

THE STATE OF SOUTH CAROLINA
IN THE Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Doyet A. Early, III, Circuit Court Judge
Appellate Case No. 2014-00250

Adele J. Pope,.....Appellant,

v.

Estate of James Brown, Deceased; The James Brown 2000 Irrevocable Trust;
Russell L. Bauknight, Individually, as former *Executor de son tort*, and in every
current and former fiduciary status claimed or held as to the Estate of James
Brown and the James Brown 2000 Irrevocable Trust,.....Respondents,

AND:

Robert L. Buchanan, Jr.,.....Interested Party.

APPELLANT'S RETURN AND MEMORANDUM IN OPPOSITION TO
LETTER/MOTION OF RUSSELL L. BAUKNIGHT, INDIVIDUALLY

Appellant files this return and memorandum opposing the relief sought in
the letter/motion of Russell L. Bauknight, individually, through Fred Crawford,
Esquire, dated May 22, 2014.

Appellant respectfully requests that the letter/motion be disregarded or
denied for any one, more or all of the following reasons:

1. The letter/motion fails to comply with Rule 240 SCACR.
2. The appeal of the original Dismissal Order placed Bauknight's
individual liability before this Court before the March 10, 2014 Order.

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SC Court of Appeals

3. The " Second Dismissal Order" is void under Rule 205 SCACR.
4. It would be manifestly unjust to allow Bauknight to seek double relief.
5. Bauknight, and not James Brown's scholarship funds for needy students, should bear the cost of Bauknight's improper individual actions, including:
 - a. His service *today* as agent for Tommie Rae Hynie and her son in Case 2010-CP-40-4900 (the "Wingate Sut"), even though their interest is directly adverse to the Estate/"I Feel Good" Foundation;
 - b. His failure to recover any of the \$12+ million taken by Cannon in the 2008 civil suit, leaving restitution to the State.
 - c. His refusal to complete the Estate's official People's DNA Protocol and make fair and inexpensive Federal Copyright Act termination rights agreements with the HALF (or half + 1) of Brown's real heirs – the children who are not challenging the estate plan;
 - d. His damage to the "I Feel Good" Trust's \$3+ million royalty stream by promoting Hynie and assisting with the *ex parte* appointment of a limited special administrator who is working against the "I Feel Good" Foundation's protection of its copyrights.
 - e. His refusal to complete the Peoples DNA Protocol for James Curtis, Michael and others not challenging the estate plan.
 - f. His refusal to support the 1999 backup Will which makes the James Brown estate plan ironclad.
 - g. His \$563,000 payment to Wingate, in addition to a 40% contingency.
 - h. His use of \$500,000 of estate funds to secure release from Buchanan's counterclaims for Hynie, her son Terry Brown, and himself.
 - i. His fabricated \$4.7 million value of the music empire and interference with FOIA to keep the public "appraisal" secret.
 - j. His attempts to consolidate three FOIA suits with the Wingate Suit, and delay all four for what may be five years or more.

k. His false false statements to the South Carolina Supreme Court about the heirs of James Brown; the Federal Copyright Act; and the value of James Brown's music empire;

l. His false, career-threatening claim made as purported agent for the State/AG, that Robert Buchanan, Jr. and Appellant committed the federal felony of overstating the at-death value of James Brown's music empire to the IRS by \$79 million for an improper purpose.

m. His concealing for years by FOIA interference the Wingate 40% Litigation Retention Agreement, which only he, Hynie's counsel, David Bell, Esquire; and Louis Levenson, Esquire signed.

Some of these issues are discussed below.

I. Argument

a. Background

The complaint which is the subject of this appeal was filed on June 10, 2013. It was approximately one month after *Wilson v. Dallas*, 403 S.C.411, 743 S.E.2d 746 (2013). *Wilson* voided Bauknight's 2009 appointment as PR/Trustee under the Will and 2000 Trust of entertainer James Brown. The complaint seeks, among other things, removal, surcharge, and possible disgorgement by Bauknight, individually.

By order filed January 17, 2014 Judge Early dismissed all claims in the complaint except "[p]laintiff's request for payment of her claim in accordance with the Petition for Allowance." [the "Dismissal Order"].

By February 4, 2014 Form 4 order Judge Early denied reconsideration.

This appeal was filed on February 7, 2014. The initial brief was filed

February 18.

On March 3, 2014, Frederick Crawford, Esquire, wrote this Court asserting individual claims against Bauknight had not been dismissed.

On March 6, 2014 Appellant wrote and disagreed with Mr. Crawford's conclusion. (Exhibit 1).

On March 10, 2014, Judge Early filed an order signed March 4 dismissing the claims against Bauknight, individually, which he had already dismissed (the "Second Dismissal Order").

On March 10, 2014 Appellant served and mailed to Judge Early a motion to alter or amend and/or reconsider and vacate the Second Dismissal Order. (Exhibit 2.)

On March 13, 2014 Bauknight served a motion to dismiss this appeal. It stated in part:

Russell L. Bauknight, in his individual capacity as well as in his capacity as special administrator of the Estate of James Brown and as special Trustee of The ... 2000 Irrevocable Trust, moves to dismiss Appellant Adele Pope's appeal.

Bauknight did not advise this Court of the Second Dismissal Order.

Bauknight's motion to dismiss claimed this appeal was "vexatious litigation." Of Appellant's *pro bono publico* service since May 8, 2013 to help avoid the announced intention of Hynie and Louis Levenson, Esquire, to dismember the "I Feel Good" Foundation *again*, Bauknight said:

Her relentless litigation evidences a pattern of officious intermeddling with the affairs of James Brown's Estate and Trust, and the potential remains

for her to do so if this appeal is not deemed frivolous and dismissed. ... Accordingly, Mr. Bauknight urges this Court to dismiss this appeal and send a message to Ms. Pope that her intermeddling in this matter will not be tolerated.

Bauknight did not advise the Court that he was still serving as agent for Hynie and her son, or their May 29, 2013 announced intention, with Louis Levenson, Esquire, to dismember the "I Feel Good" Foundation again. He did not advise the Court that his 2010 Wingate Suit as their agent is still pending; that they had sued Appellant and Robert Buchanan, Jr. for tens of million of dollars for conducting the *Wilson v. Dallas* appeal; and that he was now seeking relief for Hynie and her son, who are in default as to the counterclaims.

Bauknight did not advise the Court that he claims to act on behalf of the South Carolina Attorney General in the Wingate Suit. But the Attorney General claims Wingate was not authorized to bring the Wingate Suit for the State.

Bauknight did not advise the Court that one of his first acts after securing *ex parte* appointments before the *Wilson v. Dallas* remittitur was issued, was to ask the Honorable L. Casey Manning to delay the Wingate Suit and related FOIA suits for years.

Yet Bauknight claimed in his motion that Appellant's (claimed)

litigiousness has caused waste and has stymied the new fiduciaries' ability to orderly and efficiently handle the affairs of the Estate and Trust.

Bauknight failed to advise the Court that since 2011 he has asked Judge Manning to consolidate three FOIA suits with the Wingate Suit and is still

seeking to delay all four suits until the conclusion of all James Brown matters in Aiken County. And he is doing so as agent for Hynie and her son.

On March 21, 2003 Appellant served and filed her return and opposition to Bauknight's individual (and fiduciary) motion to dismiss.

On May 8, 2014 this Court issued an Order denying the motion to dismiss and addressing other matters.

On May 22, 2014 Mr. Crawford, again wrote the Court. He asserted that, based on the March 10 Order, Bauknight is not part of this appeal.

b. The Letter/Motion Violates Rule 240 SCACR and Should be disregarded.

Rule 240 SCACR and other applicable rules provide the format and cost for seeking relief from this Court. Bauknight has not complied with those rules. The extraordinary relief he seeks should not be granted.

c. The March 10 Second Dismissal Order is void.

While Judge Early has not conducted a hearing on the motion to alter, amend or vacate the March 10 Second Dismissal Order, it may well be he has acknowledged that it is void under Rule 205 SCACR. The March 10 Order reached one conclusion which had already been reached and was already the subject of this appeal -- that the Complaint against Bauknight, individually, be dismissed.

On March 10, 2014 this court had exclusive jurisdiction over the issue under Rule 205. The March 10 Order is void.

d. Mr. Bauknight has already sought the requested relief.

Allowing Mr. Bauknight a second opportunity to escape individual liability in this appeal would be manifestly unjust. This is especially so in light of the millions of dollars being spent by the Estate while Bauknight continues to fight FOIA compliance; represent Hynie, her son and other Will challengers in the Wingate Suit; represent the McMaster Legacy Trust which he claims to be private and not subject to the FOIA – all with money Brown gave the “I Feel Good” Foundation.

The public documents that – but for Bauknight’s interference – might have been released three years ago under FOIA, are material to show:

1. Hynie was not Brown’s spouse (the public, “Hynie ‘diary’”);
2. Bauknight’s less-than \$4.7 million claimed value of Brown’s music empire is wrong.
3. Bauknight participated in secret amendments to the Legacy Trust during the *Wilson v. Dallas* appeal which were concealed from the State and Federal Courts.
4. He had secret dealings to help Terry/Forlando Brown exercise a right of first refusal to buy Brown’s music empire at a deflated value even Forlando has described as “bogus.”
5. The false felony claim against Buchanan and Appellant is false.

e. Bauknight, individually, is liable for certain actions under the complaint.

Section 62-3-808 of the South Carolina Probate Code addresses the individual liability of a personal representative. It says, in relevant part:

- (a) Unless otherwise provided in the contract, a personal representative is not individually liable on a contract properly

entered into in his fiduciary capacity in the course of administration of the estate unless he fails to reveal his representative capacity or identify the estate in the contract.

(b) A personal representative is individually liable for obligations arising from ownership or control of the estate or for torts committed in the course of administration of the estate only if he is personally at fault.

...
(d) Issues of liability as between the estate and the personal representative individually may be determined in a proceeding for accounting, surcharge, or indemnification or other appropriate proceeding.[Emphasis supplied.]

This is a proceeding for accounting, surcharge, and other appropriate relief. It is brought by a creditor who has a valid Demand for Notice on file; who has a valid pending counterclaim against the estate and 2000 Trust in a suit brought by Bauknight in which has also represents those seeking to dismember the "I Feel Good" Trust. By his unnecessary disallowance of an already-Court-approved claim, Bauknight, individually, caused this suit to have to be filed.

Bauknight, according to the complaint, is personally at fault for many of the actions complained of. The complaint appropriately seeks – where possible -- for the burdens of Bauknight's wrongdoing to fall on Bauknight – not the funds James Brown gave to needy students in his "I Feel Good" Foundation.

Bauknight refuses to acknowledge the value of the *Wilson v. Dallas* decision.

When asked, he said:

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

so that she could take \$5 million out of this estate for her retirement. So to say that this would have diminished is a load. A total load. I looked at this. I say. You have no clue how termination rights where [sic]. You don't know the value. . . She has no clue what she was dealing with and put stuff in the paper that it's just totally fabricated untrue. It blows me away that someone with a law degree can be so dishonest and get away with it. ...You know, what? That's set aside by the Supreme Court. That's fine. I've got a new roadmap, and I'm going to follow this new roadmap to a T....

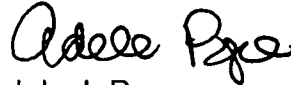
...[Y]our client raped this estate taking every dime out of it for her own fees and for Bob's fees and her lawyer's fees leaving it insolvent....Your client didn't even try. Your client didn't know the numbers. I know the numbers. There was no diminished Legacy Trust. That's fabrication from your client.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

There is no basis for the relief sought in the letter/motion.

Conclusion

For the reasons stated herein, the letter/motion should be disregarded or denied.

Respectfully submitted,



Adele J. Pope
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(803) 413-0753
adele@popelawfirm.com
SC Bar #4501
Appellant, *pro se*

May 26, 2014

**Law Office of Adele J. Pope, P.C.
1228 Walnut Street
Newberry, South Carolina 29108
803-413-0753**

Exhibit 1

March 6, 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: Pope vs. Estate of James Brown and others
Appellate Case No. 2014-00250

Dear Ms. Kitchings:

I am in receipt of a letter to you of Frederick A. Crawford, Esquire, dated March 3, 2014.

I disagree with the characterization by Mr. Crawford of the Orders of the Honorable Doyet A. Early, III which are the subject of this appeal. I submit that the orders speak for themselves – and do purport to dismiss the individual claims against Mr. Bauknight.

Thank you.

Yours very truly,



Adele J. Pope

cc:

William G. Newsome, Esquire
Frederick A. Crawford, Esquire

Exhibit 2

STATE OF SOUTH CAROLINA)	IN THE COURT OF COMMON PLEAS
)	
COUNTY OF AIKEN)	Case No. 2013-CP-02-1337
)	
Adele J. Pope,)	
)	
Plaintiff,)	
)	
v.)	
)	
Estate of James Brown, Deceased; The)	MOTION TO ALTER OR AMEND
James Brown 2000 Irrevocable Trust; Russell)	AND/OR RECONSIDER AND VACATE
L. Bauknight, Individually, as former)	ORDER DATED MARCH 4, 2014
<i>Executor de son tort</i> , and in every current)	DISMISSING CLAIMS UNDER
and former fiduciary status claimed or held as)	RULE 12(b)
to the Estate of James Brown and the James)	
Brown 2000 Irrevocable Trust,)	
)	
Defendants.)	
)	
AND:)	
)	
Robert L. Buchanan, Jr.,)	
)	
Interested Party.)	
)	

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MAR 13 2014 *gso*
AIKEN COUNTY
CLERK OF COURT

TO: RUSSELL L. BAUKNIGHT AND HIS COUNSEL:

YOU WILL PLEASE TAKE NOTICE that ten (10) days after service hereof, or as soon thereafter as she may be heard, the undersigned Adele J. Pope will move pursuant to Rules 52 and 59(e), SCRCF, and all applicable South Carolina Rules of Civil Procedure, for an order vacating, altering or amending the Order Dismissing Case With Prejudice of the Honorable Doyet A. Early, III ("Jg. Early") dated March 4, 2014 and filed March 10, 2014, a copy of which is attached hereto as Exhibit A (the "Second Dismissal Order").

Plaintiff received notice of the entry of the Second Dismissal Order on March 10, 2014.

I. THE COURT LACKS JURISDICTION TO RULE ON MATTERS ON APPEAL

1. The Court overlooked or misapprehended that it lacked jurisdiction to issue the Second Dismissal Order because Jg. Early previously dismissed all causes of action against

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Russell L. Bauknight, individually (“Bauknight”); that Dismissal Order is on appeal to the South Carolina Court of Appeals in Appellate Case No. 2014-00250; and this Court, under Rule 241(a)SCACR, lacks jurisdiction to rule on this matter.

2. The Court overlooked or misapprehended that that the South Carolina Court of Appeals now has jurisdiction over whether Bauknight is liable personally, including for his failure to reveal his secret \$563,000 in payments from the Estate of James Brown to the law firm of Kenneth Wingate, Esquire (“Wingate”) in November and December 2012; the use of \$500,000 of Estate funds to secure releases by Robert Buchanan, Jr. for Tommie Rae Hynie (“Hynie”), himself; the James Brown Legacy Trust; and others.

3. The Court overlooked or misapprehended that it should have held a hearing and, in addition, taken judicial notice of the improper actions of Bauknight between the June 10, 2013 filing of the Complaint and the issuance of the first Dismissal Order, and of Bauknight’s continuing individual wrongdoing which is daily being uncovered in the State and Federal Courts.

4. The Court overlooked or misapprehended that before and since the filing of the Complaint in this action Bauknight has intentionally secreted from this and other courts documents and material facts which have covered up misrepresentations he, Hynie, Forlando Brown and Terry Brown made to both the State and Federal Courts between May 19, 2010 and 2014, causing damage both to Plaintiff and to the Estate/2000 Trust for which Bauknight, individually, is personally liable.

5. The Court overlooked or misapprehended that Bauknight’s false claim – while purporting to speak under color of State authority – that Buchahan. and Plaintiff committed the federal felony of intentionally overstating the value of James Brown’s music empire by \$79

million to the IRS for the improper purpose of obtaining a \$5 million commission, alone, has damaged both the Estate/2000 Trust and Buchanan and Pope, and Bauknight should account and be personally liable for the losses it caused.

6. The Court overlooked or misapprehended that Bauknight's individual interference with FOIA rights of South Carolina citizens, including Plaintiff, for the benefit of Hynie, Terry/Forlando Brown and himself, has caused damage for which he should account and be personally liable.

II. NO INDIVIDUAL DISMISSAL APPROPRIATE

7. The Court overlooked or misapprehended that, because no hearing was held as required by Sections 62-3-607(b) and 62-3-611 of the South Carolina Probate Code ("SCPC") when the Complaint was filed, and the Court took judicial notice of certain matters outside the Complaint, the Court should also consider all action and inaction by Bauknight under claimed color of State authority prior to the issuance of Second Dismissal Order and find that no dismissal or summary judgment as to Bauknight individually is appropriate.

8. The Court overlooked or misapprehended that today Bauknight is openly ignoring the Supreme Court's FOIA and other concerns as expressed on its first decision in *Wilson v. Dallas*:

29 Although Brown's music rights have been widely reported as being worth up to \$100 million or more at death, Bauknight filed documents with the Internal Revenue Service indicating the value of Brown's music empire was only a net of \$4.7 million. The \$4.7 million valuation has been questioned based on the fact that it came at a time when one of Brown's sons, Terry Brown, had joined the compromise upon being given a first right of refusal to purchase the estate assets.

Further, the AG, with Bauknight's knowledge and cooperation, allegedly entered into contingency-fee agreements with outside counsel, Kenneth Wingate to sue Appellant Pope on behalf of the State, Bauknight and others while representing private plaintiffs in the suit. The suit sought damages to Brown's estate allegedly arising during Pope's appointment. Despite FOIA requests, the AG has refused to publicly release all of the documents pertaining to this

purported arrangement. These matters should be considered by the circuit court in the first instance and any fees found to be inappropriately incurred should be disgorged and returned to the trust in light of our finding that the compromise is void and the AG has exceeded his authority by, among other things, effectively controlling the charitable trust through the appointment of Bauknight, who serves at the AG's pleasure. [Emphasis supplied]

9. The Court overlooked or misapprehended that in January 2011, Bauknight participated in a secret amendment to the Legacy Trust by Terry Brown and AG McMaster and transfer of Terry's first right of refusal to purchase Brown's music empire (the"ROFR") to Forlando Brown; that the three worked together and concealed the transfer from the Supreme Court and Federal Court for three years; and the concealing has damaged the 2000 Trust, Plaintiff and Buchanan.

10. The Court overlooked or misapprehended that the complaint correctly states that Forlando is a 39% owner of TJBL, LLC ("TJBL") an entity formed December 5, 2007 which made three offers to buy the music empire in 2007 and 2008 for \$90 - \$100 million; and that Forlando has confirmed that the approximately \$84 million value of Brown's music empire assigned by Robert Buchanan, Jr. ("Buchanan") and Plaintiff on the estate tax return is correct and conservative.

11. The Court overlooked or misapprehended that Forlando confirmed under oath the week Buchanan and Plaintiff filed the estate tax return in September 2008 that offers of \$150 million were still available for the music empire, and in 2013 testified in a deposition that Bauknight's \$4.7 million value was "bogus."

12. The Court overlooked or misapprehended that Bauknight's \$4.7 million claimed value in filings with the Supreme Court and other courts, as described in the Motion to Alter or Amend the initial Dismissal Order, has damaged both Plaintiff and the Estate/2000 Trust, and

that Bauknight individually, should be required to account; pay all damages he has caused; and disgorge, individually, all improper payments he has made from estate funds.

13. The Court overlooked or misapprehended that the complaint – and facts of which the Court should have taken judicial notice of or considered at a hearing -- demonstrate that Bauknight's concealing his dealings with Terry and Forlando; David Bell, Esq; and also with Hynie; have aided Forlando in his 2012 fraud on the federal courts.

14. The Court overlooked or misapprehended that today, March 10, 2014, Bauknight serves as agent/co-Plaintiff and/or Intervener for Terry/Forlando Brown, Hynie , and her son James B. in three FOIA suits in which Bauknight is trying to prevent the FOIA compliance the Supreme Court addressed in Footnote 29.

15. The Court overlooked or misapprehended that in May 2013 Bauknight sought to delay FOIA matters for years, claiming the Supreme Court, by omitting footnote 29 in its final decision, places no importance on prompt FOIA compliance.

16. The Court overlooked or misapprehended that if a hearing had been held it would been shown that Bauknight – for more than 3 years – improperly claimed he was acting as an Agent for the State/AG in the Wingate Suit when he had no such authority; concealed documents which showed he had no such authority; and did so to promote the interests of Hynie; Terry/Forlando Brown and himself. And this caused the void Buchanan settlement.

17. The Court overlooked or misapprehended that the complaint properly states a cause of action for this Court to award individual damages against Bauknight, but Bauknight's actions taken in Richland County compel this Court to hold these and other rulings in abeyance pending the Wingate Suit decision.

18. The Court overlooked or misapprehended that each and every matter overlooked or

misapprehended by the Court in the initial Dismissal Order, as stated in the Motion to Alter, Amend or vacate that Order – which is incorporated as fully as if set out herein – supports the causes of action to require Bauknight, individually, to account; pay all damages he has caused by his improper acts and inaction; and disgorge, individually, all improper payments he has made from the Estate/2000 Trust which he has not recovered from the payee, with interest.

19. The Court overlooked that Bauknight has been the primary source of the false, career-threatening felony claim against Buchanan and Pope as follows:

6. Pope artificially inflated the value of the Estate in an attempt to substantiate her petition for a \$5 million fee for her services as Personal Representative and Trustee (4900 suit at ¶ 18(u)).

20. The Court overlooked or misapprehended that Bauknight is still concealing the public, less than \$4.7 million “appraisal” which he was required to file in May 2011, and which will show that his felony claims are false.

21. The Court overlooked or misapprehended that if the Court had conducted a hearing it would have been made clear that Bauknight and his handpicked LSA are allowing David Bell, Esq., and others to usurp the contracts the Estate/2000 Trust should have made in 2011 with the HALF of James Brown’s *real* heirs who are not challenging James Brown’s noble estate plan, and is doing so for the benefit of Hynie, her son and Bauknight himself.

22. The Court overlooked or misapprehended that Bauknight’s and the LSA’s participation with Bell in attempts to destroy the STATE right to be acknowledged and officially determined as heirs AND the Federal Copyright Act rights of Michael Deon Brown, La Rhonda Waller, Nicole Parris, James Curtis, Lisa Brown, Jeanette Mitchell and the DOE Defendants directly damages both Plaintiff and the Estate/2000 Trust; and that because his acts are intentional and for the benefit of Hynie, James B. and Bauknight, individually, he should be held

liable for damages resulting from his actions.

23. The Court overlooked or misapprehended that Bauknight's *ex parte* , pre-remittitur appointments secured in May 2013 were for his personal benefit, and to continue to cover up the secret dealings he has been concealing from the State and Federal Courts since at least 2011.

24. The Court overlooked or misapprehended that Bauknight's continuing interference in the name of the Estate/2000 Trust with the FOIA rights of S.C. citizens, including Plaintiff, gives rise to damages against the Estate/2000 Trust for which he is personally liable.

25. The Court overlooked or misapprehended that it lacked jurisdiction to proceed with matters now pending in Richland County, including the FOIA case, consolidated with the Wingate Suit, because Bauknight – although wrongfully – Bauknight secured a court order that jurisdiction lies with the Richland County Court, requiring Jg. Early to hold these matters in abeyance.

III. THE FEDERAL COPYRIGHT ACT AND BROWN'S REAL HEIRS

26. The Court overlooked or misapprehended that the Federal Copyright Act conferred certain rights on the children and grandchildren of James Brown *after* Brown's death related to the termination of Copyright assignments of some of Brown's 800+ songs (the "Termination Rights").

27. The Court overlooked or misapprehended that Bauknight's allegiance to Hynie, which is an individual decision made with knowledge that he is damaging the Estate/2000 Trust, also damages Plaintiff and the HALF of Brown's real heirs who are not challenging the "I Feel Good" Trust.

28. The Court overlooked or misapprehended that Bauknight has intentionally inflicted damage on the Estate/2000 Trust since 2011 when he acquired actual knowledge that he could

secure the "I Feel Good" Trust's copyright for decades for less than \$200,000 per year by agreements with the HALF of Brown's real heirs not parties to the McMaster Settlement; but continued to misrepresent to the Courts both the heirs of James Brown and their rights under the Copyright Act.

29. The Court overlooked or misapprehended that Bauknight's individual decision to continue to damage the Estate/2000 Trust by his alliance in March 2014, and service as agent of, Hynie and James B., constitutes grounds for assessing individual damages against him because he refuses to acknowledge Hynie was not Brown's spouse, and deal with the necessary 5 or so of the following who are not challenging the Estate Plan to protect the "I Feel Good" Trust's

Royalties:

a. DNA-Proven and Acknowledged Children under the Peeples Protocol:

1. La Rhonda; 2. Jeanette; 3. Nicole

b. Children born during marriages and acknowledged in divorce proceedings:

4. Lisa;

c. Child supported during minority; James Brown listed by mother on birth certificate; and seeking DNA testing:

5. Michael (incarcerated in CA since before Brown's death)

d. Claimed children now seeking DNA testing:

6. James Curtis;

7. DOE Defendants, Levenson suit

AND

e. Acknowledged children who have abandoned challenge to Brown's Estate Plan.

30. The Court overlooked or misapprehended that James Brown's last wife, Adrienne

died in 1996.

31. The Court overlooked or misapprehended that under SCPC § 62-1-201 all of Brown's children and claimed children named above, with beneficiaries under the Will, were and are "Interested Persons" and necessary parties to any proceeding where Hynie might be found to be Brown's wife, when she is not. Bauknight and his LSA are, however, working to protect Hynie; damage the "I Feel Good" Trust; and damage the ½ of Brown's heirs not challenging the Estate Plan.

IV. BAUKNIGHT'S FALSE VALUE

32. The Court overlooked or misapprehended that Bauknight has concealed for years documents which confirm that a 2006 professional appraisal of Brown's major Royalties – about half of the value of the music empire – show that the major Royalties were appraised for \$42 Million or more in 2006, further evidence that Bauknight's claimed value of less-than \$4.7 million for the music empire at Brown's death is improper.

33. The Court overlooked or misapprehended that Bauknight has for years denied the existence of a formula for valuing the music empire on the estate tax return presented by Robert Buchanan, Jr. and Adele Pope to Jg. Early and discussed in open court on November 15, 2007 – which was not opposed by the Attorney General or any interested person.

34. The Court overlooked or misapprehended that the Buchanan/Pope formula and 2006 professional Royalty Appraisal are both consistent with the \$84 million value properly reported by Buchanan/Pope on the estate tax return.

35. The Court overlooked or misapprehended that Bauknight, individually, has both participated in and covered up the actions of Bell, Forlando and Terry who have, at the same time, made material and conflicting representations to the State and Federal Court, including:

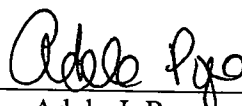
Bell/Terry

1. Bauknight's less-than \$4.7 Million value of the music empire is correct.
2. Tommie Rae is Brown's spouse
3. The 2008 Settlement should stand.

Bell/ Forlando

1. The less-than \$4.7 Million value is 'bogus'.
2. Tommie Rae is not Brown's spouse and knew it.
3. The 2008 Settlement violates Brown's wishes.

Respectfully submitted,



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

March 10, 2014

Exhibit A

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

IN THE PROBATE COURT

Adele J. Pope,

Estate File No. 2007-ES-02-0056

Plaintiff,

2013-CP-02-1337

vs.

ORDER DISMISSING CASE WITH PREJUDICE

Estate of James Brown, Deceased; The James Brown 2000 Irrevocable Trust; Russell L. Bauknight, individually, as former Executor de son tort, and in every current and former fiduciary status claimed or held as to the Estate of James Brown and The James Brown 2000 Irrevocable Trust,

Defendants.

AND:

Robert L. Buchanan, Jr.,

Interested Party.

3 10 14
[Signature]
C.C.P.A.C.S.
[Signature]
Deputy Clerk

THIS MATTER came before the Court on December 3, 2013 upon Defendant Russell L. Bauknight's July 10, 2013 Notice of Motion and Rule 12 Motion to Dismiss (the "Motion"), filed in his individual capacity. The Court, having reviewed the Complaint and considered the arguments presented by counsel, grants the Motion to Dismiss Russell L. Bauknight, individually, with prejudice, and finds as follows:

FINDINGS OF FACT

1. The Plaintiff filed this action on June 10, 2013.
2. In her Complaint spanning sixty-three (63) pages, the Plaintiff makes numerous allegations against Defendant Bauknight as a fiduciary of the Estate of James Brown (the "Estate") and The James Brown 2000 Irrevocable Trust (the "Trust").

[Signature]
[Signature]

3. The only allegations against Defendant Bauknight, in his individual capacity, deal with the Plaintiff's desire for Mr. Bauknight to pay both his and Plaintiff's attorney's fees, incurred in the defense of this action, from his personal assets and not from the assets of the Estate or the Trust. See, e.g., Complaint ¶ 289 ("Russell, individually, should pay all costs of the Notice, his Individual Defense of this Case, and the Estate's defense"); Complaint Prayer ¶ 6 ("Directing Russell, Individually, to pay all costs and attorneys' fees of this action, with the Estate/2000 Trust to pay no portion of Russell's fees and costs").

CONCLUSIONS OF LAW


4. As an initial matter, the Court finds that, even giving the Plaintiff every benefit of the doubt as a pro se litigant and taking all matters pled by the Plaintiff as being true, the Complaint, on its face, fails to meet the minimum pleading requirements of the South Carolina Rules of Civil Procedure. Baird v. Charleston Cnty., 333 S.C. 519, 527, 511 S.E.2d 69, 73 (1999) (citing Stiles v. Onorato, 318 S.C. 297, 300, 457 S.E.2d 601, 602 (1995)). A Complaint must contain "a short and plain statement of the facts showing that the pleader is entitled to relief." Rule 8(a), SCRPC. Here, the Complaint does not contain "a short and plain statement of the facts" and fails to show that the Plaintiff "is entitled to relief" against Defendant Bauknight, in his individual capacity. Id. Instead, the Complaint is mostly comprised of allegations against Defendant Bauknight in his fiduciary capacity. More specifically, Plaintiff's Complaint does not sufficiently plead any single cause of action against Defendant Bauknight, in his individual capacity, but rather relates to, references, and cites actions taken by Defendant Bauknight as a fiduciary of the Estate and the Trust. As a result, dismissal is proper under Rule 12(b)(6) of the South Carolina Rules of Civil Procedure for failure to state facts sufficient to constitute a claim against Defendant Bauknight in his individual capacity.

JME

HZ

IT IS HEREBY ORDERED that the Complaint against Defendant Russell L. Bauknight, individually, be dismissed, with prejudice.

AND IT IS SO ORDERED.



Doyet A. Early, III
Judge, Second Judicial Circuit

Aiken, South Carolina

March 4, 2014.

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

Appellate Case No. 2014-00250

Adele J. Pope Appellant,

v.

Estate of James Brown, Deceased; The James Brown 2000 Irrevocable Trust;
Russell L. Bauknight, Individually, as former *Executor de son tort*, and in every
current and former fiduciary status claimed or held as to the Estate of James
Brown and the James Brown 2000 Irrevocable Trust,.....Respondents,

AND:

Robert L. Buchanan, Jr.,.....Interested Party.

PROOF OF SERVICE

I certify that on the 26th day of May, 2014 I served APPELLANT'S
RETURN AND MEMORANDUM IN OPPOSITION TO LETTER/MOTION OF
RUSSELL L. BAUKNIGHT, INDIVIDUALLY, by depositing a copy of same in the
United States Mail, postage prepaid to them or their attorneys of record as
follows:

William Newsome, Esquire
J. David Black, Esquire
William Wilkins, Esquire

Nexsen Pruet
1230 Main Street, Suite 700
P.O. Box 2426
Columbia, South Carolina, 29202-2426

Frederick Crawford, Esquire
Richardson, Plowden
PO Box 7788
Columbia, South Carolina 29202

Robert L. Buchanan, Jr.
212 Newberry St., NW
Post Office Box 463
Aiken, South Carolina 29802



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

May 26, 2014

Law Office of Adele J. Pope, P.C.
1228 Walnut Street
Newberry, South Carolina 29108
803-413-0753

May 26, 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: Pope vs. Estate of James Brown and others
Appellate Case No. 2014-00250

Dear Ms. Kitchings:

In connection with the above-referenced appeal, enclosed please find:

1. An original and seven copies, APPELLANT'S RETURN AND MEMORANDUM IN OPPOSITION TO LETTER/MOTION OF RUSSELL L. BAUKNIGHT, INDIVIDUALLY; and
2. An original and one copy of the Proof of Service of the Return.

Kindly file the original and copies, and return a file-stamped copy of each in the enclosed, stamped envelope provided for your convenience.

Thank you.

Yours very truly,



Adele J. Pope
Appellant, *Pro Se*

RECEIVED

MAY 28 2014

SC Court of Appeals

cc:

Counsel and Parties as shown on Proof of Delivery