

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. 2013-001649

Alan Wilson, in his Capacity as Attorney General of
South Carolina; and others, Plaintiffs,

v.

Albert H. Dallas and others, Defendants,

Of whom Adele J. Pope, Individually and on behalf of Others under South Carolina Trust
Code Section 62-7-405, is.....Appellant,

And Terry Brown, Forlando Brown, James B., David G. Cannon, Albert H. Dallas and
Tommie Rae Hynie are.....Respondents

And Alan Wilson in his Capacity as Attorney General of South Carolina, Deanna J. Brown
Thomas and Robert L. Buchanan, Jr., are..... Additional Interested Persons.

In Re: The Estate of James Brown and The James Brown 2000 Irrevocable Trust u/a/d
August 1, 2000, Respondents.

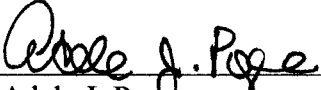
**AFFIDAVIT OF ADELE J. POPE IN SUPPORT OF MOTION FOR EXTENSION
OF TIME TO RESPOND TO MOTION TO STRIKE AND FOR RELATED
RELIEF**

PERSONALLY APPEARED BEFORE ME, Adele J. Pope, who being duly sworn,
deposes and says:

1. This affidavit is made of my own personal knowledge.

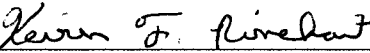
2. I am over 21 years of age.
3. I am an attorney.
4. I have worked pro bono publico since May 8, 2013 to help anyone who desires to enforce the James Brown "I Feel Good" Trust. Prior to that I served James Brown's Estate/2000 Trust beginning March 7, 2007, with expectation of reasonable pay. I have not been paid for my service to the James Brown Estate/ 2000 Trust since 20007.
5. I incorporate and adopt in support of my motion for additional time to object to the motion to strike my designations the factual addendum attached hereto which I have prepared.
6. I am informed and believe that a 45-day extension is an appropriate amount of time to comb the tens of thousands of pages of records which the court considered in the 13 James Brown cases which are the subject of this appeal.
7. I believe that the Order of the Honorable Eugene C. Griffin, Jr. in the Summer FOIA case, dated June 8, 2014, and the response of the South Carolina Attorney General to the direction that many critical James Brown documents be produced in 15 days may have a significant impact on the James Brown appeal

FURTHER DEPONENTS SAYETH NOT.



Adele J. Pope

SWORN TO before me this
15th day of July, 2014



Notary Public for South Carolina
My Commission expires: 3/9/16

(L.S.)

FACTUAL ADDENDUM

The following factual addendum supports Appellants' motion for extension of time to file return and opposition to stay; consider certain motions related to recent events, and for extension to file initial reply brief of Appellant.

- | | |
|-----------------|---|
| December 2007 | Entertainer James Brown dies with no spouse and more than a dozen claimed children, all of whom have equal rights under the termination rights provisions of the Federal Copyright Act, whether legitimate or not.

Brown leaves music empire to "I Feel Good" Foundation. Agreement with HALF (or half +1) of children will protect Brown's copyrights to 800+ songs for decades, assuring \$3+ million annual income stream for needy students. |
| January 2007 | Forlando and six Brown children hire Levenson; \$150,000 + 30% contingency to dismember "I Feel Good" Trust. |
| March 2007 | Forlando leaves Levenson, and aligns himself with Cannon and Dallas. |
| 2007 | Estate/2000 Trust establish official "Peoples DNA Protocol" to determine heirs. DNA-proven daughters Jeanette, La Rhonda and Nicole acknowledged. |
| July, 2007 | Powell Goldstein ("PG") send Cannon and Dallas documents for secret transfer of 2000 Trust/"I Feel Good" Foundation to Georgia as Buchanan/Pope begin uncovering \$12+ million Cannon took from Brown. |
| September 2007 | David Bell, Esquire, Respondent Dallas and Bell's clients present a known false stipulation to Judge Early, |
| September 2007 | Forlando hires PG. |
| December 2007 | Forlando becomes secret 39% owner of TJBL, purchase group seeking to buy Brown's music empire; pay options or kickback to Cannon/Dallas. |
| January 2, 2008 | Forlando files 3:08-cv-00014-WOB (the "Forlando Federal Suit") files fabricated lawsuit to enjoin 2000 Trust from taking any action until Cannon/Dallas reinstated. |

January 8, 2008	Jg. Early approves SA fee and ongoing PR/Trustee payments to Buchanan/Pope on time + cost basis for them and staff. No objections or appeal.
2008	Bell files six false grievances against Levenson in two states; accuses him of forging \$150,000 + 30% contract with Forlando and others to dismember "I Feel Good" Foundation. Files two false affidavits to support Forlando Federal Suit.
March 2008	Jg. Early refuses to disqualify Levenson. Finds that the Levenson contingency contract contemplated Will/Trust challenges filed by Levenson.
July 2008	Forlando, PG, Bell, Dallas and Jacquelyn Hollander interfere with Christie's sale, approved by two orders of Judge Early.
July 9, 2008	Dallas files documents in Court of Appeals to stop Christie's sale, despite two unappealed orders of Jg. Early approving and directing sale, with GRAMMY listed as Item #168 in catalogue. Attorney General McMaster, Christie's and Estate/2000 Trust ask Court of Appeals to approve sale.
July 14, 2008	Court of Appeals approves Christie's sale.
July 17, 2008	Christie's sale. Daughter Deanna and Rev. Al Sharpton appear on television to chill sale. With Levenson present Christie's urges Estate/2000 Trust NOT to withdraw GRAMMY. Asserts that pleadings filed to stop sale are baseless. Estate/2000 Trust elects to withdraw GRAMMY <u>without penalty</u> . Levenson is present during discussion and decision. Makes no objection.
July 27, 2008	Estate/2000 Trust files motion, in accordance with Jg. Early's Orders, to charge Dallas with legal fees for Court of Appeals filing related to Christie's sale. Motion (in Case 2007-CP-02-0122) not heard as of July 2014.
Times unknown	Kilpatrick Stockton website brags (incorrectly) that attorney Robert Potter to stop Christie's sale of GRAMMY. Academy seeks to stop <u>second sale</u> of Stevie Wonder GRAMMY. A Kilpatrick Stockton attorney is later copied on email involving PG, Forlando, the McMaster Legacy Trust.

August 10, 2008	<p>AG McMaster reaches settlement with Levenson and Tommie Rae Hynie which:</p> <ol style="list-style-type: none"> 1. Stipulates Tommie Rae will be considered spouse. 2. Designates Tommie Rae's son a child with no DNA testing. 3. Makes known incorrect heirs determination, leaving out La Rhonda, Nicole, Jeanette, and incarcerated son Michael. 4. Contracts to replace Buchanan & Pope with AG's choice of PR/ Trustee. 5. Puts all of Brown's assets in McMaster Legacy Trust. 6. Gives 25% of "I Feel Good" Foundation's assets to Tommie Rae and 25% to Levenson clients.
January 30, 2009	<p>Terry Brown, represented by Bell, joins settlement. Terry get right of first refusal to buy music empire ("ROFR") Bauknight recommends settlement.</p>
March 2009	<p>Estate/2000 Trust (Buchanan/Pope) opposes settlement. Expresses fear to AG McMaster that Terry will try to devalue assets, taking even more from "I Feel Good" Trust.</p>
May 26, 2009	<p>Jg. Early approves settlement. Replaces Buchanan/Pope with Bauknight without showing or existence of cause. [See Order dtd. 5/26/09].</p>
February 2010	<p>Cannon indicted for taking \$12+ million and 2008 forgery.</p>
March 2010	<p>Tommie Rae's lawyer threatens Buchanan with lawsuit by Ken Wingate, Esquire if <i>Wilson v. Dallas</i> appeal not dropped. Says he has been hired by Sr. Assistant AG Havird "Sonny" Jones.</p>
May 19, 2010	<p>Bell, Bauknight, Levenson and counsel for Tommie Rae sign 40% Wingate Litigation Agreement for State/AG and others to sue; approve complaint to sue Buchanan/Pope through private lawyer ("Wingate").</p>

May 19, 2010	State/AG McMaster, the Estate/2000 Trust and the McMaster Legacy Trust, with others, sue Buchanan/Pope In Richland 2010-CP-40-4900 (the “ Wingate Suit”).						
October 2010	Estate/2000 Trust (Bauknight) list Cannon and Dallas as witnesses.against Buchanan/Pope.						
January 2011	McMaster Legacy Trust secretly amended (Bauknight, Trustee) to begin sale process. Forlando given Terry’s interest in Estate, including ROFR.						
2011 - 2014	<p>Bell, with Forlando owning Terry’s former interest in estate and ROFR, take materially opposite positions in State and Federal Courts, including:</p> <p><u>Bell/ Forlando to Fed. Ct. Bell/Terry to Supreme Ct.</u></p> <table border="0" style="margin-left: 40px;"> <tr> <td style="padding-right: 20px;">Tommie Rae not Brown’s spouse.</td> <td>Tommie Rae spouse</td> </tr> <tr> <td style="padding-right: 20px;">\$4.7 Million value “bogus”</td> <td>\$4.7 million correct</td> </tr> <tr> <td style="padding-right: 20px;">Offers of \$150 million available</td> <td>No offers to buy</td> </tr> </table>	Tommie Rae not Brown’s spouse.	Tommie Rae spouse	\$4.7 Million value “bogus”	\$4.7 million correct	Offers of \$150 million available	No offers to buy
Tommie Rae not Brown’s spouse.	Tommie Rae spouse						
\$4.7 Million value “bogus”	\$4.7 million correct						
Offers of \$150 million available	No offers to buy						
March 2011	S. C. Court of Appeals dismisses as premature challenge to legality of Wingate Suit.						
March 2011	Bauknight files I&A claiming Brown’s music empire worth \$4.7 million and tangible personal property (Christie’s items <u>and</u> thousands of others) worth \$.5 million.						
April 2011	<p>Jeffrey Smith and Pope circulate draft of <i>Private Foundations, Copyright Heirs and Musical Millionaires, or why The James Brown “I Feel Good” Trust doesn’t...</i></p> <p>By this date AG, Bauknight and all others know that claims being made to Supreme Court about Tommie Rae’s control of the termination rights under the Federal Copyright Act and Brown’s heirs are incorrect.</p> <p>Protection of the “I Feel Good” Trust’s copyrights can be accomplished by:</p> <ol style="list-style-type: none"> 1. Confirming Tommie Rae was not Brown’s spouse, as all acknowledged children; several DNA-proven children; and all fiduciaries other than Bauknight have now confirmed. 						

2. Making fair termination rights cooperation agreements with the least expensive HALF (or Half + 1) of Brown's presumed or DNA-proven children who are not challenging Brown's noble estate plan as embodied in the 2000 estate plan and backup 1999 Will.

- May 2011 Oprah Winfrey's attorney discussing possible purchase of Brown's music empire at \$200 million at same time Estate/2000 Trust (Bauknight) is telling S.C. Supreme Court that at-death value was \$4.7 million and that there has never been a offer to buy the James Brown assets.
- October 2011 Cannon enters Alford plea. Estate/2000 Trust (Buaknight) fails to seek restitution or file victims' statement.
- Nov. 1, 2011 The Estate/2000 Trust (Bauknight) tell S. C. Supreme Court that Copyright Terminations are "all this case is about," but incorrectly claims that Tommie Rae's elective share is a "slam dunk," that Tommie Rae and her son control the termination rights; that the Estate/2000 Trust has no corpus to speak of; that the other settling parties control the termination rights if Tommie Rae doesn't; and that there will be nothing left in the "I Feel Good" Trust in 2023 if the McMaster settlement giving 52 ½ % to Tommie Rae and fewer than half the children not approved.
- Nov. 2011 The Estate/2000 Trust could have secured termination rights cooperation THAT DAY for less than \$100,000 a year by completing the Estate's official Peoples DNA Protocol as authorized by Order of Jg. Early in March 2008 and, subject to passing DNA testing , reaching an agreement with the least expensive 5 or 6 of the following who withdrew all challenges to the Will/2000 Trust:
- 1, La Rhonda, 2. Michael, 3. Nicole, 4. Daryl (who had fired Levenson), 4. James Curtis, 5. Lisa (daughter from first marriage), 6. Tanya or 7. James B. 8. Others.
- 2011 - 2013 AG Wilson's office accuses Buchanan and Pope of the federal felony of overstating Brown's music empire to the IRS by \$79 million on the estate tax return for the improper purpose of obtaining a \$5 million commission.
- AG Wilson asserts in 2014 that he never saw the \$4.7 million

appraisal, and relied on Bauknight.

This felony claim, with false claims about the Christie's sale and the false claim that it was Buchanan and Pope who caused inappropriate discord, will result in the Supreme Court's decision not to reinstate Buchanan and Pope – a decision which destroyed their reputations and – with the June 13 Orders – has placed the “I Feel Good” Foundation in direct jeopardy.

2011 - 2014

Estate/2000 Trust (Bauknight) seeks to intervene in three FOIA suits to stop release of:

- A. Wingate Litigation Agreement;
- B. Hynie “diary” ;
- C. McMaster Legacy Trust amendments;
- D. Claimed \$4.7 million appraisal.

May 2012

Estate/2000 Trust (Buaknight) and AG file motion to compel settlement with Buchanan which pays him \$500,000 he was already owed; releases Tommie Rae, child, & others from his counterclaims and requires Buchanan, without notifying Supreme Court, NOT to file a Petition for Rehearing if necessary to protect the “I Feel Good” Trust. Motion to void settlement as against public policy is pending today.

2012

Forlando's fabricated Federal Suit dismissed after 4-year \$400,000+ legal cost. Buchanan/Pope seek costs. 2000 Trust (Bauknight) seeks to dismiss claims against Forlando for 4-year attempt to enjoin 2000 Trust. Bauknight claims Forlando did nothing wrong.

2012 -2013

Estate/2000 Trust (Bauknight) claims to Jg. Early and to S.C. Court of Appeals that Tommie Rae *is* Brown's spouse and that Appellant is intermeddling in the “family's” business. Joins Hynie is issuing subpoena for journalist's sources to try to stop discussion of widely known contents of the Hynie “diary” by the journalist, Forlando and Dallas.

July 2012

The Estate/2000 Trust (Bauknight) stops deposition of Dallas, its own witness, after it becomes clear that Dallas and Forlando have defied the 2008 Gag Orders; discussed the “diary” contents; and Dallas will discuss in detail in his deposition (converted to a sworn statement) that Ms. Hynie was not Brown's spouse and knew it.

February 27, 2013	First <i>Wilson v. Dallas</i> decision directs that Wingate Suit and FOIA matters be addressed “in first instance”
March 2013	Pope and counsel in Wingate Suit visit AG Wilson to raise concerns about damage to “I Feel Good” Trust by \$4.7 million valuation, and to Federal Copyright Act protection of Brown’s Copyrights that Bauknight has claimed to IRS that Hynie was Brown’s spouse. Stress importance to future of “I Feel Good” Trust protection and distributions to correct estate tax proceeding to show correct \$84 million value of assets.
March 2013	AG Wilson informs Supreme Court AG McMaster did not authorize Wingate to sue Buchanan/Pope in name of State/AG. Bauknight’s claim to speak “on behalf of” Henry McMaster as Attorney General also not authorized. AG says FOIA suits should be resolved shortly.
April 2013	Estate/2000 Trust (Bauknight) move to intervene in third FOIA suit (Summer FOIA Suit) and consolidate it with Wingate Suit. AG Wilson agrees.
May 8, 2013	S. C. Supreme Court issues final <i>Wilson v. Dallas</i> decision. Voids appointment of Bauknight as PR/Trustee. He remains trustee of the McMaster Legacy Trust.
May 9-14	Bauknight secures <i>ex parte</i> SA/ST appointments before remittitur.
May 2013	Judge Early send email that anyone with position about conduct of James Brown litigation must send motion with memorandum by May 25. Only Appellant Pope files. Three motions with memoranda suggest how to conduct Wingate Suit (where Bauknight serves as agent for Hynie and her son, and as Plaintiff/Trustee of McMaster Legacy Trust); Dallas \$6 million PR/Trustee commission case; and Will/Trust challenges. Bauknight files nothing
May 29, 2013	Tommie Rae and Levenson request to go <i>in camera</i> and discuss why McMaster Settlement should be reinstated. AG Wilson announces intention to withdraw.
May 29, 2013	Bauknight, claiming authority under <i>ex parte</i> SA appointment files Disallowance asserting Pope, Buchanan, James Bailey, Esq., and Tressa Hayes, Esq., who defended estate plan are not entitled to pay.

Claim Buchanan and Pope improperly valued assets. Disallowance required lawsuit to be filed within 30 days, or forever barred.

- June 10, 2013 Appellant files Complaint to void Bauknight appointment and/or remove him for cause. Asks for immediate hearing. Jg. Early does not set hearing on removal.
- May 8, 2013 Judge Early and Clerk issue June 13 Orders. Buchanan and Pope banned from all future proceedings except in Case 2013-CP-02-1337 ("Case 1337") filed June 10. Clerk directed to remove Pope's May 2013 motions.
- July 2013 Pope asks Jg. Early for hearing to void 2008 Hynie "diary" Gag Orders and release fees of Attorneys/Bauknight which Jg. Early directed delivered to her in 2010, but which are missing from Clerk's office. No hearing set as of today.
- July 29, 2013 Buchanan and Pope file reports of fees. No report filed by Wingate, who was paid \$563,000 in 2012 in addition to 40% contingency. No report filed by Nexsen Pruet which will be paid about \$750,000 in 2013. Pope has not been paid over \$47,000 in SA fee from 2007 or any of \$1.3+ million for 2007-2009 PR/Trustee service, both allowed by Estate/2000 Trust and approved for payment by Jg. Early, with interest at the legal rate until paid in January 8, 2008 Order.
- August 20, 2013 Bauknight, after avoiding deposition in Forlando Federal Suit by claiming he knows nothing about the Buchanan/Pope counterclaims, testifies in deposition. When asked whether the *Wilson v. Dallas* decision helped, he states:

That's poppycock. Pure speculation from your client [Pope]. Fantasy...I'm the person who actually looked at this. And I said it was a fair and reasonable settlement. I don't know where this fantasy is that \$50 million was gone away. Number one, your client made up that number. Your client did that in a self-serving fashion so that she could take \$5 million out of this estate for her retirement. So to say that this would have diminished is a load. A total load. I looked at this. I say. You have no clue how termination rights where [sic]. You don't know the value. . . She has no clue what she was dealing with and put stuff in the paper that it's just totally fabricated untrue. It blows me away that someone with a law degree can be so dishonest and get away with it. ...You know, what? That's set aside by the Supreme Court. That's fine. I've got a new roadmap, and I'm going to follow this

new roadmap to a T....

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

Oct. 1, 2013

Bauknight appointed PR/Trustee by Judge Early based on petition not served on any heir, devisee or Interested Person with claim. Pope, Buchanan and most supporters banned from hearing. Even those attending not allowed to ask questions. No inquiry by Jg. Early into:

a. \$563,000 Bauknight paid Wingate in 2012 or the Wingate 40% contingency fee.

b. The use of \$500,000 of Estate funds to secure releases for the McMaster Legacy Trust and Tommie Rae from Buchanan's counterclaims in the Wingate Suit.

c. The claimed "confidential" payments Bauknight made to counsel for Dallas and Cannon, or the \$1.5+ million paid in 2013 as shown on the not-yet-filed 2012 and 2013 accountings.

d. Bauknight's failure to list the assets on accountings at their correct value.

e. Bauknight's FOIA interference in three FOIA suits.

f. Bauknight's claim that Forlando did nothing wrong in his 4-year suit to enjoin and paralyze the 2000 Trust

October 10, 2013

David Sojourner, Bauknight's appointee, appointed limited special administrator in *ex parte* probate court order. Bauknight pays Sojourner's law firm \$250,000 in three months while Sojourner tries to defeat the heirs status of DNA-proven and acknowledged daughters Jeanette, La Rhonda and Nicole; imprisoned son Michael; and son James Curtis, seeking DNA testing since 2012.

The four DNA-proven children constitute 2/3 of the

HALF (or half + 1) who are all that is necessary to protect Brown's \$3+ million annual royalty stream for the "I Feel Good" Trust for decades.

- Sept. - Oct. 2013 Bauknight tries to keep Wingate Litigation retention agreement confidential. Federal Judge releases it. Wingate Agreement shows that most Plaintiffs and the Attorney General did not authorize 40% contract with Wingate or the complaint. Signed by Bell, Levenson, Tommie Rae's lawyer, and Bauknight.
- December 2013 La Rhonda dies.
- January 2014 Over written objection of Appellant, Estate (Sojourner) and terminated lawyer for La Rhonda proceed to defeat her claims after her death, including La Rhonda's DNA-proven and acknowledged status as an heir.
- July 2014 Forlando and Terry terminate Bell and Bodman in all James Brown matters, and engage Scott Keniley, Esquire, but Bell and Bodman fail to notify the Wingate Suit Court, the FOIA Suit court, or the S.C. Court of Appeals of the termination.
- July 8, 2008 Judge Griffith issues order in Summer FOIA suit finding that Estate/2000 Trust may not intervene in FOIA suits, and that AG Wilson must produce the following documents in his possession or under his control:
- A. Hynie "diary"
 - B. Legacy Trust, with amendments
 - C. Wingate Litigation Retention Agreement
 - D. \$4.7 million appraisal;
 - E. Other public documents Bauknight has withheld

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PROOF OF SERVICE

I certify that on the 15th day of July, 2014, I have served the AFFIDAVIT OF
ADELE J. POPE IN SUPPORT OF MOTION FOR EXTENSION OF TIME TO
RESPOND TO MOTION TO STRIKE AND FOR RELATED RELIEF on the parties
described below by depositing a copy of same in the United States Mail, postage prepaid,
addressed to their attorneys of record as follows:

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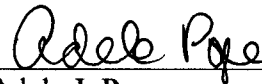
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July 15, 2014