing held February 7, 2008 were: counsel for all devisees under the

Liz Godard
C.C.C.P. & G.A., Aiken County, S.C.
Deann J. Gaird
Deputy Clerk

2.25 8
[Signature]
8:30

August 1, 2000 Will (The "Will") of James Brown, which has been informally admitted to probate and the James Brown 2000 Irrevocable Trust (the "2000 Trust")¹; the Attorney General of South Carolina; ~~counsel for the former PR/Trustees~~^{DATE}; counsel for Cinnamon Paris and LaRhonda Petitt; and counsel for the Guardian ad Litem of James Brown II. Also attending were counsel for the former PR/Trustees. With the consent of all counsel the hearing was closed because of the discussion of sensitive financial matters.

Based on the testimony and physical evidence before me, the Court makes the findings and rulings set out herein. This and other Orders will result from the February 7, 2008 hearing.

PROCEDURAL HISTORY

All assets which are the subject of this action are owned by either the Estate of James Brown or the 2000 Trust, including James Brown Enterprises, Inc. ("JBE, Inc.")

The current PR/Trustees were appointed on November 20, 2007 by Order of this Court and appointment by Sue H. Roe, Probate Judge.

Because it affects the ability of the PR/Trustees to act, and the need for Court guidance, a recitation of the positions of the various Interested Persons is significant. As of the February 7, 2008 hearing was the position of the various parties, as contained in pleadings and motions on file, was:

1. Plaintiff PR/Trustees assert that the Will and 2000 Trust constitute Mr. Brown's valid Estate Plan.
2. The Attorney General of South Carolina ("AG") supports the validity of the Will and 2000 Trust, but has challenged the appointment of the PR/Trustees.
3. Former PR/Trustees Albert Dallas and Alfred A. Bradley assert that they are still

¹ Both the Will and the 2000 Trust are being challenged in pending proceedings

Trustees, and seek to terminate the appointment of Plaintiffs as PR/Trustees.

4. Defendants Terry Brown (child/devisee), Forlando Brown (grandchild), Romunzo Brown (grandchild), support the Estate Plan of Mr. Brown, but seek to remove PR/Trustees.
5. All other children/devisees and grandchildren/devisees have challenged both the Will and 2000 Trust, and seek a declaration of Intestacy.
6. Defendants Paris and Petitt, seek to set aside the Will and Trust and be declared children of James Brown.
7. Defendant Tommie Rae Hynie Brown and her son, James Brown, II seek to be declared the surviving spouse and child, respectively, of James Brown. The former has also challenged the Will and 2000 Trust.

CONDITION OF THE ESTATE/TRUST ON FEBRUARY 7, 2008

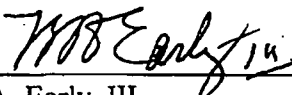
Based on the undisputed testimony presented at the hearing, this Court makes the following findings as to the condition of the Estate/Trust as of the date of the hearing:

- ME #3*
1. The condition of the Estate/Trust as of November 20, 2007, when the current PR/Trustees were appointed, was deplorable. Basic security for Mr. Brown's home Estate was in arrears; valuable and deteriorating Masters had been left in his home for almost a year; income taxes were unpaid for a number of years; and the former PR/Trustees had not prepared or filed an Inventory for the Estate or the 2000 Trust.
 2. No Estate Taxes for Mr. Brown's Estate were paid when due on September 25, 2007 and no date-of-death appraisal had been conducted or ordered. Estate taxes estimated at a minimum of \$400,000 were overdue.
 3. The request for IRS Charitable Recognition of the James Brown "I Feel Good" Trust

6. Purchasers to pay all costs of closing.
7. If the Joseph Brown home interest is not purchased by a family member within sixty (60) days of this Order, the PR/Trustees may dispose of the said property in any manner they deem appropriate.

This Court has not outlined in detail the financial circumstances which make the above-approved sales critical to this Estate and Trust. All parties have received full information and do not dispute the Estate/Trust's financial circumstances. To the extent this Court determines that any party has unreasonably interfered with, or delayed the sales approval herein, such party may be charged with the reasonable cost of such action.

AND IT IS SO ORDERED.



Doyet A. Early, III
Resident Judge, Second Judicial Circuit

February 20, 2008
Aiken, South Carolina

STATE OF SOUTH CAROLINA

) IN THE PROBATE COURT
) PROBATE COURT
) #2007-ES-02-0056

COUNTY OF AIKEN

Robert L. Buchanan, Jr. and Adele J. Pope
as Trustees of the James Brown 2000
Irrevocable Trust and as Personal
Representatives of the Estate of
James Brown, deceased

Plaintiffs,

v.

Deanna J. Brown Thomas, Yamma N. Brown
OF

Lumar, Venisha Brown, Daryl J. Brown, Larry
Brown, and Terry Brown, each individually
and as parent and natural guardian of his
and her minor and unborn issue; Romunzo
Brown, Forlando Brown, Tonya Brown,
Sydney Lumar, Carrington Lumar, Jason
Brown-Lewis, Lindsey Delores Brown and
Janise Vanisha Brown; Henry Dargan
McMaster, in his capacity as Attorney General
for the State of South Carolina; Tommie Raye
Hynie Brown; and James Brown II, a minor,
by Stephen Slotchiver, his guardian ad litem,
Defendants.

SUPPLEMENTAL ORDER
DIRECTING EXECUTION

CONTRACT AND SALE

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

APR 02 2008

Liz Godard
C.C.P. & G. S., Aiken County, S.C.
Anita Smith
Deputy Clerk


This matter came before me on March 31, 2008 upon request of Robert L. Buchanan, Jr. and Adele J. Pope, Personal Representatives of the Estate of James Brown and Trustees of the James Brown 2000 Irrevocable Trust (the "PR/Trustees") that the Court issue a supplemental order directing them to execute the contract with Christie's and proceed with the sale as contemplated in this Court's final Order Approving Sale of Tangible Personal Property (TPP) dated February 20, 2008.

The February 20th Order, which was not appealed, provided in part:

TAE
#1

FILED 4-1-08
Liz Godard
C.C.P. & G. S.
Anita Smith 9:35 am
Deputy Clerk

1. Within 10 days after distribution by the PR/Trustees of the Estate Tax Valuation of TPP being performed by Christie's and of Christie's plan for sale of items, with identification of items, any party desiring to withhold items shall notify the PR/Trustees of items they desire to withhold in order of importance.
2. Within a reasonable time, the PR/Trustees shall, in their sole discretion, designate items to be sold and not sold.
3. Within 10 days after distribution of the final proposal, the Court shall conduct a hearing if, and only if, there are valid specific objections. Any party found to be delaying the sale may be charged with the costs of delay.
4. If possible, the sale or sales by Christie's or any other agent/auctioneer will be conducted on or before August 1, 2008.
5. The PR/Trustees shall have sole discretion as to the terms of the contract, but will consult with interested counsel.
6. The PR/Trustees are authorized to put such pieces as they select on loan to one or more museums, for a period not to exceed 3 years, so that such items may be preserved for future distribution to beneficiaries, as appropriate, with assurances for proper insurance and security for all items put "on loan".
7. Pieces not sold by Christie's or other agent/auctioneer may be sold by the PR/Trustees in their sole discretion at one or more, or a series of, separate auctions/private sales, if additional funds are necessary, provided notice is given to potential heirs and devisees.
8. Any of above pieces, in the sole discretion of the PR/Trustees, may be retained and added to House Museum purchase as described below.
9. The PR/Trustees are authorized to prepare and disseminate images of the home and assets as necessary to carry out the above proposal, including all public advertising they deem appropriate.

The February 20th Order also directed that anyone intentionally interfering with the Order and the Christie's sale would be charged with all costs and losses resulting therefrom.

This Court finds that the March 28, 2008 motions, to date, have caused no damages or delay.

This Court finds that the PR/Trustees have fully complied with the provisions of this court's Order of February 20, 2008 and that this Court should direct the execution of the contract and the sale.

The Court further finds that any party who delays the implementation of the February 20, 2008 order or the implementation of this order should be charged with all costs and damages as set out in "a" through "d" above and such costs and such other damages as shall be determined pursuant to "e" above.

Based on this Court's Order of February 20, 2008 and the entire record in this matter, it is ORDERED, ADJUDGED AND DECREED:

1. The PR/Trustees are directed to execute the Consignment Agreement with Christie's upon terms set out in the proposed Consignment Agreement, with such revisions as they deem appropriate.
2. The sale of the Items contained in the Selection for Sale shall proceed as ordered on February 20, 2008.
3. Any party who delays the implementation of the February 20, 2008 order or the implementation of this order shall be charged with all costs and damages as set out in "a" through "d" above and such costs and damages as shall be determined pursuant to "e" above.
4. This Court shall retain jurisdiction to enforce the implementation of this Order and the sale and any other enforcement issues or interference with this Court's February 20, 2008 Order.

AND IT IS SO ORDERED.

April 1, 2008
Aiken, South Carolina


Honorable Doyet A. Early, III
Resident Judge

Exhibit F

AFFIDAVIT OF WILLIAM FORLANDO JAMES BROWN

STATE OF GEORGIA
COUNTY OF FULTON

Personally appearing before me, the undersigned officer duly authorized to administer oaths, is William James Brown, who, after being duly sworn, deposes and says:

1.

My name is William James Brown. I am over eighteen years of age and suffer from no legal disabilities. The facts contained in this affidavit are based upon my personal knowledge and are the facts to which I would testify if I were called as a witness in Court. The statements in this affidavit are true and correct.

2.

I am Plaintiff in the case styled *Brown v. Pope* that is pending before the U.S. District Court for the District of South Carolina, Columbia Division, Civil Action File No. 3:08-CV-00014.

3.

I am not licensed to practice law in any state and I have had no formal legal training.

4.

I filed this lawsuit seeking to obtain benefits bequeathed to me under my grandfather James Brown's estate.

5.

On August 8, 2008, Adele Pope and Robert Buchanan filed their first counterclaims against me.

representatives and trustees of the James Brown trust.

16.

The time to file answers to these amended counterclaims had not run when the case was stayed.

17.

On February 27, 2013, the Supreme Court of South Carolina decided that Defendants should in fact be removed as trustees and representatives of the estate and trust due to various misappropriations of property and money and acting without the best interests of the Brown trust.

18.

On March 13, 2013, after nearly a year of the stay and after the South Carolina Supreme Court ruled to remove Defendants, the stay in this case was lifted.

19.

Upon information and belief, Defendant Pope has filed a motion for reconsideration of the Supreme Court Decision.


20.

Since the time the stay was lifted, I have been actively seeking new counsel to represent me in this matter.

21.

After the year-long stay of the proceedings of this case, the South Carolina Supreme Court's ruling and Defendant Pope's motion for reconsideration in that case, and because I did not know how the stay operated on timing, no answer was filed in response to Defendants' amended counterclaims filed before the stay.

Further affiant sayeth not.


William Forlando James Brown

Sworn to or affirmed and
subscribed before me
this 7th day of May, 2013.


Notary Public



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 21 2014

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

SC Court of Appeals

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 certify that on the 20th day of April, 2014, I have served the RETURN AND
OPPOSITION OF APPELLANTS TO LETTER/MOTION OF DAVID B. BELL on
Respondents as shown below by depositing a copy of same in the United States
Mail, postage prepaid, addressed to them or their attorneys of record as follows:

David B. Bell, Esquire
Matthew D. Bodman, Esquire
619 Greene Street
Post Office Box 1011
Augusta, Georgia 30903-1101

Robert N. Rosen, Esquire
18 Broad Street, Suite 201
Charleston, SC 29401

Peter Shahid, Jr., Esquire
89 Broad Street
Charleston, South Carolina 29401

David C. Sojourner, Jr., Esquire
c/o John F. Beach, Esquire
Adams and Reese, LLP
1501 Main Street, 5th Floor
Columbia, South Carolina 29201



Adele J. Pope
1228 Walnut Street
Newberry, South Carolina 29108
Telephone: 803-413-0753
Email: adele@popelawfirm.com
S.C. Bar No. 4501
Attorney for Appellants

April 20, 2014

Adele J. Pope
1228 Walnut Street
Newberry, South Carolina 29108

April 20, 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

Re: Michael Brown and Others v. James B.
Circuit Court Case Numbers 2008-CP-02-1647;
2013-CP-02-2849;2013-CP-02-2850;2013-CP-02-2851

Dear Ms. Kitchings:

In connection with the above-referenced action which has not yet been assigned an appellate case number, enclosed please find an original and seven copies of the RETURN AND OPPOSITION OF APPELLANTS TO LETTER/MOTION OF DAVID B. BELL, ESQUIRE, and an original and one copy of the Proof of Service.

I would appreciate your filing the original and appropriate number of copies and returning a file-stamped copy with the courier who delivers this package.

Thank you for your assistance in this matter.

Sincerely,

Adele Pope

Adele J. Pope
Attorney for Appellants

RECEIVED

APR 21 2014

SC Court of Appeals

Enclosures
Robert N. Rosen, Esquire
A. Peter Shahid, Esquire
David Bell, Esquire
Matthew D. Bodman, Esquire
John F. Beach, Esquire